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IN THE CRIMINAL DISTRICT COURT NO. 3
DALLAS COUNTY, TEXAS

THE STATE OF TEXAS }
VS: } NO. F-96-
39972-J
DARLIE LYNN ROUTIER } & F-96-
39973-J 9

STATEMENT OF FACTS
MOTION HEARING
TO HOLD DEFENDANT WITHOUT BOND
VOL. 4 OF 53 VOLS.
August 26, 1996
Monday

Sandra M. Halsey, CSR, Official Court Reporter

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C A P T I O N

BE IT REMEMBERED THAT, on Monday, the 26th day of August, 1996, in the Criminal District Court Number 3 of Dallas County, Texas, the above-styled cause came on for a hearing before the Hon. Paul Banner, Judge Presiding, and sitting for the Hon. Mark Tolle, Judge of the Criminal District Court No. 3, of Dallas County, Texas, without a jury, and the proceedings were held, in open court, as follows:

21

22

23

24

25

Sandra M. Halsey, CSR,
Official Court Reporter

1

A P P E A R A

N C E S

2

3

4

HON. JOHN VANCE,

5

Criminal District Attorney

6

Dallas County, Texas

7

8

BY: HON. GREG DAVIS

9

Assistant

District Attorney

10

Dallas County,

Texas

11

12

AND:

13

HON. JOHN GRAU

14

Assistant

District Attorney

15

Dallas County,

Texas

16

17

AND:

18

HON. SHERRI

WALLACE

19

Assistant

District Attorney

20

Dallas County,

Texas

21

22

APPEARING FOR THE STATE OF TEXAS

23

24

25

Sandra M. Halsey, CSR,
Official Court Reporter

1

2 ADDITIONAL APPEARANCES:

3

4 HON. DOUGLAS

PARKS

5 Attorney at Law

6 Dallas County,

Texas

7

8 AND:

9 HON. WAYNE HUFF

10 Attorney at Law

11 Dallas County, Texas

12

13 Appearing for the

Defendant

14 For the purpose of the

trial

15 AND:

16

17 HON. BLAKE WITHROW

18 Attorney at Law

19 Dallas County, Texas

20

21 APPEARING FOR THE

DEFENDANT

22

for the

purpose of the appeal

23

24

25

Sandra M. Halsey, CSR, Official
Court Reporter

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P R O C E E D I N G S

August 26th, 1996
Monday
9:30 a.m.

(Whereupon, the
following
proceedings were
held in
Open court, in the
presence
And hearing of the
Defendant, being
represented by her
attorneys
and the representatives
of
The State of Texas, but
without the presence of a
jury, as follows:)

THE COURT: Okay. This is
Cause
Numbers F-96-39972 and 973, the State of Texas

versus

21 Darlie Lynn Routier.

22 MR. GREG DAVIS: Yes, sir.

23 THE COURT: All right. Is the
State

24 ready?

25 MR. GREG DAVIS: The State is
ready,

Reporter Sandra M. Halsey, CSR, Official Court

1 your Honor.

2 THE COURT: The Defense?

3 MR. DOUGLAS PARKS: The Defense
is

4 ready, your Honor.

5 THE COURT: All right.

6 MR. DOUGLAS PARKS: If the
Court

7 please, we will invoke the Rule. We also have
several

8 other witnesses in the back that we would like to
get

9 sworn in, and invoke the Rule.

10 THE COURT: All right. The
Rule is

11 going to be invoked, so I guess we need to locate
all of

12 the witnesses. Are these the four for the State?

13 MR. GREG DAVIS: Yes, sir.

14 THE COURT: Each of you raise
your

15 right hand.

16

17 (Whereupon, the witnesses

18 were duly sworn by the

19 Court, to speak the

truth,

20

the whole truth and

21

nothing but the truth,

22

after which, the

23

proceedings were

24

resumed as follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

1 THE COURT: Start with the lady in
the

2 blue and go to the left. I need your name.

3 THE WITNESS: Janice Townsend-
Parchman.

4 THE WITNESS: Jim Patterson.

5 THE WITNESS: David
Waddell.

6 THE WITNESS: Charles
Linch,

7 L-I-N-C-H.

8 THE COURT: Are all of you peace
9 officers?

10 THE WITNESS: No, sir.

11 THE COURT: Okay.

12 MR. DOUGLAS PARKS: It turns out,
your

13 Honor, that the witnesses that the defense have
subpoenaed

14 seemed to have stepped away.

15 THE COURT: Okay. Well, the Rule
of

16 witnesses has been invoked, which means, that until
this

17 hearing is concluded that you are under the
following

18 instructions: You may not discuss with another
person
19 what another witness -- what your testimony has been
or
20 will be, what some other witness's testimony has
been or
21 will be. You can talk with any lawyer in the case
about
22 what you know about the facts.
23 Also, you may not be present in
the
24 courtroom while other witnesses are testifying and
hear
25 their testimony. If you know each other, you can
talk

Sandra M. Halsey, CSR, Official Court Reporter

1 about whatever you want to talk about, but just do not
2 discuss anything about the facts of this case.

3 All other witnesses are under the
same

4 instructions. I understand there may have been some
sort

5 of gag order?

6 MR. GREG DAVIS: Yes, sir.

7 MR. DOUGLAS PARKS: Yes, sir.

8 THE COURT: Whatever the terms that
any

9 of you might be subject to, you will need to comply
with

10 that, in addition to the instruction that I am giving
you.

11 Violation of the Rule can result in
12 your not being permitted to testify, therefore,
whatever

13 you know about the matter would never be learned by
the

14 Court.

15 You will have to -- I assume that
there

16 is some sort of a waiting room that you folks can be
at.

17 Do you know who you are going to call first?

18 MR. GREG DAVIS: Yes, sir, I'm
going to

19 call Dr. Townsend-Parchman first.

20 THE COURT: All right. If you
would

21 like to have a seat, Doctor. And,
if you folks will just

22 have seat outside, we will get to
you as quickly as we

23 can.

24

25 (Whereupon, the

Sandra M. Halsey, CSR,
Official Court Reporter

1
mentioned

above

2
marked

Exhibit was

3
Exhibit

as State's

4
identi-

No. A, for

5
purposes

fication

6
which

only, after

7
proceedings

time the

8

were resumed as

9

follows:)

10

11

MR. GREG DAVIS:

Your Honor, first I

12 would offer State's Exhibit No. A.

This is going to be a

13 birth certificate of Damon Christian
Routier.

14

THE COURT: All

right.

15

MR. DOUGLAS PARKS:

No objection.

16 THE COURT:

Received. That is State's

17 1?

18 MR. GREG DAVIS:

That's State's A, I'm

19 sorry.

20 THE COURT: A?

21 MR. GREG DAVIS:

Yes, sir.

22 THE COURT: Okay.

That is admitted.

23

24 (Whereupon, the

documents

25 heretofore

mentioned were

Sandra M. Halsey, CSR, Official
Court Reporter

1
received in

marked and

2
State's

evidence as

3

Exhibit No. A, after

4

which time, the

5

proceedings were resumed

6

as follows:)

7

8
seat right

THE COURT: Doctor, have a

9 up there, please.

10

THE WITNESS: Thank you.

11

THE COURT: All right. Mr.

Davis, you

12 may go ahead.

13

14

15

16

17

18

19

20

21

22

23

24

25

Reporter Sandra M. Halsey, CSR, Official Court

10

1 Whereupon,

2

3 JANICE TOWNSEND-PARCHMAN,

4

5 was called as a witness, for the State of
Texas, having

6 been first duly sworn to speak the truth, the
whole truth,

7 and nothing but the truth, testified in open
court, as

8 follows:

9

10 DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13 Q. Ma'am, would you please
state your

14 name?

15 A. Janice Townsend-Parchman.

16 Q. And are you employed as a
Medical

17 Examiner for Dallas County, Texas?

18 A. Yes, I am.

19 Q. How long have you been
employed in that

20 capacity?

21 A. I have been working for
Dallas County,

22 doing forensic pathology for five years.

23 Q. Dr. Townsend-Parchman, in
the course of

24 your duties, do you perform autopsies?

25 A. Yes, I do.

 Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. And, do you recall
performing an
2 autopsy on an individual identified to you as
Damon
3 Christian Routier?

4 A. Yes, I do.

5 Q. And, was that
performed on June the
6 6th, 1996?

7 A. Yes, it was.

8 Q. Okay. Would you
please detail for us,
9 the injuries, if any, that you
noted to Damon Routier?

10 A. Well, the most
salient injuries were
11 the four stab wounds of his back,
and two incised wounds
12 of his back.

13 Q. When you say
incised wounds, what do
14 you mean?

15 A. An incised wound
is a cut, which means
16 that it's longer on the surface of

the skin than it is
17 deep within the body. Whereas a
stab wound is just the
18 opposite. A stab wound is deeper
within the body than it
19 is long on the surface of the body.

20 MR. GREG DAVIS:

May I approach, your

21 Honor?

22 THE COURT: You

may.

23

24 (Whereupon, the
25 above mentioned

Sandra M. Halsey, CSR,
Official Court Reporter

1 Exhibit was
marked

2 as State's
Exhibit

3 No. 25, for
identi-

4 fication
purposes

5 only, after which
6 time the proceedings
7 were resumed as
8 follows:)

9

10 BY MR. GREG DAVIS:

11 Q. Dr. Townsend-Parchman, if you
would

12 please look at State's Exhibit No. 25. Does this
appear

13 to be a true and correct copy of the autopsy report
that

14 you prepared in this case concerning Damon Routier?

15 A. Yes, it does.

16

17 MR. GREG DAVIS: Your Honor, at
this

18 time we would offer State's Exhibit No. 25.

19 MR. DOUGLAS PARKS: No objection.

20 THE COURT: Twenty-five is
received.

21

22 (Whereupon, the documents
23 heretofore mentioned were
24 marked and received in
25 evidence as State's

Sandra M. Halsey, CSR, Official Court Reporter

1 Exhibit No. 25, after
2 which time, the
3 proceedings were resumed
4 as follows:)

5
6 MR. GREG DAVIS: Mark this exhibit
too,
7 please.

8
9 (Whereupon, the
10 above
mentioned

11 Exhibit was
marked

12 as State's
Exhibit

13 No. B, for
identi-

14 fication
purposes

15 only, after
which

16 time the proceedings
17 were resumed as
18 follows:)

19

20 BY MR. GREG DAVIS:

21 Q. Dr. Townsend-Parchman, if you
would

22 look at the photograph that I have marked as
State's

23 Exhibit B. Does this bear the same forensic
science

24 number of 96-1810, as your autopsy report on Damon
25 Routier?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, it does.

2 Q. And, was this individual, in fact,
3 that was identified to you as Damon Routier?

4 A. Yes, it is.

5 MR. GREG DAVIS: Your Honor, at
this

6 time for the record purposes only, we would offer
State's

7 Exhibit No. B.

8 MR. DOUGLAS PARKS: No objection.

9 THE COURT: B is received.

10

11 (Whereupon, the documents

12 heretofore mentioned

were

13 marked and received

in

14 evidence as State's

15 Exhibit No. B,

for

16 record purposes

only,

17 after which time,

the

18 proceedings were resumed

19 as follows:)

20

21

MR. GREG DAVIS: Would you mark

this,

22 please.

23

24

(Whereupon, the

25

above mentioned

Sandra M. Halsey, CSR, Official
Court Reporter

1 Exhibits were
marked
2 as State's Exhibit
3 Nos. 1 & 2, for
identi-
4 fication purposes
5 only, after which
6 time the proceedings
7 were resumed as
8 follows:)

9

10 BY MR. GREG DAVIS::

11 Q. Doctor, if you would, please look
at

12 the photographs marked as State's Exhibits 1 and 2.

Were

13 these in fact the autopsy photographs that were taken
of

14 Damon Routier, at or near the time of the autopsy?

15 A. These are some of the photos that
were

16 taken during the course of the autopsy, yes.

17 Q. And, do these photographs show the
18 injuries that you have just noted to us, in your
19 testimony?

20 A. Yes, they do.

21

22

MR. GREG DAVIS: Your Honor at this

23

time we would offer State's Exhibits 1 and 2.

24

MR. DOUGLAS PARKS: No objection.

25

THE COURT: It's received.

Sandra M. Halsey, CSR, Official Court Reporter

16

1 MR. GREG DAVIS: State's Exhibits 1
and

2 2.

3 THE COURT: One and 2?

4 MR. GREG DAVIS: Yes, sir.

5 THE COURT: Thank you. They are
6 received.

7
8 (Whereupon, the documents
9 heretofore mentioned were
10 marked and received in
11 evidence as State's
12 Exhibits No. 1 & 2, after
13 which time, the
14 proceedings were resumed
15 as follows:)

16

17 BY MR. GREG DAVIS:

18 Q. Doctor, if you would, if you could
just

19 show us here, as we look at State's Exhibit 1, you
have

20 noted in your testimony two incised wounds. Could you
21 please point to those for the Court?

22 A. This is, what I designated,
arbitrarily

23 as incised wound number 1, and this is incised wound
24 number 2.
25 Q. Okay. The other four wounds that
we

Sandra M. Halsey, CSR, Official Court Reporter

1 have noted here are these, in fact, puncture wounds?

2 A. They are stab wounds, yes.

3 Q. All right. Are they consistent
with

4 having been produced by an individual stabbing Damon
5 Routier with a knife?

6 A. Yes, a single edged instrument,
such as

7 a knife.

8 Q. Okay. Single edged?

9 A. Yes.

10 Q. Okay. Why do you have that
opinion?

11 A. All of these injuries had a single
12 blunt angle, and a single sharp angle, which is
consistent

13 with a single edged, sharp instrument.

14 Q. Okay. Can you tell us about the
depth

15 of these four puncture wounds, please?

16 A. Again, all of these designations
are

17 arbitrary, so that we can talk about them more
easily. I

18 call this stab wound number 1. It, as you see,
enters in

19 the left mid-back. It went through the left 8th rib
and

20 penetrated the left lung. The maximum depth of
21 penetration was one and three quarter inches.

22 This, I designated as stab
wound number

23 2, entering, as you can see, in the right upper
back. It

24 went through the right 8th rib and right lung.

25 And this, I call stab wound

Number 3.

Sandra M. Halsey, CSR, Official Court

Reporter

1 It went through the right mid-back and penetrated
the

2 right lung.

3 This I called stab wound
number 4. And

4 it entered the right -- the lower right mid-back
and went

5 through the right lung diaphragm and liver.

6 Q. Okay. If we look at stab
wound number

7 1, what was the maximum depth of the penetration
there?

8 A. This was one and three quarter
inches.

9 Stab wound number 2 was four and three-eighths
inches.

10 Stab wound number 3 was one and seven-eighths
inches. And

11 stab wound number 4 was three inches.

12 Q. Okay. Thank you. Now,
State's Exhibit

13 No. 2, does this in fact show the width or the
length of

14 that stab wound, one of the stab wounds to his
back?

15 A. Yes. To get a more accurate

16 measurement we re-approximate the margins, and
that is

17 what is done here.

18 Q. And that is approximately how
long?

19 A. Well, it's approximately --
20 approximately two inches long.

21 Q. Okay. Doctor, was an autopsy
performed

22 by a Dr. McClain, of your office, on an
individual

23 identified as Devon Routier?

24 A. Yes, it was.

25 Q. Okay. Did you have an
opportunity to

Sandra M. Halsey, CSR, Official Court
Reporter

1 review that autopsy, in the course of your duties
out

2 there?

3 A. Yes.

4

5

6 (Whereupon, the

7 Following mentioned

8 Exhibit was

marked

9 as State's

Exhibit

10 No. 26, for

identi-

11 fication

purposes

12 only, after

which

13 time the

proceedings

14 were resumed as

15 follows:)

16

17 BY MR. GREG DAVIS:

18 Q. First of all,

looking at State's

19 Exhibit No. 26, does that appear to
be a true and correct

20 copy of the autopsy report prepared
on the case involving

21 Devon Routier?

22 A. Yes, it does.

23 Q. Does it bear a
number, an

24 identification number of 1811-96?

25 A. Yes.

Sandra M. Halsey, CSR,
Official Court Reporter

1
2 (Whereupon, the
3 Following
mentioned
4 Exhibit was
marked
5 as State's
Exhibit
6 No. C, for
identi-
7 fication
purposes
8 only, after which
9 time the proceedings
10 were resumed as
11 follows:)

12
13 BY MR. GREG DAVIS:

14 Q. And looking at State's Exhibit C,
is
15 this a photograph also bearing that same number of
16 96-1811, the individual identified to your office as
Devon
17 Routier?

18 A. Yes.

19

20 (Whereupon, the
21 Following mentioned
22 Exhibits were
marked
23 as State's
Exhibit
24 No. 3, 4, & 5, for identi-
25 fication purposes

Sandra M. Halsey, CSR, Official Court Reporter

21

THE COURT: Received.

22

23

(Whereupon, the items

24

heretofore mentioned

25

were received in evidence

Sandra M. Halsey, CSR, Official Court Reporter

22

1 as State's Exhibits No. C,
2 for record purposes, and
3 3, 4, 5 and 26,
4 for all purposes,
5 after which time, the
6 proceedings were resumed
7 as follows:)

8

9 BY MR. GREG DAVIS:

10 Q. Doctor if you would if you would
detail

11 for the Court the types of injuries that were noted
during

12 the autopsy of Devon Routier?

13 A. Well, he had a stab wound in the
left

14 side of the chest. This went through the left upper
lobe

15 of the -- that is to say, the upper lobe of the left
lung.

16 It went through the pulmonary artery, which is along
with

17 the aorta, they are the two largest arteries in the
body.

18 The pulmonary artery, I think most
19 people hear about the aorta from time to time, not so

much

20 the pulmonary artery. The pulmonary artery is the
artery

21 which in an adult is about an inch in diameter, which
goes

22 from the right ventricle, one of the two main pumping

23 chambers of the heart, it goes from the right
ventricle

24 and pumps the blood through the pulmonary artery to

the

25 lungs, where the blood becomes oxygenated, and then is

1 returned to the heart, so that it can then be pumped
2 through the entire rest of the body by the left
ventricle

3 of the heart. At any rate, it's a very large artery,
and

4 the stab wound also went through the lower lobe of the
5 right lung. The maximum depth of penetration was
6 estimated to be 5 inches.

7 There was also a stab wound of the
left

8 side of the chest, which was lower down, and this stab
9 wound went through the left lobe of the liver, and
it's

10 maximum depth of penetration was estimated to be two
and a
11 half inches.

12 Q. Looking at State's Exhibit No. 3,
is
13 this a photograph of the two wounds that you have
just
14 noted for us?

15 A. Yes.

16 Q. With the wound number 1 being
the
17 higher wound?

18 A. Yes.

19 Q. Is that correct?

20 A. Yes, it is.

21 Q. And the depth of penetration on
this

22 particular wound that I am holding my finger to was
what?

23 A. Five inches approximately.

24 Q. And the depth on the second

wound was
25 what?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. Approximately two and a half
inches.

2 Q. Okay. State's Exhibits 4 and 5,
are
3 they close up photographs of those two wounds?

4 A. Yes, indeed.

5 Q. And, do they show the length to
be
6 approximately 2 inches on each wound?

7 A. Yes, approximately.

8 Q. Okay. With regard to Devon's
wounds,

9 do you have an opinion, as to whether those wounds
were
10 made by an individual stabbing Devon Routier with a
knife?

11 A. Well, again, they have the typical
12 characteristics of injuries inflicted by a single-
edged
13 weapon, such as a knife, yes.

14 Q. All right. Let me also ask you, do
you
15 have an opinion as to how quickly Devon Routier would
have
16 bled, as a result of those two wounds?

17 A. Very quickly.

18 Q. When you say very quickly, can you
19 quantify that for us? Would it be a matter of
seconds?

20 A. Well, a few minutes, would, in
all
21 likelihood be sufficient time for him to become
very
22 hypotensive, and sustain a large amount of blood loss,
and
23 then in a few more minutes, very likely be dead.

24 Q. Okay. Now, Doctor, did you have an
25 opportunity sometime after you performed these
autopsies

1 to meet with a person identified to you as Darlie
Routier?

2 A. Yes.

3 Q. Do you see her here in the
courtroom

4 this morning?

5 A. Yes, I do.

6 Q. And is she the individual in the
white

7 coveralls?

8 A. Yes.

9 Q. Okay.

10

11 MR. GREG DAVIS: Your Honor, may
the

12 record please reflect that this witness has identified
the

13 defendant in open court?

14 THE COURT: Yes.

15

16 BY MR. GREG DAVIS:

17 Q. Do you remember where you met Mrs.
18 Routier?

19 A. Yes, at Baylor University Medical
20 Center.

21
hospital?

Q. Was she actually still in the

22

A. Yes, she was in a hospital bed.

23

Q. How was she dressed?

24

A. In a hospital gown.

25

someone?

Q. Did you go over there with

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, Betty Porter from our office.

2 Q. Anyone else present when you met
her?

3 Any police officers?

4 A. Well, when we were taken upstairs
by

5 one of the nurses there was a Rowlett police officer
with

6 us, I don't recall his name. When I actually spoke
with

7 Mrs. Routier, it was just myself talking with her.

8 Q. Okay. And what did you talk with
her

9 about?

10 A. Well, her injuries.

11 Q. Okay. And, did have you an
opportunity

12 to observe those injuries?

13 A. Well, as well as I could under the
14 circumstances, yes.

15 MR. GREG DAVIS: May I approach,
your

16 Honor?

17 THE COURT: Yes.

18

19 (Whereupon, the

1 time the proceedings
2 were resumed as
3 follows:)

4

5 BY MR. GREG DAVIS:

6 Q. Doctor, if you would,
please look at

7 these three photographs marked as State's
Exhibits 17, 18

8 and 19. Do those truly and accurately
depict the injuries

9 to Darlie Routier as they appeared to
you, when you viewed

10 her at Baylor Hospital?

11 A. State's Exhibits 17
and 19 pretty

12 closely reflect what I saw.

13 Q. All right. Do you
recognize the

14 injuries to the fingers that are shown in
State's Exhibit

15 No. 18?

16 A. No, I didn't see her
left hand.

17 Q. Okay.

18

19 MR. GREG DAVIS: Your
Honor, at this
20 time, we will offer State's Exhibits 17
and 19.

21 MR. DOUGLAS PARKS: No
objection, Your
22 Honor.

23 THE COURT: State's
Exhibits 17 and 19
24 are received.
25

Sandra M. Halsey, CSR, Official
Court Reporter

1 (Whereupon, the
documents
2 heretofore mentioned
were
3 marked and received
in
4 evidence as State's
5 Exhibit No. 17 & 19, after
6 which time, the
7 proceedings were resumed
8 as follows:)

9

10 BY MR. GREG DAVIS:

11 Q. If you would, will you please look
at

12 State's Exhibit 17 first. Do we see an injury here
which

13 is to the neck area of Mrs. Routier, and then another
14 injury over here, closer to her left shoulder. Are
those

15 the two injuries that are shown here?

16 A. Yes, covered by steri strips.

17 Q. Okay. Steri strips being something
18 applied by the doctors, after they have done some
19 exploratory surgery there?

20 A. Yes, to hold the wound edges

together.

21 Q. And, in State's Exhibit No. 19, do

we

22 see a wound to Mrs. Routier's right forearm?

23 A. Actually there are two. One is

sutured

24 closed and the other one is opened.

25 Q. The smaller one being the open one,

1 right above that; is that right?

2 A. Yes, less than an inch long.

3 Q. Now, with regards to the injuries
that

4 you noted to Mrs. Routier, in your opinion, would you
say

5 that those are consistent or inconsistent with the
6 injuries that were noted to Devon and Damon Routier,
7 during the autopsies?

8 A. They don't have much in common with
the

9 injuries to the boys --

10 Q. Okay.

11 A. Other than that they appear to be,
and

12 by the description that I received by one of the
surgeons,

13 are sharp force injuries.

14 Q. Okay. Produced by a knife,
correct?

15 A. Perhaps, yes.

16 Q. Okay. In what ways are they
17 inconsistent with the injuries noted?

18 A. Well, the injuries to the boys were
19 largely trunk wounds and they were largely stab
wounds,

20 and her injuries are -- well, there is one on the
trunk,
21 but it is the shoulder, it is not the main portion of
the
22 trunk. And the other one is neck. And the other one
--
23 or the other two, are on an extremity, and they all
24 comparatively speaking to the boy's deep stab wounds,
25 appear to be somewhat superficial.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. All right. So the locations are
2 inconsistent; correct?

3 A. Largely.

4 Q. All right. And you say that the
nature

5 of the wounds, versus deep, puncture wounds, these are
6 relatively superficial; is that right?

7 A. Yes, based on what I saw, and what
I
8 learned from talking with one of the surgeons.

9 Q. Okay. This wound to the right arm,
for
10 instance, how deep a wound is this?

11 A. The surgeon I talked to said that
it
12 went through and hit the bone, but if you look at
that
13 portion of your forearm you realize the bone is less
than
14 an inch away, so that doesn't actually mean that it's
a
15 particularly deep wound. And, based on that,
combined
16 with the appearance on the surface of the skin, it
would

17 appear to be an incised wound, not a stab wound. The
18 smaller wound is really quite superficial.

19 Q. Are you familiar with the term
20 hesitation wound?

21 A. Yes.

22 Q. What is a hesitation wound?

23 A. Well a hesitation wound is usually,
not

24 always, seen in suicide cases. For instance, if
someone
25 decides to cut their own throat, often what will
happen is

1 they will take the knife or whatever the sharp
instrument

2 is, and begin, and it hurts, basically, and they stop,
and

3 they will do that multiple times, often leaving many
4 little superficial incised wounds on their neck before
5 they actually get the courage up, as it were, and go
ahead

6 and do a deep slice, which actually does the deed.

7 Q. Looking at this smaller wound, the
top

8 wound here in the photograph, is that wound consistent
9 with being a hesitation wound?

10 A. It could be a hesitation wound.
It's

11 actually a little bit deeper than most of the
hesitation

12 wounds I have seen, but they vary, so you can't say
for

13 sure.

14 Q. All right. If you could now,
let's

15 look at the two injuries here on State's Exhibit No. 17.

16 With regards to the one closer to the left shoulder,
did

17 that wound, did the knife strike any sort of vital
organs,
18 the plural cavity, the lungs, or anything of that
nature?

19 A. No, but again based on what I
have
20 learned, in talking with one of the surgeons on the
case,
21 was that it went into muscle, and did not penetrate
the
22 plural cavity or damage a lung, or hit any major
blood
23 vessel.

24 Q. Okay. And, if you could, please
25 describe the wound that we see to the neck here in
State's

1 Exhibit 17.

2 A. Well, what I can see, again, it's
3 covered by steri strips, but it basically looked
like a

4 horizontal, incised wound, at the base of the neck.

And

5 again, based on talking to one of the surgeons,
what I was

6 told was it went through platysma muscle. The
platysma

7 muscle is a very thin, sheet like muscle, that is -
- it's

8 applied to, and it's very densely applied to the
deep

9 surface of your neck skin, and has a lot to do with
the

10 tone of your neck, muscle tone that is. At any
rate, it

11 went through that, but it did not invade any of the
strap

12 muscles. You have got a lot of long, thin muscles,
which

13 overlay the neck, running up and down. It did not
involve

14 those muscles but it did get a few of the -- what

we call,

15 little bleeders, minor blood vessels, right on top
of the

16 thyroid, here at the base of the neck.

17 Q. Okay. Could you just
approximate the

18 depth of that wound then, to the neck.

19 A. Well, certainly less than an
inch. I

20 mean, I can't tell you for sure, but it is
certainly less

21 than an inch, for it not to get into the strap
muscles.

22 Possibly less than half an inch, but it is hard to
say.

23 Q. In your opinion, Doctor, is it
possible

24 for each of these wounds that we see in State's
Exhibits

25 17 and 19 to have been self-inflicted by Darlie
Routier?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. They could have been.

2 Q. Okay. At the time that you saw
Mrs.

3 Routier, did you know whether or not she had had
breast

4 implants?

5 A. I did not know.

6 Q. All right.

7

8 MR. GREG DAVIS: I'll pass the
witness,

9 your Honor.

10

11 CROSS EXAMINATION

12

13 BY MR. DOUGLAS PARKS:

14 Q. Doctor, you certainly were not
present

15 at the attack on Darlie Routier and her two children,
were

16 you?

17 A. No, indeed.

18 Q. Now you have indicated that you
went to

19 Baylor University Medical Center to visit with Mrs.

20 Routier. Why did you do that?

21 A. The police requested that one of
the
22 medical examiners from our office do that, and it was
the
23 decision of -- I don't recall if it was the chief
medical
24 examiner or the deputy chief, but at any rate, one of
them
25 decided that that would be a fine thing for us to do,
and

Sandra M. Halsey, CSR, Official Court Reporter

1 so, it turned out, that I got done with the autopsy
on

2 Damon before Dr. McClain was going to be finished
with the

3 autopsy on Devon, so I was the one who went.

4 Q. Did you tell Mrs. Routier that you
were

5 there at the request of the police department?

6 A. I don't recall.

7 Q. Did you take any notes of that
visit?

8 A. No, I did not.

9 Q. Anyone else present besides you
and

10 Mrs. Routier during your examination?

11 A. The surgeon -- well, again, the
surgeon

12 that I spoke with, came and lowered the hospital gown
to

13 the level that I was able to see the two areas of
steri

14 stripping, but after just doing that, he basically
was off

15 to one side, and when I was actually looking at the
16 injuries, no, it was just her and myself.

17 Q. Would that be Dr. Santos?

18 A. No, I know Dr. Santos.

19 Q. Who was it?

20 A. I don't recall, but I can tell you
it

21 was not Dr. Santos, since I happen to know him.

22 Q. Is this the person, upon whom you

23 relied, in forming whatever opinions you formed about
how

24 these injuries -- or the extent of these injuries?

25 A. As I said, the resident that I
talked

1 to, is the person I got the information from, in
terms of
2 the depths of the injuries. I, of course, was not
there
3 during her exploratory surgery, or when her wounds
were
4 stitched up, so, it was one of the surgery residents
on
5 the team taking care of her with whom I spoke.

6 Q. Okay. So, did you talk to Dr.

Santos

7 about this matter?

8 A. No, I did not talk with Dr. Santos.

He

9 was not present.

10 Q. Is it your understanding that Dr.

11 Santos was the surgeon in this matter?

12 A. He is the attending physician.

13 Q. Okay.

14 A. That does not necessarily mean that

he

15 is the one who sewed up the injuries.

16 Q. Okay. But you can't recall the

name of

17 resident with whom you spoke?

18 A. No, I do not.

19 Q. Okay. In addition to talking with
the

20 resident, Doctor, did you review any of the medical
21 records or the surgery reports?

22 A. No.

23 Q. Do you know, for instance, how
close

24 the neck wound came to the carotid artery?

25 A. Based on the information given to
me by

1 that resident, combined with my knowledge of anatomy,
I

2 can tell you that it didn't come all that close.

3 Q. What would be your best estimate of

--

4 what does all that close mean?

5 A. Well --

6 Q. A half an inch?

7 A. In terms of a carotid artery, a
half an

8 inch is as good as a mile. Yes. And it was certainly

9 further away than that.

10 Q. I'm sorry.

11 A. It was probably further away than

half

12 an inch?

13 Q. Further away than half an inch.

What

14 about the carotid sheath? What is the carotid sheath?

15 A. The carotid sheath is the fascia

within

16 which the carotid artery and the internal jugular vein

17 run.

18 Q. Would it be fair to say that in

general

19 terms, at least, that if it were half an inch or more
away

20 from the carotid artery, it would be half an inch or
more

21 away from the carotid sheath?

22 A. Well, no, the carotid sheath is
bigger

23 than the carotid artery.

24 Q. How much bigger?

25 A. Well, it also encompasses the
internal

1 jugular vein, which in most adults is a quarter of an
inch
2 in diameter.

3 Q. So, it could have been, as near as
a
4 quarter of an inch, probably further than that, from
the
5 carotid sheath?

6 A. Likely.

7 Q. With respect to the neck wound, as
far
8 as you could tell, Doctor, were there any hesitation
9 wounds to the throat cutting?

10 A. I couldn't tell because it was
covered
11 by steri strips.

12 Q. The bruising that you see on the
right
13 forearm in the photographs that you have before you,
do
14 you have any explanation of that bruising?

15 A. I don't have the photographs in
front
16 of me, and no, I do not.

17 Q. Have you seen photographs that

show

18 bruising of the right arm?

19 A. I don't think so.

20 Q. Okay. Well, let's just assume for
the

21 purposes of this hearing, that Mrs. Routier's right
inside

22 arm was bruised from the wrist to the armpit. This

23 shallow incised wound that you described on the
right

24 forearm, would that account for that, do you

think?

25 A. Well, first of all, you are not
showing

Sandra M. Halsey, CSR, Official Court Reporter

1 me anything to look at. Secondly, that would be very
2 unusual. Thirdly, I don't know what color bruises you
are
3 talking about.

4 Q. Well, let's say, just for purposes
of
5 this hearing. Let's just say they are dark bruises?

6 A. Dark.

7 Q. Yes.

8 A. What color?

9 Q. Almost --

10 A. Dark red, or dark purple?

11 Q. Almost purple.

12 A. And you are saying going all the
way up

13 her upper extremity.

14 Q. Yes, ma'am.

15 A. That would be unusual.

16 Q. What could account for that, do you
17 think?

18 A. Contusions are bruises. Bruises
are

19 caused by, as routinely, by blunt force injuries,
and

20 unless they are patterned, you can't say by looking

at

21 them what causes them.

22 Q. Could it have been caused by the
fact

23 that she was forcibly stabbed in the right forearm,
enough

24 that it went to the bone?

25 A. I'm not following your logic.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Well, I mean, it would just seem to
me,

2 Doctor, that if you had a wound to the right forearm,
as

3 you have described, that went to the bone, which I
believe

4 you said the surgeon told you that it did, would a

5 forceful stabbing of the forearm possibly cause
bruising

6 on the inside of the arm?

7 A. That extensively, that would be
8 unusual, very unusual.

9 Q. Well, let's just assume, and I
10 understand that you have not seen any pictures, but
let's

11 just assume that she was bruised in that way, do you
have

12 any way to account for that as a medical doctor?

13 A. You are trying to suggest that
there

14 is sufficient blood extravasation from this incised
wound,

15 that she has got blood all the way -- subcutaneous
blood

16 all the way up to her axilla?

17 Q. Well, I'm really not trying to
suggest

18 anything.

19 A. Well, it simply does not make any
sense

20 to me.

21 Q. Okay. Now, the wounds to the left
22 shoulder. I believe you said that -- well, what did
you

23 say about hesitation wounds in the left shoulder area?

24 Any hesitation wounds or not?

25 A. I didn't say anything about it.

1 Q. Okay. Did you see any?

2 A. No. That again was covered by
steri
3 strips.

4 Q. Okay. So, the only thing that you
saw
5 that might have been, I believe was your words, a
6 hesitation wound, was the smaller wound beside the
deeper
7 wound to the right forearm; is that correct?

8 A. It's possible.

9 Q. Now, the prosecutor asked you
whether
10 or not these wounds could have possibly been
11 self-inflicted. Based upon your examination of Mrs.
12 Routier, and the photographs that you have seen, do
you
13 have an opinion whether or not these wounds were
14 self-inflicted in reasonable, medical
probability?

15 A. They could have been.

16 Q. I could win the lottery if I
buy a
17 ticket, Doctor. If I ask you whether or not, in
your

18 opinion, these wounds are consistent with being
19 self-inflicted, in all reasonable, medical,
probability,

20 what is your answer?

21 A. You are not going to get one.

All I'm

22 going to say is they could have been.

23 Q. Okay. Obviously then, they could
not

24 have been self-inflicted?

25 A. They might not have been.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Doctor, I'm almost through. But,
you

2 indicated earlier that in your experience, or I
believe

3 you have indicated earlier, that in your experience
with

4 seeing hesitation wounds, did I understand you
correctly,

5 that more often than not, there are more than one

6 hesitation wound in self-inflicted wounds?

7 A. Often. In my experience.

8 Q. More often than not, or could you
say?

9 A. Are you asking in a case that there
are

10 hesitation wounds, do I usually see more than one
versus

11 one?

12 Q. Yes.

13 A. Usually you see more than one.

14 Q. Okay.

15 A. If they are present.

16 Q. You did the autopsy on Damon; is
that

17 correct?

18

A. Yes.

19

Q. And, Dr. McClain on Devon?

20

A. Yes.

21

Q. Okay.

22

23

MR. DOUGLAS PARKS: I'll pass

the

24 witness.

25

MR. GREG DAVIS: No further

questions.

Reporter Sandra M. Halsey, CSR, Official Court

1 THE COURT: You may step down.

2 May this lady be excused?

3 MR. DOUGLAS PARKS: I have no
4 objection.

5 MR. GREG DAVIS: Yes, sir.

6 THE COURT: All right. Then
you're

7 excused, Doctor. Thank you for being here. All
right.

8

9

10

11 Whereupon,

12

13 DAVID WADDELL,

14

15 was called as a witness, for the State of Texas,
having

16 been first duly sworn to speak the truth, the whole
truth,

17 and nothing but the truth, testified in open court, as

18 follows:

19

20 DIRECT EXAMINATION

21

22 BY MR. GREG DAVIS:

23

name?

Q. Would you please state your full

24

A. David Waddell.

25

Q. Are you a Rowlett police officer?

Sandra M. Halsey, CSR, Official Court Reporter

43

1 A. Not at the time I'm not.

2 Q. Okay. Back on June the 6th of 1996
3 were you a Rowlett police officer?

4 A. Yes, sir.

5 Q. And, what hours were you working
that
6 day?

7 A. I was working 10:00 P.M. to 6:00
A.M.

8 Q. Okay. Did you have any particular
beat
9 or area of the town that you were patrolling?

10 A. I was working the east side of
town,
11 which was 82 beat.

12 Q. Okay. Now, I'm going to take you
back

13 to approximately 2:30, which would be the early
morning

14 hours of June 6th of 1996. At about that time,
Officer,

15 did you receive a call to go a location on Eagle
Drive?

16 A. Yes, I did.

17 Q. And, do you recall where you were
when

18 you got that call?

19 A. I was sitting on the side of
Highway

20 66, I believe it was the Victory Baptist Church
parking

21 lot.

22 Q. Okay. About how far away from 5801

23 Eagle were you?

24 A. About two miles, probably.

25 Q. Did you immediately go to that

1 location?

2 A. Yes, I did.

3 Q. Approximately how long did it take
you

4 to get from the Victory Baptist Church to the location
on

5 Eagle Drive?

6 A. Approximately two to three minutes.

7 Q. Now, during the time that you were
8 going from your location to Eagle Drive, Officer, did
you

9 see any suspicious automobiles speeding away from the
10 general area of Eagle Drive?

11 A. No, sir, I didn't.

12 Q. Were you by yourself that night?

13 A. Yes, sir.

14 Q. Were you in uniform?

15 A. Yes, sir.

16 Q. Were you in a marked patrol car?

17 A. Yes, I was.

18 Q. When you -- did you go to 5801

Eagle

19 Drive?

20 A. Yes, sir.

21 Q. Is that in Dallas County, Texas?

22 A. Yes, it is.

23 Q. Could you tell us what is the very
24 first thing that you noticed when you got to 5801

Eagle
25 Drive?

Sandra M. Halsey, CSR, Official Court Reporter

45

1 A. When I first stopped the patrol car
on
2 the north said of the house, I noticed Mr. Routier
running
3 from the front door running out into the front yard.

4 Q. Okay. Do you recall how he was
dressed
5 that evening or that morning?

6 A. He was wearing blue jeans and no
shirt,
7 and no shoes.

8 Q. Okay. Was he saying anything as he
9 left the house?

10 A. He was hollering for help, telling
me
11 to come help him because his kids had been stabbed,
and
12 they were dying.

13 Q. When you say that you parked on
the
14 north side of the house, would that be in front of
the
15 house, or on the side?

16 A. It was on the side of the
house.

17 Q. So, did you stop and talk with
him

18 outside, or did you go inside then?

19 A. I met him in the front yard and
asked

20 him what was going on, and as soon as I got up to
him he

21 turned and went back into the house and I followed
him

22 into the house.

23 Q. Now, when you went inside the
house,

24 where did you go?

25 A. Straight -- there is an entrance
way, I

1 walked into the entrance way of the house and, I saw
the

2 blood everywhere on the floor, and I kind of stopped
to

3 see where I was going, and what I was getting into.

4 Q. All right. Was there actually
blood in

5 the hall way, or the entry way, as you came into the
6 house?

7 A. Yes.

8 Q. Is that the blood that you are
talking

9 about?

10 A. Yes, sir.

11 Q. Okay. Now, where did you go
next?

12 A. I went into the living room.

13 Q. When you say the living room, as
you go

14 in the house, if we can picture this, there is a
hallway

15 that leads straight in; correct?

16 A. Yes, sir.

17 Q. Immediately to the left hand side
as

18 you walk in the front door, isn't there kind of a
formal

19 living room area?

20 A. Yes, sir, I believe there is.

21 Q. All right. Now, did you go into
that

22 room, or did you go farther into the house?

23 A. I went straight into the house,
into

24 the room which is adjacent to the kitchen.

25 Q. So, if we could, if we could talk
about

1 that as being either the den or the family room;
okay?

2 A. Yes, sir.

3 Q. So, when you went into this
family room

4 or the den, what did you see?

5 A. I saw a little boy laying on the
left

6 side of the wall, and I saw Mrs. Routier standing
beside

7 the bar talking on the telephone.

8 Q. When you say Mrs. Routier, are
you

9 speaking about the defendant Darlie Routier?

10 A. Yes I am.

11 Q. Is she seated over here to my
left in

12 the white coveralls?

13 A. Yes, she is.

14

15 MR. GREG DAVIS: Your Honor, may
the

16 record please reflect that this witness has
identified the

17 defendant in open court.

18

THE COURT: Noted.

19

20 BY MR. GREG DAVIS:

21

Q. How far -- you say that you saw a

boy

22

laying on the floor to the left. How far away from

that

23

boy was Mrs. Routier when you first saw her?

24

A. Maybe 3 feet, 4 feet.

25

Q. Okay. Was she -- did it appear

that

Sandra M. Halsey, CSR, Official Court Reporter

1 she was giving any sort of first aid or CPR, or any
sort

2 of care to the boy?

3 A. No.

4 Q. Okay. Again, what was she doing?

5 A. She was talking on the telephone.

6 Q. Could you tell who she was talking
to?

7 A. I didn't know. I assumed it was
the

8 dispatcher.

9 Q. All right. Did you stop and look
at

10 the boy that was on the floor.

11 A. Yes, I did.

12 Q. And, could you please describe his
13 physical condition to the Court?

14 A. He was laying on his stomach, I
could

15 see he had blood all over his back, he was trying to
move,

16 and, he was gasping for breath, and that is -- I
stepped

17 over his feet, and went over to her to try to find out

18 where the suspect was.

19 Q. Could you tell whether his eyes
were

20 open or not?

21 A. His eyes were open.

22 Q. In what direction would his face
have

23 been turned, toward Mrs. Routier or away from Mrs.

24 Routier?

25 A. Towards.

1 Q. Was there anything that you could
see,
2 that stood between Mrs. Routier and the child that
would
3 have prevented her from looking at this child's face,
and
4 seeing that his eyes were open, and that he was
gasping
5 for breath?

6 A. No, he was looking at us when I
stepped
7 over him to get next to her, he was looking up at both
of
8 us.

9 Q. Did you ever hear him say anything?

10 A. No words, no.

11 Q. Okay. Do you recall whether there
was
12 a towel, or any other object on his -- on the top of
his
13 back?

14 A. No, there was not.

15 Q. Describe Mrs. Routier's physical
16 condition or her appearance when she was on the
telephone.

17 A. She was wearing a white T-shirt
that
18 was soaked in blood. She was holding a towel over her
19 neck with one hand, and the telephone was in the other
20 hand.

21 Q. Where did Mr. Routier go to?

22 A. He went to a second child that was
23 farther into the family room.

24 Q. Did you see what he did with that
25 child?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. He was trying to administer first
aid
2 to him.

3 Q. Okay. Did you have a conversation
with
4 Mrs. Routier?

5 A. I talked to her briefly, yes.

6 Q. Okay. Could you tell us what that
7 conversation was?

8 A. I believe the first thing I asked
her
9 was, who had done this. When I asked her that, she
told
10 me that he was still -- somebody was still in the
house.

11 And then I directed my attention -- she pointed to
the
12 garage, and told me that somebody had ran out into
the
13 garage. I stepped over, to look into the garage, just
to
14 see if I could see anybody, and told her to apply some
15 pressure to the first child's wounds.

16 Q. Did she?

17 A. No.

18 Q. What did she do?

19 A. She sat down on the floor right
where

20 she was standing.

21 Q. Well, after you told her to apply
the

22 pressure, and she sat down. What happened next?

23 A. I walked back over to where she
was,

24 and I asked her again who had done it, and if there
had

25 been any problems in the house, or if they had had any

1 problems with anybody that she might think would have
done

2 it, and she told me no, and she kept telling me, that
the

3 guy was still in the house.

4 She told me that she had fought
with

5 somebody in the kitchen area, and that after she
fought

6 with him he had ran out into the garage and dropped
the

7 knife somewhere in the kitchen, between the kitchen
and

8 the garage, and that she had went and picked up the
knife,

9 and laid it on the counter, which was, she pointed to
the

10 counter, and the knife was sitting there. And she
told me

11 that she probably should not have done that, because
she

12 messed up the fingerprints on the knife.

13 I told her not to worry about that.

I

14 said, "Get down and help your little boy there, and I

will

15 keep an eye on the garage."

16 Q. When you told her this second time

to

17 go down there and to help her boy, did she?

18 A. No.

19 Q. What did she do?

20 A. She was sitting down at the time,

and

21 when I told her that, she looked up at me and pulled

the

22 towel off of her neck, and showed me the cut on her

neck.

23 Q. This telephone that she was on

24 initially, was this a cordless telephone?

25 A. I believe it was.

1 Q. So you had told her at this point
2 twice, to go tend to the boy; is that right?

3 A. Yes.

4 Q. And, she had not done that on
either
5 occasion?

6 A. Right.

7 Q. The second time that you told her
to go
8 over there and care for this child, could you see what
his
9 condition was? Had it changed?

10 A. He was not moving any more.

11 Q. Could you see whether his eyes were
12 still open or not?

13 A. I don't know that his eyes were
still
14 open or not at that time.

15 Q. Well, after you told her the second
16 time to go take care of the child, and she sat there,
tell
17 us what happened next?

18 A. Well, Mr. Routier, Darin, was
hollering

19 at me back and forth, to try to get me to do

something.

20 He was still trying to help the second child. He
told me

21 that he was unable to do it, he tried CPR, and he
told me

22 that he was just blowing air through his chest, and
then

23 he told me there was no use, that he was dead. He
got up

24 and walked.

25 He walked over to where the first
boy

1 was, I don't know what he was doing, I had my
attention

2 focused on the garage, until my back-up could get
there,

3 and I just pretty much just waited there until
Sergeant

4 Walling got there.

5 Q. When Mrs. Routier was telling you
about

6 this person who had broken in, and attacked her and
the

7 two children, did she give you a description of that
8 person?

9 A. I asked her what he looked like,
and

10 she told me that -- I believe she told me that it was
a

11 male, and she might have told me some type of
clothing,

12 which I don't recall right off, but she didn't know
if he

13 was black or white.

14 Q. And this fight that occurred
between

15 her and this other person, again, what area was she

16 pointing to as being the site of the fight?

17 A. Just right at the end of the bar,
just

18 inside the kitchen.

19 Q. So it would be the area of the
kitchen

20 closest to the den, or the family room; is that
right?

21 A. Yes, sir.

22 Q. At the time that you were talking
with

23 her, when you first came in there, do you recall
whether

24 she was crying or not?

25 A. She was screaming and yelling, and

1 appeared to be hysterical to me. I couldn't say
whether

2 she was crying tears or not. She appeared to be
3 hysterical.

4 Q. Okay. And, during this time
period

5 though, is this the time when she told you about the
6 description of the intruder, the site of the fight,
and

7 also where the knife had been dropped?

8 A. Yes, sir.

9 Q. And, this was -- was this also the
10 conversation or the time period in which she told you
that

11 she had picked up the knife?

12 A. Yes, sir.

13 Q. Was this also the time period in
which

14 she told you her concerns about fingerprints on the
knife?

15 A. Yes, sir.

16 Q. Did you find that unusual at all?

17 A. Yes, I did.

18 Q. In what way?

19 A. Well, her -- she had a boy that

was

20 laying beside both of us, looking up at us, and was
trying

21 to breathe, and she didn't appear to be concerned
about

22 him. She was more concerned about the actual crime
scene,

23 which I thought was unusual.

24 Q. At some point, did Sergeant

Walling

25 arrive at the scene?

1 A. Yes, he did.

2 Q. And, at some point did you and
Officer

3 Walling go back there to the garage?

4 A. Yes, sir.

5 Q. Did you see anyone inside the
garage?

6 A. No, sir.

7 Q. Did you or Officer Walling, at
some

8 point, make some sort of search of the outside of the
lot

9 of the house?

10 A. Yes, we did.

11 Q. Was any intruder ever found on the
12 property?

13 A. No, sir.

14 Q. At some point, was a K-9 unit
called

15 from the Garland Police Department to come to the
scene?

16 A. Yes, sir, it was.

17 Q. And, did the K-9 Unit make a
search of

18 that area surrounding that house?

19 A. Yes, sir.

20 Q. And, did you assist Officer

Griffith of

21 the Garland Police Department in making that search?

22 A. Yes, I did.

23 Q. And, what were the results of that

K-9

24 search?

25 A. Well, there were no results
indicating

1 that anybody was in the area.

2 Q. And, how long did that search take
3 place, approximately?

4 A. I think it was a little bit less
than
5 an hour, probably 50 minutes.

6 Q. So the results were negative on the
K-9
7 search also?

8 A. Yes, sir.

9 Q. Did the paramedics arrive there at
the
10 scene while you were still there with Mrs. Routier?

11 A. Yes, they did.

12 Q. Did you do anything with Mr. and
Mrs.

13 Routier in response to the paramedics being there with
the
14 boys?

15 A. I had them -- I believe Mr. Routier
was
16 trying to get with the paramedics, and I guess he was
17 trying to help them out. My concern was that he was
going

18 to be in the way and I asked both of them to come sit

down

19 beside the sliding glass door that goes into the back
20 yard.

21 Q. Okay. The boy that you saw
initially,

22 when you went into the room, that was gasping for
breath

23 initially, did the paramedics come in and tend to him?

24 A. Yes, sir, they did.

25 Q. And did the paramedics almost

Sandra M. Halsey, CSR, Official Court
Reporter

1 immediately take him from the room?

2 A. Yes, they did.

3 Q. In your experience as a police
officer,

4 were you expecting any sort of reaction from Mr.
and Mrs.

5 Routier when that occurred?

6 A. I was expecting to have to
physically

7 hold them back, when they were taking the kids
out.

8 Q. Why is that?

9 A. Well, I have a seven year old
daughter,

10 and I would have a hard time seeing my little
girl being

11 carried off.

12 Q. Why did Mrs. Routier -- what
did Mrs.

13 Routier do when the paramedics came in and
attended to

14 this boy, and then took him out of the house?

15 A. She went and sat on the floor
like I

16 asked her to.

17 Q. All right. Did she ever --
did you

18 ever hear her say anything to the effect of
"Where are you
19 taking my boy?"

20 A. No, sir.

21 Q. Did you ever hear her say
anything to

22 the effect of, "How is my boy doing?"

23 A. No, sir.

24 Q. Did you ever hear her say
anything to

25 the effect of, "Is he alive still?"

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. No, sir.

2 Q. Did you ever hear her ask
anything

3 about that boy's condition?

4 A. No, sir.

5 Q. Now, the child that was taken out,
was

6 he taken to an ambulance there in front of the house?

7 A. Yes, he was.

8 Q. Did he die in that ambulance? Is
that

9 your understanding?

10 A. It is my understanding that he
did.

11 Q. The other child that was in the
room,

12 was he left in the room for some period of time?

13 A. Yes, he was.

14 Q. Did you ever hear Mrs. Routier ever
ask

15 about his condition?

16 A. No.

17 Q. Did you ever see Mrs. Routier make
any

18 sort of an attempt to go over to him?

19 A. No, she didn't.

20 Q. Did you ever see Mrs. Routier ever

21 touch either of these boys, from the time that you

got

22 there to that house?

23 A. No.

24

25 MR. GREG DAVIS: May I approach,
your

Reporter Sandra M. Halsey, CSR, Official Court

1 Honor?

2 THE COURT: You may.

3 MR. GREG DAVIS: Mark these,
please.

4

5 (Whereupon, the
6 above mentioned
7 Exhibits were marked
8 as State's Exhibit
9 No. 6, 7 & 8, for

identi-

10 fication purposes
11 only, after which
12 time the proceedings
13 were resumed as
14 follows:)

15

16 BY MR. GREG DAVIS:

17 Q. Officer Waddell, if you would
look

18 please at State's Exhibit No. 6 and No. 7 and No.
8, do

19 these photographs truly and accurately depict
portions of

20 the scene there at 5801 Eagle, as it appeared on
June 6th,

21 1996?

22 A. Yes.

23

24 MR. GREG DAVIS: Your Honor, at

this

25 time, we will offer State's Exhibits 6, 7 and 8.

Sandra M. Halsey, CSR, Official Court Reporter

60

1 MR. WAYNE HUFF: No objection for
the
2 purposes of this hearing, your Honor.

3 THE COURT: Received.

4
5 (Whereupon, the documents
6 heretofore mentioned were
7 marked and received in
8 evidence as State's
9 Exhibit Nos. 6, 7 & 8,
10 after which time, the
11 proceedings were resumed
12 as follows:)

13

14 BY MR. GREG DAVIS:

15 Q. Officer Waddell, looking at
State's

16 Exhibit No. 6. Is this a photograph of the boy that
Mr.

17 Routier went over to tend to?

18 A. Yes.

19 Q. And you say that it appeared to
you

20 that he was trying to give this boy CPR; is that
right?

21 A. Yes, sir.

22 Q. Now, this is not the boy that you
saw

23 initially lying on the floor gasping for breath, is
it?

24 A. No.

25 Q. This boy was over in another
portion of

Sandra M. Halsey, CSR, Official Court Reporter

1 the room; is that right?

2 A. Yes, sir.

3 Q. Okay. In fact, if we look at
State's

4 Exhibit No. 7, is this a coffee table that is in
that

5 room, in the family room?

6 A. Yes.

7 Q. And, is there a grouping, a love
seat

8 and a couch that surround this?

9 A. Yes, there is.

10 Q. Okay. If we're looking -- is
there a

11 big screen television over here on this portion of
the

12 room?

13 A. Yes, there is.

14 Q. So the boy that we see here in
State's

15 Exhibit No. 6, this boy was laying on the floor over
here

16 closer to the area of the big screen television; is
that

17 right?

18 A. Yes.

19 Q. The other boy that you saw
initially
20 laying on the floor, would he have been in the front
21 portion of that family room, closer to the hallway
that
22 leads out to the front of the house?

23 A. Yes, he was.

24 Q. So the boys were actually kind of
25 across the room from each other, correct?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Correct.

2 Q. And, in reference to this
photograph,

3 would Mrs. Routier have been standing over somewhere
4 behind the love seat portion?

5 A. Yes.

6 Q. Closer to the kitchen; is that
right?

7 A. Yes, sir.

8 Q. State's Exhibit No. 8, is this --
does

9 this show a counter or a bar that runs, it separates
the
10 family area here on the left-hand portion of the
11 photograph from the kitchen on the right-hand portion?

12 A. Yes.

13 Q. And we see a plastic runner with
some

14 blood on it, the boy that was face down, would he have
15 been closer to this area over here?

16 A. Yes, he was.

17 Q. Okay. Near the runner; is that
right?

18 A. Right.

19 Q. Okay. Do we see a knife that is --

20 with a white handle, that is here on the bar
separating

21 the kitchen and the family area?

22 A. Yes, sir.

23 Q. Is this where Mrs. Routier
indicated

24 that she had placed the knife?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Did you have an opportunity to look
at
2 the knife?

3 A. I just glanced at it.

4 Q. Do you recall whether or not this
is a
5 single-edged blade on the knife?

6 A. Yes, it was a single-edged blade.

7 Q. And, had she indicated that she had
8 actually picked this up from somewhere between the
kitchen

9 and the garage and then placed it up here; is that
right?

10 A. That's correct.

11 Q. Okay. Officer, did you notice
whether
12 or not there were any valuables up there on this
counter

13 top or this bar which separates the kitchen and the
den?

14 A. I didn't notice if there was or
not.

15 Q. Okay. Officer, in your duties as
a

16 Rowlett police officer, have you seen individuals

perhaps

17 involved in accidents or other trauma, that appeared
to

18 you to be in shock?

19 A. Yes, I have.

20 Q. All right. And, from your
experience

21 did it appear to you as though Darlie Routier was
22 suffering from shock at the time that you saw her, at
5801

23 Eagle Drive, on June 6th, 1996?

24 A. No, sir.

25 Q. Can you tell us why you have
reached

1 that conclusion?

2 A. Well, people who I have dealt with
that
3 are in shock, typically don't think -- are not capable
of
4 thinking about what's going on around them. She was
real
5 consistent on letting me know that she had moved the
6 knife, and that she had messed up the crime scene.

7 Typically, people won't worry about a
crime
8 scene when there's people dying, especially their
children
9 around them.

10 Q. Was she able to follow your
11 instructions?

12 A. Yes, she was.

13 Q. With the exception of going over
and
14 tending to Damon, to the younger child?

15 A. Yes, that's correct.

16 Q. Did she follow every other
instruction

17 that you gave her that evening, or that morning?

18 A. Yes, she did.

19 Q. How long did you remain there at
the

20 scene?

21 A. I'm not sure, I think it was
probably

22 until about 7:00 o'clock in the morning.

23 Q. And, how long did Mrs. Routier
remain

24 at the scene before she was taken?

25 A. I'm not real sure on that, it
was

Reporter Sandra M. Halsey, CSR, Official Court

1 probably less than 30 minutes.

2 Q. Did you ever hear her -- during
the

3 course of your time with her, did you ever hear her
ask

4 about the condition of her two children?

5 A. No, I did not.

6 Q. All of these events that you have
just

7 told us about, did they occur on June 6th, 1996 in
Dallas

8 County, Texas?

9 A. Yes, they did.

10

11 MR. GREG DAVIS: I'll pass the
witness.

12

13

14 CROSS EXAMINATION

15

16 BY MR. WAYNE HUFF:

17 Q. Officer, did you prepare a written
18 report?

19 A. Yes, I did.

20 Q. About this matter?

21 A. Yes, I did.

22 Q. Okay.

23

24 MR. WAYNE HUFF: Your Honor, I

would

25 ask that we be tendered that report for the purpose
of

Sandra M. Halsey, CSR, Official Court Reporter

66

1 cross examination.

2

3

VOIR DIRE EXAMINATION

4

5 BY MR. GREG DAVIS:

6 Q. Officer Waddell, let me just show
you

7 these copies that I have made, and tell me whether
these

8 are the reports that you prepared or not?

9 A. Yes.

10

11 MR. GREG DAVIS: Okay. Your
Honor, at

12 this time, we're tendering to Counsel the written
reports

13 of Officer Waddell.

14 MR. WAYNE HUFF: May I have a
moment,

15 your Honor?

16 THE COURT: You may, we are going
to

17 recess until 11:10. That will give you about 5 or 6
18 minutes, maybe that will give you a chance to view
that.

19 All right. You can step down if

you

20 want to. We will start back up in about 6 minutes.

21 THE WITNESS: Yes, sir.

22

23 (Whereupon, a short

24 Recess was taken,

25 After which time,

Sandra M. Halsey, CSR, Official Court Reporter

1 The proceedings were
2 Resumed on the record,
3 In the presence and
4 Hearing of the defendant
5 As follows:)

6
7
8 THE COURT: All right. Mr. Davis,
are
9 you ready to resume?

10 MR. GREG DAVIS: Yes, sir, I sure
am.

11 THE COURT: All right. The
defendant
12 is present and her counsel is present. All right.
Go
13 ahead with your cross examination, Mr. Huff.

14
15

16 CROSS EXAMINATION

17

18 BY MR. WAYNE HUFF:

19 Q. Officer Waddell, how long have
you been

20 a police officer out in Rowlett?

21 A. About four and a half years.

22 Q. And, is that the first police
job you

23 have had?

24 A. No, sir.

25 Q. Where else have you worked?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. I worked in Glenn Heights for
about

2 nine months, and I reserved in Heath for probably
about

3 nine months.

4 Q. Okay. How many murders have
you worked

5 prior to this one?

6 A. Maybe one or two.

7 Q. All right. Was that when you
were with

8 Rowlett?

9 A. One of them was with Rowlett,
yes, sir.

10 Q. All right. How many murders
have you

11 worked where a person's child has been killed?

12 A. None.

13 Q. All right. How many murders
have you

14 worked involving stabbings?

15 A. None.

16 Q. This was first one?

17 A. Yes, sir.

18 Q. How many of these accidents
have you

19 worked where you say people were in shock?

20 A. Countless. I don't know how
many,

21 people go into shock on car accidents.

22 Q. Well, if a person is injured in
a car

23 accident they will go into shock; is that right?

24 A. Yes, sir.

25 Q. Well, what do they act like?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. Well, they just act like they
are in a
2 daze, and they really don't know what is going on
around
3 them.

4 Q. Do they ever act hysterical?

5 A. Sometimes, yes.

6 Q. Emotional?

7 A. Sometimes, yes.

8 Q. Irrational?

9 A. I guess they could.

10 Q. Okay. How many people have you
11 actually seen in shock?

12 A. I don't know, I couldn't put a
number

13 on it.

14 Q. More than 10?

15 A. Probably.

16 Q. More than 20?

17 A. Probably not.

18 Q. All right. How many people had
you

19 seen before this date that had their two children
stabbed

20 in front of them?

21 A. None.

22 Q. How many people had you seen
before

23 this date that had their two children stabbed in
front of

24 them and had their throat slashed?

25 A. None.

 Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. How many mothers had you dealt
with
2 before that have just lost their children?

3 A. Maybe four or five.

4 Q. In some traffic accidents?

5 A. No, sir, just different things,
no
6 traffic accidents.

7 Q. How many mothers had you dealt
with
8 before whose children had been killed in their own
9 presence?

10 A. Maybe one.

11 Q. Before this?

12 A. Yes.

13 Q. Was that a murder?

14 A. No, sir, it was not a
murder.

15 Q. Traffic accident?

16 A. It was a drowning.

17 Q. Drowning?

18 A. Yes.

19 Q. Can people go into shock from
loss of
20 blood?

21 A. Well, I'm not a doctor, I don't
know if

22 they can, I guess they can, I couldn't say for sure.

23 Q. Well, would you say that Mrs.
Routier

24 was bleeding rather profusely?

25 A. She had blood all over her T-
shirt.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. It was dripping on the floor too,
2 wasn't it?

3 A. There was blood on the floor,
yes.

4 Q. Was she actually dripping blood
on the
5 floor, in your presence?

6 A. I don't recall seeing -- paying
7 attention to whether it was dripping, but I know her
shirt
8 was soaked in blood.

9 Q. By the time you arrived it was
soaked
10 in blood?

11 A. Yes.

12 Q. Officer, were you the first
officer on
13 the scene?

14 A. Yes, sir.

15 Q. Were you working alone?

16 A. Yes, sir.

17 Q. Who was the second officer on the
18 scene?

19 A. Sergeant Walling.

20 Q. How long were you there before he

21 arrived?

22 A. Maybe three or four minutes, I
really

23 couldn't tell you. It wasn't real long.

24 Q. Now, you say that -- how long did
it
25 take you to get to the house?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Two to three minutes.

2 Q. Now, you would have gone from 66
and
3 proceeded down Dalrock; is that correct?

4 A. Yes, sir.

5 Q. You would have taken a right on -
- what
6 is that street?

7 A. Linda Vista.

8 Q. Okay. And, the house is how far
away
9 from there?

10 A. From Linda Vista and Dalrock?

11 Q. Yes, sir.

12 A. Maybe a couple of blocks.

13 Q. Did you see any other cars on the
road
14 that night?

15 A. I don't recall seeing any, no.

16 Q. No? So there could have been
some on,
17 I guess, on Dalrock that you didn't notice?

18 A. There could have been.

19 Q. From Dalrock you turn into this
housing

20 development, don't you, where the Routiers live?

21 A. Yes, sir.

22 Q. Numerous streets, aren't there?

23 A. Yes, sir.

24 Q. Did you see any other traffic on

those

25 streets?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. I didn't see any, no.

2 Q. Okay. Two to three minutes would
be

3 plenty of time for somebody to drive out of that
housing

4 development and get right back on Dalrock; is that
5 correct?

6 A. Yes, sir.

7 Q. Okay. Now, when you arrived, you
said

8 that Mr. Routier was outside of the house?

9 A. He was running out the front door,
yes.

10 Q. To where?

11 A. I don't know where he was going. I
12 assumed he was running across the street.

13 Q. Did he say he was running across
the
14 street?

15 A. No.

16 Q. What was his condition?

17 A. He was -- he seemed excited and he
was

18 emotional about what had taken place in the house.

19 Q. Okay. What did he say to you?

20 A. He told me that I needed to come

in

21 there and help him because his kids were dying.

22 Q. Okay. Did he say anything else?

23 A. Not that I recall.

24 Q. All right. Now you went in the

house;

25 is that right?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. Do you remember what the inside
looked
3 like?

4 A. Pretty much.

5

6 MR. WAYNE HUFF: Would you mark
this,
7 please.

8

9 (Whereupon, the
10 Exhibit was marked
11 for
identification

12 only, as

Defendant's

13 Exhibit No. 1,

after

14 which time the

15 proceedings were resumed

16 as follows:)

17

18 BY MR. WAYNE HUFF:

19 Q. Let me show you what has been
marked as

20 Defendant's Exhibit No. 1 and I will ask you if you

can

21 identify that as a schematic of the downstairs of
the

22 house in this case?

23 A. I thought the stairs were on this
side.

24 Q. You thought the stairs were on
the left

25 instead of the right as you walked in?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes.

2 Q. All right. What else on there
looks

3 different than the way you remember it?

4 A. That's all I can tell from here.

5 Q. So the rest of it looks okay; is
that

6 right?

7 A. Yes, sir.

8

9 MR. WAYNE HUFF: Your Honor, we
will

10 offer Defendant's Exhibit No. 1.

11 MR. GREG DAVIS: No objection.

12 THE COURT: Received.

13

14 (Whereupon, the items

15 Heretofore mentioned

16 Were received in evidence

17 As Defendant's Exhibit. No. 1

18 For all purposes,

19 After which time, the

20 Proceedings were resumed

21 As follows:)

22

23 BY MR. WAYNE HUFF:

24 Q. Where were the boys laying when you
25 walked in?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. One was right here against this
wall,

2 and the other one was in the floor over here.

3 Q. All right. Now, in your report,
you

4 referred to one of them as the second victim, is that
5 right?

6 A. Right.

7 Q. Where was the second victim?

8 A. The second one being over here.

9 Q. With this red pen, I want you to
mark a

10 2 where the second victim was?

11 A. Okay. (Witness complies.)

12 Q. All right. With a 1, I want you to
13 mark where the first victim was?

14 A. Okay. (Witness complies.)

15 Q. Now, I want you to put a triangle
where

16 you say Mrs. Routier was?

17 A. Okay. (Witness complies.)

18 Q. Now, when you went back in the
house,

19 where was Mr. Routier? Where did he go?

20 A. I believe he went straight back
over

21 here to the second child.

22 Q. To the second child?

23 A. Yes.

24 Q. Okay. Just put an F there for
father.

25 A. Okay. (Witness complies.)

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. What was he doing with the second
child

2 when he went back over there?

3 A. He was on his hands and knees,
trying

4 to give him some first aid.

5 Q. All right. Oh, did you go back to
the

6 garage when you arrived?

7 A. When I first got there, no.

8 Q. All right. How long after you
arrived

9 did you first go back to the garage?

10 A. I went to the garage when Sergeant
11 Walling arrived.

12 Q. And not before?

13 A. No, sir.

14 Q. You didn't try to secure the house,
and

15 make sure that no one else was still in there?

16 A. I didn't go all the way around the
17 house, I secured the immediate area that we were
in.

18 Q. All right. So, Mrs. Routier
told you

19 the person was still in the house, and you didn't

go

20 looking for them?

21 A. That's right. She told me he
was in

22 the garage.

23 Q. All right. Did she point to
where the

24 garage was?

25 A. Yes.

Reporter Sandra M. Halsey, CSR, Official Court

1 Q. You talked about an island, do
you see

2 the island in this diagram?

3 A. Yes, sir, is this the island?

4 Q. Yes, sir. Is that what you
are talking

5 about?

6 A. Well, I don't know that I
mentioned the

7 island.

8 Q. Okay. You mentioned the bar;
is that

9 correct?

10 A. Yes, sir.

11 Q. That is where you drew the
triangle

12 where Mrs. Routier was standing; is that correct?

13 A. Right.

14 Q. What route did you and
Sergeant Walling

15 take to get back to the garage?

16 A. From here around this way.

17 Q. Just draw an arrow to indicate
the

18 route that you and he took.

19 A. Okay. (Witness complies.)

20 Q. Okay. Did you actually enter
the

21 garage?

22 A. Sergeant Walling did.

23 Q. Okay. Was the door to the
garage --

24 okay, there is a door to the laundry room; right?

25 A. Right.

Reporter Sandra M. Halsey, CSR, Official Court

1 Q. Was it open or closed?

2 A. I believe they were open.

3 Q. And the laundry room, just for
the
4 record, is what is marked as Room Number 3; is
that
5 correct?

6 A. Yes.

7 Q. Okay. And is there a door to
the
8 garage from the laundry room?

9 A. Yes.

10 Q. Was it open or closed?

11 A. I believe it was open.

12 Q. All right. So both the door to the
13 laundry room and the door to the garage were open?

14 A. Yes.

15 Q. Did you notice any blood in the
laundry
16 room?

17 A. No.

18 Q. There was no blood?

19 A. I didn't notice any.

20 Q. Okay. There was no obvious blood
to

21 you in the laundry room?

22 A. I'm saying I didn't see any in the
23 laundry room.

24 Q. Okay. Well, I mean, if there was
blood
25 smeared on the door out here, you would have seen it;

Sandra M. Halsey, CSR, Official Court Reporter

1 right?

2 A. More than likely, but --

3 Q. Okay. And, if there was blood all
over

4 the washing machine, you would have seen that too;
right?

5 A. Well, not necessarily.

6 Q. Well, if there was blood on the
floor

7 that you had to walk through to get back there, you
are a

8 trained police officer, you would have noticed that,

9 wouldn't you?

10 A. More than likely, yes.

11 Q. Okay. You didn't see any, did
you?

12 A. Not that I recall. There was
some on

13 the floor in the kitchen area.

14 Q. All right. Where?

15 A. Just -- it was all over the
kitchen

16 area there.

17 Q. Okay. You mean -- are you
indicating

18 this entire area around the sink and the island

there?

19 A. There was blood there, yes.

20 Q. Okay. What else was on the floor

21 there?

22 A. I'm not sure.

23 Q. Was there anything -- any large

objects

24 laying on the floor?

25 A. I didn't see any.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Nothing you could trip over if you
were

2 walking to the sink?

3 A. I didn't see any.

4 Q. Let me point to -- do you see where
the

5 number 2 is there?

6 A. Yes, sir.

7 Q. Were there any large objects laying
in

8 that vicinity that you saw?

9 A. I didn't see any.

10 Q. Was there a wine rack in the
kitchen

11 area?

12 A. I remember seeing a wine rack.

13 Q. Was there broken glass in the
kitchen

14 area?

15 A. There was a broken glass.

16 Q. Okay. But no other large objects
you

17 saw on the floor of the kitchen; is that correct?

18 A. That's correct.

19 Q. All right. Now let's talk about
the

20 family room. How was the family room furnished when
you

21 entered?

22 A. How was it furnished?

23 Q. Yes, sir.

24 A. There was 2 couches and a TV and a
25 coffee table is what I remember.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Okay. Do you remember a chair that
2 resembled the couches?
3 A. Not that I recall.
4 Q. All right. Was there a coffee
table in
5 front of the couches?
6 A. Yes.
7 Q. How were the couches positioned?
8 A. I think they were in a L shaped.
9 Q. Okay. Draw that for us, would you
10 please.
11 A. Okay. (Witness complies.)
12 Q. As you recall it.
13 A. Okay. I guess these would be the
two
14 couches.
15 Q. Okay. And, where was the coffee
table?
16 A. Right in the middle of them.
17 Q. Draw that in too, just draw a
little
18 square there for that.
19 A. Okay. (Witness complies.)
20 Q. Was there a table between the two
21 couches?
22 A. I don't know.

23

coffee

24 table?

25

Q. Okay. Was there anything on the

A. There might have been some flowers.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. Were they turned over,
sitting
2 upright, or what position were they?
3 A. I believe they were knocked over.
4 Q. They were knocked over?
5 A. Yes.
6 Q. Okay. Where was the -- was there a
7 television?
8 A. There was a television.
9 Q. Where was that?
10 A. I think it was right here.
11 Q. Okay. Just draw that in, as best
you
12 can, and we will mark that.
13 A. Okay. (Witness complies.)
14 Q. Okay. Just put TV in there, if you
15 would.
16 A. Okay.
17 Q. Was the television on or off?
18 A. It was on.
19 Q. Volume turned on or off?
20 A. I don't remember hearing it.
21 Q. Okay. You didn't hear anything on
the
22 television, you just saw the screen?

23 A. Right.

24 Q. Okay. Were the lights on or off

when

25 you went into the room?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. I believe they were on.

2 Q. All right. Okay. Did you see the

3 knife that Mrs. Routier directed you towards?

4 A. Yes, I did.

5 Q. Where was it?

6 A. It was on the end of the bar.

7 Q. Draw that. Just put a K where the

8 knife was.

9 A. Okay. (Witness complies.)

10 Q. Was the -- which way was the point

11 of

12 the knife?

13 A. It was facing toward the kitchen.

14 Q. All right. That little arrow

15 indicates

16 that direction; is that correct?

17 A. Yes, sir.

18 Q. Okay. All right. Now, how many

19 times

20 did you go through the kitchen to the garage?

21 A. One time.

22 Q. All right. How many times did you

23 actually go in the kitchen?

24 A. Twice.

25 Q. Now, you went there once to look in

26 the

23 garage with Sergeant Walling, when was the other time
you

24 went in there?

25 A. I went half way, whenever she told
me

Sandra M. Halsey, CSR, Official Court Reporter

1 that he was still in the garage, I walked half way and
2 tried to peek into the garage area.

3 Q. All right. Was there blood on that
4 floor you were walking on?

5 A. I believe there was.

6 Q. Okay. Did you step in the blood?

7 A. I might have, I didn't think I did.

8 Q. Okay.

9 A. I don't know.

10 Q. All right. Well, when you and
Sergeant

11 Walling went out to look in the garage, did either one
of
12 you step in any of the blood?

13 A. I don't know if we did or not.

14 Q. Did you check your shoes after you
left

15 the scene to see if you had blood on them?

16 A. Yes, I did.

17 Q. Did you?

18 A. No.

19 Q. Okay. When did you check your
shoes?

20 A. After we went outside and looked
21 through the back yard.

22 Q. Um-hum. (Attorney nodding head

23 affirmatively.) Now, you and Officer -- you were
there

24 first, Officer Walling arrived in about three or four
25 minutes; is that correct?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. I guess, I'm not sure on how long
it
2 took him.

3 Q. Okay.

4 A. I assumed it was two to three or
four
5 minutes, somewhere in that area.

6 Q. Now, was this during the time that
you
7 said that you wanted Mrs. Routier to administer first
aid.

8 A. Yes.

9 Q. Okay. And this is the time when
you
10 told her to do that?

11 A. Yes.

12 Q. Okay. Did you ever tell her to do
that
13 after Sergeant Walling arrived?

14 A. I don't think so.

15 Q. Okay. Did Sergeant Walling ever
tell
16 her to administer first aid?

17 A. I don't know what he told her.

18 Q. Well, were you there with him in
her

19 presence before the paramedics arrived?

20 A. Yes.

21 Q. What do you remember Sergeant
Walling

22 telling either of the Routiers?

23 A. I don't know what Sergeant Walling
told

24 either one of them.

25 Q. Okay. Did he tell them anything?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. He could have.

2 Q. But you don't remember that part;
is
3 that right?

4 A. Right.

5 Q. Okay. You remember practically
every
6 word that Mrs. Routier said to you, but not much that
7 Sergeant Walling said; is that right?

8 A. I didn't say that either.

9 Q. Well --

10 A. I remember some things that she
told
11 me.

12 Q. Did -- everything she told you, did
she
13 tell you that before Sergeant Walling arrived?

14 A. Yes, sir.

15 Q. Okay. So nothing you have
testified to
16 here today, about what she said to you, happened after
17 Sergeant Walling arrived?

18 A. The best I can remember, no.

19 Q. Did anyone go upstairs before
Sergeant
20 Walling arrived?

21

A. No.

22

Q. How about after he arrived?

23

A. After he arrived, yes.

24

Q. Who went upstairs?

25

A. I believe two of the paramedics

went

Sandra M. Halsey, CSR, Official Court Reporter

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1 upstairs, myself and Sergeant Walling went upstairs.

2 Q. All right. When did y'all go
upstairs?

3 A. After the paramedics came in and
4 started taking care of the injuries.

5 Q. Did Mr. Routier ever go upstairs?

6 A. Not that I'm aware of.

7 Q. He never went up there to check on
the
8 baby?

9 A. Not that I -- I didn't see him go
up
10 there, I mean, he could have, I don't know if he
did or
11 not.

12 Q. Did anyone inquire about the
baby

13 upstairs? Either of the Routiers, in your
presence?

14 A. Neither one of them asked me,
no.

15 Q. Did they say anything about the
baby?

16 A. No.

17 Q. Drake?

18

A. No.

19

Q. Did you notice a window open and

a

20 screen that was cut in the garage?

21

A. Yes.

22

Q. When did you notice that?

23

A. When we went around to the back

yard.

24

Q. How did you notice it? Was it

pointed

25 out to you?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. Yes.

2 Q. Who pointed it out?

3 A. Sergeant Walling told me that it
was
4 cut when we first went into the garage.

5 Q. All right.

6 A. I didn't go in to look at it at
that
7 time, we went around to the back.

8 Q. So he looked over there and saw
the
9 window was cut when he first walked into the
garage; is
10 that correct?

11 A. Right.

12 Q. So I guess he
could see right over to
13 the window, from inside garage; is
that correct?

14 A. He stepped all
the way into the garage
15 and looked around, and I was
behind him.

16 Q. Was there
anything obstructing someone

17 from getting to that window to
enter or exit the house?

18 A. I believe there
was a small little
19 trail going to the window.

20 Q. Small little
trail of what?

21 A. There was lot
of stuff in the garage.

22 Q. All right. But
there was a trail
23 leading directly to the window?

24 A. A narrow path
way if you want to call
25 it that.

Sandra M. Halsey, CSR,
Official Court Reporter

1 Q. That someone
could have walked through;

2 is that right?

3 A. Yes.

4 Q. Okay. Would
you draw in where that

5 window was where the screen was
cut?

6 A. Yes. (Witness
complies.)

7 Q. Okay. That is
this red mark that you

8 put in the garage; is that
correct?

9 A. Right.

10 Q. Was the garage
door opened or closed?

11 A. The big door?

12 Q. Yes, sir.

13 A. The big door
was closed.

14 Q. Was it locked?

15 A. I believe so,
I'm not sure.

16 Q. Did you check

it?

17 A. I didn't check
it, no.

18 Q. Okay. You
wrote a written report in
19 this case, Officer?

20 A. Yes, sir.

21

22 MR. WAYNE HUFF:

Would you mark this,

23 please.

24

25

Sandra M. Halsey, CSR,
Official Court Reporter

1 (Whereupon,
the
2 Exhibit was
marked
3 for
identification
4 only, as
Defense
5 Exhibit No. 2,
6 after which
time,
7 the proceedings
were
8 resumed as
follows:)

9

10 BY MR. WAYNE HUFF:

11 Q. Let me show you what has been
marked as

12 Defendant's Exhibit No. 2, and ask you to look
through it

13 and ask you if that is the total of your written
report?

14 A. It looks like one of the three
written

15 reports that I did for that night.

16 Q. Three written reports?
17 A. Yes, sir.
18 Q. Well, let's see. We have one
that is
19 dated the 6th; is that correct? That was the day
of the
20 incident; is that right?
21 A. Yes, sir.
22 Q. Okay. And that is a 2-page
narrative;
23 is that right?
24 A. Yes, sir.
25 Q. Then we have a supplement report
dated

Sandra M. Halsey, CSR, Official Court
Reporter

1 the 6th?

2 A. Yes, sir.

3 Q. Is that the second report?

4 A. There is one for each injury,
one for

5 both of the boys and one for the defendant.

6 Q. Okay.

7 A. But they are all the same
narrative.

8 Q. All right. There is also a
supplement

9 report with an additional narrative, done on the
7th; is

10 that correct?

11 A. Yes, sir.

12 Q. Now, is this all of your
reports?

13 A. Yes, sir.

14 Q. You have indicated to the Court
that

15 the younger child who you have identified as victim
1, was

16 laying in the floor; is that correct?

17 A. That's correct.

18 Q. Face down?

19 A. Yes, sir.

20 Q. Face pointed in which direction?

21 A. It would have been toward the
sliding

22 glass door toward the back yard.

23 Q. All right. So his face was
turned over

24 to one side, facing the sliding glass door?

25 A. Right.

Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. Gasping for breath?

2 A. Right.

3 Q. The prosecutor asked you if he
said

4 anything, and you said, not in words, what did you
mean by

5 that?

6 A. I said he didn't say any words.

7 Q. Okay. Did he try to communicate
with

8 you in any way?

9 A. I didn't think that he was
trying to

10 communicate with me, I just thought he was trying
to

11 breathe.

12 Q. All right. So he was gasping
for

13 breath; is that right?

14 A. Right.

15 Q. Okay. Now, it took you two or
three

16 minutes to get there; is that correct?

17 A. Yes, sir.

18 Q. Had any first aid been

administered to

19 either of the children prior to your arrival?

20 A. Not that I'm aware of.

21 Q. Okay. So, if the father was
over

22 giving CPR to one of the children, who you have
identified

23 as victim 2, you wouldn't know one way or the other

24 whether that happened, would you?

25 A. I know that he did it while I
was

Reporter Sandra M. Halsey, CSR, Official Court

1 there.

2 Q. Okay. But you don't know
whether he

3 did it before or not, do you?

4 A. Right.

5 Q. Other than give the child CPR,
did the

6 father administer any other first aid to him?

7 A. I'm not really sure what all he
did to

8 him.

9 Q. Well, let's see, you told him to
apply

10 pressure to him, didn't you?

11 A. That is what I told him to do,
yes,

12 sir.

13 Q. Did he?

14 A. I guess he did, I didn't watch
to see

15 what he was doing as I told him.

16 Q. Let's see here, "I instructed
the

17 father to apply pressure to the second child's
injuries

18 which he did, for approximately one minute, and
then

19 stated, "It's too late, he is already dead."

20 Is that what you put in your
report,

21 Officer?

22 A. That is what's in my report,
yes, sir.

23 Q. Well, was your memory a little
fresher

24 back then?

25 A. He must have put pressure on
them.

Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. Okay. And you saw that, didn't
you?

2 A. I saw him over there with him,
yes.

3 Q. Okay. And let's see, "At the
same
4 time, the mother, Darlie, told me that she thought
the
5 suspect might be still be in the garage." Is that
6 correct?

7 A. Yes.

8 Q. Let's see. You then say, "I
advised
9 her to apply pressure to the complainant's injuries
while
10 I secured the immediate area we were in." This is
your
11 report on the 6th, the first report; is that correct?

12 A. Right.

13 Q. All right. Where does it say in
this
14 report that she didn't do that?

15 A. It's right here on this page,
sir.

16 Q. Oh, you mean the one that you

did on

17 the 7th?

18 A. Yes, sir.

19 Q. No, I'm talking about the one on
the

20 6th, Officer. We well get to the one on the 7th in
a

21 minute.

22 A. Oh. Well, I don't know that it
says

23 that on the one on the 6th.

24 Q. Well, it doesn't say it, does
it?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. Does
it?

2 A. No,
sir.

3 Q. It doesn't say you asked her three
4 times either, does it?

5 A. Well, I don't know if it says 2 or 3.

6 Q. In fact, it only says once,
doesn't it?

7 A. Yes.

8 Q. All right. Let's see, when you
arrived

9 and got in the house, you saw Mrs. Routier still
talking

10 on the 911 call; is that correct?

11 A. She was still on the phone, yes,
sir.

12 Q. "She had one hand on the phone,
she had

13 one hand on a towel over her neck," right?

14 A. Yes, sir.

15 Q. Her shirt was -- and these are
your

16 words, Officer, "Soaked in blood."

17 A. Yes, sir.

18 Q. And she was extremely upset. Is
that

19 right?

20 A. Yes, sir.

21 Q. And I believe your words were,
Officer,

22 that you told the Court, that she appeared to be

23 hysterical?

24 A. Yes, sir.

25 Q. Is that right?

got

20 to object to the argumentative nature. You know,
there is

21 no reason to insult this officer through cross
22 examination. If we could just have question and
answer,

23 please?

24 THE COURT: Try again.

25

Sandra M. Halsey, CSR, Official Court Reporter

1 BY MR. WAYNE HUFF:

2 Q. What did she do that you didn't
think

3 was right, Officer?

4 A. She didn't help her dying boy.

5 Q. Okay. Although you asked her to 3
6 times; is that right?

7 A. Yes, sir.

8 Q. Now, Officer, who is the first
Rowlett

9 police officer that you told about this version of
events?

10 Who and when?

11 A. The whole incident? I guess it
would

12 have been the crime scene officer that was out there,
13 Sergeant Nabors.

14 Q. All right. And when was that?

15 A. It might have been a couple of
hours

16 after the whole thing was over.

17 Q. When did you write your first
written

18 report?

19 A. Probably about 7:00 or 8:00 o'clock

20 that morning.

21 Q. All right. And, who did you give
that

22 report to?

23 A. I believe Sergeant Walling.

24 Q. All right. Did you ever talk to --
25 after you talked to the crime scene officer, did you
talk

Sandra M. Halsey, CSR, Official Court Reporter

1 to any other officer prior to doing your first written
2 report?

3 A. I believe I talked with Detective
4 Frosch.

5 Q. Okay. When did you talk to him?

6 A. When I was at the police station
doing
7 the report.

8 Q. All right. That was 7:00 A.M., in
the
9 morning?

10 A. Yes, sir.

11 Q. Who else interviewed you?

12 A. Nobody interviewed me.

13 Q. Okay. Did Detective Patterson ever
14 interview you?

15 A. No.

16 Q. Okay.

17 A. I might have talked to Officer
Needham

18 at the police station, he was never at the scene.

19 Q. All right. When did you first
learn

20 that Mrs. Routier was a suspect in this case?

21 A. Probably while we was at the scene
22 still.

23 Q. While you were still at the scene?
24 A. Yes.
25 Q. Who told you that?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. I thought it was a possibility
myself.

2 Q. Well, who else thought it was a
3 possibility?

4 A. Well, I don't know who else thought
it
5 was a possibility.

6 Q. Did anyone say it was a
possibility?

7 A. No, everybody thought that anybody
8 could have done it at that time.

9 Q. All right. Well, when did people
first
10 direct their major part of their attention to the
11 defendant in this case?

12 A. I don't know. After I left the
scene I
13 had my own opinion, and they did there thing and I did
14 mine.

15 Q. All right. Well, what was your
16 opinion?

17 A. My opinion was that it was somebody
in
18 the house, either her, the defendant, or the husband.

19 Q. Okay. So you already had an
opinion

20 about it; is that right?

21 A. That was my opinion.

22 Q. All right. Now, when did you write
23 your second report, the one on June the 7th?

24 A. What time? I'm not sure what time,
it
25 was on the 7th.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Well, morning, afternoon, evening?

2 A. Well, probably when I came to work
that
3 night.

4 Q. Okay. So how many hours had passed
5 from the time you wrote your first report until the
time
6 you wrote your second supplement?

7 A. At least -- well, close to 20 or 24
8 hours.

9 Q. Okay. And what caused you to write
the
10 second report?

11 A. I just started thinking back on
what
12 all that I saw.

13 Q. Did anyone ask you to write a
14 supplement?

15 A. No, sir, they didn't.

16 Q. This is just something you decided
to
17 do on your own?

18 A. Yes, sir.

19 Q. Officer, from what you saw of the
20 children, did it appear to you that they were
dying?

21 A. Yes.

22 Q. Did it appear to you that the
oldest

23 one was already dead?

24 A. Yes.

25 Q. Did it appear to you that
youngest one

Sandra M. Halsey, CSR, Official Court Reporter

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1 could not be saved?

2 A. It appeared that way.

3 Q. While you were there with the
mother,

4 what did you do to aid the youngest child?

5 A. I gave instructions for the
parents to

6 take care of them while I tried to take care of
everybody

7 that was there, thinking the suspect was still in
the

8 house at that time.

9 Q. Did you administer first aid to
the

10 youngest child?

11 A. No, sir.

12 Q. Have you had training in first
aid?

13 A. Yes, sir.

14 Q. Do you know whether the defendant
has

15 had training in first aid?

16 A. I don't know if they did or not.

That

17 is why I instructed them on what to do.

18 Q. Okay. Now, let's talk about your
19 report on the 7th. This is when you first said "I
told
20 her 2 or 3 times --"

21

22 MR. GREG DAVIS: I'm sorry. I'm
sorry.

23 I'm going to object to Counsel reading from a
document

24 that is not in evidence. It's hearsay.

25 MR. WAYNE HUFF: Then I'll offer
it,

1 your Honor.

2 MR. GREG DAVIS: I'll object to
it as

3 being hearsay. It's not used by this witness in his
4 testimony, and not reviewed by this witness for his
5 testimony. I know of no exception to hearsay for a
police

6 report to be put in at this point. It's improper
7 impeachment.

8

9 BY MR. WAYNE HUFF:

10 Q. Well, Officer, the first time you
wrote

11 a report saying that you asked her two or three
times, to

12 administer first aid was on the 7th; is that correct?

13 A. Yes.

14 Q. Okay. And the first time you
wrote

15 anything in your report about her not doing that was
on

16 the 7th, not the 6th; is that correct?

17 A. Right.

18 Q. And the first time you wrote
anything

19 in your report about her showing you the wound and
saying,

20 "I have been cut, look what he did to me," was on the
7th;

21 is that correct?

22 A. Yes.

23 Q. By the way, in your report on the
6th

24 you didn't put anything about her actions that night
being

25 suspicious, did you?

1 A. No.
2
3 MR. WAYNE HUFF: Mark this as our
next
4 exhibit, please.
5
6 (Whereupon, the
7 above mentioned
8 Exhibit was marked
9 as Defendant's
Exhibit
10 No. 2, for identi-
11 fication
purposes
12 only, after
which
13 time the proceedings
14 were resumed as
15 follows:)
16
17 MR. WAYNE HUFF: Your Honor, we
will
18 offer the report at this time for record purposes.
19 MR. GREG DAVIS: No objection for
the
20 record.

21

THE COURT: Received.

22

23

(Whereupon, the documents

24

heretofore mentioned were

25

marked and received in

Sandra M. Halsey, CSR, Official Court Reporter

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1 evidence as Defendant's
2 Exhibit No. 2, after
3 which time, the
4 proceedings were resumed
5 as follows:)

6

7 BY MR. WAYNE HUFF:

8 Q. When did a police officer, any
police

9 officer, first indicate to you that Mrs. Routier was a
10 suspect in this case? When did that first occur?

11 A. I couldn't tell you. It might have
12 been several days after it, when they completed the
crime
13 scene.

14 Q. When did you first ever tell a
police

15 officer that you thought Mrs. Routier should be a
suspect
16 in this case?

17 A. I don't know that I told anybody
she
18 should be a suspect.

19 Q. But it was your opinion from the
very
20 first that she should be?

21 A. Not from the very first. After I
went
22 to the station, after I had been there, that is when I
23 made my opinion.
24 Q. All right.
25

Sandra M. Halsey, CSR, Official Court Reporter

1 THE COURT: Excuse me for
interrupting.

2 We're about to have a recess. I understand that this
3 motion is heard because the State has filed for
relief.

4 MR. GREG DAVIS: Yes, that's
correct.

5 THE COURT: The file jacket in
neither

6 case shows a copy of the State's motion. I would
7 appreciate it if I could have one.

8 MR. GREG DAVIS: Well, I know the
9 motion was made and was filed on August the 8th.

10 THE COURT: Have you guys got a
copy of
11 it?

12 MR. WAYNE HUFF: I think Mr. Parks
13 might have one.

14 THE COURT: Well, when we resume at
15 1:30, I would appreciate it if I could have a copy of
it,

16 just so I could see what relief is sought in the
motion.

17 MR. GREG DAVIS: Yes, sir.

18 MR. WAYNE HUFF: Yes, sir.

19 THE COURT: All right. I don't

doubt

20 that -- you may step down, sir. If you will let
your

21 witnesses know that we are going
to resume at 1:30.

22 MR. GREG DAVIS:

Yes, sir.

23 THE COURT:

Thank you.

24

25

Sandra M. Halsey, CSR,
Official Court Reporter

1 (Whereupon, a
short
2 Recess was
taken,
3 After which
time,
4 The proceedings were
5 Resumed on the record,
6 In the presence and
7 Hearing of the defendant
8 And the jury, as follows:)
9
10 THE COURT: All right. Are both
sides
11 ready to go back on the record?
12 MR. GREG DAVIS: Yes, sir, the
State is
13 ready.
14 MR. DOUGLAS PARKS: Yes, sir,
the
15 Defense is ready.
16 THE COURT: All right. Are you
ready
17 to proceed?
18 MR. WAYNE HUFF: I'm ready to
resume,

19 your Honor.

20

THE COURT: All right.

21

22

23

24

25

Reporter Sandra M. Halsey, CSR, Official Court

1 Whereupon,

2

3

4

OFFICER DAVID WADDELL,

5

6 Resumed the witness stand, having been previously
duly

7 sworn by the Court to speak the truth, the whole
truth,

8 and nothing but the truth, testified further in
open

9 court, as follows:

10

11

CROSS EXAMINATION (Resumed)

12

13 BY MR. WAYNE HUFF:

14

Q. Officer, when you arrived at the
scene,

15 what did Mrs. Routier tell you about where the
assailant

16 was?

17

A. She told me that she thought he was
18 still in the garage.

19

Q. Okay. Did she tell you that he had
20 gone out through the utility room and into the garage?

21

A. She did point in that direction,

saying

22 that he went that way into the garage.

23 Q. Did she ever tell you that he had
gone

24 out of the house?

25 A. No.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. You said that she thought that he
was

2 still in the house?

3 A. Yes.

4 Q. Did she tell you anything about the
5 attack upon her?

6 A. She just told me that she fought
with

7 him.

8 Q. All right. Did she tell you where
he

9 was when she first saw him?

10 A. No.

11 Q. Did she tell you that he was
standing

12 over her with a knife in his hand?

13 A. No, she didn't tell me that.

14 Q. Did she tell you that she struggled
15 with him?

16 A. She told me that she fought with
him.

17 Q. All right. Did she tell you where
that

18 occurred?

19 A. We were standing at the end of the

bar,

20 and she was telling me that it happened right there.

21 Q. That the struggle happened at the
bar?

22 A. At the end of the bar.

23 Q. All right. Did she tell you how he
24 exited the house? Did he walk, run, trot, or
how did he
25 get out of the house?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. She said she chased him.

2 Q. She chased him out of the
house?

3 A. She chased him out of the
house.

4 Q. I guess that means they ran; is
that
5 right?

6 A. Well, that's the way I understood
it,
7 yes, sir.

8 Q. Okay. Did she tell you when it
was
9 that she realized that she had been stabbed?

10 A. No, she didn't tell me that.

11 Q. All right. So she didn't say
whether
12 she had been stabbed on the couch, or at the end of
the
13 bar or somewhere else; is that right?

14 A. Not to me, sir, no.

15 Q. All right. Did she give you
any
16 clothing description of the assailant?

17 A. I believe she told me that he

was

18 wearing dark pants and a black T-shirt and
possibly a

19 black cap.

20 Q. Okay. All right. Did she describe
his

21 height?

22 A. She just said he was -- I think she
23 said a little tall, she didn't go into any details.

24 Q. She said he could have either been
25 white or black?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. Did she give you a weight
description?

3 A. No, not that I recall.

4 Q. How about facial hair? Did she
give
5 you a description of facial hair?

6 A. Not that I recall.

7 Q. Did you ask for one?

8 A. I asked for a general description.

9 Q. Did she ever tell you -- talk to
you
10 about getting a towel from the kitchen sink?

11 A. No, sir.

12 Q. Did she have a towel wrapped around
13 her?

14 A. She had a towel that she was
pressing
15 on her neck.

16 Q. Was it wet or dry?

17 A. I'm not sure. It had blood on it.

18 Q. Officer, how many -- at any one
time,
19 while you were there, how many police officers were
inside

20 this house?

21 A. Just two.

22 Q. You and Waddell?

23 A. I am Waddell. Myself and Sergeant

24 Walling.

25 Q. You and Walling?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. Okay. And, you and Walling were
the
3 only two police officers that were in there while you
were
4 there?

5 A. That's correct.

6 Q. How many paramedics came into the
house
7 while you were there?

8 A. Probably five, four or five.

9 Q. All right. So there were a total
of
10 seven people in the house, plus the Routiers, and plus
the
11 two children; is that right?

12 A. Yes, sir.

13 Q. Now, was anyone moving furniture,
in
14 order to get to the children, or moving any objects
that
15 you recall?

16 A. Not that I recall, no.

17 Q. Okay. Were you in the family room
the

18 entire time the paramedics were there?

19 A. No, sir.

20 Q. All right. Where were you the
other

21 part of that time?

22 A. When the paramedics got there and
23 started treating the injuries, after they had taken
the

24 first child out to the ambulance, myself and Sergeant
25 Walling went upstairs.

1 Q. Okay. So, what they did in the
family

2 room, you weren't there for all of that; is that
correct?

3 A. Right.

4 Q. Okay. So, if they had to move
some

5 objects to treat the children, you may not have seen
it;

6 is that correct?

7 A. Right.

8 Q. All right. Now, were you still
there

9 when the paramedics left?

10 A. Yes, I was.

11 Q. Were you there when the last
paramedic

12 left?

13 A. Yes, I was.

14 Q. How long after you were called to
the

15 scene did the last paramedic leave?

16 A. I'm not even sure. It was all
within

17 20 or 30 minutes. I'm not really for sure.

18 Q. Okay. So all that you saw and
heard,

19 happened within 20 to 30 minutes, or thereabouts?

20 A. I would think that is a maximum
amount

21 of time.

22 Q. All right. And all of the
conversation

23 you had with Mrs. Routier was within three or four
minutes

24 of your arrival?

25 A. For the most part, yes.

1 Q. All right. Now, other than the
2 situation with not putting the towel on the child, is
3 there anything else that you requested Mrs. Routier
to do

4 that she did not do?

5 A. No, sir.

6 Q. All right. So when you asked her
to

7 sit over there by the patio, was that by the patio
door?

8 A. It was by the sliding glass door,
yes,

9 sir.

10 Q. All right. When you asked she and
her

11 husband to do that, they did that; is that correct?

12 A. Yes.

13 Q. Is that so the paramedics could
work

14 with the children?

15 A. Yes, sir.

16 Q. All right. Did you ever see any
of the

17 paramedics go into the kitchen area?

18 A. No, sir.

19 Q. All right. Where were the

Routiers

20 seated? Where did you have them sit on the patio
door

21 (sic)?

22 A. Probably right beside these two
doors,

23 and behind this couch.

24 Q. Okay. And they were just seated
on the

25 floor back there; is that correct?

1 A. Yes, sir.

2 Q. Okay. But right in front of those
3 glass doors?

4 A. Yes, sir.

5 Q. Is that right?

6 A. Yes, sir.

7 Q. Okay. How long did they sit
there?

8 A. Maybe a few minutes, not -- it was
not

9 very long. I think Mr. Routier got up, and went
outside.

10 Q. All right. Well, was Mrs. Routier
11 still hysterical at that point?

12 A. No, sir.

13 Q. Was she still very upset,
extremely

14 upset?

15 A. She was not yelling or screaming,
no.

16 Q. Okay. And she should have been
doing

17 that, right?

18 A. I don't know that she should have
been

19 or not.

20 Q. Okay. Well, you told Mr. Davis
that
21 you thought it was suspicious that you didn't have to
22 restrain her when they were taking her child to
the
23 hospital. Do you apparently think that should
have
24 happened?

25 A. I think a normal reaction would
have

Sandra M. Halsey, CSR, Official Court Reporter

1 been to try to be with your children.

2 Q. Wouldn't a normal reaction to be to
3 want to get your child to the hospital?

4 A. Yes, sir.

5 Q. Officer, when you left the
residence,

6 did you stay outside the residence for any period of
time?

7 A. Yes, sir, I did.

8 Q. Okay. How long?

9 A. Until about 7:00 o'clock that
morning.

10 Q. Okay. Did any other police
officers go

11 in or out of the residence during that time?

12 A. Not until the crime scene. The
crime

13 scene was the next officers that went into the house.

14 Q. Did any other paramedics or
civilians

15 go in the house?

16 A. No.

17 Q. Okay. Did any firemen go in there?

18 A. They were there initially, they
were

19 probably within the four or five people that were in
20 there, besides myself and Sergeant Walling.

21 Q. Okay. So there were some firemen
in
22 there in addition to the paramedics?

23 A. Yes, sir.

24 Q. Did a neighbor lady ever come into
the
25 house while you were there?

1 A. A neighbor lady came across the
street,

2 but she wasn't allowed in the house.

3 Q. She didn't actually walk into the
4 house?

5 A. No, sir.

6 Q. All right. Now, as I understand
it,

7 Officer Walling was the one that first noticed the
split

8 screen; is that correct?

9 A. Yes, sir.

10 Q. And no one else had pointed that
out to

11 you; is that correct.

12 A. That's right.

13 Q. And Mrs. Routier told you that she
14 thought the suspect was still in the house; is that
15 correct?

16 A. Yes, sir, in the garage.

17 Q. Okay.

18

19 MR. WAYNE HUFF: I'll pass the
witness,

20 your Honor.

21

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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REDIRECT EXAMINATION

BY MR. GREG DAVIS:

Q. Officer Waddell, did the defendant appear to be under the influence of alcohol when you were talking with her?

A. No, sir.

Q. Did she appear to be under the influence of any sort of a drug?

A. No, sir, didn't appear that way, no.

Q. Was she barefoot?

A. Yes, sir.

Q. Did she at any time ever mention the kitchen sink to you?

A. No, sir.

MR. GREG DAVIS: I'll pass the witness, your Honor.

THE COURT: All right.

22

RECROSS EXAMINATION

23

24 BY MR. WAYNE HUFF:

25 Q. Did you ever ask her if she was

Sandra M. Halsey, CSR, Official Court Reporter

119

1 standing at the kitchen sink?

2 A. No, sir.

3 Q. Okay.

4

5 MR. WAYNE HUFF: I believe that's
all.

6 MR. GREG DAVIS: The State has no
7 further questions, your Honor.

8 THE COURT: You may step down.

Thank

9 you, sir.

10 MR. GREG DAVIS: Your Honor, the
State

11 at this time will call Darin Routier.

12 He is in the audience, he has not
been

13 sworn, your Honor.

14 THE COURT: All right. Mr.
Routier.

15 Raise your right hand, sir.

16 THE WITNESS: Yes, sir.

17 THE COURT: Do you solemnly swear
or

18 affirm that the testimony you are about to give in
this

19 proceeding will be the truth, the whole truth, and

nothing

20 but the truth?

21 THE WITNESS: I do.

22

23 (Whereupon, the witness

24 was duly sworn by

the

25 Court, to speak

the truth,

Sandra M. Halsey, CSR, Official
Court Reporter

1 the whole truth
and
2 nothing but the
truth,
3 after which, the
4 proceedings were
5 resumed as follows:)

6
7
8
9

10
11 Whereupon,

12
13
14

DARIN EUGENE ROUTIER,

15 was called as a witness, for the State of Texas,
having
16 been first duly sworn by the Court to speak the truth,
the
17 whole truth, and nothing but the truth, testified in
open
18 court, as follows:

19
20
21

DIRECT EXAMINATION

22 BY MR. GREG DAVIS:

23 Q. Sir, would you please state your
full

24 name?

25 A. Darin Eugene Routier.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Okay. Mr. Routier, are you the
husband

2 of the defendant Darlie Routier?

3 A. Yes, sir.

4 Q. Okay. On June the 6th, 1996 were
y'all

5 living at 5801 Eagle Drive in Rowlett, Texas?

6 A. Yes, sir.

7 Q. Mr. Routier, that evening, or in
the

8 early morning hours of June 6th of 1996, what time did
go

9 to bed?

10 A. About 1:00 o'clock.

11 Q. And at the time that you went to
bed,

12 where was your wife?

13 A. She was downstairs on the couch.

14 Q. Okay. Were your two sons, Damon an
15 Devon also down there?

16 A. Yes, they were.

17 Q. Sir, at the time that you went to
bed,

18 was there any blood on the kitchen floor downstairs
that

19 you noticed?

20

A. No.

21

Q. How about in your utility room?

22

A. No.

23

Q. How about in your -- what I have

been

24 calling the family room, or did y'all have another

name

25 for that room?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. The Roman room.

2 Q. Okay. The Roman room. Did you
notice

3 any blood on the carpet when you went to bed?

4 A. No.

5 Q. Was there any broken glass on the
6 kitchen floor when you went to bed?

7 A. No.

8 Q. Was there any blood in the kitchen
sink

9 when you went to bed?

10 A. No.

11 Q. Was there any blood on the cabinet
work

12 in front of the kitchen sink?

13 A. No.

14 Q. Do you recall a vacuum cleaner
being

15 turned over in the kitchen at the time that you went
to

16 sleep?

17 A. No.

18 Q. Mr. Routier, what is the first
thing

19 that woke you up?

20 A. Glass breaking and Darlie
screaming.

21 Q. All right. And you were sleeping
up in
22 the master bedroom, correct?

23 A. That's correct, with my little
son.

24 Q. All right. And, how long had you
been
25 asleep when you heard the glass break and Darlie

1 screaming?

2 A. Probably an hour or hour and 15
3 minutes.

4 Q. Now you wear glasses; correct?

5 A. Yes.

6 Q. What did you do when you heard the
7 glass break and Darlie scream?

8 A. The first thing I did was grab my
9 glasses.

10 Q. How were you clothed when you were
11 sleeping?

12 A. I was nude.

13 Q. All right. Did you clothe
yourself in

14 any way before you went downstairs?

15 A. I put my pants on.

16 Q. All right. And then did you
proceed

17 straight downstairs?

18 A. As fast as I could.

19 Q. Did you go into the Roman room?

20 A. Yes, sir.

21 Q. What did you see when you went into
the

22 Roman room?

23 A. Devon laying on the floor.

24 Q. Okay. Now we have seen certain
25 photographs where Devon's body is over across the
Roman

Sandra M. Halsey, CSR, Official Court Reporter

1 room, close to the big screen television, is that
where

2 you saw his body?

3 A. Yes, sir.

4 Q. Was he still face up when you were
over

5 there to look at him?

6 A. Yes, sir.

7 Q. What was his condition when you saw
8 him?

9 A. Lifeless, two wounds in his chest,
eyes

10 open, looking up at me, no movement.

11 Q. So his eyes were open?

12 A. Yes, sir.

13 Q. When you first came into the Roman
14 room, where was your wife?

15 A. She was following behind me. When
I

16 ran down the stairs I went past the -- into the
entrance

17 way, down the hallway, and went straight over to
Damon --

18 I mean, over to Devon.

19 Q. Well, where was she -- when you

first

20 saw her, after you came downstairs, where was your
wife

21 when you first saw her?

22 A. She followed behind me and she
went to

23 the phone.

24 Q. All right. Well, maybe I'm not
making

25 it clear.

1 A. Oh, was she in the kitchen? Or
which
2 room?

3 Q. Which room was she in when you
first
4 saw her?

5 A. Pretty much in the middle of the -
- all
6 of the two rooms, you know, right by the bar, at the
end
7 of the bar, she grabbed the phone and then she was by
the
8 sink.

9 Q. So --

10 A. Kind of right in the hallway,
where the
11 Roman room, the hallway and the kitchen is all -- she
was
12 in that area, in between the kitchen.

13 Q. Okay.

14

15 MR. GREG DAVIS: Could I approach,
your
16 Honor?

17 THE COURT: You may.

18

19 BY MR. GREG DAVIS:

20 Q. Mr. Routier, let me show you
21 Defendant's Exhibit No. 1. Do you recognize that as
22 a
23 floorplan of your house?

24 A. Yes, sir.

25 Q. If you could, if you could put a
D-1 on
26 this diagram where your wife was when your first saw
her?

1 A. When I first saw her?

2 Q. When you first saw her when you
came
3 downstairs.

4 A. I ran down the stairs, and came
all the
5 way up the hallway, she was here at the bottom of
6 stairs --

7 Q. All right.

8 A. Until I went --

9 Q. Okay. If you would then, just put
a
10 D-1 then wherever she first was when you saw her?

11 A. Okay. That is where I saw her
when I
12 was at the top the stairs.

13 Q. All right. And then, did you say
that
14 you came downstairs and then your wife followed you
into
15 the Roman room; is that correct?

16 A. Right, that's correct.

17 Q. Did you go straight over to Devon?

18 A. I went straight over to Devon.

19 Q. Where was Damon?

20 A. Damon was laying right here where
this

21 slash is.

22 Q. All right. If you would, if you
will

23 just write Damon?

24 A. Okay. (Witness complies.)

25 Q. And then, if you will write Devon
where

Sandra M. Halsey, CSR, Official Court Reporter

1 Devon was.

2 A. (Witness complies.)

3 Q. When you came into the room, could
you

4 see Damon also?

5 A. I didn't see him. I ran right
past

6 him. Darlie was screaming Devon, Devon, Devon,
while I

7 was running down the stairs, so I ran straight over
to

8 Devon.

9 Q. When you came into this Roman room
and

10 you went to Devon, did your wife follow you over to
Devon?

11 A. Not at that point.

12 Q. Okay. What did she --

13 A. She went straight to the phone --
she

14 went straight to the sink to get towels.

15 Q. Okay. Where was the telephone?

16 A. The telephone is right here on this
17 wall.

18 Q. And is this a cordless telephone?

19 A. Yes, sir, it is.

20 Q. And so, you went to Devon, and then

at

21 that time she went over and picked up the telephone;

is

22 that right?

23 A. That's right.

24 Q. Could you hear her making a

telephone

25 call?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. Yes, I could.

2 Q. And, who was she calling?

3 A. 911.

4 Q. How long did you stay over here
with

5 Devon?

6 A. Probably three to four minutes.

7 Q. All right. Where was your wife
during

8 the time that you were with Devon?

9 A. She was in the kitchen getting
kitchen

10 towels out of the thing. I could hear the water
running,

11 and then she took him over -- and brought towels
over to

12 Damon.

13 Q. So, you actually -- is it your
14 testimony today, that you actually saw her go to
the
15 kitchen sink?

16 A. Yeah.

17 Q. How many times have you met with
the

18 Rowlett Police Department about this case?

19 A. Four to five times.

20 Q. Okay. When is the first time
that you

21 told them that your wife went over to that kitchen
sink?

22 A. Probably the second or third
time.

23 Q. Isn't the truth is that you
never have

24 mentioned that to the police, have you?

25 A. Well, I remember seeing it.

Reporter Sandra M. Halsey, CSR, Official Court

1 Q. Okay. But you never did tell
the

2 police, did you?

3 A. I don't recall.

4 Q. Okay.

5 A. I was busy.

6 Q. Um-hum.

7 A. I was giving CPR, pumping his
chest.

8

9 THE COURT: Pardon me, sir, you
are
10 going to need to speak up a little bit. I know you
are
11 answering his --

12 THE WITNESS: Okay, I'm sorry.

13 THE COURT: -- questions, but I
need to
14 get your answers.

15 THE WITNESS: Okay. I'm sorry.

16 THE COURT: Thank you.

17

18 BY MR. GREG DAVIS:

19 Q. Well, let's take your testimony
today.

20 After you saw your wife get on this telephone, was she
on

21 the telephone still while she was over here at the
kitchen

22 sink?

23 A. I think about at the same time, I
mean,

24 like I said, I was concerned about Devon. I didn't
even

25 know that she was hurt, I didn't even know that Damon
was

Sandra M. Halsey, CSR, Official Court Reporter

1 laying down.

2 Q. Well, did I understand you to say
that

3 when you came into this Roman room, you went to Devon;
4 correct?

5 A. I went to Devon straight.

6 Q. The very first thing your wife did,
is

7 she went to this telephone and started to make a
telephone

8 call that you presumed to be to 911; correct?

9 A. I just presumed that, yes.

10 Q. All right. And then the next
thing

11 that you recall her doing, after she picks up the
12 telephone and starts making this telephone call, is
she

13 goes to where, to a drawer, or to a kitchen sink or
where

14 does she go to first?

15 A. I don't really recall. I don't
know.

16 I wasn't on the other side of the bar to see. I
could see

17 her head.

18 Q. Well, where was her head?

19 A. Her head was right around in this
area,

20 walking from here to here, and on the way is the
drawer to

21 the sink.

22 Q. All right. So she still had the
23 telephone in her hand?

24 A. Probably on her shoulder.

25 Q. Okay. So she has got the
telephone on

1 her shoulder during the time period that she was
walking,

2 what you say, between the kitchen sink and the end of
the

3 bar; correct?

4 A. Right.

5 Q. Can you hear her talking?

6 A. I can hear her screaming.

7 Q. Okay. So she is screaming?

8 A. That is the first I hear

about a

9 protruder (sic).

10 Q. All right. About an
intruder?

11 A. An intruder, I'm sorry, not
a

12 protruder, an intruder.

13 Q. All right. And, when you are
over

14 there with Devon, you say that you stayed there
what,

15 three to four minutes?

16 A. About three to four minutes.

Just

17 guessing, everything was in slow motion.

18 Q. All right. And during this entire
time

19 period, is this the time period where you wife is
still

20 walking between that kitchen -- the end of the
kitchen bar

21 and the kitchen sink?

22 A. At the very beginning.

23 Q. Well, at what point did she start
to do

24 something different?

25 A. Well, I don't really know. I mean

1 everything I was seeing was when I was coming up,
after I

2 was giving, you know, trying to give CPR to Devon.

3 Q. Well, you just told me that in the
4 beginning that she was walking between the end of the
5 kitchen bar and the kitchen sink, and I'm trying to
6 understand at what point did that activity end?

7 A. Probably about the time that she
came

8 over to Damon and gave him -- you know, put a towel on
9 him, she was pretty much at his feet, of me looking up
and

10 seeing him -- you know, seeing her, seeing Damon
laying on

11 the floor, and me trying to work on Devon, you can't
12 really put it all in perspective, it's just a lot of
13 different things happening all at the same time.

14 Q. Well, is it your testimony that she
15 went over to Damon, and actually put a towel on his
back?

16 A. She laid a towel on his back.

17 Q. Did she leave that towel on his
back?

18 A. I would assume so, yes, sir.

19 Q. What did you do after you finished

with

20 Devon?

21 A. Well, I couldn't do anything. I

went

22 over to Damon, I didn't know -- his wounds weren't

23 exposed, I didn't see any blood on him. I reached

down

24 and I touched his neck, and I felt his pulse, and I

didn't

25 feel anything.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. You didn't feel a pulse?

2 A. I didn't feel a pulse.

3 Q. Were the police officers present
there

4 in the room, at the time that you did that?

5 A. It was right about the time -- it
was

6 right about the time that they were starting to get
there,

7 that Darlie went to the front door.

8 Q. Well, had the officers entered your
9 house at the time that you went over and felt for a
pulse

10 on Damon?

11 A. No.

12 Q. Okay. So they were not in the
house

13 yet; correct?

14 A. Not in the house yet.

15 Q. So all of this stuff that you have
told

16 me about, occurred before the police officers ever got
17 there; is that right?

18 A. That's right.

19 Q. Where is your wife during the time

that

20 you are putting -- that you are feeling for a pulse on

21 Damon?

22 A. She is right in that hallway right

at

23 the end of the bar.

24 Q. Was your front door locked?

25 A. It was when I went to bed.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Well, was it locked at the time
that

2 the police officers came to the front door?

3 A. I don't know, I didn't go to the
front

4 door. I didn't answer the door, Darlie did.

5 Q. Well, is it your testimony that
Darlie

6 actually went to the front door and greeted the
officers,

7 or met the officers at the front door?

8 A. I believe so.

9 Q. Well, you heard a police officer
10 testify that as he came up, and he got out of his
squad

11 car, that he saw you running towards the other side of
the

12 street; is that correct or incorrect?

13 A. That is what he had said.

14 Q. Well, did do you that?

15 A. Well, I don't remember unlocking
the

16 door. I don't remember when he -- it seemed like he
was

17 there when I was still in the house with the boys.

18 Q. Okay. Well, I'm just trying
to

19 understand. Were you outside the house when
Officer

20 Waddell arrived, or were you inside the house?

21 A. Well, I didn't even recognize
the

22 officer that was here today.

23 Q. Well, let's forget about his
name or

24 his description. When the first police officer
came to

25 your house, were you inside the house or were you
outside

Sandra M. Halsey, CSR, Official Court
Reporter

1 the house?

2 A. I was inside the house.

3 Q. So you were not running across
the

4 front yard when the first officer got there; is
that

5 right?

6 A. I don't believe so.

7 Q. How much of this evening do you
really

8 remember in great detail?

9 A. I was in shock.

10 Q. Okay.

11 A. In great detail, you remember bits
and

12 pieces of it. You try to remember the best you can,
and

13 you try to keep the facts straight in your mind, but
you

14 are talking about a very traumatized state. Shock.

15 Q. Okay.

16 A. I remember screaming and running
across

17 the street.

18 Q. Why did you run across the street?

19 A. Because there is a friend of ours
that
20 is an RN that works in the emergency room at Doctors
21 Hospital and I needed help.

22 Q. Did you ever tell the police that
23 Darlie attempted CPR, or tried to care for Damon
before
24 they got there?

25 A. I did not.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. You didn't tell them that, did you?

2 A. I didn't tell them that she did
3 CPR, she doesn't know how to do CPR.

4 Q. Well, did you ever tell the police
that

5 she went over there and put a towel on Damon's back
before

6 they got there?

7 A. Well, the choice of words of
rendering

8 aid, and putting a towel and applying pressure are two
9 different things.

10 Q. Sir, do you recall being present at
the

11 Rowlett Police Department on June the 8th of 1996?

12 A. Yes, I do.

13 Q. Do you recall giving the Rowlett
Police

14 Department what appears to be a 6-page written
statement?

15 A. I did write a statement.

16 Q. Okay. And, were you still in shock
17 when you gave this statement on June the 8th, 1996?

18 A. I think I am still in shock.

19 Q. Well, could you comprehend what you

20 were saying to the police, and could you comprehend
what

21 they were asking you on June the 8th of 1996?

22 A. They pretty much told me to sit
down

23 and to generally give them a description of what
happened

24 that night.

25 Q. All right. And at that time,
were

1 you -- did you try to make your very best effort to
give
2 the most complete, accurate statement that you could
to
3 the police?

4 A. I told them that they really
needed to
5 videotape me, or micro-record me, because there was
too
6 many details of too many things that happened in a
small
7 amount of time that you could possibly write down.

8 Q. Well, let me ask the question
again.

9 Did you try to make the very best effort that you
could,
10 to give them the most complete statement that you
could on
11 June the 8th of 1996?

12 A. I'm sure it could have been
massaged a
13 little bit more.

14 Q. Well, I didn't ask about massages,
let
15 me ask you one more time. Sir, did you make an

attempt on

16 June the 8th of 1996, to give the best, most complete
17 statement that you could to these police officers
18 concerning the brutal killing of your two children?

19 A. I made a general statement.

20 Q. Is that a yes, that you did try to
do
21 that?

22 A. I tried.

23 Q. Have you seen your statement
lately?

24 A. No, sir.

25

Sandra M. Halsey, CSR, Official Court Reporter

1 MR. GREG DAVIS: If I could
approach,

2 your Honor.

3 THE COURT: Yes, sir.

4

5 BY MR. GREG DAVIS:

6 Q. Mr. Routier, if you will please
look at

7 those six pages and let me know when you have
finished.

8 A. Okay. (Witness complies.)

9 Q. Do you recognize that as a true and
10 correct copy of the statement you gave to the
police on

11 June the 8th of 1996?

12 A. Yes.

13 Q. Sir, anywhere -- was there
anything in

14 that statement at all about your wife going to the
kitchen

15 sink?

16 A. No.

17 Q. Is there anything in that
statement

18 about your wife placing a towel on the back of

Damon?

19 A. No.

20 Q. Let me go back to when you were
over at

21 Devon. Your best estimate is that you stayed with
him

22 approximately three to four minutes; is that right?

23 A. That's right.

24 Q. And during that time period,

tell me

25 what you are doing; are you focused on Devon?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. I am very focused on Devon, but
I am
2 trying to listen to what Darlie is saying. I'm
trying
3 to -- I'm looking over at Damon and I see him on
the
4 floor, I don't remember any movement of Damon either.
I
5 kept thinking, you know, I am just -- I am really
focused
6 on Devon more than anything.

7 Q. Okay. So, you don't move;
correct?

8 You stay with Devon?

9 A. Yes, I stayed right down there
with
10 Devon. I got on the opposite side so I could pretty
much
11 see the room from me coming up, in between air --
12 breathing air, and --

13 Q. All right. And during that time
period
14 then, you're listening more than you are talking; is
that
15 right?

16 A. That's true.

17 Q. Are you saying anything at all?

18 A. I'm sure I am talking to Devon,
19 slapping him on the face, trying to get him to come
20 to.

21 Q. All right. So, whatever you say
22 then,
23 is directed toward Devon, who you are tending to,
24 correct?

25 A. Um-hum. (Witness nodding head
26 affirmatively.) That, and then me waiting for Darlie
27 to
28 get off the phone so I can find out what happened.

29 Q. All right. Let me ask you, when
30 is it

1 that she got off the telephone?

2 A. I believe sometime around when the
3 police showed up.

4 Q. Well, then I take it that during
the
5 entire time that you were with Devon, she is still on
the
6 telephone?

7 A. That's probably about right.

8 Q. Okay. Because, had the police
arrived

9 during the time that you were with Devon?

10 A. Um-hum. (Witness nodding head
11 affirmatively.) While I was with Devon?

12 Q. Yes.

13 A. Well, actually when I came up from
14 Devon and had went over to Damon is when I remembered
the
15 first police officer right in front of me.

16 Q. All right. About how long had you
been

17 with Damon when the first police officer arrived?

18 A. Probably just a minute to check
his

19 pulse.

20 Q. All right. And, during the entire
time

21 that you are with Devon then, is your wife Darlie
still on

22 the telephone then?

23 A. I believe so, yes.

24 Q. Okay. Is she with -- is she still
on

25 the telephone at the time that the police officers
get to

1 your home?

2 A. I believe so.

3 Q. How did you first become aware
that a

4 police officer was at your home?

5 A. How was I first aware?

6 Q. Yes.

7 A. He walked into the room.

8 Q. And, well did you hear any
knocking on

9 the door?

10 A. I don't remember. I don't
remember

11 almost any -- well, I hardly remember any noises.

12 Q. Okay. Do you remember Darlie
going to

13 the front door, and coming back with a police
officer?

14 A. No.

15 Q. All right. Is your recollection
then,

16 that Darlie stayed there close to that kitchen bar,
and

17 was there at the time that the police officer came
into

18 your house?

19 A. It's possible, except for that
somebody

20 would have had to have went and opened the door to
let

21 them in.

22 Q. Okay. Did you go to the door
and open

23 it and let them in?

24 A. I didn't.

25 Q. Okay. Was there any other
adult in the

Sandra M. Halsey, CSR, Official Court
Reporter

1 house that could have done that, besides you and
your

2 wife?

3 A. No.

4 Q. So, do you know whether your
wife left

5 that kitchen area and went to the front door and
let them

6 in or not?

7 A. I believe she did.

8 Q. Okay. Why do you think that?

9 A. Just because of the fact that I
knew,

10 that when I -- before I went to bed I knew that
the door

11 was locked, and the fact that, you know, somebody
had to

12 have let the police officers in, then she had to
have done

13 it.

14 Q. Okay. Did you ever see your
wife go to

15 the front door and yell out the front door?

16 A. I didn't see her, no.

17 Q. Okay. Did you ever hear her
yell out

18 the front door?

19 A. No.

20 Q. Did you ever go to the front
door and

21 yell out?

22 A. Just when I was running across
the

23 street and running back.

24 Q. Okay. But you never actually
just

25 stood at the front door and yelled?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. No.

2 Q. Are you sure that your wife did
not
3 yell out the front door?

4 A. Am I sure that she didn't?

5 Q. Yes.

6 A. I believe she did.

7 Q. That she did what?

8 A. But I didn't hear her.

9 Q. I'm sorry.

10 A. You are asking me --

11 Q. I'm asking you whether your wife
ever
12 stood at the front door and opened the front door,
and
13 yelled out that front door?

14 A. I wouldn't know, I wasn't there.

15 Q. Well --

16 A. I didn't hear her yell out the
front
17 door.

18 Q. Okay.

19 A. It's very possible that she could
have.

20 Q. Well, did you ever see her walk

toward

21 the front door?

22 A. Yes.

23 Q. And after you saw her do this, was
that

24 when the police officer came back with her?

25 A. That is what I remember.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. And, do you ever recall her going
to
2 that front door on any other occasion besides the one
that
3 you have just told me about where she went to the
front
4 door and the police officer came in to help you?

5 A. No. Not besides the time that she
was
6 in the hallway when I first saw her when I came down.

7 Q. Okay. Did you ever get any towels
or
8 wash cloths out of any drawers yourself?

9 A. I did not.

10 Q. Was Damon still gasping for breath
at
11 the time that the police officer came into the house?

12 A. I never saw him move.

13 Q. Well, I'm not talking about
movement,

14 did you ever see your son Damon gasping for breath?

15 A. No, I didn't.

16 Q. Were his eyes open at the time that
you
17 went over to tend to him?

18 A. They were open.

19 Q. Was he dressed in a black T-shirt,

a

20 black Treasure Island T-shirt that you all might have

21 gotten for him?

22 A. I believe so.

23 Q. You couldn't see any injuries to

him,

24 could you?

25 A. No.

1 Q. Was that room pretty dark?

2 A. Well, once the light is put on it
is,

3 but I didn't he see any blood or anything wrong with
him,

4 I mean, I didn't visually see it because it wasn't
like

5 Devon's wounds, but, I never lifted his shirt up or
6 anything. I was afraid to touch him.

7 Q. And so, from --

8 A. I was afraid about touching him.

And

9 him being in a different position than what he was
in, if

10 I would have lifted him up, or picked him up, then he
11 would -- you know, I might hurt him worse than what
he is.

12 Q. Did ever see your wife move him?

13 A. Move him? No.

14 Q. Okay. Did she move him, to your
15 knowledge?

16 A. Not that I know of.

17 Q. When you came downstairs, Mr.
Routier,

18 did you ever see a stranger in your house?

19 A. I did not.

20 Q. Did you ever hear a stranger in
your

21 house?

22 A. No.

23 Q. Did you ever hear a vehicle
leaving

24 your residence?

25 A. No, sir.

1 Q. Did you ever see a vehicle leaving
your
2 residence?

3 A. No, sir.

4 Q. So that I understand, were you and
your
5 wife the only two adults in the house at the time
that you
6 went to sleep?

7 A. Yes, sir.

8 Q. And you and your wife were still
the
9 only two adults in the house when you woke up; is
that
10 right?

11 A. That's right.

12 Q. Your baby was, at that time, only
about
13 8 months old, wasn't he?

14 A. Yes, sir.

15 Q. Does your wife have breast
implants?

16 A. Yes, sir.

17 Q. And, when did she have that
operation

18 done?

19 A. Four years ago.

20 Q. Okay.

21 A. Three or four years ago.

22 Q. Who was the doctor that performed
that

23 operation?

24 A. I don't really remember his name.

25 Q. Where is he?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. He is in Dallas.

2 Q. A plastic surgeon?

3 A. Yes, sir.

4 Q. How much did that operation cost?

5 A. About five thousand dollars.

6 Q. Do you remember -- was this a
procedure

7 that was done in a hospital?

8 A. It was out-patient.

9 Q. At the doctor's office or at a
10 hospital?

11 A. It was at a hospital.

12 Q. Which hospital was that done at?

13 A. Community, over in Garland.

14 Q. Why did your wife have the breast
15 implants done?

16

17 MR. DOUGLAS PARKS: It calls for a
18 conclusion.

19 THE COURT: Sustained.

20

21 BY MR. GREG DAVIS:

22 Q. Did you have a conversation with
your

23 wife about having breast implants?

24
25

A. Did I have a conversation?

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. DOUGLAS PARKS: Object to
2 relevance, your Honor.

3 MR. GREG DAVIS: It goes to the
4 relevance of the location of the wounds, and why we
have
5 no wounds around the breast area or the torso to this
6 defendant, as opposed to the wounds to these
children. I

7 think it goes to the relevance as to why she would
not
8 want to injure herself in the breast area.

9 I think if we have a chance to ask
a
10 question about who wanted this breast implant done, I
11 think it is going to become very relevant.

12 THE COURT: Overruled.
13

14 BY MR. GREG DAVIS:

15 Q. Who wanted the breast implant
done?

16 A. We both did.

17 Q. Your wife also; correct?

18 A. Yes.

19 Q. It was something she wanted?

20 A. Sure.

21 Q. Okay.

22 A. It was probably me more than her.

23 Q. Are you sure about that?

24 A. (Laughing) Yeah.

25 Q. You and your wife had had an
argument

Sandra M. Halsey, CSR, Official Court Reporter

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1 that night before you went to bed; is that right?

2 A. No, sir.

3 Q. Did you have any conversations
before

4 you went to bed with your wife?

5 A. Yes, sir.

6 Q. In fact, you had an argument, or
you

7 had a discussion about a lot of troubles in your
home;

8 didn't you?

9 A. No, not in our home.

10 Q. About troubles that your wife was
11 experiencing?

12 A. What kind of troubles?

13 Q. Well, just tell me, what was the
14 conversation about? What did you discuss?

15 A. The conversation before we went to
bed?

16 Q. Yes, sir.

17 A. From 11:00 until 1:00 o'clock?

18 Q. Do you recall having a discussion
where

19 your wife mentioned that Jaguar that you couldn't
afford

20 to get fixed for her; do you remember that? I'm
talking

21 about that discussion.

22 A. No, that is my Jaguar.

23 Q. Oh.

24 A. It was not a matter of whether or

not

25 we could get it fixed or not.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Do you drive it?

2 A. I drive it, she never drives it.

3 Q. Does you wife just walk around
town, or

4 does she have a vehicle that she gets to drive?

5 A. She has a Nissan Pathfinder.

6 Q. I thought that was the vehicle that
7 your company rented for you?

8 A. Well, it is. It gets less use than
--

9 Q. What company -- does that company
rent

10 that Jaguar?

11 A. No, sir, it is paid for.

12 Q. Buy the Jaguar?

13 A. Didn't buy it, no.

14 Q. It was just a personal vehicle, but
you

15 use that for work; right?

16 A. Yes, sir.

17 Q. Well, what did you and your wife
18 discuss that night before you went to bed, and I am
not

19 asking about everything that you discussed, but did
you

20 have any discussion of any sort, that dealt with
problems

21 that either one of you were having?

22 A. Just general information about what
was

23 going on at work, who needed to pay us, we talked
about

24 the boys a lot, talked about her trip to Jamaica or I
mean

25 to Cancun, our future trips that we were having for my

Sandra M. Halsey, CSR, Official Court Reporter

1 class reunion, my sister was getting married, we were
2 talking about that trip, we were talking about our
trip to

3 Pennsylvania. We had a lot of future plans.

4 Q. Did your wife strike you as being
5 suicidal that night?

6 A. No, sir.

7 Q. Had you noted her to be depressed
in
8 any way recently?

9 A. Not recently.

10 Q. Matter of fact, you have never
known

11 her to suffer from any sort of mental disorder, have
you?

12 A. Well, I wouldn't know, I'm not a
13 doctor.

14 Q. Well, haven't you answered
previously

15 at other hearings that you have never seen or known
her to

16 suffer from mental disorders? Hasn't that been your
17 testimony before?

18 A. She has never had any mental
disorders.

19 Q. Matter of fact, that evening didn't
20 y'all discuss the problems that you were having with
the
21 Jaguar?

22 A. Actually, it was not even really
that
23 much of a conversation. It was just that she would
have
24 liked for me to have gotten it fixed, so that she
could
25 have her Pathfinder back.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Didn't y'all discuss the problems
that

2 you were having with your boat also?

3 A. No, I didn't discuss very much
about

4 that.

5 Q. Well, did you discuss the boat that
6 night or not?

7 A. No.

8 Q. Did you discuss the problems that
you

9 were having with your business?

10 A. Not problems, just getting paid.

11 Q. Isn't that a problem, getting paid
for

12 work that you have already done?

13 A. Well, it can be.

14 Q. When they don't pay you, right?

15 A. Right, it hurts.

16 Q. Anything else that you remember
talking

17 about that night?

18 A. Oh, not really very much, just, you
19 know --

20 Q. Had anybody else, any other adult

been

21 over to your house that evening before you went to
sleep?

22 A. Darlie's sister Dana.

23 Q. Okay. What time did she leave?

24 A. About 9:00 o'clock I took her home.

25 Q. Why do you say it was 9:00 o'clock?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. It was about 9:00 o'clock, that is
2 usually about what time we take her home.

3 Q. Why did you take her home?

4 A. Because she doesn't have a car.

5 Q. Well, was there any -- there is no
one

6 else to take her home?

7 A. Darlie could have, if she wanted to
8 pack up all the kids and we could have all went, it's
only

9 a 20 minute drive, or a 30 minute drive over there.

10 Q. What time did you get back from
taking

11 Dana home?

12 A. About 9:40, somewhere in there.

13 Q. How sure are you that it was 9:40?

14 A. I know it was before the news.

15 Q. Okay.

How do you remember that?

16 A. How do

I remember that it was before

17 the news?

18 Q. Yes,

sir.

19 A.

Because I remember watching
the news

20 that night.

21 Q. Had
you and Darlie had discussions
22 about you and Dana in the
past?

23 A. No.

24 Q. You
have not had discussions about
25 Darlie being angry with
your activities with Dana?

Sandra M. Halsey,
CSR, Official Court Reporter

1
Dana?

A. With

2
sir.

Q. Yes,

3

A. Her sister?

4

Q. Dana your sister-in-law?

5

A. No.

6

Q. Never have?

7

A. No.

8
Dana and

9 Darlie may have spoken about what you and Dana had
been

10 doing in the past?

11

A. No.

12

Q. That just never came to your
attention?

13

A. No. I have known Dana since she
was

14 three years old.

15

Q. You have flirted with Dana in the
past,

16 haven't you?

17

A. Flirted? No.

18

Q. Okay. Well, had you done

something

19 with Dana that maybe others might call flirting?

20 A. I wouldn't think so. That is my

21 sister-in-law.

22 Q. All right.

23

24 MR. GREG DAVIS: May I approach,

your

25 Honor?

Sandra M. Halsey, CSR, Official Court Reporter

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1 THE COURT: Sure.

2

3 BY MR. GREG DAVIS:

4 Q. Mr. Routier, if you would, please
look

5 at State's Exhibits A, B and C, and tell me if B is,
in

6 fact, your son Damon Routier, and C is your son Devon
7 Routier?

8 A. Yes, it is.

9 Q. At the time of this offense, on
June

10 the 6th, 1996, how old was Damon?

11 A. Damon was 5.

12 Q. This towel that was on the back of
13 Damon, was it still on his back when the police
officers

14 came in?

15 A. I believe it was.

16 Q. You didn't remove it, did you?

17 A. No.

18 Q. What kind of towel was it?

19 A. Kitchen towel.

20 Q. What color was it?

21 A. Probably either white and black

22 checkered or green and white checkered. There was
one of

23 each.

24 Q. Well, let me just ask you, which
one of

25 those was on his back?

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1 A. Probably the green and white
checked

2 one.

3 Q. Well, why do you say that color?
Is

4 that what you remember seeing?

5 A. Yeah.

6 Q. So it was green and white?

7 A. I believe it was green and white,
yeah.

8 Q. What color did Darlie have?

9 A. On her neck?

10 Q. Um-hum. (Nodding head
affirmatively.)

11 A. I never knew that Darlie was even
cut

12 up to this point, until the paramedics had brought
her to

13 the front door.

14 Q. Well, did you see Darlie with any
towel

15 around her neck at any time?

16 A. No.

17 Q. Do you recall ever sitting down
with

18 Darlie in the Roman room while the police or the
19 paramedics were there?

20 A. No, that never happened.

21 Q. Well, all right. Let's take it
then --

22 the first police officer comes in the door. Okay?

23 Whatever his name was.

24 A. Um-hum. (Witness nodding head
25 affirmatively.)

1 Q. Where were you?

2 A. I'm coming from -- I'm right by
Damon,

3 probably standing right beside Damon when he comes
into

4 the walk way, it seemed like he was standing there for
a

5 little bit while I was working on Devon.

6 Q. Well, so it's possible that the
first

7 police officer --

8 A. I looked up, I get up and I walk
across

9 the room, and it seems like there he is.

10 Q. All right. So, you had not
actually

11 started tending to Damon when he came in the room?

12 A. Not tending.

13 Q. All right. Had you knelt down, or
are

14 you still standing up?

15 A. I was kneeling down when I
remembered

16 seeing him, then I went down to Damon.

17 Q. All right. Had you touched Damon?

18 A. At that point? No.

19 Q. Yes, sir.

20 A. I was focused on Devon the whole
time.

21 Q. Where is your wife and what is she
22 doing when this first police officer comes in the
Roman
23 room?

24 A. She is somewhere back behind the
bar,
25 in the kitchen area.

1
kitchen?

Q. Okay. Is she actually in the

2
the

A. Yeah, it would be considered in

3 kitchen.

4
behind

Q. Well, when you say that she is

5 the bar?

6
kitchen

A. Well, but it would be on the

7 side.

8
way

Q. Okay. So she is actually all the

9 around, on the far side of that kitchen bar; right?

10 A. Over by the sink.

11 Q. She is by the sink?

12 A. Yes. The island is in the middle,
13 there is an island in the middle, and she was by the
sink,

14 between the sink and that bar area, all down there
along

15 that area.

16 Q. Okay. What is she doing?

17 A. Running around like
crazy.

18 Q. Was she on the
telephone?

19 A. At that point, no.

20 Q. Had she already -- well, all
right.

21 How long before the officer came in there had she
stopped

22 talking on the telephone?

23 A. By the time the officer got
there, how

24 much was she on the phone?

25 Q. No, you say that she stopped
talking on

1 the phone by the time that officer came in the room;
2 right?

3 A. I didn't say that.

4 Q. Well, was she on the telephone or
was

5 she not on the telephone when the first officer came
in?

6 A. I don't really remember.

7 Q. Do you remember your wife
actually

8 getting off the telephone?

9 A. I don't remember where she put
the

10 phone, where she set it, nothing.

11 Q. Well, what was she doing when the
first

12 officer came into the room?

13 A. Screaming.

14 Q. And she is in the kitchen by the
15 kitchen sink; is that right?

16 A. Around the sink and the bar area,
yeah.

17 Q. What is the first thing that you
18 remember the police officer doing when he came in
there?

19 A. The first expression I saw when I
saw
20 him the first time, his eyes were this big. (Witness
21 indicating with his hands.)

22 Q. Then what happened?

23 A. He just pretty much stood there,
like
24 he was in as much shock as we were.

25 Q. Then what happened?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. He never said anything to me, and I
am
2 screaming and telling them that they need to go, you
know,
3 that they need to go and get this guy. They need to,
you
4 know, call everybody. They need to call Rockwall and
5 Garland, and everybody that they can possibly get
here,
6 that we needed help.

7 Q. Well, did you -- where was your
wife
8 during the time that this officer was standing there
with
9 his eyes bugged out, immovable?

10 A. Back behind him.

11 Q. Behind where?

12 A. He is standing right at the end of
the
13 bar, and Darlie is in the kitchen, the bar area, back
14 behind him, moving back and forth.

15 Q. Okay. Well --

16 A. I mean, she is -- I'm telling you

--

17 Q. Did the officer ever say

anything, or

18 did he just stand there?

19 A. He just stood there, and actually
20 it

21 seemed like he stood there for a long time.

22 Q. How long did he just stand there
23 without staying a word?

24 A. I don't know, when you are in
25 shock,

26 the time seems to be going by really, really slow.

He may

27 have stood there for a minute or two, without moving
28 at

1 all.

2 Q. Did he ever say a word?

3 A. Not to me, I never heard a word.

4 Q. How about to Darlie, did he ever
say a

5 word?

6 A. I never heard a word.

7 Q. Did she ever talk to him?

8 A. Not that I saw.

9 Q. Well, were you in a position where
you

10 would have been able to see her talk to that officer?

11 A. Well, he was pretty much facing
the

12 Roman room and she was back behind him, so he was
not

13 talking directly to her.

14 Q. Well, did you see her talking to
him?

15 A. No.

16 Q. Did you hear her talking to him?

17 A. No.

18 Q. And are you talking to anybody?

19 A. No.

20 Q. So, as I understand it, we have a

21 situation where your wife is standing there mute, you
are

22 standing there mute and a police officer is standing
there

23 mute; is that right?

24 A. Well, me and Darlie are screaming,

but

25 not communicating, we're just dramatically screaming.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. She is not talking about somebody
being

2 in the garage?

3 A. I heard that on the phone, I heard
that

4 when she was on the 911, whenever I was taking care of
5 Devon, that is the first I heard about it.

6 Q. I'm talking about when the officer
is

7 there, things that she may have screamed or yelled at
the

8 police officer, did you hear her yell anything to the
9 effect that the man might be in the garage?

10 A. Well, it seemed like we both did,
as

11 soon as they walked in.

12 Q. How about the knife being picked
up,

13 did you hear your wife say something to the police
officer

14 about obscuring fingerprints on the knife blade?

15 A. No, I didn't hear that.

16 Q. Did you say anything to him about
that?

17 A. To the police officer?

18 Q. Did you say that to the police
officer
19 about fingerprints being obscured on the knife blade?
20 A. No.
21 Q. Well, this police officer, did he
ever
22 say anything before a second officer got there?
23 A. Can you be more clear?
24 Q. Well, I'm just saying, did he utter
a
25 word before --

Sandra M. Halsey, CSR, Official Court Reporter

1 A. No. He never rendered aid to my
sons,
2 he never tried to calm Darlie down, he didn't keep me
from
3 running across the street, nobody tried to calm us
down,
4 they didn't try to do anything. He pretty much just
stood
5 there, eyes bugged out and was just as shocked as what
we
6 were, and no matter what we said to him, he would not
7 move.

8 Q. So the answer to my question is,
no, he
9 never did say anything to you?

10 A. No, he didn't say anything to me.

11 Q. Okay. And then a second police
officer
12 gets there. Do you remember any other officer being
13 there?

14 A. Then it seemed like they ran
through to
15 the garage.

16 Q. Who is they?

17 A. The two officers.

18 Q. When did that other officer get
there?

19 A. He just showed up. The front door
was

20 wide open, they come in and everybody starts running
in,

21 and before you know it, you've got -- everybody is
just

22 running around.

23 Q. Had you already run across the
street

24 before this second officer got there?

25 A. I probably did.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. So you have run across the street
and
2 then was the second officer already in your house when
you
3 got back?

4 A. I never saw the second -- I saw the
5 second officer in the house, but I can't recall at
what
6 time, in between whether or not it was a couple
minutes
7 before the second officer got there, and me running
across
8 the street and then running back, or if it was after
that.

9 Q. Tell me everything that you
remember
10 your wife saying to the 911 operator?

11 A. Only that there was an intruder
that
12 was in the house, that he had gone through the garage
and
13 he had killed our babies. That's all I know.

14 Q. That's all that you remember?

15 A. That's all that I remember
listening

16 to.

17 Q. Did you ever walk into the kitchen
18 while those two officers were there?

19 A. Actually, I did. I did see the
screen

20 and I did see the knife at the end of the bar.

21 Q. What did you think when you saw
that

22 screen?

23 A. That I had failed my boys, to not
24 secure the house as well as I should have.

25 Q. Well --

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Even though I had locked the doors
and
2 checked the garage door and made sure everything was
down.

3 Q. Well, so --

4 A. I felt like that that was the
entrance
5 of the, you know, the entrance and the exit was, you
know,
6 that is what we pretty much thought at the beginning
was
7 that was the entrance and the exit of the person.

8 Q. Why did you think that?

9 A. Just because of the fact that the
10 garage door was down.

11 Q. Okay. And it latches; correct?

12 A. It latches and locks from both
sides.

13 Q. And it was latched that evening,
right?

14 A. It was latched before I went to
bed.

15 It's the normal father thing to do.

16 Q. And the other doors in the house,
they

17 were locked when you went to sleep also?

18 A. Yes, sir.

19 Q. Were there other windows in the
house

20 also locked, I take it?

21 A. The windows I never worried, you
know,

22 I never worried about it too much. I mean, normally
when

23 you lock a window, you think it's going to stay
locked.

24 Q. Well, you said that you thought
that

25 that was both the exit and the entrance; correct?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. Yes.

2 Q. Why did you think that again?

3 A. Just because the screen was
slashed

4 from one side to the other.

5 Q. Was the window also raised up
6 somewhat?

7 A. Yes, it was. It had been raised
up

8 about that much. Normally, it was raised the full,
you

9 know, "36 inches or however big that window is.

10 Q. When is the last time that you
checked

11 your garage before this thing happened?

12 A. Before I went to bed.

13 Q. Okay.

14 A. 12:30 or 1:00 o'clock.

15 Q. Everything was fine in the garage
at

16 that time, wasn't it?

17 A. Right.

18 Q. The screen was not slashed?

19 A. Well, I didn't really go in --
what I

20 do when I check the back door is, I just, you know,
open
21 the door up, and I just look to see that the garage
door
22 is latched across. I never walked out there to see,
you
23 know, to secure any windows, or anything like that.
I
24 just didn't even think about it.
25 Q. Well, had you ever seen that
particular

1 window screen slashed before that evening?

2 A. No.

3 Q. And were you in your back yard
sometime

4 the evening of June 5th, I mean, you have got a
patio, you

5 are out there frequently, aren't you?

6 A. Right.

7 Q. And you didn't see the screen
slashed,

8 did you?

9 A. No, I had not seen it slashed.

10 Q. So that really was the key, as to
why

11 you thought this was the exit and the entrance,
correct?

12 A. Right. And, I had to see it.

13 Q. Your wife was barefoot, wasn't
she?

14 A. We both were.

15 Q. What size shoe do you wear?

16 A. It varies, 11 and a half or 12.

17 Q. Your wife, just generally?

18 A. Probably a 7.

19 Q. All right.

20

21

MR. GREG DAVIS: I'll pass the

witness,

22 your Honor.

23

MR. DOUGLAS PARKS: May I

approach,

24 your Honor?

25

THE COURT: You may.

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. DOUGLAS PARKS: Mark this,
please.

2
3 (Whereupon, the above
4 mentioned item was
5 marked for
6 identification only
7 as Defendant's Exhibit No. 3,
8 after which time the
9 proceedings were
10 resumed on the record
11 in open court, as
12 follows:)

13
14

15 CROSS EXAMINATION

16

17 BY MR. DOUGLAS PARKS:

18 Q. Mr. Routier, is this the statement
that

19 you have previously identified as being your
statement to

20 the Rowlett Police Department on June 8th of 1996?

21 A. Yes, sir.

22

23 MR. DOUGLAS PARKS: Your Honor, we

24 would offer Defendant's Exhibit No. 3 for purposes of
the
25 record, with the understanding that a copy will be

Sandra M. Halsey, CSR, Official Court Reporter

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1 substituted.

2 MR. GREG DAVIS: No objection.

3 THE COURT: Received.

4

5 (Whereupon, the above
6 mentioned item was
7 received in evidence
8 as Defendant's Exhibit
9 No. 3, for all

purposes,

10 after which time, the
11 proceedings were
12 resumed as follows:)

13

14 MR. DOUGLAS PARKS: No further
15 questions.

16 MR. GREG DAVIS: No further
questions.

17 THE COURT: All right. You may
step

18 down. Would this be a good time to take a 10 minute
19 break?

20 MR. GREG DAVIS: Yes,
sir, I believe it
21 would.

22 THE COURT: All right.

Come back at

23 2:40.

24 Will both sides

approach the bench for

25 just a minute?

Sandra M. Halsey, CSR, Official
Court Reporter

1
sir.

MR. GREG DAVIS: Yes,

2
sir.

MR. DOUG PARKS: Yes,

3
4
short

(Whereupon, a

5
held

discussion was

6
the

at the side of

7
Court,

bench, between the

8

and the attorneys for

9

both sides in the case,

10

off the record, and

outside

11

of the hearing of the

12

Defendant, after

which

13

the proceedings

were

14

resumed on the

record,

15

outside the

hearing of

16 the
defendant as follows:)

17

18 THE COURT: All
right. Let's go back
19 on the record. The objection
earlier made by the defense, 20 on
the implant question is sustained, and
the answers with 21 regard to that
are struck.

22 MR. GREG DAVIS:
Yes, sir.

23 THE COURT: All
right.

24
25

Sandra M. Halsey, CSR,
Official Court Reporter

1 (Whereupon, a
short
2 Recess was
taken,
3 After which
time,
4 The proceedings were
5 Resumed on the
record,
6 In the presence and
7 Hearing of the
defendant
8 And the jury, as
follows:

9
10

11 THE COURT: Let's go back on the
12 record.

13 MR. GREG DAVIS: Judge, I want to
14 recall Darin Routier for just a question, please.

15 THE COURT: Okay. Yes, sir, and if
you
16 would, try to keep your voice up. I'm having trouble
17 making out everything you are saying.

18 Go ahead, please, gentlemen.

19 MR. GREG DAVIS: Thank you.

20

21

22

23

24

25

Reporter Sandra M. Halsey, CSR, Official Court

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1 Whereupon,

2

3

4

DARIN ROUTIER,

5

6 was recalled as a witness, having been previously
duly

7 sworn by the Court to speak the truth, the whole
truth,

8 and nothing but the truth, testified in open court,
as

9 follows:

10

11

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Your name is Darin Routier,
correct?

15 A. Yes, sir.

16 Q. The same Darin Routier that just
17 previously testified in this case?

18 A. Yes, sir.

19 Q. Mr. Routier, you previously
testified

20 about the point of entry and exit and you said that
at the

21 time you thought that was the point of entry and
exit;

22 correct?

23 A. I thought so just from looking at
it.

24 Q. All right. Have your thoughts
changed?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Okay. What do you now believe to
be
2 the point of exit or entry?

3 Well, first of all, what do you believe
to be
4 the point of entry now?

5 A. Based on the information.

6
7 MR. DOUGLAS PARKS: Objection,
that is
8 speculation, your Honor.

9 THE COURT: Well, please explain
why it
10 is not speculation.

11 MR. GREG DAVIS: Well, he has
expressed
12 an opinion concerning his observations and I'm --
let me
13 just ask you this: Have you observed something
since that
14 event that has changed your feelings about the point
of
15 entry, sir?

16 THE WITNESS: No, not on entry.

17

18 BY MR. GREG DAVIS:

19 Q. All right. So you still, at this
20 point, your testimony would be that you still
believe that

21 the window that you saw that evening was the point
of

22 entry, correct?

23 A. It just seemed to be that way.

24 Q. Well, is your opinion --

25 A. Well, I'm not an expert, I
couldn't

Sandra M. Halsey, CSR, Official Court Reporter

174

1 say.

2 Q. I'm not asking that. Has your
opinion

3 changed on the point of entry?

4 A. No, sir.

5 Q. Has your opinion changed about
the

6 point of exit?

7 A. Yes, sir.

8 Q. And, have you observed something
that

9 has changed your opinion on that?

10 A. Not really, from a forensic
standpoint.

11 Q. Well, I'm just saying, have you
seen

12 something that has changed your opinion?

13 A. No, sir.

14 Q. Have you heard something that has
15 changed your opinion?

16 A. No, sir, I just speculated it. I
just

17 assumed.

18 Q. So right now, you are just
guessing

19 that there was a different point of exit?

20 A. I'm just guessing.

21 Q. Is there any reason in particular
why

22 you are guessing a little differently today on that?

23 A. Just because of the fact that
there is

24 no blood or hair on the screen.

25 Q. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

1

2 MR. GREG DAVIS: No further
questions.

3

MR. DOUGLAS PARKS: No questions.

4

THE COURT: All right. You may
step

5 down. I will take it by agreement you folks have
excused

6

this witness from the Rule?

7

MR. GREG DAVIS: No, sir, I may
need

8

him later.

9

THE COURT: I'm saying from the
Rule.

10

MR. GREG DAVIS: Yes, sir, I
don't have

11

a problem with that.

12

THE COURT: Since he was here
during

13

earlier testimony?

14

MR. GREG DAVIS: Yes, sir.

15

THE COURT: All right.

16

17

18

19

20

21

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 Whereupon,

2

3

4 JIMMY RAY PATTERSON,

5

6 was called as a witness, for the State of Texas,
having

7 been first duly sworn to speak the truth, the whole
truth,

8 and nothing but the truth, testified in open court,
as

9 follows:

10

11 DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Sir, would you please state your
full

15 name?

16 A. Jimmy Ray Patterson.

17 Q. How are you employed?

18 A. I'm a police officer for the City
of

19 Rowlett Police Department.

20 Q. How long have you been a Rowlett
police

21 officer?

22 A. Almost 13 years.

23 Q. And what rank do you hold at this
time?

24 A. I'm a detective.

25 Q. How long have you been a
detective?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Seven and a half years.

2 Q. Let me direct your attention back
to

3 June 6th, 1996, sometime in the early morning hours,
did

4 you go to 5801 Eagle Drive in Rowlett, Texas?

5 A. Yes, sir.

6 Q. Did you go there as part of the
7 investigation concerning the deaths of Damon and
Devon

8 Routier?

9 A. Yes, sir, I did.

10 Q. Did you have an opportunity to
speak

11 with patrol officers out there?

12 A. Yes, sir.

13 Q. At the time that you first got
there,

14 had anyone done a crime scene search?

15 A. No, sir.

16 Q. Who actually performed the crime
scene

17 in this case?

18 A. A Sergeant David Nabors, and
some

19 people that works with him.

20 Q. Did you have an opportunity
during the

21 course of your investigation to walk through that
house at

22 5801 Eagle Drive?

23 A. Yes, sir.

24

25 MR. GREG DAVIS: May I approach,
your

Reporter Sandra M. Halsey, CSR, Official Court

1 Honor?

2 THE COURT: You may.

3 MR. GREG DAVIS: Mark these,
please.

4

5 (Whereupon, the above
6 mentioned items were
7 marked for
8 identification only
9 as State's Exhibits

No. 9

10 through 16, after

which

11 time the proceedings

were

12 resumed on the record

13 in open court, as

14 follows:)

15

16 BY MR. GREG DAVIS:

17 Q. Detective Patterson, if you would
look

18 through the photographs that I have marked as State's

19 Exhibits 9, 10, 11, 12, 13, 14, 15 and 16 and tell me

20 whether or not those are true and accurate

photographs of

21 the scene as you found it at 5801 Eagle Drive?

22 A. Yes, sir, it is.

23 Q. Okay.

24

25 MR. GREG DAVIS: Your Honor, at
this

Sandra M. Halsey, CSR, Official Court Reporter

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1 time we will offer State's Exhibits 9 through 16.

2 MR. WAYNE HUFF: No objection to 9
3 through 16, your Honor.

4 THE COURT: State's Exhibits 9
through
5 16 are received.

6
7 (Whereupon, the items
8 Heretofore mentioned
9 Were received in
evidence

10 as State's Exhibits
11 No. 9
12 through 16 for all
13 purposes,

14 after which time, the
15 proceedings were resumed
16 as follows:)

17 BY MR. GREG DAVIS:

18 Q. Mr. Patterson, first of all,
19 let me

20 show you State's Exhibit No. 9, in this
photograph, do we

see a butcher block with 8 knives contained in

that

21 butcher block, sir?

22 A. Yes, sir.

23 Q. And, where was this butcher
block

24 located in the house?

25 A. It was on the kitchen
cabinet, in the

Sandra M. Halsey, CSR, Official Court
Reporter

1 kitchen.

2 Q. All right. This one empty
slot here,

3 did you ever attempt to determine whether the
knife

4 portrayed here in State's Exhibit No. 8, would
fit into

5 the slot of the butcher block shown on State's
Exhibit No.

6 9?

7 A. No, sir, I didn't.

8 Q. Okay. To your knowledge,
did perhaps

9 Charlie Linch of Southwestern Institute of
Forensic

10 Science do that?

11 A. My understanding is he did.
Yes, sir.

12 Q. State's Exhibit No. 10.
What is shown

13 here?

14 A. Basically the back yard and
the garage

15 area of this address at 5801.

16 Q. These windows here to the
left portion

17 of this photograph, are those windows that
actually are

18 inside the garage?

19 A. Yes, sir.

20 Q. This window closest to the
house over

21 here, does this show a window that has been
raised up with

22 a screen that has a T-cut to it?

23 A. Yes, sir.

24 Q. Looking here at State's

Exhibit No. 11,

25 is this a close up of that window closest to
the house

Sandra M. Halsey, CSR, Official Court
Reporter

1 that is shown in State's Exhibit No. 10?

2 A. Yes, sir, it is.

3 Q. And it shows a cut to the
bottom

4 portion of the window folded back; is that
correct?

5 A. Yes, sir.

6 Q. Is the fold toward the inside or
toward

7 the outside?

8 A. Outside.

9 Q. Well, does the screen itself, does
that

10 fold inward toward the garage, or outward toward the
patio

11 area?

12 A. Well, what I remember is that it's
13 outward towards to patio -- well, no, I think it was
14 inward towards the inside of the garage.

15 Q. Okay. Did you -- first of all,
let's

16 talk about this window. Did you go into that garage
and

17 look at this window ledge, here on State's Exhibit
No. 11?

18 A. Yes, sir.

19 Q. Could you see any blood on that
window

20 ledge, sir?

21 A. No, sir.

22 Q. Could you see any blood on the
screen

23 itself?

24 A. I didn't see any, no.

25 Q. Could you see any blood on the
window

1 frame portion of that window?

2 A. No, sir.

3 Q. Did you go into the garage to
determine

4 whether you could see any blood on the floor of the
5 garage?

6 A. Yes, sir.

7 Q. And what was the result of your
8 observation?

9 A. There wasn't any blood.

10 Q. How about the back yard portion of
that

11 house. Did you look for blood drops either in the
flower

12 beds, or on the walkways of the back yard?

13 A. Yes, sir.

14 Q. Did you see any?

15 A. No, sir.

16 Q. Did you see any blood on the
driveway?

17 A. No, sir.

18 Q. Did you see any blood on the
garage

19 door that was there at that residence at 5801 Eagle
Drive?

20 A. No, sir, I did not.

21 Q. Was the garage door down and

latched at

22 the time that you saw it?

23 A. I know it was down. As far as it

being

24 latched, I'm not sure.

25 Q. Okay. Take a look here at State's

1 Exhibit No. 12. Is this a portion of the carpet that
is
2 going to be basically between the couch and the love
seat
3 in the family room area?

4 A. Yes, sir.

5 Q. And this large red area, is that
blood
6 on the carpet?

7 A. I believe so, yes, sir.

8 Q. Okay. Do we see a hand print on
that
9 carpet, sir?

10 A. Yes, sir.

11 Q. Can you tell the Court about the
size,
12 did you have an opportunity to look that?

13 A. Yes, sir.

14 Q. The size of that?

15 A. Yes, sir.

16 Q. Did it appear to be an adult's
hand?

17 A. No, sir.

18 Q. What did it appear to you to be?

19 A. A child's hand, a real small

child.

20 Q. Okay. State's Exhibit No. 13, is
this

21 a portion of the linoleum floor in the kitchen, sir?

22 A. Yes, sir.

23 Q. If we could look at Defendant's
Exhibit

24 No. 1, and if we are looking at the kitchen area here,
25 Detective Patterson, when we look at State's Exhibit
No.

Sandra M. Halsey, CSR, Official Court Reporter

1 13, do you see a wine rack in that photograph, sir?

2 A. Yes, sir.

3 Q. And, if you could, if you could
just

4 point to the area of the kitchen where the wine rack
would

5 have been located?

6 A. Right in here. (Witness pointing
on
7 diagram.)

8 Q. Is that close to where someone has
9 written telephone?

10 A. Yes, sir.

11 Q. The portion of the floor that we're
12 looking at, would that be the portion that is
basically

13 between the telephone and this kitchen bar?

14 A. Yes, sir, it is.

15 Q. And does it look -- is it looking
into

16 the kitchen -- we're basically looking, are we not,
in

17 this direction, toward the kitchen sink area; is
that

18 right?

19 A. Yes, sir.

20 Q. We see on this photograph, do
we see

21 any broken glass on the floor?

22 A. Yes, sir, there is.

23 Q. Do we see blood droplets also?

24 A. Yes, sir.

25 Q. Officer, did you have an
opportunity to

Sandra M. Halsey, CSR, Official Court
Reporter

1 look at this, at the kitchen floor for blood
evidence?

2 A. Yes, sir.

3 Q. Sir, is there any -- were there
any

4 bloody footprints that would lead from the end of
the

5 kitchen bar on -- you see this area where the red line
has

6 been drawn?

7 A. Yes, sir.

8 Q. Was there any bloody footprints at
all

9 found that would have taken from, say, the end of the
10 kitchen bar, toward the utility room?

11 A. No, sir.

12 Q. Are there any bloody footprints
from

13 the area from the utility room, back to the area,
let's

14 say before you get to the kitchen sink, are there
any

15 bloody footprints?

16 A. No, sir.

17 Q. Are there any bloody footprints in

the

18 utility room?

19 A. No, sir.

20 Q. Again, I think you said that there
was

21 no blood at all found in the garage?

22 A. None in the garage, no.

23 Q. So, how about the area between the
24 kitchen leading back into the family room?

25 A. We did see some footprints there,
yes,

1 sir.

2 Q. Okay. Bloody footprints?

3 A. In the blood, yes, sir.

4 Q. Okay. The broken glass again that
5 we're looking at, would that be between the kitchen
bar

6 and where the telephone, or the wine rack would have
been

7 located?

8 A. Yes, sir.

9 Q. State's Exhibit No. 14, are we now
10 looking at some of the bloody footprints that you
found,

11 and if we're looking here, are we looking -- this
would be

12 the kitchen sink area, or a rug in front of the
kitchen

13 sink, and as I move the pen, this would lead you
back

14 around that kitchen bar to the den; is that right?

15 A. That's right.

16 Q. State's Exhibit No. 15, is this
a

17 photograph of the kitchen sink?

18 A. Yes, sir.

19 Q. And do we see a large amount of
red

20 material here on the front portion of that counter
top?

21 A. Yes, sir.

22 Q. Do you also see red material,
23 length-wise on this cabinet, sir?

24 A. Yes, sir.

25 Q. And looking at State's Exhibit
No. 16,

1 are we looking at blood droplets inside the utility
room

2 also?

3 A. Yes, sir.

4 Q. Detective Patterson, did you have
an

5 opportunity to observe Darlie Routier at Baylor
Hospital

6 sometime on June the 6th, 1996?

7 A. Yes, sir.

8 Q. About what time did you get over
there

9 to see her?

10 A. I believe it was sometime a little
11 after 6:00 was the first time that I saw her.

12 Q. 6:00 A.M. or 6:00 P.M.?

13 A. 6:00 A.M.

14 Q. All right. So, we're talking
15 approximately three and a half hours after the first
call

16 had been made?

17 A. Yes, sir.

18 Q. Okay. And, where was she when you
19 first saw her?

20 A. She was in -- I believe they called

it

21 a recovery room, in one of the -- at the hospital, at
22 Baylor Hospital.

23 Q. All right. Did someone go over
there

24 with you from the Rowlett Police Department?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Who was that?

2 A. Detective Chris Frosch.

3 Q. Did you have an opportunity to
actually

4 talk with Darlie Routier at that time?

5 A. Yes, sir.

6 Q. And, who was present at the time
that

7 you talked with her?

8 A. Detective Frosch, and then there
was a

9 male nurse that was pretty close in the room with us.

10 Q. All right. How would you describe
11 Darlie Routier's demeanor at the time that you met her
at

12 Baylor Hospital?

13 A. Well, I feel that she understood
what

14 we were talking about.

15

16 MR. DOUGLAS PARKS: Your Honor, we
17 object to that as being non-responsive.

18 THE COURT: Sustained.

19

20 BY MR. GREG DAVIS:

21 Q. How would you describe her
demeanor?

22 A. That she understood what we were
23 talking about.

24
25 MR. DOUGLAS PARKS: Same objection.

Sandra M. Halsey, CSR, Official Court Reporter

1 THE COURT: Sustained.

2

3 BY MR. GREG DAVIS:

4 Q. I mean by that, was she excited,
was

5 she crying, or what was she doing?

6 A. Well, she was not crying at the
time

7 when we first met with her.

8 Q. What was she doing? How would you
9 describe the way she looked?

10 A. Well, she was just laying there,
and I

11 think she had just come out of surgery.

12 Q. Okay.

13 A. She -- and we just started
questioning

14 her.

15 Q. So, did you actually have a
16 conversation with her about what had occurred at her
home?

17 A. Yes, sir.

18 Q. During the time that you were
speaking

19 with her, did you believe that she understood what you

20 were saying to her?

21 A. Yes, sir.

22 Q. Did her responses to you, from your
23 view point, did they appear to be appropriate for what
you

24 were asking?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. How long a conversation did you
have
2 with her at Baylor Hospital?
3 A. About 40 or 50 minutes to an hour,
I
4 guess.
5 Q. Okay. And, during that time
period,
6 did you ask her what had happened to her and her two
7 children at her home?
8 A. Yes, sir.
9 Q. And, what did she say to you?
10 A. Well, she described an intruder
coming
11 in, and stabbing her kids and then her chasing the
12 intruder back towards the utility room where she
realized
13 she had been stabbed.
14 Q. And what else did she say?
15 A. She gave us a description of the
16 intruder and --
17 Q. What description did she give you?
18 A. Well, we let her give us a
description,
19 and she was trying to tell us that she thought it was

a

20 white male, giving us a clothing description, and
then I

21 stopped her and I asked her to start from the very
top of

22 the head and let's work down. And she described a
ball

23 cap, a black ball cap, no lettering or nothing on the

24 front of it. It was wore frontwards, where the bill

was

25 towards the front of the face.

realize that

16 she had been cut. The suspect -- she was
struggling with

17 her arms, he backs off and then runs, or walks
off towards

18 the utility room, and she chases him, and he goes
into the

19 garage area, and in the utility room is where she
sees a

20 knife on the floor.

21 Q. All right. Now, that first
account was

22 that the account that she gave to you at Baylor
Hospital?

23 A. Yes, sir.

24 Q. So, as I understand it, she
says that

25 she woke up and the man is leaning over her; is
that

Sandra M. Halsey, CSR, Official Court
Reporter

1 right?

2 A. Yes, sir.

3 Q. Where did you understand that
the

4 struggle occurred between her and the intruder?

What

5 location in the room?

6 A. Oh, when she was laying on the
couch.

7 Q. All right. Why did you get that
8 impression?

9 A. Well, she told us she was laying on
the
10 couch, she had been laying on the couch asleep.

11 Q. And then she woke up and the man is
12 leaning over here; correct?

13 A. Yes, sir.

14 Q. Then the struggle took place?

15 A. Yes, sir.

16 Q. And then the man did what?

17 A. He turns and walked towards --

and

18 there is somewhere in there that he either walks
back

19 towards the utility room, then there is a time where

she

20 says he ran towards the utility room and she chases
after

21 him, and gets to the utility room, and realizes that
there

22 is a knife on the floor, and she realizes that she
has

23 been cut, and she is bleeding.

24 Q. Did she tell you how she was

laying on

25 the couch?

1 A. Yes, sir.

2 Q. And how did she say she was laying
on
3 the couch?

4 A. She described it as she was laying
on
5 her back with her head towards the south end of the
sofa.

6 Q. Okay. Would that be towards the
7 television in the room, or away from the television?

8 A. Well, towards -- well, closest to
the
9 TV.

10 Q. So her head is on the portion of
the
11 couch closest to the big screen television; right?

12 A. Yes, sir.

13 Q. And she is laying on her back
during
14 this time?

15 A. Yes, sir.

16 Q. During that first conversation at
17 Baylor, did she tell you when she was stabbed, or when
she
18 was injured by this intruder?

19 A. She told us that she didn't realize
she

20 was injured until she got to the utility room.

21 Q. Okay. You said that she -- that
during

22 this account she said that the struggle occurred on
the

23 couch; right?

24 A. Yes, sir.

25 Q. Okay. Do you remember anything

Sandra M. Halsey, CSR, Official Court Reporter

1 specific that she said about the knife? Any comments
that

2 she made regarding the knife at that time?

3 A. Well, she told us that she had
picked

4 the knife up and placed it on the bar top and that her
5 fingerprints would be on it.

6 Q. Did you -- based on your experience
as

7 a police officer, did that strike you as funny?

8 A. No.

9 Q. Or unusual?

10 A. Well, you know at the time, it just
--

11 I was not sure at the time.

12 Q. Um-hum. (Nodding head
affirmatively.)

13 Did you find any of her actions or reactions to be
unusual

14 at that time?

15 A. Not at that time, I guess, I
didn't.

16 It was, I guess, later in the investigation, you
know,

17 when it just didn't seem like things were adding

up.

18 Q. During that conversation that you
had
19 with her at Baylor, do you recall her ever asking
about
20 the condition of her two children?

21 A. No, sir.

22 Q. Do you recall her ever saying
anything
23 about the two kids, other than the fact that they were
24 stabbed?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Did you ever talk with her about
any of
2 the valuables that may have been in the house at the
time
3 that she went to sleep?

4 A. Yes, sir. She said that she taken
her
5 jewelry off and placed it on top of the bar top, which
is
6 going to be at the north end of the sofa, and we just
7 asked her to describe the jewelry, and she described -

-
8 Q. What --

9 A. She described the jewelry in great
10 detail.

11 Q. Okay. During the time that you
were
12 with her at Baylor Hospital, did you feel that she
was in
13 shock at that time?

14 A. No, sir.

15 Q. Did you feel that she was mentally
16 capable of answering your questions?

17 A. Yes, sir.

18 Q. Did you think that she was

physically

19 capable of answering your questions?

20 A. Yes, sir.

21 Q. When you finished this
conversation

22 with her, did you have an opportunity to go through
the

23 house?

24 A. Yes, sir, a couple of hours later.

25 Q. All right. The jewelry that she

Sandra M. Halsey, CSR, Official Court Reporter

1 described to you at Baylor Hospital, were you able to
2 confirm that?

3 A. Yes, sir.

4 Q. What jewelry did you find and
where did

5 you find it?

6 A. Exactly where she told us. There
was

7 several rings, a watch, and one or two bracelets.

8 Q. Okay. And where were those items
9 located in the house?

10 A. On top of the bar top where she
said

11 they would be.

12 Q. Okay. And that is the bar that
13 separates the kitchen from the living room, and part
14 of
15 the den?

15 A. Yes, sir.

16 Q. Did you find any other jewelry in
the

17 kitchen besides those items?

18 A. Yes, sir, there was some jewelry
on

19 the -- that little counter top that is in the middle

of

20 the kitchen.

21 Q. Would that have been closer back
toward

22 the utility room?

23 A. Yes, sir.

24 Q. Was there a watch back there?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Did you ever find her billfold or
her
2 purse?

3 A. Yes, sir.

4 Q. Where was it?

5 A. On top of that same counter top.

6 Q. Did it appear to you that the
purse or

7 the billfold had been disturbed in any way?

8 A. No, sir.

9 Q. Did you ever find any items that
had
10 been taken from that house?

11 A. No, sir.

12 Q. Did either Mr. or Mrs. Routier
ever

13 tell you that they found items that had been taken
from

14 their house?

15 A. No, sir.

16 Q. Did you have a conversation with
Mrs.

17 Routier about a possible sexual assault?

18 A. Yes, sir.

19 Q. Can you please tell us how that

20 conversation took place?

21 A. Well, we just asked her if she
thought

22 she had been sexually assaulted, I'm not quite
sure how,

23 but, you know, I asked her, and she said that she
had felt

24 some pain, but she didn't think she had been, and
so I

25 asked her if she would go ahead and submit to a
rape test

Reporter Sandra M. Halsey, CSR, Official Court

1 just to make sure, and she agreed to it.

2 Q. Okay. And the results of that
test

3 were negative?

4 A. Yes, sir.

5 Q. During that first meeting did
Mrs.

6 Routier ever mention anything about the kitchen
sink?

7 A. No, sir.

8 Q. Did she ever tell you that she
went

9 over and washed a washcloth in the sink?

10 A. No, sir.

11 Q. When is next time you saw Mrs.
Routier?

12 A. Friday afternoon, Friday night.

13 Q. That would have been now, what,
June

14 the 7th?

15 A. Yes, sir.

16 Q. Where did you see her?

17 A. At the hospital.

18 Q. Anything unusual occur during that
19 visit?

20 A. Well, we really didn't go into
detail
21 about, you know, what happened, we were just basically
22 there just to see how she was doing.
23 Q. What was her demeanor at this time?
24 How was she acting?
25 A. Well, she was -- again, she was
acting

Sandra M. Halsey, CSR, Official Court Reporter

1 okay. She was coherent and she understood, you know,
what
2 was going on. She was not - she wasn't crying like I
3 would think she would have been.

4 Q. Did you ever see her cry on June
the
5 6th?

6 A. No, sir.

7 Q. How about on June the 7th?

8 A. No, sir.

9 Q. How long did you stay with her that
10 time?

11 A. On June the 7th?

12 Q. Yes.

13 A. Oh, we weren't in there but about
14 minutes, 15 minutes.

15 Q. Who is we?

16 A. Detective Frosch.

17 Q. At some point, were you shown a
tattoo?

18 A. Yes, sir.

19 Q. When did that occur?

20 A. It was at the police station, in
the

21 one of the interview rooms, but I'm not sure of the
date.

22 Q. So that is going to be after she
got

23 out of the Baylor Hospital?

24 A. Yes, sir.

25 Q. So you saw her on the 6th, you
saw her

1 on the 7th, did you see her on the 8th of June?

2 A. I'm not sure without looking at
my
3 notes.

4 Q. Okay.

5
6 MR. GREG DAVIS: May I approach,
your
7 Honor?

8 THE COURT: Sure.

9
10 (Whereupon, the above
11 mentioned item was
12 marked for
13 identification only
14 as State's Exhibit No. 20,
15 after which time the
16 proceedings were
17 resumed on the record
18 in open court, as
19 follows:)

20

21

22 BY MR. GREG DAVIS:

23 Q. Detective Patterson, let me show
you

24 State's Exhibit No. 20. Does this appear to be a
true and
25 correct copy of the voluntary statement that you
took from

Sandra M. Halsey, CSR, Official Court Reporter

201

1 Darlie Routier on June the 8th, 1996?

2 A. Yes, sir.

3 Q. Okay. Prior to taking the
voluntary

4 statement from Darlie Routier, did you advise her of
her

5 Miranda rights?

6 A. Yes, sir.

7 Q. Are those rights contained on the
top

8 portion of that voluntary statement?

9 A. Yes, sir.

10 Q. Did you read those rights to her
before

11 she gave you that statement?

12 A. Yes, sir.

13 Q. Okay. Let me just ask you in
general,

14 how did you advise her of her rights on that day?

When

15 did you first advise her of her Miranda warnings on
June

16 the 8th?

17 A. Well, when we first went into the
18 interview room, I just told her that I was
going to

19 explain her rights to her, which I did.

20 Q. How did you do that?

21 A. Just reading it off to her.

22 Q. Did you read it off a card that
you

23 keep?

24 A. Yes, sir.

25 Q. All right. And, do you have that
card

1 with you today?

2 A. No, sir.

3 Q. Okay. Do you recall -- well, are
the

4 same rights contained there on the voluntary
statement?

5 A. Yes, sir.

6 Q. Okay. How many times did you read
Mrs.

7 Routier her Miranda warnings prior to her actually
giving

8 the voluntary statement?

9 A. This day, just one time.

10 Q. All right. Can you please read to
us

11 the Miranda warnings that you gave to her on June the
8th

12 of 1996?

13 A. Well, this one here says that,
because

14 we want them to read it along with what we say, but
this

15 one here says that, "I have the right to have a lawyer
16 present to advise me, prior to and during any
17 questioning." There is a little line, and she

initials

18 that, saying that she understands what her rights
are.

19 And then it's got, Number 2, and
it

20 says "If I am unable to employ a lawyer, I have the
right

21 to have a lawyer appointed to me, to advise me, prior
to

22 and during any questioning." Again, it has a line,
she

23 initials the line.

24 And, number 3, "I have the right to
25 remain silent, and not make any statements at all, and

Sandra M. Halsey, CSR, Official Court Reporter

1 that any statements that I make, may be used in
evidence

2 against me at my trial." There is a line and she
initials

3 it.

4 Number 4, "I have the right to
5 terminate the interview at any time". There is
another

6 line, and she initials it.

7 Number 5, "Any statement that I
make

8 may be used in evidence against me in court -- or used
9 against me in court." And there is another line and
she

10 initials it.

11 Q. Okay. So, those are the warnings
that

12 you read to her; is that right?

13 A. Yes, sir.

14 Q. And she initialed that for each one
of

15 those warnings that was read to her; is that right?

16 A. Yes, sir.

17 Q. Did she also read those warnings
prior

18 to the time that she gave you the voluntary statement?

19 A. She has this to read off of.

20 Q. All right. Let me ask you, did you

21 threaten Darlie Routier in any way in order to have
her to

22 give you a voluntary statement?

23 A. No, sir.

24 Q. Did you promise her anything in

order

25 to give a voluntary statement to you?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. No, sir.

2 Q. Coerce her in any way?

3 A. No, sir.

4 Q. Did she agree to voluntarily and
freely

5 give you the statement that is contained in State's
6 Exhibit No. 20?

7 A. Yes, sir.

8 Q. Okay.

9

10 MR. GREG DAVIS: Your Honor, at
this

11 time we will offer State's Exhibit No. 20.

12 MR. WAYNE HUFF: For purposes of
this

13 hearing, we don't have any objections, your Honor.

14 THE COURT: Received.

15

16 (Whereupon, the above
17 mentioned item was
18 received in

evidence

19 as State's Exhibit

20,

20 for all purposes,

after

21

which time, the

22

proceedings were

23

resumed as follows:)

24

25

Sandra M. Halsey, CSR, Official Court Reporter

205

1 BY MR. GREG DAVIS:

2 Q. Was this statement given in Darlie
3 Routier's own handwriting?

4 A. Yes, sir.

5 Q. This statement itself, is what, 10
6 pages long; is that right?

7 A. Yes, sir.

8 Q. If you could, we're going to go to
page

9 5, and if you would, if you will read aloud, beginning
10 where it says, "I started to get sleepy," and
continue --

11 if you will, go through where I have shown you on
page 9,

12 please.

13 A. Okay.

14 Q. If you will read it out loud.

15 A. "I started to get sleepy. The
next

16 thing I woke up and felt a pressure on me. I felt
Damon

17 press on my right shoulder and heard him cry. This
made

18 me really come awake and realize there was a man
standing

19 down at my feet, walking away from me. I walked after

20 him, and heard glass breaking. I got halfway through
the
21 kitchen and I turned back around and ran and turned on
the
22 light. I ran back towards the utility room and
realized
23 there was a big white handled knife laying on the
floor.
24 It was then I realized that I had blood all over me,
and I
25 grabbed the knife thinking he was in the garage. I
looked

Sandra M. Halsey, CSR, Official Court Reporter

1 over and saw the door shut to the garage, and I
thought he
2 might still be in there, and I --" I'm not sure what
this
3 is, "to Darin." Maybe it's hollered. "I hollered to
4 Darin."
5 "I ran back through the kitchen and
realized
6 the entire living area had blood all over everything.
I
7 put the knife on the counter and ran into the
entrance,
8 turned on the light and started screaming for Darin.
9 "I think I screamed twice and he ran
out of
10 the bedroom with his jeans on and no glasses and was
11 yelling, 'What is it? What is it?'
12 "I remember saying, 'He cut them, and
he
13 tried to kill me. See --" I'm not sure what that is,
14 "...neck. He ran down the stairs and into the room
where
15 the boys were. I grabbed the phone and called 911.
Darin
16 started giving Devon CPR, while I put a towel on my
neck

17 and a towel over Damon's back. I remember telling
Darin
18 to hang on -- I remember telling Damon to hang on,
Mommy
19 was there. And I looked over at Darin and saw the
glass
20 table --" I'm not sure what that is. "...Knocked
halfway
21 off and the flower arrangement pulled back," I'm not
sure
22 what that is. "...Been knocked over. I then stood up
and
23 turn around and saw glass all over the kitchen floor.
24 "I tried to glance over to see
if
25 anything was out of place, or if anything was
missing. I

Sandra M. Halsey, CSR, Official Court
Reporter

1 took a few steps and opened the door and screamed
for

2 Karen. I was still on the phone with 911 and I
don't

3 recall what all was said, because everything was
happening

4 so fast. I went back to Damon, and by then he had
stopped

5 moving and the police --" something through the door.

6 "Walked through the door."

7 Q. All right. Now, Detective
Patterson,

8 the first time that you spoke with her she talked to
you

9 about a struggle. On June the 8th did she say
anything to

10 you about a struggle occurring between her and the
11 intruder?

12 A. Not in that report she doesn't.

13 Q. Did she during the conversations
with

14 you on June the 8th?

15 A. I honestly don't remember if she
did or

16 not.

17 Q. Well, what she said to you here,

about

18 a person standing at her feet, walking away from her,
was

19 that consistent with what she told you at Baylor
Hospital?

20 A. No, sir.

21 Q. In this statement she says that she
got

22 halfway through the kitchen, and turned back around,
to

23 run, and turned on the light, then back toward the
utility

24 room, and then came back to the living area. So she
is

25 going through that kitchen, how many times? Three
times?

Reporter Sandra M. Halsey, CSR, Official Court

1 A. Yes, sir.

2 Q. You saw the glass on the floor
there in

3 the kitchen, did you not?

4 A. Yes, sir.

5 Q. Would you say there was a lot
of glass

6 out there?

7 A. Yes, sir.

8 Q. Did you have an opportunity on
June the

9 8th to look at the bottom of Mrs. Routier's feet
to see

10 whether she had any cuts to the bottom of her
feet?

11 A. I don't think it was June the
8th that

12 I did, no, sir.

13 Q. All right. On some date did
you?

14 A. Yes, sir.

15 Q. Did she have any cuts on the
bottom of

16 her feet?

17 A. No, sir.

18 Q. Was that a pretty tight squeeze
between

19 the kitchen bar and that wine rack?

20 A. Yes, sir.

21 Q. Did you have a meeting with her
at any

22 other time -- you had one on June 6th, June 7th
and June

23 8th, how many other meetings did you have with
Mrs.

24 Routier?

25 A. There was another one, and I
believe it

Sandra M. Halsey, CSR, Official Court
Reporter

1 was June the 10th, maybe the 11th. I think the
10th.

2 Q. Let me just ask you, at any
meeting

3 that you had with Mrs. Routier, did she ever
mention using

4 the sink, either before or after the police
officers

5 arrived in that house?

6 A. No, sir.

7 Q. What is the best description of
the

8 intruder that she ever gave you?

9 A. It was a white male wearing a
black

10 cap, no face, a black T-shirt and blue jeans.

11 Q. Okay.

12 A. She gave us, I can't remember
the

13 height and the weight. She did give us the height
and the

14 weight. But when she gave us that description,
when she

15 said height and weight, she look at Frosch and said
about

16 Frosch's size.

17 Q. How tall is Chris Frosch?

18 A. About 6'2" or 3.

19 Q. Okay. Now, besides the written
20 statement that you took on June the 8th, did you
ever take

21 any other written statements from Darlie Routier?

22 A. No, sir, I don't think so.

23 Q. Let me talk to you about the
back yard

24 at the Routiers' home there. Is it fenced?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1 Q. And what color is the fence?
2 A. White.
3 Q. White wooden fence; correct?
4 A. Yes, sir.
5 Q. Did you examine the wooden fence
to
6 determine whether or not you could see any blood on
the
7 fence?
8 A. Yes, sir.
9 Q. What was the results?
10 A. None.
11 Q. Did you look to see whether you
could
12 see any scuff marks, like someone had climbed over
or
13 jumped over that fence?
14 A. Yes, sir.
15 Q. What were the results?
16 A. We didn't find any.
17 Q. Would it be fair to say that you
found
18 blood inside this house, but you found none outside;
is
19 that right?

20 A. That's correct.

21 Q. The knives that are shown there
in the

22 butcher block, as well as the other knife that was
found

23 on the kitchen bar, were those submitted by the
Rowlett

24 Police Department to the Southwestern Institute of
25 Forensic Sciences for further examination?

1 A. Yes, sir.

2 Q. The window that is shown, that
leads

3 into the garage along with the window screen, were
those

4 also taken by the Rowlett Police Department out to
the

5 Southwestern Institute of Forensic Sciences?

6 A. Yes, sir.

7 Q. For further examination?

8 A. Yes, sir.

9 Q. The black cap that is shown on
the

10 floor of the utility room, to your knowledge, was
that

11 taken by the investigator of the district
attorney's

12 office out to the Southwestern Institute of
Forensic

13 Sciences for further investigation?

14 A. I know they took it in their
15 possession.

16 Q. In this statement, looking on page
6 of

17 this statement, does it not say, "I looked over and

saw

18 the door shut to the garage, and so I thought they
might

19 still be in there, and I needed to get Darin."

20 A. Yes, sir.

21 Q. The door that she is referring to
22 there, which door did you take that to be?

23 A. The door leading from the utility
room

24 into the garage.

25 Q. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

1

2

MR. GREG DAVIS: I'll pass the

witness,

3

your Honor. Let me just ask --

4

5

BY MR. GREG DAVIS:

6

Q. Detective Patterson, let me just

show

7

you a five page report entitled, "prosecution case

8

report." Is this the report that you prepared in this

9

case, sir?

10

A. Yes, sir.

11

Q. Okay. Did you prepare any other

12

written reports?

13

A. Yes, sir -- well, no -- well, yes,

I

14

did.

15

Q. What other reports did you prepare?

16

A. An affidavit for the warrant.

17

Q. Okay. So the affidavit that is

18

attached to the arrest warrant?

19

A. Yes, sir.

20

Q. Okay. So actually the only

written

21

report is the prosecution report, in addition to

an

22 affidavit that you prepared, correct?

23 A. Yes, sir.

24 Q. All right.

25

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1 MR. GREG DAVIS: Your Honor, at
this

2 time we will tender to Counsel a 5-page report
entitled

3 "Prosecution case report," and we will pass the
witness.

4 MR. WAYNE HUFF: May I have a few
5 minutes, your Honor?

6 THE COURT: What do you need,
five or
7 six minutes?

8 MR. WAYNE HUFF: It's pretty
long, I
9 may need about 10, Judge.

10 THE COURT: Well, okay. Let's
recess

11 until 3:35 that will give you 12 and a half minutes.

12 You may step down.

13

14 (Whereupon, a short

15 Recess was

taken,

16 After which

time,

17 The proceedings

were

18 Resumed on the
record,
19 In the presence
and
20 Hearing of the
defendant
21 And the jury, as
follows:

22

23

24 THE COURT: All right. Are both
sides
25 ready to go back on the record?

Sandra M. Halsey, CSR, Official Court Reporter

1 MR. GREG DAVIS: Yes, sir, the
State is

2 ready.

3 MR. DOUGLAS PARKS: Yes, sir, the
4 Defense is ready.

5

6

7 CROSS EXAMINATION

8

9 BY MR. WAYNE HUFF:

10 Q. Officer Patterson, when were you
first

11 notified about this offense?

12 A. I believe it was about 3:30.

13 Q. Were you already on duty?

14 A. No, sir.

15 Q. Did you have to come on duty
especially

16 for this?

17 A. Yes, sir.

18 Q. Who notified you about it?

19 A. Dispatch.

20 Q. Okay. Who was the next person you
21 talked to about this case?

22 A. I believe it was Sergeant Walling.

23 Q. All right. Where did that

conversation

24 take place?

25 A. In front of 5801 Eagle Drive.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. All right. What time was that?

2 A. I'm not quite sure, without looking
at

3 my notes. It might have been that I was notified at
3:00,

4 and I arrived at about 3:30.

5 Q. Okay.

6 A. It was sometime right in there.

7 Q. You talked about you don't remember
8 without looking at your notes. Do you have your
notes?

9 A. No, sir.

10 Q. Are those notes still in existence?

11 A. Yes, sir.

12 Q. You just don't have them down her
13 today?

14 A. No, sir.

15 Q. Now, how long did you and Detective

--

16 is it Officer Walling?

17 A. Yes, sir, he is patrol sergeant.

18 Q. Okay. How long did you and
Sergeant

19 Walling talk?

20 A. Just a brief few minutes.

21 Q. What did he tell you?

22 A. Something about two children had
been

23 stabbed, the children's mother had been stabbed, and
that

24 the intruder had left the residence through the
garage,

25 and that they had some patrol units looking for the

Sandra M. Halsey, CSR, Official Court Reporter

1 intruder along with the Garland K-9 Unit was looking.

2 Q. All right. Is that all you
remember

3 him telling you?

4 A. At this time, without looking at my
5 notes, yes, sir.

6 Q. All right. Who is the next person
that

7 you talked to about this case?

8 A. I'm not sure.

9 Q. Was it a police officer, a fireman?

10 A. I just don't remember.

11 Q. Well, what is the next thing you
did,

12 with regard to this case, after you talked to Officer
13 Walling?

14 A. Well, I remember that Sergeant
Walling

15 and Lieutenant Jack had come to me and asked me to go
to

16 the hospital and talk to Darlie Routier.

17 Q. What time did they request that you
do

18 this?

19 A. It was sometime before 4:00, around

20 4:00 o'clock A.M.

21 Q. All right. Now, when did you go to
the

22 hospital?

23 A. Right after they asked me to.

24 Q. Did you talk to anyone else in

between

25 the time, about this case, or did you do any further

Sandra M. Halsey, CSR, Official Court Reporter

1 investigation on this case, prior to the time you went
and

2 talked to Darlie Routier?

3 A. Well, I had talked to a lady across
the

4 street from 5801 Eagle Drive.

5 Q. What was her name?

6 A. I don't remember.

7 Q. What did she tell you?

8 A. That she had saw a car parked in
the

9 cul de sac right there -- well, actually it's not a
cul de

10 sac, it's a little curb there in front of this
address,

11 and she thought that she remembered seeing a car
there

12 earlier, and that it had left sometime around when
the

13 fire department arrived.

14 Q. Did she tell you anything else?

15 A. Not that I recall.

16 Q. Did you talk to anyone else before
you

17 went to the hospital?

18 A. Well, I know I talked to a
fireman, but

19 I don't remember what was said about that.

20 Q. Okay. You don't remember anything
that

21 the fireman said to you?

22 A. No, sir.

23 Q. You don't remember anything you
said to

24 him?

25 A. No, sir.

1 Q. Did you make any notes about it?

2 A. No, sir.

3 Q. Anyone else that you talked to
before
4 you went to the hospital?

5 A. No, I don't remember, I don't
remember
6 talking to -- I don't remember.

7 Q. All right. Who did you go to the
8 hospital with?

9 A. I left and went by myself.

10 Q. All right. Who was the first
person
11 you met when you got to the hospital?

12 A. Detective Frosch.

13 Q. Had he already arrived, I guess?

14 A. Yes.

15 Q. How long had he been there?

16 A. He might have been there 30 or 40
17 minutes.

18 Q. Did the two of you talk?

19 A. Yes, sir.

20 Q. What was discussed between you?

21 A. And I did talk to him at the
scene, in

22 front of 5801 Eagle Drive too.

23 Q. Okay. Let's go back to the
scene.

24 What did you and Detective Frosch talk about at the
scene?

25 A. Well, I explained to him what
Sergeant

1 Walling had told me, and then I just asked -- and
then I
2 found out that Darin Routier was on his way to the
3 hospital, so I just asked Detective Frosch to go to
the
4 hospital and go ahead and get with Darin Routier and
see
5 if he could tell us what happened.

6 Q. All right. That's all you talked
about
7 with Detective Frosch at the scene?

8 A. Yes, sir.

9 Q. Now, let's go to the hospital.
What
10 did you and Detective Frosch discuss at the hospital?

11 A. Well, he had already talked to
Darin a
12 little bit, and he explained to me what Darin did or
13 didn't do.

14 Q. What did he tell you Darin did or
15 didn't do?

16 A. Well, I don't remember exactly what
he
17 said now, something about Darin remembers waking up
and

18 hearing Darlie screaming for him, and he comes
running
19 down the stairs, you know, asking what happened, and
he
20 runs into the den, and he sees the oldest boy over by
the
21 coffee table with blood on him.

22 Q. That is what Detective
Frosch told you?

23 A. Well, I can't remember
exactly, but

24 that is what we were talking about, yes,
sir.

25 Q. All right. Did you and
Detective

Sandra M. Halsey, CSR, Official Court
Reporter

1 Frosch discuss anything else, other than
Darin?

2 A. Not that I recall, no,
sir.

3 Q. Did you talk to anyone else at
the
4 hospital prior to talking with Darlie Routier?

5 A. We had talked to some nurses.

6 Q. All right. Which nurses?

7 A. I don't remember their names.

8 Q. Did you write them down?

9 A. Yes, sir.

10 Q. They are in your notes?

11 A. Yes, sir.

12 Q. How many were there?

13 A. I know one in particular that
night.

14 Q. What did you talk to them about?

15 A. I just asked her if Darlie had
said

16 anything when she came into the hospital.

17 Q. What did she tell you?

18 A. I don't remember.

19 Q. Well, did she tell you that Darlie
had

20 said anything important or noteworthy?

21 A. Well, she told me, but I can't
remember

22 exactly what she said without looking at my notes.

23 Q. Okay. What is the next thing --
who

24 was the next person that you talked to, about this
case?

25 A. There was a couple of Baylor police

Sandra M. Halsey, CSR, Official Court Reporter

1 officers there that we talked to.

2 Q. All right. What did they tell you
3 about this case?

4 A. I don't know that they told us
anything

5 about the case, other than them just coming in.

6 Q. Well, they were not at the scene,
were

7 they?

8 A. No, sir.

9 Q. All right. So they couldn't give
you

10 any information on the case; is that correct?

11 A. No, sir.

12 Q. Had they talked to Darin or Darlie,
or

13 any of the witnesses in the case?

14 A. They had not talked to Darlie, they
15 placed Darin into one of the family rooms.

16 Q. All right. Alone or with the
family?

17 A. There was a neighbor that had taken
18 Darin to the hospital and I believe -- I know he
was in

19 the room sometimes and he was out of the room
sometimes.

20 Q. All right. So after you talked
to the

21 Baylor police about this, who is the next person or
22 persons that you talked to about this case?

23 A. Detective Frosch and myself went
in

24 there and talk to Darin for a little while.
25

Reporter Sandra M. Halsey, CSR, Official Court

1 MR. WAYNE HUFF: Could I have
one

2 second, Judge?

3 THE COURT: Sure.

4

5 BY MR. WAYNE HUFF:

6 Q. You talked to Darin a while?

7 A. Yes, sir.

8 Q. All right. How long did you
talk to

9 Darin?

10 A. I'm not sure, probably 30
minutes.

11 Q. What time did you start talking
to

12 Darin?

13 A. It was before 6:00 o'clock.

14 Q. Who else was present when you
talked to

15 Darin?

16 A. Detective Frosch.

17 Q. Did you ask him questions or did
he

18 simply provide you with a narrative?

19 A. No, we asked him a few questions.

20 Q. All right. Tell me what your

21 questions -- what is the first question you asked
him?

22 A. Well, I don't remember the first
23 question.

24 Q. Well, what is the first question
that
25 you do remember asking him?

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1 A. Well, I remember us asking him
again,
2 you know, what had happened, and he explained that,
you
3 know, he heard Darlie screaming, and he comes running
down
4 the stairs, he said he had been upstairs asleep in his
5 bedroom along with the baby.

6 Darlie and the boys went to sleep,
they
7 stayed downstairs and went to sleep watching TV. And
he
8 went upstairs sometime, a little after 1:00 or 1:30.

And
9 I asked him about the clothes that he was wearing,
because
10 the blue jeans had blood on them, and there was also a
cut
11 on his jeans, and he explained that he got the cut,
the
12 tore place on his jeans at work, and that the blood
was
13 when he was kneeling down, trying to help the oldest
boy.

14 We asked him if he -- he had on a
white

1 Q. What else did he tell you? Did he
tell

2 you anything else?

3 A. I don't remember what else was
said.

4 Q. What was his emotional state?

5 A. Well, he was crying a little bit,
then

6 he would stop crying, and he was calm for a little
bit,

7 and he laughed a couple of times.

8 Q. Anything else you remember about
his

9 emotional state?

10 A. No, sir.

11 Q. Did his emotional state seem
12 appropriate to you for the occasion?

13 A. Yes, sir.

14 Q. Now, after you got through talking
to

15 Darin -- by the way, did you record this interview
with

16 Darin?

17 A. No, sir.

18 Q. You just took notes about it?

19 A. Frosch took notes.

20 Q. You didn't?

21 A. No, sir.

22 Q. After you got through talking to
Darin,

23 and taking his clothes, what is the next thing that
you

24 did in regard to investigating this case?

25 A. Well, we learned that Darlie had
been

Sandra M. Halsey, CSR, Official Court Reporter

1 moved to a room, and they had given us permission to
go to

2 the room to talk to her.

3 Q. Now, had anyone else talked to her
4 prior to you talking to her?

5 A. As in who? I mean, the nurses,
6 doctors?

7 Q. Relatives, nurses, doctors?

8 A. Well, nurses and doctors.

9 Q. All right. Do you know whether or
not

10 anyone had told her that both of her children were, in
11 fact, dead?

12 A. I do not know.

13 Q. You said that she never asked you
about

14 her two children at this time?

15 A. I don't remember her asking me, no,
16 sir.

17 Q. But for all you know, she may have
18 already been told that they were dead; is that
correct?

19 A. Yes, sir.

20 Q. What was her demeanor?

21 A. Well, she wasn't crying.

22

Q. At all?

23

A. Not with tears.

24

Q. Well --

25

A. I mean, she seemed upset somewhat,

but

Sandra M. Halsey, CSR, Official Court Reporter

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1 she didn't have a problem answering our questions.

2 Q. All right. Now, was she sedated at
all

3 at this time?

4 A. I'm sure she was given something to
5 help with the pain.

6 Q. Had she been under anesthetic at
the
7 time of her surgery?

8 A. I don't know.

9 Q. Did you ask anyone?

10 A. No, sir.

11 Q. Well, if she had just come out of
12 anesthetic, Officer, wouldn't that be important for
you to
13 know at that point?

14 A. Well, not the way -- I mean, she
was
15 answering our questions, and that is what we were
16 interested in at the time.

17 Q. Well, would it be fair to say that
a
18 person with a clear head is going to give you a
better
19 description of what she is talking about, than

someone

20 that has just come out of surgery?

21 A. Well, to us, and us asking her

the

22 questions, she seemed to be answering our questions

okay.

23 Q. All right. Did it seem strange

to you

24 that she was not crying?

25 A. At the time -- no, at the time,

we

1 didn't think about it.

2 Q. You didn't think that was unusual
at
3 that time?

4 A. Well, not at the time, because I
didn't

5 know -- I don't remember if -- I don't remember if
she

6 knew about the babies or not.

7 Q. Okay. Well, at the time, it
didn't

8 seem unusual to you?

9 A. No.

10 Q. When did this demeanor of hers
start

11 seeming unusual to you, Detective?

12 A. Throughout the investigation.

13 Q. Well, you said, it didn't seem
unusual

14 at this time, when in the investigation, did it
start

15 seeming unusual to you?

16 A. During the investigation, I can't
tell

17 you, you know, one minute when it started, it was

just

18 during the investigation.

19 Q. All right. Well, when it finally

20 struck you, that her demeanor at the hospital had
been

21 unusual, what did you think at that point? How
should she

22 have acted that would have satisfied you, as to her
23 demeanor under the circumstances?

24 A. Well, I'm not sure how to answer
that
25 question.

1 Q. Well, would you have been
happier, if
2 she had gone into hysterics, would that have
satisfied
3 you?

4 A. Well, you are asking me if I
would have
5 been happy, that is -- I don't think that is right.

6 Q. Well, maybe happy is the wrong
word.

7 Would you have been satisfied if she had gone into
8 hysterics?

9 A. No, sir, that is not what I mean,
no,
10 sir.

11 Q. Well, would you have been
satisfied if
12 she had been incoherent?

13 A. No, sir.

14 Q. Okay. Well, what should she have
done,
15 how should she have acted differently that would
have made
16 her look less suspicious to you in hindsight?

17 A. I don't know.

18 Q. Detective, prior to this date,
how long

19 had you been a police officer?

20 A. Seventeen years.

21 Q. How many murder cases have you
worked

22 in that time?

23 A. I have been involved in four or
five

24 murder cases.

25 Q. Were those all in Rowlett?

1 A. Yes, sir.

2 Q. How many cases have you been
involved

3 in where children have been murdered prior to this
date?

4 A. None.

5 Q. How many cases have you been
involved

6 in where two children were murdered in their own
home in

7 the presence of their mother?

8 A. None.

9 Q. How many cases -- murder cases
have you

10 worked where a stabbing is involved, prior to this
date?

11 A. None.

12 Q. How many times prior to this date
had

13 you talked to a woman who had just had her two
children

14 murdered?

15 A. None.

16 Q. Had she been given any medication
prior

17 to your talking to her at the hospital?

18 A. I'm sure she had.

19 Q. Did you bother to ask what it was?

20 A. No, sir.

21 Q. Did you ever ask what it was in

this

22 investigation?

23 A. No, sir.

24 Q. You didn't think that was

important to

25 know?

1 A. Well, at the time, when she was
giving
2 us the information, she was giving the information to
us
3 clearly enough that we thought that it was okay. So
no,
4 at the time I guess I didn't think that it was
important.

5 Q. Okay. Now, you talked to her for
40 or
6 50 minutes?

7 A. Yes, sir.

8 Q. At the hospital?

9 A. Well, I'm only guessing about how
long.

10 Q. Okay. You asked her questions; is
that
11 correct?

12 A. Yes, sir.

13 Q. All right. Now, since you can't
14 remember exactly the questions that you asked her,
could
15 you tell us the information that you remember her
relating
16 to you at that time?

17 A. Well, she had explained to us about
the
18 intruder, and we asked her for a description, and she
gave
19 us a description of the intruder, and what she
recalled
20 doing.

21 Q. What did she say she recalled
doing?

22 A. Well, that she had woke up and
she
23 finds this person, you know, leaning over her and
she
24 doesn't realize that she had been stabbed at that
point
25 and she -- the intruder starts running or walking
towards

Sandra M. Halsey, CSR, Official Court Reporter

1 the garage, and goes into the --

2 Q. Excuse me, let me stop you there.

Did

3 she say running or walking?

4 A. Well, at that particular time I
don't

5 remember if she said running or walking.

6 Q. Okay. Go ahead.

7 A. And, he goes towards the utility
room,

8 and she follows him going towards the utility room.

He

9 goes into the garage, she sees a knife on the utility
10 floor, and picks up the knife, and at this time she
11 realizes that she had been cut, and she is bleeding,
and

12 takes the knife and puts it on the -- or places the
knife

13 on the bar top, in the kitchen area.

14 Q. All right. What does she tell you
15 happens next?

16 A. She is screaming for -- or she gets
on

17 the phone, she is screaming for Darin, she calls 911,
and

18 explains to the dispatch, you know, what had happened,
and

19 they send the police and fire.

20 Q. Okay. What did she tell you
happened

21 next?

22 A. She gives us a description of the
23 intruder, she says that the intruder is wearing --
well,

24 she tries to give it to us and I stopped her and asked
her
25 to start from the very top of the head, and she says
that

Sandra M. Halsey, CSR, Official Court Reporter

1 the intruder is wearing a black ball cap, she doesn't

--

2 there wasn't anything on the front of it.

3 Q. Now, let me stop you there.

4 Did she say there wasn't anything
on

5 the front of it, or that she didn't see anything?

6 A. She didn't see anything on the
front of

7 it. The bill was towards the front, towards the face.
He

8 was not wearing it backwards. She could see -- she
didn't

9 have any face to this intruder. She saw his hair,
coming

10 out from under the ball cap, a black pull-over T-
shirt,

11 nothing on the T-shirt, no writing on it or nothing,
and

12 blue jeans. She doesn't remember a belt or shoes and
13 socks.

14 Q. That was the complete description
she

15 gave you?

16 A. How tall, his weight and she

described

17 that part as being about the same height and weight as
18 Detective Frosch.

19 Q. Did that differ in any manner from
the
20 description that she gave to Officer Waddell?

21 A. I'm not sure what she gave Officer
22 Waddell.

23 Q. Did you ever talk to Officer
Waddell?

24 A. Not that morning, no, sir.

25 Q. When was the first time you talked
to

Sandra M. Halsey, CSR, Official Court Reporter

1 Officer Waddell?

2 A. I don't think I talked to Officer
3 Waddell for a few days, I just read the report that he
4 wrote out.

5 Q. Which one?

6 A. The offense report.

7 Q. The one that he wrote on the 6th or
the

8 one that he wrote on the 7th?

9 A. I would have to look at the dates.

I

10 mean, I know he wrote an offense report and then his
11 supplement.

12

13 MR. WAYNE HUFF: Mark this, please.

14

15 (Whereupon, the above

16 mentioned item was

17 marked for

18 identification only

19 as Defendant's Exhibit No. 2,

20 after which time the

21 proceedings were

22 resumed on the record

23 in open court, as

24 follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. WAYNE HUFF:

2 Q. Okay. Let me show you what has
been

3 marked as Defendant's Exhibit No. 2, and I will ask
you to

4 look at that and see if you can identify that report?

5 A. Okay. It looks like a copy of
the

6 offense report, or parts of the offense report that
7 Officer Waddell had wrote or typed out.

8 Q. Is that the complete report that
you

9 read?

10 A. No, sir.

11 Q. All right. There is some more
of

12 Officer Waddell's report that is not included in
there?

13 A. Well, yes, sir.

14 Q. Could you tell us what that is?

15 A. Well, it is the front page of the
16 offense report.

17 Q. So there should be more to this
report

18 than is there?

19 A. Yes, sir.

20 Q. Okay.

21

22 MR. WAYNE HUFF: Your Honor, we
would

23 ask to be provided with that report. We thought this
was

24 the complete report.

25 MR. GREG DAVIS: Well, I believe
that

Sandra M. Halsey, CSR, Official Court Reporter

1 to be the complete report. I have no further reports
from
2 Officer Waddell, so if they are in existence, I don't
have
3 them.

4 MR. WAYNE HUFF: Okay.

5

6 BY MR. WAYNE HUFF:

7 Q. Well, what would the missing front
page
8 say?

9 A. Well, it just gives you the date,
the
10 time, the offense number, it gives you the complainant
or
11 the victim's name, address, business name, phone
numbers,
12 offense title, and then it's got another -- well,
about
13 pretty close to half the page on there is about
stolen
14 property or recovered property.

15 Q. Okay. Now, when you reviewed
Officer

16 Waddell's report, other than the missing first

page, was

17 it just like it is now?

18 A. I believe so.

19 Q. All right. What date did you
review

20 that report on?

21 A. Either the -- let's see, either
later

22 on Thursday afternoon on the 6th or on Friday.

23 Q. Okay. How are reports
generated out

24 there, those kind of reports?

25 A. Well, the uniformed officer
will take

Sandra M. Halsey, CSR, Official Court
Reporter

1 the initial report, which is placed in a box or a
tray
2 that is in the patrol room. The sergeant reviews
the
3 report, he checks it off, and then it's stuck into
another
4 tray for when the sergeant that is over CID, the
Criminal
5 Investigation Division comes in the next morning, and
he
6 reviews the report and then he assigns it to
the
7 investigator.

8 Q. All right. So, does the
officer

9 dictate the report?

10 A. No, sir.

11 Q. Is it typed for him?

12 A. No, sir.

13 Q. He types it himself?

14 A. He types it himself.

15 Q. All right. So if the report was
typed

16 by the officer on the 7th, when would you see it?

When

17 would it get past the sergeant?

18 A. Well, if he did it on the 7th, I
19 probably wouldn't see it until the 8th.

20 Q. All right. So the report you
read, you

21 either read it on the 6th or the 7th; is that
correct?

22 A. Yes, sir.

23 Q. Okay. Well, how would you have
had the

24 last page of that report, if it wasn't typed until
the

25 7th?

1 A. What do you mean the last page?

2 Q. Well, if you will look at the last
two

3 pages, you will find that there is a supplement
there,

4 indicating that the last two pages of that report were
5 done on June the 7th?

6 A. Well, this report here was separate
7 from the offense report.

8 Q. All right.

9 A. This came in later.

10 Q. All right. So you didn't have
access

11 to that part of the report?

12 A. Well, I mean, sometimes -- yeah,
13 sometime after the 7th I did.

14 Q. Okay. Sometime after the 7th?

15 A. Right.

16 Q. But not when you first looked at
17 Waddell's report; is that correct?

18 A. Well, if I looked at this report on
the

19 6th, then no. If I looked at it sometime on the 7th,
then

20 yes.

21 Q. You might have had it?
22 A. Right.
23 Q. Okay.
24 A. These two reports came in
separately.
25 Q. All right.

Sandra M. Halsey, CSR, Official Court Reporter

1 A. They are attached now, but they
came in

2 separate.

3 Q. Okay. Between the time that you
saw

4 the first report from Waddell, and you received the
second

5 of Waddell's reports, did you personally talk to
Waddell?

6 A. No, sir.

7 Q. To your knowledge --

8 A. I know --

9 Q. Go ahead, I'm sorry.

10 A. I know what the deal is on this. I
11 took the offense report.

12 Q. Okay.

13 A. That is why that there is not a
front

14 sheet to this report.

15 Q. Okay. Fine. Okay.

16 A. He just done this as a
supplement. I

17 took the initial report instead of Officer Waddell.

18 Q. Okay. Now, that wouldn't be
the

19 prosecution report; is that correct?

20

A. No, sir.

21

Q. Okay. But you did the actual

offense

22 report?

23

A. Yes, sir.

24

25

may we be

MR. WAYNE HUFF: Your Honor,

Reporter Sandra M. Halsey, CSR, Official Court

1 provided with that if the State has it?

2 MR. GREG DAVIS: Well, during
the

3 course of questioning I will look again, but I
don't

4 recall seeing that, but I will begin looking, at
this

5 time.

6

7 BY MR. WAYNE HUFF:

8 Q. Just as a matter of procedure,
Officer,

9 when a report is done by an officer, is it given to
10 someone to review before it goes to the detective?

11

12 MR. GREG DAVIS: I'm going to
object to

13 this. There is no relevance shown as to procedures
for

14 the reports.

15 MR. WAYNE HUFF: Well, this
certainly

16 is --

17 THE COURT: Overruled.

18

19 BY MR. WAYNE HUFF:

20 Q. As a matter of procedure, what is
the
21 procedure for the report getting to you, after the
officer
22 typed it up?

23 A. The officer places it in a tray,
in the
24 patrol room, the sergeant picks it up, at the end of
the
25 shift, reviews all of the reports, places it into
another

1 tray where a supervisor over the investigation
division

2 picks it up, and reviews it and assigns it to a
detective

3 or an investigator.

4 Q. Okay. So that all that would have
5 happened before you got the report; right?

6 A. Well, it would have, yes, but I
took
7 the offense report.

8 Q. Okay. Now, I believe we were back
at
9 the hospital and we were on a description of the
10 individual. We were talking about him running or
walking

11 away from the scene. What did Mrs. Routier tell you
12 happened after the man was running or walking from
the
13 scene?

14 A. That he ran towards the utility
room,
15 into the utility room, into the garage; she chases
or
16 follows after him, she sees the knife on the floor and
17 picks up the knife, and then she realizes that she is
cut.

18 Q. Again, did she use the words
running?

19 A. During one of those stories, and I
will
20 have to go back and look at my notes, but during one
of
21 those stories, she does say that he is running.

22 Q. You don't know whether it was this
23 story, or another one?

24 A. Well, not for sure, no.

25 Q. All right. So, she goes and picks
up

Sandra M. Halsey, CSR, Official Court Reporter

1 the knife. Did she say that she touched anything in
the
2 utility room?

3 A. No, other than the knife.

4 Q. Did you ask her if she touched
anything

5 in the utility room?

6 A. I don't think so, no, I don't think
so.

7 Q. Okay. But you hadn't been to the
scene

8 at this point; is that correct?

9 A. No, sir.

10 Q. All right. Now, after she gets the
11 knife, what did she tell you happened next?

12 A. Well, she realized that she has
been

13 cut, she takes the knife and places it on the bar
top,

14 which divides the kitchen and this den.

15 Q. Okay. What does she tell you
happened

16 next?

17 A. She gives us a description of her
18 jewelry.

19 Q. Okay. What does she tell you
next?

20 A. I don't remember after that, I
don't
21 remember if she told us anything after that.

22 Q. All right. So she stopped
there?

23 A. Well, I don't remember. I don't
24 remember what else was said, right after that.

25 Q. All right. So, did she tell you

1 anything else at the hospital after she gave you a
2 description of her jewelry?

3 A. I'm not sure.

4 Q. Did she talk to you about calling
911?

5 A. She told us that she called 911.

6 Q. When did she tell you that?

7 A. When she was describing about how
8 she -- after she picks up the knife, and places it
back on

9 the counter top, then that is when she picked up the
phone

10 and called 911.

11 Q. Did she talk to you about
screaming for

12 Darin?

13 A. Yes.

14 Q. So she told you that?

15 A. Yes.

16 Q. Did she talk to you about Darin
17 administering first aid to either of the children?

18 A. Darin told us that he had.

19 Q. Okay. Did Darlie tell you that?

20 A. I believe she did, but she said
that he

21 was administering first aid to the oldest boy, over
by the

22 coffee table.

23 Q. All right. So she told you about
that.

24 What did she tell you that she did, as far as first
aid,

25 if anything?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Well, I'm not sure. It seems
like, at
2 that time, that she said that she had placed a rag on
the
3 youngest boy, but I am not sure if that is when she
told
4 us that or not.

5 Q. You mean she might have told you
that
6 at some other time?

7 A. Yes, sir.

8 Q. Okay. Did she tell you anything
about
9 what she told the police officers?

10 A. No, sir, not that I recall.

11 Q. Okay. Did she tell you anything
about
12 standing next to the sink and getting towels?

13 A. No, sir.

14 Q. Did you ask her if she stood at
the
15 sink?

16 A. No, sir.

17 Q. Did you ask her to describe what
she

18 and her husband had done the evening prior to this
19 incident?

20 A. Yes, sir.

21 Q. What did she tell you?

22 A. She had said that they had had an
23 argument, and that, she said it was not that bad of an
24 argument, and that they had had an argument earlier in
the
25 evening. And, they had sat down, and this is when the
two

Sandra M. Halsey, CSR, Official Court Reporter

1 boys were laying on the floor, and had already gone to
2 sleep, and they sat down in the den, and talked about
it,

3 for a few minutes, about their finances, and that they
4 finally kissed, told each other that they loved each
5 other, and then Darin takes the youngest, the infant
child

6 upstairs and goes to bed, and she stays on the couch,
or
7 the sofa.

8 Q. Did you ask her if the television
was
9 on that night?

10 A. I don't remember if I asked --
well, I
11 don't remember. It seemed like she said that they had
12 been watching TV earlier, but I don't know if they
were at
13 that time or not.

14 Q. Okay. Did you ask her if she had
been
15 taking any medication this evening that this happened?

16 A. I don't remember asking her about
any
17 medication at that particular time, no.

18 Q. Did she tell you about any
medication

19 she had been taking?

20 A. I don't remember.

21 Q. Okay.

22 A. I know there was a time that we
had

23 talked about medication that she had been taking,
but I

24 don't remember if it was right then or not.

25 Q. Now, is there anything else that
you

1 remember her telling you that evening, that you
later

2 found was inconsistent with the physical evidence
or

3 inconsistent with what she told you later?

4 A. Not that I recall right now.

5 Q. After you got through with
your

6 conversation with Mrs. Routier, what is the next thing
you

7 did in this investigation?

8 A. Detective Frosch and I had went
back to

9 the scene at 5801 Eagle Drive.

10 Q. What time did you arrive?

11 A. I'm not sure.

12 Q. Morning?

13 A. Yes, sir.

14 Q. Late morning? Mid morning?

15 A. I'm not sure. It wasn't late in
the

16 morning.

17 Q. What did you do when you got back
to

18 the scene?

19 A. I met with Sergeant David Nabors.

He

20 is the sergeant that is over crime scene.

21 Q. Had he already been into the
crime

22 scene?

23 A. Yes, sir.

24 Q. What did you all talk about?

25 A. He was just kind of describing to
me

1 what was inside of the crime scene.

2 Q. What did he describe to you?

3 A. Well, he described how that -- of
4 course, the medical examiners had already been there
and

5 left with the oldest child, and we went in there and
he

6 just kind of pointed out some things inside the
crime

7 scene, I'm not sure exactly what, without looking at
the

8 notes, what we did first.

9 Q. Okay. Well, without going into
10 specific order, what did you do? What did he show
you?

11 What did he point out?

12 A. Well, he was showing me some blood
that

13 was found in the area, when you first walk in the
14 residence, and then there was a large --

15 Q. Where was this blood located? On
the

16 floor, or on the door?

17 A. Oh, it was on the floor.

18 Q. On the floor. Okay. Was it on a

rug

19 there in front of the front door?

20 A. There was some on a rug, and then

some

21 on the floor.

22 Q. Was there any on the door?

23 A. Yes, sir, on the doorknob.

24 Q. Okay. What is the next thing you

25 remember him showing you?

1 A. Showing me there is a plastic mat
that
2 leads into the hallway, and there was blood on it,
blood
3 on the carpet in the den. There was blood on -- some
4 blood on the coffee table, some blood on the sofas,
there
5 was drops of blood in the kitchen area. He showed me
the
6 knife on the bar top. Then we talked, I guess, a
little
7 bit about the screen and the window going out of the -
- or
8 that is in the garage, leading into the back yard.

9 Q. Anything else that you remember him
10 showing you or talking to you about?

11 A. Well, I mean, he showed me a lot,
but
12 this was over a period of time too.

13 Q. I'm talking about that morning now?

14 A. Well, I don't remember what else we
did
15 at that time.

16 Q. All right. Now, after you had seen
the

17 crime scene, what did you do next?

18 A. Without looking at my notes, I'm
not

19 sure.

20 Q. Where did you go next?

21 A. Probably back to the office, and
then I

22 know it was late in the evening, we had discussed what
we

23 were going to do at the house, and we talked about,
you

24 know, maintaining the house.

25 Q. Did you ever talk to any of
the

Sandra M. Halsey, CSR, Official Court
Reporter

1 paramedics or firemen that were at the scene?

2 A. Well, I had talked to one, but
not

3 about, you know, exactly what happened, other
than I

4 remember him saying, you know, it was just -- it was
bad.

5 He didn't describe anything. But, no, I did not.
There

6 was -- they already had written reports and I just
looked

7 over the reports.

8 Q. The firemen had written reports?

9 A. Yes, sir.

10 Q. And the paramedics had written
reports?

11 A. Yes, sir.

12 Q. During your entire investigation,
prior

13 to your arrest of Mrs. Routier, did you ever
personally

14 interview the firemen or paramedics?

15 A. No, sir.

16 Q. Did anyone at the Rowlett Police
17 Department do that?

18 A. Someone had told them to write out
the

19 statements.

20 Q. Okay. But no one, to your
knowledge,

21 personally interviewed them?

22 A. No,
sir.

23 Q. Well

--

24 A. I mean, I'm sure that someone may
have

25 talked to them -- well, I don't know.

1 Q. I'm sorry?

2 A. I mean, I don't know of anybody
that

3 just personally interviewed them, no.

4 Q. Who else besides you was
investigating

5 this case?

6 A. Detective Frosch.

7 Q. Did you work together with him at
all

8 times, or was he interviewing people while you were
9 interviewing people, or how did it work?

10 A. Well, we worked together, but,
yes,

11 sir, he would interview someone, and I would
interview

12 someone.

13 Q. All right.

14 A. Sometimes it was together,
and

15 sometimes it wasn't.

16 Q. Were you the lead
investigator?

17 A. I was assigned the case.

18 Q. Okay. Well, that means that

you were

19 in charge; right?

20 A. Well, I would say Sergeant

Evans was in

21 charge.

22 Q. Okay. Did you review all of

the

23 reports that were generated but all of the

other officers?

24 A. Yes, sir.

25 Q. Including Detective Frosch?

Sandra M. Halsey, CSR, Official Court
Reporter

1 A. Yes, sir.

2 Q. And, was there anything in
your

3 investigation that indicated that anyone
personally

4 interviewed the paramedics?

5 A. No, sir.

6 Q. Or the firemen?

7 A. No, sir.

8 Q. Other than the defendant and
Mr.

9 Routier, what witnesses did you personally
interview?

10 A. I would have to look at my
notes to

11 see. At this time, I don't recall anybody else.

12 Q. You mean the only people you
personally

13 interviewed were the defendant and her husband, to
your

14 knowledge?

15 A. Yes, sir.

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. Did you receive leads during your

19 investigation on other suspects?

20 A. Well, we received some information,
but

21 there was two other detectives that looked into that.

22 Q. Who were they, please?

23 A. Keith Needham and James Latham.

24 Q. Now, was this just information or
25 actual suspects you came up on?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. It was just information. Call-in
2 information.

3 Q. Now, the next time that you
interviewed

4 anyone personally, I guess it would have been on the
8th,

5 when you took the statement from Mrs. Routier; is that
6 correct?

7 A. Yes, sir.

8 Q. All right. Now, did you request
that

9 they come to the station at that time, on the 8th?

10 A. Yes, sir.

11 Q. Okay. But you had also talked to
her on

12 the 7th; is that correct?

13 A. Yes, sir.

14 Q. All right. Now, let's talk about
that

15 meeting on the 7th. Did you go -- who was with you at
16 that time?

17 A. Detective Frosch.

18 Q. All right. Was there anyone else
19 present in the room, when you talked to Mrs.

Routier?

20 A. I'm not sure -- I mean, at some

point

21 there was, but I'm not sure during the whole
conversation

22 or not.

23 Q. All right. How long did this

24 conversation last?

25 A. Ten or 15 minutes.

Reporter Sandra M. Halsey, CSR, Official Court

1 Q. What did you discuss with her?

2 A. Well, I don't remember exactly
what,

3 because we really didn't want to get too much into
the

4 case, we were just wanting to see how she was
doing.

5 Q. Okay. Is this any particular
reason

6 that you didn't want to get into the case at this
time?

7 A. No.

8 Q. Well, would you say that she was --
she

9 appeared to be feeling better on the 7th than she was
on

10 the 6th?

11 A. Well, she seemed to be okay with
what

12 had happened, I mean --

13 Q. She seemed to be okay with what had
14 happened?

15 A. Well, I'm not sure exactly how to
16 describe it. She was -- I mean, she was not just
broken

17 down crying or anything about it.

18 Q. Is that what you expected?
19 A. Yes, sir.
20 Q. I'm
sorry?
21 A. Yes,
sir.
22 Q. It is?
23 A. Yes,
sir.
24 Q. Okay. Well, how was she
acting?
25 A. Well, I mean she was not
crying. I

Sandra M. Halsey, CSR, Official Court
Reporter

1 mean, she was upset, but she was not just broken
down

2 crying, and I remember her saying something about,
you

3 know, how could anybody do this to her children.

4 Q. Did that seem like an
appropriate

5 statement to you?

6 A. Yes, sir.

7 Q. Okay. But you expected her to
be

8 broken down crying; is that right?

9 A. Yes, sir.

10 Q. Okay. Did that seem suspicious to
you

11 at that time?

12 A. Well, I think it was just all of it
13 together, when you start looking at it, yes, sir.

14 Q. Okay. Did you consider her a
suspect

15 at this time?

16 A. I know -- I mean, I'm sure that we
were

17 looking at her, you know, at that time we were looking
at

18 her and Darin as a suspect, and any -- if we didn't

have a

19 suspect, or have anybody else, yes, sir.

20 Q. Okay. Well, you didn't have any
other

21 suspects, did you?

22 A. No, sir.

23 Q. Okay. You never developed any
other

24 suspects in this case?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Okay. So, she wasn't broken down
2 crying, and that later seemed strange to you?

3 A. Yes, sir.

4 Q. She did ask how someone could do
5 something like this to her children, and what else did
6 y'all talk about?

7 A. I don't remember.

8 Q. Did you take notes of it?

9 A. No, sir.

10 Q. Did you record this conversation in
any
11 way?

12 A. No, sir.

13 Q. So that is all you remember about
this
14 particular conversation; is that right?

15 A. Yes, sir.

16 Q. Now, when did you ask she and her
17 husband to come down to the Rowlett Police
Department?

18 A. It was sometime Saturday --

19 Q. By the way, did you talk --

20 A. -- it might have been Detective
Frosch

21 talking to Darin and asking about them coming in.

22 Q. By the way, when you talked to

Darlie

23 the day before, did you talk to Darin that day too?

24 A. That Friday?

25 Q. Yes, sir.

Reporter Sandra M. Halsey, CSR, Official Court

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1 A. On the 7th?

2 Q. Yes, sir.

3 A. I'm not sure now if he was at
the
4 hospital or not.

5 Q. So you don't recall talking to
him?

6 A. No, sir.

7 Q. Now on the 8th, when they gave
their
8 statement, you had them come down to the police
9 department; is that correct?

10 A. Yes, sir.

11 Q. Is it true that that is the day
that
12 they were having the viewing of their children at
the
13 funeral home?

14 A. Yes, sir.

15 Q. Okay. Did you know about that?

16 A. Yes, sir.

17 Q. Okay. Did they ever request that
this
18 be postponed so that they could go to the viewing of
their

19 children?

20 A. Yes, sir.

21 Q. They did?

22 A. We just asked them if they would
mind

23 coming in, it wouldn't take very long.

24 Q. Okay. Well, how long did it

take?

25 A. A couple of hours.

1 Q. Well actually, they were about an
hour

2 and a half late getting over to view their own
children,

3 weren't they, as a result of coming to talk to you
all?

4 A. Well, it seemed like they were a
little

5 late, yes, sir.

6 Q. Okay. Well, did you record by
video or

7 audio tape, anything either one of them said?

8 A. No, sir.

9 Q. Did either one of them request that
you

10 do so?

11 A. No, sir.

12 Q. Darin didn't request that?

13 A. Not to me, no, sir.

14 Q. I take it you all do have audio
15 recorders out there; is that correct?

16 A. Yes, sir.

17 Q. And tapes; is that correct?

18 A. Yes, sir.

19 Q. You all have video recorders out at

20 Rowlett?

21 A. Yes, sir.

22 Q. Is that a yes?

23 A. Yes, sir.

24 Q. Okay. You didn't use any of them

on

25 this case?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. No, sir.

2 Q. Did you -- who wrote the statement,
you

3 or Ms. Routier?

4 A. Ms. Routier.

5 Q. Okay. Did you ask her questions as
she

6 was writing, or did she just write it out long hand?

7 A. Well, we had talked a little bit
right

8 before -- or prior to that, and then she wrote it out.

9 Q. All right. What did y'all talk
about?

10 A. Same thing, I just asked her what
11 happened.

12 Q. Okay. Did she tell you anything
13 different, giving this rendition to you orally than
she

14 told you in the written statement?

15 A. No. When we went into the
interview

16 room I explained to her that I was -- that I
needed to

17 explain her rights to her, and she said okay, and
so I

18 did. And I asked her to make sure that she read
her

19 rights again, and then if she would put her
initials by

20 the marks, as long as she understood it,
and she did, and

21 she wrote it out.

22 Q. All right.

23

24 THE COURT: Mr. Huff,

I'm going

25 interrupt you. We are about to adjourn for
the evening.

Sandra M. Halsey, CSR, Official Court
Reporter

1 You may step down.

2 What is it you wanted
this witness to

3 look for?

4 MR. WAYNE HUFF: Well --

5 THE COURT: Something
that he didn't --

6 you inquired about, that he didn't
physically have here.

7 MR. WAYNE HUFF: Well,
his notes, your

8 Honor. We do have a subpoena duces tecum
prepared for

9 those.

10 THE COURT: Well, I just
thought if you

11 wanted to tell him whatever it is you
wanted him to have

12 down here. Is 9:30 in the morning okay?

13 MR. WAYNE HUFF: That is
fine, your

14 Honor.

15 THE COURT: We will
recess until 9:30.

16 I assume we will be done by noon?

17 MR. GREG DAVIS: Yes,

sir.

18

MR. WAYNE HUFF: I don't

wish to lie to

19 the Court, your Honor.

20

THE COURT: All right.

21

22

23

24

25

Reporter Sandra M. Halsey, CSR, Official Court

1 (Whereupon, the parties
were
2 thereby excused for the
3 day, to return on the
4 next day, August 27,
1996,
5 at 9:30 A.M. at which
6 time the
proceedings
7 were resumed in
open
8 court, in the
9 presence of the
10 defendant, with
her
11 attorney, and the
State
12 being represented by
the
13 D.A., as follows:)
14
15
16 (These proceedings are continued to
the
17 next volume in this cause.)
18

19

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21

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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No. 3

CERTIFICATION PAGE

THE STATE OF TEXAS)
THE COUNTY OF DALLAS)

I, Sandra M. Halsey, Official Court Reporter of
Criminal District Court Number 3, of Dallas County,
Texas,

do hereby certify that I reported in Stenograph notes
the
foregoing proceedings, and that they have been edited
by
me, or under my direction and the foregoing transcript
contains a full, true, complete and accurate
transcript of
the proceedings held in this matter, to the best of my
knowledge.

I further certify that this transcript of the
proceedings truly and correctly reflects the exhibits,
if
any, offered by the respective parties.

SUBSCRIBED AND SWORN TO, this ____ day of
_____, 1996.

Sandra M. Day Halsey, CSR
Official Court Reporter
Criminal District Court

21 Dallas County, Texas

22 Phone, (214) 653-

5923

23 Cert. No. 308

24 Exp 12-31-96

25

Sandra
M. Halsey, CSR,
Official Court
Reporter

1 STATE OF
TEXAS)
2 COUNTY OF
DALLAS)

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JUDGES CERTIFICATE

8 The above and foregoing transcript, as
certified by
9 the Official Court Reporter, having been presented to
me,
10 has been examined and is approved as a true and
correct
11 transcript of the proceedings had in the foregoing
styled
12 cause, and aforementioned cause number of this case.

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18 PAUL BANNER, JUDGE PRESIDING
19 Criminal District Court Number 3

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Dallas County, Texas

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Sandra M. Halsey, CSR, Official Court Reporter

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