

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

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4  
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6      THE STATE OF TEXAS                                      }  
NO. F-96-39973-J

7      VS:    }  
& A-96-253

8      DARLIE LYNN ROUTIER                                      }  
Kerr Co. Number

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12

13                                      REPORTERS  
RECORD

14                                      JURY  
TRIAL

15                                      VOL. 32 OF  
53 VOLS.

16                                      January  
10, 1997

17

Friday

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Sandra M. Halsey, CSR,  
Official Court Reporter

1190

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C A P T

I O N

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4           BE IT REMEMBERED THAT, on  
Friday, the 10th day of

5    January, 1997, in the Criminal  
District Court Number 3 of

6    Dallas County, Texas, the above-  
styled cause came on for

7    a jury trial before the Hon.  
Mark Tolle, Judge of the

8    Criminal District Court No. 3,  
of Dallas County, Texas,

9    with a jury, and the proceedings  
were held, in open

10   court, in the City of Kerrville,  
Kerr County Courthouse,

11   Kerr County, Texas, and the  
proceedings were had as

12   follows:

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Official Court Reporter

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A P P E A R

A N C E S

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5

HON. JOHN VANCE

6

Criminal District Attorney

7

Dallas County, Texas

8

9

BY: HON. GREG DAVIS

10

Assistant

District Attorney

11

Dallas County,

Texas

12

13

AND:

14

HON. TOBY SHOOK

15

Assistant

District Attorney

16

Dallas County,

Texas

17

18

AND:

19

HON. SHERRI

WALLACE

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Assistant

District Attorney

21 Dallas County,

Texas

22

23

APPEARING FOR THE STATE OF TEXAS

24

25

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1     ADDITIONAL APPEARANCES:

2

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1

2 AND:

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ALL ATTORNEYS REPRESENTING

THE

7

DEFENDANT: DARLIE ROUTIER

8

MR. HAGLER HANDLING THE

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9 AND:

10

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APPEARING FOR: Witness-

15

Detective Jimmy

Patterson

16

only on one date in

trial

17 AND:

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Kerrville, TX 78028

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APPEARING FOR: Witness

23

Officer Chris Frosch

24

only on one date in

trial

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Reporter Sandra M. Halsey, CSR, Official Court

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P R O C E E D I N

January 10th, 1997  
Friday  
9:00 a.m.

(Whereupon, the  
proceedings were held  
open court, in the  
and hearing of the  
defendant, being  
represented by her  
and the representatives  
the State of Texas, but  
outside the presence of  
jury, as follows:)

20

THE COURT: All right.

Let's go on

21 the record. Today is Friday, January 10th.

22

All right. Let the

record reflect

23 that these proceedings are being -- well,

where is Mr.

24 Hagler -- well, there he is.

25

Everybody please have a

seat.

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1                                   All right. Let the  
record reflect  
2    that these proceedings are being held  
outside the  
3    presence of the jury and all parties of the  
trial are  
4    present.

5                                   Mr. Hagler.

6                                   MR. JOHN HAGLER: Yes,  
your Honor. At  
7    this time, your Honor, we would move for a  
mistrial based  
8    on a violation of the Rule -- violation of  
Rule 613 in  
9    the Texas Rules of Criminal Evidence.

10                                  Your Honor, at the  
beginning of this  
11   trial, the Rule was invoked, and this Court  
admonished  
12   those witnesses who were sworn that they  
were to comply  
13   with the requirements of the Rule.

14                                  Now, during the first  
day of testimony  
15   some damaging testimony was elicited,  
brought out by the

16 defense in this case, regarding the  
bruising and the age

17 of the bruises on the defendant's arm.

18 After that, testimony  
was brought out

19 in front of the jury, through cross-  
examination of a

20 number of witnesses, we were able to -- and  
I might say

21 the Court noted, I would suspect, the  
reluctance of the

22 witnesses. I'm referring to the Baylor  
nurses and

23 employees. Their reluctance to mention  
that there was a

24 clandestine meeting that occurred at the  
Holiday Inn.

25 Now, your Honor, I might  
note again

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Reporter

1 that although these witnesses, again the  
Baylor  
2 personnel, were not sworn in at the time of  
the  
3 commencement of this trial, your Honor, still the  
spirit  
4 of the rule, the purpose of the rule is to avoid  
either  
5 party from shading, influencing or manipulating the  
6 testimony of witnesses that will come out during the  
7 course of the trial. These Baylor employees, I might  
add  
8 were here. They were obviously going to be witnesses  
for  
9 the State. And we would submit that they likewise  
fell  
10 under the scope of the Rule and Rule 613.

11 Now, your Honor, again, we -- with  
12 great reluctance did the witnesses disclose the  
nature of  
13 this meeting, and as those witnesses testified it  
became  
14 readily apparent that there was this clandestine  
meeting,  
15 in which the nature and scope and age of the bruising

was

16 discussed.

17                                   And if the Court will recall these  
18 matters were never brought out earlier until damaging  
19 testimony was offered on the first day of the trial.

20                                   Now, your Honor, it seems, and of  
21 course the Court heard the testimony, but it's  
22 extraordinary that all of the testimony of the Baylor  
23 employees has now been conformed as to the age of the  
24 bruising. And we would submit, your Honor, that it's  
25 readily apparent from the testimony of those  
witnesses

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1 that they were influenced, that their testimony was  
2 molded, and for lack of other words, was cooked up by  
the  
3 State in order to confront the damaging testimony  
that  
4 was offered the first day in this trial.

5 For that reason, your Honor, at  
this  
6 point in time we have no way of knowing what their  
7 original testimony would have been regarding the age  
of  
8 the wounds.

9 The harm has been done on an  
important  
10 issue in this case and we would ask that this Court  
grant  
11 a mistrial due to the damaging nature of such  
testimony.

12 MR. DOUGLAS D. MULDER: Your  
Honor,  
13 just one thing I might add, both sides were  
admonished.

14 Once the Rule was invoked, the Court admonished us  
to  
15 make sure that our witnesses -- make sure that we  
16 conformed our conduct to the Rule of Evidence, and

they

17 were likewise admonished.

18 So the Rule was in effect, it  
was in

19 effect for all witnesses, not those just sworn in  
here.

20 I mean, it's reprehensible.

21 THE COURT: All right.

Motion denied.

22 Thank you.

23 All right. Is the  
jury here?

24 THE BAILIFF: Yes,

sir.

25 THE COURT: All right.

Who is the

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1 first witness? Bring in your first  
witness.

2 Bring the jury in,  
please.

3

4

(Whereupon, the jury

5

Was returned to

the

6

Courtroom, and

the

7

Proceedings

were

8

Resumed on the

record,

9

In open court, in

the

10

Presence and

hearing

11

Of the defendant,

12

As follows:)

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14

THE COURT: All right. Good

morning,

15 ladies and gentlemen.

16

Let the record reflect that all

17

parties in the trial are present and the jury is

seated.

18 Ma'am, if you will raise your  
right

19 hand, please.

20

21 (Whereupon, the witness

22 Was duly

sworn by the

23 Court, to

24 speak the truth,

25 The whole

truth and

25 Nothing but

the truth,

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Official Court Reporter

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1                                   After which,  
the

2                                   Proceedings  
were

3                                   Resumed as follows:  
4

5                                   THE COURT: Do you solemnly swear or  
affirm

6    that the testimony you are about to give will be the  
7    truth, the whole truth, and nothing but the truth,  
so  
8    help you God?

9                                   THE WITNESS: I do.

10                                  THE COURT: If you will have a seat  
right

11   here, please. If you'll just speak in the  
microphone

12   loudly and spell your last name when asked.

13                                  Go ahead, please, Mr. Shook.

14

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1 Whereupon,

2

3 DENISE FAULK,

4

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

6 been first duly sworn by the Court to speak the  
truth,

7 the whole truth, and nothing but the truth,  
testified in

8 open court, as follows:

9

10

11 DIRECT EXAMINATION

12

13 BY MR. TOBY L. SHOOK:

14 Q. State your name, please.

15 A. My name is Denise Rene Faulk.

16 Q. Would you spell last name,  
please.

17 A. F-A-U-L-K.

18 Q. And how are you employed?

19 A. I'm a registered  
nurse.

20 Q. And where do you  
work?

21                           A.     I work at Baylor Health Care  
System.

22                           Q.     Okay.  Tell the jury your  
educational

23    and professional training for the position that you  
hold

24    as a nurse, please.

25                           A.     I attended Texas Tech University  
and

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1 did some undergraduate work there. And I have my RN  
2 diploma from the Methodist School of Nursing in  
Lubbock.

3

4 THE COURT: Can everyone hear the  
5 witness? Okay.

6

7 BY MR. TOBY L. SHOOK:

8 Q. Okay. How long have you worked  
at

9 Baylor?

10 A. A year and a half.

11 Q. And what section of that hospital  
are

12 you assigned?

13 A. I'm assigned to the Four North  
ICU,

14 which is trauma/neuro ICU.

15 Q. And what are your duties there?

16 A. I care for the critically ill,  
and

17 make sure that my patients are hemodynamically  
stable.

18 Q. All right. Let me turn your  
attention

19 to the 6th day of June, of 1996, and ask you if you  
came

20 on duty that day?

21 A. Yes.

22 Q. What time did you come to work?

23 A. I came to work at 6:45.

24 Q. Okay. In the evening?

25 A. Yes.

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1202

1 Q. And how long a shift were you  
working?

2 A. I worked 12 hours.

3 Q. Okay. Sometime during that day,  
did

4 you have Darlie Routier as your patient?

5 A. Yes.

6 Q. What time did you get her as a  
7 patient?

8 A. I had her at 11:00 o'clock that  
night.

9 Q. Okay.

10 A. Until 7:00 in the morning.

11 Q. Until 7:00 o'clock the next  
morning?

12 A. Um-hum. (Witness nodding head  
13 affirmatively).

14 Q. And were you her nurse the rest of  
the  
15 evening and all through the morning?

16 A. Yes.

17 Q. Okay. Did you have any other  
18 patients?

19 A. Yes.

20 Q. How many other patients did you

have?

21 A. I had one.

22 Q. Okay. And did you speak to Ms.

23 Routier while you worked there through the morning  
hours?

24 A. Yes, I did.

25 Q. Describe her condition at the time

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1 that you spoke to her when you were her nurse.

2 A. She was very stable and very much  
in  
3 her right mind.

4 Q. Okay. Were you able to understand  
her  
5 and she able to understand you?

6 A. Yes, sir.

7 Q. Y'all had no trouble  
communicating?

8 A. No.

9 Q. Sometime during the evening, did  
you  
10 speak to her about what had happened to her?

11 A. Yes.

12 Q. Okay. About what time was that?

13 A. It was around 4:00 o'clock in  
the  
14 morning.

15 Q. Okay. And where were you?

16 A. I was at her bedside.

17 Q. Standing or sitting?

18 A. I was sitting in the chair.

19 Q. Okay. And what position was she  
in?

20 A. She was laying on her right side

in

21 her bed, just kind of -- we lay patients propped up  
with

22 pillows, laying on her right side looking at  
me, talking.

23 Q. How far away from her were  
you?

24 A. Probably from like here to  
the end of  
25 this right here.

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Reporter

1204

1 Q. Okay. About two or three  
feet?

2 A. Um-hum. (Witness nodding  
head  
3 affirmatively).

4 Q. Okay. You will have to answer  
yes or  
5 no.

6 A. Yes.

7 Q. Okay. And you had her -- was she  
8 propped to one side, you say?

9 A. She was laying on her right side,  
kind  
10 of propped in bed.

11 Q. Okay. During the day, do y'all  
move  
12 patients from one side to the other, prop them up?

13 A. Yes, we do.

14 Q. What is the purpose of that?

15 A. The purpose of that is so they  
will  
16 have circulation to their skin and they won't have  
any  
17 skin breakdown.

18 Q. Okay. And as she was there on

her

19 right side talking to you, did the subject of why  
she was

20 there and what had happened to her come up?

21 A. Yes, it did.

22 Q. How did it come up?

23 A. I had asked her if she remembered  
24 anything that happened.

25 Q. Okay. And, was she able to  
relate to



1 you what happened?

2 A. Yes.

3 Q. Okay. What did she say, or where  
was

4 she when this all started?

5 A. She said that she was downstairs  
in

6 her house, sleeping on the couch. And her two boys  
were

7 downstairs and they had been watching TV, a big  
screen

8 TV. And that what started waking her up was her  
little

9 boy started crying.

10 Q. Okay. Did she say where her  
husband

11 was when all of this was going on?

12 A. She said that he was upstairs  
with the

13 little baby.

14 Q. Okay. So she had been downstairs  
with

15 her two boys watching TV?

16 A. Yes.

17 Q. And then what woke her up was her

5

18 year old crying?

19 A. Yes.

20 Q. Okay. Then what did she say  
happened?

21 A. She said that her -- she felt a  
22 struggle like at her neck.

23 Q. Okay.

24 A. And the man started wrestling  
with  
25 her.

1 Q. Okay. Did she say where she was  
when

2 this struggle at her neck and the wrestling  
occurred?

3 A. She was on the couch.

4 Q. Okay. What's the next thing that  
she

5 told you?

6 A. She said that she started yelling  
and

7 that he ran off and he had dropped the knife and she  
8 picked it up.

9 Q. Okay. Did she say which way that  
he

10 ran?

11 A. No, sir.

12 Q. Okay. Did she describe to you  
where

13 she went to pick up the knife?

14 A. No.

15 Q. Did she tell you anything that  
16 happened when he was running away after she yelled  
out?

17 A. She said that he ran into a wine  
rack

18 holder.

19 Q. Okay.

20 A. And that it made a big crack  
noise.

21 Q. He ran into a wine rack holder?

22 A. Um-hum. (Witness nodding head  
23 affirmatively).

24 Q. Okay. And, what happened when

he ran

25 into the wine rack holder?

1                   A.     Well, that's when she really --  
I  
2     think that's when she started really waking up.  
That's  
3     what she said.  
4                   Q.     She heard a loud crack noise?  
5                   A.     Um-hum.   (Witness nodding head  
6     affirmatively).  
7                   Q.     And then he dropped the knife; is  
that  
8     right?  
9                   A.     Um-hum.   (Witness nodding head  
10    affirmatively).  
11                  Q.     Did she -- well, what's the next  
thing  
12    she told you?  
13                  A.     She said that she remembered that  
it  
14    was -- the knife came from her butcher block from her  
15    kitchen because it had a white handle on it.  
16                  Q.     Okay.   Now, were you asking her  
17    questions during this?  
18                  A.     The only one that I asked her was  
how  
19    she knew it was hers.   She said because it had a  
white

20 handle.

21 Q. Oh, okay, regarding the knife?

22 A. Um-hum. (Witness nodding head

23 affirmatively).

24 Q. What did she say she did then?

25 A. She turned the light on and she  
saw

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1 her two boys laying on the floor and she screamed.  
And  
2 she just -- when she was telling me this, she just  
kept  
3 saying there was just blood everywhere.  
4 And then, she said her husband  
came  
5 downstairs, and that's when she had realized she had  
been  
6 stabbed. And he started doing CPR on the little boy  
and  
7 she called 911.

8 Q. Her husband came down after she  
9 screamed?

10 A. Um-hum. (Witness nodding head  
11 affirmatively).

12 Q. And did CPR on the little boy?

13 A. Um-hum. (Witness nodding head  
14 affirmatively.)?

15 Q. And she called 911?

16 A. Um-hum. (Witness nodding head  
17 affirmatively.)

18 Q. Did she tell you anything else  
about  
19 what happened?

20                           A.     Well, she just said when her  
husband  
21     was doing CPR that he kept saying, "Hang in there,  
22     babies. Hang in there." And she said there was just  
23     blood everywhere.  
24                           Q.     Okay. When she told you this  
story,  
25     what was her demeanor?

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1                   A.     She was pretty calm when she was  
2     talking. I just remember looking at the cardiac  
monitor

3     and her heart rate had gone up just a little bit.

4                   Q.     Okay. Was she crying at all when  
she

5     told you the story?

6                   A.     No, sir.

7                   Q.     Okay. Did you see her cry some  
during

8     the night when you were with her?

9                   A.     I saw -- her eyes would get a  
little

10    wet, but I never really saw tears go down her face.

11                  Q.     Okay. Have you dealt with  
people

12    before that have lost loved ones, or close  
relatives?

13                  A.     Yes, sir.

14                  Q.     Children?

15                  A.     Yes,  
sir.

16                  Q.     And have you come in  
contact with them

17    and observed their reactions?

18 A. Yes, sir.

19 Q. What is the usual reaction  
in a  
20 situation like that?

21 A. The usual reaction when  
someone loses  
22 someone, close family members, they can be  
ballistic or  
23 just beside themselves. Usually they're in  
disbelief or  
24 in denial. And a lot of people get very  
angry.

25 Q. Okay. Did Darlie Routier's  
reaction

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Reporter

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1 differ from what you had seen in your  
experience?

2 A. Well, it was different in  
that she

3 didn't portray those characteristics.

4 Q. Okay. Now, during the  
evening did you

5 say that you bathed her?

6 A. Yes, sir.

7 Q. Okay. And about what time  
did that

8 take place?

9 A. That was -- I had got her  
at 11:00

10 o'clock that night. And we bathed her pretty  
soon after

11 that, probably around midnight.

12 Q. Okay. And during your  
shift, did you,

13 you know, take careful notice of her injuries  
and care

14 for her?

15 A. Yes, sir.

16 Q. Did you ever notice --  
well, was there

17 an injury to her right arm?

18 A. She had a stab wound to her  
right arm.

19 Q. Okay. Did you see any  
other injuries

20 to her right arm?

21 A. No, sir.

22 Q. Okay. Let me show you  
what's been

23 marked as State's Exhibit 52-B. Do you  
recognize that as

24 a photograph of the defendant?

25 A. Yes.

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Reporter

1211

1 Q. Do you see her right arm  
there?

2 A. Uh-huh. (witness nodding  
head  
3 affirmatively.)

4 Q. Do you see that large bruising  
down  
5 the right arm?

6 A. Um-hum. (Witness nodding head  
7 affirmatively).

8 Q. Did you see any evidence of that  
type  
9 of injury at any time during your shift?

10 A. I didn't. I did not.

11 Q. Okay. When you bathed her, was  
her  
12 right arm bathed?

13 A. Yes.

14 Q. And was it moved about?

15 A. Um-hum. (Witness nodding head  
16 affirmatively).

17 Q. Did she ever complain of any pain  
18 other than the cut she received?

19 A. No, not through the night.

20 Q. Okay. That type of bruising, have

you

21 seen that type of bruising before in your nursing?

22 A. Working in trauma I have seen

blunt

23 trauma to the face, in like, in car accidents, but

not

24 that big to the arm.

25 Q. Okay. That's a pretty large  
bruise,

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1212

1 is it not?

2 A. Yes, sir, it is.

3 Q. Okay. You didn't see any evidence  
of

4 that whatsoever?

5 A. No.

6

7 MR. DOUGLAS MULDER: Object to

8 leading.

9 THE COURT: Overruled. Go ahead.

10

11 BY MR. TOBY L. SHOOK:

12 Q. Is that the kind of thing you look  
for

13 when you're caring for someone in ICU?

14 A. Yes. In our assessment we do a  
head

15 to toe assessment.

16 Q. Okay. And if you had seen  
something

17 like that, do you take note of it?

18 A. Yes.

19 Q. Okay. Now, Mrs. Faulk, after --  
well,

20 after your shift, or sometime after your shift, did

you

21 make some personal notes about what you talked about  
with

22 Mrs. Routier?

23 A. Yes, I did.

24 Q. When was that?

25 A. That was the weekend after I took  
care

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1213



1 of her.

2 Q. Okay. And where did you make  
those

3 notes?

4 A. In my apartment.

5 Q. Okay. Did you do that at anyone's  
6 request?

7 A. No.

8 Q. Just did that on your own?

9 A. Um-hum. (Witness nodding head  
10 affirmatively).

11 Q. Okay. And, why did you decide to  
make  
12 some notes?

13 A. I got home and started thinking  
about

14 what she had said. And I thought it was weird that,  
when

15 she was telling me that she was laying on her right  
side

16 that her -- the way her stab wounds were -- she had a  
17 dressing on them most of the night, so I didn't  
look at

18 them until that morning, when the doctor had come  
in to

19 take the dressing off. But I didn't get a very

close

20 look at it, but from what I heard they were pretty  
21 straight cuts.

22 And, I just thought it was weird  
that

23 she would be laying on her right side the way her  
cuts

24 were.

25 Q. Okay. So you made these  
notations of

Sandra M. Halsey, CSR, Official Court Reporter

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1 the story she had told  
you?

2 A. Yes,  
sir.

3 Q. Okay. Now, did you call up the  
police

4 and tell them you had some notes for them or  
anything

5 like that?

6 A. No.

7 Q. Where did you keep them?

8 A. I kept them in my little safety  
thing

9 in my closet.

10 Q. Okay. When is the first time you  
11 brought those out again?

12 A. I brought them out -- well, when  
y'all

13 had contacted me.

14 Q. Okay. And when you say "y'all,"  
are

15 you referring to myself and Investigator Bosillo?

16 A. Yes.

17 Q. Do you recall about when that  
was?

18 A. Around October.

19 Q. Okay. And, did we come and visit

you

20 there at your apartment?

21 A. Yes, sir.

22 Q. And then did you show us the

notes

23 that you had made and turn those over to us?

24 A. Yes, I did.

25 Q. And we have talked on a couple of

1 other times, have we not?

2 A. Yes, sir.

3 Q. Do you remember how many times  
that I

4 have met with you?

5 A. Probably about four times.

6 Q. Okay. Couple of times in your  
7 apartment?

8 A. Um-hum. (Witness nodding head  
9 affirmatively).

10 Q. And then since you were down here  
in

11 Kerrville, we have met?

12 A. We met on Tuesday, around noon,  
and

13 then Tuesday evening.

14 Q. Okay. And Tuesday at noon there  
were

15 other nurses, other people from Baylor there; is  
that

16 right?

17

18 MR. DOUGLAS MULDER: Object to  
the

19 leading, Judge. If he's going to continue to lead  
and

20 just ask the witness to agree with him, he ought to  
be

21 sworn in one way or the other.

22 THE COURT: The leading  
objection is

23 sufficient, Mr. Mulder. Thank you. Sustained.

24 Let's rephrase

our question.

25

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Court Reporter

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1 BY MR. TOBY L. SHOOK:

2 Q. About how many  
people were there

3 Tuesday at noon?

4 A. About 10.

5 Q. Okay. And did I  
ask you some -- well,

6 what went on? Were questions asked  
at that meeting?

7 A. The pictures were  
shown and we were

8 asked if we had ever seen the bruise  
before.

9 Q. Okay. Did I go  
over some of the same

10 questions that you answered to this  
Jury?

11 A. A little bit at  
noon.

12 Q. Okay. Did I talk  
with you at greater

13 length that evening?

14 A. Yes, sir.

15 Q. Okay. Who all  
was present when we

16 talked later that evening?

17 A. Tuesday evening?

18 Q. Yes.

19 A. You and Mr.

Bosillo.

20 Q. Okay.

21 MR. TOBY L.

SHOOK: Mark this, please.

22

23

24 (Whereupon, the

following

25 mentioned item

was

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1 marked for  
2 identification  
only  
3 after which time  
the  
4 proceedings were  
5 resumed on the record  
6 in open court, as  
7 follows:)

8  
9

10 BY MR. TOBY SHOOK:

11 Q. Let me show you a three page  
document  
12 that has been marked as State's Exhibit 57. And  
let you  
13 take a look at those three pages and see if you  
recognize  
14 them.

15 A. Yes, I do.

16 Q. Are those the personal notes  
that you  
17 made in regards to the things that Mrs. Routier  
told you  
18 that evening on that shift as you cared for her?

19 A. Yes, sir.

20 Q. Okay.

21

22 MR. TOBY SHOOK: Judge, we will

pass

23 the witness.

24 MR. RICHARD C. MOSTY: May I

read

25 this?

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1 THE COURT: You may, indeed.

2

3

4 CROSS EXAMINATION

5

6 BY MR. RICHARD MOSTY:

7 Q. Mrs. Faulk, how are you this  
morning?

8 A. Fine. Thank you.

9 Q. How long have you been in  
Kerrville?

10 A. I've been in Kerrville since  
Monday  
11 night.

12 Q. Are you anxious to get home?

13 A. Yes, sir.

14 Q. Okay. Let me make sure that I  
15 understand where your notes are. Mrs. Faulk, I'm  
going

16 to show you what is in evidence as hospital  
records. And

17 I just want to see if I know where your notes start

--

18 A. Okay.

19 Q. -- and where they end. And I  
think I

20 have handed you one that --

21 A. Um-hum. (Witness nodding head  
22 affirmatively).

23 Q. When you first sign in your  
notes, do

24 you put your full name?

25 A. Yes. You put your initial and  
last

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1 name and RN, or whatever your license is.

2 Q. And do yours start by, "We agree  
with

3 the shift assessment done by P. Campbell"?

4 A. Yes.

5 Q. Is that your first notation?

6 A. Yes.

7 Q. And that's Paige Campbell?

8 A. Yes, sir.

9 Q. Who was immediately before you?

10 A. Yes.

11 Q. Now, is she your supervisor, or  
is she

12 over you? I didn't understand that.

13 A. Paige Campbell, she was just  
charge

14 nurse that night and she's a fellow employee.

15 Q. Okay.

16 A. With me.

17 Q. She's a charge nurse?

18 A. She was that night. Just on my  
shift

19 from 7-P. to 7-A.

20 Q. So is that who you would report  
to for

21 lack of a better term, your superior, on that  
shift?

22 A. Yes, sir.

23 Q. Okay. Now, then show me where  
your

24 last note is then?

25 A. The next page where I  
discontinued her

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1     Foley catheter.

2                     Q.     Okay.  Is that a 7:10 AM?

3                     A.     Yes, sir.

4                     Q.     And then, I guess, you went off  
duty

5     then about 7:10 AM?

6                     A.     Um-hum.  (Witness nodding head  
7     affirmatively).

8                     Q.     Correct?

9                     A.     Yes.

10                    Q.     So that's all within about 24  
hours,

11    in the first 24 hours of her stay in the hospital?

12                    A.     Yes, sir.

13                    Q.     And if I understand at some time  
in

14    that evening you bathed her?

15                    A.     Yes,

sir.

16                    Q.     What  
time?

17                    A.     It was around midnight.

18                    Q.     Okay.  And when you bathed her,  
she

19    was -- she stayed in the bed?

20 A. Yes, sir.

21 Q. Was she laying down essentially?

22 A. Yes, sir.

23 Q. And I think you said that part of  
your

24 duties were, in fact, to move her to different

positions?

25 A. Yes, sir. We help assist patients  
if

Sandra M. Halsey, CSR, Official Court Reporter

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1 they're not mobile.

2 Q. You want patients to move around  
so

3 that they don't get bed sores and things like that,  
don't

4 you?

5 A. Yes, sir.

6 Q. And you said -- I think you used  
the

7 phrase, "She was in her right mind"?

8 A. Yes.

9 Q. So I take it by that you think she  
was

10 acting appropriately?

11 A. Yes.

12 Q. To whatever the circumstances  
that

13 were going on, you thought that her behavior or  
her

14 responses were appropriate for the circumstances?

15 A. No. I didn't think her responses  
were

16 appropriate. I thought she was coherent.

17 Q. Okay. And, is that because you,  
how

18 did you say, on how she reacted, not emotionally?

19 A. I just remember when I was  
bathing her

20 that she -- there was no remorse, no tears, just --  
that

21 just really stood out in my mind. That we were  
cleaning

22 blood from her feet and she was very unemotional.

23 Q. Okay. And I think you said  
something

24 about that she was making some kind of statements of  
25 denial about -- how did you say that?

1                   A.     I said that that's normal for  
people

2     to be in denial.

3                   Q.     To make --

4                   A.     But she never said any statements  
5     about being in denial over the loss of her sons.

6                   Q.     Was she holding -- did she have  
those

7     pictures there of the boys with her?

8                   A.     She asked for them one time when  
we

9     were bathing her.

10                  Q.     And she would look at them?

11                  A.     She looked at them and kind of  
whined

12     a little bit.

13                  Q.     Kind of whined?  Where does that  
word

14     whine come from?

15                  A.     Pretty subjective.

16                  Q.     It's pretty subjective?

17                  A.     Yes.

18                  Q.     Sort of, would you think it  
unusual

19     that two people might -- two or three, or however

many

20 people, might choose that subjective phrase "whine,"

to

21 describe what happened?

22 A. Not if that's what she was doing.

23 Q. And do you think that I might

think

24 that whining was different than what you might think

25 whining is?

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1

2 MR. TOBY SHOOK: Judge, I'll  
object.

3 That question calls on what Mr. Mosty thinks is  
improper

4 and speculative.

5 THE COURT: Sustained.

6 Rephrase your question.

7

8 BY MR. RICHARD MOSTY:

9 Q. Now you have some training in  
grief,

10 don't you?

11 A. Dealing with families that are  
12 grieving.

13 Q. And you understand that people  
do

14 different grieving. They grieve in different  
ways, don't

15 they?

16 A. Yes, sir.

17 Q. And you understand that there  
are

18 different -- sort have been identified as stages  
of

19 grief?

20 A. Yes, sir.

21 Q. Do you remember how many there  
are?

22 A. There's about four stages.

23 Q. And people go through those in  
24 different ways, don't they?

25 A. Some people, yes, sir. They  
can.

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Reporter

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1 Q. And sometimes they do them in  
2 different orders?

3 A. Not necessarily.

4 Q. You disagree with that?

5 A. Yes.

6 Q. Okay. Tell me what is the  
first stage

7 of grief for all people then?

8 A. Well, the first stage would be  
9 disbelief.

10 Q. Disbelief. That's true in  
every  
11 circumstance?

12 A. Yes.

13 Q. Okay. What's the second one?

14 A. It would be that they would get  
angry.

15 Q. Okay. And what's the third  
one?

16 A. The third one is that they  
would come  
17 to acceptance.

18 Q. To acceptance?

19 A. Yes.

20 Q. All right. And what is the

fourth

21 one?

22 A. The fourth one is that they  
console.

23 They would have some kind of resource.

24 Q. Okay.

25 A. To -- for comfort.

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Reporter

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1 Q. Is that it?

2 A. That I'm aware of.

3 Q. And everyone goes through those  
in the  
4 same order?

5 A. Well, in my opinion, yes.

6 Q. And how long does each of them  
last?

7 A. I don't know.

8 Q. Well, is that the same for  
everybody?

9 A. I honestly don't know.

10 Q. Okay.

11

12

13 (Whereupon, the following  
14 mentioned item was  
15 marked for  
16 identification only  
17 after which time the  
18 proceedings were  
19 resumed on the record  
20 in open court, as  
21 follows:)

22

23 BY MR. RICHARD MOSTY:

24

Q. Let me talk to you a little bit

about

25 that then. Let me show you what I have marked as

Reporter Sandra M. Halsey, CSR, Official Court

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1 Defendant's Exhibit 18. Have you seen -- in part  
of your

2 training have you seen pamphlets like that on  
dealing

3 with grief?

4 A. I have, yes.

5 Q. Okay. Let me ask you if you  
agree

6 with this statement. "That in shock and denial" -

-

7

8 MR. TOBY SHOOK: Judge, I'll  
object to

9 him reading from a document not in evidence. And  
also

10 she hasn't recognized this particular pamphlet as  
anyone

11 that she's used or is familiar with.

12 THE COURT: I'll sustain the  
13 objection.

14

15 BY MR. RICHARD MOSTY:

16 Q. Do you agree with the statement  
that

17 shock and denial often follow grief? Follow the  
loss of

18 a loved one?

19 A. Yes, I do.

20 Q. Do you agree with the statement  
that

21 that is especially true if a loss occurs suddenly?

22 A. Yes.

23 Q. Do you agree with the statement  
that

24 an emotional numbness may set in in that shock and  
denial

25 stage?

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1                   A.     Yes, I do.  But I don't think  
starting  
2     out.

3                   Q.     Okay.  You don't think that  
that  
4     emotional -- when does that emotional numbness set  
in?

5                   A.     I honestly don't know.

6                   Q.     But you know it doesn't set in  
within  
7     24 hours?

8                   A.     I don't know.

9                   Q.     Okay.  You don't know when  
someone  
10    might go into emotional numbness, do you?

11                  A.     No.

12                  Q.     And do you agree with the  
statement  
13    that that emotional numbness may last from hours  
to weeks  
14    or longer?

15                  A.     You're saying that emotional  
numbness  
16    can be --

17                  Q.     That it might last a matter of

hours,

18 might last an hour (sic) of days, might last  
weeks.

19                   A.     I don't know how long. I think  
it's  
20 very individualistic.

21                   Q.     All right. And so, if someone  
is  
22 emotionally numb, is that sort of what you would  
23 characterize as -- how would I say, stone-faced?

24                   A.     Yes.

25                   Q.     That's emotional numbness?

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Reporter

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1 A. Yes.

2 Q. Sort of like in a stupor,  
right?

3 A. When, I think of stupor, I  
think of

4 close to comatose, and I don't think that's normal  
for

5 someone that's just lost.

6 Q. Okay. And that's sort of --  
you

7 agree, that the emotional stupor  
might be sort of a blank

8 look on someone's face?

9 A. That stupor is?

10 Q. Emotional  
numbness might have, just

11 sort of, no reaction?

12 A. Yes, they can.

13 Q. If I'm  
emotionally numb?

14 A. Yes.

15 Q. And that's -- in  
nursing terms you

16 would call that a flat affect,  
wouldn't you?

17 A. Yes.

18 Q. Okay. And that's  
what she was

19 exhibiting that night, wasn't it? A  
flat affect?

20 A. Yes.

21 Q. A numbness?

22 A. I would say a  
flat affect.

23 Q. Okay. Well, you  
agreed with me a

24 minute ago that that was -- that  
numbness, that

25 stone-face, that lack of expression,  
all of those are

Sandra M. Halsey, CSR, Official  
Court Reporter

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1 indicative of flat affect, aren't  
they?

2 A. Characteristics,  
yes.

3 Q. Okay. Just one point of  
4 clarification. In this description you talked about  
the

5 TV. And, is it your understanding that the TV was  
on?

6 That they had fallen asleep while watching TV?

7 A. I do not know that.

8 Q. Oh.

9 A. She didn't say.

10 Q. So you don't know whether it was  
on or  
11 off?

12 A. No, sir.

13 Q. Now, let's talk a little bit  
about

14 stupor. When someone is awoken -- I guess people  
awake

15 differently, don't they?

16 A. Awakened from sleep or --

17 Q. Well, just this morning probably  
18 everybody here woke up somewhat differently?

19 A. Yes, sir.

20 Q. Some pop right out of bed, some  
don't?

21 A. Yes, sir.

22 Q. And that depends, no matter  
whether

23 you're a heavy or a light sleeper, there's something

24 known as when you get into a deep sleep?

25 A. Yes.

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1                   Q.     Even people that sleep just three  
or  
2     four hours a night have some time of deep sleep?

3                   A.     I don't know.  I know that deep  
sleep  
4     is called REM.  But I don't know exactly how long  
that  
5     takes to take place.

6                   Q.     Yeah.  Okay.  And if someone  
wakes  
7     from a deep sleep they -- have you ever woken up in  
the  
8     night, sort of walking around and not knowing what  
room  
9     you were in?

10                  A.     Yes, sir.

11                  Q.     You've gone and -- I've ended up,  
12     like, in a room, and I'm feeling around, and then  
in a  
13     little while you sort of wake up and realize where  
you  
14     are and go back to bed?

15                  A.     Yes, sir.

16                  Q.     Okay.  And that -- I would sort  
of

17 call that like almost a stupor, would you?

18 A. No, sir, I wouldn't call it  
stupor.

19 Q. Okay. It was just, as you wake  
up,

20 sometimes you're not real clear on what you're  
doing?

21 A. Exactly, yes.

22 Q. As a matter of fact, what you said  
was

23 that what Darlie described to you was that it wasn't

24 until she was already up and moving that she -- that

she

25 really sort of woke up and figured out what was going  
on?

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1 A. I would have to look at my notes.

2 Q. You don't remember testifying to  
that?

3 A. I would have to look at my notes  
at

4 what she said.

5 Q. I'm not asking you about your  
notes,

6 I'm asking you if you remember, just --

7

8 MR. TOBY SHOOK: Judge -- Judge,  
the

9 witness has asked if she could review her notes to  
answer

10 his question, and I submit she should be allowed to  
do

11 that.

12 MR RICHARD C. MOSTY: Well, I'm  
not

13 asking about her notes, Your Honor.

14 THE COURT: Well, let's go on to  
the

15 next question then.

16

17 BY MR. RICHARD C. MOSTY:

18 Q. I'm asking you if you remember  
that  
19 less than 15 minutes ago, stating that that was --  
that  
20 he ran into the wine rack holder, and there was a  
big  
21 crash, and that's when she really woke up.  
22 A. She told me that she --  
23 Q. Wait, Mrs. Faulk, my question is:  
Do  
24 you remember testifying to that not 15 minutes ago?  
25 A. Yes, sir.

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1                   Q.     Okay.  And so that is consistent  
with  
2     someone who awakes and is not fully awake, who, in a  
3     moment really comes awake.  Right?

4                   A.     Can you repeat the question, I'm  
5     sorry.

6                   Q.     Okay.  Well, what Mrs. Routier  
7     described to you was that something was happening  
before  
8     she was fully awake.

9  
10                   MR. TOBY SHOOK:  Judge, I'll  
object to  
11   speculation.  He's trying to go into an  
interpretation of  
12   what Mrs. Routier told this witness.  She's only  
repeated  
13   what she told her.  She can't interpret what she  
meant by  
14   it.

15                   THE COURT:  Well, I understand.  
I'll  
16   overrule that objection, but I'll -- answer the  
questions  
17   as succinctly and accurately as you know how.  When

a

18 question has been answered, Mr. Mosty, please go on

to

19 your next question.

20

21 BY MR. RICHARD MOSTY:

22 Q. That's what Mrs. Routier

described to

23 you, wasn't it? Being awakened with something

happening,

24 but not fully awake?

25 A. She could have been, but I don't  
know

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1 her state.

2 Q. Well, I'm just asking you what  
she

3 said. That's when she really woke up?

4 A. Yes. That's what she said.

5 Q. So until she really woke up, she  
was

6 not really awake; is that right?

7 A. Correct.

8 Q. Okay. So what happened -- while  
she

9 was describing what happened on the couch, was a  
time

10 when she said she was not fully awake?

11

12 MR. TOBY SHOOK: Judge, I'll  
object

13 again. He's going into speculation.

14 THE COURT: All right.

15 MR. TOBY SHOOK: It's just his  
16 interpretation.

17 THE COURT: I'll overrule that  
18 objection, as the question is couched. If you know  
that

19 question -- if you know the answer, answer it. But

let's

20 get brief questions, brief answers. Move on to the  
next

21 question.

22 Go ahead, please.

23

24 BY MR. RICHARD MOSTY:

25 Q. Could you answer the question?

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1 A. Can you repeat the question?

2 Q. Before the wine rack, Mrs.

Routier

3 told you that she was not fully awake?

4 A. Yes, sir. She said that what  
kind of

5 woke her up was her boys crying. And then what  
really

6 woke her up was the loud crack noise.

7 Q. All right. And that sort of like  
when

8 you're walking around your house, you're kind of  
awake,

9 and you kind of know, but until you're fully awake,  
you

10 don't really know where you are or what you've been  
11 doing?

12 A. Yes, sir.

13 Q. Now, you told me you bathed her  
about

14 midnight; is that right?

15 A. Yes, sir.

16 Q. And when you bathed her, were her  
feet

17 bloody?

18 A. Yes, sir.

19 Q. So, it's fair to say that when  
you

20 bathed her at midnight, no one had washed her feet  
at

21 that point?

22 A. No, sir.

23 Q. You were the first person to wash  
24 those bloody feet?

25 A. Yes, sir.

1 Q. And you know that for a fact,  
don't

2 you?

3 A. Yes, sir, I do.

4 Q. You remember that you -- you were  
by

5 yourself?

6 A. I was with Paige Campbell.

7 Q. But Paige Campbell had not washed  
her

8 feet off earlier, had she?

9 A. No.

10 Q. I guess Paige was helping you?

11 A. Yes.

12 Q. And you were sort of in charge of  
13 that?

14 A. Yes, of the bath.

15 Q. Okay. But you were the one who  
washed

16 the blood off of her feet?

17 A. From what I remember Paige and I

--

18 usually when you have somebody helping you bathe,  
you

19 just kind of both take one side of the body. So she

took

20 the one leg and I took the other one.

21 Q. Okay. But there's no question

that

22 her feet had not been washed before that, had they?

23 A. No, sir, they had not.

24 Q. And that's the kind of thing that

sort

25 of stands out in your memory, doesn't it?

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1 A. Yes, sir.

2 Q. I mean, blood on someone and  
having to

3 wash it off?

4 A. Um-hum. (Witness nodding head  
5 affirmatively).

6 Q. And that's not something that an  
ICU

7 nurse would get wrong, would they? I mean, you  
wouldn't

8 forget --

9

10 MR. TOBY SHOOK: Again, I'll  
object to

11 speculation as to what --

12 THE COURT: Sustained.

13 Please answer the questions as  
precise

14 as you can. Give precise answers and move on to the  
next

15 question.

16

17 BY MR. RICHARD MOSTY:

18 Q. Well, for instance, do you think  
19 that -- you know what nurses do in ICU, don't you?

20 A. Yes.

21 Q. And you know what the people that  
22 you're with do, don't you?

23 A. I know their duties. I don't  
know

24 exactly what they do all the time.

25 Q. Well, I understand. But you know  
that

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1 they're accurate and that they're very attentive to  
2 detail?

3 A. Yes, sir.

4 Q. ICU nurses are, aren't they?

5 A. Yes.

6 Q. And record things in these notes  
that

7 are significant, don't they?

8 A. Yes, sir.

9 Q. Matter of fact, that's part of  
your

10 training is to be very accurate and be very  
observant of

11 your patients?

12 A. Yes.

13 Q. And that's one of the reasons  
that you

14 only have one or two people, is so that you can't --  
that

15 you do have the time to devote to those people?

16 A. Yes.

17 Q. And to be observant of what  
they're

18 doing?

19 A. Yes.

20 Q. And you know Paige Campbell to be  
that

21 same way, don't you?

22 A. Yes, sir.

23 Q. Now, did you -- when you washed  
her,

24 did you notice any blood on the right forearm?

25 A. I don't remember. I'm sure she  
had

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1 blood, but from what I remember, when I got report,  
they  
2 had said that they had kind of cleaned her hands off  
and  
3 her arms, I believe.

4 Q. So you do not remember any blood  
on  
5 her arms?

6 A. There could have been, but I  
don't  
7 remember seeing it specifically that stood out in  
my  
8 mind.

9 Q. So there are some things of this  
visit  
10 that you remember and some things that you don't  
11 remember?

12 A. Some things are vague. Some  
things  
13 stand out.

14 Q. But on the blood on the arm, you  
can't  
15 be clear about that?

16 A. Correct.

17 Q. Now, do you know, after your

shift,

18 did Mrs. Routier stay in ICU? Can you tell that  
from the

19 notes?

20 A. After my shift?

21 Q. Yes.

22 A. Yes, she stayed. I don't know

how

23 long.

24 Q. Okay. Now, I guess part of what

you

25 do with trauma people is you want to observe and  
see if

1 they start feeling some pain that they didn't feel  
2 before, that kind of thing?

3 A. Yes. We monitor their comfort.

4 Q. What's their progress, and do  
they

5 have some different complaint or a new complaint or  
6 something?

7 A. Yes.

8 Q. And is it your experience that  
9 sometimes as people are in a -- in the room for a  
while

10 they will complain about, you know, something else  
is  
11 bothering me?

12 A. Yes.

13 Q. If a person did have injury to  
the

14 right arm or so, would you expect them to complain  
of  
15 pain in that arm?

16 A. Yes, I would.

17 Q. And at various times Mrs.  
Routier

18 complained of pain in her right arm, didn't she, in  
your

19 notes?

20 A. No, she -- I remember asking her

a

21 couple times through the night if she was hurting

and it

22 wasn't until that morning. Her mother came in the

room

23 and she was asking for some pain medicine.

24 Q. Okay. And that's not unusual

that

25 someone has been given pain medication earlier in

the

1 day, they do well, it wears off and they ask for  
more

2 pain medication?

3 A. That's normal, yes.

4 Q. So a person will have a period  
where

5 there is no pain, they're moving fine?

6 A. Yes.

7 Q. Now, you know, for instance, do  
you

8 not, that right after your shift that Mrs. Routier  
did

9 complain of pain in her right shoulder, didn't she?

10 A. No, I did not know that.

11 Q. Don't know that from the notes?

12 A. Not after my shift. I didn't  
read.

13 Q. You didn't read the next -- who  
14 followed you?

15 A. The next nurse after me was  
Agnes.

16 Q. Is that -- is Agnes this first  
note:

17 7:20?

18 A. Yes, sir.

19 Q. Okay. Read the note at the bottom  
of

20 that page that Agnes made. What does the "D" stand  
for?

21 A. Data.

22 Q. Okay. And the CO?

23 A. Complained of.

24 Q. And that's the patient complaining

of  
25 something?

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1 A. Yes.

2 Q. And what is the patient  
complaining  
3 of?

4 A. Complained of right shoulder pain.

5 Q. Okay. And earlier in the day she  
had  
6 been complaining of pain in her right arm when she  
got  
7 the Demerol? You knew that, I guess, when you took  
over?

8 A. When I took over from --

9 Q. -- from Mrs. Campbell?

10 A. Well, I don't remember right now.

11 Q. Well, when you took over for Mrs.  
12 Campbell, did you review the focus notes?

13 A. I remember glancing over them,  
yes.

14 Q. But you don't remember any  
specifics  
15 of that at this time?

16 A. I would have to look.

17 Q. Okay. Of your own memory right  
now?

18 A. My own memory right now, I don't

19 remember.

20 Q. You don't remember that?

21 A. No.

22 Q. Okay. Now, you -- when is the  
first

23 time that you ever saw these pictures of Mrs.

Routier in

24 the hospital and afterwards?

25 A. Which pictures exactly?

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1 Q. I think Mr. Shook showed you some  
2 of -- I'm not sure how many he showed you of these  
52-A,

3 B?

4 A. I saw them Tuesday.

5 Q. Had you ever seen them before  
that?

6 A. No, sir.

7 Q. Where were you when you saw them?

8 A. We met in the hotel conference  
room.

9 Q. How did you happen to meet?

10 A. What do you mean exactly "how"?

11 Q. Why did you go to that room?

12 A. Because we were called to meet  
them.

13 Q. Who called you? Who told you to  
go?

14 A. From what I remember there was  
just a

15 message at the hotel to meet in room so and so at  
noon.

16 Q. You're not real clear about how -

-

17 A. I don't remember exactly who

left the

18 message, but there was a message at the hotel for  
me.

19 Q. And where did you go to meet?

20 A. We met in their little  
conference room

21 off one of the hotel rooms.

22 Q. And who was present at that  
meeting?

23 A. Me and the other nurses.

24 Q. Who? Give me their names. Tell  
me  
25 everybody whose name you can remember in there.

1                   A.     Mr. Shock, Mr. Bosillo was  
there,

2     Paige Campbell, Diane Hollon, Jody Cotner, Phyllis  
-- and

3     I don't know her last name. I'm drawing a blank.

4                   Q.     Phyllis, where does Phyllis  
work?

5                   A.     Phyllis is one of the Baylor  
police.

6                   Q.     Okay. So Phyllis -- and did  
7     Phyllis -- well, did y'all get the pictures out  
and put

8     them on a table?

9                   A.     Yes, sir.

10                  Q.     Who told you what the purpose of  
the  
11     meeting was when you got there?

12                  A.     I don't remember.

13                  Q.     You don't remember who did that?

14                  A.     I don't remember.

15                  Q.     Okay. Did y'all lay out  
pictures on

16     the table?

17                  A.     Yes, sir.

18                  Q.     Everybody talked about them?

19                                   A.     We looked at them and discussed  
what  
20     we saw.  
21                                   Q.     Discussed what you observed?  
22                                   A.     Yes, sir.  
23                                   Q.     And did you point out what you  
24     observed?  
25                                   A.     I just was really kind of quiet,  
and

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1 just kind of sat back. I saw them, but I didn't --  
2 wasn't very verbal.

3 Q. Did other people point out what  
they  
4 observed?

5 A. Yes, sir.

6 Q. Was this a square table or a  
round  
7 table?

8 A. I don't remember.

9 Q. You don't remember the shape of  
the  
10 table?

11 A. No.

12 Q. Now, did Phyllis Jackson, the  
Baylor

13 security guard, did she also look at the pictures?

14 A. Yes, sir.

15 Q. When she came down here the  
other day,

16 she was in her uniform. Was she in her uniform  
then?

17 A. Well, I really don't remember.

I

18 don't think so.

19 Q. You don't think she was in her  
20 uniform?

21 A. I don't remember.

22 Q. I guess you have known Phyllis  
Jackson

23 for a while because of working at Baylor?

24 A. No, actually I just met her this  
week.

25 Q. Okay. And -- but that is all  
you can



1 remember being there at that meeting?

2 A. Um-hum. (Witness nodding head  
3 affirmatively). Just looked at pictures.

4 Q. You don't remember Dr. Dillawn  
being

5 there, do you?

6 A. Yes, sir, he was there.

7 Q. Oh, you do?

8 A. Yes.

9 Q. You forgot that a minute ago?

10 A. Yes. Now that you said that.

11 Q. Okay.

12

13 MR. RICHARD C. MOSTY: I'll pass

the

14 witness.

15

16

17 REDIRECT EXAMINATION

18

19 BY MR. TOBY L. SHOOK:

20 Q. When Mrs. Routier told you this  
story

21 in the hospital, you didn't cross-examine her or  
question

22 her or anything like that, did you? As to its truth  
or

23 veracity, did you?

24 A. No. The only question that I  
asked

25 her was how she knew it was her knife.

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1                   Q.     Okay.  Did I -- at any of our  
meetings

2     that we have had, and gone over your testimony, and  
3     questions I've asked you, did I ever try to get you  
to  
4     lie or shade your testimony in any way?

5

6                   MR. DOUGLAS MULDER:  Object to  
7     leading.

8                   THE COURT:  Overruled.  Go ahead.

9                   MR. DOUGLAS MULDER:  He's  
bolstering

10    the witness.

11                  THE COURT:  Thank you, Mr.  
Mulder.

12                  Ask your question.

13

14    BY MR. TOBY L. SHOOK:

15                  Q.     Have I ever tried to get you to  
do  
16    anything like that, Mrs. Faulk?

17                  A.     No, sir.

18                  Q.     Okay.

19

20                  MR. TOBY SHOOK:  That's all the

21 questions I have, Judge.

22 MR. RICHARD C. MOSTY: Nothing

23 further.

24 THE COURT: You may step down,

ma'am.

25 Your next witness, please.

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1 MR. GREG DAVIS: The State will  
call

2 Sergeant Tom Ward.

3 THE COURT: Sergeant Ward.

4 Were you sworn in the other day,  
sir?

5 THE WITNESS: Yes, sir, I was.

6 THE COURT: Have a seat right  
here,

7 please. Speak into the mike.

8 Go ahead, please.

9

10

11 Whereupon,

12

13 THOMAS DEAN WARD,

14

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

16 been first duly sworn by the Court to speak the  
truth,

17 the whole truth, and nothing but the truth,

testified in

18 open court, as follows:

19

20

21

DIRECT EXAMINATION

22

23 BY MR. GREG DAVIS:

24 Q. Sir, would you please tell us

your

25 full name.

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1                   A.     My full name is Thomas Dean Ward,  
2     W-A-R-D.

3                   Q.     Mr. Ward, how are you employed?  
4                   A.     As a peace officer with the City  
of  
5     Rowlett.

6                   Q.     How long have you been a Rowlett  
7     Police Officer?  
8                   A.     Ten years January the 8th of this  
9     year.

10                  Q.     Are you a sergeant with the  
11     department?  
12                  A.     Yes, sir, I am.

13                  Q.     How long have you been a sergeant  
out  
14     there?  
15                  A.     Eight and a half years.

16                  Q.     All right. Now, you have been  
with  
17     Rowlett for 10 years. Before going to Rowlett were  
you a  
18     peace officer somewhere else in Dallas County?  
19                  A.     Yes, sir, I was.

20                  Q.     What department did you serve at  
that  
21     time?

22 A. Mesquite Police Department.  
23 Q. How long were you a Mesquite  
Police  
24 Officer?  
25 A. Fourteen years and 8 months.

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1 Q. So you've been a police officer  
now

2 going on 25 years; is that right?

3 A. April 17th of this year is my  
25th  
4 year.

5 Q. Okay. Just a few things first.  
6 Sergeant Ward, when did you get to Kerrville this  
week?

7 A. Sunday.

8 Q. Are you staying at the YO with  
the  
9 rest of us?

10 A. Yes, sir.

11 Q. Prior to coming to Kerrville,  
12 Sergeant, did I have an opportunity to talk to you  
about  
13 this case?

14 A. Yes, sir.

15 Q. How many times have I talked to  
you  
16 about your testimony prior to coming to Kerrville?

17 A. Prior to coming to Kerrville  
twice.

18 Q. Do you recall where those

meetings

19 took place?

20 A. Both of them were at -- the  
first one

21 was in your office and the other one was there in  
the

22 building.

23 Q. Okay. My office is in the  
courthouse

24 in Dallas; is that right?

25 A. Yes, sir, in the courthouse.

1 Q. So that was the first meeting.  
The

2 second one, did we meet in the courtroom?

3 A. The first one was the courtroom,  
but

4 the second one was at your office.

5 Q. All right. And, when we went to  
the

6 courtroom, were other Rowlett Police Officers  
present?

7 A. Yes, sir.

8 Q. And at that time, did we discuss  
the

9 testimony that would be presented in this case?

10 A. We did.

11 Q. Are there some Rowlett Police  
Officers

12 who have never testified in a court before?

13 A. Yes, sir.

14 Q. So we've met twice in Dallas.  
Have we

15 met to discuss your testimony since you've come to  
16 Kerrville?

17 A. Briefly.

18 Q. All right. And when did that

meeting

19 take place?

20 A. This morning.

21 Q. Were we back in the work room, I  
guess

22 back in the old jail is where we have got the  
office.

23 Right?

24 A. That's correct.

25 Q. And did we meet back there  
sometime

1 after 8:00 this morning?

2 A. Yes, sir.

3 Q. Have I asked you to look at  
certain

4 photographs that will be offered as exhibits in this  
5 case?

6 A. You have.

7 Q. Have I asked you to look at other  
8 items that may be offered?

9 A. Yes, sir.

10 Q. Okay. Now, if we can, let's go  
back

11 to June the 6th of 1996, Sergeant Ward.

12 Let me ask you whether or not at  
3:00

13 o'clock in the morning, were you on duty or were you  
at

14 home?

15 A. No, sir. I was at home in bed.

16 Q. All right. Were you sleeping?

17 A. Yes, sir.

18 Q. And, did you receive a phone call?

19 A. Yes, sir.

20 Q. And, was it concerning this case?

21 A. Yes, sir.

22                           Q.     And, were you asked to do certain  
23 things in connection with this case?

24                           A.     Yes, sir. I was instructed to  
report  
25 for duty.

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1 Q. All right. Did you, in fact, get  
up  
2 and go to the police station there in Rowlett?

3 A. Yes, sir, I did.

4 Q. And do you recall about what time  
that  
5 you got to the police station that morning?

6 A. It was shortly before 4:00  
o'clock. I

7 would say somewhere around 15 till, 10 till,  
something  
8 like that, 3:45, 3:50.

9 Q. All right. What was the purpose  
of  
10 you going to the police station that morning?

11 A. I had to pick up a squad car, a  
marked  
12 car. And when I got there I was also asked to pick  
up  
13 other equipment. The officers on the scene, their  
14 flashlights were running out, and they wanted  
new  
15 flashlights. And I had some equipment to round  
up.

16 Q. About how long did it take you,

once

17 you got up there, to round up all the stuff that  
you

18 needed to round up?

19 A. Not long. Probably within 10  
minutes

20 I was in route.

21 Q. Okay. In route to where?

22 A. To Eagle Drive.

23 Q. All right. Would that be 5801

Eagle

24 Drive?

25 A. Yes, sir.



1 Q. Let me ask you, when you got  
there,  
2 did you meet with someone from the Rowlett Police  
3 Department?

4 A. Yes, sir. My supervisor,  
Lieutenant

5 Grant Jack met me in the front yard.

6 Q. All right. And, did you give  
somebody

7 the supplies that you had brought up there to the  
8 location?

9 A. Yes.

10 Q. Okay. After you did that, were  
you

11 given any instructions on what the folks up there  
at the

12 scene wanted you to do out there?

13 A. Yes, sir. My lieutenant  
instructed me

14 to supervise the outside perimeter.

15 Q. Okay. Just what does that mean  
16 "supervise the outside perimeter"?

17 A. This was something like two  
hours

18 after the crime had been reported. And to

supervise the

19 perimeter, that was my instructions. And from that  
what

20 I did was I placed an officer at each end of the  
alley

21 simply to stop people that would be going to work,  
the

22 residents that would be going to work. We wanted  
to find

23 out if they had seen anything. And then also I was  
to

24 make a sweep of the neighborhood.

25 Q. Okay. Do you know an Officer  
David

1 Waddell?

2 A. Yes, sir, I do.

3 Q. Was he one of the officers that  
you

4 assigned to the alley?

5 A. Yes, sir, the north alley.

6 Q. And do you remember, just by  
chance,

7 do you remember the other officer that was assigned  
to

8 the other end of the alley?

9 A. Yes, sir, it was Dale Stevens  
who was

10 assigned to the south end of the alley.

11 Q. Okay. So you had the alley  
covered.

12 Correct?

13 A. That's correct.

14 Q. Anyone else that you gave  
instructions

15 to concerning the outside perimeter?

16 A. Yes, sir. There was another  
officer

17 at the scene, his name is Steve Ferrie. And I had

18 instructed Steve to go with me while we looked

through

19 the neighborhood.

20 Q. All right. Now, do you recall

at some

21 point while you were going through this

neighborhood, do

22 you recall you and Officer Ferrie actually going

down the

23 alley that's behind 5801 Eagle Drive?

24 A. Yes, sir.

25 Q. About what time that morning  
would you

1 and Officer Ferrie have been going down that alley?

2 A. Approximately 4:30, a little  
after.

3 Q. And do you recall how you  
started --

4 let me just ask you: Is 5801 on one end of the  
alley?

5 A. Yes, sir.

6 Q. All right. Did you start on the  
end

7 of the alley closest to 5801 or did you start from  
the

8 opposite end of the alley?

9 A. Directly behind 5801.

10 Q. And what direction would you have  
been

11 going then?

12 A. South.

13 Q. Is it just you and Officer  
Ferrie?

14 A. Yes, sir.

15 Q. Is it still dark outside?

16 A. Yes, sir, it is.

17 Q. Were y'all using your flashlights  
at

18 that point?

19 A. Yes, sir.

20 Q. Just tell us what you and Officer  
21 Ferrie began doing as you go down that alley. What  
are

22 y'all looking for?

23 A. By this time it's two hours after  
the

24 offense, and we're not really expecting to find our  
25 suspect. What we're looking for is evidence. And,

1 evidence that would be left by the suspect when he  
fled.

2 It might have been his hat. Maybe it blew off his  
head.

3 Maybe he dropped something. Maybe he was bleeding.

4 Maybe he left a track. Just anything that would  
lead us

5 back to that crime scene.

6 Q. Did you see any blood in the  
alley

7 that you would interpret to be the start of a  
trail?

8 A. No, sir.

9 Q. Did you see any blood at all at  
the

10 beginning of that alley, sir?

11 A. No, I did not.

12 Q. And that would have been behind  
5801

13 Eagle Drive; is that right?

14 A. That's correct.

15 Q. Just if you would, describe for  
us

16 then, what you did back in that alley to look for  
17 evidence.

18                           A.     You look in every backyard.  If  
you  
19   can't see in the backyard, you get to where you  
can.  
20   There's a lot of wooden stockade fences.  You check  
the  
21   ground for blood, you look in the shrubs, you look in  
the  
22   gutters, you look in the storm drains.  You open  
every  
23   trash can.  You open every container.  You look in  
the  
24   boats.  You look under cars.  You search that  
alley.  
25                           Q.     Okay.  Were there garbage  
containers

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1 back there in the alley?

2 A. Yes, sir.

3 Q. Are they cans? Or are they rubber  
4 containers? What sort of containers does Rowlett use  
for

5 the trash collection?

6 A. They're large rubber containers  
with a

7 lid on them.

8 Q. All right. And did you start  
looking

9 inside each one of those containers?

10 A. I did.

11 Q. Were there boats nearby the alley  
12 close to 5801 Eagle Drive?

13 A. Yes, sir.

14 Q. Did you look in those boats for  
15 evidence?

16 A. Yes, sir.

17 Q. Did you find any evidence in the  
18 boats?

19 A. No, sir.

20 Q. The backyards that you started to  
look

21 at as you went south, did you actually then look over

the

22 fence to determine whether or not you could see  
evidence

23 there?

24 A. We did.

25 Q. Did you find any evidence or  
anything

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1 that you thought might be connected with this  
offense?

2 A. We did not.

3 Q. And as you continued down the  
alley,

4 sir, did you find any blood on the pavement of the  
alley?

5 A. No, sir, we did not.

6 Q. Now, at some point, Sergeant Ward,  
did

7 you come to the portion of the alley that's behind  
5709

8 Eagle Drive?

9 A. Yes, sir, we did.

10 Q. How many houses down from 5801  
Eagle

11 Drive would 5709 Eagle Drive be?

12 A. I believe it's the third house.

13 Q. Okay. And as you came to that  
14 particular location, let me ask you, had you found  
any

15 evidence prior to getting to that location?

16 A. No, sir, none at all.

17 Q. Any hats? Any clothing? Any  
weapons?

18 Anything at all that you would believe to be  
connected to

19 this offense?

20 A. None.

21 Q. Had you checked all the garbage  
22 containers and all of the backyards and any vehicles  
that

23 you could check back there in that alley prior to  
getting

24 there?

25 A. Yes, sir, we had.

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1 Q. Okay. Now, when you got to 5709  
Eagle  
2 Drive, did you notice anything unusual at that point?  
3 A. Yes. This is rear-entry houses,  
and  
4 the alleyway in the drive to 5709 are right there.  
And  
5 the trash was out, and beside the container was a  
white  
6 athletic tube-sock type of sock, white sock.  
7 Q. Okay. And were there any lights  
on  
8 back there in the alley to help you find that item?  
9 A. No, sir.  
10 Q. Okay. Were you using your  
flashlight  
11 still?  
12 A. Yes, sir.  
13 Q. Officer Ferrie still got his  
14 flashlight?  
15 A. Yes.  
16 Q. Okay. So you actually saw it as  
you  
17 were scanning the ground there?  
18 A. That's correct.  
19 Q. Okay.

20

21

22

(Whereupon, the following

23

mentioned item was

24

marked for

25

identification only

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1                   after which time the  
2                   proceedings were  
3                   resumed on the record  
4                   in open court, as  
5                   follows:)

6  
7

8    BY MR. GREG DAVIS:

9                   Q.    Sergeant Ward, if you would  
please

10   look at State's Exhibit 20, 20-A and 20-B.

11                  A.    Yes, sir.

12                  Q.    Are these three photographs --  
first

13   of all, State's Exhibit 20, is this a true and  
accurate

14   depiction, an aerial shot of the portion of Eagle  
Drive

15   in the alleyway that you have just been testifying  
about?

16                  A.    That is correct, sir.

17                  Q.    State's Exhibit 20-A and 20-B,  
do they

18   truly and accurately depict the white sock that you  
found

19   as well as the garbage container, there in the

alleyway

20 as they appeared on June the 6th, of 1996?

21 A. Yes, sir.

22 Q. Okay. And, these photographs  
here,

23 I've shown these to you prior to you testifying  
this

24 morning; is that right?

25 A. You have, sir.

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1 Q. All right.

2

3 MR. GREG DAVIS: Your Honor, at  
this

4 time we'll offer State's Exhibits 20, 20-A and 20-  
B.

5 MR. RICHARD C. MOSTY: No  
objection.

6 THE COURT: State's Exhibit 20,  
20-A

7 and 20-B are admitted.

8

9 (Whereupon, the items  
10 Heretofore mentioned  
11 Were received in evidence  
12 As State's Exhibit No. 20, 20-A  
13 and 20-B for all purposes,  
14 After which time, the  
15 Proceedings were resumed  
16 As follows:)

17

18 MR. GREG DAVIS: Your Honor, may  
the

19 witness please step down for a moment?

20 THE COURT: He may.

21 Please step down. Watch your

step

22 there.

23

24 (Whereupon, the witness

25 Stepped down from

the

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1                                   Witness stand, and  
2                                   Approached the jury  
rail

3                                   And the proceedings  
were

4                                   Resumed as follows:

5

6    BY MR. GREG DAVIS:

7                                   Q.    All right.  Sergeant, if you'll  
step

8    back here to my side here.  Again, if we could just  
stand

9    back so that all the jurors can see what we're  
talking

10   about here.

11                                  Again, the top photograph, this  
is --

12   okay.  Looking at State's Exhibit 20, again, this is  
an

13   aerial photograph of a portion of Eagle Drive and  
the

14   alley behind the Eagle Drive; is that correct?

15                                  A.    Yes, sir.

16                                  Q.    And, we have labeled 5801 with  
the red

17   designation of 5801 right here; is that correct?

18 A. Yes, sir.

19 Q. And Eagle Drive runs to the front  
of

20 the house and then it bends around to the side; is  
that

21 right?

22 A. That's correct.

23 Q. All right. The -- can you just  
point

24 out --

25

1 THE COURT: The jury can't -- can  
you

2 see? The people down there may not be able to --

3

4 BY MR. GREG DAVIS:

5 Q. Again, if you'll stand back just  
a

6 little bit, sir, right down here.

7 A. All right.

8 Q. Now, if you would, just point out  
for

9 the members of the jury where that alley is back  
there.

10 A. The alley we're speaking of, this  
is

11 5801, and the alley is a rear-entry alley and it  
runs

12 right here.

13 Q. All right. And where on this  
alley

14 did you start your search that morning?

15 A. We began to search, the actual  
search

16 right here at the door. We came out, checked the  
alley,

17 and then turned and went south.

18                           Q.     All right.  And I understand  
then that  
19    whatever containers, boats, vehicles, backyards  
that you  
20    would have searched, would have been then, from  
the  
21    beginning of this alley to 5709 down here; is that  
right?

22                           A.     And beyond.

23                           Q.     All right.  Now, when you got  
down to  
24    5709 Eagle Drive, does State's Exhibit 20-A, does  
that  
25    show the trash container as well as a white object  
next

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Reporter

1 to it that turned out to be a tube sock?

2 A. Yes, it does.

3 Q. And State's Exhibit 20-B, is  
that a

4 closer photograph of that tube sock as it laid on  
the

5 ground next to the trash container?

6 A. Yes, sir.

7 Q. A white tube sock. Correct?

8 A. That's correct.

9 Q. Okay. Could you determine whether  
or

10 not there was any -- or appeared to be any blood on  
that

11 sock?

12 A. This stain here appeared to be  
blood.

13 Q. Okay. And you're pointing at this  
red

14 area here; is that correct?

15 A. Yes, sir.

16 Q. Okay. Sergeant, was that the only  
17 blood that you could see on that sock?

18 A. That's it.

19 Q. Could you tell the members of the  
jury

20 about how big this red spot was on this sock?

21 A. Maybe half the size of my thumb,  
from

22 the first joint, and I don't even know if it was that  
23 big. It was a small one, an inch by a half an inch,  
24 three quarters of an inch.

25 Q. Okay. Let me just -- about the  
size

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1 of a dime, a quarter?

2 A. An elongated nickel, probably.

3 Q. Okay. Fair enough. Go ahead and  
have

4 a seat back up there.

5

6 (Whereupon, the witness

7 Resumed the witness

8 Stand, and the

9 Proceedings were resumed

10 On the record, as

11 Follows:)

12

13 BY MR. GREG DAVIS:

14 Q. When you had an opportunity to  
look at

15 this sock, did it appear that this sock was a new  
sock?

16 A. It didn't appear to be a brand new  
17 sock. It appeared to be one that was in good  
condition.

18 Q. Okay. And when you actually saw  
it,

19 did you look in the -- on the ground surrounding  
this

20 sock, to see whether or not you could find any

blood in

21 that area?

22 A. Yes, sir, we did.

23 Q. On the ground?

24 A. Yes.

25 Q. Did you see any blood on the  
grass

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1 where this sock was actually found?

2 A. No, I did not.

3 Q. Okay. Did you look at the  
garbage

4 container that was right next to the sock?

5 A. Yes, sir, I did.

6 Q. Could you see any blood on the  
trash

7 container there?

8 A. No, sir.

9 Q. Did you look inside the garbage  
10 container?

11 A. Yes, sir, I did.

12 Q. What was inside that morning?

13 A. The grass clippings.

14 Q. Okay. Was the garbage container  
15 empty, just a few grass clippings on the bottom, or  
did

16 it appear that it was waiting to be picked up?

17 A. Half to two-thirds full.

18 Q. Half to two-thirds full?

19 A. Yes, sir.

20 Q. Had you found trash in the other  
21 containers?

22 A. Yes.

23 Q. All right. It appeared that they

were

24 ready to be picked up that morning?

25 A. Yes, sir.

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1 Q. Okay. Did you see any blood  
inside

2 the trash container?

3 A. No, sir, I did not.

4 Q. Did you find anything else inside  
the

5 trash container beside the grass clippings?

6 A. Just grass clippings.

7 Q. Didn't find another sock in  
there?

8 A. No, sir.

9 Q. Didn't find any shoes inside the  
10 garbage container?

11 A. No, sir.

12 Q. How about just in the area  
surrounding

13 the garbage container. Did you find any other  
socks?

14 A. No, sir, I did not.

15 Q. How about shoes?

16 A. No, sir.

17 Q. Just this one sock?

18 A. That is correct.

19 Q. Now, if I may, let me just step  
back

20 so that you and the jury can see what I'm going to  
point

21 at here. Does there appear to be a storm sewer  
drain

22 here right next to the garbage container?

23 A. Yes, sir, there is.

24 Q. Okay. Is there a manhole cover  
right

25 there?

1 A. Yes, sir.

2 Q. Right next to it?

3 A. Yes, sir.

4 Q. Okay. Now, let me ask you,

Sergeant

5 Ward, did you ever have an opportunity to look  
inside

6 that storm sewer?

7 A. Yes, sir. We didn't have a key  
to it

8 at the time, but I laid down and shined my  
flashlight

9 down looking at the base, and then it, it kind of  
runs

10 off at a funny angle. It doesn't run true with the  
11 alley, the drain doesn't. And I looked down the  
drain as

12 far as I could.

13 Q. Okay. When you looked inside the  
14 drain, did you see any blood?

15 A. No, sir.

16 Q. Did you see any other socks?

17 A. No, sir.

18 Q. Did you see any shoes?

19 A. No, sir.

20 Q. Did you see anything inside that  
drain

21 when you looked in it that morning?

22 A. No, sir, I did not.

23 Q. This sock that you located by the  
24 garbage container, did you take possession of it at  
that  
25 time?

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1                   A.     I did not take possession of it.

I

2     stood guard over it.

3                   Q.     All right.  Do you have an  
officer by

4     the name of David Mayne with the Rowlett Police  
5     Department?

6                   A.     Yes, sir.

7                   Q.     Is he in the Physical Evidence  
8     Section?

9                   A.     Yes, sir.

10                  Q.     Did Officer Mayne come to that  
scene

11     and actually take possession of the sock?

12                  A.     That is correct.

13                  Q.     Did you stop your search of the  
alley

14     after you found that sock?

15                  A.     No, sir, we did not.

16                  Q.     Okay.  How far down the alley did  
you

17     go?

18                  A.     All the way to the end.

19                  Q.     All right.  Did you continue  
searching

20 garbage containers?

21 A. Yes, sir.

22 Q. Did you continue searching  
vehicles or

23 boats?

24 A. Yes, sir, we did.

25 Q. Did you continue searching the  
alley

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1     itself?

2                   A.     We did.

3                   Q.     Backyards also?

4                   A.     Yes, sir.

5                   Q.     What else did you find in your  
search

6     of that alley?

7                   A.     On this particular search?

8                   Q.     Yes, sir.

9                   A.     Nothing.

10                  Q.     Now, let me just ask you:

Besides the

11    elongated nickel-sized blood spot on this sock,  
Sergeant

12    Ward, did you ever see any other blood in that  
alley all

13    the way from the start to the finish of your  
search, sir?

14                  A.     No, sir, we did not.

15                  Q.     Do you know about how long it  
took you

16    to search that alley?

17                  A.     Probably till about 5:15.

18                  Q.     Okay.

19                  A.     5:20, something like that.

20 Q. So, you started about what time?

21 A. Shortly before 4:30, 4:25 maybe,  
22 something like that.

23 Q. And you went to what time?

24 A. It was almost an hour. I think  
we  
25 probably finished up 50, 55 minutes later.

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1                   Q.     All right.  And was Officer  
Ferrie

2     with you the entire way?

3                   A.     Within sight of me, yes.

4                   Q.     Basically helping you search?

5                   A.     Well, yes, sir.  We kind of  
split it

6     up.  He took one side and I took the other.

7                   Q.     All right.  Now, after you  
finished

8     your search of the alley, Sergeant, what did you do  
at

9     that point?

10                  A.     We began canvassing the  
neighborhood

11     and waking people up.

12                  Q.     And when you are talking about  
13     canvassing the neighborhood, what's the purpose of  
14     canvassing the neighborhood?

15                  A.     To just see if anybody throughout  
the

16     night had seen or heard anything suspicious, if  
there was

17     any unusual activity.  Had there been any strange  
people

18 in that neighborhood, that sort of thing.

19 Q. Do you remember which houses that  
you

20 went to personally to canvas?

21 A. I don't remember all of them,  
sir. I

22 probably went somewhere around 12 to 15 houses.

23 Q. Okay. And in relation to 5801  
Eagle

24 Drive, do you remember where some of these houses  
would

25 have been?

1                   A.     Yes, sir, I do.  Now, the ones  
2     immediately south of, and behind the house, I  
personally  
3     made contact with those folks.

4                   Q.     Okay.  Let me just show you --  
5

6                   MR. GREG DAVIS:  If the witness  
could  
7     please step down again just a moment.

8  
9   (Whereupon, the witness  
10    Stepped down from the  
11    Witness stand, and  
12    Approached the jury  
rail  
13    And the proceedings  
were  
14    Resumed as follows:)

15  
16    BY MR. GREG DAVIS:

17                   Q.     Again, Sergeant, if you'll stand  
back  
18     here so that all of the jurors can see here.

19    You said that you started  
canvassing

20     the houses behind and to the south of 5801; is that

21 right?

22 A. Yes, sir.

23 Q. What area of this photograph,  
which is

24 State's Exhibit No. 7. Where would we see those  
houses?

25 A. This is 5801, and I made contact  
with

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1 these houses through here.

2 Q. So you have shown us the three  
houses

3 that -- let's see, it would be to the south on Eagle;  
is

4 that right?

5 A. Um-hum. (Witness nodding head  
6 affirmatively).

7 Q. And then you have shown us the  
first

8 five houses on Willowbrook Drive beginning Eagle and  
then

9 going south; is that right?

10 A. That is correct.

11 Q. Okay. Now, when you say "canvas,"  
did

12 you actually talk to the occupants of these houses?

13 A. Yes, sir, we did, we woke them up.

14 Q. Okay. What kind of questions were  
you

15 asking these people?

16 A. "Did you see anything through the  
17 night? Did you hear anything through the night?

Has

18 there been any unusual activity? Have strangers  
been in

19 the neighborhood? Is there anything, that you would  
be

20 able to tell us, that would help us with this?"

21 Q. Okay. I want to just ask of the,  
I

22 guess the eight houses that you went to right here,  
did

23 you get any information that would help?

24 A. No.

25 Q. All right. You did these eight  
houses

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1 here?

2 A. Yes.

3 Q. Did you ever canvas any other  
houses

4 in the neighborhood, Sergeant?

5 A. Right here where Linda Vista comes  
in.

6 I talked to all of these people that were immediately  
7 next to them. About five houses here and over here.  
But

8 there were other officers that were canvassing the  
9 neighborhood also. And we went to where Linda Vista  
came

10 in, these houses around here.

11 Q. Okay. Let me just ask you, you  
12 personally, let's just deal with people that you  
dealt

13 with personally.

14 A. Okay.

15 Q. Of all the houses and all the  
16 occupants that you talked to out there, did you  
17 personally ever get any information concerning what  
might

18 have happened out there that night?

19 A. No, sir, I did not.

20 Q. Okay. Sergeant, you can go back  
up

21 there.

22

23 (Whereupon, the witness

24 Resumed the witness

25 Stand, and the

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1 Proceedings were resumed  
2 On the record, as  
3 Follows:)

4

5 BY MR. GREG DAVIS:

6 Q. Sergeant, let me ask you if later  
that  
7 morning, still on June 6th, later that morning if you  
8 ever had another occasion of going to the alley  
behind  
9 5801 Eagle Drive?

10 A. Yes, sir. We wanted to redo the  
11 search. And the reason being, in the middle of the  
night  
12 you're operating by flashlight, and you miss stuff.  
So,  
13 as soon as good daylight came, we went back through  
the  
14 alley and repeated the procedure.

15 Q. Okay. Now, it's daylight. Did  
you do  
16 the exact same thing that you had done between 4:25  
and  
17 5:20?

18 A. Yes, sir.

19 Q. Okay. Did you go back and look at  
the

20 garbage containers again?

21 A. Yes, sir.

22 Q. Did you look at the boats again?

23 A. Yes, sir.

24 Q. Did you look at the vehicles  
again?

25 A. Yes, sir.

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1 Q. Did you look in the backyards  
again?

2 A. Yes, sir.

3 Q. Did you look in the alleyway  
itself,

4 the paved portion, and the grass that surrounds the  
5 alley?

6 A. Yes, sir.

7 Q. Let me ask you: Did you ever find  
any

8 other blood in that alley, in either the paved  
portion or

9 the grass that's right next to that paved part of the  
10 alley?

11 A. No, sir, we did not.

12 Q. Did you ever find any other item,  
13 either in that alley, garbage containers, in  
backyards,

14 in vehicles, boats, any other item that had blood on  
15 them?

16 A. No, sir.

17 Q. Did you find any other item of  
18 clothing during that search?

19 A. No, sir.

20 Q. Specifically, did you find any

sock

21 that might be a match, or mate to the sock that you  
found

22 there at 5709 Eagle?

23 A. No, sir, we did not.

24 Q. Find any socks?

25 A. No, sir.

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1 Q. How about shoes? Did you ever  
find

2 any shoes back there during your search?

3 A. No, sir.

4 Q. Let me ask you: At some point in  
your

5 search of that alley, Sergeant Ward, did you again  
come

6 to the part of the alley that's there at 5709 Eagle  
7 Drive?

8 A. Yes, sir.

9 Q. All right. And the next street  
over

10 would be Willowbrook. Correct?

11 A. That is correct.

12 Q. All right. Did you have occasion  
to

13 look into the backyard that would have been across  
the

14 alley from 5709 Eagle  
Drive?

15 A. Yes,  
sir.

16 Q. And, when you looked over there,  
could

17 you see any knives in the backyard?

18 A. Yes, sir.

19 Q. Okay. Describe for the jury  
exactly

20 what you saw, when you looked over into this  
backyard?

21 A. The backyard had a hedge that  
kind of

22 ran around the back of it. There was some rubber  
edging

23 or molding that people use to outline their  
flowerbeds.

24 It's like maybe four or five inches wide. It comes  
in a

25 roll and you unroll it. It's plastic. You put part  
of

1 it in the ground. You bury part of it.

2 And then, right at the end there  
was a

3 string that was on the ground; a screwdriver, a

4 yellow-handled screwdriver; a metallic knife that  
was

5 laying on the ground between the screwdriver and the

6 other knife.

7 The other knife was a kitchen  
butcher

8 knife and it was sticking in the ground.

9 Q. Okay. Now, the -- as I  
understood it,

10 there are hedges back there?

11 A. Yes, sir.

12 Q. And this rubber edging for  
flowerbeds,

13 is it back there also?

14 A. Yes, sir.

15 Q. Okay.

16 A. As a matter of fact, part of that  
had

17 been buried. And when you got to where the knives  
were,

18 it came up out of the ground and it was just a lose

end

19 that hadn't been worked with yet. It was laying  
there by

20 the knives.

21 Q. Okay. Was there also a string  
back

22 there?

23 A. Yes, sir.

24 Q. How close to the edging was the  
25 string?

1                   A.     It's kind of parallel.  The  
string was  
2     more to the center side of the yard, lawn.  And it  
was  
3     lose.  It wasn't packed or anything.

4                   Q.     Have you ever heard of using a  
string  
5     line to line something up?

6                   A.     Yes, sir, I have.

7                   Q.     All right.  How about the knives  
that  
8     you saw.  Were they just laying loose in the  
backyard  
9     when you could see them, or how were they located  
back  
10    there?

11                  A.     Well, the metallic knife, that  
was  
12    solid metallic, was laying on the ground.  And the  
13    kitchen butcher knife was sticking in the ground.  
About  
14    half of the blade buried in the ground.

15                  Q.     All right.  How close to the  
string  
16    and to the rubber material were the knives?

17                           A.     Right adjacent to them.  I mean,  
a

18    couple of feet.

19                           Q.     All right.  You say that one of  
them

20    was laying down, the other one was actually stuck in  
the

21    ground?

22                           A.     That's correct.

23                           Q.     When you looked at them, the  
light was

24    good at that time.  Right?

25                           A.     Yes, sir.

1 Q. Could you see any blood on either  
one

2 of those two knives, sir?

3 A. No.

4 Q. Either on the handle or on the  
blade

5 portion of those two knives?

6 A. No, sir.

7

8

9 (Whereupon, the  
following

10 mentioned item was  
11 marked for  
12 identification only  
13 after which time the  
14 proceedings were  
15 resumed on the record  
16 in open court, as  
17 follows:)

18

19 BY MR. GREG DAVIS:

20 Q. Sergeant Ward, if you would, look  
at

21 State's Exhibit 21, State's Exhibit 22. Have I shown  
you

22 these two knives before your testimony this morning?

23 A. Yes, sir, you have.

24 Q. Okay. Have I asked you to look at  
25 them and tell me whether or not they look like the  
two

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1 knives that you saw in the backyard that morning?

2 A. Yes, sir, you have.

3 Q. All right. And just tell the  
members

4 of the jury whether or not these two knives look like  
the

5 two knives that you saw that morning?

6 A. Yes, sir.

7 Q. Okay.

8

9 MR. GREG DAVIS: Your Honor, at  
this

10 time we'll offer State's Exhibit 21 and 22.

11 MR. DOUGLAS MULDER: No objection.

12 THE COURT: State's Exhibit 21 and  
22

13 are admitted.

14 MR. DOUGLAS MULDER: Which is  
which?

15 MR. GREG DAVIS: 21 is going to be  
all

16 steel. 22 has the wooden handle.

17

18 (Whereupon, the above

19 mentioned items were

20 received in evidence  
as  
21 State's Exhibit  
Numbers  
22 21 & 22, for all  
purposes  
23 after which time,  
24 the proceedings were  
25 resumed on the record,  
Sandra M. Halsey, CSR, Official Court  
Reporter

1 as follows:)

2

3 BY MR. GREG DAVIS:

4 Q. Sergeant Ward, the -- which  
one of

5 these knives was actually stuck into the ground?

6 A. This one.

7 Q. All right.

8 A. As they appeared to me on the  
morning

9 of June the --

10

11 THE COURT: Let the record  
reflect

12 that the witness is referring to State's Exhibit 22.

13

14 BY MR. GREG DAVIS:

15 Q. Right.

16 A. As they appeared to me on the  
morning

17 of the 6th, the screwdriver would have been on the  
18 right-hand side. And it was sticking in the ground.

It

19 was a yellow-handled screwdriver. And this knife  
was

20 laying with the blade away from me like that. And  
this

21 knife was stuck in the ground here, with about that  
much

22 of the blade in the ground.

23

24 THE COURT: Okay. The first knife

you

25 referred to was?

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1 THE WITNESS: 21.

2

3 BY MR. GREG DAVIS:

4 Q. 21 was the knife where the blade  
edge

5 was pointing away from you. Correct?

6 A. That is correct.

7 Q. And you're holding State's Exhibit  
No.

8 22, and you're indicating to us, if you would,

9 approximately, how many inches of the blade was into  
the  
10 ground itself?

11 A. Three and a half to four inches.

12 Q. All right. Now, the handle of  
the

13 screwdriver, could you see it?

14 A. Yes, sir.

15 Q. Was there anything on the handle  
that

16 you could see?

17 A. It appeared as though they had -

-

18 somebody had been using it with muddy hands.

19 Q. Okay. Why? Why did it look

that way?

20                           A.     When you -- when they were  
installing

21    this, it looked as though that they had used these  
items

22    or these utensils to install that rubber edging,  
for

23    digging, for cutting it, that sort of thing.

24                           The screwdriver was sticking in

the

25    ground and there was mud on the handle.

1 Q. Okay.

2 A. There was mud on all of these  
3 items.

4 Q. Okay. Did it appear to be fresh  
5 mud  
6 or dried blood -- I mean, dried mud?

7 A. It was fresh.

8 Q. Let me just ask you: Let's talk  
9 about  
10 State's Exhibit No. 21. Okay. You had a chance to  
11 look  
12 at both the handle and knife blade. Correct?

13 A. Uh-huh. (Witness nodding head  
14 affirmatively.)

15 Q. Could you see anything on this  
16 knife,  
17 No. 21?

18 A. No, sir, I could not.

19 Q. Okay. All right. No blood?

20 A. No.

21 Q. All right. Any mud that you could  
22 determine that you could see on that?

23 A. Yes, sir, there was mud.

24 Q. All right. What portion of  
25 State's

20 Exhibit No. 21 could you see mud on?

21 A. There was mud all over the knife.

I

22 mean, it had been used by somebody in the mud. It

was

23 muddy.

24 Q. Okay. Again, was it fresh or did

it

25 appear to be dried mud?

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1                   A.     It appeared to be fresh.  It was  
still

2     moist-looking.

3                   Q.     All right.  Is it on the handle up  
4     here?

5                   A.     Yes, sir.

6                   Q.     As well as on the blade?

7                   A.     Yes, sir.

8                   Q.     Now we're looking at State's  
Exhibit

9     No. 22, of course, part of the blade is actually into  
the  
10    ground; is that right?

11                  A.     That's correct.

12                  Q.     Okay.  All right.  Let's talk  
about

13    first then the handle portion of State's Exhibit No.  
22.

14    Could you see anything on that?

15                  A.     Mud.

16                  Q.     All right.  Mud again?

17                  A.     Yes, sir.

18                  Q.     Okay.  Covering what portion of  
the

19    handle?

20                   A.     Almost entirely all of the  
handle.

21                   Q.     Okay.  How about the portion of  
the

22  blade that you could see actually sticking out of  
the

23  ground?  Was there anything on that?

24                   A.     That portion had some mud on it,  
but

25  that was the cleanest part of the knife was that  
portion.

1                   Q.     Some mud, but not as much as on  
the

2     handle; is that right?

3                   A.     That's correct.

4                   Q.     All right.

5                   A.     Also on these knives, when you  
looked

6     at this knife, you could see where somebody had  
gripped

7     it, where they had been digging, and where their  
hand

8     left the imprint of their hand on the handle where  
they

9     had been digging with it and that sort of thing.

You

10    could actually see where somebody had been using it  
in

11    the mud.

12                  Q.     Okay.  A hand imprint in the  
mud; is

13    that right?

14                  A.     Yes, sir.  Where you could see  
the

15    fingers, where the fingers were on the handle.

16                  Q.     All right.  Sergeant Ward, when

you

17 saw the screwdriver, and you saw these two knives,  
did

18 you retrieve them at that time?

19 A. No, sir, I did not.

20 Q. Okay. Would you just tell  
the members

21 of the jury why you decided not to retrieve  
them at that

22 time?

23 A. It was my opinion that they  
weren't

24 connected with the offense. Had there been any  
doubt in

25 my mind that either of these knives, the  
screwdriver, the

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1 string, or the edging, had been connected with  
this  
2 offense we would have retrieved it. There was  
no  
3 question in my mind then or now that they were not  
4 connected.

5 Q. Okay. Let me just ask you: If  
you  
6 would, just tell us, tell us the factors that went  
into  
7 your decision and why you believed that these two  
knives  
8 and the screwdriver were not connected to the  
offense.

9 A. At the time that I found these, I  
was  
10 accompanied by the lead investigator, J.R.  
Patterson. We  
11 had been, or Patterson had been told --

12  
13 MR. RICHARD C. MOSTY: Objection.  
14 That's hearsay, clearly.

15 THE COURT: Just state what you  
16 actually know yourself. Rephrase the question.

17

18 BY MR. GREG DAVIS:

19 Q. Let me just ask you: At the time  
that

20 you saw these two knives, did you know whether or  
not a

21 knife with blood on it had been retrieved from  
inside the

22 residence at 5801 Eagle Drive?

23 A. Yes, sir, I did.

24 Q. So you knew that?

25 A. Yes, sir.



installing

18 that edging, just left the utensils that they were  
using

19 there.

20 Also, there was a six foot locked

21 fence that surrounded these items. The back gate

was

22 locked. The fence is an iron fence that's got bars

about

23 every six inches. You can see through it. It's

easily

24 seen through.

25 But you can't hardly get, you  
know,



1 it's hard to climb. You can't hardly get over it.

2 Q. So the fence is six feet tall.

Right?

3 A. Yes, sir.

4 Q. Have you seen those fences -- the

5 fences, sometimes they'll put around apartment  
complexes,

6 a kind of a security fence where they've got the  
vertical

7 slats, the metal slats?

8 A. Yes, sir. Very similar.

9 Q. Is that very similar to that kind  
of

10 fence behind this yard?

11 A. Yes, sir.

12 Q. And did you actually you,  
yourself,

13 did you go and check the gate of that yard to make  
sure

14 that it was locked?

15 A. Yes, sir, I did.

16 Q. And it was locked. Correct?

17 A. Yes, sir, it was.

18 Q. Okay.

19 A. Another thing that --

20

21 MR. RICHARD C. MOSTY: Excuse me,  
your

22 Honor, I don't believe a question was asked of this  
23 witness.

24 THE COURT: Well, I'll let him  
answer  
25 it. Go ahead.

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1                   MR. RICHARD C. MOSTY: Answer a  
2 question that hadn't been asked?

3                   THE COURT: Well, I think we can  
clear

4 it up, Mr. Mosty.

5

6 BY MR. GREG DAVIS:

7                   Q. Were there any other factors that  
led

8 you not to collect these two knives, sir?

9                   A. Yes, sir. The -- when you find  
10 something that is suspicious, it has to be taken  
into

11 consideration of everything that was found there.

12 Everything. If you find a knife in one place, it  
is, and

13 another place that it isn't.

14                   I was absolutely positive that  
those

15 things had not been used.

16                   Q. Okay. Has your opinion changed?

17                   A. None.

18                   Q. And, again, do I understand you  
to say

19 that even after you saw these two knives, that you

20 continued the entire length of that alley again  
searching

21 in daylight?

22 A. Yes, sir, we did.

23 Q. No other items retrieved or seen;

is

24 that right?

25 A. None.

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1                   Q.     Let me just ask you:  Do you  
recall

2     how long that you stayed out there at the residence  
that  
3     day before you left?

4                   A.     About 7:00 PM, I think.

5                   Q.     All right.  Just in general, your  
6     duties, after you went down the alley with Detective  
7     Patterson, what types of things are you doing?  Are  
you  
8     part of the crime scene team out there?

9                   A.     No, sir.  Generally what I did  
was I  
10    facilitated the outside perimeter.  I made sure that  
the  
11    guys that were maintaining the perimeter had  
bathroom  
12    breaks, that they had sufficient water.  If  
somebody on  
13    the inside of the house needed something, I made  
sure  
14    that they got it, that sort of thing.

15                  Q.     So you're basically -- you're a  
16    supervisor from that point on; is that right?

17                  A.     That's correct.

18 Q. Okay. Sergeant --

19

20 THE COURT: I think we'll  
go ahead and

21 take our morning break right now.

22 Speaking of break, we'll  
take one.

23 All right. Let's make it  
-- be back

24 at 10:45 by that clock, please.

25

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1  
short  
2  
taken,  
3  
time,  
4  
5  
6  
7  
defendant

(Whereupon, a  
Recess was  
After which  
The proceedings were  
Resumed on the record,  
In the presence and  
Hearing of the

8  
follows:)

And the jury, as

9

10 THE COURT: All right. Bring the  
jury

11 in, please. Are both sides ready to bring the jury  
in

12 and resume?

13 MR. GREG DAVIS: Yes, sir, the  
State

14 is ready.

15 MR. DOUGLAS MULDER: Yes, sir, the  
16 defense is ready.

17 THE COURT: All right. Bring the  
jury

18 in please. Let's proceed.

19

20 (Whereupon, the jury

21 Was returned to

the

22 Courtroom, and

the

23 Proceedings

were

24 Resumed on the record,

25 In open court, in the

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1 Presence and hearing  
2 Of the defendant,  
3 As follows:)

4  
5 THE COURT: All right. Be  
seated.

6 Let the record reflect that all parties in the trial  
are  
7 present and the jury is seated.

8 Mr. Davis.

9 MR. GREG DAVIS: Thank you,  
Judge.

10

11 (Whereupon, the following  
12 mentioned item was  
13 marked for  
14 identification only  
15 after which time the  
16 proceedings were  
17 resumed on the record  
18 in open court, as  
19 follows:)

20

21

22 DIRECT EXAMINATION (Resumed)

23

24 BY MR. GREG DAVIS:

25 Q. Sergeant Ward, let me show you  
what

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1 I've had marked for identification purposes as  
State's

2 Exhibit 20-C. Do you recognize that, sir, to be a  
report

3 that you prepared in this case?

4 A. This is my rough draft report  
that I

5 prepared. Yes.

6 Q. All right. And let me just ask  
you:

7 You say this is a rough -- rough notes of what  
happened.

8 Correct?

9 A. Yes, sir.

10 Q. In all fairness, did you also  
prepare

11 a handwritten report about what happened?

12 A. Yes, sir, I did.

13 Q. All right. And, have we looked  
for

14 that, and has your lead detective looked for that  
and can

15 we not find that?

16 A. And the secretary back home has  
looked

17 for that and we can't find it.

18                           Q.     Okay.  Well, let me just ask  
you:  You  
19     know, Mr. Mulder has got a copy of 20-C, but let  
me just  
20     ask you, did you use 20-C to prepare your  
handwritten  
21     report?

22                           A.     Yes, sir, I did.

23                           Q.     So this is -- would it be fair  
to say  
24     that this is the basis of the report that today we  
cannot  
25     find; is that right?

                          Sandra M. Halsey, CSR, Official Court  
Reporter

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1 A. Yes, sir.

2 Q. All right. Do you know of any  
other

3 additional information in that written report, the  
4 handwritten report that's not in 20-C?

5 A. Yes, sir. I did that at the  
end of

6 June the 6th. Probably around 8:00 PM.

7 Q. Okay.

8 A. And it starts off, you'll  
notice that

9 the date is blank.

10 Q. Right.

11 A. I couldn't think of it, and I  
just

12 skipped over it. And on my handwritten copy I  
went back

13 and I put the date in.

14 Q. Okay. You actually put the  
6th of

15 June?

16 A. Yes.

17 Q. Instead of just leaving it, the  
actual

18 date blank. Right?

19                   A.     I went back in and filled in  
the date.

20                   Q.     Okay.

21                   A.     And then, at the bottom of that  
22 paragraph, it says that the sock was recovered by  
Officer

23 Beddingfield, but it was recovered by Officer  
Mayne. And

24 I'm aware of that.

25                   Q.     Okay. So, in this one you  
didn't

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Reporter

1 actually put in the 6th, you just left the date  
blank,

2 and you put in that the sock was taken by  
Beddingfield

3 instead of taken by David Mayne actually.  
Correct?

4 A. That's correct.

5 Q. Okay.

6

7 MR. GREG DAVIS: All right.

Your

8 Honor, at this time we'll pass the witness.

9 THE COURT: Mr. Mosty.

10

11

12 CROSS EXAMINATION

13

14 BY MR. RICHARD MOSTY:

15 Q. Sergeant Ward, how long did you  
say

16 you've been an officer?

17 A. 24 years and 8 months.

18 Q. And with Rowlett, how long?

19 A. Ten years.

20 Q. And you were a supervisor of

what?

21 A. Patrol.

22 Q. And how many people are under your

--

23 A. It varies from what shift you're  
on,

24 as many as 10 and as few as 6.

25 Q. Okay. Are you in charge of all  
the

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1 patrol officers?

2 A. No, sir, just my shift.

3 Q. You have a shift that you're in  
charge

4 of?

5 A. That's correct.

6 Q. All right. And you have been  
trained,

7 I guess, in collection of evidence and preservation  
of

8 crime scenes?

9 A. Yes, sir.

10 Q. And those types of things.

11 A. Yes.

12 Q. And you understand the importance  
of

13 collecting all of the evidence that might be of any,  
even

14 questionable assistance in the case?

15 A. Yes, sir, I sure do.

16 Q. Isn't the rule that, you know,  
let's

17 collect it all and figure out what's important later?

18 A. Yes, sir.

19 Q. And do you instruct your patrol

20 officers in that same manner?

21 A. Yes, sir, I do.

22 Q. But I know they're not  
investigators

23 full time, but often times they might be the first  
person

24 on the scene.

25 A. That is correct.

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1 Q. So they're trained to preserve and  
2 observe crime scenes?

3 A. That's correct.

4 Q. Now, did you take notes that  
night?

5 A. Yes, sir.

6 Q. In your whip-out book?

7 A. Not a whip-out book. I carried a  
big  
8 notebook.

9 Q. A big note book?

10 A. Yes.

11 Q. And where are those notes?

12 A. Locked up in my file cabinet, I  
13 believe.

14 Q. Okay. And when did you lock them  
up  
15 in the file cabinet?

16 A. When I finished that report.

17 Q. Finished what report? The  
typewritten  
18 one or the missing --

19 A. No, the handwritten.

20 Q. Okay.

21 A. So, probably since maybe June the

22 10th.

23 Q. Okay. The missing report is the

24 handwritten one?

25 A. Yes, sir.

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1 Q. And that's about June 10th?

2 A. I did the handwritten report the  
next  
3 day.

4 Q. All right.

5 A. When I did that one that's in  
front of

6 you there, it was June 6th, I got up somewhere around  
7 3:10 or 3:15 in the morning, somewhere around 8:00  
8 o'clock when I wrote that one. When I got through  
with

9 that that, I was done. I went home. And I did that  
10 while it was still fresh in my mind.

11 Q. Okay. So, you got some notes that  
are

12 in the file cabinet. From the notes you did a  
written

13 report? Am I right?

14 A. Yes. From my handwritten notes I  
did

15 a report.

16 Q. Okay. And that handwritten -- the  
17 missing report was done on the 7th?

18 A. That's correct.

19 Q. Okay. And when did it

turn up

20 missing?

21 A. Today.

22 Q.

Today?

23 A.

Today.

24 Q. When did you first go

looking for it?

25 A. Today.

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Court Reporter

1300

1 Q. You looked for your  
notes?

2 A. Today.

3 Q. Today?

4 A. Um-hum. (Witness nodding head  
5 affirmatively).

6 Q. You couldn't find the notes?

7 A. I had a copy of the thing right  
there

8 in front of you that I reviewed.

9 Q. That's it?

10 A. That's it. That's all the review  
I've

11 had.

12 Q. Matter of fact, the copy that I'm  
13 looking at -- well, you made a handwritten report.

Is it

14 a full report? I mean --

15 A. The handwritten report --

16 Q. On the such and such day, such and  
17 such I did, and it describes everything you did?

18 A. Everything of importance,  
yes.

19 Q. And I assume that you never  
have

20 looked for that until today?

21 A. That's correct. There are two  
things

22 in my notes --

23 Q. Well, let's talk about the  
handwritten

24 notes for a minute.

25 A. Okay.

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1 Q. You had not ever reviewed that  
from

2 June 7th?

3 A. I have never reviewed the  
handwritten

4 notes.

5 Q. Okay. And, when you did those  
6 hands -- that handwritten report, what did you do  
with

7 it?

8 A. Turned it in.

9 Q. To?

10 A. When we turn in a report, you  
stick it

11 in a file. There's a file cabinet there for reports  
that

12 are going in. You put it in there. And then it's

13 dispersed throughout the department wherever it  
needs to

14 go.

15 Q. Is it like an in-basket?

16 A. Yes, an in-basket/out-basket.

17 Q. For daily reports?

18 A. Yes, sir.

19 Q. And then you say it's distributed

20 within the department?

21 A. Yes, sir.

22 Q. And, but if there's an  
investigating

23 officer, a copy of your report will go to the lead

24 detective, for instance?

25 A. Yes, sir.

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1 Q. A copy will go to the district  
2 attorney?

3 A. Yes, sir. It will go in the case  
4 file.

5 Q. Okay. So, anything that you have  
6 noted, whether it's important, or it excludes  
something,

7 or whatever it is, those copies are distributed  
around,

8 so that the important -- so the people in charge  
will

9 know what's happening?

10 A. Things that are important, not  
11 necessarily to exclude something, but things that  
are  
12 important, yes.

13 Q. Okay. And then, if I understand,  
you  
14 typed a report, after the handwritten report?

15 A. No.

16 Q. No?

17 A. I took the handwritten notes.

18 Q. Okay.

19 A. And the handwritten notes are just  
20 like anybody else's handwritten notes. They're

enough to

21 jog your memory.

22 Q. Okay.

23 A. They're not in detail.

24 Q. Okay.

25 A. From that, the evening of the 6th,

I

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1 prepared that report that's in front of you.

2 Q. Okay. So you got your notes and  
3 they're just hieroglyphics or scribbling, or whatever  
it  
4 is to remind yourself?

5 A. They're notes to remind yourself.  
6 They're not hieroglyphics.

7 Q. Okay. And if you read my writing  
you  
8 might call it hieroglyphics.

9 Okay. And then you wrote -- would  
you  
10 call it a narrative report?

11 A. The report that I submitted is  
just  
12 almost verbatim of that report that's in front of  
you.

13 Q. Well, I understand. But let's  
talk  
14 about on June the 6th.

15 A. June the 6th.

16 Q. When you're sitting  
there, and I guess  
17 you've got your notes beside you, or  
referring to them

18 when you need to?

19 A. Yes.

20 Q. And you're  
handwriting out?

21 A. No.

22 Q. No?

23 A. No. I'm typing.

24 Q. Okay.

25 A. I took the  
handwritten notes, I typed

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Court Reporter

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1     them, and then I hand wrote them again.

2                     Q.     Okay.  You took --

3                     A.     Typing is in the  
middle.

4                     Q.     Typing is in the  
middle?

5                     A.     Yes, sir.

6                     Q.     And then, after  
you had typed up this

7     report, then you sat down with this  
report, and got you a

8     pad of paper and commenced to  
handwriting out this

9     report?

10                    A.     Yes, sir, I did.

11                    Q.     But when you did  
that, did you put the

12     two of them together?  I mean, did  
you take them and take

13     them to the in-box and did you throw  
them together in the

14     in-box?

15                    A.     No.

16                    Q.     Well, what did  
you do with them?

17                           A.     I saved one on  
the computer and turned

18    the other one in.

19                           Q.     Okay.  So even  
the one on the

20    computer's lost?

21                           A.     No.

22                           Q.     The hard copy?

23                           A.     The copy that

you've got this morning

24    we called back to the department and

the secretary went

25    in and pulled it up off of my hard  
drive and faxed it to

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1 us.

2 Q. Okay. And, as a  
matter of fact, she

3 faxed it down here at 9:44 AM this  
morning?

4 A. I didn't check  
the time, but that's  
5 close.

6 Q. All right. What  
time did you start  
7 testifying?

8 A. Right after that.

9 Q. When you started  
testifying, had this  
10 report even come in?

11 A. Yes, sir.

12

13 THE COURT: Let

the record reflect

14 that this witness started testifying  
at 9:54 AM.

15 MR. RICHARD

MOSTY: Okay.

16 THE WITNESS:

Counselor, we didn't

17 know this thing was missing until  
this morning, or

18 believe me, I would have had it.

19

20 BY MR. RICHARD MOSTY:

21 Q. So you never had  
an opportunity to

22 look for it?

23 A. No, sir.

24 Q. Okay. But now  
this one -- so the hard  
25 copy, did you sign the one that you  
typed up?

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1                   A.     No, sir.

2                   Q.     You don't sign  
those?

3                   A.     It's on my  
computer.

4                   Q.     Okay.  But --

5                   A.     That's my rough copy of my notes.  
6     That's not the one I turned in.

7                   Q.     You got a handwritten report  
that's  
8     more complete than this one or not?

9                   A.     It's almost verbatim with what  
that  
10    one was.

11                  Q.     Except you made some mistakes you  
12    know.

13                  A.     On that one.

14                  Q.     On this one here?

15                  A.     Yes, sir.

16                  Q.     Yeah.  Well, tell me what mistakes  
you  
17    remember making.

18                  A.     On the date, which was June the  
6th, I  
19    left that date out.

20 Q. You couldn't remember the date?

21 A. It had been a long day, sir.

22 Q. All right.

23 A. And on the bottom one, where

Officer

24 Mayne took the sock, I believe I put Officer

25 Beddingfield.

Sandra M. Halsey, CSR, Official Court Reporter

1307

1 Q. Okay. Was that in your notes?

2 A. No.

3 Q. Your scribble notes?

4 A. No, that came out of my head.

5 Q. Okay. That was from the halls of  
your  
6 memory?

7 A. That's right.

8 Q. Okay. But, right then, within 12  
9 hours, you couldn't remember -- you made a mistake  
about  
10 who picked up the sock. Correct?

11 A. On the rough notes, yes.

12 Q. Right. You misdescribed the  
officer  
13 who picked up the sock?

14 A. Misnamed him.

15 Q. Misnamed him?

16 A. Yes.

17 Q. Misdescribed  
him?

18 A. Misnamed him.

19 Q. Made an  
error?

20 A. Made an

error.

21 Q. Were not accurate in your  
description?

22 A. In the name. Correct.

23 Q. So what you wrote down was not

24 accurate, was it?

25

Sandra M. Halsey, CSR, Official Court Reporter

1308

1                                   MR. GREG DAVIS: I'll object.  
It's  
2    repetitious. I think that's about the fifth time on  
3    that, your Honor  
4                                   THE COURT: Sustained. I think he  
has  
5    answered the question. Let's go on to the next one.  
6  
7    BY MR. RICHARD MOSTY:  
8                                   Q.     And then later on you thought a  
little  
9    bit more about it and corrected it?  
10                                  A.     Well, the next time I read that, I  
11    corrected it, yes.  
12                                  Q.     Okay. You didn't even -- until --  
13    well, when did you read it?  
14                                  A.     The next day when I hand wrote it.  
15                                  Q.     Okay. You hand wrote the next  
day.  
16    Even when you were typing it from your notes, you  
didn't  
17    detect your error?  
18                                  A.     No.  
19                                  Q.     It wasn't until you read it again  
the

20 next day?

21 A. That's correct.

22 Q. And hand wrote it?

23 A. That's correct.

24 Q. Why did you hand write what had  
25 already been typed up?

Sandra M. Halsey, CSR, Official Court Reporter

1309



1                   A.     Because it was a hard copy and it  
was  
2     going on a form, and that form is not on our  
computer.

3     We have a supplement form, and I put it on the  
4     supplement.

5                   Q.     And why do you do supplements? To  
add  
6     things that you have forgotten to put in?

7                   A.     No, sir. You add information to  
the  
8     offense reports or investigations.

9                   Q.     Okay. Sometimes to correct a  
10    misstatement or something you neglected to put in an  
11    earlier report?

12                  A.     It could be, yes, sir. That is  
one of  
13    the many uses.

14                  Q.     Okay. When did you come to  
Kerrville?

15                  A.     Sunday.

16                  Q.     When you packed up to come, you  
didn't  
17    think, "Let me get my file, I ought to bring my  
report.

18 I know I'm going to testify. I need to have my  
report."

19 A. Sir, what I brought with me is  
that

20 little note that you got right there in front of you.

21 That's all I brought.

22 Q. This one that got faxed in today  
at

23 9:44?

24 A. That's right.

25 Q. Well, you didn't bring that with  
you

Sandra M. Halsey, CSR, Official Court Reporter

1 Monday, did you?

2 A. No, it was in my suitcase in my  
room.

3 I can tell you exactly where it's at.

4 Q. Oh, you left one out in your  
suitcase.

5 A. A copy of that, yes.

6 Q. And when you came down this  
morning,

7 you didn't have it?

8 A. That's correct.

9 Q. Is it your practice to take your  
10 reports to court or not?

11 A. No, I don't take them.

12 Q. Not. Are you instructed not to?

13 A. No. I'm not instructed to do it  
14 though.

15 Q. That's just your habit not to?

16 A. That's correct.

17 Q. Now you described in some detail  
how

18 meticulous you were in this search.

19 A. That's correct.

20 Q. And that's so that you can  
accurately

21 describe, accurately observe, and later accurately

22 describe what you saw?

23 A. That's correct.

24 Q. And that's why you are taking

notes

25 too; isn't it?

Sandra M. Halsey, CSR, Official Court Reporter

1311

1 A. That's correct.

2 Q. So that you can accurately pull  
3 that -- when the report writing time comes, that you  
can

4 pull that up and accurately describe it?

5 A. Yes, sir.

6 Q. And that's why one might bring a  
7 report to court is so they could have that available  
so

8 that they could accurately describe what they saw?

9 A. That's correct.

10 Q. All right. Now, let's -- I'll  
try to

11 go a little bit in chronological order. If I skip  
around

12 the time frame, stop me and make sure that -- if I  
jump,

13 it's because I want to hit a few areas here with  
you.

14 You -- I take it you were in  
charge of

15 this alley search?

16 A. Yes, sir.

17 Q. That began at -- what time?

18 A. Somewhere around 4:20 or 4:25.

19  
memory?

Q. Okay. That's just from your

20

A. It's from when we found the sock.

21

sock?

Q. Well, what time did you find the

22

A. Shortly after 4:30.

23

was

Q. Okay. But you didn't think that

24 important enough to note in your report?

25

A. It's noted there.

1 Q. That is noted?

2 A. Yes, sir.

3 Q. Okay. What time did you start?

4 A. About 10 or 15 minutes before I  
found  
5 that sock.

6 Q. How long is this alley?

7 A. It's a block long.

8 Q. One block long. How many houses?

9 A. A guesstimate, it is probably  
15,  
10 maybe.

11 Q. How many boats did you look  
in?

12 A. I don't recall, sir, every  
one of  
13 them.

14 Q. How many -- you don't remember  
how  
15 many there were?

16 A. No.

17 Q. How many trash cans did you look  
in?

18 A. Every one of them.

19 Q. How many were there?

20                   A.     Every one of them.  I didn't count  
21  them.  I looked in every one of them.

22                   Q.     And you were -- which side of the  
23  alley, you said you and-- I'm sorry, Steve?

24                   A.     Steve Ferrie.

25                   Q.     Which side of the alley did you  
take?

Sandra M. Halsey, CSR, Official Court Reporter



1                   A.     I took the west.

2                   Q.     You're going to have to help me  
here.

3     If I'm headed --

4                   A.     If you're --

5                   Q.     -- down Eagle.

6                   A.     If you walk out of the driveway at  
7     5801 and you turn left, I had the right-hand side.

8                   Q.     Okay.  The right-hand side is west  
and  
9     the left-hand side is east?

10                  A.     That's correct.

11                  Q.     So y'all are going down the alley.  
12     And opening trash cans?

13                  A.     Opening trash cans.

14                  Q.     Dumping them  
out?

15                  A.     Some of them,  
yes.

16                  Q.     Well some you didn't dump out?

17                  A.     Some didn't have much in them,  
and we  
18     didn't have to dump them out.

19                  Q.     Did you dump them out on the  
ground?

20                   A.     Some I did.  Mostly there was  
plastic  
21  bags in them, and I'd take the plastic bag out, set  
it on  
22  the ground, open up the bag, tried not to make a  
mess.  
23  You know what I'm saying?  And then put the stuff  
back in  
24  there.  
25                                 Dump them out and leave it out?  
No,

Sandra M. Halsey, CSR, Official Court Reporter

1314

1 we didn't do that. If they were laying on the  
ground, we

2 just took it out, opened the bags and that kind of  
stuff.

3 Q. Like when you've lost a  
Christmas

4 present, you look and you open the trash sack and  
you

5 sort of rifle through what's in there, just to look  
and

6 see if there's anything that you thought might be  
in

7 there?

8 A. More like you lost your paycheck  
and

9 you've got to find it.

10 Q. Okay. And so you're opening the  
trash

11 sacks and digging around to see if anything is of  
12 interest to you?

13 A. That's right.

14 Q. And if you're even slightly in  
doubt

15 that something was of interest, you're going to  
pick it

16 up?

17 A. That's correct.

18 Q. All right. So, how long did it  
take

19 you -- you said, I think, did you tell me 45 to 55  
20 minutes to do the whole alley?

21 A. That's correct.

22 Q. How long were you stopped at the  
sock?

23 A. Well, probably until almost 5:00  
24 o'clock.

25 Q. Okay. And that was just long  
enough

1 for Ferrie to go back and you stayed there?

2 A. Yes, sir.

3 Q. And he came back and then y'all  
went

4 on about your business?

5 A. No, we stayed there while Mayne  
6 photographed the sock.

7 Q. Okay. You stayed there through  
the  
8 photography?

9 A. Through about four or five shots  
of  
10 it, yes.

11 Q. And then you went on about your  
12 business?

13 A. Um-hum. (Witness nodding head  
14 affirmatively).

15 Q. Now, you don't -- you say you  
didn't

16 see any blood except on the sock?

17 A. None at all.

18 Q. Well, you aren't expressing any  
19 opinion about whether or not this assailant should  
have

20 been bleeding or should not have been bleeding?

21 A. No.

22 Q. You don't have any opinion one  
way or

23 another?

24 A. Well, at that time we -- what we  
knew

25 is that we had two dead, that it was a knife-type  
wound

Sandra M. Halsey, CSR, Official Court Reporter

1316

1 that caused the death, and that the house was bloody  
on  
2 the inside.

3 Q. Okay. So you continued your  
search.

4 And was it after that you observed these knives?

5 A. Yes, sir.

6 Q. And after that -- how did you  
observe

7 these? It's dark, I guess, with a flashlight?

8 A. No. The reason -- we went back  
and

9 re-did the alley. We didn't do this alley once, we  
did

10 this alley twice. And normally, immediately after  
an

11 offense like this, you will do it with a flashlight.  
But

12 you can be scrupulous with a flashlight and miss  
13 evidence.

14 Q. Well, that makes sense.

15 A. So we waited until daylight and  
we

16 re-did it.

17 Q. And y'all were -- the first time

down

18 y'all were going methodically down this alley?

19 A. Yes.

20 Q. You weren't trying to be quiet?

21 A. No, sir.

22 Q. And after you saw the sock, then

you

23 observed these knives with your flashlight?

24 A. No.

25 Q. Did not observe them?

Sandra M. Halsey, CSR, Official Court Reporter

1317



1 A. I saw them in daylight.

2 Q. Okay. Missed them first time  
through?

3 A. That's correct.

4 Q. Saw them the second time through?

5 A. That's correct.

6 Q. Again, is this you and Ferrie?

7 A. Second time it was with Jimmy  
8 Patterson, J. R. Patterson, lead investigator.

9 Q. The investigator?

10 A. Yes, sir.

11 Q. And at this time you're on --  
each of  
12 you doing one side of the alley?

13 A. Well, when we found those knives  
we  
14 were standing side by side.

15 Q. Okay. And you found the knives  
by  
16 looking and seeing them?

17 A. Yes, sir.

18 Q. And how far from the fence were  
they?

19 A. Six feet.

20 Q. Six feet? Did you measure that?

21                   A.     No, that's a guess.  Strictly a  
guess.

22                   Q.     And how did you observe them?

23                   A.     Pardon me?  I don't understand.

24                   Q.     Well, from what vantage point did

you

25    observe these knives?

Sandra M. Halsey, CSR, Official Court Reporter

1318

1                   A.     I was in the alley and they were  
in  
2     the yard, it was six feet between us.

3                   Q.     You observed them from six feet?

4                   A.     Five or six feet, something like  
that,  
5     yes.

6                   Q.     And Patterson observed them from  
five  
7     to six feet?

8                   A.     That's correct.

9                   Q.     Nobody went over the fence?

10                  A.     No.

11                  Q.     To get these knives?

12                  A.     No.

13                  Q.     And you determined that from five  
or  
14     six feet that there was no blood on these knives?

15                  A.     That's correct.

16                  Q.     And -- but you did observe that -

-

17     what did you observe on the knives?

18                  A.     Mud.

19                  Q.     Mud. Okay. How much mud?

20                  A.     There was a lot of mud.

21                           Q.     When did you next see what you  
thought

22     were these knives?

23                           A.     I guess when we got down here to  
24     Kerrville.  I don't remember seeing them before  
then.

25                           Q.     Okay.  Do you know when they were

1 collected?

2 A. No, sir.

3 Q. They are not in the condition  
that you

4 observed them, are they?

5 A. No.

6 Q. Did you take photographs of the  
7 knives?

8 A. No.

9 Q. Nobody did?

10 A. I don't think there was  
photographs  
11 taken.

12 Q. Okay. And the knives weren't  
even of

13 such interest to you that you noted them in your  
14 handwritten notes or --

15 A. That's correct.

16 Q. Or your report or anything?

17 A. There was no question in my mind  
those

18 knives were not associated with this crime.

19 Q. Just a non-event?

20 A. A non-event.

21 Q. And you made that subjective

22 determination to exclude that piece of evidence?

23 A. I made that based on about 25  
years of

24 law enforcement, sir.

25 Q. And, could you determine from the  
mud

Sandra M. Halsey, CSR, Official Court Reporter

1320

1 on the knives, how those knives had been gripped?

2 A. What do you mean, "How they had  
been

3 gripped?"

4 Q. How someone was holding them.  
Didn't

5 you tell me you saw fingerprints?

6 A. You could tell -- you could see  
where

7 the fingers had molded the mud. And where somebody  
had

8 got their hands muddy, or the knife muddy, and they

9 picked the knife up and they would work with it.

Now,

10 can I tell if it was being held this way, or that  
way, or

11 any other way, no. I could tell that a hand molded  
that

12 much.

13 Q. Okay. So there was actually mud  
caked

14 on which knife?

15 A. The wooden handle knife  
especially,

16 yes.

17 Q. But on both of them?

18 A. Yes.

19 Q. And you could actually see  
20 fingerprints on both of them?

21 A. You could see, not fingerprints,  
but

22 where the hand had molded to mud.

23 Q. Okay. Now, this is -- let me  
see, we

24 have these -- on Exhibit 8-A. Now let's just talk  
about

25 that for a minute. Were you in charge of this  
perimeter?



1 Was that part of your duty is protecting that  
perimeter?

2 A. The outside perimeter.

3 Q. Okay.

4 A. The outside perimeter.

5 Q. Would you say in this part where  
it

6 started at the alley?

7 A. I was in charge of the outside  
8 perimeter. We had officers stationed on the alley  
and on

9 the other end of the alley. And, you know, I'm not  
10 really sure about what your question is, sir.

11 Q. Now, 20-B. How many houses are  
there

12 in between the Routier house --

13 A. And which house?

14 Q. And the house where you found the  
15 sock?

16 A. About three, I think.

17 Q. About three. And how many  
between

18 where you found the sock and where you saw the  
knives?

19 A. About the same.

20 Q. That's about three more down.

21 A. No. It's just kind across the  
alley

22 from it.

23 Q. The knives are across the alley  
from

24 the sock?

25 A. Um-hum. (Witness nodding head

Sandra M. Halsey, CSR, Official Court Reporter

1322

1 affirmatively.)

2 Q. Okay. Now, are you able to  
describe

3 -- let's see, is this the alley here that we're  
talking

4 about?

5 A. Um-hum. (Witness nodding head  
6 affirmatively).

7 Q. And can you describe maybe two of  
8 these photographs -- it looks to me like there are  
two

9 houses in between on 20?

10 A. Which house are you trying to  
find,

11 sir?

12 Q. I'm trying to find the house in  
which

13 you found the sock.

14 A. Right there.

15 Q. And is the sock directly -- would  
the

16 house that had the knives in it be directly across  
from

17 the sock?

18 A. Well, it's --

19

20

THE COURT: You need to get it up

a

21 little more, gentlemen, so the end jurors -- so they

can

22 see.

23

THE WITNESS: The sock's here.

24

25 BY MR. RICHARD C. MOSTY:

Sandra M. Halsey, CSR, Official Court Reporter

1323

1 Q. Okay. The sock's in the circle;  
2 right?

3

4 MR. DOUGLAS D. MULDER: Let me  
hold it

5 for you.

6

7 BY MR. RICHARD C. MOSTY:

8 Q. Okay. The socks (sic) were in  
the

9 circle. Right?

10 A. And the knives are right there.

11 Q. Okay. Now let's go to this  
picture,

12 because that will -- this picture here, which is 7,  
will

13 also tell us where the knives were, won't it?

14 A. Right in here.

15 Q. Okay. So the sock is behind --  
16 including the Routier home?

17

18 THE COURT: You're going to have  
to

19 tilt it a little more, or slant it a little more,

20 gentlemen. Thank you.

21

22 BY MR. RICHARD C. MOSTY:

23 Q. If the Routier house is the first

24 house on the block?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1324

1 Q. Right there?

2 A. Yes, sir.

3 Q. Okay. The sock was behind the  
fourth  
4 house?

5 A. It was right here.

6 Q. Okay. That's behind the fourth  
house,  
7 isn't it?

8 A. Counting the Routier house, yes,  
sir.

9 Q. Counting the Routier house. And  
the  
10 knives are directly across from the sock?

11 A. That's correct.

12 Q. Okay. And that's actually on the  
13 fifth house?

14 A. Yes, sir.

15 Q. On Willowbrook?

16 A. Well, yes.

17 Q. Okay. Now, in the -- you can go  
ahead  
18 and have a seat.

19 In the neighborhood canvas, what  
20 street did you do?

21                           A.     I did parts of Eagle and  
Willowbrook.

22                           Q.     Okay. Did it occur to you to  
walk

23     into the house on Willowbrook where the knives were  
and

24     ask the people about the knives?

25                           A.     I talked to those people at about  
5:45

Sandra M. Halsey, CSR, Official Court Reporter

1325



1 that morning.

2 Q. And asked them about the knives?

3 A. No, sir. When we went back to  
contact

4 them, there was nobody in the house.

5 Q. You forgot to ask them about the  
6 knives when you contacted them?

7 A. Didn't know about it, sir.

8 Q. Oh, you had not seen them?

9 A. No, sir.

10 Q. And they weren't there? The  
people

11 were gone by the time you had seen the knives?

12 A. That's correct.

13 Q. Did you go back to the house?

14 A. I don't know, I didn't.

15 Q. You didn't?

16 A. No, sir.

17 Q. Okay. Now, can you tell me what  
time

18 you think you saw these knives?

19 A. Ballpark at 8:30, something like  
that.

20 Q. So y'all waited awhile before you  
went

21 back on this second?

22

A. Yes, sir.

23

Q. The second time?

24

A. Yes, sir.

25

talked to

Q. Okay. All right. Mr. Davis

Sandra M. Halsey, CSR, Official Court Reporter

1326

1 you about the dress rehearsal that y'all did?

2 A. The what?

3 Q. The dress rehearsal you did.

4 A. What's a dress rehearsal?

5 Q. Did y'all go down to the  
courthouse in

6 Dallas County?

7 A. Yes, sir, we did.

8 Q. Who went down there?

9 A. I don't know. I couldn't tell  
you all

10 the officers. I know I was there.

11 Q. You do not recall who the other  
12 officers --

13 A. No, not right off the top of my  
head.

14 Q. Okay. Now that was a pretty  
important

15 event wasn't it, in your mind?

16 A. In my mind it was a review of  
what we

17 had done.

18 Q. Okay. And there were a lot of  
19 officers from Rowlett there?

20 A. Yes, sir.

21 Q. Were there other people there?

22 A. Members of the District

Attorney's

23 staff, yes.

24 Q. Okay. Now, during this -- did

you

25 call it a review?

Sandra M. Halsey, CSR, Official Court Reporter

1327

1                   A.     No, sir.

2                   Q.     Okay.

3                   A.     We were told we were going to go  
down  
4     to discuss the case with the District Attorney.

5                   Q.     Didn't you just describe it as we  
went  
6     down there and reviewed?

7                   A.     I said we went down there and  
8     reviewed.

9                   Q.     And reviewed?

10                  A.     Yes, sir.

11                  Q.     And it's during this review --  
where  
12     was the review done?

13                  A.     Dallas County Courthouse.

14                  Q.     What part of the courthouse, in  
Mr.  
15     Davis's office?

16                  A.     Pardon?

17                  Q.     In Mr. Davis's office?

18                  A.     No, there's too many of us. We  
went  
19     to a courtroom.

20                  Q.     Okay. You went to the courtroom

for

21 your review?

22 A. Yes, sir.

23 Q. Okay. Did you get in the witness

24 stand?

25 A. Yes, sir, I did.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. During your review?

2 A. Yes, sir.

3 Q. And where were the other officers  
4 during your review?

5 A. They were moving around,  
different

6 parts of --

7 Q. In the courtroom?

8 A. Some were in the courtroom, some  
were

9 in the jury box, wherever they got comfortable.

10 Q. Some sitting in the jury  
box?

11 A. Uh-huh (Witness nodding  
head

12 affirmatively.)

13 Q. Okay. Was  
there somebody sitting in

14 the Judge's chair?

15 A. Yes.

16 Q. Somebody  
from the District Attorney's

17 office asking you questions?

18 A. Yes.

19 Q. Somebody

from the District Attorney's  
20 office cross-examining you?

21 A. Yes.

22 Q. And the  
other officers are out there  
23 in the courtroom while this is  
happening?

24 A. They were  
all in the room, yes.

25 Q. And they  
were listening?

Sandra M. Halsey, CSR,  
Official Court Reporter

1329



1 A. Yes, sir.

2 Q. And you're  
listening to other officers  
3 testify?

4 A. Yes.

5 Q. And are  
people making objections?

6 A. There was,  
I think, one or two  
7 objections.

8 Q. And did  
somebody rule on them?

9 A. I don't  
remember if there was a ruling  
10 or not.

11 Q. Well, who  
was the judge?

12 A. Mrs. --

13 Q. Mrs.  
Wallace was the judge?

14 A. Her first  
name is Sherri, I'm not sure  
15 of her last name.

16 Q. Sherri was  
the judge?

17                           A.     Yes.

18                           Q.     Did she  
have on a robe?

19                           A.     No.

20                           Q.     Okay.

21                           A.     I think she  
was dressed -- she didn't  
22     have on a robe.

23                           Q.     Okay.  I  
meant a judicial robe.

24                           A.     No, sir.

25                           Q.     I didn't  
mean a house robe.

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1 A. No, sir.

2 Q. How many  
officers were in on this what

3 you have called a review?

4 A. You want --  
do you want me to guess at  
5 it?

6 Q. Yes.

7 A. Ten, 12  
maybe.

8 Q. That's the  
best you can do?

9 A. Yes.

10 Q. Okay. And  
did they tell you how you  
11 did?

12 A. No.

13 Q. Nobody told  
you how you did?

14 A. No, sir.

15 Q. Did you  
tell any of the other officers  
16 how they did?

17 A. No, not  
that I know of.

18 Q. And when  
did you do this review?

19 A. A month  
ago.

20 Q. Okay. And,  
at that time, I guess  
21 y'all had been instructed that  
we're all going to go down  
22 to the courthouse at a certain  
time?

23 A. Yes, sir, I  
got a note.

24 Q. And you  
knew the purpose of that  
25 meeting?

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Official Court Reporter

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1 A. I did.

2 Q. Was to go  
down there?

3 A. Yes.

4 Q. So you  
could fully and completely  
5 review what you knew about the  
case?

6 A. Well, I  
knew it was my responsibility  
7 to know my portion of this  
investigation when I went down  
8 there.

9 Q. And did you  
think it would be your  
10 responsibility to read your  
report prior to going down  
11 there?

12 A. No, sir,  
I've never read a report from  
13 the stand.

14 Q. No, before  
you went down there.

15 A. Before I  
went down there?

16 Q. Yes.

17 A. I reviewed  
that piece of paper that  
18 you have.

19 Q. The lost  
one or the found one?

20 A. The exact  
copy, the one that you have  
21 in front of you is what I  
reviewed.

22 Q. How did you  
do that? Did you call it  
23 up on the computer?

24 A. Yes, sir.

25 Q. Okay. But  
the one that was most

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1 complete was the handwritten  
one?

2 A. That's  
correct.

3 Q. Okay. But you didn't think to  
go, to

4 be complete, and to be fair and to be full while  
you're

5 having your dress rehearsal with the District  
Attorney,

6 it didn't occur to you to go back and review your  
most

7 complete report?

8 A. Everything that I felt, in my  
opinion,

9 that was vitally important to this case was on that  
piece

10 of paper.

11 Q. Okay.

12 A. That's what I reviewed.

13 Q. So, you didn't -- in other words,  
you

14 didn't think it was important enough to go pull out  
the

15 written one?

16                   A.     I didn't have it.

17                   Q.     You didn't know that?

18                   A.     I turned the original in, sir.

19                   Q.     You didn't --

20                   A.     The handwritten one.  The  
handwritten

21     one had been turned in.  I didn't have it.

22                   Q.     My question is simply this:  You

23     didn't think it was important enough to go and read  
your

24     most complete report, prior to going down for your

25     review?

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are

19 faulty?

20 A. That's true, yes.

21 Q. And so, as a matter of fact, that  
was

22 why you did the handwritten report, really, because  
you

23 thought of some things, and the handwritten report  
made

24 it more complete, some things that you had even  
25 forgotten.

1                   A.     Other than those two mistakes, my  
2     handwritten report is almost verbatim with that  
thing in  
3     front of you.

4                   Q.     Your testimony today is that you  
know  
5     that the missing handwritten report is just the same  
as  
6     this typed one, except for your errors?

7                   A.     Except for those two that I  
pointed  
8     out.

9                   Q.     And you recall two errors?

10                  A.     Yes.

11                  Q.     You don't recall any other  
errors?

12                  A.     No.

13                  Q.     Is it fair to say that during  
this

14     exhaustive search, both in the morning, in the  
daylight,

15     in the dark, and in the daylight, the only  
significant

16     thing you saw of any significance in your judgment  
was

17 this sock?

18 A. That's correct.

19 Q. And that's the only thing that  
you

20 identified as saying, "I think this is an important  
piece

21 of evidence"? Or a piece of evidence, take out the  
word

22 important?

23 A. That's correct.

24 Q. That possibly might relate to

this

25 crime?

1 A. That's correct.

2 Q. The only one?

3 A. That's the only one.

4 Q. And the only piece of evidence  
that

5 you identified you made an error about who picked it  
up?

6 A. I misnamed the officer that  
picked it

7 up, that's correct.

8 Q. One piece of evidence, one error?

9 A. Yes, sir.

10 Q. Okay. Now, at the review, you  
didn't

11 see these knives, did you?

12 A. No, I didn't.

13 Q. They did not, as part of your  
14 testimony down there, in front of Judge Wallace,

nobody

15 showed you these knives and said, "Are they  
important?"

16 Did they?

17 A. Nope.

18 Q. They didn't say, "Did you see mud  
on

19 them?" Did they?

20 A. I volunteered that information.

21 Q. Did you volunteer that

information

22 about the knives that weren't there?

23 A. The knives question was asked to

24 another officer.

25 Q. These knives, you were -- were  
not

1 present?

2 A. They were not present.

3 Q. And you did not see them at the  
dress

4 rehearsal?

5 A. That's correct.

6 Q. Well, did they have a Court  
Reporter

7 at this dress rehearsal?

8 A. Dress rehearsal? The review?

9 Q. The review, I'm sorry. The  
review.

10 A. No, they didn't, that I know of.

11 Q. Well, did they video tape that?

12 A. No.

13 Q. Tape record it?

14 A. No, not that I know of.

15 Q. Okay. But those knives weren't  
16 important enough to talk about at the review, were  
they?

17 A. They came up, but not in my  
testimony.

18 Q. Well, it didn't come up enough to  
19 bring them down there to talk to you, did they?

20 A. To physically bring them?

21 Q. Yes.

22 A. No.

23 Q. Because you had not seen them

until

24 you got to Kerrville?

25 A. That's correct.

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1 Q. So, all of this detailed  
description

2 that you gave us about mud and flowers, and what do  
you

3 call that stuff that you put in the ground?

4 A. Edging.

5 Q. Edging, that it was cut. And all  
of

6 those details that you have described to us that you  
saw

7 from six foot, you didn't testify about any of that  
down

8 at the review?

9 A. No.

10 Q. Okay

11

12 MR. RICHARD C. MOSTY: Pass the

13 witness.

14

15

16 REDIRECT EXAMINATION

17

18 BY MR. GREG DAVIS:

19 Q. When you came to that courtroom  
that

20 day, you did tell me about those knives, didn't you?

21 A. Yes, sir. I volunteered that

22 information.

23 Q. And you did tell me that they had

mud

24 on them --

25

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1                           MR. DOUGLAS MULDER: Judge, we are  
2 going to object to the leading.

3                           MR. RICHARD C. MOSTY: We object -

-

4                           THE COURT: Can only one attorney  
make

5 the objection? Mr. Mosty is doing the examination.

If

6 he will make an objection.

7                           MR. RICHARD C. MOSTY: Your Honor,

I

8 would object to that last statement as leading.

9                           THE COURT: Well, I will sustain  
the

10 objection, and I will ask that the question be  
rephrased.

11                           MR. GREG DAVIS: Yes, sir.

12                           THE COURT: Thank you.

13

14

15

16 BY MR. GREG DAVIS:

17                           Q. Sergeant Ward, would you tell me  
18 whether or not that day you told me that those knives  
had

19 mud on them?

20 A. Yes, sir, I did.

21 Q. And tell me whether or not you  
told me

22 at that time where they were in the yard?

23 A. At that time, sir, I described  
that

24 scene exactly as I have described it today.

25 Q. Okay.

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1

2

MR. GREG DAVIS: That's all the

3

questions I have, Judge.

4

5

6

REXCROSS EXAMINATION

7

8

BY MR. RICHARD MOSTY:

9

Q. Did you think it was important

enough

10 at that time that maybe you ought to write a little

11 report about the knives and the mud and your

conversation

12 with Mr. Davis?

13

A. At that time, sir, and today I

14 maintain those knives right there have nothing to do

with

15 this crime. And I did not ever write a report on it.

16

Q. I couldn't be clearer that that's

what

17 you maintained.

18

A. And I didn't write a report.

19

Q. My question is: After you and Mr.

20 Davis talked about the mud on the knives at the

review,

21 you didn't think that that conversation was  
important

22 enough to write down in a supplemental report?

23 A. No, sir, I did not.

24 Q. Thank you.

25

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1 MR. RICHARD C. MOSTY: Pass the  
2 witness.

3 MR. GREG DAVIS: No further  
questions

4 THE COURT: All right. Ladies  
and  
5 gentlemen, we'll break until 1:00 o'clock, please  
for  
6 lunch. Thank you.

7  
8 (Whereupon, a short  
9 Recess was  
taken,

10 After which  
time,

11 The proceedings  
were

12 Resumed on the  
record,

13 In the presence  
and

14 Hearing of the  
defendant

15 but outside the  
presence

16 and outside the

hearing of

17

the jury, as follows:)

18

19

THE COURT: All right. Let the

record

20

reflect that these proceedings are being held

outside the

21

presence of the jury and all parties in the trial

are

22

present.

23

Mr. Hagler.

24

MR. JOHN HAGLER: Yes, your

Honor. We

25

earlier raised the issue about the motion for a

mistrial



1 regarding the violation of the Rule. And of course  
the

2 Court has overruled that. In the alternative, your  
3 Honor, we would ask that the jury be  
instructed to

4 disregard that testimony from the Baylor  
Hospital

5 employees regarding the age of the bruises on  
the

6 defendant's right arm.

7 THE COURT: Thank you. Motion  
denied.

8 Do you have another motion, I  
believe?

9 MR. JOHN HAGLER: Yes, your Honor.  
10 Can we approach the bench, your Honor?

11 THE COURT: Oh, sure. Sure.  
12 This is off the record.

13

14 (Whereupon, a short  
15 Discussion was held  
off

16 The record, at the  
side

17 Of the bench, and

18 Outside the hearing

of

19

The jury, after

which

20

Time the

proceedings

21

Were resumed on

the

22

Record as

follows:)

23

24

25

record.

THE COURT: Okay. Back on the

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1 MR. RICHARD C. MOSTY: We would  
move  
2 the Court to instruct all counsel that all of the  
3 exhibits be placed either in the care of the Court  
4 Reporter or out of sight, unless they're actually  
being  
5 used during some part of the examination.

6 THE COURT: Motion denied.

7 All right. Next?

8 MR. RICHARD C. MOSTY: Your  
Honor, I

9 would like to point out to the Court that the State  
has  
10 set -- each time there has been some examination,  
the  
11 State has set out these pictures facing the jury in  
an  
12 effort, obvious effort, to try to -- since they  
can't  
13 impress the jury with facts, they want to impress  
the  
14 jury with photographs and that's obviously  
improper.

15 THE COURT: Thank you.

16 MR. RICHARD C. MOSTY: Can we just

put

17 whatever we want to out on this wall behind us?

18 THE COURT: Well, that will be  
fine,

19 if you can connect it there to something. That's  
fine

20 with the Court.

21 MR. GREG DAVIS: Just for the  
record

22 on this one point. These photographs have not been  
23 displayed at the counsel table prior to today. So,  
just

24 so the record is clear on that. And if the record  
could

25 also reflect these two photographs that counsel is

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1 talking about have been admitted into evidence as  
State's

2 Exhibits 9-A and 9-B. So they are in evidence.

Thank

3 you.

4 THE COURT: All right. Thank you.

5 Let's bring the jury in, please.

6 Is the jury here?

7 THE BAILIFF: Yes.

8 THE COURT: All right. Thank  
you.

9

10 (Whereupon, the  
jury

11 Was seated in  
the

12 Courtroom and  
the

13 Proceedings were  
resumed

14 On the record, in  
the

15 Presence and hearing  
of

16 The defendant, and

the

17

Jury, as follows:)

18

19

THE COURT: Were you sworn the

other

20 day, sir?

21

THE WITNESS: Yes, sir.

22

THE COURT: All right. I

thought you

23 were. Have a seat right here.

24

Go ahead, please.

25

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1 Whereupon,

2

3 GUSTAVO GUZMAN, JR.

4

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

6 been first duly sworn by the Court to speak the  
truth,

7 the whole truth, and nothing but the truth,  
testified in

8 open court, as follows:

9

10

11 DIRECT EXAMINATION

12

13 BY MR. TOBY L. SHOOK:

14 Q. Would you tell us your name,  
please.

15 A. Gustavo Guzman, Junior.

16 Q. Okay. You --

17

18 THE COURT: You're going to have  
to

19 speak slower and louder. The acoustics aren't the  
best.

20 Because that lady there on the end has to hear you,

and

21 all these lawyers over here have to hear you. Okay.

So

22 just lean up into that mike. You're going to hear  
your

23 voice echoing.

24 THE WITNESS: Gustavo --

25 THE COURT: State your name again

and

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1 spell your last name.

2 THE WITNESS: Gustavo Guzman,  
Junior.

3 THE COURT: No, they still can't  
hear

4 you. You've got to get your voice way up there.

5 THE WITNESS: Gustavo is my first  
6 name. Guzman, my last. Gustavo, G-U-S-T-A-V-O.

Guzman,

7 G-U-Z-M-A-N.

8 THE COURT: All right. Go ahead.

9

10 BY MR. TOBY L. SHOOK:

11 Q. All right. You'll need to keep  
your

12 voice up loud and clear. Okay?

13 A. Okay.

14 Q. How old are you?

15 A. Eighteen.

16 Q. And, where do you live?

17 A. Rowlett.

18 Q. Okay. Well, where do you live in  
19 Rowlett?

20 A. It's called a --

21 Q. Well, what's your street address?

22 A. Well, it's 5706 Willowbrook.

23 Q. Okay. And, is that a house or  
24 apartment?  
25 A. It's a house.

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1 Q. Who do you live there with?

2 A. My mother and my brother and  
sister.

3 Q. And how old are they?

4 A. They are -- I'm not sure. They're  
--

5 one is 5 and one is 10.

6 Q. Okay. So you're the oldest?

7 A. Yes.

8 Q. And do you go to school?

9 A. Yes, sir.

10 Q. Where do you go to school?

11 A. Lakeview Centennial.

12 Q. Okay. How long have you lived in  
your

13 house?

14 A. About 5 years.

15 Q. Okay. Let me show you what's been  
16 marked as State's Exhibit 7. Do you recognize this  
as an

17 overview of your neighborhood?

18 A. Yes, sir.

19 Q. Okay. Look on there on your  
street,

20 Willowbrook Street where it's marked, and can you  
see

21 your house?

22 A. Um-hum. (Witness nodding head  
23 affirmatively.)

24 Q. Okay. Could you point it out for  
us,  
25 please.

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1 A. Right there.

2 Q. Okay. You're talking about this  
house  
3 here?

4 A. Yes, sir.

5 Q. Is there a white gate around the  
6 backyard?

7 A. Um-hum. (Witness nodding head  
8 affirmatively).

9 Q. Okay.

10

11 THE JUROR: Is that the yard or  
the  
12 house?

13 MR. TOBY SHOOK: I think that's  
the  
14 house right there.

15 THE JUROR: Okay.

16

17 BY MR. TOBY L. SHOOK:

18 Q. You live on Willowbrook. Right?

19 A. Yes, sir.

20 Q. This street right here?

21 A. Yes.

22 Q. Okay. And behind you is the  
street

23 one over Eagle Drive?

24 A. Yes, sir.

25 Q. And 5801 Eagle Drive we can see  
here

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1 marked off on the corner; is that right?

2 A. Yes, sir.

3 Q. Okay. So you would be, I guess  
it

4 would be, if you're going down Willowbrook, 1, 2, 3,  
4, 5

5 houses down on Willowbrook. Right?

6 A. Yes.

7 Q. Okay. Now, you were living there  
back

8 on June 6th, 1996; is that right?

9 A. Yes, sir.

10 Q. With your mother and little  
brother

11 and little sister?

12 A. Yes, sir.

13 Q. Let me turn your attention to  
that

14 date. Well, let me move you back to Wednesday, June  
5th,

15 and ask if you were out that evening.

16 A. Yes, later that night a couple  
friends

17 from the neighborhood went to go play hockey.

18 Q. Okay. What type of hockey were  
you

19 playing?

20 A. Roller hockey.

21 Q. Okay. Is that something you do a  
lot?

22 A. Yeah.

23 Q. And where did you play?

24 A. At the high school, Lakeview.

25 Q. Okay. And do you remember what  
time



1 of the day you were playing?

2 A. Not precisely. It was late  
about, 10  
3 to 12.

4

5 THE COURT: Excuse me. The  
object of

6 this is to hear your testimony. Now every time you  
echo

7 in there, you get quieter. That's not the way to do  
it.

8 You want to get louder so they can hear you. Okay?

9 THE WITNESS: Okay.

10 THE COURT: So lean up into it,  
speak.

11 You're going to hear your voice resonate. Don't be  
12 alarmed. It's quite normal. Everybody has to hear  
you.

13 Okay?

14 THE WITNESS: Yes, sir.

15 THE COURT: Let's try it again.

16

17 BY MR. TOBY L. SHOOK:

18 Q. Were you playing late that night?

19 A. Yes.

20 Q. Okay. That's good. How did you

get

21 home?

22 A. A friend brought me home.

23 Q. Okay. And where does he live?

24 A. On Eagle Drive, just down a

couple of

25 houses down.

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1 Q. Down from you?

2 A. Yes.

3 Q. Okay. And, well, let me get out  
the  
4 exhibit again here. If we're looking at Eagle Drive  
here  
5 using the Routier home at 5801 as a reference, which  
way  
6 down Eagle does he live?

7 A. The other end.

8 Q. This end?

9 A. Yes, sir.

10 Q. About how far down? Just stop me  
when  
11 I am there.

12 A. Right there.

13 Q. Right in this area here?

14 A. Um-hum. (Witness nodding head  
15 affirmatively).

16 Q. Okay. And, was he driving that  
night?

17 A. Yes, sir.

18 Q. Okay. And did he drop you off at  
your  
19 house?

20 A. No. We went to his house and I

just

21 walked home.

22 Q. Okay. You drove the car back to

his

23 house here on Eagle Drive?

24 A. Yes, sir.

25 Q. Which way did you walk home?

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1                   A.     Through that, through the yard.

2                   Q.     I'm sorry, I didn't hear you.

3                   A.     I cut through the yard and down  
the  
4     alley and then went to my house.

5                   Q.     Okay. And then you just cut down  
the  
6     alley to your house?

7                   A.     Yes.

8                   Q.     Okay. Now, do you remember what  
time  
9     that was?

10                  A.     Between 11:00 and 12:00, Or  
11:00 and  
11     1:00. I don't know.

12                  Q.     Between 11:00 at night or 1:00  
in  
13     the morning?

14                  A.     Yeah. Yes.

15                  Q.     Were you keeping track of the  
time?

16                  A.     No.

17                  Q.     And what did you do once you got  
in  
18     your house?

19                           A.     Watched TV in the kitchen.  
20                           Q.     Okay.  Do you remember what time  
you  
21    went to bed that morning?  
22                           A.     No, it was late.  
23                           Q.     Was anyone else up in the house?  
24                           A.     No, sir.  
25                           Q.     Okay.  When you took a walk down  
the

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1 alley did you see anything unusual?

2 A. Nothing.

3 Q. Hear anything unusual?

4 A. No.

5 Q. Okay. Was anything going down at  
the

6 end of the block where the Routier's lived?

7 A. No.

8 Q. You didn't see any police cars?

9 A. No.

10 Q. Okay. Later that morning, were  
you

11 awakened by some police officers?

12 A. Yes.

13 Q. Do you remember what time that  
was?

14 A. No.

15 Q. Okay. How were you awakened?

16 A. I wasn't awakened, I was still  
17 watching TV.

18 Q. Still watching TV?

19 A. Um-hum. (Witness nodding head  
20 affirmatively). In the kitchen. And I saw through  
the

21 window the police officers with their flashlights.

22 Q. Okay.

23

A. And then I just looked out the

window

24 and let them do what they needed to do.

25 Q. You saw some police officers with

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1 flashlights?

2 A. Yes, sir.

3 Q. And where were they looking with  
their

4 flashlights?

5 A. On the grass and through the  
fence.

6 Q. Okay. Which window are you  
talking

7 about?

8 A. First I saw them through the  
kitchen,

9 window, and then through the back door.

10 Q. Okay. Were they behind your house  
11 then?

12 A. Yes, sir.

13 Q. In the alley?

14 A. Yes, sir.

15 Q. Okay. Did you go out there at any  
16 time at that point?

17 A. No.

18 Q. Okay. What did you do then?

19 A. I just ignored them. I just went  
back

20 to sleep. I mean, and then I went up and went to  
sleep.

21 Q. You went upstairs?

22 A. Um-hum. (Witness nodding head

23 affirmatively). Yes.

24 Q. And went to sleep?

25 A. Yes.

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1 Q. After that, did someone awaken  
you?  
2 A. Yes.  
3 Q. About what time was that?  
4 A. I don't remember.  
5 Q. Was it light or dark out?  
6 A. Dark.  
7 Q. Okay. And how were you awakened  
then?  
8 A. They knocked on the door and woke  
me  
9 up.  
10 Q. You got woken up by a knock on the  
11 door?  
12 A. Yes, sir.  
13 Q. Who was at the door?  
14 A. Police officer. I don't know who.  
15 Q. Okay. A Rowlett Police Officer?  
16 A. Yes.  
17 Q. Did he ask you some questions?  
18 A. Yes.  
19 Q. And what did you tell him?  
20 A. I didn't see nothing unusual.  
21 Q. Okay. Same thing you told this  
Jury?

22 A. Yes.

23 Q. Okay. Let me ask you: In your  
24 backyard, had you and your mother been doing anything  
out  
25 there recently?

Sandra M. Halsey, CSR, Official Court Reporter

1355

1                   A.     We were doing gardening.

2                   Q.     Okay.  When had you been doing

3     gardening?

4                   A.     Maybe a week before.

5                   Q.     Okay.  And, what type of gardening

6     were y'all doing?

7                   A.     We were putting edges, edging

around

8     some bushes.

9                   Q.     Okay.  Where were these bushes

10    located?

11                  A.     Along the fence.

12                  Q.     Okay.

13                  A.     The back fence.

14                  Q.     The back fence?  Is that the fence

15    that runs along the alley?

16                  A.     Yes.

17                  Q.     Okay.  Could you describe your

fence?

18                  A.     White, metal, has gates.

19                  Q.     Okay.  Has gates?

20                  A.     Um-hum.  (Witness nodding head

21    affirmatively).

22                  Q.     And it's metal?

23                  A.     Um-hum.  (Witness nodding head

24 affirmatively).

25 Q. About how high is it?

Sandra M. Halsey, CSR, Official Court Reporter

1356

1                   A.     About 6 feet.

2                   Q.     Okay.  And, are there gaps between  
the  
3     bars?

4                   A.     Yes, sir.

5                   Q.     About how wide are those?

6                   A.     5 to 6 inches.

7                   Q.     Okay.  And, you were doing your  
8     gardening along that back fence; is that right?

9                   A.     Yes, sir.

10                  Q.     What type of gardening were you  
11     helping your mom with?

12                  A.     We were laying down edging, for  
some  
13     bushes that were kind of messy.  We were just making  
it  
14     look nice.

15                  Q.     Okay.  What do you mean by edging?

16                  A.     Plastic, we were separating the  
bushes  
17     from the grass.

18                  Q.     Okay.  And how were you doing  
that?

19                  A.     We would make a little hole -- we  
20     would cut little holes in the ground and then lay the

21 edging down.

22 Q. Okay. Were you using any tools?

23 A. Yes, sir.

24 Q. What type of tools were you using?

25 A. Knives, spoon, and a shovel.

Sandra M. Halsey, CSR, Official Court Reporter

1357



1 Q. Okay. What type of knives?  
2 A. Kitchen knives.  
3 Q. Okay. Where did you get those  
from?  
4 A. They were just laying around in my  
5 house.  
6 Q. Okay.  
7 A. We got them from the kitchen.  
8 Q. Okay. Were they old or new  
knives?  
9 A. They were old.  
10 Q. Okay. And, what did you do with  
the  
11 knives?  
12 A. We left them there afterwards.  
13 Q. Okay. But how were you using them  
as  
14 tools?  
15 A. We would -- if the shovels didn't  
work  
16 then we would use the knives.  
17 Q. Okay. And, how would you use the  
18 knives?  
19 A. We would cut deeper into the  
ground.

20 Q. Okay.

21 A. And then the shovel couldn't go  
too

22 deep, so we used the knives.

23 Q. Were you digging in the ground  
with

24 the knives?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. And were you digging in dirt?

2 A. Yes.

3 Q. Okay. Did you have any rope out  
4 there?

5 A. Yes.

6 Q. And what were you doing with the  
rope?

7 A. We would tie one end of the rope  
to a  
8 knife and another end of the rope to another knife,  
and  
9 then extended the rope and the knives would make a  
10 straight line.

11 Q. Okay. There in the dirt along  
that  
12 plastic rail you were working with?

13 A. Yes.

14 Q. Okay. And you said you were  
doing  
15 that work when?

16 A. About a week before this  
happened.

17 Q. Okay. Did you finish the work  
--

18 A. No.

19 Q. -- that you were doing?

20 A. No.

21 Q. Okay. What did you do with the  
knives

22 and the rope?

23 A. We just left it there until next  
week.

24 Q. Okay. They were still in your  
25 backyard?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes.

2 Q. And where were they located?

3 A. In the back -- in the backyard,  
along  
4 the fence.

5 Q. Okay. Along that back rail?

6 A. Yes.

7 Q. Okay. Were they -- where were  
they?  
8 Stuck in the ground, or laying out?

9 A. I don't remember. I mean, they  
could  
10 have been in the ground. I'm not sure.

11 Q. Okay. But they were in that back  
12 area?

13 A. Yes.

14 Q. Okay. Gustavo, let me show you  
what's  
15 been entered into evidence as State's Exhibit 22 and  
21.

16 Do you recognize those?

17 A. Yes, sir.

18 Q. Are these the knives that you and  
your  
19 mother were working with?

20 A. Yes.

21 Q. The same ones that you had laying  
out

22 there by the back fence?

23 A. Yes.

24 Q. Okay. The ones that you were  
using

25 with the rope?

Sandra M. Halsey, CSR, Official Court Reporter

1360

1                   A.     Yes, sir.

2                   Q.     Okay.  Were they as clean as this  
when  
3     you left them out there?

4                   A.     No.

5                   Q.     Okay.  What was on them?

6                   A.     I mean, they were clean when we  
7     started off, but then after a while they got dirty.

8                   Q.     Got dirty with mud?

9                   A.     Yes.

10                  Q.     Okay.  And, were they lying out  
there  
11    that night when you went out to play street hockey?

12                  A.     Yes.

13                  Q.     Okay.  Did you go out in your  
backyard  
14    sometime after the police woke you up?

15                  A.     The next morning.

16                  Q.     Okay.

17                  A.     Or the next day.

18                  Q.     The next day?

19                  A.     Yes, the next day.

20                  Q.     Okay.  And did you check on those  
21    knives?

22                  A.     Yes.

23

Q. And why did you do that?

24

A. I thought maybe, you know, the  
25 murderer might have used them.

Sandra M. Halsey, CSR, Official Court Reporter

1361



1 Q. Okay. Did you hear about what  
2 happened down at the Routier home?

3 A. Yes.

4 Q. Okay. And did you think about  
those

5 knives that had been laying in your backyard?

6 A. Yeah.

7 Q. So you went to see if they were  
still

8 there?

9 A. Um-hum. (Witness nodding head  
10 affirmatively.)

11 Q. Where were they located when you  
went

12 out there?

13 A. Same place.

14 Q. Same condition?

15 A. Yes.

16 Q. Did it look like they had been  
moved

17 at all?

18 A. No.

19 Q. The same place you had left them?

20 A. Yes.

21 Q. What did you do then?

22 A. I just got close to them and

checked

23    them out to see if there was any blood or anything.

I

24    looked and they weren't, so I just left them there.

25                    Q.     Didn't see any blood on them?

Sandra M. Halsey, CSR, Official Court Reporter

1362

1 A. No.

2 Q. Just left them where they were?

3 A. Yes.

4 Q. Did you ever finish the  
gardening?

5 A. No.

6 Q. Okay. Later on -- well, we met a  
7 couple of times; is that right?

8 A. Yes.

9 Q. The first time when you were  
shooting  
10 basketball behind your house?

11 A. Yes.

12 Q. And you have met Investigator  
Bosillo  
13 too; is that right?

14 A. Yes, sir.

15 Q. Did sometime he come and get  
those  
16 knives from you?

17 A. Yes. Him and some other  
officers.

18 Q. Okay. And do you recall when  
that  
19 was?

20 A. I don't know what was the date.

It

21 was during school.

22 Q. Okay. And did you turn those  
knives

23 that you just looked at over to them?

24 A. Yes.

25 Q. Okay. And then I talked to you  
a

Reporter Sandra M. Halsey, CSR, Official Court

1363

1 couple of times about what you -- the events you  
have

2 testified in front of the jury on; is that right?

3 A. Yes.

4 Q. Okay. What day did you get  
down here?

5 A. Monday of this week.

6 Q. Okay.

7 A. Monday or Sunday. I'm not  
sure.

8 Q. Sunday?

9 A. Yes.

10 Q. Okay. Did I talk to you then  
about

11 the knives?

12 A. Yes.

13 Q. And I talked to you one other  
time, I

14 think, about the knives; is that right?

15 A. Yes.

16 Q. Okay. Other than the knives in  
this

17 incident, you didn't see or hear anything else in  
the

18 neighborhood that evening?

19

A. No.

20

idea what

21 time it was that you got in?

22

A. No. I can't be precise.

23

or

24 flashing lights, or anything like that, did you?

25

going to

A. Only afterwards when I was

Sandra M. Halsey, CSR, Official Court  
Reporter

1364

1 bed.

2 Q. After you saw the officers with  
the  
3 flashlights?

4 A. Yes.

5 Q. Okay.

6

7 MR. TOBY SHOOK: That's all we  
have,

8 Judge.

9

10

11 CROSS EXAMINATION

12

13 BY MR. RICHARD MOSTY:

14 Q. Mr. Guzman, I just have a couple  
of  
15 things.

16 What grade are you in in school?

17 A. Senior, 12th grade.

18 Q. Have you missed a week of  
school?

19 A. Yes.

20 Q. You aren't on a block schedule,  
are

21 you?

22 A. Yes.

23 Q. You're going to have your work

cut out

24 for you when you get back, aren't you?

25 A. Yeah, I know.

Sandra M. Halsey, CSR, Official Court Reporter

1365



1 Q. All right. Well, what -- I  
think I

2 missed the name of the friends that you went and  
played

3 hockey with. Who are those?

4 A. Cary Keith.

5 Q. Cary Keith?

6 A. Um-hum. (Witness nodding head  
7 affirmatively).

8 Q. And who?

9 A. Cory Keith.

10 Q. Brothers, I guess?

11 A. Brothers.

12 Q. Anyone else?

13 A. I'm not sure of the rest.

There's

14 always different people.

15 Q. Okay. Are those the ones that  
you

16 went and drove back with?

17 A. Yes.

18 Q. And, if I understood you right,  
you

19 left their house, I guess, out through the back  
way?

20 A. Yes.

21 Q. And you go down the alley?

22 A. Yes.

23 Q. And then do you go in your  
house

24 through the back way?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court  
Reporter

1366

1 Q. I guess there's a gate in the -  
-  
2 A. Yes. I mean, the -- my metal  
gate.  
3 Q. Okay. Is that the metal gate  
that  
4 faces the alley?  
5 A. Yes.  
6 Q. Was it locked, unlocked?  
7 A. Unlocked.  
8 Q. It's unlocked?  
9 A. Yes.  
10 Q. Did you lock it when you left?  
11 A. No.  
12 Q. So it was -- the time that you --  
when  
13 you saw the police officers out there with their  
14 flashlights, that gate was unlocked?  
15 A. Yes, it was  
open.  
16 Q. It was open  
even?  
17 A. Open.  
18 Q. Oh, okay. You didn't even close  
the

19 gate that night?

20 A. No.

21 Q. Okay. Now, then you -- and I  
missed a

22 little bit. I know you said that there was a knife  
in

23 that backyard. What else? Two knives?

24 A. Yes, two knives and a spoon. And

we  
25 used a shovel, but we put that up in the little shed  
we

1 had.

2 Q. Okay. Is that a big spoon?

3 A. Yeah, a big spoon.

4 Q. Okay. And were y'all using that  
to --

5 A. To scoop out the mud and dirt.

6 Q. Okay. And did I understand you  
that

7 you could dig into the dirt a little easier with a  
knife

8 than with a shovel?

9 A. Yes. We would use the shovel to  
make

10 a big cut and then the knife to dig out the little  
stuff.

11 Q. All right. And how big a shovel  
was

12 this?

13 A. Regular shovel.

14 Q. Okay.

15 A. It was the narrow type.

16 Q. The sharp shooter. Is that what  
those

17 are called?

18 A. Um-hum. (Witness nodding head

19 affirmatively).

20 Q. The sort of thin ones?

21 A. I guess, yes.

22 Q. That you can dig like one little  
plant

23 and it's longer than it is wide?

24 A. Yeah.

25 Q. And was that there right beside  
the

Sandra M. Halsey, CSR, Official Court Reporter

1368

1 knives?

2 A. No.

3 Q. Where was it?

4 A. In the shed -- it was our  
neighbor's.

5 So we gave it back to him.

6 Q. So it had gone back to the  
neighbors

7 by the time all this happened?

8 A. Yes.

9 Q. Was there a screwdriver out there  
too

10 or not?

11 A. Yes.

12 Q. There was?

13 A. Yes.

14 Q. And was it there with the knives?

15 A. No.

16 Q. Where was it?

17 A. We put it up.

18 Q. It had gone back to your tool  
shed?

19 A. Um-hum. (Witness nodding head  
20 affirmatively.)

21 Q. Okay. And so, if I understand,

and

22 you went back out the next morning to check it?

23 A. Yes.

24 Q. Because your curiosity had been

raised

25 by that time, hadn't it?

Sandra M. Halsey, CSR, Official Court Reporter

1369



1                   A.     Yes.

2                   Q.     Okay.  And, you're certain that  
that  
3     screwdriver wasn't there?

4                   A.     No, I'm not certain about that.

5                   Q.     You're not certain about that?

6                   A.     No.

7                   Q.     But you are certain the knives  
were  
8     there?

9                   A.     Yes.

10                  Q.     And are you certain that the  
shovel  
11     was not there?

12                  A.     Yes.

13                  Q.     Now, at what point did somebody  
pick  
14     up those knives?

15                  A.     I don't know, it was a while  
later.

16                  Q.     Did y'all pick up the edging  
that  
17     y'all had and put it back in the garage?

18                  A.     Yeah, in the shed.

19                  Q.     In the shed?

20 A. Yes.

21 Q. Okay. And then did the knives go  
back

22 inside the house?

23 A. Yes.

24 Q. And somebody washed them up?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

1370

1 Q. And they went back to a drawer, I  
2 guess?

3 A. Um-hum. (Witness nodding head  
4 affirmatively.) Yes.

5 Q. Did you actually hand them over to  
the  
6 police?

7 A. Yes.

8 Q. Did you go to the kitchen drawer  
and  
9 get them out?

10 A. Yes.

11 Q. And when was that?

12 A. I'm not sure of the date.

13 Q. Within the last month?

14 A. Yes.

15 Q. Okay. And that was Officer  
Bosillo?

16 A. Bosillo.

17 Q. And were you able to recall  
exactly  
18 which knives you had out there?

19 A. Yes, the knives I remember exactly  
20 which knives they were.

21 Q. So you went to the kitchen --

22

A. To the drawer.

23

Q. -- drawer and got those two

knives?

24

A. Yes, sir.

25

Q. Okay. Did anybody make a note of

that

Sandra M. Halsey, CSR, Official Court Reporter

1371

1 date? Did Bosillo do anything like write his  
initials on

2 those things so that we could tie down that date?

3 A. Oh, an officer made me sign some  
4 papers and pointed out the dates.

5 Q. Was that a Rowlett Police  
Department

6 officer?

7 A. Yes, sir.

8 Q. He was in uniform or not?

9 A. No.

10 Q. He was in a suit?

11 A. No. He just came over. He was  
off

12 duty. I think they called him up just for this.

13 Q. And he came with Bosillo?

14 A. I'm not sure about that.

15 Q. Okay. So you think maybe you  
signed

16 something a different day than the day you handed  
over

17 the knives?

18 A. No, I signed it. It was the day  
they

19 picked it up.

20 Q. Same day?

21 A. Yes.

22 Q. And so whatever date you signed  
that,

23 that's how we could go back and figure out --

24 A. Yes, sir.

25 Q. When you handed over those  
knives?

Sandra M. Halsey, CSR, Official Court Reporter

1372

1 A. Yes.

2 Q. But you think that was in  
December  
3 sometime?

4 A. Yes.

5 Q. Okay.

6

7 MR. RICHARD C. MOSTY: That's  
all I  
8 have.

9 THE COURT: May this witness be  
10 excused?

11 MR. GREG DAVIS: Yes, sir.

12 MR. RICHARD C. MOSTY: Yes, sir.

13 THE COURT: All right. Thank

you very

14 much, sir.

15 MR. GREG DAVIS: The State will  
call

16 Officer Steve Wade.

17 THE COURT: Officer Wade.

18 All right. You were sworn in

the

19 other day. Right?

20 THE WITNESS: Yes, your Honor.

21 THE COURT: All right. Proceed.

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1373



1 Whereupon,

2

3 OFFICER STEVE WADE,

4

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

6 been first duly sworn by the Court to speak the  
truth,

7 the whole truth, and nothing but the truth,  
testified in

8 open court, as follows:

9

10

11 DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Please tell us your full name.

15 A. Stephen Robert Wade, W-A-D-E.

16 Q. Are you a Rowlett Police  
Officer?

17 A. Yes, sir, I am.

18 Q. How long have you been with the  
19 Rowlett Police Department?

20 A. Approximately two years.

21 Q. Okay. And what's your position  
with

22 them?

23 A. I work in the patrol division.

24 Q. All right. Officer Wade, let me  
25 direct your attention back to June 6th, 1996, were  
you on

Sandra M. Halsey, CSR, Official Court Reporter

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1 duty that day?

2 A. Yes, sir.

3 Q. Do you remember what your hours  
to  
4 work were?

5 A. I was scheduled to work from 1:30  
PM  
6 to 10:00 PM.

7 Q. All right. Would that have been  
1:30  
8 PM to 10:00 PM on June the 5th or on the 6th?

9 A. June 5th.

10 Q. All right. I want to move ahead  
a  
11 little bit here. This is going to be on June the  
6th at

12 approximately 3:00 AM. And, let me ask you whether  
at  
13 that time you were directed to go to 5801 Eagle  
Drive?

14 A. Yes, sir, I was.

15 Q. And, did you, in fact, go to the  
front  
16 door of that residence?

17 A. Yes, sir, I did.

18 Q. And, when you did was there  
anyone at

19 the front door of 5801 Eagle Drive, sir?

20 A. Yes, there was.

21 Q. And who was on the door at that  
time?

22 A. It was Officer Waddell.

23 Q. Okay. David Waddell?

24 A. Yes, sir, that's correct.

25 Q. And, did you relieve him there  
at the

1 front door?

2 A. Yes, sir.

3 Q. And, were you instructed to stay  
at

4 the front door?

5 A. Yes, sir, I was.

6 Q. Let me ask you: What were your  
7 instructions regarding entry into that house? Once  
you

8 got posted on the front door?

9 A. I was instructed that no one was  
to

10 enter that house.

11 Q. Now, let me ask you: Do you  
know

12 about what time you actually got on the front door  
and

13 relieved Officer Waddell?

14 A. At approximately 3:15 AM on the  
6th.

15 Q. And do you recall how long you  
were on

16 the door?

17 A. Until approximately 5:57 AM on the  
18 6th.

19 Q. So you were on there for, what,  
about

20 two and a half hours, something like that?

21 A. Approximately, yes,  
sir.

22 Q. Officer Wade, during  
the times that

23 you were on that front door, did you let  
anybody inside

24 that house?

25 A. No, sir, I did not.

Sandra M. Halsey, CSR, Official  
Court Reporter

1 Q. During the two and a  
half hours that

2 you were on the door, did anyone try to  
get into the  
3 house?

4 A. Yes, sir, they did.

5 Q. All right. Would you  
tell the members

6 of the jury who tried to get into the  
house?

7 A. That was my chief of  
police. It was

8 Chief Posey.

9 Q. Okay. You actually  
told your Chief he  
10 couldn't come in?

11 A. That is correct.

12 Q. Okay. And he didn't  
go in?

13 A. No, sir, he did not.

14 Q. Okay. Was that the  
only person that

15 tried to get in?

16 A. Yes, sir.

17 Q. And at 5:57, did

someone else take

18 over the front door from you?

19 A. Yes, sir.

20 Q. And do you recall the  
name of the

21 officer that took over the front door  
from you?

22 A. Officer Steve Ferrie.

23 Q. He's also with the  
Rowlett Police

24 Department?

25 A. That's correct.

Sandra M. Halsey, CSR, Official  
Court Reporter

1377



1

2

3

(Whereupon, the

following

4

mentioned item was

5

marked for

6

identification only

7

after which time the

8

proceedings were

9

resumed on the record

10

in open court, as

11

follows:)

12

13

14 BY MR. GREG DAVIS:

15

Q. Officer Wade, I want to show

you

16

what's been marked as State's Exhibit 34. Do

you

17

recognize this photo, sir?

18

A. Yes, sir, I do.

19

Q. Okay. Is an individual shown

here at

20

the front door at 5801 Eagle Drive?

21

A. Yes, sir.

22

Q. Is that individual you?

23

A. Yes, sir, it is.

24

Q. Taken on June 6th, 1996?

25

A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1

2 MR. GREG DAVIS: Your Honor, at  
this

3 time we'll offer State's Exhibit 34.

4 MR. RICHARD C. MOSTY: No  
objection.

5 THE COURT: State's Exhibit 34  
is  
6 admitted.

7

8 (Whereupon, the item  
9 Heretofore mentioned  
10 Was received in  
evidence

11 As State's Exhibit  
No. 34

12 For all purposes,  
13 After which time, the  
14 Proceedings were  
resumed

15 As follows:)

16

17 BY MR. GREG DAVIS:

18 Q. All right. Just briefly. We see  
you

19 standing here at the front door of the residence; is  
that

20 correct?

21 A. Yes, sir.

22 Q. And we see some -- what is this?

Is

23 this yellow tape?

24 A. Yes, sir. That's crime scene

tape.

25 Q. Okay. And that's tape that the  
police

1 department put up around the residence; is that  
correct?

2 A. Yes, sir.

3

4

5 (Whereupon, the following

6 mentioned item was

7 marked for

8 identification only

9 after which time the

10 proceedings were

11 resumed on the record

12 in open court, as

13 follows:)

14

15

16 BY MR. GREG DAVIS:

17 Q. Officer Wade, let me ask you, if

you

18 would, to look at this piece of paper that I have

had

19 marked for identification purposes as State's

Exhibit

20 34-A. Do you recognize that, sir?

21 A. I sure do.

22 Q. Is that a note that you made of  
the  
23 times that you spent on the door that day on June  
6,  
24 1996?  
25 A. Yes, sir, it is.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. Besides this one piece of  
2 paper, sir, did you make any written reports  
concerning  
3 your activities out there?

4 A. No, sir, I did not.

5 Q. Okay. I'm talking about either  
typed

6 or handwritten. Any other notes besides this one  
piece

7 of paper that has the times?

8 A. No, sir.

9 Q. And Officer Wade, let me just ask  
you

10 this: Prior to your testifying today, have I had a  
11 chance to meet with you concerning your testimony?

12 A. We have talked, yes.

13 Q. All right. Did we have a  
chance to

14 talk while we were still in Dallas?

15 A. Yes, sir.

16 Q. Do you remember how many times  
I've

17 met with you to discuss your testimony about what  
you

18 did?

19 A. Prior to today?

20

Q. Yes, sir.

21

A. A couple of times.

22

Q. All right. Did you come to a

23 courtroom there in Dallas?

24

A. Yes, sir.

25

Q. And there were a lot of other

Rowlett

Sandra M. Halsey, CSR, Official Court Reporter

1381



1 Police Department Officers there; is that right?

2 A. Yes, sir.

3 Q. And did I ask you at that time to  
tell

4 me about the times that you were on the door?

5 A. Yes, sir, you did.

6 Q. And did I meet with you any other  
7 times while we were still in Dallas concerning the  
times

8 there?

9 A. No, sir.

10 Q. You came into Rowlett when?

11 A. I'm sorry?

12 Q. I'm sorry, it's been a long week.

I'm

13 sorry. You came into Kerrville when?

14 A. Sunday.

15 Q. All right. And since you came

into

16 Kerrville, how many times have we talked about the  
time

17 that you stood there at the door?

18 A. Just once.

19 Q. And when was that?

20 A. Today.

21

Q. Okay.

22

23

MR. GREG DAVIS: I'll pass the

24

witness.

25

THE COURT: Mr. Mosty.

Sandra M. Halsey, CSR, Official Court Reporter

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1

2

3

CROSS EXAMINATION

4

5 BY MR. RICHARD C. MOSTY:

6

Q. Officer Wade --

7

8

MR. RICHARD C. MOSTY: May I see

--

9

MR. GREG DAVIS: Sure. Let me

tender

10 34-A to Mr. Mosty at this time.

11

THE COURT: Okay.

12

13 BY MR. RICHARD C. MOSTY:

14

Q. What time did you actually

arrive at

15

the scene?

16

A. Approximately 3:13, 3:14.

17

Q. Okay. So you immediately went

to the

18

door?

19

A. Yes, sir.

20

Q. Who instructed you to go to the

door?

21 A. My sergeant, Sergeant Walling.

22 Q. And after 5:57?

23 A. Yes, sir.

24 Q. You had no further involvement

with

25 this case whatsoever?

Sandra M. Halsey, CSR, Official Court Reporter

1383

1 A. No, sir.

2 Q. Other than, of course, going  
down to

3 downtown Dallas?

4 A. That's correct, sir.

5 Q. When you went down there did you  
6 actually go up and get sworn in?

7 A. No, sir.

8 Q. It was just talking?

9 A. Um-hum. (Witness nodding head  
10 affirmatively).

11 Q. With the other officers present?

12 A. Yes, sir.

13

14 MR. RICHARD C. MOSTY: That's  
all.

15 MR. GREG DAVIS: No further  
questions.

16 THE COURT: Thank you very much  
for  
17 coming, Officer.

18 All right. Your next witness.

19 MR. GREG DAVIS: Yes. The State  
will  
20 call Officer Steve Ferrie.

21 THE COURT: Steve Ferrie.

22

You were sworn in earlier, were

you

23 not?

24

THE WITNESS: Yes, sir.

25

THE COURT: Go ahead, please.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Whereupon,

2

3

OFFICER STEVE FERRIE,

4

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

6 been first duly sworn by the Court to speak the  
truth,

7 the whole truth, and nothing but the truth,  
testified in

8 open court, as follows:

9

10

11

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Would you please tell us your  
full

15 name.

16 A. Stephen Joseph Ferrie, F-E-R-R-I-  
E.

17 Q. Mr. Ferrie, are you a Rowlett  
Police

18 Officer?

19 A. Yes, sir.

20 Q. How long have you been with the

21 Rowlett Police Department, sir?

22 A. For approximately eight years.

23 Q. All right. Are you a patrolman

out

24 there?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Let me ask you: I want to direct  
your

2 attention to June the 6th of 1996, and I ask you  
whether

3 or not you were instructed to go to 5801 Eagle Drive?

4 A. Yes, sir, I was.

5 Q. Do you recall approximately what  
time

6 that morning that you got to Eagle Drive?

7 A. It was approximately 4:00 AM.

8 Q. All right. And when you got to  
the

9 residence, did you meet with any other officers out  
10 there?

11 A. Yes, sir.

12 Q. And do you recall who you met  
with?

13 A. Yes, sir. I met with Sergeant  
Ward.

14 Q. Okay. He was a sergeant.  
Correct?

15 A. Yes, sir.

16 Q. Was he your supervisor?

17 A. Yes, sir.

18 Q. Did you have occasion after

meeting

19 with Sergeant Ward to accompany him down the alley  
behind

20 Eagle Drive?

21 A. Yes, sir, I did.

22 Q. And, did you assist him in the  
search

23 of that alley for possible evidence?

24 A. Yes, sir, I did.

25 Q. Did you yourself retrieve any  
items?

1 A. No, I did not.

2 Q. All right. Were you with  
Sergeant

3 Ward when you saw -- when a white sock was seen  
next to a  
4 garbage container?

5 A. Yes, sir.

6 Q. Did you have an opportunity also  
to  
7 see that sock?

8 A. Yes, sir.

9 Q. Was the sock retrieved by you or  
10 Sergeant Ward?

11 A. Sergeant Ward located the sock  
first.

12 Q. All right. Did you then go over  
there  
13 and look at it?

14 A. Yes, sir.

15 Q. Did another Rowlett officer then  
16 retrieve the sock for evidence?

17 A. Yes, sir.

18 Q. Do you remember who that was?

19 A. Yes, sir.

20 Q. Who was that?

21 A. It was Officer Mayne.

22 Q. David Mayne?

23 A. Yes, sir.

24 Q. All right. Is he with the

physical

25 evidence section out there?

Sandra M. Halsey, CSR, Official Court Reporter

1387

1 A. Yes, he is.

2 Q. Okay. And did you and Sergeant  
Ward

3 search the entire alley?

4 A. Yes, we did.

5 Q. Is that the only item that came  
to  
6 your attention during the entire search?

7 A. Yes, sir.

8 Q. Now, do you know about how long  
it  
9 took for you and Sergeant Ward to search the alley?

10 A. I would estimate approximately 45  
11 minutes.

12 Q. All right. And after you finished  
the  
13 search, did you leave the location or did you do  
14 something else out there at that location?

15 A. After I assisted the search of the  
16 alley, I was assigned to guard the crime scene at the  
17 front door.

18 Q. When you got up to the front door,  
19 Officer, was there another Rowlett officer already  
there?

20 A. Yes, sir, there was.

21 Q. Who was that?

22 A. Officer Steve Wade.

23 Q. All right. So was it your

24 responsibility then to take his place there at the

front

25 door?

Sandra M. Halsey, CSR, Official Court Reporter

1388

1 A. Yes, sir.

2 Q. And did you do that?

3 A. Yes, I did.

4 Q. Okay. And what were your  
instructions

5 when you got to that front door? What were you  
suppose

6 to do?

7 A. To prevent anybody from coming  
inside

8 the residence.

9 Q. All right. And when you got there  
to

10 the front door, did you start any sort of a log or  
any

11 kind of written record regarding whoever might go in  
or

12 come out of that house?

13 A. Yes, sir, I did.

14 Q. Okay. And again, what's the  
purpose

15 of keeping a log such as that?

16 A. To keep track of the people who  
17 entered the crime scene and when they leave.

18 Q. All right.

19

20

21

22

(Whereupon, the following

23

mentioned item was

24

marked for

25

identification only

Sandra M. Halsey, CSR, Official Court Reporter

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1                   after which time the  
2                   proceedings were  
3                   resumed on the record  
4                   in open court, as  
5                   follows:)

6  
7                   MR. GREG DAVIS: May I approach,  
your  
8 Honor?

9                   THE COURT: You may.  
10

11 BY MR. GREG DAVIS:

12                   Q.     Officer Ferrie, let me show you  
what's

13     been marked for identification purposes as State's  
14     Exhibit 34-B. Do you recognize that document, sir?

15                   A.     Yes, I do.

16                   Q.     All right. Is this the crime log  
that

17     you began generating at 5:57 AM on June 6, 1996?

18                   A.     Yes, sir.

19                   Q.     And the first entries, would those  
be

20     your entries, sir?

21                   A.     Yes, sir.

22                   Q.     All right. Now, does this log

23 actually show what time that you took over the door  
from

24 Officer Wade?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. And what time did you take it  
over?

2 A. 5:57 AM.

3 Q. Now, let's talk about the front of  
the

4 house. Was there an area of the front portion of the  
5 house that had been taped off?

6 A. Yes.

7 Q. All right. And do you recall the  
8 first time that anyone entered into the area in front  
of

9 the house that had been taped off?

10 A. Yes, sir.

11 Q. And would that be reflected on  
your  
12 log here?

13 A. Yes, sir.

14 Q. And do you recall at this point  
what  
15 time that was?

16 A. I believe it was 6:03 AM.

17 Q. And do you recall actually who  
came  
18 inside that taped-off area?

19 A. I have to view the log.

20 Q. Okay.

21                   A.     At 6:03 AM, Sergeant Walling,  
Sergeant

22   Nabors and Officer Mayne and James Cron entered the  
taped

23   area.

24                   Q.     All right.  So you had a -- so, as

I  
25   understand then, you had Sergeant Walling, you knew  
who

Sandra M. Halsey, CSR, Official Court Reporter

1 he was. Correct?

2 A. Yes, sir.

3 Q. Matt Walling?

4 A. Yes, sir.

5 Q. David Mayne, you've already told  
us,

6 he was a member of the Physical Evidence Section; is  
that

7 correct?

8 A. That's correct.

9 Q. David Nabors. Who is David  
Nabors?

10 A. That's Sergeant David Nabors, he's  
11 with the patrol division also, physical evidence.

12 Q. Is he also the supervisor over the  
13 Physical Evidence Section?

14 A. Yes, sir.

15 Q. And you had also made a note  
that a

16 James Cron entered the taped area. Now, who is  
James

17 Cron?

18 A. He is a -- I'm not sure exactly  
what

19 his title is. I know he deals with crime scenes.

20 Q. Okay. He was somebody that you  
knew.

21 Correct?

22 A. Not personally. It's a name  
that I

23 had heard in the past.

24 Q. Okay. And he then accompanied  
25 Walling, Nabors and Mayne, the four of them  
together then

Sandra M. Halsey, CSR, Official Court Reporter

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1 came in the taped off area. Right?

2 A. Yes, sir.

3 Q. Okay. And are they the first  
people

4 that actually came in the taped off area?

5 A. Yes, sir.

6 Q. Now, at that point, when these  
four

7 came in the taped off area, had anybody come inside  
the

8 house?

9 A. No, sir.

10 Q. When is the first time that  
anyone

11 entered 5801 Eagle Drive after you took over the  
front

12 door?

13 A. It was at 6:09 AM.

14 Q. All right. And can you tell us  
the

15 names of the persons who actually went into the  
house?

16 A. Yes, sir. It was Karin Neal,  
David

17 Mayne and Sergeant Walling.

18 Q. Okay. So we have David  
Nabors -- I'm

19 sorry, David Mayne and Matt Walling.

Correct? From

20 Rowlett PD?

21 A. Yes, sir.

22 Q. And Karen Neal, was she a  
member of

23 the police department or was she a civilian?

24 A. She was a civilian.

25 Q. Was it your understanding  
that she was

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 a neighbor?

2 A. Yes, sir.

3 Q. So they entered the house  
at 6:09; is

4 that right?

5 A. That's correct.

6 Q. Can you tell us how long  
those three

7 individuals remained in the house?

8 A. Karen Neal remained in  
the house for

9 two minutes.

10 Q. Okay. Only two minutes?

11 A. Yes, sir.

12 Q. Okay. So, she went in at  
6:09; is

13 that right?

14 A. That's correct.

15 Q. And she came out at 6:11;  
is that

16 right?

17 A. Yes, sir.

18 Q. Okay. How about David  
Mayne and Matt

19 Walling. Did they come out at 6:11? Or did  
they remain

20 in the house?

21 A. They remained in the  
house.

22 Q. Okay. When is the next  
time that

23 anyone else actually went in to 5801 Eagle  
Drive?

24 A. At 6:11 James Cron  
entered the house  
25 and Sergeant Nabors entered the house.

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 Q. Okay. So at 6:11 we have  
David Mayne.

2 Correct?

3 A. Yes, sir.

4 Q. We have Sergeant Matt  
Walling?

5 A. Yes, sir.

6 Q. We have Sergeant David  
Nabors; is that

7 right?

8 A. Yes, sir.

9 Q. And we have James Cron;  
is that right?

10 A. That's correct.

11 Q. Okay. Those four  
individuals are

12 inside the house at 6:11 AM on June 6th?

13 A. Yes, sir.

14 Q. What is the next entry as  
far as

15 someone going into the house or coming out  
of the house?

16 When did that next occur?

17 A. At 6:37 AM.

18 Q. Is that someone going  
into the house

19 or is that someone coming out of the house?

20 A. That's someone leaving  
the house.

21 Q. All right. And who left  
the house at

22 6:37?

23 A. Sergeant Nabors, Sergeant  
Walling and

24 James Cron.

25 Q. Okay. Was it your  
understanding that

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 they had been doing a walk through of the  
house?

2 A. Yes, sir, of the crime  
scene.

3 Q. So, first person in, you got  
Walling,

4 Mayne, and Karen Neal at 6:09. Right?

5 A. Yes, sir.

6 Q. Karen Neal was out at 6:11?

7 A. Yes, sir.

8 Q. And then you have three police  
9 officers and James Cron in there from 6:11 until 6:37  
AM;

10 is that right?

11 A. Yes, sir.

12 Q. Do you recall how long that you  
13 remained on the door that morning, sir?

14 A. I was relieved of that duty at  
7:15

15 AM.

16 Q. Okay. And during the time that  
you

17 were on that front door, did any other civilians  
enter

18 into that residence besides James Cron, who went in

with

19 the Rowlett Police Department?

20 A. Yes, sir.

21 Q. Okay. Who else went in?

22 A. Robin Price from the ME's office -

-

23 oh, I'm sorry, she entered the taped area.

24 Q. Okay. So, she's not actually in

the

25 house. Right?

Sandra M. Halsey, CSR, Official Court Reporter

1396

1 A. That's correct.

2 Q. And that's a field agent from the  
3 Medical Examiner's Office; is that right?

4 A. Yes, sir.

5 Q. So, the only civilians then would  
have

6 been Karen Neal, for two minutes, and James Cron.

Right?

7 A. At 6:59 Robin Price, Mr. Cron,  
8 Sergeant Nabors and Sergeant Evans entered the house.

9 Q. Okay. So now you have police  
10 officers, James Cron, the medical examiner's agent  
now.

11 Sergeant Evans, is that Sergeant Lamar Evans?

12 A. Yes, sir.

13 Q. Is he also a supervisor with the  
14 Rowlett Police Department?

15 A. Yes, he is.

16 Q. All right. Now, again, how long  
did

17 you stay on the front door?

18 A. Until 7:15 AM.

19 Q. All right. Now, after 7:15 AM,  
did an

20 officer relieve you there at the front door?

21                   A.     Yes, sir.  
22                   Q.     And who was that?  
23                   A.     Officer Ray Clark.  
24                   Q.     So, is he with the Rowlett Police  
25     Department again?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yes, sir.

2 Q. Okay. So, whatever entries after  
that

3 time would have been made by Officer Clark. Right?

4 A. Yes, sir.

5 Q. And, was a running log made during  
the

6 entire time the Rowlett Police Department had  
possession

7 of this house?

8 A. Yes, sir.

9 Q. Okay. I want to take you back to  
10 after 7:15 AM now. Did you leave 5801 Eagle or did  
you

11 stay there?

12 A. I stayed there.

13 Q. And just tell us what you started  
14 doing after you left the front door then.

15 A. I was posted on the perimeter of  
the

16 residence, on the crime scene taped area.

17 Q. All right. Did you have occasion  
to

18 talk with certain neighbors out there?

19 A. Yes, I did.

20 Q. All right. Did you have occasion  
to  
21 talk with an individual identified to you as Julie  
22 Hightower?

23 A. Yes, sir.

24 Q. Is that a woman that lived on  
25 Willowbrook?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. What was the purpose of you  
talking to

3 Julie Hightower?

4 A. At that time I was posted at the  
alley

5 way behind 5801 Eagle, and I was instructed to stop  
any

6 vehicle that came out of the alley and make contact  
with

7 the resident, or whoever was in the vehicle.

8 Q. What was the purpose of talking  
with

9 them?

10 A. Just to ask them if they had  
heard or

11 seen anything in the area that night that appeared  
to be

12 suspicious or out of place.

13 Q. Okay. So you talked to Julie  
14 Hightower. Was she able to give you any  
information?

15 A. No, she was not.

16 Q. Did you also talk to an  
individual by

17 the name of Eileen Schermer?

18 A. Yes, sir.

19 Q. Is she a neighbor also of the  
20 Routiers, in that neighborhood?

21 A. Yes, sir.

22 Q. Okay. Was she able to give you  
any

23 information about what might have happened in  
there?

24 A. No, she was not.

25 Q. While you were talking with  
her, did

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 you discuss the Routier's financial situation?

2 A. Yes, sir.

3 Q. Did she give you any  
information?

4 A. She brought the subject up.

5

6 MR. DOUGLAS MULDER: Judge, we  
are

7 going to object to anything that was said.

8 THE COURT: Sustained.

9

10 BY MR. GREG DAVIS:

11 Q. Do you recall about what time it  
was

12 that you talked to Eileen Schermer?

13 A. It was approximately 8:30 AM.

14 Q. Besides Julie Hightower and Eileen  
15 Schermer, do you recall speaking with any other  
neighbors

16 out there that morning?

17 A. No, sir.

18 Q. Officer Ferrie, how long did you  
19 remain out there at the location?

20 A. I left -- I'm not sure of the  
exact

21 time, but I left sometime in the early morning.

22 Q. Okay. We've indicated that you  
made a

23 portion, or you began the actual crime log -- or  
crime

24 scene log. Right?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1400

1 Q. And did you also prepare a  
handwritten

2 report of your activities out there that day?

3 A. Yes, sir, I did.

4

5

6

7

(Whereupon, the following

8

mentioned item was

9

marked for

10

identification only

11

after which time the

12

proceedings were

13

resumed on the record

14

in open court, as

15

follows:)

16

17 BY MR. GREG DAVIS:

18

Q. Let me just show you the two

pages

19 here, that have been marked for identification  
purposes

20 as State's Exhibit 34-C.

21

Do you recognize those to be

copies of

22 the report that you prepared concerning your

activities

23 on June 6th, 1996?

24 A. Yes, sir.

25 Q. Is that the only report that you

Sandra M. Halsey, CSR, Official Court Reporter

1401



1 prepared in this case?

2 A. Yes, sir.

3 Q. Typed or handwritten?

4 A. That's correct.

5

6 THE COURT: What was that number?

7 MR. GREG DAVIS: That was 34-C,

your

8 Honor.

9 THE COURT: All right.

10

11 BY MR. GREG DAVIS:

12 Q. Officer Ferrie, prior to coming

here

13 to Kerrville, have you and I had a chance to talk

about

14 your involvement in this case?

15 A. Yes.

16 Q. Do you recall how many times that

you

17 spoke with me about your activities out there that

day?

18 A. Two times.

19 Q. Okay. Do you recall where the

first

20 meeting took place?

21                           A.     It was in the Dallas County  
District

22    Attorney's office.

23                           Q.     All right.  Upstairs in the  
24    Courthouse?

25                           A.     Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1402

1 Q. Okay. Did you come to my office?

2 A. Yes, I did.

3 Q. All right. And, did you and I  
discuss  
4 your report and what you had done?

5 A. Yes, sir.

6 Q. Where did the second meeting take  
7 place?

8 A. Here in this courtroom or in this  
9 building.

10 Q. Okay. And you got into town,  
what,  
11 Sunday night?

12 A. Yes, sir.

13 Q. Been here all week?

14 A. Yes.

15 Q. How many times during the week  
have  
16 you and I spoken about your testimony, your reports  
or  
17 anything else concerning this case?

18 A. Once.

19 Q. When did that take place?

20 A. Today.

21 Q. Let me just ask you: Have you

ever

22 had occasion to come to the courthouse where I asked  
you

23 and several other officers to come to a courtroom?

24 A. Yes, sir.

25 Q. And did you, in fact, do that for  
me?

Sandra M. Halsey, CSR, Official Court Reporter

1403

1 A. Yes, sir.

2 Q. Okay. And during that time did  
you --

3 did I ask you to get on the witness stand and tell me  
4 what you knew about the case?

5 A. Yes, sir.

6 Q. And did you do that?

7 A. Yes, I did.

8 Q. Okay. So you met with me in  
Dallas,

9 you told me, and you met with me once in Kerrville;  
is  
10 that right?

11 A. Yes, sir.

12 Q. And State's Exhibit 34-B, the  
log, and

13 State's Exhibit 34-C, the investigative supplement  
14 report, those are the only handwritten reports or  
typed

15 reports or otherwise that you prepared in this case;  
is  
16 that right?

17 A. Yes, sir.

18

19 MR. GREG DAVIS: Your Honor, I'll

20 tender State's Exhibits 34-B and 34-C to counsel,  
and

21 I'll pass the witness for cross-examination.

22 THE COURT: Yes, sir.

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1404

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20

CROSS EXAMINATION

BY MR. DOUGLAS MULDER:

Q. Officer Ferrie, I guess for a  
veteran  
police officer like you, nothing unusual about  
meeting  
with the District Attorney, is there?

A. No.

Q. Okay. I mean, that would be  
standard  
procedure, I imagine, before you testify. Right?

A. Yes, sir.

Q. Do you recall when Mr. Davis  
asked you  
how many times you had met with him?

A. Yes, sir.

Q. And you told the jury here just  
moments ago you had met with him twice, didn't you?

A. Yes, sir.

Q. You said, "Once in his office;"  
is  
that right?

A. Yes, sir.

21 Q. And once down here in Kerrville?

22 A. Yes, sir.

23 Q. Okay. You didn't tell him about

the

24 meeting in the courtroom there in the Dallas County

25 Courthouse, did you?

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1                   A.     That was the meeting in Dallas  
that I  
2     was referring to.

3                   Q.     In the District Attorney's  
office?

4                   A.     Yes, sir.

5                   Q.     Well, the District Attorney's  
office

6     doesn't have a courtroom in it, does it?

7                   A.     Well, I consider that whole  
building

8     that has a courtroom and an office in it.

9                   Q.     Well, you consider that whole  
building

10    the District Attorney's Office?

11                  A.     Yes, sir.

12                  Q.     Okay.  Even though it occupies  
but a

13    small portion of the courthouse?

14                  A.     Yes, sir.

15                  Q.     Most everybody else calls it the  
16    courthouse, don't they?

17                  A.     I don't know what everybody else  
calls

18    it.

19 Q. But you didn't mean to overlook  
the  
20 little dress rehearsal that you all had in Dallas,  
did  
21 you?

22 A. That's what I was referring to  
when I  
23 met in Dallas.

24 Q. When you told the jury that you  
met in  
25 the District Attorney's office, you were referring  
to the

1 deal where y'all went down and got on the witness  
stand

2 in the courtroom?

3 A. Yes, sir.

4 Q. Okay. And I guess they should  
have

5 been able to figure that out, shouldn't they?

6

7 MR. GREG DAVIS: I'll object to  
8 sidebar there.

9 THE COURT: Sustained.

10 MR. DOUGLAS MULDER: Well, that  
was a

11 question directed at --

12 MR. GREG DAVIS: I'll object,  
again,

13 to sidebar.

14 THE COURT: Thank you.

Sustained.

15

16 BY MR. DOUGLAS D. MULDER:

17 Q. You had a judge down there for  
that,

18 didn't you?

19 A. No, sir.

20 Q. No one played the part of a  
judge?

21 A. Somebody played the part of a  
judge.

22 There was not a judge there.

23 Q. Okay. Somebody played the part  
of a

24 defense lawyer?

25 A. Yes, sir.

1 Q. Okay. And y'all basically sat  
there  
2 in the courtroom and listened to what everybody else  
3 testified to, didn't you?

4 A. Yes, sir.

5 Q. Okay. Now, I guess it helps you  
be  
6 consistent with one another, does it not?

7 A. Sure, yes, sir.

8 Q. Okay. Now, your story today is  
that

9 you went down the alley there behind the Routier  
house  
10 there in Rowlett?

11 A. Yes, sir.

12 Q. And about how long did you and  
13 Sergeant Ward search that alley?

14 A. Approximately 45 minutes.

15 Q. Okay. And he had the side the  
sock  
16 was on, I take it?

17 A. No, sir.

18 Q. You had the side the sock was on?

19 A. Yes, sir.

20 Q. Okay. So you were the one who  
21 actually found the sock?

22 A. No, sir.

23 Q. Okay. Is there any reason for  
him to

24 be poaching on your area?

25 A. Yes, sir. He was on the west  
side of

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1 alleyway and I was on the east side. He was  
2 approximately one house in front of me, when he  
was  
3 coming out of the driveway of one of the houses he  
had  
4 searched, he came across and noticed the sock  
before I  
5 arrived at it.

6 Q. Okay. So he was actually  
searching

7 both sides of the alleyway?

8 A. No, sir.

9 Q. Okay. Just in that one occasion  
he  
10 searched that side?

11 A. He located the sock first, and  
once he

12 located it, he went over there to inspect it.

13 Q. Okay. Now, have you reviewed his  
14 report?

15 A. No, sir.

16 Q. Do you have any idea why he would  
put  
17 in his report --

18

19 MR. GREG DAVIS: I'll object to

this

20 as being hearsay at this point.

21 THE COURT: Sustained.

22

23 BY MR. DOUGLAS MULDER:

24 Q. You're telling us that Officer

Moyne

25 (sic) is the one who actually retrieved the sock?

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1                   A.     Officer Mayne?

2                   Q.     Mayne.

3                   A.     Yes.  He was called over there  
for a

4     crime scene of the sock.

5                   Q.     It wasn't Beddingfield, was it?

6                   A.     Well, Officer Mayne and  
Beddingfield

7     both arrived, and Officer Mayne was the one who took  
8     custody of it.

9                   Q.     Okay.  So Beddingfield and Mayne  
were

10    both there now; is that right?

11                  A.     Yes, sir, they were later called.

12                  Q.     Okay.  So the sock was actually  
13    released to the custody of both Mayne and  
Beddingfield?

14                  A.     Well, I know that the sock was  
15    released to Officer Mayne.

16                  Q.     But Beddingfield was there as  
well?

17                  A.     Yes, sir.

18                  Q.     Okay.  Now, when you went down  
the

19    alley did you look in the trash containers?

20 A. Yes, sir.

21 Q. Did you dump them out?

22 A. No, sir.

23 Q. Well, you just took the top off  
and

24 shined a flashlight down in there?

25 A. Well, I recall looking into one  
trash

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1 can that was on the side of a house.

2 Q. Okay. There are trash cans up  
and

3 down that alley on both sides, aren't there?

4 A. I only remember two being out at  
the  
5 time.

6 Q. You only saw two out?

7 A. That's what I remember, only two  
out.

8 Q. Okay. And one apparently was  
there by

9 the sock?

10 A. Yes, sir.

11 Q. Okay. Did you see any knives?

12 A. No, sir, I did not.

13 Q. Did you ever see Sergeant Ward  
search

14 any of the trash cans?

15 A. I saw Sergeant Ward open the  
trash can

16 by the sock, and I saw him rip open a bag that was  
17 further down the alley.

18 Q. Okay. Did he ever dump any of  
the

19 contents out of the trash containers?

20 A. Out of the one next to the sock?

21 Q. Yes.

22 A. Not that I recall.

23 Q. Okay. And did he, on down the  
alley,

24 did he dump out the trash containers?

25 A. I didn't ever see him actually  
look

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1 inside any trash containers.

2 Q. Okay. Except the one by the  
sock?

3 A. Well, I can't say that he did,  
and I

4 can't say that he didn't. I specifically saw him  
rip

5 open a bag as I was passing him down the alleyway.

6 Q. Okay.

7 A. And the one next to the sock, he  
8 opened up the top of it.

9 Q. Did you look into the backyards?

10 A. Yes, sir.

11 Q. Okay. And were the gates -- did  
you

12 actually walk into the backyards?

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

14 Q. All right. They're six-foot  
fence, I

15 suspect?

16 A. Yes, sir.

17 Q. Okay. So, about how tall are  
you?

18 A. Approximately 5'10, 5'11.

19 Q. Okay. So they would be over your

head

20 then, wouldn't they?

21 A. Yes, sir.

22 Q. The only way, I guess, you're  
going to

23 be able to look into the backyard, you're going to  
have

24 to stand on one of the cross members of the fence  
and

25 stand on that and shine the flashlight over like  
that; is

1 that right?

2 A. Well, that's correct. There's  
also  
3 gas mains and utility boxes that I was using to peek  
over  
4 fences.

5 Q. Would you stand on them?

6 A. Yes, sir.

7 Q. All right. And that's the way  
you  
8 searched the backyards?

9 A. Yes, sir.

10 Q. Okay. Sort of peeked over the  
fence  
11 and eyeballed it with a flashlight?

12 A. Yes, sir.

13 Q. Okay. And about how many of  
those did  
14 you do, Officer Ferrie?

15 A. I did all of the houses on the  
east  
16 side of Eagle Drive. I'm not sure exactly how many  
17 houses are over there.

18 Q. Okay. What were you looking for?

19 A. Evidence.

20 Q. I mean, what was your idea of  
evidence

21 at that time?

22 A. Anything that appeared to be out  
of  
23 place.

24 Q. Okay. And you're telling us that  
in  
25 all of the backyards that you looked in, you didn't  
look



1 in any of the trash cans, or you looked in one?

2 A. There's one there that I recall  
3 looking inside of next to a house.

4 Q. But you're saying that all of the  
5 backyards you looked into, and all of the trash  
cans, or

6 the one trash can you looked in, you didn't see  
anything

7 unusual?

8 A. That's correct.

9 Q. Okay. And I guess the only thing  
10 Sergeant Ward saw was the sock; is that right?

11 A. Well --

12 Q. That you know of?

13 A. I couldn't tell you that. I  
don't

14 know exactly what he saw on his side of the street.

15 Q. Okay. Now, where that sock was  
found,

16 right across the alley from that, is a white metal  
fence;

17 is it not?

18 A. Yes, sir.

19 Q. Okay. And one that you can see  
20 through the bars that are some 5, 6, 8 inches apart,  
are

21 they not?

22 A. Yes, sir.

23 Q. Did Sergeant Ward indicate to you  
that

24 he saw some knives back there?

25 A. No, sir.

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1 Q. He didn't?

2 A. No, sir. Not at the time in the  
3 alley.

4 Q. When you looked at that  
particular

5 fence, that's unusual because that was the only one  
like

6 that up and down the alley, wasn't it?

7 A. Well, I didn't think it was  
unusual.

8 That was the only wrought iron fence that I believe  
was

9 over there though.

10 Q. Yeah. The only wrought iron  
fence up

11 and down the alley though; isn't that correct?

12 A. Yes, sir.

13 Q. Everything else is wood?

14 A. I believe so.

15 Q. So it was unusual to that  
respect, I

16 guess?

17 A. Yes.

18 Q. Okay. But Sergeant Ward didn't  
say

19 anything about seeing some knives there or anything  
of

20 that nature?

21 A. Not at the time when I was in the  
22 alleyway with him, no.

23 Q. Okay. I guess this is sort of a  
24 subjective test that y'all -- I mean, what may look  
25 unusual to you may not look unusual to Sergeant  
Ward. Is

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1 that fair to say?

2 A. No, I wouldn't say that.

3 Q. Oh, you wouldn't say that.

Okay.

4 Now, why is it that you post  
guards on

5 a crime scene?

6 A. To protect the crime scene from  
any

7 type of contamination from anybody walking inside,  
and --

8 Q. You mean police officers when  
they --

9 even trained police officers will contaminate a  
crime

10 scene?

11 A. I don't know about that.

12 Q. Well, I mean, why didn't you  
just keep

13 the civilians out and let the police officers go  
in?

14 A. Well --

15 Q. You know full well that the  
reason

16 that's done is because police officers contaminate

crime

17 scenes, don't they?

18 A. I guess that's possible, they  
could.

19 Q. Well, sure it is. Have you been  
to --

20 you've been to murder scenes before, haven't you?

21 A. No, sir.

22 Q. You've never been to a murder  
scene

23 before?

24 A. No, sir.

25 Q. How long have you been on the  
police

1 force?

2 A. Eight years. I've been a police  
3 officer for about five years, and worked in  
dispatch for  
4 approximately three.

5 Q. Well, you know when they get to  
a  
6 crime scene frequently officers will want to get a  
drink  
7 of water, and use the bathroom or something like,  
that's  
8 not unusual, is it?

9 A. In the house?

10 Q. Yes, sir.

11 A. I would think that would be.

12 Q. Well, that's why you post a  
guard

13 there so that doesn't happen; isn't that right?

14 A. Well, you don't want everybody  
walking

15 in into that scene that doesn't have any business  
being

16 in that scene.

17 Q. That's right. Because it's not  
18 unusual to handle evidence, is it, for anyone? I

mean,

19 it's a common, it's just a common curiosity that  
people

20 have. And that's what you are there to prevent,  
isn't

21 it?

22 A. I would say it would be unusual  
for

23 people to just pick up evidence.

24 Q. Okay. All right. So it's just  
good

25 precaution but probably not necessary as long as  
police



1 officers are there; is that right? As long as the  
police

2 officers are the ones going in?

3 A. Well, you don't want every  
police

4 officer that doesn't have any business being in  
that

5 house to go in there either.

6 Q. That's because they'll  
contaminate the

7 scene, isn't it? Track around, kick evidence  
around?

8 A. Not necessarily. But it's just  
to

9 keep everybody out.

10 Q. Handle things?

11 A. That's possible that they could  
handle

12 things.

13 Q. I may have misinterpreted what  
you

14 said when I wrote this down, but I thought you said  
that

15 civilian Cron, Officers Mayne, Nabors and Walling  
entered

16 the -- did they just enter the taped area at 6:03?

17 A. Yes, sir.

18 Q. And then they went on into the  
house

19 at 6:11.

20 A. Yes, sir.

21 Q. Is that correct?

22 A. Yes, sir.

23 Q. Okay. So what did they do?

Just kind

24 of walk around the front yard?

25 A. They remained in the front yard.

I

1 believe they were discussing what they were going  
to do

2 inside the residence. I don't know.

3 Q. Okay. And then the same thing  
with

4 Ms. Price from the Medical Examiner's Office. She  
5 entered inside the perimeter and then went into the  
house

6 a short time later?

7 A. Yes, sir.

8 Q. You had nothing further to do  
with

9 this case after 7:15 on the 6th of June?

10 A. Occasionally I was posted on the  
crime

11 scene guard again days later.

12 Q. But you collected no evidence  
though?

13 A. No, sir.

14 Q. Is that fair to say?

15 A. That's correct.

16 Q. Okay. State's Exhibit No. 34.

These

17 are all of your notes?

18 A. Yes, sir. That's going to be my

19 entries and Officer Ray Clark's entries.

20 Q. All right. So after 7:15, I  
take it,

21 it's going to be Clark?

22 A. Yes, sir.

23 Q. Okay.

24  
25 MR. DOUGLAS MULDER: I believe  
that's

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1 all. Thank you, Officer Ferrie.

2 MR. GREG DAVIS: No further  
questions,

3 your Honor.

4 THE COURT: All right. You may  
step

5 down, Officer. Thank you.

6 Your next witness.

7 MR. GREG DAVIS: We'll call  
Officer

8 Jack Kolbye.

9 THE COURT: Jack Kolbye.

10 THE COURT: Officer, were you  
sworn in

11 the other day?

12 THE WITNESS: No, sir, I was  
not.

13 THE COURT: Okay. If you'll  
raise

14 your right hand, please.

15

16

17 (Whereupon, the  
witness

18 Was duly sworn  
by the

19 Court to speak  
the  
20 Truth, the whole  
truth  
21 And nothing but  
the  
22 Truth, after  
which,  
23 The proceedings  
were  
24 Resumed as  
follows:)  
25

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1 THE COURT: Do you solemnly  
swear or

2 affirm that the testimony you are about to give  
will be

3 the truth, the whole truth, and nothing but the  
truth, so

4 help you God?

5 THE WITNESS: Yes, sir.

6 THE COURT: All right. Have a  
seat

7 right here, please.

8 You're now under the Rule of  
Evidence.

9 That simply means when you're not testifying you'll  
10 remain outside the courtroom.

11 Don't talk about your testimony  
with

12 anybody who has testified. You may talk to the  
attorneys

13 for either side. If someone tries to talk to you  
about

14 your testimony, please tell the attorney for the  
side who

15 calls you. Okay?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right. Thank

you. Go

18 ahead, please.

19 MR. GREG DAVIS: Would you pull

that

20 microphone up there.

21 THE WITNESS: Yes, sir.

22 THE COURT: Just speak right

into it

23 there.

24

25

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1 Whereupon,

2

3

JACK KOLBYE,

4

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

6 been first duly sworn by the Court to speak the  
truth,

7 the whole truth, and nothing but the truth,  
testified in

8 open court, as follows:

9

10

11

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14

full

15

name.

16

A. Jack Kolbye, K-O-L-B-Y-E.

17

you

18

employed?

19

A. By the Rowlett Fire Department.

20

you

Q. All right. And, how long have

21 been with the Rowlett Fire Department?

22 A. Seven and a half years.

23 Q. Okay. So you're a firefighter;

24 correct?

25 A. I'm a firefighter/paramedic.

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1 Q. All right. A paramedic also?

2 A. Yes, sir.

3 Q. How long have you been a  
paramedic?

4 A. Since 1983.

5 Q. So that's 13 years as a  
paramedic; is  
6 that correct?

7 A. That's correct.

8 Q. Okay. Have you ever testified  
before  
9 a jury before, Mr. Kolbye?

10 A. No, I have not.

11 Q. All right. If you would if  
you'll  
12 just keep your voice up so that the last jurors down  
here  
13 can hear you, I would appreciate it. Okay?

14 A. Okay.

15 Q. Okay. How much training do you  
go  
16 through to become a firefighter?

17 A. The firefighter training was  
about  
18 three months long, various activities. I'm not sure  
what

19 the hours are on that.

20 Q. All right. Is there additional  
21 training that you need to undergo to become a  
paramedic?

22 A. Yes, there is.

23 Q. All right. Can you tell us the  
type

24 of training that you go through to become a  
paramedic?

25 A. A prerequisite would be to be an

1 emergency medical technician. That's 160 hours of  
2 advanced first aid training. And paramedic training  
is  
3 built off of that, it's 300 hours of classroom  
training,  
4 followed by 160 hours of clinical hospital rotations,  
240  
5 hours of ride-outs on an ambulance with another  
6 paramedic.

7 Q. Okay. The folks that teach you  
there

8 to become a paramedic, are some of them doctors?

9 A. Yes, they are.

10 Q. How about nurses?

11 A. The coordinator of the class that

I

12 took was a registered nurse that had a lot of  
experience

13 in intensive care.

14 Q. Okay. How about other paramedics

as

15 instructors?

16 A. Yes, there are.

17 Q. Mr. Kolbye, let me direct your

18 attention back to June the 5th of 1996, and ask

you

19 whether or not you were scheduled to work on June  
the

20 5th.

21 A. Yes, I was. On June 5th I  
reported at

22 7:00 o'clock in the morning.

23 Q. Okay. And, when you work as a  
24 firefighter, what kinds of shifts do you work?

25 A. 24 hours on at the station and 48

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1 hours off.

2 Q. All right. So you were scheduled  
to

3 work from 7:00 in the morning on June the 5th to  
7:00 in

4 the morning on June 6th; is that correct?

5 A. That's correct.

6 Q. And where was your fire station  
7 located out there in Rowlett?

8 A. 5100 Dalrock.

9 Q. Would that be just south of 66?

10 A. That's correct.

11 Q. Who else was on duty with you at  
that

12 fire station? Do you recall the names?

13 A. Paramedic Brian Koschak was on  
the

14 ambulance with me. Our captain was Dennis Vrana, it  
was

15 Rick Coleman, Mike Youngblood. I can't recall  
anybody

16 else, I think that was the shift.

17 Q. And you mentioned Brian Koschak.  
He

18 was working the ambulance with you that day, or that

19 morning?

20 A. Yes, he was.

21 Q. Now, let's go forward a little  
bit to

22 June the 6th, 1996, about 2:30 in the morning. Were  
all

23 of y'all at the station at that time?

24 A. Yes, sir, we were.

25 Q. Were you sleeping?

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1 A. Yes.

2 Q. Sometime near 2:30 in the morning  
did

3 a call come in to the fire station out there?

4 A. Yes, it did.

5 Q. All right. And what was the  
nature of

6 the call?

7 A. The nature of the call that came  
in as

8 a medical emergency.

9 Q. All right. And what could that  
mean?

10 Does that encompass a lot of different possibilities?

11 A. That's just a generic call for  
the

12 fact that somebody is going to need some medical  
help.

13 Q. All right. Did you and Brian  
Koschak

14 then get into the ambulance and start to leave the  
15 station?

16 A. That's correct.

17 Q. Did you have a destination that  
you

18 were heading to?

19 A. 5801 Eagle.

20 Q. All right. Before you got to  
Eagle

21 Drive, did the call change a little bit, from just a  
22 medical emergency to something else?

23 A. Yes. The dispatcher came on  
later and

24 said that this would be a possible stabbing.

25 Q. All right. And did it take you  
long

1 to get to 5801 Eagle?

2 A. From the time the call came in it  
was

3 within five minutes.

4 Q. Okay. When you got there to the  
5 house, did you see any other emergency personnel,  
and by

6 that I mean fire engines, ambulances or police cars?

7 A. Yes. There was a police car  
already

8 there when we arrived and there was another one  
behind

9 us.

10 Q. All right. And were y'all the  
first

11 ambulance though to arrive at the scene?

12 A. That's correct.

13 Q. This other car that was coming in  
with

14 you, do you know who was driving that car?

15 A. That would have been Officer Matt  
16 Walling.

17 Q. And when you and Koschak actually  
18 parked there at the residence, did y'all immediately  
get

19 out and go into the house?

20                   A.     No, we didn't.  We stayed inside  
21   because it was a possible stabbing waiting for the  
police  
22   to let us know that the scene would be clear.

23                   Q.     Okay.  So you were going to wait  
on  
24   some police officer to actually come out and tell you  
it  
25   was okay to come in.  Right?

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1 A. That or the dispatcher, yes, sir.

2 Q. All right. Do you know how long  
that

3 you and Koschak waited out in the ambulance before  
4 someone actually gave you the word it was okay to go  
in  
5 and start treating?

6 A. Less than two minutes.

7 Q. All right. And who was it that  
8 actually told you it was okay for y'all to go on in?

9 A. Officer Walling.

10 Q. All right. And did both you and  
Brian

11 Koschak get out of the ambulance at that point and  
start

12 to go into the house?

13 A. Brian got on the radio and called  
for

14 additional help, and I grabbed the medical kit and I  
15 proceeded in. After he made the call for additional  
16 help, he followed me in.

17 Q. So you say that you had a medical  
kit

18 with you. Do you have a lot of equipment in that  
kit?

19                   A.     It's just basic stuff.  It's  
stuff

20    that will just get us by inside the house until we  
get

21    somebody back outside into the ambulance.

22                   Q.     Okay.  And, did you go in the  
front

23    door of the house?

24                   A.     Yes, I did.

25                   Q.     And, did you go to anywhere in

1 particular, once you got inside the house?

2 A. I walked through the front door  
3 through an entryway and into a living area, a  
living/den

4 area, I suppose you would call it.

5 Q. Okay. Let me just show you  
State's

6 Exhibit No. 10, which is a floor plan of the house.  
Are

7 you familiar with the layout of the house?

8 A. Yes, I am.

9 Q. This being the front door right  
here?

10 A. Yes, sir.

11 Q. When you talk about the family  
room,

12 are you talking about the family room labeled on the  
13 diagram there?

14 A. That is correct.

15 Q. Okay. And when you came into  
that

16 room, Mr. Kolbye, can you tell us whether or not  
anyone

17 else was in there at that time?

18 A. When I walked in I noticed Police

19 Officer Waddell, a female and another male.

20 Q. All right. So you noticed the  
police

21 officer; is that right?

22 A. I'm sorry?

23 Q. Did you notice a police officer?

24 A. Yes, sir, I did.

25 Q. Do you know what his name was?

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1                   A.     That would be Officer Waddell.

2                   Q.     Okay.  So you've got Officer  
Waddell,

3     then you've got a female and you've got a male; is  
that

4     right?

5                   A.     That's correct.

6                   Q.     Do you recall where in that  
family

7     room that Officer Waddell was?

8                   A.     He was standing between or near  
where

9     the living room and the kitchen would meet.

10                  Q.     Okay.  Is there a -- some sort of  
a

11    bar or counter that separates the kitchen and the  
living

12    area?

13                  A.     Yes, there was.  He was standing  
in

14    front of that.

15                  Q.     Okay.  On the kitchen side or on  
the

16    family side?

17                  A.     On the family side.

18 Q. All right. How about the female?

19 Where was she when you came into the room?

20 A. She standing next to him.

21 Q. All right. And do you recall  
whether

22 or not she was standing up or sitting down, or what  
in

23 particular that she was doing at that time?

24 A. She was standing up.

25 Q. All right. By Officer Waddell?

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the

20 record please reflect that this witness has  
identified

21 the defendant in open court?

22 THE COURT: Yes, sir.

23

24 BY MR. GREG DAVIS:

25 Q. Now, did you come to know the  
female

Sandra M. Halsey, CSR, Official Court Reporter

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1 to be Darlie Routier?

2 A. Yes, sir, that's correct.

3 Q. Tell us, what was the defendant  
doing

4 when you first saw her?

5 A. She was standing next to Officer  
6 Waddell. She was holding a towel on her neck.

7 Q. All right. Where did you go in  
the  
8 room?

9 A. As soon as I entered the room, I  
10 looked at Officer Waddell, he gave me a nod  
indicating a

11 direction that I looked in, and there I saw a small  
child  
12 laying on the floor.

13 Q. Okay. Where was he in the room?

14 A. Just to my left as I walked in.

15 Q. Okay. So you just go into the  
family

16 room and he's right there on your left; is that  
right?

17 A. That's correct.

18 Q. How was he positioned? Was he on  
the

19 floor?

20 A. He was lying face down on the  
21 floor.

22 Q. And what did you do?

23 A. I walked over to the child and  
24 examined his back side briefly for any injuries, and

I

25 rolled him over.

Q. Do you recall how he was clothed?

1                   A.     He had on a dark T-shirt and  
blue  
2     jeans.

3                   Q.     You say then that you examined  
his  
4     back.  Let me ask you:  Was there any kind of a  
rag or  
5     towel or anything else on top of that child?

6                   A.     No, there was not.

7                   Q.     Are you sure about that?

8                   A.     I'm absolutely sure about that.

9                   Q.     Okay.  He's got on blue jeans  
and he's  
10    got on a black shirt.  Right?

11                  A.     That's correct.

12                  Q.     You say that you turned him  
over; is  
13    that right?

14                  A.     I rolled him over, yes, sir.

15                  Q.     Okay.  And what, if anything,  
occurred  
16    when you rolled the child over?

17                  A.     He gasped for a gasp of air,  
and that  
18    was the final time that he breathed.

19 Q. When he gasped did you notice  
whether

20 or not his eyes were open?

21 A. Yes, sir, his eyes were open  
and there

22 were still a light of life in those eyes.

23 Q. Did you ever see that light go  
out of

24 his eyes?

25 A. Yes, sir, as I was with the  
child it

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 slowly faded.

2 Q. All right. How long did you  
remain

3 inside the residence with the child?

4 A. About two minutes.

5 Q. Okay. And, at some point then,  
did

6 you move him out to your ambulance?

7 A. Yes, sir. I picked him up and  
carried

8 him out to the ambulance.

9 Q. What was the purpose of moving him  
out

10 to the ambulance?

11 A. I looked up and could tell that my  
12 partner was going to be busy, that he wasn't going to  
be

13 able to assist me. There was some commotion and  
chaos in

14 the house. But more than anything, that's where the  
15 advanced life support that I would need would be in  
the

16 ambulance. I really wanted to get him hooked up to  
an

17 EKG monitor as soon as possible.

18 Q. Okay. This photograph that's  
out

19 here, State's Exhibit 9-A, do you recognize this  
to be

20 the child that you found inside, face down, that  
you

21 moved to the ambulance?

22 A. Yes, sir, that's him.

23 Q. Okay. What was his condition, at  
the

24 time that you started to move him out to the  
ambulance?

25 A. He was not breathing. There was  
no

Sandra M. Halsey, CSR, Official Court Reporter

1 pulse.

2 Q. Okay. I'm interested in the  
actual

3 movement of him. How did you take him out to the  
4 ambulance?

5 A. I carried him in my arms. His  
back --

6 he was face up in my arms.

7 Q. Okay. Was he bleeding as you took  
him

8 out?

9 A. No, he was not.

10 Q. Okay. Were you getting a lot of  
blood

11 on you as you carried him out?

12 A. No, I was not. Actually, when I  
13 stopped and opened the back of the ambulance I had  
to

14 prop him up on my chest with my knee to free an arm  
to

15 open it. And I had very little blood on me, what  
would

16 have rubbed off of his clothes on to me.

17 Q. And once you took him out to  
your

18 ambulance, what did you do with him?

19                   A.     I continued CPR, which I had  
started

20 in the house before I carried him out. Shortly  
after

21 that time, the engine company arrived, Paramedic  
Coleman

22 I could see was available, so I asked him to come  
and

23 assist me.

24                   Q.     And did he?

25                   A.     Yes, he did.

Sandra M. Halsey, CSR, Official Court Reporter

1                   Q.     Okay.  Did you and Paramedic  
Coleman

2     continue working on Damon there in the ambulance?

3                   A.     Yes, we did.  I continued to do  
chest

4     compressions for the CPR.  Coleman took over the  
5     respiratory efforts and made preparations to intubate  
the

6     child.

7                   Q.     When you talk about intubate, are  
you

8     talking about putting a tube down him, to help him  
9     breathe?

10                  A.     Yes, sir.  There's various sized  
tubes

11     that we call endotracheal tubes and they go past the  
12     mouth into the trachea, or the windpipe, and it gives  
us

13     a better seal for making respiratory efforts.

14                  Q.     Okay.  All right.  At some point  
did

15     you transport Damon to the hospital?

16                  A.     Yes, we did.  We stayed in the  
back of

17     the ambulance probably 15 minutes continuing on with

the

18 advanced life support before we transported him.

19 Q. Let me ask you a question: You

were

20 in the house a very short period of time with him; is

21 that right?

22 A. That's correct.

23 Q. You then were in the ambulance

with

24 him for, what, about 15 minutes before you started

going

25 to the hospital. Right?

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1 A. That's correct.

2 Q. And how long did it take you to  
get to

3 the hospital with him?

4 A. It would have been maybe another  
15

5 minutes.

6 Q. Okay. What hospital did you  
take him

7 to?

8 A. Baylor of Dallas.

9 Q. In route to the hospital, did  
you and

10 Paramedic Coleman continue working on the child?

11 A. That's correct. In route to the  
12 hospital I actually started an IV in the jugular  
vein

13 that we had not been able to accomplish before.

And we

14 pushed a drug, epinephrine, which is a cardiac  
drug, and

15 continued CPR.

16 Q. Okay. Did Damon show any  
response to

17 your treatment?

18 A. No, he did not.

19 Q. By the time you got down to

Baylor

20 with him, what was his condition?

21 A. It had not changed any.

22 Q. Still no pulse?

23 A. Still no pulse, no respiration.

24 Q. And I assume that once you got

down

25 there, that the Baylor personnel then took over the



1 treatment, or attempted treatment of Damon; is that  
2 right?

3 A. Yes, sir. We took him into one  
of the  
4 rooms, their larger room, their trauma room, and  
turned  
5 him over to the staff there.

6 Q. Okay. How long did you and  
Paramedic  
7 Coleman remain there at the hospital? Any idea?

8 A. It took us a little while to  
regroup,  
9 probably about an hour.

10 Q. Okay. Had you ever dealt with a  
11 situation quite like this before?

12 A. No, sir, nothing like this.

13 Q. While you were in the house  
there at  
14 5801 Eagle Drive, did you ever have occasion to go  
up to  
15 the defendant to talk with her, to look at her, to  
do  
16 anything with her?

17 A. No, sir, I did not.

18 Q. You ever have any occasion to

attempt

19 to treat her, assess her wounds, touch her  
clothing,

20 anything of that order?

21 A. No, sir, I did not.

22 Q. Would it be fair to say that  
your

23 entire focus was on Damon?

24 A. Yes, it was.

25 Q. Was -- were there other  
paramedics who

1 began attending to the defendant while you tried to  
2 assist Damon?

3 A. Yes, there was. Brian Koschak,  
the  
4 partner that I rode in on, had been left behind in  
the  
5 room, and he, as I understood it, took care of her  
from  
6 that point on.

7 Q. Okay. Let me ask you a little  
bit  
8 about the CPR. You've been performing CPR how long  
now?

9 A. I took my first class in probably  
10 1977. I've been a CPR instructor for the past five  
11 years. I have been doing CPR as a paramedic 13 or  
14  
12 years.

13 Q. Okay. Paramedic Kolbye, this  
child  
14 was face down on the floor. Right?

15 A. That is correct.

16 Q. Do you know of any way to perform  
CPR  
17 on a child or any other person who is face down?

18 A. No, there is no way.

19 Q. Okay. What would you need to do  
to

20 that child in order to perform CPR?

21 A. You would have to roll him over  
on his

22 back.

23 Q. Okay. Like you did?

24 A. Yes, sir.

25 Q. Now, if -- let's assume that a  
child

1 such as Damon is face down and is bleeding from the  
back.

2 Okay?

3 A. Yes, sir.

4 Q. And, let's assume that a person  
who is

5 not a paramedic, not trained in the medical field  
like

6 you are, is instructed to assist that person or  
render

7 first aid of some order to that person, what would  
be the

8 proper instruction to give to that individual in  
your

9 opinion?

10 A. For somebody that is not trained  
in

11 CPR?

12 Q. Right. What's the thing they  
ought to

13 do for that child?

14 A. They should find something that  
is

15 going to be absorbent, apply pressure to those  
wounds to

16 stop the bleeding.

17 Q. Like go look for a rag and place  
a rag

18 on the boy's back and apply pressure to stop the  
19 bleeding?

20 A. That would be correct.

21 Q. I have one additional question  
about

22 your activities out there that morning. I know  
you're

23 not in the house very long, are you?

24 A. No, sir.

25 Q. Okay. Did you ever see a  
civilian

1 female come into the house to that family room while  
you

2 were there?

3 A. No, I did not.

4 Q. Anybody identified as Karen Neal  
ever

5 come into that room while you were inside the  
residence

6 attending to Damon?

7 A. No.

8 Q. Let me ask you: Prior to your  
9 testimony today, you and I have talked about your  
10 testimony, haven't we?

11 A. Yes, we have.

12 Q. Okay. And we have talked  
before we

13 came to Kerrville; is that right?

14 A. That's correct.

15 Q. Do you remember about the number  
of

16 times that you and I have talked about what you did  
out

17 there that morning while we were in Dallas?

18 A. Four times.

19 Q. Okay. Did you come down to the

20 Courthouse at one point?

21 A. In Dallas?

22 Q. Yes.

23 A. Yes, sir, I did.

24 Q. Did you come to the courtroom

where

25 other police officers and paramedics were?

1441 Sandra M. Halsey, CSR, Official Court Reporter



1 A. Yes, sir.

2 Q. All right. And did I ask you to  
get

3 up on the witness stand and tell me what you just  
told

4 this Jury?

5 A. Yes, sir, you did.

6 Q. Did I also come out to the -- I  
7 believe it was the Rowlett Police Department,  
wasn't it,

8 where we met for the first time?

9 A. The first time, yes, sir.

10 Q. Okay. And we may have met  
other times

11 in Dallas in addition to that. Correct?

12 A. Correct.

13 Q. Okay. And you've been in  
Kerrville

14 now since, what, Monday night?

15 A. I came in Monday night.

16 Q. All right. And did I ask you  
to come

17 over -- I'm losing track. Was it either Tuesday  
or

18 Wednesday night, did I ask you to come to my room

for a

19 few minutes so we could go over your testimony  
again?

20 A. I believe it was Tuesday  
night.

21 Q. Okay. Is that the only  
meeting we've

22 had while we're here in Kerrville to discuss your  
23 testimony?

24 A. Yes, sir.

25 Q. Let me ask you whether you  
prepared

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Reporter

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1 any reports concerning your activities out there,  
run

2 sheets or any other items?

3 A. Yes, sir, I did.

4

5

6 (Whereupon, the following

7 mentioned item was

8 marked for

9 identification only

10 after which time the

11 proceedings were

12 resumed on the record

13 in open court, as

14 follows:)

15

16 BY MR. GREG DAVIS:

17 Q. All right. Paramedic Kolbye, let

me

18 ask you, if you would, to look at State's Exhibit 20-

D.

19 Is that a report that you prepared?

20 A. That's --

21 Q. Or did someone else prepare that?

22 A. This is the report for my run that

I

23 made. The report was actually filled out by Rick  
24 Coleman, I discussed it with him what needed to be  
put on  
25 here. He's the one that actually filled it out.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. So you gave him the  
information

2 and he actually made the writing; is that right?

3 A. That's correct.

4 Q. Okay. In addition to the report,  
5 State's Exhibit 20-D, did you also, at the request of  
the

6 Rowlett Police Department, give an affidavit  
concerning

7 what occurred out there at the residence that night?

8 A. Yes, I did.

9 Q. And did they also ask you to make  
a  
10 drawing about where people were at the time that you  
came

11 into the house?

12 A. Yes, they did.

13 Q. The  
children?

14 A. Yes, they  
did.

15

16

17

18 (Whereupon, the

following

19                    mentioned item was  
20                    marked for  
21                    identification only  
22                    after which time the  
23                    proceedings were  
24                    resumed on the record  
25                    in open court, as

Sandra M. Halsey, CSR, Official Court Reporter

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1 follows:)

2

3 BY MR. GREG DAVIS:

4 Q. All right. And that's State's  
Exhibit

5 20-G; is that right?

6 A. Yes, sir.

7 Q. All right. Let me ask you also,  
8 Paramedic Kolbye, if you've already, at some point,  
last

9 year, I believe it was in September, already been  
10 cross-examined, by an attorney representing the  
11 defendant?

12 A. Yes, sir.

13 Q. Okay. And did you answer his  
14 questions that day?

15 A. Yes, I did.

16 Q. Okay. And there was a transcript  
made

17 of that; is that right?

18 A. That's correct.

19 Q. And that attorney's name was --  
well,

20 let me just ask you: Was it one of the five  
attorneys

21 sitting over here with Mrs. Routier today?

22                           A.     I do not recognize any of them.

23                           Q.     All right.  Do you recognize the

24 attorney's name, Douglas Parks?

25                           A.     Yes, sir, I do.

                          Sandra M. Halsey, CSR, Official Court Reporter  
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1                   Q.     Okay.  And so he's the one  
that's  
2     already questioned you and cross-examined you; is  
that  
3     right?

4                   A.     That's correct.

5  
6                   MR. GREG DAVIS:  Your Honor, at  
this  
7     time, I will tender State's Exhibits 20-G and 20-D  
to  
8     counsel, and I'll pass this witness for  
9     cross-examination.

10                  THE COURT:  Mr. Mosty.

11                  MR. RICHARD C. MOSTY:  Yes, sir.

12                  THE COURT:  All right, sir.

13                  MR. RICHARD C. MOSTY:  May I

have a

14     moment?

15                  THE COURT:  You may indeed.  Ten

16     minute break?

17                  MR. RICHARD C. MOSTY:  Sure.

18                  THE COURT:  Okay.  Ten minute

break.

19

20                  (Whereupon, a short

21 Recess was  
taken,  
22 After which  
time,  
23 The proceedings  
were  
24 Resumed on the  
record,  
25 In the presence  
and

Sandra M. Halsey, CSR, Official Court Reporter

1                   Hearing of the defendant  
2                   but outside the presence of  
3                   the jury, as follows:)

4  
5  
6                   THE COURT: Are both sides ready  
to  
7 bring the jury back in and continue?

8                   MR. GREG DAVIS: Yes, sir, the  
State  
9 is ready.

10                  MR. RICHARD C. MOSTY: Yes, sir,  
the  
11 defense is ready.

12                  THE COURT: All right. Bring the  
jury  
13 in, please.

14  
15   (Whereupon, the jury  
16   was returned to  
the  
17   courtroom, and  
the  
18   proceedings  
were  
19   resumed on the

record,

20

in open court, in

the

21

presence and

hearing

22

of the defendant,

23

as follows:)

24

25

THE COURT: All right. Let the

record

Sandra M. Halsey, CSR, Official Court Reporter

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1 reflect that all parties of trial are present and the  
2 jury is seated.

3 Mr. Mosty.

4

5

6 CROSS EXAMINATION

7

8 BY MR. RICHARD C. MOSTY:

9 Q. Mr. Kolbye, I just want to cover a  
few

10 things with you.

11 Do you know, just through your  
12 dealings with -- do you know the Rowlett Police  
13 Department Officers?

14 A. Just as a course through work.

15 Q. Through work, I mean?

16 A. Yes.

17 Q. I mean, for instance, you know  
who

18 Walling is, or when you saw him you knew who that  
was?

19 A. Yes, sir.

20 Q. And Waddell as well?

21 A. That's correct.

22 Q. If I understand, you are in  
route --

23 how far is the station from this house?

24 A. Two to three miles.

25 Q. Okay.

Reporter Sandra M. Halsey, CSR, Official Court

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1                   A.     It's very close.

2                   Q.     All right.  And you were there  
within

3     just a few minutes?

4                   A.     That's correct.

5                   Q.     Okay.  And, as a matter of  
fact, you

6     were there in front of Walling?

7                   A.     That is correct.

8                   Q.     You weren't driving, were you?

9                   A.     Yes, sir, I was.

10                  Q.     You were driving.  Did you  
notice at

11    some point, that Walling was behind you with his  
lights

12    on?

13                  A.     Yes, sir.

14                  Q.     Okay.  And then, of course, you  
15    noticed when he pulled up behind you?

16                  A.     Actually he pulled up and  
around --

17    around me.

18                  Q.     Where did you park?

19                  A.     I parked on the north side of  
the

20    house.

21 Q. Okay. As close as you could  
quickly

22 determine was the front of the house?

23 A. That's correct.

24 Q. Okay. And he came around you?

25 A. Yes, sir, he did.

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 Q. I'm saying to my right; is that  
right?

2 A. Yes, sir, that's correct.

3 Q. To the right?

4 A. Yes, sir.

5 Q. You parked on the wrong side of  
the  
6 street then?

7 A. That's what I did, yes, sir.

8 Q. All right. Then did Walling  
say  
9 anything to you when he exited the vehicle?

10 A. No, he did not.

11 Q. Did he make any motions to you  
or  
12 anything?

13 A. No, he did not. None that I  
saw.

14 Q. Okay. Where did Walling park?

15 A. It would have been in an alley  
just  
16 off the street the best that I remember.

17 Q. So are you pretty much directly  
in  
18 front of the house?

19 A. No, sir, I'm not. If you were

20 standing in front of the house, I'm to the right.

21 Q. Okay.

22 A. Standing in front of the house,

23 looking at the house.

24 Q. Okay.

25 A. I would be on your right.

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 Q. And had you come from -- if I  
were

2 standing facing the house, had you come from the  
left?

3 A. That's correct.

4 Q. That was your point?

5 A. Yes, sir.

6 Q. And so you sort of went past the  
front

7 of the house?

8 A. Yes, sir.

9 Q. Toward the right if we were all  
10 looking at that house?

11 A. Yes, sir.

12 Q. Okay. And then Walling came  
around

13 you and farther on?

14 A. That's correct.

15 Q. To the alley?

16 A. Yes, sir.

17 Q. More or less?

18 A. Yes, sir.

19 Q. Which side of the street did he  
park

20 on?

21

A. I don't recall.

22

scene?

Q. Was there another car at the

23

A. Yes, sir, there was.

24

Q. Where was it located?

25

before I

A. I know that I had passed it

Sandra M. Halsey, CSR, Official Court Reporter

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1 parked, but I couldn't tell you its exact location.

2 Q. It was farther back toward the  
front

3 of the house?

4 A. That's correct.

5 Q. And I guess that it's standard  
6 procedure in that situation that you wait for an  
officer

7 to give you the go-ahead to go in?

8 A. Yes, that's correct.

9 Q. And you were able to observe  
Walling

10 go in the residence?

11 A. Yes, sir, I did.

12 Q. Did you exit the ambulance, you  
and

13 your partner -- who's your partner, Koschak?

14 A. Yes, sir, Brian Koschak.

15 Q. Did y'all exit your ambulance?

16 A. At some point, yes, sir.

17 Q. Before Walling came back out?

18 A. No, sir.

19 Q. Did you -- was there some stuff  
you

20 needed to do, for instance, equipment that you

needed to

21 be picking up while you are sitting in the  
ambulance?

22 A. No, sir. We were sitting in the  
cab

23 of the ambulance waiting for a clear to come to us  
to go

24 inside the residence.

25 Q. And you had, either on you or in  
your

Sandra M. Halsey, CSR, Official Court Reporter

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1 hands, all of the tools or supplies that you  
needed?

2 A. No, they are in compartments on  
the

3 side of the ambulance. They are very quick and  
easy --

4 it's very quick and easy just to open the  
compartment on

5 the side of the ambulance and to grab the kit that  
you

6 need.

7 Q. Okay. And from the time -- did  
you

8 see Officer Walling head across and actually go in  
the

9 house -- head across the yard?

10 A. I saw him go across the yard. I  
11 didn't actually see him go in the house, no.

12 Q. Okay. Did you see any other  
13 individuals out in the yard?

14 A. No, I did not.

15 Q. Did Walling stop or do anything  
after

16 he exited his vehicle?

17 A. I wasn't really paying that much

18 attention to him.

19 Q. What were you doing?

20 A. I was sitting in the driver's  
seat.

21 Q. And I guess you -- but you had a  
clear

22 view of the front of the house, didn't you?

23 A. It was an angle view of the front  
of

24 the house.

25 Q. So you're sort of looking -- were  
you



1 sort of looking straight ahead at Walling's car and  
sort

2 of to your left at the front door?

3 A. I couldn't actually see the front  
4 door.

5 Q. You could not?

6 A. No. I could see the front of the  
7 house, but it wasn't a clear view of the front door.

8 Q. Okay. Was it sort of dark in  
front of

9 the house?

10 A. I don't recall it as being dark.

11 Q. Do you remember any lights?

12 A. I don't remember what the lighting  
13 situation was like.

14 Q. Okay. Well, how long do you think  
15 Walling was in the house?

16 A. A minute and a half.

17 Q. Okay. And he came out. Did he  
say

18 something to you or signal to you, or what did he  
do?

19 A. He came to the driver's side  
door. I

20 rolled the window down, and he said, "You have two

21 children inside. You're going to need some more  
help.

22 Go on in."

23 Q. He said "You may have two  
children"?

24 A. I don't recall what his exact  
words  
25 were.

Sandra M. Halsey, CSR, Official Court Reporter

1454

1 Q. Okay. The gist of that was "call  
for

2 more help"?

3 A. Yes, sir.

4 Q. Okay. And, did you do that? Or  
your

5 partner?

6 A. Yes, my partner did.

7 Q. Okay. And where did Walling go?

8 A. I do not know.

9 Q. And what did you do?

10 A. That's when I got out of the  
11 ambulance, and grabbed the medical kit, and  
proceeded to

12 go inside.

13 Q. Did you run to the front door?

14 A. No, sir, I did not.

15 Q. You walked?

16 A. Yes,

sir.

17 Q.

Probably --

18 A. At a pace, yes, sir.

19 Q. At a brisk pace? And was

Koschak

20 right behind you?

21 A. Yes, he was.

22 Q. Okay. And there wasn't any  
delay in

23 him calling? He didn't stay behind to call?

24 A. No, he didn't.

25 Q. He was coming in right behind  
you?

Sandra M. Halsey, CSR, Official Court Reporter

1455

1 A. That's correct.

2 Q. Okay. And when you came in you  
3 observed Mrs. Routier?

4 A. Yes, sir, I did.

5 Q. As you walked in the house?

6 A. Well, once I entered into the  
living

7 area, I observed her, yes, sir.

8 Q. Okay. And instantaneously you  
could

9 tell that she was very distraught?

10 A. Yes, sir.

11 Q. And you knew that, didn't you?

12 A. She was holding a towel on her  
neck

13 and there appeared to be quite a bit of blood  
there, yes,

14 sir.

15 Q. She was distraught? That was  
your

16 word, wasn't it?

17 A. Yes, sir, it was.

18 Q. Okay. Now, then you immediately  
19 turned your attention to the child -- to the first  
child?

20 A. Yes, I did.

21 Q. Okay. And who nodded in the  
direction

22 of the child?

23 A. Officer Waddell.

24 Q. How far was Waddell from that  
child?

25 A. Ten or 12 feet.

1 Q. That far?

2 A. That is my guess.

3 Q. Was he at the end of the bar or  
4 whereabouts?

5 A. He was at the end of the bar,  
yes,

6 sir.

7 Q. Okay. Let me show you --

8 A. Away from the child.

9 Q. Let me show you this exhibit,  
which is

10 a floorplan of the house. And I know that it  
wasn't

11 your -- you weren't focusing on the floorplan, but  
does

12 that seem about like the floorplan of the part that  
you

13 came in, the entry hall?

14 A. Yes, sir.

15 Q. And a bar?

16 A. That's correct.

17 Q. And was Waddell here at the end  
of

18 this bar?

19 A. No, sir, he was at the other  
end.

20 Q. At this far end?  
21 A. Yes, sir.  
22 Q. Okay. Near the back wall?  
23 A. Yes, sir.  
24 Q. Okay. And he nodded in what  
25 direction?

Sandra M. Halsey, CSR, Official Court Reporter

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1                   A.     Toward the direction of the  
child that

2     was laying on the floor.

3                   Q.     Okay.  To that point, had you  
seen the

4     child?

5                   A.     No, I had not.

6                   Q.     And as you got around that  
corner,

7     could you clearly see the child?

8                   A.     Yes, I could.

9                   Q.     And did you immediately go down  
to

10    your knees, I guess, or how?

11                  A.     Yes, sir, I did.

12                  Q.     Okay.  Did you take out any  
bandages

13    or equipment out of your kit?

14                  A.     I removed what we call an Ambu  
bag to

15    do mouth to mouth resuscitation.  It has a  
mouthpiece on

16    it and a bag reservoir that we use to put mouth to  
mouth

17    resuscitation, as opposed to doing mouth to mouth

18 resuscitation.

19 Q. And it comes, I guess, in a --

some

20 kind of sterile packaging?

21 A. Yes, it does.

22 Q. You tore that packaging open and

cast

23 it aside?

24 A. Yes, sir, I did.

25 Q. Okay. And you also saw Mr.

Routier,

1 but as I understood it, you weren't clear -- he  
wasn't

2 beside Waddell or Mrs. Routier?

3 A. No, he was not.

4 Q. He was off -- did you say sort  
of in

5 the middle of the living room? Is that how you  
said

6 that?

7 A. Yes, sir.

8 Q. Okay. And did you see anything  
else

9 over in the middle of the living room in the area  
where

10 Mr. Routier was?

11 A. No, I couldn't see anything  
else.

12 Q. You did not see another child in  
13 there?

14 A. No, I did not.

15 Q. Never saw another child?

16 A. No, sir, I did not.

17 Q. Did you ever see what -- did you  
ever

18 see what Koschak did?

19                   A.    No, sir, I did not.

20                   Q.    Okay.  You weren't paying

attention to

21    what he was doing?

22                   A.    No, sir.

23                   Q.    I guess it's fair to say that

once you

24    went down beside your -- the person you were

treating,

25    that everything you did was focused on that child?

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1                   A.     Yes, sir.

2                   Q.     And how long would you say you  
were in

3     that -- there in the house with the child?

4                   A.     About two minutes.

5                   Q.     Okay.  And Mr. Routier, when you  
saw

6     him, how would you describe him?  He was excited?

7                   A.     He was excited, yes, sir.

8                   Q.     Okay.  Was he distraught too?

9                   A.     No, sir, I would describe him as  
being

10    excited.

11                  Q.     Excited?

12                  A.     Yes, sir.

13                  Q.     All right.  And as you were  
there, and

14    these children were both being attended to, there  
was a

15    lot of screaming going on, wasn't there?

16                  A.     There was.

17                  Q.     Okay.  And crying?

18                  A.     There was some screaming.

19                  Q.     Okay.  And, as a matter of fact,  
there

20    was so much screaming, and so much anguish, that

that was

21 one of the reasons that you wanted to pick that  
child up

22 and get him out of there, wasn't it?

23 A. That was one of the reasons, yes,  
sir.

24 Q. So, with everything, with all of  
the  
25 commotion going on, and the screaming and the  
anguish,

1 you thought that you could do better for the child  
and do

2 your job better, if you picked the child up and got  
him

3 out to the ambulance?

4 A. Yes, sir.

5 Q. And for the people that were  
doing --

6 I guess Waddell wasn't screaming, was he?

7 A. No, sir, he was not.

8 Q. And Koschak wasn't screaming?

9 A. No, sir.

10 Q. Was it Mrs. Routier doing the  
11 screaming?

12 A. I don't recall her screaming.

13 Q. Who was screaming?

14 A. Mr. Routier.

15 Q. And you don't recall Mrs. Routier  
16 screaming?

17 A. Not a scream, no, sir.

18 Q. Okay. What did you think -- what  
did

19 you characterize what Mrs. Routier was doing, the  
words

20 she was saying and the actions, if you didn't

21 characterize it as screaming, how would you

characterize

22 it?

23 A. She answered loudly.

24 Q. Is it your regular practice to

write

25 handwritten reports as quickly as you reasonably  
can?

Sandra M. Halsey, CSR, Official Court Reporter

1461



1 A. Yes, sir.

2 Q. And you did in this case on June  
6th,  
3 did you not?

4 A. That's correct.

5 Q. That same day?

6 A. Yes, sir.

7 Q. And, of course, that was your best  
8 recollection --

9 A. Yes, sir.

10 Q. -- of what had happened?

11 A. That's correct.

12 Q. And it was very fresh on your mind  
at  
13 that point, wasn't it?

14 A. That's correct.

15 Q. I mean, it was standing out?

16 A. Yes, sir.

17 Q. But I guess when you go in a  
situation  
18 like that, there are some things that you just don't  
19 remember, or that you just don't pay attention to?

20 A. Yes, sir.

21 Q. And some things that you pay  
attention

22 to, and so those are vivid in your memory. And other  
23 things, you might miss?

24 A. That's correct.

25 Q. But on June 6th, 1996, when your

Sandra M. Halsey, CSR, Official Court Reporter

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1 memory was very fresh, you said that both the male  
and

2 female, it seemed, were screaming, didn't you?

3 A. Well, I don't remember.

4 Q. You don't recall that? You'll be  
able

5 to recognize your own handwriting, won't you?

6 A. Certainly.

7 Q. Let me show State's -- what's been  
8 marked for record purposes as State's Exhibit  
206, (sic)

9 and if you would, is that your handwriting?

10 A. Yes, sir.

11 Q. And does it bear your signature at  
the

12 bottom?

13 A. Yes, it does.

14 Q. And is it so that it was  
subscribed

15 and sworn to on the 6th day of June, 1996?

16 A. Yes, sir, that's correct.

17 Q. Same day as this incident? When  
this

18 was freshest on your mind?

19 A. That's correct.

20 Q. And, isn't it true, that in this  
21 statement you -- that the way you described Mr. --  
Mrs.  
22 Routier and Mr. Routier is as follows: "With both  
the  
23 male and -- male and female at the scene screaming,  
I  
24 decided to move the child to" -- is that MICU?  
25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. And that, when your memory was the  
2 best, was how you described what Mrs. Routier was  
doing?

3 A. That's what it says on that  
report,

4 yes, sir.

5 Q. And so then that's accurate, isn't  
it?

6 A. Yes, sir.

7 Q. She was screaming, wasn't she?

8 A. Well, yes, sir.

9 Q. There is nothing that has happened  
10 between June 6th of 1996 and today that would change  
your

11 mind about what you saw out there and what you heard  
out

12 there, is there?

13 A. No, sir, there is not.

14 Q. And, however many meetings you had  
15 with the DA, was it four?

16 A. Yes, sir.

17 Q. That doesn't change what you knew  
to

18 be the truth on June 6th, 1996, does it?

19 A. No, it doesn't.

20 Q. Okay. And your best depiction  
then,

21 of what Mrs. Routier was doing, was that she was  
22 screaming?

23 A. The way you initially asked me the  
24 question, he was screaming louder than she was.

25 Q. Okay. Okay. So, all right. I  
think

Sandra M. Halsey, CSR, Official Court Reporter

1 I understand.

2

3 MR. RICHARD C. MOSTY: That's all

I

4 have. Pass the witness.

5 MR. GREG DAVIS: No further

questions.

6 THE COURT: You may step down,

sir.

7 You next witness.

8 MR. GREG DAVIS: The State will

call

9 Brian Koschak.

10

11 THE COURT: All right. Brian

Koschak.

12 Were you sworn in?

13 THE WITNESS: No, sir.

14

15 (Whereupon, the witness

16 Was duly sworn by the

17 Court, to speak the

truth,

18 The whole truth and

19 Nothing but the truth,

20 After which, the

21

Proceedings were

22

Resumed as follows:)

23

24

25

swear or

THE COURT: Do you solemnly

Sandra M. Halsey, CSR, Official Court Reporter

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1 affirm that the testimony you are about to give  
will be

2 the truth, the whole truth, and nothing but the  
truth, so

3 help you God?

4 THE WITNESS: I do.

5 THE COURT: Have a seat right  
here,

6 please.

7 You're now under the Rule of  
Evidence.

8 That simply means when you're not testifying, you  
remain

9 outside the Courtroom. Don't talk about your  
testimony

10 with anybody who has testified.

11 You may talk to the attorneys  
for

12 either side. If someone tries to talk to you about  
your

13 testimony, tell the attorney for the side who  
called you.

14 Okay?

15 THE WITNESS: Yes, sir.

16 THE COURT: Okay. Speak into  
the

17 microphone loudly, please, so everybody can hear  
you,

18 particularly those last two jurors.

19 Go ahead.

20

21

22

23

24

25 Whereupon,

Sandra M. Halsey, CSR, Official Court Reporter

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1

2

BRIAN LELAND KOSCHAK,

3

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

5 been first duly sworn by the Court to speak the  
truth,

6 the whole truth, and nothing but the truth, testified  
in

7 open court, as follows:

8

9

10

DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13

14

Q. Would you please tell us your full  
name.

15

16

are

17

you employed?

18

19

20

A. Rowlett Fire Department.

Q. All right. How long have you been  
with them?

21

22

A. Six years.

Q. All right. And before joining the

23 Rowlett Fire Department, had you worked in that  
capacity

24 with some other agencies?

25 A. Yes, sir, I was a paramedic with  
the

Sandra M. Halsey, CSR, Official Court Reporter

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1 Dallas Ambulance Service.

2 Q. All right. And for how long were  
you

3 a paramedic with them?

4 A. Three years.

5 Q. You've been with Rowlett for about  
six

6 years. How long have you been a paramedic in all?

7 A. Seven years.

8 Q. Now, is it true that you undergo  
9 additional training to become a paramedic?

10 A. That's correct.

11 Q. Let me ask you if back on June the  
12 5th, 1996, were you working with a group there at the  
13 fire station including Jack Kolbye?

14 A. I was.

15 Q. And were you assigned to work in  
an

16 ambulance with him?

17 A. Yes, sir.

18 Q. Were you scheduled to work 7:00 in  
the

19 morning until 7:00 in the morning on June the 6th?

20 A. Yes, sir.

21 Q. I want to direct your attention to

22 about 2:30 in the morning on June the 6th, 1996 and  
ask

23 you whether or not a call came into the fire  
station.

24 A. It did.

25 Q. And what was the nature of the  
call?

Sandra M. Halsey, CSR, Official Court Reporter

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1                   A.     Medical emergency, I believe.

2                   Q.     All right. Did you and Jack  
Kolbye

3     then begin to respond to that call?

4                   A.     We did.

5                   Q.     And did you begin to drive the  
6     ambulance over to the location?

7                   A.     That's correct.

8                   Q.     And what location were you going  
to?

9                   A.     I believe it was 5801 Eagle  
Drive.

10                  Q.     Were you driving or was  
Paramedic

11     Kolbye driving?

12                  A.     Paramedic Kolbye was.

13                  Q.     All right. At any time before  
you got

14     to the location there on Eagle, did you get anymore  
15     information about what you were going to be facing  
when

16     you got out there?

17                  A.     Yes, sir. Additional  
information, it

18     was a possible stabbing.

19 Q. All right. Did you, in fact,  
get to

20 5801 Eagle Drive?

21 A. We did, sir.

22 Q. Could you tell who else was  
already at

23 the location when you got there?

24 A. There was one police car on the  
scene

25 when we arrived and one right behind us.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. All right. And do you know the  
name

2 of the officer that was driving the second police  
car?

3 A. I believe it was Sergeant  
Walling.

4 Q. Okay. Did you and Paramedic  
Kolbye

5 immediately get out of the ambulance and go inside  
the

6 house?

7 A. Not immediately, no, sir.

8 Q. Did you wait for Sergeant  
Walling to

9 clear the house for you?

10 A. Yes, sir.

11 Q. Do you know about what -- how  
much

12 time it took for Sergeant Walling to clear the  
house

13 before you and Paramedic Kolbye would be allowed  
inside?

14 A. One to two minutes.

15 Q. Did he, in fact, come out and  
tell you

16 it was okay to go inside the house?

17 A. He did.

18 Q. Did he give you any more  
information

19 to work with?

20 A. Yes, sir, he stated, "We're going  
to

21 need more help."

22 Q. All right. Did you do anything  
in

23 response to him saying that to you?

24 A. I did.

25 Q. What did you do?

1                   A.     I radioed dispatch to send  
another --

2     an additional engine, fire truck and ambulance.

3                   Q.     All right.  While you were  
radioing

4     for additional help, did Paramedic Kolbye get out of  
the

5     ambulance and start to go inside the house?

6                   A.     He did.

7                   Q.     How far behind him were you when  
you

8     got out of the ambulance and started to go inside?

9                   A.     Footsteps, right on his  
heels.

10                  Q.     All right.  And did you go in  
through

11     the front door?

12                  A.     We did.

13                  Q.     When you got inside, did you  
go to any

14     particular room inside the house?

15                  A.     Directly through the foyer  
to, I call

16     it the den.

17                  Q.     Okay.  Down a hallway?

18 A. Yes, sir.

19 Q. And into a room that you call  
a den;

20 is that right?

21 A. That's correct.

22 Q. Let me just ask you briefly  
to look at

23 State's Exhibit No. 10, it's a floorplan of that

24 residence out there. You just tell me. On this

diagram,

25 we have a room called the family room. Is that  
the room

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 that you're referring to?

2 A. Yes, sir, it is.

3 Q. Okay. When you got in there,  
was

4 Paramedic Kolbye already attending to a patient?

5 A. Yes, sir.

6 Q. Okay. And where was his  
patient

7 located?

8 A. His patient was at the end of  
the

9 foyer, right behind the couch as we walked into  
the

10 family room.

11 Q. All right. So as you come into  
that

12 room, would he have been straight ahead, on the  
left, the

13 right, where would he have been then?

14 A. He would have been on my left.

15 Q. Could you see anyone else inside  
the

16 room?

17 A. Yes, sir.

18 Q. All right. Who could you see?

19                           A.     Directly ahead of me was my  
partner

20     Jack Kolbye, and near the bar area in the family  
room was

21     Officer Waddell and Mrs. Routier.

22                           Q.     All right.  And they're standing  
there

23     by the kitchen bar; is that right?

24                           A.     Yes, sir.

25                           Q.     That separates the family room  
from

1 the kitchen?

2 A. Yes, sir.

3 Q. All right. About how far away  
from

4 where Paramedic Kolbye and his patient, were the  
5 defendant and Officer Waddell?

6 A. Could you rephrase the question?

7 Q. Yeah. How far away from  
Paramedic

8 Kolbye and the other child were Officer Waddell and  
the

9 defendant?

10 A. Five to six feet, I would guess.

11 Q. All right. And when we talk  
about

12 "the defendant," are we talking about the lady over  
here

13 with the notepad and pen?

14 A. Yes, sir.

15 Q. Over here in the green jacket --  
the

16 green dress?

17 A. Yes.

18

19 MR. GREG DAVIS: Your Honor, may

the

20 record please reflect this witness has identified

the

21 defendant in open court?

22 THE COURT: Yes, sir.

23

24

25 BY MR. GREG DAVIS:

Sandra M. Halsey, CSR, Official Court Reporter

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1                   Q.     All right.  So we've got Paramedic  
2     Kolbye, we've got his patient, we've got the  
defendant,

3     we've got Officer Waddell.  Was there anybody else  
inside

4     that room?

5                   A.     Yes, sir, there was two children.

6                   Q.     Okay.  Was one of them Paramedic  
7     Kolbye's patient?

8                   A.     Yes, sir.

9                   Q.     All right.  Another child in  
addition

10    to that?

11                  A.     That's correct.

12                  Q.     Okay.  Any other adults?

13                  A.     No, sir.

14                  Q.     Okay.  Was there another male, the  
15    defendant's husband?

16                  A.     Oh, yes, sir.

17                  Q.     Okay.  Could you tell us, where  
was

18    the defendant's husband when you first saw him?

19                  A.     Walking towards me and my partner  
from

20    the child that was near the center of the room, or  
21    thereabouts.

22 Q. Okay. The other child that's on  
the

23 other side of the room?

24 A. Yes, sir.

25 Q. And the defendant's husband is  
walking

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1 from the direction of that child over to where your  
2 partner is working on the other child; is that right?

3 A. Yes, sir.

4 Q. Okay. Well, Paramedic Kolbye had  
the

5 one child he was working on, so what did you do?

6 A. I proceeded around him, he -- my  
7 passage was blocked, and continued around past  
Officer

8 Waddell and Mrs. Routier to the second child.

9 Q. Okay. And, again, just looking at  
10 State's Exhibit No. 10, let me just ask you: I'm  
11 pointing to an area that says "second child." Does  
that

12 look like an accurate representation of where this  
second

13 child was right over here at this "X"?

14 A. Yes, sir.

15 Q. And do I understand you to say  
that

16 the defendant's husband was walking from that  
direction

17 toward the direction where your partner was working  
on

18 the other child?

19                           A.     That's correct.

20                           Q.     Okay.  And, then did you take a  
direct

21    route from where you were over to this second child,  
or

22    did you have to go around to avoid Mr. Routier?

23                           A.     I had to go around to avoid Mr.

24    Routier.

25                           Q.     Okay.  And if you don't mind, if  
you

1 can just step down and just point for the members of  
the

2 jury the route that you took to get over to that  
second

3 child, please.

4 A. Okay.

5

6 (Whereupon, the  
witness

7 Stepped down from  
the

8 Witness stand, and

9 Approached the jury  
rail

10 And the proceedings  
were

11 Resumed as follows:)

12

13

14 BY MR. GREG DAVIS:

15 Q. And if you will, if you'll stand  
16 around to the side so that all of the members of the  
jury

17 can see. Just point out for them where you were.

18 A. Okay. I came in this way.

19 Q. Okay. If you'll stand back just

a

20 little more. Okay. Thank you.

21 A. Came around this way, around this

22 couch, into here.

23 Q. All right. Good enough. Thank

you.

24

25

witness

(Whereupon, the

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1 Resumed the witness  
2 Stand, and the  
3 Proceedings were  
resumed

4 On the record, as  
5 Follows:)

6

7 BY MR. GREG DAVIS:

8 Q. And when you got over to this  
second

9 child, could you describe where he was? Was he  
laying

10 down, sitting up, what was he doing?

11 A. He was laying on his back.

12 Q. All right. So he's on his back.

How

13 was he clothed?

14 A. His chest was bare. He did not -

- I

15 didn't notice whether he had any bottoms on or not.

16 Q. All right. Did you note injuries

to

17 him?

18 A. Yes, sir, I did.

19 Q. Okay. What sort of injuries did

you

20 see?

21 A. I noted a large laceration or  
puncture

22 wound to the chest area. There were a few other  
puncture

23 wounds there and about the abdominal cavity.

24 Q. All right. Did you check him  
for  
25 vital signs?

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1                   A.     I did, sir.

2                   Q.     And did he have any pulse that  
you  
3     could detect?

4                   A.     No, sir, he had no pulse, no  
5     respirations.

6                   Q.     Okay.  No sign of life at that  
time;  
7     is that right?

8                   A.     No, sir.  That's correct.

9                   Q.     Okay.  Did you notice, Paramedic  
10    Koschak, while you were over there assessing him  
for  
11   vital signs whether or not his eyes were still  
open?

12                  A.     They were.

13                  Q.     What sort of expression did he  
have on  
14   his face?

15                  A.     One of -- I would have to say  
16   surprise, or kind of like help me.

17                  Q.     Okay.  Was there anything that you  
18   could do for that child?

19                  A.     No, sir.

20                  Q.     Did you stay over there with him,  
or

21 did you go to someone else in that room?

22 A. I went to Mrs. Routier after that.

23 Q. Okay. And was she still over near  
the

24 kitchen bar with Officer Waddell?

25 A. Yes, sir.

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1 Q. If you would, when you got over to  
the

2 defendant, can you please describe her appearance?

3 A. She was covered in, I believe it  
was a

4 large T-shirt, with blood. The reason I had left the  
5 other child, I didn't -- I mean, there was no vital  
6 signs, and I had two patients, therefore I triaged  
the

7 smaller child. I had a viable patient to work on, so  
I

8 went to her injuries, due to the blood. I had two  
9 patients and was by myself.

10 Q. So you took care of the -- you  
11 assessed the child first, and then went to Ms.  
Routier.

12 Right?

13 A. That's correct.

14 Q. And when you got over there, was  
she

15 still was standing up, sitting down, what is she  
doing?

16 A. She's kneeling near Officer  
Waddell,

17 near the bar still.

18 Q. All right. Is she closer to the

entry

19 hallway or closer to the sliding glass door?

20 A. Closer to the sliding glass door.

21 Q. Is there a lot of blood on the  
floor

22 over in that area?

23 A. I don't recall.

24 Q. Okay. And just how is she  
dressed?

25 A. I believe all she had on was a  
large

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1 nightgown or a large T-shirt.

2 Q. All right. Did you note some  
injuries

3 to her?

4 A. Yes, sir.

5 Q. What sort of injuries did you note  
6 inside the house?

7 A. I noted -- I removed the rag and  
8 noticed a large laceration to the neck area, and also  
a

9 laceration to the arm.

10 Q. So you've got a neck injury, and  
then

11 you've got a -- do you remember which arm you saw the  
12 laceration?

13 A. If I had my report I could tell  
you.

14 I can't recall at this time.

15 Q. So one of the arms had an injury  
and

16 the neck had an injury also; right?

17 A. That's correct.

18 Q. Was she holding anything over  
either

19 of the two wounds when you saw her?

20                           A.     She was holding a rag to her  
neck.

21                           Q.     How about as far as her  
demeanor?

22    What was she doing?  What was she saying?  How did  
she

23    appear to be doing at that point?

24                           A.     She was -- she asked who could  
have

25    done this to her babies.  She wasn't -- she was  
upset.

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1 She was upset.

2 Q. Okay. Crying? Screaming?

3 A. No.

4 Q. Now, did you stay inside the  
residence

5 with her or did you take her somewhere to treat her?

6 A. I asked her to come with me to  
the

7 front porch. I wanted to get out of the house and  
deemed

8 it being necessary for both of us -- be a good thing  
to

9 get out of the house.

10 Q. All right. And did she follow  
your

11 instructions, and did she go with you to the front  
porch?

12 A. She did.

13 Q. All right. Did she seem to have  
any

14 difficulties understanding what you wanted her to do  
at

15 that point?

16 A. No, sir.

17 Q. So you spent a short period of

time

18 inside, and then you went out to the front porch and  
you

19 began assessing her injuries again; is that right?

20 A. That's correct.

21 Q. Now, again, when you're trying to  
22 assess a patient for possible treatment, Paramedic,  
what

23 are you looking for? What types of things are you

24 looking for?

25 A. My initial assessment was that I  
was



1 looking for excessive blood loss, due to her  
appearance,  
2 and shock, due to the lacerations and the blood that  
she  
3 had on her chest area. I was looking for  
hypovolemic  
4 shock in this case.

5 Q. Okay. So you're looking -- I  
guess

6 you've looked at her injuries by this time; right?

7 A. Yes, sir.

8 Q. And you're looking for excessive  
9 bleeding; is that right?

10 A. That's correct.

11 Q. And you're looking for shock?

12 A. That's correct.

13 Q. Okay. Now, why is it important  
for

14 you to make that assessment quickly on a patient?

15 A. Because that's a life threatening  
16 injury.

17 Q. Okay. And, as a paramedic, had  
you

18 received training in assessing individuals for  
shock?

19 A. Yes, sir.

20 Q. All right. Let me just ask you,

if

21 you will, how many hours does it take to become a

22 paramedic?

23 A. You have to be an EMT first,

which is

24 about 200 hours, and then that's roughly 700 hours

25 clinical and didactic training after that to be a

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1 paramedic.

2 Q. When you're talking about -- what  
was

3 that didactic?

4 A. Didactic and also your clinical  
5 rotations.

6 Q. What's the didactic part?

7 A. Actual classroom study.

8 Q. All right. What's the clinical  
part?

9 A. You actually perform in emergency  
10 rooms, ICUs, surgery, and you ride along with other  
fire  
11 departments and other paramedics.

12 Q. All right. And of the amount of  
13 training that you received to become a paramedic,  
what

14 percentage of that training, would you say, is spent  
15 dealing directly with the issue of shock?

16 A. About one-third.

17 Q. Which would mean about how many  
hours

18 do you receive training to deal with shock and the  
19 assessment of shock?

20 A. It covers cardiovascular and

21 respiratory, roughly, I would say close to 300  
hours,

22 maybe more.

23 Q. And by this time, you've been a  
24 paramedic for how long?

25 A. Seven years.

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1                   Q.     Now you have said that shock can  
be a  
2     life-threatening condition; is that right?

3                   A.     That's correct.

4                   Q.     And what can happen if an  
individual

5     has gone into shock, as far as threatening their  
life?

6     Can they actually lose enough blood where they're  
going

7     to die?

8                   A.     Yes, sir.

9                   Q.     Well, when you got out there to  
the

10    porch, did you, in fact, assess Mrs. Routier to  
determine

11    whether or not she was suffering from shock?

12                   A.     I did.

13                   Q.     Okay. And just describe for the  
14    members of the jury what you did out there that  
morning

15    to determine whether or not she was suffering from  
shock

16    or not.

17                   A.     I noted her appearance, her

color,

18 being pale, which could be significant blood loss.

She

19 had a good skin color, good skin temperature. I

touched

20 her arm.

21 I also performed a capillary

regional

22 check, where you push down on the nail bed, and it

was a

23 good blood return, that means she had an adequate

blood

24 pressure at that time. Decreasing blood pressure

could

25 be a sign, or is a sign of shock.

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1 Q. Okay. When you're assessing  
someone  
2 for shock, are you looking for their actions and  
their  
3 reactions to what's happening around them?

4 A. I am.

5 Q. What types of things are you  
looking  
6 for?

7 A. Is she alert and oriented to  
where  
8 she's at, what she's doing? Can she follow commands  
9 well? That sort of questioning.

10 Q. All right. Inside you said that  
she  
11 followed your instruction to go out to the front  
porch;  
12 is that correct?

13 A. That's correct.

14 Q. Were you talking to her outside on  
the  
15 porch also?

16 A. Briefly, yes, sir.

17 Q. All right. Did Mrs. Routier  
appear to

18 be oriented as to the time, place and person at that  
19 time?

20 A. She did.

21 Q. Okay. Did she seem to understand  
what

22 information that you were trying to give to her?

23 A. Yes. She was alert and oriented.

24 Q. Okay. You were talking about -- I  
25 think at one time you talked about a shock by the  
name of

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1 hypovolemic shock; is that right?

2 A. Yes, sir, that's correct.

3 Q. Is that where you lose enough  
blood

4 that you go into shock?

5 A. That's correct.

6 Q. Are there other types of shock  
besides

7 that?

8 A. There are.

9 Q. Okay. Let me just ask you: Have  
you

10 ever heard of cardiogenic shock?

11 A. Yes, sir.

12 Q. What kind of shock is that?

13 A. It's failure of the heart to pump  
14 adequate blood to the vital organs and to the body.

15 Q. All right. Did it appear to you  
that

16 Mrs. Routier was having any heart problems that  
would

17 cause that type of shock?

18 A. No, sir.

19 Q. Have you ever heard of neurogenic  
20 shock?

21 A. Yes, sir.

22 Q. Okay. What type of shock is  
23 neurogenic shock?

24 A. The central nervous system of the  
body  
25 is not performing correctly, therefore dilating blood

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1 vessels and arteries and inadequate blood profusion  
to  
2 the brain and heart occurs.

3 Q. And what kind of symptoms will you  
see  
4 for that kind of shock?

5 A. The same symptoms of almost all  
types  
6 of shock, with the exception of septic, are pale skin  
7 color, disorientation, sometimes fainting, sometimes  
8 combative, decreasing blood pressure, falling  
decreasing  
9 blood pressure, things of that nature.

10 Q. Were you seeing any of those  
items in  
11 Mrs. Routier while you were out on the front porch  
with  
12 her?

13 A. No, sir.

14 Q. Are you beginning to give her  
15 treatment for her injuries at that time?

16 A. Yes, sir.

17 Q. Okay. What are you doing for  
her?

18 A. Begin bandaging up her neck and

her

19 arm.

20 Q. All right. Did anyone at any  
time

21 come to the front porch to start helping you treat  
Mrs.

22 Routier?

23 A. Yes, sir.

24 Q. Who would that have been?

25 A. Paramedic Larry Byford.

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1 Q. Okay. Larry Byford?

2 A. That's correct.

3 Q. All right. And did he assist you  
in

4 actually putting bandages on the wounds that you  
noted to

5 her?

6 A. He did.

7 Q. Did you stay up there at the front  
8 porch with the defendant or did you take her  
somewhere

9 for additional treatment?

10 A. I called for a stretcher. We  
placed

11 her on the stretcher and took her to the ambulance.

12 Q. Okay. Was the stretcher  
actually

13 brought to the front porch?

14 A. Yes, sir.

15 Q. Did you tell the defendant what  
you

16 were about to do?

17 A. Yes, sir. I asked her to please  
step

18 over here and sit on the stretcher.

19                           Q.     Okay.  Did she seem to have any  
20  problems understanding what you were asking her to  
do?

21                           A.     No, sir.

22                           Q.     Did she go over to the stretcher  
and  
23  get on the stretcher for you?

24                           A.     Yes, sir.

25                           Q.     Was she then taken to the  
ambulance on

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1 the stretcher?

2 A. Yes, sir.

3 Q. And did you go out to the  
ambulance

4 with her?

5 A. I did.

6 Q. And once inside the ambulance,  
did you

7 provide any additional care for Mrs. Routier?

8 A. Yes, sir, I began to start an  
I.V.

9 Q. Okay. Now, had you taken her  
to your

10 ambulance or to another ambulance?

11 A. I took her to the ambulance  
that I had

12 requested, the next in ambulance.

13 Q. Okay. Had Paramedic Kolbye  
already

14 taken his patient to y'all's ambulance?

15 A. Yes, sir.

16 Q. So you're basically taking your  
17 patient to the backup ambulance; is that right?

18 A. Yes, sir.

19 Q. Okay. And who was working that  
20 ambulance? Who were the two people assigned to

it, if

21 you remember?

22 A. Paramedic Eric Zimmerman and  
Paramedic

23 Larry Byford.

24 Q. Okay. And Larry Byford is the  
person

25 who came up to the porch to help you. Right?

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1 A. Yes, sir.

2 Q. Okay. When you got out there,  
what

3 sort of treatment -- what was done with Ms.  
Routier once

4 she was in the ambulance?

5 A. Larry began to disrobe her and  
I

6 started an I.V. of normal saline. EMT Higgins  
took her

7 blood pressure at this time.

8 Q. Okay. You had noted, I think,  
when

9 you went inside, I asked you about her clothing,  
and you

10 noted that she either had some sort of night shirt  
or

11 something on; is that right?

12 A. That's correct.

13 Q. Okay. When you got -- when she  
was

14 taken to the ambulance was she disrobed then?

15 A. Yes, she was.

16 Q. For further treatment?

17 A. Yes, sir.

18 Q. Besides this shirt, or this

nightgown,

19 did she have any other clothing on?

20 A. No, sir.

21 Q. No undergarments?

22 A. No, sir.

23 Q. By this time had her neck

already been

24 bandaged?

25 A. Yes, sir.

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1 Q. Okay. Byford and Zimmerman are  
out

2 there, what again, are you doing for her  
specifically?

3 A. I started an I.V. of normal  
saline.

4 Q. Okay. And what's the purpose of  
that?

5 A. It's a lifeline to induce fluids  
into

6 the body if she had had significant blood loss. I  
was

7 still under the assumption that she was either  
having

8 tremendous amount of bleeding at the time or had  
lost

9 some -- a lot of blood.

10 Q. Okay. And what was that based  
on,

11 where? The way she looked?

12 A. Just her outside appearance of  
her

13 shirt, it was covered in blood.

14 Q. When you get an I.V. solution, is  
that

15 medicine actually, is it pain medication or anything

like

16 that, or is it just to replace fluid loss in the  
body?

17 A. It's just a -- a type of --  
normal

18 saline is just a type of salt water solution,  
fluid

19 replacement.

20 Q. Okay. Are  
there times when you might  
21 give a higher rate of flow for  
the saline than in other  
22 cases?

23 A. Yes, sir.

24 Q. Okay. In this  
case, what rate of flow  
25 of the I.V., how strong an I.V.  
did you give to the

1 defendant out there in the  
ambulance?

2 A. Minimal drip  
rate.

3 Q. Minimal?

4 A. That's correct, minimal.

5 Q. Okay. And why did you choose to  
give

6 her a minimal rate flow of I.V. out there in the  
7 ambulance?

8 A. I just secured the I.V. in her  
arm,

9 and was getting ready to set the flow when EMT  
Higgins

10 advised me of her blood pressure. It was 140 over 80.

11 Q. Okay. And 140 over 80, is  
that a good

12 blood pressure?

13 A. Yes, sir, it is.

14 Q. All right. And so, from  
the fact that

15 she had a good blood pressure out there, what  
did you

16 determine about the blood loss and the need  
for an I.V.

17 solution?

18 A. She had not had significant  
blood loss

19 to indicate a larger -- a faster flow rate.

20 Q. All right. Besides giving  
her the

21 minimum flow rate of the I.V. solution, did  
you render

22 any additional treatment to Mrs. Routier out  
there in the

23 ambulance?

24 A. No, sir.

25 Q. Okay. Did you travel with  
Mrs.

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1 Routier to the hospital?

2 A. No, sir.

3 Q. Okay. Would that have been  
the

4 responsibility of Eric Zimmerman and Larry  
Byford?

5 A. That's correct. It was  
their

6 ambulance.

7 Q. Okay. Did you immediately leave  
5801

8 Eagle or did you remain there for some period of  
time?

9 A. I remained on the scene.

10 Q. Okay. What did you do -- what's  
the

11 next thing that you do after you finished treating  
Mrs.

12 Routier there in the ambulance, what do you do then?

13 A. Reported to  
my captain, ready for

14 assignment.

15 Q. Okay. Was  
that Dennis Vrana?

16 A. Yes, sir,  
it was.

17 Q. Okay. Did  
you get another assignment?

18 A. I did.

19 Q. What was  
your assignment?

20 A. To -- I  
received two assignments. I'm  
21 not sure of the order in which  
I performed them. That  
22 was to check on the youngest  
child that was -- the infant  
23 that was found upstairs, who  
was at a neighbor's house,  
24 and ascertain if he had any  
injuries.

25 Q. Okay. So  
this was an infant that had

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1     been found upstairs in the  
house?

2                   A.     That's  
correct.

3                   Q.     All right.  Did you go over and  
check

4     the infant then?

5                   A.     I did.

6                   Q.     Did you find him to be in good  
7     condition?

8                   A.     Yes, sir, asleep.

9                   Q.     No injuries on him.  Right?

10                  A.     That's correct.

11                  Q.     When you finished with the infant  
12     then, what's the next thing that you were instructed  
13     to  
14     do?

15                  A.     He asked me to go in, back into  
16     the  
17     residence to ascertain my patient, my first patient,  
18     if  
19     there was anything further I could do.

20                  Q.     Okay.  And we're talking about  
the

21     other child that's still in the family room; is that

19 right?

20 A. That's correct.

21 Q. If we look at State's Exhibit 9-  
22 B, of

23 Devon Routier. Does this appear to be a photograph  
24 of

25 the child that you were attempting to help in the  
family

room?

26 A. Yes, sir, it was.

1 Q. Was he still in the same position  
as

2 he had been?

3 A. Yes, sir.

4 Q. Okay. And what, if anything, did  
you

5 do for Devon Routier the second time that you went  
in

6 there? Anything that you could do?

7 A. No, sir.

8 Q. His condition was unchanged.  
Right?

9 A. That's correct.

10 Q. Okay. All right. You finished  
the

11 first assignment with the infant. You've now  
assessed

12 Devon's condition, and you find it to be unchanged.  
What

13 else did you do out there?

14 A. I reported back to the captain.  
He

15 advised me to get on the cellular phone and get  
Assistant

16 Chief Cunningham in route and also get the pastor in  
17 route, our chaplain, our fire department chaplain.

18 Q. Okay. And what was the purpose of  
19 having the chaplain to come out?

20 A. To counsel any members of the  
scene,

21 the rescue fire department and police officers.

22 Q. Okay. Yourself included?

23 A. That's correct.

24 Q. Okay. Had you ever been out to a  
call

25 quite like this, Paramedic Koschak?

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1 A. No, not of this nature, no.

2 Q. Okay. Were you having a hard time  
3 dealing with it out there yourself?

4 A. Yes, sir.

5 Q. Okay. After you made this call --  
did

6 you stay in the house to make the call or did you  
leave

7 out of the house or what did you do?

8 A. Could you rephrase the question?

9 Q. Yeah. After you made this call,  
did

10 you remain inside the house or did you go ahead and  
exit

11 the house?

12 A. I exited the house.

13 Q. How long did it take you to go  
back

14 inside the house and assess Devon, Devon's condition,  
as

15 the captain had instructed you?

16 A. How long had it been?

17 Q. No, sir. How long did it take you  
18 once you went back in there after attending to the  
19 infant, how long did it take you to go back in there

to

20 assess Devon?

21 A. Seconds.

22 Q. Okay. And once you finished up

that

23 assessment, did you stay inside the house or did you

24 leave the house?

25 A. I left the house.

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1                   Q.     Okay.  When you left the house,  
after  
2     that second assessment of Devon, do you remember who  
was  
3     still left inside the house when you left?

4                   A.     I don't believe there was anybody  
in  
5     the house.

6                   Q.     It would be your recollection that  
you  
7     were the last person out then?

8                   A.     That's correct.

9                   Q.     Do you remember whether or not you  
saw  
10    anyone on the front door when you left the house?

11                  A.     I bumped into someone standing  
there  
12    with a monitor.  I believe somebody had been posted  
13    there.

14                  Q.     Okay.  Not sure who it was though?

15                  A.     No, sir.  I was wanting out of  
the  
16    house.

17                  Q.     All right.  You just wanted  
out of

18 house?

19 A. Yes, sir.

20 Q. Okay. Why?

21 A. I just wanted out of the house.

22 Q. Okay. Let me ask you: When you  
first

23 saw -- when you first saw the defendant over there  
by

24 that kitchen bar, did you see any vacuum cleaner in  
the

25 vicinity of where she was?



1 A. No, sir.

2 Q. While you were inside the family  
room

3 itself, did you ever see a vacuum cleaner inside the  
4 family room?

5 A. Not that I can recall, no, sir.

6 Q. What rooms exactly did you,  
yourself,

7 go into at 5801? You told us that you went into the  
8 hallway and you went into the family room. What  
other

9 rooms besides the hallway and the family room did  
you go  
10 into?

11 A. That's all.

12 Q. Both times that you went in?

13 A. Yes, sir.

14 Q. Did you ever move a vacuum  
cleaner

15 inside the residence?

16 A. No, sir.

17 Q. Ever touch a vacuum cleaner  
inside the

18 residence?

19 A. No, sir.

20 Q. Okay. When you went in there,

were

21 you the only paramedic that treated Mrs. Routier  
inside

22 the house?

23 A. Yes, sir.

24 Q. Okay. Larry Byford assisted you

on

25 the front porch; is that right?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. That's correct.

2 Q. So he's helping with Mrs.  
Routier; is

3 that right?

4 A. Yes, sir.

5 Q. Did Larry Byford ever go inside  
the

6 house?

7 A. Not to my knowledge. I really  
don't

8 know.

9 Q. Okay. Well, did he come to the  
front

10 porch with you?

11 A. Yes, sir.

12 Q. Did he go to the ambulance with  
you?

13 A. Yes, sir.

14 Q. Okay. Did he leave in the  
ambulance

15 with the defendant?

16 A. He did.

17 Q. Okay. To your knowledge, did any  
18 other paramedics actually treat Mrs. Routier?

19 A. No, sir.

20                   Q.     Let me ask you:  Do you have an  
21 estimate, Paramedic Koschak, of the amount of time  
that  
22 were you actually with the defendant out there at  
the  
23 scene, and I'm including here the time that you spent  
24 with her inside the house, the time that you spent  
with  
25 her on the front porch, the time that you spent with  
her

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1 transporting her to the ambulance, and I'm including  
here

2 the time that you spent with her in the ambulance  
itself?

3 A. Seven to eight minutes.

4 Q. Okay. And during that period of  
time,

5 did you ever -- first of all, did you ever hear the  
6 defendant in your presence ever mention the baby or  
the

7 infant that was found upstairs in the house?

8 A. No, sir.

9 Q. During the seven or eight minutes  
that

10 you were with the defendant, did you ever hear her  
ask

11 about the condition of her two sons, the two  
children

12 that you and Paramedic Kolbye were attempting to  
treat

13 there in the family room?

14 A. No, sir.

15 Q. Did you ever hear her make any  
comment

16 about the children other than the one of why would

17 someone do this to my babies?

18 A. That's correct. That's the only  
one.

19 Q. That's the only one?

20 A. Yes, sir.

21 Q. Okay. Let me take you back to the  
22 ambulance for just a moment. The defendant is in the  
23 ambulance. How would you describe her demeanor or  
her

24 behavior out there in the ambulance? Is she  
screaming?

25 Is she loud? What's she acting like in the  
ambulance?

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1500

1                   A.     She's quiet.  She didn't say  
another

2     word in the ambulance.

3                   Q.     Okay.

4                   A.     Not while I was in there.

5                   Q.     Okay.  One other question about  
what

6     you did inside.  While you were inside the house, did  
you

7     ever see a female civilian come into that room, and  
I'm

8     not talking about the defendant, but any other female  
9     come into that family room?

10                  A.     No.

11                  Q.     Ever see anyone come into the home  
12     identified as Karen Neal?

13                  A.     No, sir.

14                  Q.     Okay.  And I'm including both  
the

15     first time that you're inside the house and the  
second

16     time, either time, did you ever see a person, Karen  
Neal,

17     or just an unidentified civilian female come inside  
that

18 family room?

19 A. No, sir.

20 Q. Finally, is this the first time  
that

21 you've ever testified in front of a jury?

22 A. Yes.

23 Q. You've been down here in  
Kerrville

24 since, what, Monday night?

25 A. Yes, sir.



1 Q. Before we came down here to  
Kerrville,

2 did I have an opportunity to talk with you about  
your

3 testimony, about what you did out there that  
morning?

4 A. Yes, sir.

5 Q. As far as the first time we met,  
did

6 we meet out at Rowlett Police Department?

7 A. Yes, sir.

8 Q. Did you have occasion to come to  
the

9 Dallas County Courthouse and speak with me also?

10 A. Yes, sir.

11 Q. At one point did we go down to a  
12 courtroom where other police officers and  
paramedics were

13 there to discuss what they knew about the case,  
too?

14 A. Yes, sir.

15 Q. Did you inform me at some point  
you

16 had never testified before?

17 A. I did.

18 Q. Did I ask you at some point to  
get on  
19 a witness stand and basically tell me what you did,  
just  
20 like you've told this Jury over here?  
21 A. I did.  
22 Q. And since you've been in  
Kerrville,  
23 how many times have you and I met to discuss your  
24 testimony or what you're going to be doing here in  
this  
25 courtroom today?

1 A. Once.

2 Q. Okay. Paramedic Koschak, let me  
ask

3 you if you prepared a couple of reports concerning  
this

4 incident out there that morning.

5 Let me just ask you to look at  
State's

6 Exhibits 20-E and 20-F and tell me whether or not  
those

7 are the reports that you prepared in this case.

8 A. Yes, sir, they are.

9 Q. Okay. One of them dealing with an  
10 unknown patient, and the other one dealing with Darin  
11 Routier?

12 A. That's correct.

13 Q. Okay. You didn't find any  
injuries on

14 Darin Routier, did you?

15 A. No, sir.

16 Q. In addition to State's Exhibit 20-  
E

17 and 20-F. Let me just ask you whether or not you  
wrote

18 some notes about what you did out there that  
morning.

19 A. Yes, sir.

20 Q. Okay. And I'm showing you the  
last

21 three pages here of this group. Are those the  
notes that

22 you made?

23 A. Those are my notes.

24 Q. Okay. If you would, again, just  
speak

25 up so the Court Reporter can hear you.

1 A. Yes, those are my notes.

2 Q. Okay. Thank you, sir. Did  
someone

3 ask you to make those notes?

4 A. Yes, sir, the police department.

5 Q. Okay. In addition to that, did  
you

6 also give the police department an affidavit  
concerning

7 what you had done out there and what you saw that  
8 morning?

9 A. I did.

10 Q. Let me ask you also, sir, if back  
when

11 we were in Dallas, did you come to the courthouse one  
day

12 so that an attorney representing Mrs. Routier could  
13 question you about this case?

14 A. I did.

15 Q. And was that testimony given under  
16 oath?

17 A. Yes, it was.

18 Q. Did he have an opportunity to  
19 cross-examine you that day?

20 A. He did.

21 Q. All right. Let

me ask you: Do you

22 recognize the attorney over here,

Mr. Hagler, as being

23 the person who questioned you that  
day?

24 A. No, sir.

25 Q. Okay. How about  
Mr. Mosty next to

Sandra M. Halsey, CSR, Official  
Court Reporter

1504

1 him?

2 A. No, sir.

3 Q. Mr. Mulder?

4 A. No, sir.

5 Q. How about Mr.

Glover back here?

6 A. No, sir.

7 Q. In the kind of  
greenish or tan suit?

8 A. No, sir.

9 Q. How about Preston

Douglass here, in

10 the dark suit?

11 A. No, sir, I don't

recognize any of

12 them.

13 Q. Okay. So it's

none of the five

14 attorneys here?

15 A. No, sir.

16 Q. Do you recognize

the name Douglas

17 Parks? Does that sound familiar to  
you?

18 A. Yes, sir.

19 Q. Okay. So he's  
actually the person  
20 that questioned you that day; is  
that right?

21 A. Yes, sir.

22

23

24 (Whereupon, the

following

25 mentioned item

was

Sandra M. Halsey, CSR, Official  
Court Reporter

1505



1 marked for  
2 identification  
only  
3 after which time  
the  
4 proceedings were  
5 resumed on the record  
6 in open court, as  
7 follows:)

8  
9  
10 MR. GREG DAVIS: Okay. Your

Honor,

11 at this time we'll tender to counsel State's  
Exhibits

12 20-E and 20-F, which are the reports, and State's  
Exhibit

13 20-H, which is the affidavit and notes prepared by  
this

14 witness.

15 Pass this witness for  
16 cross-examination.

17 MR. DOUGLAS MULDER: Judge, if I  
could

18 have just a minute.

19 THE COURT: You may. All right.

20 MR. DOUGLAS MULDER: Judge, we  
have  
21 got a number of pages here. Do you want to take a  
22 recess?  
23 THE COURT: Well, let's go -- do  
you  
24 think -- would 10 minutes be enough?  
25 MR. DOUGLAS MULDER: Plenty, yes.

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1506

1 THE COURT: Okay. Plenty. We  
will

2 adjourn for 10 minutes. That will be our final  
break of

3 the day. We will continue on after that.

4

5 (Whereupon, a short

6 Recess was

taken,

7 After which

time,

8 The proceedings were

9 Resumed on the

record,

10 In the presence and

11 Hearing of the

defendant,

12 But outside the

presence

13 Of the jury, as

follows:)

14

15

16 THE COURT:

Okay. All right. Sir,

17 you may retake the stand.

18 THE COURT: Is  
everybody ready?

19 MR. GREG DAVIS:  
Yes, sir, the State  
20 is ready.

21 MR. DOUGLAS  
MULDER: Defense is ready.

22 THE COURT: All  
right. Bring the jury  
23 in, please.

24  
25 (Whereupon, the  
jury

Sandra M. Halsey, CSR,  
Official Court Reporter

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1 Was returned to

the

2 Courtroom, and

the

3 Proceedings

were

4 Resumed on the

record,

5 In open court, in

the

6 Presence and

hearing

7 Of the defendant,

8 As follows:)

9

10 THE COURT: All right. Let the

11 record -- will reflect that all parties in the trial

are

12 present and the jury is seated.

13 Mr.

Mulder.

14 MR.

DOUGLAS MULDER: Yes.

15

16

17

CROSS

EXAMINATION

18

19 BY MR. DOUGLAS MULDER:

20

Q. Mr.

Koschak, just a thing or two,

and

21 I'll be reasonably

brief.

22

I

notice in your notes you have

a

23 diagram; is that right?

24

A. Yes,

sir.

25

Q. Let

me hand you a portion of what  
has

Sandra M. Halsey,  
CSR, Official Court Reporter

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1     been marked for  
identification record  
purposes as 20-E,

2     and I'll ask you if that  
is the diagram that you have  
3     authored?

4                     A.     Yes,  
sir, it is.

5                     Q.     Okay.  
That's not an accurate  
diagram,

6     is it?

7                     A.     Well,  
it's definitely not to scale.

8                     Q.     Well,  
and I'm not faulting you for  
it,

9     but the furniture is out  
of place, isn't it?

10                    A.     Yeah.

11                    Q.     Huh?

12                    A.     Yes,  
sir.

13                    Q.     Okay.  
And, so, needless to say, you  
14     did that, I assume,





Sandra M. Halsey,  
CSR, Official Court Reporter

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1 Q.

Chaotic?

2 A. Yes,

sir.

3 Q. Okay. You moved her to the --

after

4 you had attempted to give aid to the child, and

were

5 unsuccessful in doing anything with him, it was

apparent

6 he was dead, wasn't it?

7 A. Yes, sir.

8 Q. Okay. And that would have been

9 apparent to a layman, would it not?

10 A. I don't know.

11 Q. But it was apparent to you,

wasn't it?

12 A. Yes, sir.

13 Q. I mean, you could tell by

looking that

14 there was nothing you could do?

15 A. That's correct.

16 Q. Okay. And could you tell

whether or

17 not someone had attempted some sort of emergency

18 procedure on him?

19 A. No, sir.

20 Q. You couldn't tell one way or the  
other

21 or you could tell?

22 A. I couldn't tell.

23 Q. You couldn't tell. You couldn't  
tell

24 whether -- whether there had been efforts to

resuscitate

25 him?

1 A. I wasn't looking.

2 Q. You then said that Mrs. Routier  
was

3 crouched or kneeling over in the corner; is that  
right?

4 A. Yes, sir.

5 Q. And you took her out of there and  
took

6 her to the front porch?

7 A. Yes, sir.

8 Q. All right. And it was there that  
you

9 examined this, I believe you said a large gash to her  
10 neck?

11 A. Laceration, yes, sir.

12 Q. Laceration. About how long was  
the

13 laceration?

14 A. Three to four inches.

15 Q. Okay. You describe it in your  
report

16 as four to five inches?

17 A. It could have been. I don't  
recall.

18 Q. I mean, I'll be happy to show it

to

19 you.

20 A. That's fine.

21 Q. Okay. You take my word that you  
say

22 four to five inches in your report?

23 A. It was around four inches, yes,  
sir.

24 Q. It was a substantial laceration,

was

25 it not?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. In length, yes, sir.

2 Q. Okay. And don't you say that it  
was  
3 right over the jugular vein?

4 A. In that area, yes, sir.

5 Q. Okay. Now, you bandaged her neck;  
is  
6 that correct?

7 A. That's correct.

8 Q. And you did that there in the --  
on  
9 the porch?

10 A. That's correct.

11 Q. Was she seated there?

12 A. I believe she was crouched.

13 Q. Okay. And do you recall whether  
or  
14 not a nurse who lived nearby came up at that time?

15 A. No, sir.

16 Q. You don't remember?

17 A. No, sir. No one came up to me at  
that  
18 time.

19 Q. Okay. Was there -- when you  
walked  
20 out -- I take it you led her out of the house?

21

A. I did.

22

Q. And the only other police officer

in

23 there at that time was Waddell?

24

A. I don't recall.

25

Q. You don't know whether he left or  
not?

Sandra M. Halsey, CSR, Official Court Reporter

1512

1                   A.     I don't believe there was anybody  
2     behind me.

3                   Q.     Okay.  Just you and Mrs. Routier  
left?

4                   A.     That's correct.

5                   Q.     Her husband had already gone?

6                   A.     Yes, sir.

7                   Q.     Okay.  You examined him later,  
didn't  
8     you?

9                   A.     I did.

10                  Q.     And he had blood on his hands,  
didn't  
11    he?

12                  A.     I don't recall.  It was -- I don't  
13    recall.  It was very brief.  He didn't want my  
services  
14    so --

15                  Q.     Let me hand you what's been marked  
for  
16    identification record purposes as State's Exhibit 20-  
E.

17                  A.     Yes, sir.

18                  Q.     Did he, as you recall now, did he  
have  
19    blood on his hands and on his arms?



20 A. If I wrote it there, yes, sir.

21 Q. You just read it?

22 A. Yes, sir.

23 Q. So he

did?

24 A. Yes,

sir.

25 Q. Okay. At any rate, you led her  
from

Sandra M. Halsey, CSR, Official Court Reporter

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1 the house to the front porch; is that right?

2 A. I led her, yes, sir.

3 Q. Okay. And she crouched there  
while

4 you tended to her neck?

5 A. That's correct.

6 Q. Okay. You say in your report that  
she

7 had a two-inch laceration on her right arm. Do you

8 remember that?

9 A. Yes, sir, I remember the  
laceration.

10 Q. Okay. And did you bandage that at  
11 that time too?

12 A. I can't recall if either I did or  
13 Larry Byford did. I believe -- we both were working  
14 on  
15 her.

16 Q. All right. Was there anyone else  
17 around you at that time?

18 A. No, sir, not that I recall.

19 Q. Okay. No nurse from across the  
20 street?

21 A. No, sir.

22 Q. Okay. And no one had come up  
behind

22 you when you and Ms. Routier exited the residence  
through

23 the front door?

24 A. No, sir.

25 Q. So it was just you and Mrs.  
Routier

Sandra M. Halsey, CSR, Official Court Reporter

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1 and Officer or Paramedic Byford?

2 A. That's correct.

3 Q. Okay. And once you had bandaged  
her

4 neck, and either you or Paramedic Byford had bandaged  
her

5 arm, do you also recall a one inch stab wound to her  
6 chest?

7 A. Yes, later.

8 Q. All right. And I take it that  
y'all

9 attended to that as well?

10 A. We did.

11 Q. All right. Was she then moved by  
you

12 and Paramedic Byford to the ambulance?

13 A. Yes, sir.

14 Q. Okay. Just the two of you moved  
her?

15 A. No, I believe it was -- well,  
there

16 was three of us.

17 Q. Who else?

18 A. The man who brought the  
stretcher.

19 Q. Who was that?

20 A. That was EMT Higgins.

21 Q. Okay. And the three of you  
then moved

22 her to the ambulance?

23 A. Yes, sir.

24 Q. No one else around you at  
that time?

25 A. No, sir.

Reporter Sandra M. Halsey, CSR, Official Court

1515

1 Q. You are sure?

2 A. Yes, sir.

3 Q. Okay. And she was placed in  
the  
4 ambulance; is that right?

5 A. Yes, sir.

6 Q. And subsequently taken to  
Baylor  
7 Hospital? She left the area?

8 A. Yes, sir.

9 Q. You know that?

10 A. Yes, sir.

11 Q. And I take it you were there when  
she  
12 left?

13 A. I was.

14 Q. Okay. I mean, just kind of  
putting it  
15 together in my mind. I see y'all taking her out on  
the  
16 stretcher, putting her in the ambulance and you hook  
up  
17 the I.V. and away they go?

18 A. Yes, sir.

19 Q. Is that

right?

20                                   A.     That's  
correct.

21                                   Q.     All right.  You said that  
Paramedic

22    Byford was disrobing her?

23                                   A.     That's correct.

24                                   Q.     And how did he do that?  Do you  
know?

25                                   A.     Taking a pair of trauma shears  
and

1 cutting her T-shirt.

2 Q. Okay. Can you tell the jury --  
were

3 you there and did you see how he cut it?

4 A. Yes, sir.

5 Q. Okay. Can you tell them how he  
cut

6 the T-shirt?

7 A. Just by taking a pair of trauma  
8 shears. We call them trauma shears, they are meant  
to

9 cut seat belts in car accidents, things of that  
nature,

10 and clothing articles so we can find any additional  
11 injuries to the body -- expose and examine.

12 Q. I'm sorry, I can't hear you.

13 A. I'm sorry. Expose and examine  
is what

14 we call it.

15 Q. Let me stand over here.

16 At any rate, how was the T-  
shirt cut?

17 I mean, did you cut it right up the middle? Did  
you cut

18 it on the sides. Did you cut the arms?



19                           A.     He was doing it right in front  
of me,  
20     but I was starting the I.V. so my attention was  
not fully  
21     focused on it. I was aware that he was cutting it  
off.  
22     But, I couldn't tell you which direction he was  
cutting  
23     it.

24                           Q.     Do you know what was done with  
it once  
25     it was cut off?

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Reporter

1517

1 A. No, sir, I do not.

2 Q. She would have been, as I take  
it,

3 lying on a gurney or a stretcher or something of  
that

4 nature?

5 A. Stretcher.

6 Q. Okay. So she would still be on  
the

7 back, and I guess you would take the front off?

8 A. Well, I don't know how he did  
it.

9 Q. Okay. Do you remember if the  
TV set

10 was on or not?

11 A. I don't recall.

12 Q. Do you remember if there was a  
TV set

13 in the family room?

14 A. No, sir, I was too busy to  
notice.

15 Q. Okay. When you assisted Mrs.  
Routier

16 to the front porch, was the towel still on her  
neck?

17 A. Yes, sir.

18 Q. You are sure about that?

19 A. Yes, sir. I removed it on the  
front  
20 porch.

21 Q. What did you do with it?

22 A. I believe I laid it on the  
front  
23 porch.

24 Q. Just left it there on the front  
porch?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court  
Reporter

1518

1 Q. You would not have tossed it  
back into

2 the residence, would you?

3 A. No, sir.

4 Q. And you wouldn't have sent it  
with

5 her?

6 A. No, sir.

7 Q. Okay. So your best  
recollection, the

8 towel that she had on her neck was left there on  
the

9 front porch?

10 A. Yes, sir.

11 Q. What does triage black mean?

12 A. Triage black.

13 Q. Triage black.

14 A. It's a triage is --

15 Q. Is that a procedure that you go  
16 through?

17 A. Yes, sir.

18 Q. To determine whether or not  
someone

19 has life signs?

20 A. It means to sort.

21 Q. Okay. And that's what it's  
used for  
22 is a procedure to determine whether or not someone  
is, in  
23 fact, alive?

24 A. No, sir.

25 Q. What's it used for?

Sandra M. Halsey, CSR, Official Court  
Reporter

1519

1                   A.     To sort patients.

2                   Q.     Decide who is going to take  
which  
3     patient?

4                   A.     No, sir.  At the time I was the  
only  
5     paramedic.  My partner had already left the house.  
I had  
6     two patients I triaged the child black, meaning  
7     non-salvageable.

8                   Q.     Okay.

9                   A.     At that time.

10                  Q.     This cloth or towel that was  
around  
11     her neck, can you describe that for us?

12                  A.     I don't recall.

13                  Q.     Okay.

14                  A.     I know it was a rag of some  
sort.  I  
15     really don't recall.

16                  Q.     Do you have any idea what color  
it  
17     was?

18                  A.     No, sir.

19                  Q.     I take it it was bloody?

20                   A.     I would assume.  I don't  
recall.

21                   Q.     You don't remember whether it  
was  
22   white or whether it was a color?

23                   A.     No.

24                   Q.     Nothing at all?

25                   A.     No.

                  Sandra M. Halsey, CSR, Official Court  
Reporter

1520

1 Q. Like you said, it was chaotic,  
wasn't

2 it?

3 A. Yes, sir.

4 Q. And the purpose in moving Mrs.  
Routier

5 outside was to attempt to calm her down, was it  
not?

6 A. Her and myself.

7 Q. Okay.

8 A. I wanted a place where I could  
work

9 undisturbed.

10 Q. Okay. And let me hand you  
again

11 what's been marked for identification record  
purposes as

12 State's Exhibit No. 20. That is your handwriting,  
isn't

13 it?

14 A. Yes, sir.

15 Q. You see the part that's  
highlighted by

16 your right thumb?

17 A. Yes, sir.



18 Q. And --

19 A. That's correct.

20 Q. Is it fair to say that you  
moved her

21 outside in an effort to calm her down?

22 A. Yes, sir.

23 Q. Mr. Koschak, did you see a  
necklace

24 around her neck?

25 A. I did not.

Sandra M. Halsey, CSR, Official Court  
Reporter

1521

1 Q. Do you remember whether or not

--

2 A. I don't recall seeing one, no,  
sir.

3

4

MR. DOUGLAS D. MULDER: Okay.

I

5 believe that's all. Thank you.

6

MR. GREG DAVIS: Mark this  
exhibit,

7 please.

8

9

10 (Whereupon, the following  
11 mentioned item was  
12 marked for  
13 identification only  
14 after which time the  
15 proceedings were  
16 resumed on the record  
17 in open court, as  
18 follows:)

19

20

21

22

23

24

25

REDIRECT EXAMINATION

Sandra M. Halsey, CSR, Official Court Reporter

1522

1

2 BY MR. GREG DAVIS:

3 Q. Mr. Koschak, let me ask you to  
look at

4 State's Exhibit No. 24, a photograph. And tell me  
5 whether or not that photograph truly and  
accurately

6 depicts the front porch of 5801 Eagle Drive as  
it  
7 appeared on June 6th, 1996?

8 A. It does.

9 Q. Okay.

10

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

12 this time we'll offer State's Exhibit No. 24.

13 MR. DOUGLAS MULDER: We have no  
14 objection.

15 THE COURT: State's Exhibit No. 24  
is  
16 admitted.

17

18 (Whereupon, the item  
19 Heretofore mentioned  
20 Was received in

evidence

21 As State's Exhibit

No. 24

22 For all purposes,

23 After which time, the

24 Proceedings were

resumed

25 As follows:)

Reporter Sandra M. Halsey, CSR, Official Court

1523

1

2 BY MR. GREG DAVIS:

3 Q. And again, as we're looking at  
this

4 photograph, sir, do we see certain items on the  
front

5 porch?

6 A. Yes, sir.

7 Q. Okay. Is there a square piece  
of

8 material of some sort?

9 A. Yes, sir, a four-by-four package,  
yes,

10 sir.

11 Q. Okay. Is that one of the gauze  
12 bandages that you would have been using?

13 A. That's correct.

14 Q. I'm holding my finger on it at  
this

15 time; is that right?

16 A. Yes, sir.

17 Q. Would this have been in the area  
where

18 you're treating Mrs. Routier?

19 A. That's correct.

20 Q. Do we see another item out here

on the

21 front porch, Mr. Koschak?

22 A. Yes, sir.

23 Q. A white object?

24 A. Yes, sir.

25 Q. Covered in blood?

Sandra M. Halsey, CSR, Official Court Reporter

1524

1 A. Yes, sir.

2 Q. Is that something that you were  
using  
3 to treat her with?

4 A. Yes, sir. That was around her  
neck.

5 That's what I removed.

6 Q. Okay. That's the towel or the  
rag  
7 that you have been testifying about?

8 A. Yes, sir.

9 Q. Okay. I am now holding my finger  
on  
10 that one. Correct?

11 A. Yes.

12 Q. Again, is that an area where you  
were  
13 treating Mrs. Routier?

14 A. It was.

15 Q. Okay. And again, as you  
indicated to

16 Mr. Mulder, you simply left those items out on the  
front  
17 porch; is that right?

18 A. I did.

19 Q. Okay. One other question, sir.



Let

20 me ask you whether or not as you came into the room  
for

21 the first time, your partner is already there,  
you're

22 coming into the room. Would you tell us whether or  
not

23 you remember the defendant making any statements at  
that

24 time, sir?

25 A. Yes. She said who could have done

Sandra M. Halsey, CSR, Official Court Reporter

1525

1 this to my babies. And somebody had asked her a  
2 question, and she was replying about the description  
of  
3 who she thought did it, I believe.

4 Q. Okay. Let me just show you a  
portion

5 of State's Exhibit 20-H, your report, and ask you  
just to

6 look at the last paragraph. Again, this is a report  
or  
7 affidavit that your prepared on what date?

8 A. It was the 6th.

9 Q. June 6th?

10 A. Yes, sir, that's correct.

11 Q. If you would, just read that.

12 A. Yes, sir.

13 Q. Okay.

14 A. He broke --

15 Q. Does that refresh your memory?

16 A. Yes, sir, it does.

17 Q. Okay. Let me just ask you again  
18 whether you recall her making a statement, and what  
19 statement that was.

20 A. "Who could have done this?" And  
he --

21 something about broke out a window with a baseball

bat,

22 or had a black baseball cap on.

23 Q. All right. It reads, "He broke  
out a

24 window and had a baseball cap on"?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1526

1 Q. Broke out a window and had a  
baseball

2 cap?

3 A. That's correct.

4 Q. Who did this.

5 A. Yes, sir.

6 Q. And she's saying this as you're  
coming

7 into the room?

8 A. As I'm coming into the room.

9 Q. She's standing over there with  
Officer

10 Waddell?

11 A. That's correct.

12 Q. All right.

13

14 MR. GREG DAVIS: I'll pass the  
15 witness.

16

17

18 RECROSS EXAMINATION

19

20 BY MR. DOUGLAS MULDER:

21 Q. You say now -- well, Officer  
Koschak,

22 you've been through this four times with the  
prosecutor,

23 haven't you?

24 A. Correct.

25 Q. And if I can count, this is the  
third

Sandra M. Halsey, CSR, Official Court Reporter

1527

1 time you've been on the witness stand and the second  
time

2 under oath; is that right?

3 A. Yes, sir.

4 Q. Okay. So you guys have talked  
about

5 this. You talked about it in Dallas. You talked  
about

6 it down here. It's not real complicated, is it?

7 A. It was the talking to before was  
more

8 trying to get me use to the courtroom experience.

9 Q. Oh, you're just bashful?

10 A. No, sir.

11 Q. Right?

12 A. No.

13 Q But now you're telling us that  
as

14 you -- now you recall that as you walked in, she  
said,

15 "He broke out a window with a baseball bat"?

16 A. I have it on my report there. I  
can't

17 recall exactly from memory. What she said, it's on  
my

18 report.

19 Q. And you don't remember whether  
the TV

20 set was on?

21 A. No, sir.

22 Q. You don't remember whether there  
were

23 towels or washcloths around?

24 A. No, sir.

25 Q. Okay. You're not -- you told us  
that

1 there wasn't a washcloth on the youngster that you  
2 attended to; is that right?

3 A. I didn't say one way or the  
other.

4 Q. You didn't say one way or the  
other?

5 A. No, sir.

6 Q. And you're still not saying one  
way or

7 the other?

8 A. No, sir. I don't believe there  
was

9 anything on there. I don't recall that.

10 Q. Do you recall if there was one to  
the

11 side, on either side of him?

12 A. I don't recall.

13 Q. So you're not saying there  
wasn't, and

14 you're not saying that somebody didn't make an  
effort to

15 resuscitate that child, are you?

16 A. I didn't say that. I couldn't  
tell

17 that.



18

19

MR. DOUGLAS MULDER: I believe

that's

20 all. Thank you.

21

MR. GREG DAVIS: No further

questions.

22

THE COURT: You may step down,

sir.

23

MR. RICHARD C. MOSTY: May we

have

24 just a second, please?

25

THE COURT: Oh, yes.

Sandra M. Halsey, CSR, Official Court Reporter

1529

1 MR. DOUGLAS MULDER: That's all,  
2 thanks.  
3 THE COURT: Thank you. You may  
step  
4 down.  
5 Your next witness.  
6 MR. GREG DAVIS: We'll call Larry  
7 Byford.  
8 THE COURT: Very well.  
9 All right. I think this will be  
our  
10 last witness. It should go all the way to 5:00.  
11 MR. GREG DAVIS: Yes, sir, I  
think  
12 it's going to be a good place to stop.  
13 THE COURT: All right. Larry  
Byford.  
14 MR. GREG DAVIS: This witness has  
not  
15 been sworn in, your Honor.  
16 THE COURT: All right. Raise  
your  
17 right hand, please.  
18  
19 (Whereupon, the  
witness

20

Was duly sworn by

the

21

Court to speak the

22

Truth, the whole

truth

23

And nothing but the

24

Truth, after

which,

25

The proceedings

were

Sandra M. Halsey, CSR, Official Court Reporter

1530

1  
follows:)

Resumed as

2  
3

4                   THE COURT: Do you solemnly  
swear or

5    affirm that the testimony you are about to give  
will be

6    the truth, the whole truth, and nothing but the  
truth, so

7    help you God?

8                   THE WITNESS: Yes, sir.

9                   THE COURT: Have a seat here,  
please.

10   You're now under the Rule of Evidence. That simply  
means

11   when you're not testifying, you have to remain  
outside

12   the courtroom. Don't talk about your testimony with

13   anybody who has testified, in other words, don't  
compare

14   it. You may talk to the attorneys for either side.

If

15   somebody tries to talk to you about your testimony,  
tell

16   the attorney for the side who called you.

17 THE WITNESS: Yes, sir.

18 THE COURT: Watch this. Speak

into it

19 loudly so that everybody can hear you.

20

21

22

23

24

25 Whereupon,

Sandra M. Halsey, CSR, Official Court Reporter

1531

1

2

LARRY WAYNE BYFORD,

3

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

5 been first duly sworn by the Court to speak the  
truth,

6 the whole truth, and nothing but the truth,  
testified in

7 open court, as follows:

8

9

10

DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13

Q. Sir, would you please tell us  
your

14 full name.

15

A. Larry Wayne Byford.

16

Q. Are you employed by the Rowlett  
Fire

17 Department?

18

19

THE COURT: Just for the record,  
can

20 we spell that last name every time they get up here  
to  
21 make sure Ms. Halsey has it?

22 THE WITNESS: B-Y-F-O-R-D.

23 THE COURT: All right.

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1532

1 BY MR. GREG DAVIS:

2 Q. And, are you employed by the  
Rowlett

3 Fire Department?

4 A. Yes.

5 Q. Are you a fire fighter?

6 A. Yes, sir.

7 Q. Are you also a paramedic?

8 A. Yes.

9 Q. How long have you been a fire  
fighter

10 with Rowlett?

11 A. Since May of '89.

12 Q. May of '89?

13 A. Yes.

14 Q. How long have you been a  
paramedic?

15 A. Since 1990.

16 Q. Okay. Back on June the 5th,  
1996,

17 were you on duty that day?

18 A. Yes.

19 Q. What were your hours at work?

20 A. 7:00 a.m. to 7:00 a.m. the next  
21 morning.

22 Q. All right. So you were scheduled



to

23 work until 7:00 a.m. on June 6th. Right?

24 A. That's correct.

25 Q. All right. Were you at the same  
fire

Sandra M. Halsey, CSR, Official Court Reporter

1533

1 station as Brian Koschak and Jack Kolbye?

2 A. No.

3 Q. Okay. Where was your first  
station

4 located?

5 A. 4418 Main Street.

6 Q. All right. Is that going to be  
west

7 of where Dalrock and 66 intersect?

8 A. Yes.

9 Q. All right. So, in relationship  
to

10 5801 Eagle, you're west of that location. Right?

11 A. That's correct.

12 Q. Sometime after 2:30 in the  
morning did

13 you receive a call at your fire station to go to  
5801

14 Eagle?

15 A. Yes.

16 Q. And were you assigned to an  
ambulance

17 that evening?

18 A. Yes.

19 Q. Okay. Who was your partner on

that

20 ambulance?

21 A. Eric Zimmerman.

22 Q. And did you and Eric Zimmerman

then go

23 in an ambulance to 5801 Eagle Drive?

24 A. Yes.

25 Q. Can you tell us whether or not

Brian

Sandra M. Halsey, CSR, Official Court Reporter

1534

1 Koschak and Jack Kolbye were already at that  
location

2 when you arrived?

3 A. Yes, they were there.

4 Q. When you first got there, what's  
the

5 first thing that you did then, Paramedic?

6 A. Proceeded to the front of the  
house

7 there, the front door of the house.

8 Q. Was anybody up there?

9 A. Yes.

10 Q. All right. Who was at the front  
door

11 or on the front porch?

12 A. Brian Koschak was triaging Mrs.  
13 Routier.

14 Q. Is that the lady over here in the  
15 green dress who's reading?

16 A. Yes.

17

18 MR. GREG DAVIS: Your Honor, may  
the

19 record please reflect that this witness is  
identifying

20 the defendant in open court?

21 THE COURT: Yes.

22

23 BY MR. GREG DAVIS:

24 Q. Okay. So the defendant was up

there,

25 and was Brian Koschak also up there?

Sandra M. Halsey, CSR, Official Court Reporter

1535

1 A. Yes.

2 Q. Remember anybody else being out  
there

3 at that time?

4 A. I remember someone, an officer,  
5 possibly standing to the left of the door.

6 Q. A police officer?

7 A. Yes.

8 Q. Okay. And what was Brian Koschak  
9 doing with the defendant?

10 A. Assisting her with -- or  
rendering

11 care.

12 Q. Okay. And did you start to  
assist him

13 in helping her?

14 A. She was being cared for by Brian,  
so I

15 stepped just inside the house to see if there was  
anyone

16 else.

17 Q. All right. How far into the  
house did

18 you go?

19 A. I went far enough into the foyer

there

20 in the hallway there where I could see the living  
room

21 floor and I could see part of a service area, I  
suppose

22 the kitchen.

23 Q. Okay. Did you actually go into  
the

24 family room, or the room that you're talking about?

25 A. No, that's as far as I remember  
going

1 into the house itself there, was just that area  
right

2 there in the --

3 Q. Okay. Did you ever go into the  
4 kitchen?

5 A. No.

6 Q. How long did you stay in the  
house

7 then before you left?

8 A. It was a matter of seconds, less  
than

9 a minute.

10 Q. Okay. Did you leave the same way  
as

11 you had come in?

12 A. Yes.

13 Q. All right. When you came back  
out,

14 was the defendant and Brian Koschak still out there  
on

15 the porch or had they left?

16 A. No, they were still on the front  
17 porch.

18 Q. Did you start to do anything at  
that



19 time then?

20 A. Yes, I assisted Brian with care.

21 Q. Was it apparent that the  
defendant had

22 some injuries to her?

23 A. Yes.

24 Q. Okay. Did she have any injuries  
to  
25 her neck area?

Sandra M. Halsey, CSR, Official Court Reporter

1537

1 A. Yes.

2 Q. And what, if anything, did you  
start

3 to do with regard to the neck injury?

4 A. I believe we first bandaged the  
arm.

5 Q. All right.

6 A. The right arm here. And then she  
had

7 a rag. Either she was holding a rag or he was  
holding

8 it. It looked like a -- a cup towel comes to mind.  
And

9 I opened up some sterile four-by-fours and I got  
those

10 ready and put them in place, and then we taped them.

11 Taped the four-by-fours in place.

12 Q. Okay. So you actually then took  
a

13 four inch by four inch sterile gauze pad; is that  
right?

14 A. That's correct.

15 Q. Put it over the wound on the  
neck?

16 A. Yes.

17 Q. Was that to stop the bleeding?

18 A. Yes. It was to cover the  
wound.

19 Q. I'm sorry. Did you also then  
put some

20 sort of a gauze pad over the injury on the right  
arm?

21 A. Yes.

22 Q. Okay. During that period of  
time --

23 and Brian Koschak is still with you. Right?

24 A. That's correct.

25 Q. At some point did you  
transport the

Sandra M. Halsey, CSR, Official Court  
Reporter

1538

1 defendant out to an ambulance?

2 A. Yes.

3 Q. Would that have been the  
ambulance

4 that you drove to the scene?

5 A. That's correct.

6 Q. That night, were you the  
driver or

7 were you going to be the other individual in the  
van?

8 A. I was the driver.

9 Q. Okay. How did you transport  
the

10 defendant out to the ambulance?

11 A. We had a cot brought up to the  
front

12 porch there, and we escorted her to the cot and set  
her

13 on that, and then took her to the ambulance on the  
cot.

14 Q. Okay. When you got out to the  
15 ambulance then, was she placed into it?

16 A. Yes.

17 Q. And what was done at that point  
then,

18 Mr. Byford?

19 A. Todd Higgins was the EMT off of  
the

20 first engine there. He was attaining a blood  
pressure.

21 Brian was looking for an I.V. site. And I was  
22 charting -- I was sitting at the head of the cot and

I

23 was charting.

24 Q. What do you mean "you were  
charting"?

25 A. I was writing down -- writing on  
my

1 report there of what her medications she was taking,  
if

2 she was allergic to any medications, any medical  
history

3 that she may have, her name, age, things of that  
nature.

4 Q. Okay. I'll just ask you: Was  
she

5 able to give you her name?

6 A. Yes.

7 Q. How about date of birth? Was she  
able

8 to give you her date of birth?

9 A. I believe so, but I couldn't  
answer

10 positive without reviewing my run report there.

11 Q. Okay.

12

13

14 (Whereupon, the following

15 mentioned item was

16 marked for

17 identification only

18 after which time the

19 proceedings were

20 resumed on the record

21 in open court, as

22 follows:)

23

24 BY MR. GREG DAVIS:

25 Q. Mr. Byford, let me show you  
what's

Sandra M. Halsey, CSR, Official Court Reporter

1540

1    been marked for identification for record purposes  
only

2    as State's Exhibit 20-L.  And if you would, just  
take a

3    moment to look at that.

4                    A.    Yes, sir.

5                    Q.    Is that, in fact, the report that  
you

6    prepared?

7                    A.    Yes, that's correct.

8                    Q.    This is the report that you're  
talking

9    about?

10                   A.    Yes.

11                   Q.    Okay.  Let me ask you again:  You  
had

12   indicated that you asked for her name and she was  
able to

13   give you a name.  Right?

14                   A.    Yes.

15                   Q.    Darlie Routier?

16                   A.    Yes.

17                   Q.    You asked for her date of birth  
next;

18   is that right?

19                   A.    That's correct.



20 Q. Was she able to give you a date of  
21 birth?

22 A. Yes.

23 Q. You asked about patient  
medication; is

24 that right?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

1541

1 Q. Why is that important to know?

2 A. It tells us, in a lot of cases, if  
a

3 patient has a medical history, if she had been taking  
4 Lasix we might suspect that she was in need of a  
5 diuretic, she retains too much water, and that's, you  
6 know, that would give us a hint there.

7 Q. So if she's taking a certain  
8 medication it might react badly to some other  
medication

9 that you need to give her?

10 A. That's correct.

11 Q. When you ask for past patient  
12 medication, did she seem to understand what you were  
13 asking for?

14 A. Yes.

15 Q. Was she, in fact, able to give you  
a

16 medication that she was taking?

17 A. Yes.

18 Q. For weight loss?

19 A. Yes.

20 Q. Did you ask her about allergies?

21 A. Yes.

22 Q. Again, are you asking if she's

23 allergic to certain medications?

24 A. Any medication that she knows of

that

25 she's allergic to.

Sandra M. Halsey, CSR, Official Court Reporter

1542

1 Q. And that would be important to  
know.

2 Right?

3 A. That's correct.

4 Q. Did she seem to understand what  
you  
5 asking when you asked for that?

6 A. Yes.

7 Q. And did she give you an answer  
that  
8 she had no known drug allergies?

9 A. That's correct.

10 Q. Okay. So, as I understand then,  
Brian

11 Koschak has begun the I.V. Correct?

12 A. Yes.

13 Q. Todd Higgins has taken her blood  
14 pressure. Right?

15 A. Yes.

16 Q. You've now charted. Correct?

17 A. Yes, sir.

18 Q. How long did it take you to chart  
this

19 information on the report here on State's Exhibit 20-  
L?

20                           A.     The initial assessment there with  
the  
21   information about the medication, less than a minute,  
two  
22   minutes.

23                           Q.     Okay.  During this time then,  
you've  
24   had a chance to chart some other things that have  
been  
25   done.  What's the next thing that is done with the

Sandra M. Halsey, CSR, Official Court Reporter

1 defendant in the ambulance?

2 A. Once we got her into the ambulance

I

3 disrobed her and checked for further injuries. We

4 initiated the I.V., oxygen, put her on a heart  
monitor.

5 Q. All right. Let me back you up and  
ask

6 you: What kind of clothing was the defendant wearing  
7 that morning?

8 A. A gown.

9 Q. Okay. Anything else besides the  
gown?

10 A. No.

11 Q. Okay. Was this a light colored  
sort

12 of T-shirt sort of gown?

13 A. Yes, it was a T-shirt type  
material.

14 Q. You said that you disrobed her.  
Can

15 you describe for us the method that you used to  
remove

16 this T-shirt or this nightgown from the defendant?

17 A. I used shears. We call them

trauma

18 shears. And I cut down the middle of the gown, down  
the

19 front here, and then I cut from the neck down the  
20 sleeves, each side like that, and it just falls  
away.

21 Q. Okay. So, you just, first you  
cut

22 down the middle of the gown; is that correct?

23 A. Yes, that's correct. From the  
opening

24 here at the neck down to the bottom, to the hem.

25 Q. And then around the neck area you  
then

1 take it down one sleeve?

2 A. Yes. From the neck opening to  
the

3 sleeve opening, both sides.

4 Q. Do both sides. Right?

5 A. Yes.

6 Q. Okay. And is that what you did  
that

7 morning?

8 A. Yes.

9 Q. And when you did that then this  
gown

10 fell open so that you could examine the defendant to

11 determine if there were any other injuries that you  
might

12 have missed. Right?

13 A. That's correct.

14 Q. Okay. And now, by this time, you

--

15 did you still have the gauze pad over her neck?

16 A. Yes.

17 Q. Okay. And when you started to  
examine

18 the defendant, did you notice whether or not she was

19 wearing any jewelry around her neck?



20                           A.     After we got into the ambulance  
and I  
21    had cut the shirt off, I realized that there was --  
that  
22    I had taped a necklace under the bandage.  
23                            I had put the bandage on -- on  
the  
24    porch there not knowing, or I couldn't see that  
there was  
25    a necklace there.

Sandra M. Halsey, CSR, Official Court Reporter

1545

1 Q. All right. And did you remove  
the  
2 necklace while you were in the ambulance with the  
3 defendant?

4 A. No. I tried to move it just a  
little  
5 bit, but it irritated her, and so I left it alone.

6 Q. What do you mean it irritated  
her?

7 A. She grimaced.

8 Q. Okay. So as the necklace went  
over  
9 her neck it caused some pain; is that right?

10 A. Yes, sir.

11 Q. Okay. As a matter of fact, did  
you  
12 leave that necklace underneath that dressing until  
you  
13 got her to Baylor Hospital?

14 A. That's correct.

15 Q. If we may, let's go back to the  
scene  
16 again. You're in the ambulance with the defendant.  
17 What's her demeanor? How is she acting out there at  
the  
18 time that you're with her still there at the scene?



1 comments to you that led you to believe that she was  
2 anxious?

3 A. On the scene, no, in route she  
acted

4 anxious. And some of the things, or what she was  
asking

5 me and the tone of her voice there, it was, you  
know,

6 "How much further to the hospital? Are we there  
yet?"

7 Things of that nature.

8 Q. Okay. So she's asking: "How  
much

9 longer until you get me to the hospital." Right?

10 A. That's correct.

11 Q. Okay. And from that comment you  
12 thought that she was anxious on the way to the  
hospital.

13 Right?

14 A. Yes, sir.

15 Q. Okay. How long did you remain  
there

16 at the scene with the defendant in the ambulance?

17 A. I'm not quite sure of the exact  
length

18 of time.

19 Q. Short period of time, long?

20 A. Short period of time. I would  
say, if

21 I were to guess, it would be less than 10 minutes.

22 Q. Okay. And once you left the  
scene,

23 did you go to Baylor Hospital in Dallas.

24 A. Yes, sir.

25 Q. Just an approximation, how long  
did it

1 take you to get the defendant from scene to Baylor  
2 Hospital downtown?

3 A. It would be approximately 20 to  
30  
4 minute drive from Rowlett.

5 Q. Okay. What kind of care are you  
6 rendering to the defendant on the way to the  
hospital?

7 A. Oxygen, I.V. therapy, or we have  
I.V.

8 access that is for fluid replacement if we need it,  
a  
9 heart monitor.

10 Q. On the way from the scene to the  
11 hospital, did you administer any sort of pain  
medication

12 to the defendant?

13 A. No.

14 Q. How about tranquilizers or any  
other

15 medication to her?

16 A. No.

17 Q. So the only thing she had was the  
I.V.

18 that Brian Koschak had started. Correct?

19 A. That's correct.

20                           Q.     You've told us about the  
defendant's  
21    comments about "When are we going to get to the  
22    hospital?" Do you recall her making any other  
statements  
23    or was she relatively quiet on the way down there?

24                           A.     She had remarked once about doing  
CPR  
25    on one of the boys.

1 Q. All right. Did she describe how  
she  
2 did that?

3 A. No.

4 Q. Okay. Any other comments that  
you can  
5 recall?

6 A. No, sir.

7 Q. Any other comments about the  
condition

8 of the children? Did she ever make any inquiry  
about

9 either of the two boys who had been patients there  
at the  
10 scene?

11 A. No.

12 Q. Any comment in particular about  
the

13 child that was being transported to Baylor Hospital  
where

14 she was headed?

15 A. No.

16 Q. Now, as you are going down to the  
17 hospital, did you see any change in the defendant's  
18 condition?



19 A. No.

20 Q. You're monitoring her blood  
pressure;

21 is that right?

22 A. Yeah, we have her on a heart  
monitor.

23 Q. Okay. So did you see anything --  
any

24 irregularities, any drop in blood pressure, anything  
that

25 would indicate that you would need to give her some  
sort

1 of treatment?

2 A. No.

3 Q. Now, as a part of being a  
paramedic

4 have you received training in assessing people for  
signs

5 of shock?

6 A. Yes.

7 Q. And, just, if you will, briefly  
8 describe the kind of training that you received in  
order

9 to make that kind of assessment.

10 A. Our training includes for just a  
11 paramedic certification is 680 hours, classroom,  
12 clinicals, rotations through the Dallas Fire  
Department,

13 this is with the Medical Center of Dallas. They are  
one

14 of the area trauma hospitals.

15 Q. Okay. At that time you had been  
a

16 paramedic for, what, about six years? You started in  
17 '90?

18 A. Yes.

19 Q. Let me just ask you Paramedic

Byford,

20 during the entire period that you were with the  
defendant

21 on the porch, transporting her to the ambulance,  
while

22 you're in the ambulance at the scene, and while  
you're

23 transporting her to the hospital, did you ever  
believe

24 the defendant to be in shock?

25 A. No.

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1 Q. Was she ever exhibiting any signs  
of  
2 shock that you thought needed any sort of treatment  
3 whatsoever?

4 A. No.

5 Q. Okay. And were you looking for  
signs  
6 of shock?

7 A. Yes.

8 Q. Okay. Is that important for you  
to  
9 do?

10 A. Yes. In a trauma situation, it  
is.

11 Q. What kinds of things were you  
looking  
12 for?

13 A. Blood pressure, rate, rhythm, the  
14 patient's level of consciousness.

15 Q. Okay.

16 A. And skin color.

17 Q. All of those were good?

18 A. Yes.

19 Q. Paramedic Byford, let me ask you:  
20 Before we came to Kerrville did you and I have a

chance

21 to meet?

22 A. Yes, sir.

23 Q. Do you recall how many times we  
have

24 met and discussed your testimony and what you did

out

25 there that morning?

Sandra M. Halsey, CSR,  
Official Court Reporter

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1                   A.     Two or  
three.

2                   Q.     Did we meet  
at the Rowlett Police  
3     Department one time?

4                   A.     Yes.

5                   Q.     And did we  
meet down at the  
6     courthouse?

7                   A.     Yes.

8                   Q.     Did we meet  
in a courtroom down there?

9                   A.     Yes.

10                  Q.     All right.  
And did I ask you to get  
11     on the witness stand and tell  
me what you've told this  
12     Jury this afternoon?

13                  A.     Yes.

14                  Q.     Besides  
those meetings, did we also --  
15     let's see, I believe sometime  
in November, did you come  
16     by 5801 Eagle Drive to meet  
with me briefly?

17 A. Yes.

18 Q. Since we've  
been here in Kerrville,

19 did you get in on Monday?

20 A. Yes, Monday  
night.

21 Q. How many  
times have we met to discuss  
22 your testimony and what you  
did?

23 A. Briefly.

24 Q. Okay.

25 A. Once,  
briefly.

Sandra M. Halsey, CSR,  
Official Court Reporter

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1 Q. Was that  
today?

2 A. That was  
today.

3 Q.  
Okay. Let me also ask  
you if on June

4 the 12th, of 1996,  
if the Rowlett Police  
Department asked

5 you to give an  
affidavit concerning what  
you remembered

6 out there that day.  
Do you recall that?

7 A.  
No, I don't recall that.

8 Q.  
Okay.

9

10

11

(Whereupon, the  
following

12

mentioned item was



13

marked for

14

identification only

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.

Let me just show you

what appears to

24 be an affidavit. In

fact, this is State's

Exhibit 20-J,

25 for record purposes.

It's one page of

handwritten

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Halsey, CSR, Official  
Court Reporter

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1 material with a  
diagram.

2 A.  
Yes.

3 Q. All right. And it's dated June  
12th.

4 Right?

5 A. Yes.

6 Q. Okay. Is this the affidavit and  
the

7 diagram that you did for the police on June 12th?

8 A. That's correct, that's my  
signature.

9 Q. Okay. And also, let me ask you:  
10 Prior to coming to Kerrville, do you recall having  
your  
11 deposition taken?

12 A. Yes.

13 Q. All right. And was that  
deposition

14 taken by an attorney representing Mrs. Routier in  
Dallas?

15 A. Yes.

16 Q. And did he have an opportunity to  
ask

17 you questions about what happened out there?

18 A. Yes.

19 Q. And what you did?

20 A. Yes.

21 Q. And a record was made of that

22 deposition. Correct?

23 A.

Yes.

24 Q.

Okay.

25

1 MR. GREG DAVIS: Your Honor, at  
this  
2 time we'll tender State's Exhibits 20-J and 20-L to  
3 counsel and pass the witness for cross-examination.

4 THE COURT: Well, okay.

5 Mr. Mosty.

6 MR. RICHARD C. MOSTY: May I have  
a  
7 few moments, your Honor?

8 THE COURT: You may indeed.

9

10

11 CROSS EXAMINATION

12

13 BY MR. RICHARD C. MOSTY:

14 Q. Okay. Officer Byford, how many  
people

15 were already at the scene when you arrived?

16 A. Fire related?

17 Q. Total.

18 A. Total? I don't know.

19 Q. A lot?

20 A. I don't have an exact number.

There

21 was an engine company, which would have been three

men

22 there. The first in ambulance had two men on it.

Our

23 ambulance had two men. And I recall one officer at

the

24 door. So I can account for that many people.

25 Q. You can account for seven  
paramedics

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1 and an officer?

2 A. Yes.

3 Q. What about other people,  
4 civilians?

5 A. I recall seeing a man standing in  
6 the

7 yard with no shirt and jeans on.

8 Q. Okay. Anyone else?

9 A. Not to my  
10 knowledge.

11 Q. How many  
12 vehicles at the scene?

13 A. We pulled up, I  
14 remember -- I recall

15 the first in engine, first in  
16 ambulance, and then a squad

17 car, and then around about the  
18 corner there.

19 Q. All right.

20 Now, you came with who?

21 Who's the paramedic with you?

22 A. Eric  
23 Zimmermann.

24 Q. All right.

25 Zimmermann. So it's you

26 and Zimmermann together. Who are

the other paramedics

17 you saw there at the scene?

18 A. Brian Koschak.

19 Q. All right.

Where was he?

20 A. He was

attending Ms. Routier on the

21 porch.

22 Q. Okay. On the

porch?

23 A. Yes.

24 Q. Okay. Who

else?

25 A. There was  
officers -- an officer

Sandra M. Halsey, CSR,  
Official Court Reporter

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1 standing at the door.

2 Q. You know his  
name?

3 A. No, I don't  
recall.

4 Q. Okay. Who are the other  
paramedics

5 and where were they?

6 A. The captain on the engine  
company was

7 standing just inside the door.

8 Q. Inside the residence?

9 A. Right.

10 Q. And that's captain?

11 A. Vrana.

12 Q. Okay. Inside door. All  
right. Who

13 else?

14 A. The rest of them -- I don't  
know where

15 Higgins was whenever we first arrived, but he  
came up to

16 assist with Darlie with Brian and I.

17 Q. Do you know if he came from  
inside or

18 outside?

19 A. No, he wasn't inside, no.

20 Q. He came from somewhere  
outside?

21 A. He either came from 902 or  
engine 2.

22 Q. Okay. Meaning coming from  
the

23 other --

24 A. Coming from the other  
vehicles.

25 Q. Okay.

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Reporter

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1                   A.     The rest of the crew were at  
the  
2     ambulance.

3                   Q.     Okay.  Who was there?

4                   A.     Jack Kolbye.

5                   Q.     Do you know where he was?

6                   A.     I assume that he was in 902.

7                   Q.     Inside the ambulance?

8                   A.     Inside the  
ambulance.

9                   Q.     Did you ever see  
him?

10                  A.     Not until we got to the  
hospital.

11     Rick Coleman.

12                  Q.     Where was Coleman?

13                  A.     I assume he was inside 902 as  
well.

14                  Q.     Okay.  Anybody else there?

15                  A.     Not that I came in contact  
with.

16                  Q.     Okay.  What about Youngblood?  You  
17     don't remember him being there?

18                  A.     I don't recall if he was there or  
not.

19     I don't recall ever making any personal contact with

him.

20                   Q.     Okay.  And when you exited your  
21  vehicle, you went where?

22                   A.     To the front porch.

23                   Q.     And you went up there and you saw

Ms.

24  Routier sitting on the front porch?

25                   A.     Correct.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. And she was sitting down at that  
time?

2 A. Yes.

3 Q. And where was -- Koschak was  
attending

4 to her?

5 A. He was kneeling beside of her.

6 Q. Kneeled beside her. And he was  
7 actually in the process of attending to her?

8 A. That's correct.

9 Q. Okay. And then both of y'all  
attended

10 to her?

11 A. Yes.

12 Q. And you inadvertently got the  
necklace

13 under the gauze then?

14 A. Yes. The lighting was poor.

15 Q. You didn't notice that at the  
time?

16 A. I didn't notice it.

17 Q. All right. And then, if I  
understand

18 you, you attended to her briefly and then took her to  
the

19 ambulance?

20 A. That's correct.

21 Q. How did you transport her to the  
22 ambulance?

23 A. On a cot. We assisted her in  
24 standing, walked her to the cot which is just a short  
25 distance. It was right there beside the porch,  
placed

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1 her on the cot.

2 Q. By cot, is that one that is on  
wheels?

3 A. That's correct.

4 Q. Okay.

5 A. And one that folds up. The legs  
fold

6 up to go inside of --

7 Q. Okay.

8 A. An ambulance, an MICU.

9 Q. Okay. So somebody had gotten that  
out

10 and had walked it up, I guess the sidewalk?

11 A. Yes.

12 Q. And then did you and Koschak  
assist

13 her on to that?

14 A. That's correct.

15 Q. And I assume she was laying on her  
16 back?

17 A. Yes.

18 Q. Okay. And you moved her to the --  
to

19 90 --

20 A. 901.

21 Q.

901?

22 A.

Yes.

23 Q. And where was it parked?

24 A. We were parked at the front

of the

25 house, or there close to the house, right there  
in a

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 corner.

2 Q. Sort of a -- did you sort of  
go

3 straight out from the sidewalk into that  
ambulance?

4 A. I don't remember exactly  
where we

5 parked.

6 Q. But in any event, you went over  
and

7 folded up the legs of the -- what I would call a  
8 stretcher, you call it a cot?

9 A. Stretcher, cot, yes.

10 Q. You folded up the legs and  
pushed it

11 into the unit?

12 A. Yes.

13 Q. Okay. Who did that?

14 A. I don't recall who was on it.

15 Generally the, -- whoever is on the foot of the cot  
16 pushes it in. I don't recall who was on the foot.

17 Q. Okay. Was Higgins already inside  
the

18 unit?

19 A. I don't recall.

20 Q. Okay. But in any event you and  
21 Higgins and Koschak all went inside the unit?

22 A. That's correct.

23 Q. And what did you direct your  
attention

24 to first?

25 A. Assessing for other wounds.

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1 Q. Okay. And that's -- y'all carry  
a  
2 little pouch for those scissors, don't you?

3 A. Yes. Our department supplies  
what we  
4 call paramedic pants. They have large pockets,  
several  
5 pockets, straps, carry pen lights, scissors, gloves,  
your  
6 radio.

7 Q. Okay. And so you took out your  
8 scissors, and you cut, if I understood, almost like  
a T.

9 You cut that shirt off like a T?

10 A. Yes.

11 Q. You cut the entire front open?

12 A. That's correct.

13 Q. You cut the entire right shoulder  
14 open?

15 A. Yes.

16 Q. You cut the entire left shoulder  
open?

17 A. Yes.

18 Q. So it's in two pieces, the shirt  
is by

19 that time?

20 A. Actually, it's in one large  
piece.

21 Q. One large piece?

22 A. Yes.

23 Q. Okay. But you --

24 A. It just falls to the side there.

You

25 don't have to move the patient to disrobe, I mean to

1 inspect. It just falls to the side.

2 Q. Okay. Did you then -- did it  
fall to

3 the side or did you need to --

4 A. Well, I just, you know, you have  
to

5 push it in the armpits here, to expose here, and the  
6 shoulders, it just falls away.

7 Q. Okay. And there was a lot of  
blood on

8 that shirt?

9 A. There was blood on the shirt.

10 Q. Okay. You wouldn't describe it  
as a

11 lot?

12 A. A lot has a different meaning to  
13 different people.

14 Q. But you --

15 A. As a paramedic, in my experience,  
16 there -- a lot to me may be devastating to someone  
who

17 has never seen anyone bleeding.

18 Q. But you wouldn't use the word "a  
lot"?

19 A. I'd say substantial.

20 Q. Okay. Had substantial blood on

it?

21 A. Yes, sir.

22 Q. Was it wet to the touch?

23 A. I don't recall.

24 Q. Was it running, dripping?

25 A. No, I don't recall an active  
bleeding

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1 there.

2 Q. No, I'm talking about the shirt  
3 itself. Was the shirt dripping blood?

4 A. Well, that's something that I  
didn't

5 examine. That's not something that I focus my  
attention

6 on.

7 Q. You really didn't care about the  
8 shirt, you cared about the patient?

9 A. That's correct.

10 Q. Okay. Was it soaked, or could  
you

11 even tell that? Or did you even take note of  
that?

12 A. I didn't even -- there was blood  
on

13 the shirt, and our standard procedure, we wear  
gloves,

14 and it's -- I just didn't examine the shirt to see  
if it

15 was dripping or the amount of blood in it.

16 Q. Okay. All right. And does it  
sort of

17 fall open on the cot, on both sides of the cot?

18 A. Yes, it falls down to the side  
there

19 on the cot.

20 Q. Okay. Did you move that shirt at  
all?

21 A. No, I left it under her.

22 Q. Okay. So it's sort of laying  
open on

23 her?

24 A. That's correct.

25 Q. And that's when you did your  
quick



1 visual examination?

2 A. Yes.

3 Q. To locate other injuries perhaps?

4 A. Yes.

5 Q. Okay. When you did all that, did  
you

6 get blood on your gloves?

7 A. Yes.

8 Q. And blood on other places on you?

9 A. No, not that I recall.

10 Q. If you just recall that your  
gloves --

11 were those latex?

12 A. Yes.

13 Q. That your latex gloves were  
bloody?

14 A. Yes.

15 Q. And that was from the shirt?

16 A. Yes.

17 Q. Okay. And those latex gloves,  
they

18 don't soak in, they don't absorb blood, do they?

19 A. No, sir.

20 Q. Okay. It falls off, cast off?

21 A. We peel them off and get another

pair.

22                           Q.     Okay.  How many times would you  
be --

23    how many did you peel off, do you think in this -- I

24    guess if they get dirty, or they get wet you peel

them

25    off and get you another one?

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1                   A.     To prevent contamination of your  
2 sheet, your clothing, anything else you might touch,  
I.V.  
3 tubing, you change gloves, our equipment.

4                   Q.     Okay.

5                   A.     It's easier to change gloves than  
6 go  
7 decontaminate an entire ambulance.

8                   Q.     Okay. So you pop those gloves  
9 off,  
10 and what do you do with them?

11                  A.     We have a biohazard bag, a red  
12 bag is  
13 what we call it, beside there at the head of the  
14 ambulance there.

15                  Q.     Okay. It's a particular one?

16                  A.     It's a particular bag and nothing  
17 but  
18 biohazard goes in that bag.

19                  Q.     And that's needles?

20                  A.     No.

21                  Q.     No? That's something else?

22                  A.     We have a sharps container for  
23 needles.

24                  Q.     Okay. So anything that is not  
25 sharp

21 that's contaminated with blood you throw it in that  
bag?

22 A. That's correct.

23 Q. That red bag?

24 A. Yes.

25 Q. How many separate gloves do you  
think

Sandra M. Halsey, CSR, Official Court Reporter

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1 you went through?

2 A. I know I changed once.

3 Q. Okay. Would that also be true if  
you

4 were treating one patient and you went to another,  
would

5 you change gloves?

6 A. You would change gloves.

7 Q. You would?

8 A. Yes.

9 Q. You should?

10 A. Yes, you should.

11 Q. Okay. And then after you made  
that

12 assessment -- I'm back in the ambulance now. You  
made

13 that assessment, after having disrobed her, and then  
14 about that time y'all were taking off for Baylor?

15 A. Yes.

16 Q. Okay. Did I understand you that  
when

17 Mr. Davis asked you about did you handwrite a  
report,

18 that you didn't recall doing that?

19 A. I don't recall if -- I didn't

recall

20 before I looked at the report if I had written down  
her

21 birthdate or her age or something.

22 Q. Now, what I was talking about was  
23 toward the end of your examination, that I thought he  
24 asked you: Do you remember going down to the Rowlett  
25 Police Department and writing out a report, and you

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1 couldn't remember doing that until you --

2 A. No, I didn't recall that incident  
3 there.

4 Q. Actually, you didn't recall going  
down  
5 there at all?

6 A. Well, we respond to the Police  
7 Department quite often on calls, and we also go down  
8 there for regular meetings, CE, and we have business  
back  
9 and forth with that part of the department. So I'm  
there  
10 quite often.

11 Q. Okay. I'm not fussing with you,  
you  
12 just didn't remember that?

13 A. But that is my handwriting, and  
that  
14 is my diagram.

15 Q. And it was done on June 12th?

16 A. Yes.

17 Q. Do you need to see it?

18 A. Is that the date that's on it?

19 Q. Or will you take my word for  
it?

20 A. Yes, sir.

21 Q. Okay. It was done on June  
12th.

22 And they -- I guess they asked  
you

23 to -- who asked you to do it?

24 A. I believe it was Officer  
Patterson.

25 Q. All right. Patterson was asking,  
and

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1 this is on June 12th, some 6 days later?

2 A. Yes. He had asked me to briefly  
3 describe how I cut the shirt off.

4 Q. Did he ask you to, you know, sit  
down

5 and tell me everything that you can remember that was  
of

6 significance?

7 A. On that particular day I don't  
recall.

8 Q. Okay.

9 A. I don't recall what all --

10 Q. Okay. Well, you described some of  
11 what you had seen that day, didn't you?

12 A. I didn't read all of that report  
13 whenever he showed it to me here.

14 Q. Okay.

15 A. I just looked at the signature and  
16 confirmed that that's my writing and that's my  
diagram.

17 Q. Okay. You would agree with me,  
of

18 course, that everyone is a unique individual who  
reacts

19 differently to situations?

20

A. That's correct.

21

Q. And you see that frequently,

don't

22 you?

23

A. Yes.

24

Q. And I guess you go to automobile

25 accidents?

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1 A. Yes, sir.

2 Q. People react differently?

3 A. Yes.

4 Q. Two people in the same vehicle  
will  
5 react differently?

6 A. Yes.

7 Q. Right?

8 A. Yes.

9 Q. One might be hysterical, the  
other one  
10 might be calm?

11 A. Yes, sir.

12 Q. Okay. And you oftentimes visit  
with  
13 those people who have been in that sudden traumatic  
14 event, don't you?

15 A. Yes, I try to be reassuring.

16 Q. And you need at least a little  
bit of  
17 history if you can get it. I mean, if they're --

18 A. Yes.

19 Q. -- able to talk to you?

20 A. In my business the physical  
history is

21 the most important thing. And I stress to anyone  
who is

22 hysterical that if they are in a risky situation  
that

23 their being able to tell me, or telling me what  
their

24 physical needs are is very important.

25 Q. You're telling them to calm down  
for

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1 you? You're reassuring them?

2 A. Basically I'm telling them to  
calm

3 down and work with me.

4 Q. Tell me what's going on?

5 A. Yeah.

6 Q. And sometimes those people don't  
have

7 a very good recollection of what happened?

8 A. Not often.

9 Q. Okay. Not often that they do  
have

10 good recollection?

11 A. It's not often that they don't  
12 recollect what's going on.

13 Q. Well, for instance, you've been  
in

14 automobile accidents and had people who didn't know  
how

15 they got out of a vehicle? That's happened to you,  
16 hasn't it?

17 A. It has.

18 Q. Somebody has been in an  
automobile

19 accident, they don't remember undoing their seat

belt?

20                           A.     Well, yeah, that could be an  
instance.

21                           Q.     But they know they got out of  
the car,

22     for instance?

23                           A.     Yes.

24                           Q.     That kind of thing happens to  
you,  
25     doesn't it?

                          Sandra M. Halsey, CSR, Official Court  
Reporter

1571

1                   A.     Yes, there's degrees of  
decreased

2     level of consciousness.

3                   Q.     Okay.

4

5                   MR. RICHARD C. MOSTY:   That's all

I

6     have.

7                   THE COURT:   Thank you.

8                   MR. GREG DAVIS:   Would you mark

this,

9     please.

10

11

12                   (Whereupon, the following

13                   mentioned item was

14                   marked for

15                   identification only

16                   after which time the

17                   proceedings were

18                   resumed on the record

19                   in open court, as

20                   follows:)

21

22

23

24  
25

REDIRECT EXAMINATION

Sandra M. Halsey, CSR, Official Court Reporter

1572



1

2 BY MR. GREG DAVIS:

3 Q. Let me ask you, Paramedic  
Byford, what

4 did you do with the T-shirt after you cut it off  
the

5 defendant once you got to the hospital?

6 A. The -- she -- the T-shirt, our  
7 stretcher sheet and all slid over onto the Baylor's  
table

8 there.

9 Q. All right. Let me ask you, was  
-- did

10 a Rowlett Police Officer at some point take  
possession of

11 the T-shirt?

12 A. Yes.

13 Q. All right. Let me ask you to  
look at

14 State's Exhibit No. 25.

15 A. Okay.

16 Q. Do you recognize that exhibit,  
sir,

17 State's Exhibit 25?

18 A. Yes.

19 Q. Okay. Is this the T-shirt that

Darlie

20 Routier, the defendant, was wearing on June 6th,  
1996,

21 when you came in contact with her?

22 A. Yes.

23

24 MR. GREG DAVIS: Your Honor --

well,

25 let me go further.

Sandra M. Halsey, CSR, Official Court Reporter

1573

1

2

3 BY MR. GREG DAVIS:

4 Q. Well, let me just ask you: The  
5 condition of the T-shirt has changed somewhat since  
you

6 saw it. Right?

7 A. Yes.

8 Q. There are a lot of defects and  
holes

9 in here that weren't here when you treated her; is  
that

10 right?

11 A. That's correct.

12 Q. But this is, in fact, the T-  
shirt that

13 she was wearing?

14 A. Yes.

15

16 MR. GREG DAVIS: Your Honor, at  
this

17 time we'll offer State's Exhibit No. 25.

18 MR. RICHARD C. MOSTY: May I  
take the

19 witness on voir dire very briefly?

20

THE COURT: You may indeed.

21

22

23

24

25

VOIR DIRE EXAMINATION

Sandra M. Halsey, CSR, Official Court Reporter

1574

1

2 BY MR. RICHARD C. MOSTY:

3 Q. With respect to Exhibit 25, when  
is

4 the last time you saw it?

5 A. That T-shirt?

6 Q. Yes.

7 A. Well --

8 Q. Well, let me just put it this  
way:

9 You never picked it up and collected it as  
evidence, did  
10 you?

11 A. I didn't pick it up and collect  
it as  
12 evidence.

13 Q. Somebody else did?

14 A. That's correct.

15 Q. And so, you don't know what  
happened

16 to it between the time that you last saw it and  
when that

17 other person picked it up and collected it as  
evidence?

18 A. Eric Zimmerman is -- has gone

through

19 police officer's school. I don't know the proper  
20 terminology for that. On that night, whenever we -

-

21 after we had delivered her, he gathered that shirt  
and

22 gathered the child's clothes as well.

23 Q. But you didn't?

24 A. I didn't. I did not.

25 Q. You cut it off?

1                   A.     I cut it off and left it laying  
with  
2     her, and delivered her, patient, and my stretcher  
sheet  
3     to Baylor.

4                   Q.     And it went off with the  
stretcher,  
5     didn't it? The shirt?

6                   A.     Yes.

7                   Q.     Or do you even know what happened  
to  
8     it?

9                   A.     Yes. The shirt -- she, her shirt,  
and  
10    my stretcher sheet, we have disposable stretcher  
sheets.

11    All went over on to their examining table.

12                  Q.     And someone else collected it?

13                  A.     That's true.

14                  Q.     Okay.

15

16                               MR. RICHARD C. MOSTY: We will  
object

17    to the offer at this time on the basis that the chain  
of

18 custody is not proven.

19 THE COURT: All right. Overruled.

20 State's Exhibit 25 is admitted.

21

22 (Whereupon, the item

23 Heretofore mentioned

24 Was received in

evidence

25 As State's Exhibit

No. 25

Sandra M. Halsey, CSR, Official Court Reporter

1576



1 For all purposes,  
2 After which time, the  
3 Proceedings were resumed  
4 As follows:)

5

6 MR. GREG DAVIS: Thank you.

7

8

9 REDIRECT EXAMINATION (Continued)

10

11 BY MR. GREG DAVIS:

12 Q. Officer, would you please step  
down

13 for just one moment. And just briefly, if we may,  
show

14 the jury, if you see here in the T-shirt, the cuts  
that

15 you actually made on the T-shirt.

16 A. Okay.

17

18 (Whereupon, the witness  
19 stepped down from the  
20 witness box, and approached  
21 the jury rail, for the  
22 purpose of further describing  
23 the exhibit to the jury.)

24

25 BY MR. GREG DAVIS:

Sandra M. Halsey, CSR, Official Court Reporter

1577

1                   Q.     If you will step back here so that  
2 everyone on the jury can see.

3                   You indicated that you had cut  
4 straight down the front of the T-shirt; is that  
right?

5                   A.     Yes, sir.

6                   Q.     Do we see a cut down the entire  
length  
7 of the shirt?

8                   A.     Yes.

9                   Q.     Starting at the neck all the way  
down  
10 to the bottom?

11                  A.     Yes, it's been fixed together.

12                  Q.     Right. It's been fixed. Right,  
but  
13 this is actually the cut line. Right?

14                  A.     Yes.

15                  Q.     On each one of the sleeves do we  
have  
16 a first on the left sleeve, do we have a cut line  
that

17 goes from the neck area back to the left sleeve?

18                  A.     Yes.

19                  Q.     And on the right sleeve, do we  
have a

20 corresponding cut mark that goes from the neck all  
the

21 way out the length of the sleeve?

22 A. That's correct.

23 Q. All right. Are those the cut  
marks

24 that you made on State's Exhibit No. 25, on June the

6th

25 of 1996?

Sandra M. Halsey, CSR, Official Court Reporter

1578

1 A. Yes.

2 Q. Did you make any other cut  
marks or

3 any other defects in this T-shirt while you had it  
in  
4 your possession, sir?

5 A. No.

6 Q. Okay.

7

8 (Whereupon, the witness  
9 Resumed the witness  
10 Stand, and the  
11 Proceedings were resumed  
12 On the record, as  
13 Follows:)

14

15 BY MR. GREG DAVIS:

16 Q. As far as the other holes, other  
17 defects, that occurred at some later time and you  
don't

18 know how those happened. Right?

19 A. No.

20 Q. Okay.

21

22 MR. GREG DAVIS: No further  
questions,

23 your Honor.

24 THE COURT: All right. Anything

else?

25 Anything, gentlemen?

Sandra M. Halsey, CSR, Official Court Reporter

1579

1 MR. RICHARD C. MOSTY: No.

2 THE COURT: All right. You may  
step  
3 down.

4 All right. Ladies and gentlemen

--

5 you may step down, sir. Thank you.

6 We'll adjourn now until 9:00  
o'clock

7 on Monday morning. Same instructions as always.

Do no

8 investigation on your own. If you hear anything from  
the

9 radio, TV or newspapers, please ignore it. If you  
hear

10 anything about this case in any of those media,  
please

11 ignore it.

12 And, Monday morning, come rain or  
13 shine, as the Kerrville Chamber of Commerce would  
say,

14 "heavy solidified dew," in this area we don't have  
ice,

15 we'll be here. So come on down as best you can.

16 If the spectators will just  
remain

17 standing or seated until the jury gets outside.

18 Okay. If you will vacate

the

19 courtroom, please.

20

21 (Whereupon, the

22 Proceedings were

23 Recessed for the

day,

24 To be resumed the

25 Following day, in

Sandra M. Halsey, CSR, Official Court Reporter

1580



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Open court, as follows:)

(THESE PROCEEDINGS ARE CONTINUED IN THE NEXT  
NUMBERED VOLUME.)

Sandra M. Halsey, CSR, Official Court Reporter

1581

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CERTIFICATION PAGE

THE STATE OF TEXAS )  
THE COUNTY OF DALLAS )

I, Sandra M. Halsey, was the 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  
\_\_\_\_\_, 1997.

---

Sandra M. Day Halsey, CSR  
Official Court Reporter  
363RD Judicial District

Court

Dallas County, Texas

22

Phone, (214) 653-

5893

23

24 Cert. No. 308

25 Exp 12-31-98

Sandra

M. Halsey, CSR,

Official Court

Reporter

1582

1 STATE OF  
TEXAS )  
2 COUNTY OF  
DALLAS )

3

4

JUDGES CERTIFICATE

5

6

7

8 The above and foregoing transcript, as  
certified

9 by the Official Court Reporter, having been  
presented to

10 me, has been examined and is approved as a true and  
11 correct transcript of the proceedings had in the  
12 foregoing styled cause, and aforementioned cause  
number

13 of this case.

14

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MARK TOLLE, JUDGE

21

Criminal District Court Number 3

22

Dallas County, Texas

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Sandra M. Halsey, CSR, Official Court Reporter

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