

1 IN THE CRIMINAL
DISTRICT COURT NO. 3

2 DALLAS
COUNTY, TEXAS

3

4

5

6 THE STATE OF TEXAS }

NO. F-96-39973-J

7 VS: }

& A-96-253

8 DARLIE LYNN ROUTIER }

Kerr Co. Number

9

10

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12

13 REPORTERS

RECORD

14 JURY

TRIAL

15 VOL. 33 OF

53 VOLS.

16 January

14, 1997

17

Tuesday

18

19

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Sandra M. Halsey, CSR,
Official Court Reporter

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I O N

C A P T

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3

4 BE IT REMEMBERED THAT, on
Tuesday, the 14th 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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Sandra M. Halsey, CSR,
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

20

Assistant

District Attorney

21 Dallas County,

Texas

22

23

APPEARING FOR THE STATE OF TEXAS

24

25

Sandra M. Halsey, CSR,
Official Court Reporter

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1 ADDITIONAL APPEARANCES:

2

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15 AND: HON. RICHARD

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1

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6 ALL ATTORNEYS REPRESENTING

THE

7 DEFENDANT: DARLIE ROUTIER

8 MR. HAGLER HANDLING THE

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9 AND:

10 HON. ALBERT D. PATILLO, III

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12 820 Main Street, Suite 211

13 Kerrville, TX 78028

14 APPEARING FOR: Witness-

15 Detective Jimmy

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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

25

Reporter Sandra M. Halsey, CSR, Official Court

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1
G S
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following
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in
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presence
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attorneys
13
of
14
15
the
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P R O C E E D I N

January 14th, 1997
Tuesday
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:)

THE COURT: All right. Good

morning,

20 ladies and gentlemen. Let the record reflect that
these

21 proceedings are being held outside the presence of
the

22 jury and all parties in the trial are present.

23 This is Tuesday, January 14th,
1997.

24 The Monday session of court was canceled due to the
25 inclement icy weather we had down here.

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1 All right. Are both sides
ready?

2 MR. GREG DAVIS: Yes, sir, the
State
3 is ready.

4 MR. DOUGLAS MULDER: Yes, sir,
the
5 Defense is ready.

6 THE COURT: All right. If you
will
7 raise your right hand, please, Officer.

8
9 (Whereupon, the witness
10 Was duly sworn by the
11 Court, to speak the truth,
12 The whole truth and
13 Nothing but the truth,
14 After which, the
15 Proceedings were
16 Resumed as follows:

17
18 THE COURT: Do you solemnly swear
or
19 affirm that the testimony you are about to give will
be
20 the truth, the whole truth, and nothing but the

truth, so

21 help you God?

22 THE WITNESS: I do.

23 THE COURT: All right. You may

have a

24 seat up there.

25 Officer, you're now under the

Rule of

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1 Evidence. That simply means when you're not
testifying

2 you have to remain outside the courtroom. Don't
talk

3 about your testimony with anyone who has testified.
In

4 other words, don't compare it.

5 You may talk to the attorneys for
6 either side. If someone tries to talk to you about
your

7 testimony --

8 THE WITNESS: Yes, sir.

9 THE COURT: Please tell the
attorney

10 from the side who called you.

11 Bring in the jury, please.

12

13 (Whereupon, the jury

14 Was returned to

the

15 Courtroom, and

the

16 Proceedings

were

17 Resumed on the

record,

18 In open court, in
the
19 Presence and
hearing
20 Of the defendant,
21 As follows:)
22
23 THE COURT: All
right. Good morning,
24 ladies and gentlemen.
25 Let the record
reflect that all

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Court Reporter

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1 parties in the trial are present and
the jury is seated.

2 Ladies and
gentlemen, this witness has
3 been sworn outside of your presence.

4 Mr. Davis.

5 MR. GREG DAVIS:

Thank you, Judge.

6

7 Whereupon,

8

9 OFFICER DAVID

MAYNE,

10

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

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

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

14 open court, as follows:

15

16

17 DIRECT

EXAMINATION

18

19 BY MR. GREG DAVIS:

20 Q. Sir, would you
please tell us your

21 full name.

22 A. David Ray Mayne.

23 Q. And please spell
your last name for

24 the Court Reporter.

25 A. Last name
spelling is M-A-Y-N-E.

Sandra M. Halsey, CSR, Official
Court Reporter

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1 Q. Sir, are you a
Rowlett Police Officer?

2 A. Yes, sir.

3 Q. Okay. And how
long have you been with
4 the Rowlett Police Department?

5 A. A little over 10
years.

6 Q. Are you assigned
to any particular
7 section or division at this time?

8 A. I'm assigned to
support service
9 division, which includes crime
scene.

10 Q. What are your
duties and
11 responsibilities in that section?

12 A. I collect
evidence, photograph
13 different crime scenes, and also am
the manager over the
14 evidence section.

15 Q. Okay. Did you
have the same duties

16 and responsibilities back on June
17 6th, 1996?

17 A. Yes, sir, I did.

18 Q. Officer Mayne,
19 let me ask you if at
20 approximately, sometime around 3:00
21 to 3:30 in the
22 morning, if you received a call to
23 go up to the Rowlett
24 Police Station?

24 A. Yes, sir, on June
25 6, 1996.

25 Q. Right. Were you
at home or were you
on duty at that time?

A. I was at home.

Sandra M. Halsey, CSR, Official
Court Reporter

1 Q. Do you recall
about what time you got
2 up to the station?

3 A. Approximately
3:55 a.m.

4 Q. And what was the
purpose of you going
5 up to the Rowlett Police Station?

6 A. To collect
supplies, crime scene
7 supplies for a crime scene.

8 Q. All right. And
about how long did it
9 take you to get all of those
supplies and leave?

10 A. Approximately
five minutes.

11 Q. Do you recall
where the next place was
12 that you went after you left the
station?

13 A. Yes, sir, Fire
Station Number 2.

14 Q. And what was the
purpose of you going

15 over there to the fire station?

16 A. To collect
clothing from a victim and

17 also the defendant.

18 Q. Okay.

19

20 MR. GREG DAVIS:

Would you mark this,

21 please.

22

23

24

25 (Whereupon, the
following

Sandra M. Halsey, CSR, Official
Court Reporter

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20 Q. Okay.

21

22 MR. GREG DAVIS:

Your Honor, at this

23 time we'll offer State's Exhibit No.

23 and 23-A.

24 MR. RICHARD C.

MOSTY: No objection.

25 THE COURT: All
right. State's

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Court Reporter

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1 Exhibit 23 and 23-A are admitted.

2

3 (Whereupon, the
items

4 Heretofore
mentioned

5 Were received in
evidence

6 As State's Exhibit No.
23

7 and 23-A for all
purposes,

8 After which time, the
9 Proceedings were
resumed

10 As follows:)

11

12 BY MR. GREG DAVIS:

13 Q. Officer Mayne, first looking at
14 State's Exhibit 23-A, is just a pair of underwear;
is

15 that correct?

16 A. That's correct.

17 Q. And so you picked up the
underwear,

18 and you also picked up a pair of blue jeans; is
that

19 correct?

20 A. That's correct.

21 Q. And I believe you said in addition
to

22 that you also picked up the shirt of the defendant?

23 A. That's correct.

24 Q. Okay. Officer Mayne, after you
picked

25 up the clothing, where did you go next?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. I went to 5801 Eagle Drive.

2 Q. And about what time did you get to
3 that location?

4 A. Approximately 4:15 a.m.

5 Q. Okay. Did you go in the house, or
6 what did you do?

7 A. No, sir, I met with Sergeant David
8 Nabors and Sergeant Matt Walling.

9 Q. Okay. And let me ask you if
sometime

10 shortly after you arrived, perhaps within a half an
hour,

11 if you had occasion to meet with a Sergeant Tom Ward?

12 A. Yes, sir, I did.

13 Q. And where did you meet with Tom
Ward?

14 A. I met Tom Ward approximately two
15 houses down in the alleyway from 5801 Eagle Drive.

16 Q. Okay. And at the time that you
went

17 down there, did you photograph and did you retrieve
a

18 certain piece of evidence?

19 A. Yes, sir. I

photographed a white tube

20 sock that appeared to have blood on

the sock and also

21 collected it.

22

23

24 (Whereupon, the

following

25 mentioned item

was

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Court Reporter

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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. GREG DAVIS:

11 Q. All right. Officer Mayne, let me
show

12 you what's been marked as State's Exhibit 60. Do
you

13 recognize that to be the tube sock that you
retrieved on

14 June 6, 1996?

15 A. Yes, sir.

16 Q. The holes and the other defects
that

17 we see in the sock, were they present at the time
that

18 you retrieved this item?

19 A. No, sir.

20 Q. Okay. After you retrieved it,
was it
21 placed in evidence for further analysis by other
22 individuals?

23 A. That's correct, it was.

24 Q. All right.
25

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1 MR. GREG DAVIS: Your Honor, at
this

2 time we'll offer State's Exhibit No. 60.

3 MR. RICHARD C. MOSTY: No
objection.

4 THE COURT: State's Exhibit No.
60 is

5 admitted.

6

7

(Whereupon, the item

8

Heretofore mentioned

9

Was received in

evidence

10

As State's Exhibit

No. 60

11

For all purposes,

12

After which time, the

13

Proceedings were

resumed

14

As follows:)

15

16 BY MR. GREG DAVIS:

17

Q. Okay. Officer Mayne, you

retrieved

18 the sock. Did you do any testing on the sock when

you

19 retrieved it in the alley?

20 A. Yes, sir, I did. I did a

presumptive

21 blood test on what appeared to be blood.

22 Q. Okay. And the purpose of that

test is

23 to determine what?

24 A. If it was blood.

25 Q. All right. And what did it come
back

1 as?

2 A. It tested positive for some type
of
3 blood.

4 Q. And I assume then after you had
done
5 the presumptive test, is that when you placed it
into
6 evidence for further analysis?

7 A. That's correct.

8 Q. Okay. After you had retrieved
the
9 sock, and you had done the presumptive test on the
sock,
10 what's the next thing that you did out at the
scene?

11 A. I started photographing the
exterior
12 of the house.

13 Q. Okay. Front and back?

14 A. That's correct.

15 Q. All right. And after you had
finished

16 photographing, what's the next thing that you did?

17 A. I was advised that we were going
to

18 get consent to enter the house, so -- and also a
19 consultant, James Cron, was called, and when he
arrived

20 we met with him.

21 Q. Okay. So you met with James
Cron.

22 Correct?

23 A. That's correct.

24 Q. Meeting with other officers

outside

25 the house also?

1 A. That's correct.

2 Q. Okay. And you're still outside
the
3 house?

4 A. That's correct.

5 Q. Was there a taped off area
outside of
6 the house also?

7 A. Yes, sir, there was. And also
an
8 officer at the front door.

9 Q. Okay. When is the first time
that you
10 entered the house?

11 A. Approximately 6:09 a.m.

12 Q. Okay. Did you go in there by
13 yourself, or did you go in with someone else?

14 A. I went in the house with
Sergeant Matt

15 Walling and a neighbor of the residence, Karen
Neal.

16 Q. All right. And just tell me
where you

17 went inside the residence, where Sergeant Walling
went,

18 and where Karen Neal went.

19 A. At the entrance inside the
house,

20 there's a stairway. I walked up halfway of the
stairs,

21 and Sergeant Walling and Karen Neal went to the top
of

22 the stairs.

23 Q. Okay. Did you see what Karen
Neal did

24 when she went up the stairs?

25 A. Yes, sir. She retrieved a small
dog.

1 Q. All right. And after she
retrieved

2 the dog, what did she do?

3 A. She immediately walked down the
stairs

4 and exited through the front door.

5 Q. Was Karen Neal in your sight the
6 entire time that she was inside that house?

7 A. Yes, sir.

8 Q. Approximately how long was she
inside

9 the house?

10 A. Approximately two minutes.

11 Q. And what parts of the house was
she in

12 when she went in there?

13 A. It would be the front entry, up
the

14 stairs and at the top of the stairs.

15 Q. Did she do anything besides
retrieve

16 the dog?

17 A. No, sir.

18 Q. You said that she left about two
19 minutes later; is that right?

20 A. Yes, sir.

21 Q. Did you and Sergeant Walling

leave the

22 house?

23 A. No, sir.

24 Q. Okay. Did anyone else join you

inside

25 the house?

Sandra M. Halsey, CSR, Official Court Reporter

1602

1 A. Yes, sir, James Cron and
Sergeant

2 David Nabors.

3 Q. Okay. So, you're inside the
house.

4 And is Sergeant Walling still in there?

5 A. Yes, sir.

6 Q. And James Cron, the consultant,
came

7 in?

8 A. Yes, sir.

9 Q. Who else?

10 A. Sergeant David Nabors.

11 Q. So now there's four of you in
there?

12 A. That's correct.

13 Q. And when you had been joined by
James

14 Cron and David Nabors, what did you and Sergeant
Walling

15 begin to do?

16 A. Sergeant Walling began taking us

17 through the house, a walk-through of the

house of the

18 crime scene.

19 Q. All right. And do
you remember what
20 part of the house that you went through
during this
21 walk-through?

22 A. Yes, sir, the front
entryway, down a
23 hallway into the family room, in the
kitchen, to the
24 utility room, and to the garage area.

25 Q. Okay. And during the
time that you're

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Court Reporter

1603

1 doing this walk-through with these other
people, is any

2 evidence being collected at that time?

3 A. No, sir.

4 Q. Anything being
touched?

5 A. No, sir.

6 Q. Anything being moved?

7 A. No sir.

8 Q. Okay. You've gone
through the family

9 room, the kitchen, the utility room,
back to the garage,

10 where do you go next?

11 A. We went in -- we came
back through the

12 utility room, and to the kitchen, and
then we exited

13 through the dining room to the utility
room.

14 Q. Okay. Now, did all
of you leave the

15 house at that point?

16 A. All except for me.

17 Q. All right. And why

did you stay

18 behind?

19 A. I started

photographing the scene.

20 Q. So, Sergeant Walling,

James Cron and

21 David Nabors then left the house.

Right?

22 A. Yes, sir.

23 Q. And you remained

behind to take

24 photographs?

25 A. That's correct.

Sandra M. Halsey, CSR, Official
Court Reporter

1604

1 Q. About how long did
this walk-through

2 take place? I'm talking the four of you
coming in,

3 walking through, before the other three
left. About how

4 long did that take?

5 A. Approximately 20, 25
minutes, in that

6 area.

7 Q. And you started
taking photographs.

8 Right?

9 A. That's correct.

10 Q. Of the interior rooms
of the house?

11 A. Yes, sir.

12 Q. Did you take
photographs in the family

13 room?

14 A. Yes, sir, I did.

15 Q. Did you take
photographs in the

16 kitchen?

17 A. Yes, sir.

18 Q. Did you also take
photographs in the

19 utility room?

20 A. That's correct.

21 Q. And did you take
photographs of the

22 interior portion of the garage?

23 A. Yes, sir.

24 Q. Okay.

25

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Court Reporter

1605

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

10

11 BY MR. GREG DAVIS:

12 Q. Officer Mayne, if you would, let
me

13 just open this up and ask you if you can identify
State's

14 Exhibit 35 as being a true and correct floorplan of
the

15 family room as it appeared on June 6, 1996? And if

16 photographs 35-A, 35-B, 35-C, 35-D, 35-E, 35-F, 35-G
and

17 35-H are, in fact, photographs that you took of the

18 residence there on June 6th, 1996?

19 A. Yes, sir.

20 Q. Do they truly and accurately
depict

21 the residence as it appeared that morning on June 6,
22 1996?

23 A. Yes, sir.

24 Q. Okay.

25

Sandra M. Halsey, CSR, Official Court Reporter

1606

1 MR. GREG DAVIS: Your Honor, at
this

2 time we'll offer State's Exhibit 35 and the
photographs

3 marked 35-A through 35-H inclusive.

4 MR. RICHARD C. MOSTY: No
objection.

5 THE COURT: State's Exhibit 35,
35-A,

6 B, C, D, E, F, G and H are admitted.

7

8 (Whereupon, the items
9 Heretofore mentioned
10 Were received in evidence
11 As State's Exhibit No. 35, and
12 35-A through 35-H for all
13 Purposes, after which time, the
14 Proceedings were resumed
15 As follows:)

16

17 MR. GREG DAVIS: All right. If
the

18 Officer could please step down, your Honor.

19 THE COURT: All right. Please
watch

20 your step going off there.

21 THE WITNESS: Yes, sir.
22
23 (Whereupon, the witness
24 Stepped down from
the
25 Witness stand, and

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Court Reporter

1607

flower

18 arrangement that is turned over.

19 Q. All right. And that coffee
table was

20 essentially there in the middle of the room.

Right?

21 A. That's correct.

22 Q. Okay. 35-B. What do we see
in that

23 photograph, sir?

24 A. We see blood on the carpet,
and, okay.

25 It's in the area here. It would be the area to
the

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Reporter

1608

1 hallway here to the entry to the kitchen.

2 Q. Okay. So this area in 35-B,
if we

3 walk in, it's right to our left in that family
room.

4 Right?

5 A. That's correct.

6 Q. Okay. 35-C up here, what
portion of

7 the room are we looking at here?

8 A. We're looking at -- excuse
me, the

9 couch here, and we see a blue blanket here.

This is part

10 of the coffee table, and also a pillow right
here.

11 Q. Okay. So, on the chart here
-- and

12 we're looking at this couch that's on the what,
the west

13 side of the room?

14 A. It --

15 Q. I believe that's the west.

16 A. That's correct, it is the
west.

17 Q. And we see, in fact, a

yellow pillow

18 here. In 35-C is the pillow that you found on
the couch;

19 is that right?

20 A. That's correct.

21 Q. And there was a blue
blanket. Was

22 there also a green blanket right next to it
right here?

23 A. Yes, sir. You can't hardly
see it but

24 there is a green blanket there.

25 Q. Okay. The corner of the
coffee table.

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Reporter

1609

1 You've got, what, a maroon-colored pillow
leaning up

2 against this couch; is that right?

3 A. Yes, sir, right here.

4 Q. State's Exhibit 35-D, is
that a

5 close-up of the corner of the coffee table that
we see in

6 35-C?

7 A. That's correct.

8 Q. Does there appear to be
blood on the

9 corner of that coffee table?

10 A. Yes, sir, there is.

11 Q. Okay. State's Exhibit 35-E,
again,

12 are we looking at the portion of the room
that's going to

13 be in front of this couch on the west side of
the room?

14 A. That's correct.

15 Q. And there's a large red area
in that

16 photograph; is that correct?

17 A. That's correct. That's
where the --

18 yes, sir. Beside the couch right here.

19 Q. Okay. And does that appear
to be

20 blood?

21 A. Yes, sir, it is.

22 Q. Okay. I want to direct your
attention

23 to the top portion of that photograph, and we
see another

24 area right up in here next to the maroon
pillow. Can you

25 tell us what that appeared to be when you
looked at that

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Reporter

1610

1 that morning?

2 A. That is a small blood
handprint.

3 Q. With fingers pointing toward
the
4 pillow; is that right?

5 A. That's correct.

6 Q. State's Exhibit 35-E, are we
looking
7 between the two couches at this point?

8 A. Yes, sir, we are.

9 Q. And as you looked at the armrest,
did
10 there appear to be blood on the armrest of the
couches?

11 A. Yes, sir, there is.

12 Q. And 35-G, are we now looking from
13 behind the couch on the north end of the room?

14 A. Yes, we are.

15 Q. And does there appear to be blood
16 along the armrest of that couch also leading back?

17 A. Yes, sir, there is.

18 Q. State's Exhibit 35-H. Is that
a
19 photograph of the couch on the north side of the

room?

20 A. Yes, sir, it is.

21 Q. It shows a portion of the

maroon

22 pillow, and then other pillows that you found on the

23 couch; is that right?

24 A. That's correct.

25 Q. Now, Officer, I believe you
testified

Sandra M. Halsey, CSR, Official Court Reporter

1611

1 that you also photographed the kitchen, is that
correct?

2 A. That's correct.

3 Q. Okay.

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. If you will please look at State's

19 Exhibit No. 36, 36-A, 36-B, 36-C, D, E, F and G. And

let

20 me ask you if 36 is, in fact, an accurate floorplan

or

21 depiction of the kitchen as it appeared that

morning on

22 June 6, 1996. And if photographs marked as State's

23 Exhibits 36-A through 36-G are, in fact, true and
24 accurate depictions of the kitchen as it appeared to
you
25 on June 6, 1996?

Sandra M. Halsey, CSR, Official Court Reporter

1612

1 A. Yes, sir, it is.

2 Q. And those are, in fact,
photographs

3 that you took of the kitchen area; is that right?

4 A. That's correct.

5

6 MR. GREG DAVIS: Your Honor, at
this

7 time we'll offer State's Exhibit 36, and the
photographs

8 that have been marked 36-A through 36-G inclusive.

9 MR. RICHARD C. MOSTY: No
objection.

10 THE COURT: State's Exhibits 36,
36-A,

11 B, C, D, E, F and G are admitted.

12

13 (Whereupon, the items

14 Heretofore mentioned

15 Were received in

evidence

16 As State's Exhibit No.

36,

17 and 36-A through 36-G for

all

18 Purposes, After which

time,

19

The proceedings were

resumed

20

As follows:)

21

22 BY MR. GREG DAVIS:

23

Q. Officer, as we look

through -- first

24 of all, if we're looking at --

25

Sandra M. Halsey, CSR, Official
Court Reporter

1613

1 (Whereupon, the
witness
2 stepped down from
the
3 witness box, and approached
4 the jury rail, for the
5 purpose of further describing
6 the exhibit to the jury.)

7
8 THE COURT: Better lean over a
little
9 bit.

10 Mr. Mosty, can you see that over
11 there?

12 MR. RICHARD C. MOSTY: Yes, sir.

13 THE COURT: Okay. Good.

14 Can the jury see that? Okay.
Good.

15

16 BY MR. GREG DAVIS:

17 Q. As we look at this diagram, the
left

18 portion, if we were to walk out the left portion,
would

19 we be walking into the family room that we just

looked

20 at?

21 A. Yes, sir.

22 Q. All right. So the left portion of
the

23 kitchen then faces to the family room; is that right?

24 A. That's correct.

25 Q. The right portion, does that lead
back

Sandra M. Halsey, CSR, Official Court Reporter

1614

1 here to the utility room?

2 A. That's correct.

3 Q. Do we see a green object here?

What

4 is that?

5 A. That's a green rug.

6 Q. Okay. We see the kitchen sink

here?

7 A. Yes, sir.

8 Q. And pointing to another area, is

that

9 the range?

10 A. Yes, sir.

11 Q. The refrigerator, the black object

12 here?

13 A. Yes, sir.

14 Q. Two rectangular areas, are those

also

15 rugs?

16 A. Yes, sir, it is.

17 Q. Okay. We've got another circle

with a

18 line through it with some bottles. Was there a wine

rack

19 located in the kitchen in that area?

20 A. Yes, sir, it was.

21 Q. And we have another circular area.
22 Was this a trash can that was located in that portion
of
23 the kitchen?
24 A. Yes, sir, it was.
25 Q. And we've got another white
rectangle.

Sandra M. Halsey, CSR, Official Court Reporter

1615

1 Was that an island?

2 A. The counter, yes, sir.

3 Q. Okay. If we can, we'll start here
at

4 State's Exhibit 35-A. Tell us what we see in that
5 photograph.

6 A. It's the end portion of the bar
with a

7 white-handled butcher knife with blood on it.

8 Q. Okay. So, we're looking at the
end of

9 this counter right here. Right?

10 A. That's correct.

11 Q. And we see here a knife with a
handle

12 pointed toward the kitchen area. Correct?

13 A. That's correct.

14 Q. And the knife had blood on the --

15 A. On the blade and the handle.

16 Q. Okay. Was there also any blood
that

17 you could see up here on the counter?

18 A. Yes, sir. There was some cast-
off

19 type blood on the counter, and also blood drops.

20 Q. Okay. Now, State's Exhibit 36-B,

is

21 this a photograph of the same area with the knife

now

22 gone?

23 A. That's correct.

24 Q. Okay. And did you, yourself,

retrieve

25 that knife and take it off of the counter?

Sandra M. Halsey, CSR, Official Court Reporter

1616

1 A. Yes, sir, I did.

2 Q. And when the knife was removed,
could

3 you still see blood present on this counter area?

4 A. Yes, sir, you could.

5 Q. And is that depicted in State's
6 Exhibit 36-B?

7 A. Yes, sir.

8 Q. If you could now let's look at
State's

9 Exhibits 36-C and 36-D. Do we see the wine rack?

10 A. Yes, sir, we do.

11 Q. And again, that's going to be
located

12 as you come in through the family room, right in this
13 area. Right?

14 A. Yes, sir

15

16 MR. RICHARD C. MOSTY: Your Honor,
we

17 are going to have to object to the continuous
leading.

18 THE COURT: Well, let's phrase
the

19 questions properly. Sustain the objection.

20

21 BY MR. GREG DAVIS:

22 Q. All right. What are State's

Exhibits

23 36-C and 36-D?

24 A. It is a tall wine rack leading

into

25 the kitchen from the family room, and you can see a
wine

Sandra M. Halsey, CSR, Official Court Reporter

1617

1 bottle here that is partially turned over. And you
can

2 also see broken glass on the linoleum tile here.

3 Q. Okay. Let me ask you, so that
all of

4 the jurors can see, am I pointing at the bottle that
5 you've just indicated as being turned over?

6 A. Yes, sir.

7 Q. Okay. And you had also indicated
a

8 portion of a part of glass on the floor. Am I now
9 pointing at a portion of that?

10 A. Yes, sir.

11 Q. And am I also pointing to another
12 portion that you saw there that morning?

13 A. Yes, sir. There's also blood
drops

14 leading from in between here and the family room on
the

15 linoleum.

16 Q. Okay. And you're pointing to
State's

17 Exhibit 36-D; is that right?

18 A. That's correct.

19 Q. As you looked at State's Exhibit
36-C,

20 can you see anymore blood on the floor in that
21 photograph?

22 A. Yes, sir. You can see the blood
drops

23 leading on the right side of the island here on the
24 linoleum tile.

25 Q. Okay. Looking at the wine rack
here

Sandra M. Halsey, CSR, Official Court Reporter

1 in 36-D, you had mentioned the broken glass on the
floor,

2 did you notice any items on this wine rack that were
3 broken?

4 A. No, sir.

5 Q. Now, State's Exhibit No. 36-C.

What

6 do we look at in this photograph?

7 A. This is an area of the counter
where

8 the range is. And there's a knife block with knives
in

9 it. And it's a nine-hole knife block, and there's
only

10 eight knives in the knife block.

11 Q. Okay. And that was located next
to

12 the range?

13 A. That's correct.

14 Q. And State's Exhibit No. 36-F, what
are

15 we seeing there?

16 A. This is leading into the utility
room

17 here from the kitchen, and here is the range, here is
an

18 island here, and you see blood drops here on the
linoleum

19 tile.

20 Q. Okay. So, we -- do we see a part
of

21 the utility room here?

22 A. Yes, sir.

23 Q. And did I understand you to say
24 there's blood drops in this portion that I'm pointing

to
25 in State's Exhibit 36-F?

Sandra M. Halsey, CSR, Official Court Reporter

1619

1 A. Yes, sir.

2 Q. And is the range shown on the left
3 hand part of the photograph?

4 A. Yes, sir, it is.

5 Q. And State's Exhibit 36-G. If you
6 would just take this pointer, and just show us what
we
7 see in State's Exhibit 36-G?

8 A. Okay. Here's the kitchen sink
right

9 here, and you can see the blood right here at the
kitchen

10 sink. You can see blood right here. Here's a green
rug

11 here, which is going to be this rug right here. And
you

12 can see a vacuum cleaner that's on its top here,
right

13 here, lying down, and you can see the blood right in
14 here.

15 Q. Okay. This vacuum cleaner that we
see

16 there in the photograph, did any -- did you or any
other

17 police officer place it in this position?

18 A. No, sir.

19 Q. Okay. Tell the members of the
jury
20 how this vacuum cleaner was positioned the very first
21 time that you saw it?

22 A. It was positioned as you see it
here,
23 lying down on its -- I call it its top. The wheels
are
24 up and, --

25 Q. Okay. The kitchen sink on the

Sandra M. Halsey, CSR, Official Court Reporter

1 right-hand part of the photograph?

2 A. Yes, sir.

3 Q. Okay. Where would the family room
be

4 in relation to State's Exhibit 36-G?

5 A. Okay. The family room, you can
see

6 this area right here. The bar would be up here, and
the

7 family room would be right up here.

8 Q. Okay. Officer Mayne, did I
understand

9 you to say that you also photographed the utility
room?

10 A. Yes, sir.

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

25

Sandra M. Halsey, CSR, Official Court Reporter

1621

1 BY MR. GREG DAVIS:

2 Q. If you would, if you'll look at
what's

3 been marked as State's Exhibits 38-A, 38-B, 38-C and
4 38-D. Do these photographs truly and accurately
depict

5 the utility room as it appeared on June 6th, 1996?

6 A. Yes, sir.

7 Q. These are photographs that you
took

8 that morning?

9 A. Yes, sir.

10

11 MR. GREG DAVIS: Your Honor, at
this

12 time we'll offer State's Exhibits 38-A, B, C and D.

13 MR. RICHARD C. MOSTY: No
objection.

14 THE COURT: All right. State's
15 Exhibit 38-A, B, C and D are admitted.

16 MR. GREG DAVIS: Okay.

17

18 (Whereupon, the items

19 Heretofore mentioned

20 Were received in

evidence

21

As State's Exhibit No.

38-A

22

through 38-D for all purposes,

23

After which time, the

24

Proceedings were resumed

25

As follows:)

Sandra M. Halsey, CSR, Official Court Reporter

1622

1

2 BY MR. GREG DAVIS:

3 Q. Officer, if we could go through
these

4 four photographs. And if you will step back so all
the

5 jurors can see here.

6 State's Exhibit 38-A. What are
we

7 looking at there?

8 A. We're looking at the utility room
9 area. You can see blood drops right here, and a
small

10 child's cap right here.

11 Q. Okay. Did there appear to be any
12 blood on this cap?

13 A. No, sir.

14 Q. Okay. 38-B, is this another
closer

15 image of the same ball cap?

16 A. Yes, sir, it is. You can see the
17 blood drops here, but one thing that
I don't see in it is

18 cast-off type blood. It's just, you
know, large blood

19 drops.

20 Q. Okay. State's
Exhibit 38-C. What do

21 we see here?

22 A. This type of
blood on the door,

23 transfer-type blood where somebody
might have touched the

24 door.

25 Q. Which door are we
looking at here, in

Sandra M. Halsey, CSR, Official
Court Reporter

1623

1 38-C?

2 A. This door leads
into the garage area

3 from the utility room.

4 Q. And finally,
State's Exhibit 38-D.

5 What are we looking at here?

6 A. Looking at the
linoleum flooring going

7 into the garage, interior of the
garage.

8 Q. And do we see in
38-D the same door

9 that's shown in 38-C?

10 A. Yes, sir.

11 Q. And it's on the
left-hand portion of

12 the photograph?

13 A. Yes, sir.

14 Q. And did I
understand you to say the

15 top portion of this photograph would
then lead into the

16 garage?

17 A. Yes, sir.

18 Q. Okay. Officer

Mayne, did you also

19 take photographs of the garage?

20 A. Yes, sir, I did.

21 Q. Okay.

22

23

24

25 (Whereupon, the
following

Sandra M. Halsey, CSR, Official
Court Reporter

1624

1 mentioned item
was
2 marked for
3 identification
only
4 after which time
the
5 proceedings were
6 resumed on the record
7 in open court, as
8 follows:)
9

10 BY MR. GREG DAVIS:

11 Q. Sir, if you would, looking at
State's

12 Exhibit Number 40, 40-A and 40-B. First of all,
State's

13 Exhibit 40, is that an accurate diagram of the way
the

14 garage appeared on June 6, 1996?

15 A. Yes, sir.

16 Q. State's Exhibits 40-A and 40-B.
Do

17 those photographs truly and accurately depict the
garage

18 as it appeared during the morning hours of June 6,

1996?

19 A. Yes, sir.

20 Q. Okay.

21

22 MR. GREG DAVIS: Your Honor, at
this

23 time we would offer State's Exhibits 40, 40-A and
40-B.

24 MR. RICHARD C. MOSTY: No

objection.

25 THE COURT: All right. State's

1 Exhibits 40, 40-A and B are admitted.

2

3 (Whereupon, the
items

4 Heretofore
mentioned

5 Were received in evidence

6 As State's Exhibit No. 40 and

7 40-A and 40-B for all purposes,

8 After which time, the

9 Proceedings were resumed

10 As follows:)

11

12 BY MR. GREG DAVIS:

13 Q. Just so we can orient the jury.

On

14 State's Exhibit 40, do we see a portion of the
kitchen in

15 that diagram, sir?

16 A. Yes, sir, right here.

17 Q. And do we see the doorway that
would

18 lead from the utility room into the garage?

19 A. Yes, sir, it's right here.

20 Q. And we have a white rectangle in

the

21 garage. What does that represent?

22 A. It's a freezer/refrigerator.

23 Q. All right. If we could, looking
first

24 at State's Exhibit 40-A. What part of the garage

are we

25 looking at there?

Sandra M. Halsey, CSR, Official Court Reporter

1626

1 A. We're looking at --

2 Q. If you need to, why don't you
just
3 take this.

4 A. Yes, sir. We're looking at this
area
5 here, it would be this area up here, through here.
It's
6 the overhead garage door.

7 Q. Okay. Overall condition of the
garage
8 that morning?

9 A. Boxes, bikes, just a normal
garage.

10 Q. Okay. State's Exhibit 40-B.
What are
11 we looking at there, sir?

12 A. We're looking from down here,
this
13 would be the door leading from the utility room.

This is
14 the wall here, and this is the area to the window
that I
15 was told that the suspect entered and exited.

16 Q. All right. The top portion of
the

17 photograph, does it show the window that you
believed, or

18 were told to be the point of entry?

19 A. Yes, sir.

20 Q. Was there anything still on that
21 window?

22 A. Yes, sir. The screen was on the
23 window.

24 Q. Okay. Can we see the screen in
the
25 photograph?

1 A. Yes, sir. You can see it with
the cut
2 in the window screen.

3 Q. All right. This wooden object
with
4 the wire next to it, what is that?

5 A. That's some type of animal cage.

6 Q. Okay. Were there any animals in
this
7 cage?

8 A. No, sir.

9 Q. What's in the cage then?

10 A. It looks like some type of
litter, cat
11 litter box maybe, and just bowls for animals,
eating and
12 drinking.

13 Q. Beside them to the left of the
window?

14 A. That's a carrying case for an
animal.

15 Q. Okay.

16 A. And we've also got a trash can
here,

17 and some shoes here. In this area here, I

determined

18 that it was some type of liquid Kool-aid, maybe
some type

19 of --

20 Q. Okay. You talked about a
presumptive

21 test for blood on the sock. Did you do a
presumptive

22 test for the area that is shown here on State's
Exhibit

23 40-B?

24 A. No, sir, I did not.

25 Q. Was it later -- did someone else
do

1 some analysis on that?

2 A. Yes, sir. And also, you can see
a

3 trash can here, and this would be the
4 refrigerator/freezer right here.

5 Q. Okay. Directing your attention
back

6 to the window, was the window open or closed when
you
7 first saw it?

8 A. It was open.

9 Q. Okay. Before you photographed
this

10 window, sir, did you change the position of the
window in
11 any way?

12 A. No, sir, I did not.

13 Q. How about the screen? Did you
touch

14 the screen or reposition it in any way before
15 photographing it here in State's Exhibit 40-B?

16 A. No, sir. Also in here, we
searched

17 for blood on any of these items on the windowsill,
and we

18 could not locate any blood.

19

20 MR. GREG DAVIS: Why don't you
go back

21 up to your seat.

22

23 (Whereupon, the witness

24 Resumed the witness

25 Stand, and the

Sandra M. Halsey, CSR, Official Court
Reporter

1629

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

4

5 BY MR. GREG DAVIS:

6 Q. Officer Mayne, after you
photographed

7 the portions of the house that we have just seen,
what's

8 the next thing that you did?

9 A. Waited on the Medical Examiner
field

10 agent.

11 Q. All right. And do you know
about what

12 time the medical examiner came into the house?

13 A. Yes, sir, approximately 6:55
a.m.

14 Q. All right. And what did you do
when

15 the medical examiner came in?

16 A. I met with her and we proceeded
to go

17 to where the body was in the family room.

18 Q. Okay. And what did you do

then?

19 A. She uncovered the body and I
began

20 taking photographs of the body.

21 Q. Okay. Of the child that was
still in

22 the room?

23 A. That's correct.

24 Q. Now, would you mind telling us

then,

25 what's the next thing that you did after you
finished

 Sandra M. Halsey, CSR, Official Court
Reporter

1630

1 taking photographs of the other child?

2 A. After we took the photographs,
the

3 body was removed from the area, and I began
collecting

4 evidence.

5 Q. Okay. You had indicated that
the

6 medical examiner's field agent came in.
Anybody else

7 come into the house before you began
collecting evidence?

8 A. Yes, sir.

9 Q. Okay. Who came in?

10 A. Sergeant David
Nabors.

11 Q. All right. And was
he your

12 supervisor?

13 A. Yes, sir, he was.

14 Q. Anybody else come in?

15 A. I think James Cron
was in there.

16 Q. Had you dealt with
James Cron before?

17 A. Yes, sir.

18 Q. Did you know who he
was?

19 A. Yes, sir, I did.

20 Q. And when you began to
collect

21 evidence, tell us, what's the first
thing that you did in

22 collecting evidence in that house?

23 A. I began collecting
hair, fiber samples

24 from the area where the body was
removed.

25 Q. Okay. Are you
talking about the body

Sandra M. Halsey, CSR, Official
Court Reporter

1631

1 that you saw being removed?

2 A. That's correct. The
one the medical

3 examiner field agent removed.

4 Q. Okay. So you
collected hair. How did

5 you do that?

6 A. I collected it by
using plastic

7 tweezers.

8 Q. Okay. And did you do
any analysis on

9 that hair?

10 A. No, sir, I did not.

11 Q. What did you do with
it?

12 A. I collected it and
preserved it for

13 further examination.

14 Q. Okay. Did you put it
into evidence

15 then?

16 A. Yes, I did.

17 Q. Okay. So, you
collected the hair.

18 What's the next thing that you did?

19 A. I collected the blue
and green blanket

20 from the family room area.

21 Q. Okay. And were those
the blankets

22 that we saw on the photograph next to
the couch?

23 A. Yes, sir, they were.

24 Q. Okay.

25

Sandra M. Halsey, CSR, Official
Court Reporter

1632

1
2 (Whereupon, the
following
3 mentioned item was
4 marked for
5 identification only
6 after which time the
7 proceedings were
8 resumed on the record
9 in open court, as
10 follows:)

11

12

13 BY MR. GREG DAVIS:

14 Q. Officer Mayne, let me show you
what's

15 been marked as State's Exhibit 62. Do you
recognize

16 that, sir?

17 A. Yes, sir, I do.

18 Q. Okay. And what is that?

19 A. That's the blue blanket that I
removed

20 from the family room.

21 Q. Okay. Did you place it into
evidence

22 that day?

23 A. Yes, sir, I did.

24 Q. Did you do any analysis on the

blanket

25 yourself?

Sandra M. Halsey, CSR, Official Court Reporter

1633

1 A. No, sir.

2

3 MR. GREG DAVIS: Your Honor, at
this

4 time we'll offer State's Exhibit 62.

5 MR. RICHARD C. MOSTY: No
objection.

6 THE COURT: State's Exhibit 62
is

7 admitted.

8

9 (Whereupon, the item
10 Heretofore mentioned
11 Was received in
evidence

12 As State's Exhibit
No. 62

13 For all purposes,
14 After which time, the
15 Proceedings were
resumed

16 As follows:)

17

18 BY MR. GREG DAVIS:

19 Q. And again, where did

you find this

20 item No. 62?

21 A. I found it beside the
couch in the

22 family room.

23 Q. Okay.

24

25

Sandra M. Halsey, CSR, Official
Court Reporter

1634

1 (Whereupon, the
following
2 mentioned item was
3 marked for
4 identification only
5 after which time the
6 proceedings were
7 resumed on the record
8 in open court, as
9 follows:)

10

11 BY MR. GREG DAVIS:

12 Q. Officer Mayne, let me show you
what's

13 been marked as State's Exhibit 61. Do you recognize
14 that, sir?

15 A. Yes, sir, I do.

16 Q. What is that?

17 A. That's the green blanket that I
18 removed from the family room beside the couch.

19 Q. Okay. And did you also place
this

20 into evidence?

21 A. Yes, sir, I did.

22 Q. Did you do any analysis on this

23 blanket yourself?

24 A. No, sir, I did not.

25

Sandra M. Halsey, CSR, Official Court Reporter

1635

1 MR. GREG DAVIS: Your Honor, at
this

2 time we'll offer State's Exhibit 61

3 MR. RICHARD C. MOSTY: No
objection.

4 THE COURT: State's Exhibit 61
is
5 admitted.

6
7 (Whereupon, the item
8 Heretofore mentioned
9 Was received in
evidence

10 As State's Exhibit
No. 61

11 For all purposes,
12 After which time, the
13 Proceedings were
resumed

14 As follows:)

15

16 BY MR. GREG DAVIS:

17 Q. Let me ask you, Officer Mayne,
when

18 you were collecting these two blankets, did you
notice

19 whether or not you could see any blood on those two
20 blankets?

21 A. Yes, sir. There was some type of
22 blood on the blankets.

23 Q. Now, after you had collected the
blue

24 and the green blanket, what's the next thing that

you

25 did?

1 A. I collected a plaid cloth that
was
2 bloody on the carpet runner between the loveseat and
the
3 bar in the family room. And also collected two rags
in
4 the hallway beside the bathroom door.

5 Q. Okay. Let me also ask you if at
some
6 later date whether or not you retrieved any evidence
from
7 the front porch of the house?

8 A. Yes, sir, I did.

9 Q. And what evidence did you retrieve
out
10 there?

11 A. A white rag that was bloody on the
12 front porch.

13 Q. Okay.

14

15 (Whereupon, the following
16 mentioned item was
17 marked for
18 identification only
19 after which time the
20 proceedings were

21

resumed on the record

22

in open court, as

23

follows:)

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. Sir, if you would, if you would
look

3 at State's Exhibit 66. Do you recognize that?

4 A. Yes, sir.

5 Q. Okay. What is State's Exhibit No.
66?

6 A. The white rag that was on the
front

7 porch.

8 Q. Did you retrieve that?

9 A. Yes, sir, I did.

10 Q. And did you place that into
evidence

11 also?

12 A. Yes, sir.

13 Q. Did you do any analysis on that
rag

14 yourself?

15 A. No, sir.

16 Q. All right.

17

18 MR. GREG DAVIS: Your Honor, at
this

19 time we'll offer State's Exhibit 66.

20 MR. RICHARD C. MOSTY: No

objection.

21

THE COURT: State's Exhibit 66

is

22 admitted.

23

24

(Whereupon, the item

25

Heretofore mentioned

Sandra M. Halsey, CSR, Official
Court Reporter

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1
evidence

Was received in

2
No. 66

As State's Exhibit

3
4
5
resumed

For all purposes,
After which time, the
Proceedings were

6
7

As follows:)

8

MR. RICHARD C. MOSTY: Just for

9 clarification, we're going to need the bags with
these.

10

MR. GREG DAVIS: Right.

11

MR. RICHARD C. MOSTY: So we can

12 identify them.

13

MR. GREG DAVIS: Right.

14

15

16

17

(Whereupon, the following

18

mentioned item was

19

marked for

20

identification only

21

after which time the

22

proceedings were

23

resumed on the record

24

in open court, as

25

follows:)

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1639

1

2 BY MR. GREG DAVIS:

3 Q. Officer Mayne, would you please
look

4 at State's Exhibits 64 and 65, and tell me whether or
not

5 you recognize those two items, sir?

6 A. Yes, sir, I do.

7 Q. Okay. And what are they?

8 A. The rags I found in the hallway.

9 Q. Okay. And, did you place them
into

10 evidence?

11 A. Yes, sir, I did.

12 Q. Did you do any analysis on them
13 yourself?

14 A. No, sir.

15 Q. Okay.

16

17 MR. GREG DAVIS: Your Honor, at
this

18 time we'll offer State's Exhibit 64 and 65.

19 MR. RICHARD C. MOSTY: No
objection.

20 THE COURT: State's Exhibit 64
and 65

21 are admitted.

22

23 (Whereupon, the items

24 Heretofore mentioned

25 Were received in evidence

Sandra M. Halsey, CSR, Official Court Reporter

1640

1 As State's Exhibit No. 64
2 and No. 65 for all purposes,
3 After which time, the
4 Proceedings were resumed
5 As follows:)

6

7 BY MR. GREG DAVIS:

8 Q. All right. You've collected the
9 washcloths now. Please tell us the next thing that
you
10 did inside the house.

11 A. I collected the white butcher
knife
12 that was on the bar and also the butcher block.

13 Q. Okay. And before you collected
those
14 two items, sir, did you photograph them?

15 A. Yes, sir, I did.

16 Q. Okay.

17

18

19 (Whereupon, the following
20 mentioned items were
21 marked for
22 identification only
23 after which time the

24
25

proceedings were
resumed on the record

Sandra M. Halsey, CSR, Official Court Reporter

1641

1 in open court, as
2 follows:)

3
4

5 BY MR. GREG DAVIS:

6 Q. Officer Mayne, if you will look,
7 please, at State's Exhibit 37-A and 37-B. First,
does
8 37-A truly and accurately depict the knife as it
appeared
9 on June 6, 1996? And does State's Exhibit 37-B truly
and
10 accurately depict the butcher block with the eight
knives
11 as it appeared on June 6, 1996?

12 A. Yes, sir, it does.

13

14 MR. GREG DAVIS: Your Honor, at
this
15 time we'll offer State's Exhibits 37-A and 37-B.

16 MR. RICHARD C. MOSTY: No
objection.

17 THE COURT: State's Exhibit 37-A
and B
18 are admitted.

19

20 (Whereupon, the items
21 Heretofore mentioned
22 Were received in
evidence
23 As State's Exhibit No.
37-A
24 and 37-B for all
purposes,
25 After which time, the

Sandra M. Halsey, CSR, Official Court Reporter

1642

1 Proceedings were resumed

2 As follows:)

3

4

5 BY MR. GREG DAVIS:

6 Q. Again, just very briefly, 37-A
shows

7 the knife on the bar; is that right?

8 A. That's correct.

9 Q. 37-B, that shows the butcher
block

10 with the knives?

11 A. Yes, sir, it does.

12 Q. Okay. Was there one of the
slots

13 still open and empty on the butcher block?

14 A. Yes, sir, it was.

15 Q. Okay.

16

17 (Whereupon, the following

18 mentioned item was

19 marked for

20 identification only

21 after which time the

22 proceedings were

23 resumed on the record

24
25

in open court, as
follows:)

Reporter Sandra M. Halsey, CSR, Official Court

1643

1

2 BY MR. GREG DAVIS:

3 Q. Officer Mayne, if you will,
please,

4 look at State's Exhibit 67, and tell me whether or
not

5 you recognize that.

6 A. Yes, sir, I do.

7 Q. Okay. What is State's Exhibit
No. 67?

8 A. That's the knife that I located
on the

9 bar.

10 Q. Okay. Is that the same knife
that is

11 shown here in State's Exhibit Number 37-A?

12 A. Yes, sir, it is.

13 Q. Okay. When you retrieved
State's

14 Exhibit 67, did you place it directly into
evidence, or

15 what did you do with it?

16 A. I put it in a paper bag and
secured

17 it.

18 Q. Okay. Did you later give it to

19 someone?

20 A. Yes, sir, I did. I gave it to
Charlie

21 Linch, which is with Southwestern Forensic Science
in

22 Dallas County.

23

24 MR. GREG DAVIS: Your Honor, at
this

25 time we'll offer State's Exhibit 67.

Sandra M. Halsey, CSR, Official Court Reporter

1644

1 MR. RICHARD C. MOSTY: No
objection.

2 THE COURT: State's Exhibit 67
is
3 admitted.

4
5 (Whereupon, the item
6 Heretofore mentioned
7 Was received in
evidence

8 As State's Exhibit
No. 67

9 For all purposes,
10 After which time, the
11 Proceedings were
resumed

12 As follows:)

13

14 MR. GREG DAVIS: Would you mark
this,
15 please.

16

17 (Whereupon, the following
18 mentioned item was
19 marked for
20 identification only

21 after which time the
22 proceedings were
23 resumed on the record
24 in open court, as
25 follows:)

Sandra M. Halsey, CSR, Official Court Reporter

1645

1

2 BY MR. GREG DAVIS:

3 Q. Officer Mayne, let me show you
what's

4 been marked for identification purposes as State's
5 Exhibit 67-A (sic).

6 A. Yes, sir.

7 Q. Do you recognize that?

8 A. It says 68.

9 Q. I'm sorry, 68.

10 A. Yes, sir.

11 Q. Do you recognize that?

12 A. Yes, sir.

13 Q. Okay. Is this the butcher block
that

14 is shown in State's Exhibit 37-B?

15 A. Yes, sir, it is.

16 Q. Okay. Is there a certain
amount of

17 writing on the outside of this, sir?

18 A. Yes, sir, there is.

19 Q. Okay. Was that done after it
was

20 retrieved by you?

21 A. That was after.

22 Q. Okay. Was there any writing on

the

23 outside of it at the time that you retrieved it?

24 A. No, sir, there was not.

25

Sandra M. Halsey, CSR, Official Court Reporter

1646

1 MR. GREG DAVIS: Your Honor, at
this

2 time we'll offer State's Exhibit 68.

3 MR. RICHARD C. MOSTY: No
objection.

4 THE COURT: State's Exhibit 68
is
5 admitted.

6
7 (Whereupon, the item
8 Heretofore mentioned
9 Was received in
evidence

10 As State's Exhibit
No. 68

11 For all purposes,
12 After which time, the
13 Proceedings were
resumed

14 As follows:)

15

16

17 (Whereupon, the
following

18 mentioned items were
19 marked for

20 identification only
21 after which time the
22 proceedings were
23 resumed on the record
24 in open court, as
25 follows:)

Sandra M. Halsey, CSR, Official Court Reporter

1647

1

2 BY MR. GREG DAVIS:

3 Q. Sir, now, if you'll look, please,
at

4 State's Exhibit 68-D, 68-E, 68-G, 68-F, 68-C, 68-B,
68-A,

5 and 68-H. Do you recognize these eight knives that I
6 have placed before you, sir?

7 A. Yes, sir.

8 Q. Are they the knives that you found
in

9 the butcher block, State's Exhibit 68 on June 6,
1996,

10 sir?

11 A. Yes, sir.

12

13 MR. GREG DAVIS: Your Honor, at
this

14 time we will offer State's Exhibit 68-A, B, C, D, E,
F, G

15 and H.

16 MR. RICHARD C. MOSTY: A through
H?

17 MR. GREG DAVIS: Yes, sir.

18 MR. RICHARD C. MOSTY: No

objection.

19 THE COURT: State's Exhibit 68-A,
B,
20 C, D, E, F, G and H are admitted.
21
22 (Whereupon, the items
23 Heretofore mentioned
24 Were received in
evidence
25 As State's Exhibit No.
68-A

Sandra M. Halsey, CSR, Official Court Reporter

1648

1 through 68-H for all purposes,
2 After which time, the
3 Proceedings were resumed
4 As follows:)

5

6 BY MR. GREG DAVIS:

7 Q. Officer Mayne, after you
retrieved

8 State's Exhibit 67, and you retrieved the butcher
block

9 with the knives in it, what's the next thing that
you

10 did?

11 A. I started collecting blood
samples.

12 Q. Okay. And what sort of training
have

13 you received for the taking of blood samples?

14 A. I have been to numerous schools,
crime

15 scene schools, and collecting type-blood evidence.

16 Q. Okay. How many years have you
been

17 collecting blood evidence?

18 A. Approximately nine years.

19 Q. Okay. You got any approximation

for

20 the number of crime scenes where you've actually

21 retrieved blood?

22 A. Approximate, 50.

23 Q. Okay. And do you recall the areas

of

24 the house where you tried to retrieve blood that

morning?

25 A. Yes, sir. In the family room, the

Sandra M. Halsey, CSR, Official Court Reporter

1649

1 kitchen area, the utility room, and in the front
entry of

2 the house.

3 Q. Okay. What methods were you using
to

4 try to collect this?

5 A. I used razor blades, scraping
dried

6 blood samples.

7 Q. Okay.

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. Officer Mayne, if you would
please

21 look at State's Exhibit Number 122. And if you
could,

22 let me ask you whether or not we have identified
some of

23 these circles with the initials RM?

24 A. Yes, sir.

25 Q. Okay. If you would, please take

a

Sandra M. Halsey, CSR, Official Court Reporter

1650

1 look at that exhibit and tell me whether or not we
have

2 on this document accurately located the locations
where

3 you took blood samples on June 6, 1996, in the
portion of

4 the house depicted on 122?

5 A. Yes, sir.

6 Q. Okay. And again, the areas
that you

7 went to to take these blood samples?

8 A. The family room, the kitchen
area.

9 Q. What part of the family room?

10 A. The family room, the coffee
table in

11 the center of the room. I removed a dried blood
sample

12 from the corner of the coffee table.

13 Q. Okay.

14 A. In the kitchen area, the bar
where the

15 white butcher knife was removed, I collected a
dried

16 blood sample from that area. Also, at the sink
area, at

17 the front of the sink on the counter, I removed
a dried

18 blood sample from there.

19 In front of the range area on
the

20 floor, I collected a blood sample there. In the
utility

21 room, on the floor, I collected a blood sample
there.

22 And in the front entry area,
where the

23 carpet starts in the hallway, I took a dried
blood sample

24 there.

25 Q. Now, what did you do with
these blood

Sandra M. Halsey, CSR, Official Court
Reporter

1651

1 samples?

2 A. I packaged the blood samples
and
3 preserved them for evidence.

4 Q. Okay. Did you, yourself, do
any
5 analysis on the blood samples that you retrieved
out
6 there that morning?

7 A. No, sir.

8 Q. Okay. Did you place them
into
9 evidence then?

10 A. Yes, sir, I did.

11 Q. Now, if you would please tell
us
12 what's the next thing that you did after you
retrieved
13 the blood samples from the location that you just
noted?

14 A. I cut the bloody handprint from
the
15 carpet in the family area, right beside the couch
area.

16 And also cut a strip portion of the carpet behind
the

17 couch where there was a possible shoe
print.

18 Q. Okay.

19

20

21 (Whereupon, the

following

22 mentioned item was

23 marked for

24 identification only

25 after which time the

Sandra M. Halsey, CSR, Official Court
Reporter

1652

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

5

6 BY MR. GREG DAVIS:

7 Q. Officer Mayne, if you would
please

8 look at State's Exhibit 81, and tell me whether or
not

9 you recognize that, sir?

10 A. Yes, sir, I do.

11 Q. And is that one of the carpet
pieces

12 that you retrieved that morning?

13 A. Yes, sir.

14 Q. Would this be the portion behind
the

15 couch?

16 A. That's correct.

17 Q. Okay.

18

19

20 (Whereupon, the following

21 mentioned item was

22 marked for
23 identification only
24 after which time the
25 proceedings were

Sandra M. Halsey, CSR, Official Court Reporter

1653

1 resumed on the record
2 in open court, as
3 follows:)

4

5

6 BY MR. GREG DAVIS:

7 Q. And if you would, if you will
look at

8 State's Exhibit 82 and tell me whether or not you
9 recognize that?

10 A. Yes, sir, I do.

11 Q. And is that another portion of
the

12 carpet that you retrieved on June 6, 1996?

13 A. It is.

14

15 MR. GREG DAVIS: Your Honor, at
this

16 time we'll offer State's Exhibit 81 and 82.

17 MR. RICHARD C. MOSTY: No
objection.

18 THE COURT: All right. State's
19 Exhibit 81 and 82 are admitted.

20

21 (Whereupon, the items

22 Heretofore mentioned
23 Were received in
evidence
24 As State's Exhibit
No. 81
25 And 82 for all
purposes,

Sandra M. Halsey, CSR, Official Court Reporter

1654

21 marked for
22 identification only
23 after which time the
24 proceedings were
25 resumed on the record

Reporter Sandra M. Halsey, CSR, Official Court

1655

1 in open court, as
2 follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Officer Mayne, if you would
please

6 look at State's Exhibit 69, and tell me whether or
not

7 you recognize that exhibit, sir?

8 A. Yes, sir, I do.

9 Q. And is that the glass that you
10 collected from the kitchen floor?

11 A. Yes, it is.

12 Q. On June 6th?

13 A. That's correct.

14

15 MR. GREG DAVIS: Your Honor, at
this

16 time we'll offer State's Exhibit 69.

17 MR. RICHARD C. MOSTY: No
objection.

18 THE COURT: State's Exhibit 69
is

19 admitted.

20 (Whereupon, the item

21 Heretofore mentioned

22 Was received in

evidence

23 As State's Exhibit

No. 69

24 For all purposes,

25 After which time, the

Sandra M. Halsey, CSR, Official Court Reporter

1656

1 Proceedings were resumed

2 As follows:)

3

4 BY MR. GREG DAVIS:

5 Q. Just for the record, there are
several

6 pieces of glass in State's Exhibit 69; is that right?

7 A. Yes, there is.

8 Q. Okay. I want to go back with you
just

9 a moment to a portion of your testimony where you
talked

10 about retrieving towels or rags from the floor. Do
you

11 recall that?

12 A. Yes, sir.

13 Q. And, is it true that we have seen
the

14 white rag from the front porch?

15 A. Yes, sir.

16 Q. And the two rags from the hallway;
is

17 that right?

18 A. That's correct.

19 Q. Okay.

20

21

(Whereupon, the following

22

mentioned item was

23

marked for

24

identification only

25

after which time the

Sandra M. Halsey, CSR, Official Court Reporter

1657

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

5

6 BY MR. GREG DAVIS:

7 Q. Sir, if you would, please look at
8 State's Exhibit No. 63, and tell me whether you
recognize
9 that?

10 A. Yes, sir, I do.

11 Q. What is 63?

12 A. That is the bloody rag that I
13 collected in the family room between the love seat
and
14 the bar on the plastic runner.

15

16 MR. GREG DAVIS: Okay. Your
Honor, at
17 this time we'll offer State's Exhibit 63.

18 MR. RICHARD C. MOSTY: No
objection.

19 THE COURT: State's Exhibit 63 is
20 admitted.

21

22 (Whereupon, the item
23 Heretofore mentioned
24 Was received in
evidence
25 As State's Exhibit
No. 63

Reporter Sandra M. Halsey, CSR, Official Court

1658

1 For all purposes,
2 After which time, the
3 Proceedings were resumed
4 As follows:)

5

6 BY MR. GREG DAVIS:

7 Q. Again, I'm displaying that to
the
8 jury. Is that just a white and green plaid rag,
sir?

9 A. Yes, it is.

10 Q. Did it appear to have blood on it
when
11 you retrieved it?

12 A. Yes, sir.

13 Q. Okay. And going back to where we
14 were. As I understand, when you retrieved the last
item,

15 did I understand you to say that you started looking
at

16 the vacuum cleaner?

17 A. That's correct.

18 Q. Was it still located in the
kitchen?

19 A. Yes, it was.

20 Q. Was it still in the same position
that

21 you had first seen it?

22 A. Yes, sir, it was.

23 Q. What is the first thing that you
did

24 when you went back over to that vacuum cleaner?

25 A. Myself and James Cron started
looking

Sandra M. Halsey, CSR, Official Court Reporter

1 at it, and we observed blood footprints underneath
the
2 vacuum cleaner.

3 Q. Okay. Well, are you actually
looking
4 at the floor around the vacuum cleaner then?

5 A. Yes, sir.

6 Q. Is this when the vacuum cleaner is
7 still on the floor?

8 A. Yes, sir.

9 Q. And did you determine to do
anything
10 at that time?

11 A. Well, we determined to lift the
vacuum
12 cleaner up and look further.

13 Q. Okay.

14

15

16 (Whereupon, the following
17 mentioned item was
18 marked for
19 identification only
20 after which time the
21 proceedings were

22

resumed on the record

23

in open court, as

24

follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

1660

1

2 BY MR. GREG DAVIS:

3 Q. Sir, let me ask you to look at
State's

4 Exhibit 93. Do you recognize that, sir?

5 A. Yes, sir.

6 Q. And what is State's Exhibit 93?

7 A. That's the vacuum cleaner that was
on
8 the kitchen floor.

9 Q. Okay.

10

11 MR. GREG DAVIS: Your Honor, at
this

12 time we'll offer State's Exhibit No. 93.

13 MR. RICHARD C. MOSTY: No
objection.

14 THE COURT: State's Exhibit 93 is
15 admitted.

16

17 (Whereupon, the item
18 Heretofore mentioned
19 Was received in
evidence

20

As State's Exhibit

No. 93

21

For all purposes,

22

After which time, the

23

Proceedings were

resumed

24

As follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

1661

1

2 BY MR. GREG DAVIS:

3 Q. Okay. If you would, Officer,
please

4 step down. Could you please position the vacuum
cleaner

5 on the courtroom floor as it appeared on the kitchen
6 floor that morning or that afternoon?

7 A. Okay.

8 (Whereupon, the witness

9 Stepped down from
the

10 Witness stand, and

11 Approached the jury

12 rail

13 And the proceedings

14 were

15 Resumed as follows:

16

17 BY MR. GREG DAVIS:

18 Q. Okay. You now have -- you laid
the

19 vacuum cleaner down on the floor; is that right?

20 A. Yes, sir.

21 Q. Please step back so everyone can

see

20 it.

21 Okay. And did I understand you

to say

22 that you then made a decision to lift it up off the

23 ground; is that right?

24 A. Yes, sir. We observed blood on

the

25 handle, so we decided to go ahead and lift it up and
look

1 underneath it.

2 Q. Okay. Could you please show the
3 members of the jury exactly how you picked that
vacuum

4 cleaner up that day on June 6, 1996?

5 A. We --

6 Q. Just go ahead and do that now.

7 A. Yes, sir.

8 Q. Okay. If you could, just lay it
down

9 and do it one more time for us and just show us.

10 A. Here, let me do it this way.

11 Q. Okay. When you lifted it up, did
you

12 roll the vacuum cleaner on the floor in any way?

13 A. No, sir.

14 Q. Just strictly picked it straight
up?

15 A. That's correct.

16 Q. And you're holding a portion of
the

17 handle right below the light-colored handle; is that
18 right?

19 A. That's correct.

20

21 MR. GREG DAVIS: Okay. Have a

seat

22 right up there.

23

24

(Whereupon, the witness

25

Resumed the witness

Sandra M. Halsey, CSR, Official Court Reporter

1663

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

5
6 THE COURT: Mr. Davis, I think
we'll

7 take a 15 minute break now.

8 MR. GREG DAVIS: Yes, sir.

9 THE COURT: The jury needs to warm
up.

10
11 (Whereupon, a short
12 Recess was
taken,

13 After which
time,

14 The proceedings
were

15 Resumed on the
record,

16 In the presence
and

17 Hearing of the
defendant

18 But outside the

presence

19

Of the Jury, as

follows:)

20

21

THE COURT: All right. I have

excused

22 the jury until 1:30, so we can have a hearing

outside the

23 presence of the jury.

24

All right. Back on the record

in the

25 Darlie Routier matter. Let the record reflect
that these

Sandra M. Halsey, CSR, Official Court
Reporter

1664

1 proceedings are being held outside the presence of
the

2 jury and all parties to the trial are present.

3 Who is
doing it, Mr. Shook?

4 MR. GREG

DAVIS: I will.

5 THE COURT:

All right, Mr. Davis.

6 MR. GREG

DAVIS: Yes, sir, I'll do it.

7 THE COURT:

Okay. Go ahead.

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. Officer

Mayne, look at State's Exhibit

21 150, if you will, and tell me

whether or not that

22 photograph shows a portion of

the family room that you --

23 where you retrieved certain

papers on June 6, 1996?

24 A. Yes, sir.

25 Q. The area

basically is between the

Sandra M. Halsey, CSR,
Official Court Reporter

1665

1 couch and a gold pillow.

Correct?

2 A. That's

correct.

3 Q. Also a lamp shade in that area?

4 A. Yes, sir.

5

6 MR. GREG DAVIS: For purposes of
this

7 hearing only, we'll offer State's Exhibit 150.

8 MR. RICHARD C. MOSTY: No
objection

9 for the purpose of this hearing.

10 THE COURT: State's Exhibit 150 is
11 admitted. And that's a photo of the --

12 MR. GREG DAVIS: Yes, your Honor.

Let

13 me hand it to you so you can see it.

14 THE COURT: All right. Thank you.

15

16 (Whereupon, the item

17 heretofore mentioned

18 were received in

evidence

19 As State's Exhibit No.

150

20

For record purposes,

21

After which time, the

22

Proceedings were resumed

23

As follows:)

24

25

Sandra M. Halsey, CSR, Official Court Reporter

1666

1 BY MR. GREG DAVIS:

2 Q. Officer Mayne, let me start
showing

3 you certain pieces of evidence here.

4

5 THE COURT: State's Exhibit 150
is

6 admitted, I'm sorry, for purposes of this hearing
only.

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. Let's just start
through here, State's

21 Exhibit 73-A. Is that one of the pieces
of paper that
22 you found in the family room on June 6,
1996?

23 A. Yes, sir.

24

25

Sandra M. Halsey, CSR, Official
Court Reporter

1667

1 (Whereupon, the
following
2 mentioned item was
3 marked for
4 identification only
5 after which time
the
6 proceedings were
7 resumed on the
record
8 in open court,
as
9 follows:)

10

11 BY MR. GREG DAVIS:

12 Q. State's Exhibit
82-A, is that also a
13 piece of evidence, or a piece of
paper that you retrieved
14 from the family room on June 6,
1996?

15 A. Yes, sir

16

17 MR. JOHN HAGLER:

Excuse me, could we

18 have him identify those for the
record, please.

19 THE COURT: All
right. 73-A is what?

20 MR. GREG DAVIS:
73-A is a birth
21 certificate for Devon Routier. 82-A
is a set of
22 handprints of Damon Routier.

23

24 (Whereupon, the
following
25 mentioned item
was

Sandra M. Halsey, CSR, Official
Court Reporter

1668

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 BY MR. GREG DAVIS:

10 Q. State's Exhibit 74-D, does this
appear
11 to be an immunization record for Damon Routier?

12 A. Yes, sir.

13 Q. Did you also find 74-D in the
family
14 room?

15 A. Yes, sir, I did.

16 Q. All right.

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

1669

1 follows:)

2

3 BY MR. GREG DAVIS:

4 Q. State's Exhibit 80, is that a
5 handwritten note which states, "Money from this
policy is

6 to be put into trust for Damon and Devon until age 21."

7 Appears to be signed by Darlie and Darin Routier;
is that

8 correct?

9 A. Yes, sir.

10 Q. Did you find State's Exhibit 80
in the
11 family room?

12 A. Yes, sir, I did.

13

14 (Whereupon, the following
15 mentioned items were
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. All right. State's Exhibit 84-A
says

Sandra M. Halsey, CSR, Official Court Reporter

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1 Pet Rest Memorial Park, certificate of entitlement
to
2 burial. State's Exhibit 84-A, did you find that in
the
3 family room also?

4 A. Yes, sir, I did.

5 Q. State's Exhibit 84-C, is it
entitled

6 Retail Installment Contract on a yellow piece of
paper,

7 and it appears to be signed by Darlie Routier; is
that

8 correct?

9 A. Yes, sir.

10 Q. Did you find 84-C in the family
room

11 also?

12 A. Yes, sir.

13

14 THE COURT: What's that? 84-C,
that's

15 entitled Retail Installment Contract, signed by the
16 defendant?

17 MR. DOUGLAS MULDER: For what?

18 MR. GREG DAVIS: I think for the
cat's

19 funeral, I think.

20 THE COURT: Okay.

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 BY MR. GREG DAVIS:

8 Q. State's Exhibit No. 76, this is a
9 marriage license for Darlie Routier and Darin Routier?

10 A. Yes, sir.

11 Q. Did you find State's Exhibit 76 in
12 the

13 family room also?

14 A. Yes, sir.

15 Q. All right.

16

17 (Whereupon, the
18 following

19 mentioned items were
20 marked

21 for identification only
22 as

23 State's Exhibit No. 72-A, 72-B,
24 74-A, 74-B, 74-C, 75, and 77-A,
25 after which time the
26 proceedings were

23

resumed on the record

24

in open court, as

25

follows:)

1672 Sandra M. Halsey, CSR, Official Court Reporter

1

2 BY MR. GREG DAVIS:

3 Q. State's Exhibit 74-A (sic), is
this an
4 insurance policy issued by Massachusetts General Life
on
5 Darin Routier?

6 A. Yes, sir.

7 Q. Okay. Did you find State's
Exhibit

8 No. 77-A in the family room also?

9 A. Yes, sir.

10 Q. State's Exhibit 75, does this
appear

11 to be a certificate of birth for Darlie Lynn Peck,
12 State's Exhibit 75?

13 A. Yes, sir.

14 Q. Did you find that in the family
room?

15 A. Correct.

16 Q. State's Exhibit 73-B, does this
appear

17 to be a birth certificate for Damon Christian
Routier?

18 A. Yes, sir, it is.

19 Q. Did you find that in the family

room

20 also?

21 A. Yes, sir.

22 Q. State's Exhibit 72-B, does this
appear

23 to be a birth certificate for Damon Christian

Routier?

24 A. Yes, sir.

25 Q. Did you find State's Exhibit 72-B
in

Sandra M. Halsey, CSR, Official Court Reporter

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1 the family room?

2 A. Yes, sir.

3 Q. State's Exhibit 72-A, does this
appear

4 to be a birth certificate for Devon Rush Routier?

5 A. Yes, sir.

6 Q. Did you find 72-A in the family
room?

7 A. Yes, sir.

8 Q. And State's Exhibit 77-B, is this
an

9 insurance policy issued by Massachusetts General Life
for

10 the insured Darlie Routier?

11 A. Yes, sir

12

13 MR. RICHARD C. MOSTY: Is that B
or D?

14 MR. GREG DAVIS: B.

15

16 BY MR. GREG DAVIS:

17 Q. Did you find State's Exhibit 77-B
in

18 the family room?

19 A. Yes, sir.

20 Q. State's Exhibit 74-A, does this
appear
21 to be a Social Security card for Devon Rush Routier?
22 A. Yes, sir.
23 Q. Did you find that in the family
room?
24 A. I did.
25 Q. State's Exhibit 74-B, does that
appear

Sandra M. Halsey, CSR, Official Court Reporter

1 to be a Social Security card for Damon Christian
Routier?

2 A. Yes, sir.

3 Q. Did you find that in the family
room

4 also?

5 A. Yes, I did.

6 Q. All right.

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. State's Exhibit 84-B,
does this appear

21 to be a receipt for \$630 from the Lyon's

Funeral Home,

22 appears to be for memorial; is that
right?

23 A. Yes, sir.

24 Q. Okay. Did you find

that in the family

25 room, State's Exhibit Number 84-B?

Sandra M. Halsey, CSR, Official
Court Reporter

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1 A. Yes, I did.
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 BY MR. GREG DAVIS:

14 Q. State's Exhibit
77-G. Does that
15 appear to be a brochure from the
A.L. Williams Company
16 concerning life insurance, sir?

17 A. Yes, sir.

18 Q. And did you find
the folder and the

19 enclosed papers in the family room
on June 6, 1996?

20 A. Yes, sir, I did.

21 Q. Okay.

22

23

24 (Whereupon, the

following

25 mentioned item

was

Sandra M. Halsey, CSR, Official
Court Reporter

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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 BY MR. GREG DAVIS:

10 Q. State's Exhibit 78. Does that
appear
11 to be a spiral notebook, green in color?

12 A. Yes, sir.

13 Q. Did you find that in the family
room
14 on June 6th, 1996?

15 A. Yes, I did.

16 Q. All right.

17

18 (Whereupon, the
following

19 mentioned items were
20 marked for
21 identification only

22 after which time the
23 proceedings were
24 resumed on the record
25 in open court, as

Reporter Sandra M. Halsey, CSR, Official Court

1677

1 follows:)

2

3 BY MR. GREG DAVIS:

4 Q. State's Exhibit 79-A, 79-B,
79-C.

5 First 79-A, is that a one sheet of a notepad that
you

6 found in the family room on June 6, 1996?

7 A. Yes, sir.

8 Q. That's a yellow notepad; is
that

9 correct?

10

11 THE COURT: That's A?

12 MR. GREG DAVIS: That's A, Your
Honor.

13

14 BY MR. GREG DAVIS:

15 Q. 79-B, is it also a notepad, green
in

16 color, writing on both the front and the back that
you

17 found in the family room on June 6, 1996?

18 A. Yes, sir.

19 Q. State's Exhibit No. 79-C, is that
the

20 notepad itself with 1, 2, 3, 3 pages that have been
21 written on at the top of the pad?

22 A. Yes, sir.

23 Q. Did you find this in the family
room

24 on June 6, 1996?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay.

2

3 (Whereupon, the following
4 mentioned items were
5 marked for
6 identification only
7 as 77-C, 77-D, 77-E, & 77-F,
8 after which time the
9 proceedings were
10 resumed on the record
11 in open court, as
12 follows:)

13

14 BY MR. GREG DAVIS:

15 Q. State's Exhibit 77-E and F. Do
16 those
17 appear to be -- it says "Semiannual renewal agreement
18 from the Combined Insurance Company of America." We
19 have
20 one for Devon R. Routier and one for Damon C.
21 Routier; is
22 that correct?

20 A. Yes, sir.

21 Q. 77-E and F. Did you find those
22 two
23 items in the family room also, sir?

23 A. Yes, sir.

24 Q. All right. State's Exhibit No.

77-C

25 and 77-D again, are they the same types of semiannual

Sandra M. Halsey, CSR, Official Court Reporter

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1 renewal agreements, Combined Insurance Company of
America

2 this time for Darin E. Routier and Darlie L. Routier?

3 A. Yes, sir.

4 Q. Did you find 77-C and 77-D in the
5 family room also?

6 A. Yes, sir.

7 Q. State's Exhibit 74-C. Does this
8 appear to be an immunization record for Devon
Routier?

9 A. Yes, sir.

10 Q. Did you find State's Exhibit 74-C
11 in
12 the family room?

13 A. Yes, sir.

14 Q. All right.

15 (Whereupon, the
following

16 mentioned items were
17 marked for
18 identification only
19 after which time the
20 proceedings were
21 resumed on the record

22

in open court, as

23

follows:)

24

25

Reporter Sandra M. Halsey, CSR, Official Court

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1 BY MR. GREG DAVIS:

2 Q. Let me show you two
additional

3 documents, State's Exhibit 83-A and 83-B. Do
you

4 recognize those, sir?

5 A. Yes, sir, I do.

6 Q. Okay. 83-A, does this appear
to be a

7 letter from the American Express Company addressed
to

8 Darlie Routier dated May 9th, 1996; is that right?

9 A. Yes, sir.

10 Q. Okay. State's Exhibit 83-B,
does this

11 appear to be a letter from the Melon Mortgage
Company,

12 dated May 8th, 1996, addressed to Darin E.
Routier,

13 Darlie L. Routier?

14 A. That's correct.

15 Q. Okay. Now, 83-A and 83-B, you
did not

16 find in the family room, did you?

17 A. That's correct, I did not.

18 Q. Where did you first come in

contact

19 with State's Exhibits 83-A and 83-B?

20 A. A trash bag was in the evidence
21 section that was collected, and I went through the
trash

22 and found those two document.

23 Q. Okay. Now, you, yourself, did
not

24 recover 83-A and 83-B from the house or vehicle or
25 anything of that sort; is that correct?

Reporter Sandra M. Halsey, CSR, Official Court

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1 A. That's correct.

2 Q. First time you saw them they
were in a

3 trash bag in the evidence room at the Rowlett
Police

4 Department?

5 A. That's correct.

6 Q. Did you then sort through the
trash to

7 find 83-A and 83-B?

8 A. That's correct.

9 Q. Were they in the same condition
as
10 we're seeing them today?

11 A. Yes, sir.

12

13 MR. GREG DAVIS: Your Honor,
with the

14 exception of State's Exhibit 83-A and 83-B, we'll
be

15 offering through this witness the documents that
we have

16 gone through during this hearing, this having been
found

17 in the family room.

18 THE COURT: Well, I missed two

19 numbers.

20 MR. GREG DAVIS: All right.

21 THE COURT: The immunization
record of

22 Damon, was it? It was right after 73-A and 82-A,

I

23 missed that number. That's what?

24 MR. GREG DAVIS: 74-C.

25 THE COURT: Okay. That's an

Sandra M. Halsey, CSR, Official Court
Reporter

1682

1 immunization record of who?

2 MR. GREG DAVIS: Of Damon.

3 MS. SHERRI WALLACE: Excuse me,
I'm

4 sorry, 74-C is Devin. That's 74-D.

5 THE COURT: Well, what's the
one of

6 Damon, 74-D?

7 MS. SHERRI WALLACE: Yes, sir.

8 THE COURT: All right. Fine.

Thank

9 you. I've got that one.

10 And then there was a marriage
license,

11 you were going pretty fast, I missed that number,
too.

12 That came after the Retail Installment Contract
and

13 before the insurance policy.

14 MS. SHERRI WALLACE: The
marriage

15 license is No. 76.

16 THE COURT: No. 76, got it.

17 All right. So you'll be
offering all

18 of these documents through this officer?

19 MR. GREG DAVIS: Yes, sir, with
the

20 exception of 83-A and B.

21 THE COURT: All right. I
understand.

22 So, Mr. Hagler, you wanted the
hearing

23 outside the presence of the jury

24 MR. JOHN HAGLER: Yes, sir.

Well,

25 Judge, I might start off by saying that the mere
fact

Sandra M. Halsey, CSR, Official Court
Reporter

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1 that these documents were found in the defendant's
2 residence does not dispense with the requirement
that

3 these documents be relevant under Rule 401.

4 And secondly, that they be
properly

5 authenticated under Rule 901. And I can go -- I
don't

6 have any additional testimony to develop through
this

7 witness, but I would like to voice my objections to
each

8 one of these exhibits.

9 THE COURT: All right. Well,
why

10 don't we go exhibit by exhibit. Is that fair?

11 MR. RICHARD C. MOSTY: Your
Honor, may

12 I see 150? I think that's it.

13 THE COURT: Sure

14 MR. RICHARD C. MOSTY: Could I
just

15 ask a couple of questions to try to clarify?

16 THE COURT: Sure.

17

18

VOIR DIRE EXAMINATION

19

20 BY MR. RICHARD MOSTY:

21 Q. Officer Mayne you identified
State's

22 Exhibit 150?

23 A. Yes, sir.

24 Q. And did all of the documents

that you

25 have identified, except for the trash bag
documents, did

Sandra M. Halsey, CSR, Official Court Reporter

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1 they all come from this, what I will call a blue-
green

2 box?

3 A. No, sir, they came from the
documents

4 on top of the blue-green box.

5 Q. Just a stack of documents?

6 A. Yes, sir.

7 Q. And none of them came from the

8 blue-green box?

9 A. That's correct.

10 Q. Were there documents in the
blue-green

11 box?

12 A. If I'm not mistaken, there were
sewing

13 utensils in that box.

14 Q. Okay. The documents that you've

15 identified, are those all of the documents that
were on

16 this box?

17 A. Yes, sir.

18 Q. Every one of them is identified
in

19 whatever these numbers are, 73 through whatever?

20 A. Yes, sir.

21 Q. Okay. And, the trash bag --
well, let
22 me go back. Do any of these documents -- are any
of the
23 documents, for instance, have handwritten notes?
Are any
24 of those dated?
25 A. Any of those dated?

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Right. The handwritten stuff.
I'm
2 not talking about an insurance policy or something,
I'm
3 talking about the handwritten things. Do any of
them
4 have a date on them?

5 A. Marriage license, that area,
yes.

6 Q. No, I'm just talking about the
7 handwritten things, for instance, these ones that
have
8 been identified as notes?

9 A. Oh, notes?

10 Q. Right.

11 A. I don't recall.

12 Q. And the trash bag, the two
documents
13 taken out of the trash bag, when were they
retrieved?

14 A. They were retrieved on the 15th
of
15 June.

16 Q. Okay. And what else was in that
trash

17 bag?

18 A. Just trash. There was food
items,

19 just miscellaneous trash.

20 Q. All right

21

22 MR. RICHARD C. MOSTY: That's all
of

23 the questions I have for Voir Dire.

24 MR. GREG DAVIS: Let me, if I
could,

25 just a couple of questions.

1 THE COURT: Yes, sir, you may.

2

3

4 DIRECT EXAMINATION (Continued)

5

6

7 BY MR. GREG DAVIS:

8 Q. These items were located how far
from

9 the body of Devon Routier?

10 A. Approximately two feet.

11 Q. And these items, have they been
in

12 possession of the Rowlett Police Department?

13 A. Yes, sir.

14 Q. Do you recall whether or not any
15 attorneys representing the defendant have come
out to

16 inspect the evidence in this case?

17 A. Yes, sir.

18 Q. Have
they?

19 A. Yes,
sir.

20 Q. Okay. Was this evidence made

21 available to them prior to the trial?

22 A. Yes, sir.

23

24 MR. GREG DAVIS: No further

questions,

25 your Honor.

Sandra M. Halsey, CSR, Official Court Reporter

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1 THE COURT: Well, let's take them
up
2 one at a time. Now, if I'm calling these exhibits
3 numbers wrong, correct me.

4 We have State's Exhibit 73-A, the
5 birth certificate of Devon Routier; is that correct?
Is
6 that the right birth certificate?

7 MS. SHERRI WALLACE: That's
correct.

8 THE COURT: Any objection to that
Mr.
9 Mosty?

10 MR. JOHN HAGLER: I'll do the
11 objecting.

12 MR. RICHARD C. MOSTY: We need to
try
13 to identify these.

14 THE COURT: All right. Well, I
have
15 73-A as the birth certificate of Devon Routier.

16 MR. JOHN HAGLER: These are in
reverse
17 order, Judge. We'll have to go back through it and
line
18 them up here.

19 THE COURT: Oh, okay. Where do
you

20 start?

21 MR. JOHN HAGLER: How about if we
work

22 from the top -- from the back to the beginning?

23 THE COURT: That's fine. Spread
them

24 out.

25 MR. JOHN HAGLER: Your Honor, I'll

Sandra M. Halsey, CSR, Official Court Reporter

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1 start off by saying, as far as State's Exhibit 79-A,
B,
2 C, your Honor, these are handwritten documents that
3 appear to refer to the preparation of a will.

4 We would object, your Honor, one,
that
5 they're not relevant under Rule 401.

6 Secondly, is that they tend to
7 imply -- they are 404-B testimony. And third, that
8 they're hearsay under rule 802, and finally, that
they're

9 not properly authenticated under Rule 901.

10 THE COURT: I'll sustain that
11 objection.

12 THE COURT: All right.

13 MR. JOHN HAGLER: Your Honor,
State's

14 Exhibit Number 43 --

15 MR. GREG DAVIS: Could I please,
16 before the Court sustains the objection.

17 THE COURT: Yes.

18 MR. GREG DAVIS: Could we at least
19 state the reason why we're offering these items at
this
20 time?

21 THE COURT: All right.

22

MR. GREG DAVIS: Clearly all of

these

23 items go to the state of the mind of this defendant

on

24 that evening.

25

Now, they're not being

offered for the

Sandra M. Halsey, CSR, Official Court
Reporter

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1 truthfulness of any matter that's contained
therein.

2 They're going to the state of mind, to the
fact that this

3 woman's got her last will and testament out,
two feet

4 away from this child, who has been murdered
that night.

5 And she's also got
injuries that very

6 well may have been self-inflicted that night,
and they go

7 very much to the state of mind that she was
in that

8 evening.

9 THE COURT: Well, I'll --
let me

10 review these. I'm going to review the law on
this. I

11 will hold this in abeyance then. All right.

12 MR. GREG DAVIS: And that
will be our

13 grounds for all of these documents.

14 THE COURT: All right.
State of mind.

15 All right. Go ahead.

16 Why don't we take up -- is
there going

17 to be any objection -- let's go down to the
birth

18 certificate. Any objection to those? Let's
get that out

19 of the way first.

20 I got 73-A as the birth
certificate of

21 Devon Routier. Any objection to that?

22 MR. JOHN HAGLER: Your
Honor, we will

23 object to the basis of Devon is not the
complainant in

24 the indictment. It's not relevant. It's not
been

25 properly authenticated.

Sandra M. Halsey, CSR, Official Court
Reporter

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1 THE COURT: Overruled.

That's

2 admitted.

3

4 (Whereupon, the item

5 Heretofore mentioned

6 Was received in

evidence

7 As State's Exhibit No.

73-A

8 For all purposes,

9 After which time, the

10 Proceedings were

resumed

11 As follows:)

12

13 MR. RICHARD C.

MOSTY: Can we get --

14 THE COURT:

That's 73-A.

15 MR. RICHARD C.

MOSTY: All right.

16 THE COURT: All

right. The next one I

17 have in my line, I have 74-D is the

immunization records

18 of, is it Damon? Whatever that
number is. 74-C, is it?

19 MR. TOBY L.

SHOOK: That's Damon's.

20 THE COURT:

Devon's immunization

21 record. Any objection to that?

22 MR. JOHN HAGLER:

Relevancy under Rule

23 401. Improper authentication under
901.

24 THE COURT:

Overruled. That exhibit

25 is admitted. That was 74-C.

Sandra M. Halsey, CSR, Official
Court Reporter

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1

2

(Whereupon, the

item

3

Heretofore

mentioned

4

Was received in evidence

5

As State's Exhibit No. 74-C

6

For all purposes,

7

After which time, the

8

Proceedings were resumed

9

As follows:)

10

11

THE COURT: All right. Then we

have

12 State's Exhibit 76, which is a marriage license.

13

MR. JOHN HAGLER: Non-relevant

under

14 401. Improper authentication under Rule 901, your

Honor. 15

THE COURT: I'll overrule that.

That

16 exhibit is admitted.

17

18

(Whereupon, the item

19

Heretofore mentioned

20

Was received in

evidence

21 As State's Exhibit

No. 76

22 For all purposes,

23 After which time, the

24 Proceedings were

resumed

25 As follows:)

Sandra M. Halsey, CSR, Official Court Reporter

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1

2 THE COURT: All right. The next
thing

3 I have is an insurance policy from Massachusetts
General

4 Life on Darin. That's 77-A. Is that the number?

5 MR. GREG DAVIS: Yes, sir

6 MR. JOHN HAGLER: Yes, your Honor.

7 THE COURT: Any objection to
that?

8 MR. JOHN HAGLER: Again, your
Honor,

9 the only evidence that they've offered at this point
was

10 the fact that these documents were found in the
family

11 room. Again, there's been no showing that she had
any

12 knowledge that they were there and that she handled
them.

13 There's no showing of relevancy
under

14 Rule 401. Later on down the line, they may be able
to

15 establish that, your Honor, but the fact that
there's a

16 life insurance policy on Darin is totally
irrelevant to
17 the issues at hand.

18 THE COURT: All right.
Overruled.

19 That exhibit is admitted.

20

21 (Whereupon, the item
22 Heretofore mentioned
23 Was received in evidence
24 As State's Exhibit No. 77-A
25 For all purposes,

Sandra M. Halsey, CSR, Official Court Reporter

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19 certificate for Darlie.

20 THE COURT: For Darlie Routier,
the

21 defendant, yes.

22 MR. JOHN HAGLER: Again, no
showing of

23 relevancy under Rule 401, improper authentication
under

24 901. And there is no supporting affidavit having
been

25 filed with the Court 14 days prior to the offer
of this

Sandra M. Halsey, CSR, Official Court
Reporter

1694

1 document.

2 THE COURT: All right.

Overruled.

3 I'll admit State's Exhibit 75.

4

5 (Whereupon, the item

6 Heretofore mentioned

7 Was received in

evidence

8 As State's Exhibit

No. 75

9 For all purposes,

10 After which time, the

11 Proceedings were

resumed

12 As follows:)

13

14 THE COURT: All right. Then I

have

15 73-B, it's a birth certificate on Damon. Any

objection

16 to that?

17 MR. JOHN HAGLER: Again, your

Honor,

18 no relevancy under 401. Improper authentication

under

19 901.

20 THE COURT: I'll overrule. 73-B

is

21 admitted.

22

23 (Whereupon, the item

24 Heretofore mentioned

25 Was received in evidence

Sandra M. Halsey, CSR, Official Court Reporter

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1 As State's Exhibit No. 73-B
2 For all purposes,
3 After which time, the
4 Proceedings were resumed
5 As follows:)

6
7 THE COURT: Now then, is 72-A, is
that
8 the birth certificate on Devon?

9 MR. JOHN HAGLER: Yes, your
Honor.

10 Same objection as previously stated to the Court.

11 THE COURT: Same ruling.
Overruled.

12 72-A is admitted.

13

14 (Whereupon, the item
15 Heretofore mentioned
16 Was received in evidence
17 As State's Exhibit No. 72-A
18 For all purposes,
19 After which time, the
20 Proceedings were resumed
21 As follows:)

22

23 THE COURT: All right. The next
thing

24 I have is an insurance policy -- well, maybe that's
just
25 a repeat of the one before.

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. JOHN HAGLER: No, your Honor,
2 there's a second policy.

3 THE COURT: A second policy on --
and

4 that's going to be 72-B. Right?

5 MR. JOHN HAGLER: Yes, your
Honor.

6 THE COURT: All right. Any
objection

7 on that?

8 MR. JOHN HAGLER: Yes, your
Honor.

9 THE COURT: All right.

10 MR. JOHN HAGLER: This is the
11 insurance policy on Darlie Routier.

12 THE COURT: Right.

13 MR. GREG DAVIS: 77-B.

14 MR. JOHN HAGLER: That's 77-B,
your

15 Honor.

16 THE COURT: This is 77-B?

17 MR. JOHN HAGLER: Yes, your
Honor.

18 THE COURT: All right.

19 MR. JOHN HAGLER: And, again,
there's

20 no -- this is the defendant's insurance policy.

There's

21 certainly no relevancy under Rule 401. And secondly,

22 there's no -- it's improper

authentication under Rule

23 901.

24 THE COURT: All

right. Thank you.

25 Overruled. 77-B is admitted.

Sandra M. Halsey, CSR, Official
Court Reporter

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1

2

(Whereupon, the

item

3

Heretofore

mentioned

4

Was received in evidence

5

As State's Exhibit No. 77-B

6

For all purposes,

7

After which time, the

8

Proceedings were resumed

9

As follows:)

10

11

THE COURT: All right. Now, I've

got

12 two Social Security cards here, one for Devon and one

for

13 Damon. My numbers are 74-A, Devon, and 74-B, Damon;

is

14 that right?

15

MR. JOHN HAGLER: Yes, your Honor.

16

Damon's is 74-B, and Devon's is 74-A.

17

THE COURT: All right. Any

objection

18

there?

19

MR. JOHN HAGLER: Your Honor, I

can't

20 imagine any conceivable reason why their Social
Security

21 cards would be relevant in 401. I would like the
State

22 to explain to the Court why Damon and Devon's Social
23 Security cards are relevant.

24 MR. GREG DAVIS: Yes, your Honor,

I'll

25 direct your attention to Article 38.36, evidence in

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1 prosecutions for murder. It goes to show all of the
2 circumstances surrounding the killing of these two
boys.

3 And the relationship between the defendant and those
two
4 boys.

5 MR. DOUGLAS MULDER: Is that a
motive?

6 MR. GREG DAVIS: Sorry, did you
ask me
7 something?

8 THE COURT: All right. Overruled.
9 And the 74-A and B are admitted.

10

11 (Whereupon, the items
12 Heretofore mentioned
13 Were received in
evidence

14 As State's Exhibit No.
74-A

15 and 74-B for all
purposes,

16 After which time, the
17 Proceedings were

resumed

18 As follows:)

19

20 MR. JOHN HAGLER: If I might
just make

21 a comment, your Honor.

22 THE COURT: Yes, you may.

23 MR. JOHN HAGLER: The rules he's
24 referring to does not change the rules of evidence.

It
25 simply allows that the testimony is admissible in a

1 murder case showing the previous relationship
between the

2 defendant and the deceased. But, again, the cases
are

3 voluminous stating that the rules of evidence are
the

4 same.

5 Again, there is no
authentication

6 under 901, and clearly no relevancy. Certainly not
as to

7 Devon, under 74-A.

8 THE COURT: All right. Thank
you.

9 Same ruling.

10 All right. Let's go down. The
next

11 thing I have is -- all right. I have another
12 immunization record here. Excuse me, I don't have
that.

13 I've got 74-D is the immunization record for --

14 MR. JOHN HAGLER: That's for
Damon,

15 your Honor.

16 THE COURT: All right, Damon.

17 MR. JOHN HAGLER: Your Honor,

again,

18 it's irrelevant under Rule 401. It contains
hearsay

19 statements inadmissible under 802. Improperly
20 authenticated under Rule 901.

21 THE COURT: All right.

Overruled.

22 74-D is admitted.

23

24 (Whereupon, the item
25 Heretofore mentioned

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1 Was received in evidence
2 As State's Exhibit No. 74-D
3 For all purposes,
4 After which time, the
5 Proceedings were resumed
6 As follows:)

7
8 THE COURT: All right. 77-G is
a
9 brochure from the A.L. Williams Life Insurance
Company.

10 What is that? Just a sales brochure?

11 MR. GREG DAVIS: That's going to
-- I
12 believe when you look through that you'll see
certain
13 schedules for payments.

14 THE COURT: Well, let me review
this
15 thing before I rule on it. That's 77-G, it's a
brochure
16 from the A.L. Williams Life Insurance Company.

17 MR. JOHN HAGLER: Just for the
record,
18 again, we would urge that it's not relevant under
Rule

19 401.

20 THE COURT: We'll take each one
of
21 these up afterwards.

22 MR. JOHN HAGLER: Okay. Thank
you.

23 THE COURT: All right. That is
out of

24 the way right here.

25 All right. Now, I've got 84-B,
which

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1 is the \$630 receipt from the Lyon's Funeral Home.
I want

2 to review that before I rule on it

3 MR. RICHARD C. MOSTY: That's
84-B?

4 THE COURT: 84-B.

5 And I'm going to look at 78, the
6 spiral notebook. In 79-A, B and C, before I rule
on
7 them. I thought they were merely a piece of paper
handed

8 to me. I didn't notice they were so voluminous.
All

9 right. We're going to rule on that.

10 And then --

11 MR. RICHARD C. MOSTY: That's
78?

12 THE COURT: 78 is a spiral
notebook.

13 And 79-A, B and C are the notes out of that book.

14 And then I've got --

15 MR. RICHARD C. MOSTY: I think
that's

16 incorrect, isn't it? Those are separate notes off
of a

17 small pad?

18 THE COURT: Well, I mean,
they're not
19 out of that book. Excuse me, they're not out of
that
20 book. They're separate notes off of a small pad.
The
21 pad is 79-C, and these notes are A and B. At least
22 that's the pad I have.
23 We've got a yellow sheet that's
79-A,
24 a green sheet that is 79-B. The whole pad itself
is
25 79-C. And let the record reflect that this pad is
made

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1 up of multicolored sheets.

2 MR. RICHARD C. MOSTY: 78 then
is the
3 spiral?

4 THE COURT: Yes, 78 is the
spiral
5 notebook. I want to look at those.

6 Then we come to 84-B, is this
Lyon's
7 Funeral Home receipt, which I want to look at.

8 Then we come to 77-E and F.
What's
9 that? I got it as a renewal agreement of some
kind?

10 MR. JOHN HAGLER: Your Honor,
77-C, D,
11 E and F are four semiannual renewal agreements for
an
12 insurance policy.

13 THE COURT: All right. I'll
look at
14 those too before I rule on them. These are just
receipts

15 for premiums paid; is that right?

16 All right. Anything else?

17 Okay. And then we've got -- and

77-C

18 and D is the same thing; is that right?

19 MR. JOHN HAGLER: Yes, your
Honor,

20 there are four of those.

21 THE COURT: All right. Oh,
okay,

22 four.

23 Now, then, we've got 80.

24 MR. JOHN HAGLER: 80, your
Honor, is a

25 piece of paper that appears to be a distribution of

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1 property.

2 THE COURT: All right. We will
keep

3 that over here.

4 All right. 84-A is what?

5 MR. JOHN HAGLER: This is a Pet
Rest

6 Memorial Park certificate of entitlement to burial.

We

7 would ask for an explanation from the State as to
why

8 this is relevant.

9 THE COURT: Why is this
relevant?

10 MR. GREG DAVIS: All right. I'll
go

11 ahead and withdraw that one.

12 MR. DOUGLAS MULDER: Judge, why on
13 earth would 84 be admissible?

14 MR. GREG DAVIS: Did I not just
say

15 that we're withdrawing that?

16 THE COURT: 84 is not in there.

17 MR. DOUGLAS MULDER: It is a
memorial

18 for the cat that died. How can -- that's ludicrous.

19 MR. GREG DAVIS: Only she can
answer

20 why she's got it over there.

21 But we'll withdraw anything to do
with

22 the cat.

23 MR. DOUGLAS MULDER: Yes, 1995.

24 MR. GREG DAVIS: Yeah, and there's
25 still 1996 ones there.

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1 THE COURT: All right, gentlemen.
To

2 84-A, B and C are all withdrawn; is that right?

3 MR. GREG DAVIS: Yes, we'll
withdraw

4 those.

5 THE COURT: All right. That
brings us

6 to -- we come to 82-A, which are the handprints.
Where

7 are those? I'll keep that.

8 Then what else have you got?

9 MR. JOHN HAGLER: I have one last
one,
10 your Honor.

11 THE COURT: One last one. This
12 purports to be a Texas -- this is number 72-B, which
is a

13 birth certificate of Damon Christian Routier. Any
14 objection to that?

15 MR. JOHN HAGLER: That's not
relevant

16 to 401, and improperly authenticated in 901.

17 THE COURT: All right. Overruled.

18 72-B is admitted.

19

20 (Whereupon, the item
21 Heretofore mentioned
22 Was received in evidence
23 As State's Exhibit No. 72-B
24 For all purposes,
25 After which time, the

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1 Proceedings were resumed

2 As follows:)

3

4 MR. RICHARD C. MOSTY: Did the

Court

5 rule on those renewal sheets?

6 THE COURT: No, I'm going to look

at

7 those over the noon hour, and I'll have my rulings on

8 those at 1:30. We will break here in a couple

minutes as

9 soon as we finish this.

10 All right. What else? Have we

missed

11 anything?

12 Did we go on State's Exhibit 80?

What

13 was that? Was that the notes? State's Exhibit 80 is

14 what?

15 MR. GREG DAVIS: That should be,

in

16 80, that one page note.

17 THE COURT: One page. Is that up

18 here?

19 MR. JOHN HAGLER: Yes, sir, right

20 there.

21 THE COURT: All right. The Court
will

22 rule on that.

23 We're going to adjourn now until
1:30.

24 We're going to try to get these windows fixed up in
here
25 for the jury, and I will have a ruling for you on
these

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1 exhibits at 1:30.

2 MR. RICHARD C. MOSTY: Judge

Tolle,

3 could I clarify one thing? It's just something we're
not

4 real clear about, and it's a question to Officer
Mayne.

5 THE COURT: Yes, go ahead.

6

7 VOIR DIRE EXAMINATION

8

9 BY MR. RICHARD C. MOSTY:

10 Q. Are these, the documents that
we've

11 gone through here, is that each and every document
that

12 was on top of the green box?

13 A. Yes, sir.

14 Q. There weren't any that you didn't
pick

15 up?

16 A. I picked up all the folders and
the

17 spiral, with this included on top of the box.

18 Q. There wasn't anything you left?

19 A. That's correct.

20 Q. And the sewing kit, did you take
21 anything out of the sewing kit?

22 A. No, sir.

23 Q. Did any of these come out of the
24 sewing kit?

25 A. No, sir.

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1 Q. You didn't take anything from the
2 sewing kit?

3 A. No, sir.

4 Q. All right. Thank you very much.

5

6 MR. RICHARD C. MOSTY: That's all.

I

7 just wanted to clarify.

8 THE COURT: Okay. We'll adjourn.

Any

9 other questions?

10 MR. RICHARD C. MOSTY: No, sir.

11 THE COURT: We're recessed until

1:30.

12 Thank you.

13

14 (Whereupon, a lunch

15 Recess was

taken,

16 After which

time,

17 The proceedings

were

18 Resumed on the

record,

19 In the presence

and

20

Hearing of the

defendant

21

But outside the

presence

22

Of the jury, as

follows:)

23

24

THE COURT: All right. Let the

record

25 reflect that all parties in the trial are present
and

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1 these proceedings are being held still outside the
2 presence of the jury.

3 Mr. Hagler, you wanted to make a
4 statement?

5 MR. JOHN HAGLER: Well, your
Honor,

6 just to reiterate our position on the exhibits.
Again,

7 we've already voiced our objections to a number of
them.

8 There are several of them we did not voice an
objection,

9 which we wish to voice now.

10 Specifically, the documents that
the

11 State's offered to the Court. We would submit, one,
that

12 they failed to make a showing of relevancy under Rule
13 401.

14 And furthermore, in the event that
the

15 Court finds that certain of these documents may be
16 relevant, we would further urge that the Court
conduct a

17 balancing test under 403.

18 We would submit that even if there

1 notebook and various writings that were -- have
been

2 offered into evidence by the State.

3 We would submit, your Honor,
that they

4 are likewise not admissible under Rule 802, in
fact, it

5 is clearly hearsay.

6 And furthermore, the State has
7 indicated that their position of these documents
is that

8 they are not being offered for the truth of the
matters

9 stated therein. We would submit, on the other
hand, that

10 clearly they are being offered for the truth of
the

11 matters stated in the documents, the spiral
notebook, the

12 insurance policies, and various other documents.

13 And I anticipate that they --
that if

14 they are admitted, that they're going to come back
and

15 argue to the jury the truth of the matter in these

1 time.

2 And for all of these reasons,
your

3 Honor, we would again reurge and ask the Court to
deny

4 (sic) our motion to suppress these documents that
have

5 been offered.

6 THE COURT: Well, on the
statements,

7 or on the exhibits already admitted this morning,
the

8 Court finds that the probative value far outweighs
any

9 prejudicial effect.

10 Now, over the noon hour I read
some --

11 the following exhibits: I'm trying to go in
numerical

12 order.

13 On 77-C, State's Exhibit 77-C, D,
E

14 and F are receipts for insurance premiums paid on
July

15 26th, 1994 on policies on Darin Routier, Darlie

16 Routier -- excuse me, Devon Routier and Damon
Routier, to

17 the Combined Insurance Company of America.

18 MR. DOUGLAS MULDER: Did you get
a

19 chance to compare those rates?

20 THE COURT: No, not at the
current

21 time.

22 State's Exhibit 77-G is a life --
is a

23 folder with a life insurance policy, number 21127468
on

24 the life of Darin Routier, issued by the

Massachusetts

25 Indemnity and Life Insurance Company at 3120
Breckenridge

1 Boulevard, Deluth, Georgia, in the amount of
\$200,000 on
2 his life, and \$50,000 on Darlie Routier's life, and
3 \$5,000 on each child's life. The writing agent was
4 Myrtle, M-y-r-t-l-e, Sarilda Routier.

5 The State's Exhibit 78 is a
notebook

6 found at the scene with writing.

7 State's Exhibit 79-A, which the
Court

8 was handed like this, with the stickers on the back,

I

9 thought it was a blank sheet. I withdraw my ruling
on

10 that earlier this morning. But 79-A, B, C -- 79-C,
are

11 all papers, apparently from a folder in a tablet
found at

12 the scene.

13 And State's Exhibit 82-A is what

14 purports to be Damon Routier's handprints found at
the

15 scene.

16 State's Exhibit 84-B is a receipt

17 allegedly received from Darlie Routier from the

Lyon's

18 Funeral Home, also found at the scene.

19 State's Exhibit 80 is a small
piece of

20 paper with some writing on it, and would purport to
be

21 the signatures of Darlie Routier and Darin Routier.

All

22 of these were found at the scene.

23 The Court's ruling is that the
Court

24 will admit all of these exhibits only as exhibits
found

25 at the scene. They're not being admitted for the
truth

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1 of any matter asserted to any one of these exhibits.
And
2 if necessary, a limiting instruction will be placed
in
3 the Court's charge to the jury, should that be
necessary
4 at the appropriate time.

5 These are being admitted only
because
6 they were found at the scene. And the Court also
feels
7 that any prejudicial value is outweighed by the
probative
8 effect.

9 And I'm going to admit these in
front
10 of the jury. And it will not be necessary for the
11 defense to object. They may object one time if you
want,
12 whatever you want to do. And it being the intent of
the
13 Court, in this hearing, to preserve any error in the
14 Court's ruling for appellate review on behalf of
the
15 defense, should that become necessary.

16

17 (Whereupon, the items
18 Heretofore mentioned
19 Were received in
evidence
20 As State's Exhibit No.
77-C
21 Through 77-G, 78, 79-A
22 Through 79-C, 80, 82-A
and
23 84-B for purposes of the hearing,
24 After which time, the
25 Proceedings were resumed

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1 As follows:)

2

3 THE COURT: So, do you wish to
object

4 in front of the jury or not?

5 MR. JOHN HAGLER: No, your Honor,
just

6 as long as -- we would reurge all of the objections
7 voiced, and the objections to the evidence admitted
by
8 the Court.

9 THE COURT: The Court understands
10 that, the same ruling, is admitting them, and you
will
11 not be required to object in front of the jury.

12 MR. RICHARD C. MOSTY: If I
13 understand, everything offered then, except for
84-A and
14 C are received?

15 THE COURT: Right. 83-A and B
have
16 not been offered yet.

17 MR. RICHARD C. MOSTY: Right.

18 THE COURT: So that's where we
are.

19 And they're admitted, and I'm

going to

20 tell the jury I'm admitting them, only because
they were

21 found at the scene, and not for the truth of any
matters

22 therein asserted.

23 Mr. Hagler, is that
satisfactory?

24 Also, excuse me, also the
Court admits

25 State's Exhibit 150, the photo. The photo of the
green

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Reporter

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1 or aqua-colored couch -- well, this photo right
here.

2

3

(Whereupon, the item

4

Heretofore

mentioned

5

Was received in

evidence

6

As State's Exhibit

No. 150

7

For purposes of

the hearing,

8

After which time,

the

9

Proceedings were

resumed

10

As follows:)

11

12

THE COURT: Did you

offer that?

13

MR. GREG DAVIS:

Yes, for the purposes

14 of the hearing.

15

THE COURT: All

right. Everybody

16 ready to bring the jury in?

17 MR. GREG DAVIS:

Yes, sir.

18 MR. RICHARD C.

MOSTY: Yes, sir, the

19 defense is ready.

20 THE COURT: All

right. Bring the jury

21 in, please.

22

23 (Whereupon, the

jury

24 Was returned to

the

25 Courtroom, and the

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Court Reporter

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1 Proceedings were
2 Resumed on the
record,
3 In open court, in
the
4 Presence and
hearing
5 Of the defendant,
6 As follows:)
7
8 THE COURT: All right. Be
seated,
9 please. Let the record reflect that all parties in
the
10 trial are present and the jury is seated.
11 Mr. Davis.
12 MR. GREG DAVIS: Yes, sir.
13
14 (Whereupon, the following
15 mentioned items were
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

25

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1

DIRECT EXAMINATION (Resumed)

2

3 BY MR. GREG DAVIS:

4 Q. Officer Mayne, lets me show you
first,

5 let's go back just a moment. If you would, please
look

6 at State's Exhibit 60-A and 60-B. Do you recognize
those

7 photographs, sir?

8 A. Yes, sir.

9 Q. Are they photographs of State's
10 Exhibit 60?

11 A. Yes, they are.

12 Q. And do they truly and accurately
13 depict the condition of the sock at the time that
you

14 picked it up on June 6, 1996?

15 A. Yes,
sir.

16 Q. All
right.

17

18 MR. GREG DAVIS: Your
Honor, at this

19 time we'll offer State's Exhibit 60-A and

60-B.

20

MR. RICHARD C. MOSTY:

No objection.

21

THE COURT: State's

Exhibit 60-A and B

22 are admitted.

23

24

(Whereupon, the items

25

Heretofore mentioned

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Reporter

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18 the sock there?

19 A. Yes, sir.

20 Q. Okay. Right here where I'm
pointing?

21 A. Yes, sir.

22 Q. Were those holes present when you
23 picked the sock up?

24 A. Yes, sir.

25 Q. Now, let me ask you, Officer
Mayne, if

1 you found any property in the entryway of the house
that

2 you recovered?

3 A. Yes, sir, I did.

4 Q. What did you recover there?

5 A. A pair of tennis shoes.

6 Q. Okay.

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. Sir, if you would, if you'll
look at

21 State's Exhibits 71-C. Do you recognize that
photograph?

22 A. Yes, sir, I do.

23

Q. Does that show the shoes that

you

24 recovered in the entryway of the house?

25

A. Yes, sir, it does.

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1 Q. Does it truly and accurately
reflect

2 their condition and location at the time that you
first

3 saw them on June the 6th, 1996?

4 A. Yes, sir.

5

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

7 this time we'll offer State's Exhibit No. 71-C.

8 MR. RICHARD C. MOSTY: No
objection.

9 THE COURT: State's Exhibit 71-
C is

10 admitted.

11

12 (Whereupon, the item
13 Heretofore mentioned
14 Was received in evidence
15 As State's Exhibit No. 71-C
16 For all purposes,
17 After which time, the
18 Proceedings were resumed
19 As follows:)

20

21 BY MR. GREG DAVIS:

22 Q. Officer Mayne, am I now pointing

to

23 the shoes there in the photograph?

24 A. Yes, sir.

25 Q. Exactly where were they located in
the

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1 entryway?

2 A. It was right beside the trunk area
and

3 the door exiting the house.

4 Q. Okay. And when you first saw the
5 shoes, did you look to see whether you could see
any

6 blood on the shoes?

7 A. Yes, sir.

8 Q. Did there appear to be blood on
the

9 shoes?

10 A. Yes, sir.

11 Q. All right.

12

13 (Whereupon, the

following

14 mentioned items were

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. GREG DAVIS:

24 Q. Officer, if you would please look

at

25 what's been marked State's Exhibit 71-A and 71-B and
tell

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1 me whether or not these are the shoes that you
recovered

2 in the entryway of 5801 Eagle Drive?

3 A. Yes, sir, it is.

4

5 MR. GREG DAVIS: Your Honor, at
this

6 time we'll offer State's Exhibits 71-A and 71-B.

7 MR. RICHARD C. MOSTY: No
objection.

8 THE COURT: State's Exhibit 71-A
and B

9 are admitted.

10

11 (Whereupon, the items
12 Heretofore mentioned
13 Were received in
evidence

14 As State's Exhibit No.
71-A

15 and 71-B for all
purposes,

16 After which time, the
17 Proceedings were

resumed

18

As follows:)

19

20 BY MR. GREG DAVIS:

21

Q. And looking at State's Exhibit

71-A

22 and 71-B, are these the shoes that you thought you

saw

23 blood on that morning?

24

A. Yes, sir.

25

Q. Did you do anything at that time

to

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1 test the blood on the shoes?

2 A. No, sir, I did not, not on the
shoes.

3 Q. You just put them into evidence?

4 A. Yes, sir.

5 Q. All right.

6

7

8 (Whereupon, the following

9 mentioned item was

10 marked for

11 identification only

12 after which time the

13 proceedings were

14 resumed on the record

15 in open court, as

16 follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Officer Mayne, if you would,
please,

20 look at what has been marked as State's Exhibit No.

39

21 and tell me whether or not you can identify that.

22 A. Yes, sir, I do.

23 Q. Okay. What is State's Exhibit No.
39?

24 A. That's the small, black cap that
was
25 found in the utility room on the floor.

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1 Q. Okay. Would it be fair to say
that at

2 this point it has holes in the top of it?

3 A. Yes, sir.

4 Q. Were those holes present when you
saw

5 it on June 6th?

6 A. No, sir.

7 Q. Okay. Was this item also later
placed

8 into evidence for analysis by someone else?

9 A. Yes, sir.

10 Q. But this is, in fact, the cap; is
that

11 right?

12 A. That's correct.

13

14 MR. GREG DAVIS: Your Honor, at
this

15 time we'll offer State's Exhibit No. 39.

16 MR. RICHARD C. MOSTY: May I take
the

17 witness on Voir Dire very briefly?

18 THE COURT: You may.

19

20 VOIR DIRE EXAMINATION

21

22 BY MR. RICHARD MOSTY:

23 Q. Did you take Exhibit 39 into
evidence?

24 A. No, sir.

25 Q. When was it taken into evidence?

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1 A. Some days later.

2 Q. But you don't know?

3 A. I'm not for sure of the date, no,
sir.

4 Q. How do you know that's the same
hat?

5 Did you place any identifying marks on it of your
own?

6 A. No, sir.

7 Q. How do you know it's the same
hat?

8 A. Talking with the investigators
and
9 officers.

10 Q. Of your knowledge, how do you
know
11 it's the same hat?

12 A. It looks like the hat from the
13 pictures.

14 Q. Okay.

15

16 MR. RICHARD C. MOSTY: No
objection.

17 THE COURT: All right. State's
18 Exhibit 39 is admitted.

19

20 (Whereupon, the item
21 Heretofore mentioned
22 Was received in
evidence
23 As State's Exhibit
No. 39
24 For all purposes,
25 After which time, the

Sandra M. Halsey, CSR, Official
Court Reporter

1725

1 Proceedings were
resumed

2 As follows:)

3

4

5 DIRECT EXAMINATION

(Resumed)

6

7 BY MR. GREG DAVIS:

8 Q. Officer Mayne,
now I want to take you

9 back to the vacuum cleaner in the
kitchen. And before

10 lunch is it true that we -- you were
testifying about

11 where that vacuum cleaner was
positioned; is that

12 correct?

13 A. Yes, sir.

14 Q. Let me ask you
whether or not you took

15 any photographs of the vacuum on the
floor prior to the

16 time that you lifted it up on the
floor?

17 A. Yes, sir.

18 Q. Did you also take
photographs of that
19 area where the vacuum cleaner had
been after you lifted
20 it up off the floor?

21 A. Yes, sir, I did.

22 Q. Okay.

23

24 (Whereupon, the
following
25 mentioned items
were

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Court Reporter

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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 BY MR. GREG DAVIS:

10 Q. Officer Mayne, if
you would, if you'll
11 look at what has been marked as
State's Exhibit 43-A and
12 43-B. Does 43-A truly and
accurately depict the vacuum
13 cleaner as it appeared while it was
still on the floor
14 there in the kitchen?

15 A. Yes, sir.

16 Q. And does 43-B,
does that truly and
17 accurately depict the portion of the

kitchen floor where

18 the vacuum cleaner had been after
you lifted it up on

19 June 6, 1996?

20 A. Yes, sir.

21

22 MR. GREG DAVIS:

Your Honor, at this

23 time we'll offer State's Exhibit 43-
A and 43-B.

24 MR. RICHARD C.

MOSTY: No objection.

25 THE COURT:
State's Exhibit 43-A and B

Sandra M. Halsey, CSR, Official
Court Reporter

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1 are admitted.

2

3 (Whereupon, the
items

4 Heretofore
mentioned

5 Were received in
evidence

6 As State's Exhibit No.
43-A

7 and 43-B for all
purposes,

8 After which time, the
9 Proceedings were

resumed

10 As follows:)

11

12 MR. GREG DAVIS: Your Honor, may
the

13 witness please step down for a moment?

14 THE COURT: You may.

15

16 (Whereupon, the
witness

17 Stepped down from
the

18

Witness stand, and

19

Approached the jury

rail

20

And the proceedings

were

21

Resumed as follows:)

22

23 BY MR. GREG DAVIS:

24

Q. Officer Mayne, let me now ask you

to,

25

again, stand to the side here so all of the jurors
can

Sandra M. Halsey, CSR, Official Court Reporter

1728

1 see. State's Exhibit 43-A, what do we see in that
2 photograph, sir?

3 A. We see the vacuum cleaner lying on
the

4 linoleum floor, and blood around. You see a small
piece

5 of glass right here.

6 Q. Okay. What is this object that I
am

7 pointing to on the right side?

8 A. Trash can.

9 Q. Okay. This rectangular-shaped
object

10 here in the left-hand portion?

11 A. Is the carpet.

12 Q. Okay. And the sink would be
located

13 where in relationship to 43-A?

14 A. It would be right up here.

15 Q. Okay. And again, 43-A is taken
on

16 June 6th before you moved the vacuum; is that
correct?

17 A. That's correct.

18 Q. State's Exhibit 43-B. What does
19 State's Exhibit Number 43-B show?

20 A. It's the area where the vacuum
cleaner

21 was lying. Up here you can see the trash can. In
this

22 area here you can see the rug area, and also the
glass.

23 Q. Okay. Just as a reference point,
let

24 me -- do you see the objects that I'm pointing to in
25 State's Exhibit 43-B?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. What is that object?

3 A. It's a piece of broken glass.

4 Q. Okay. And I'm pointing to an
object

5 down here in State's Exhibit 43-A, and I'll ask you
6 whether or not that's the same object as shown in
State's

7 Exhibit 43-B?

8 A. Yes, sir.

9 Q. Now, the two objects that we have
10 drawn the lines to here, can you tell me what they
11 appeared to be when you lifted the vacuum cleaner off
the
12 floor?

13 A. Blood footprints.

14 Q. Did you find anything else
underneath

15 the vacuum cleaner besides the bloody footprints, any
16 other glass?

17 A. Yes, sir.

18 Q. Can you point for the members of
the

19 jury where you may have found some other glass?

20 A. Right up here, and up
here.

21 Q. Okay. Were these two
bloody

22 footprints shown in State's Exhibit 43-B, were they
23 visible to you before you moved the vacuum cleaner?

24 A. No, sir.

25 Q. And again, just so we can get a

1730 Sandra M. Halsey, CSR, Official Court Reporter

1 direction here, looking at State's Exhibit 43-B,
where

2 would the sink be in relationship to the bloody
3 footprints?

4 A. Right in here.

5 Q. Would the footprints then be
leading

6 away from the sink or towards the sink?

7 A. Away from the sink.

8

9 MR. GREG DAVIS: Thank you.

10

11 (Whereupon, the witness

12 Resumed the witness

13 Stand, and the

14 Proceedings were resumed

15 On the record, as

16 Follows:)

17

18

19 BY MR. GREG DAVIS:

20 Q. Officer Mayne, when you picked the
21 vacuum up, where did you place it?

22 A. I placed it beside the wine rack -

-

23 the wine rack and the closet area.

24

Q. At any time on June the 6th, 1996,

did

25 you ever move the vacuum cleaner back over to where
it

Sandra M. Halsey, CSR, Official Court Reporter

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1 had been near the sink?

2 A. No, sir.

3 Q. Okay. Just one other question
here:

4 As we look at State's Exhibit 43-B, do you see the
object

5 on the left-hand side of that photograph?

6 A. Yes, sir.

7 Q. Let me ask you whether or not that
was

8 this particular area that I'm pointing to, was that

9 visible to you before you moved the vacuum cleaner?

10 A. Yes, sir.

11 Q. Officer Mayne, let me ask you
whether

12 or not you ever collected any evidence out of the
garage

13 itself?

14 A. No, sir.

15 Q. Did you ever take possession of a
16 window screen from the garage area?

17 A. Yes, sir, I did take the screen
off

18 the window.

19 Q. Okay. And if you would briefly
tell

20 us what was the condition of the screen at the time
that

21 you retrieved it from the window?

22 A. It was cut in a T-shaped pattern.

23 Q. Okay. And how did you

remove the

24 screen?

25 A. The screen was removed by
another

Sandra M. Halsey, CSR, Official Court
Reporter

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1 officer and handed to me.

2 Q. Was that done on June the
6th?

3 A. That's correct.

4 Q. All right.

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. Sir, if you would, please, look at
the

19 object that has been marked as State's Exhibit No.
42-A.

20 Do you recognize that?

21 A. Yes, sir.

22 Q. Is this, in fact, the screen, the
23 window screen that you retrieved from the window on

June

24 6th, 1996?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Is it still in the same condition
as
2 when you first retrieved it on June the 6th?

3 A. It appears so, yes.
4

5 MR. GREG DAVIS: Okay. Your
Honor, at
6 this time we'll offer State's Exhibit Number 42-A.

7 MR. RICHARD C. MOSTY: No
objection.

8 THE COURT: State's Exhibit 42-
A is
9 admitted.

10 MR. GREG DAVIS: Okay.

11
12 (Whereupon, the item
13 Heretofore mentioned
14 Was received in evidence
15 As State's Exhibit No. 42-A
16 For all purposes,
17 After which time, the
18 Proceedings were resumed
19 As follows:)

20
21 BY MR. GREG DAVIS:

22 Q. The cuts that we see in this
screen

23 today, were they present on June the 6th, 1996?

24 A. Yes, sir.

25 Q. Okay. And you had indicated a T-
cut.

Sandra M. Halsey, CSR, Official Court Reporter

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1 By that, what do you mean?

2 A. I mean it goes straight across and
3 then down the bottom.

4 Q. Okay. When you retrieved this
screen,

5 do you remember how the screen was folded? Was it
folded

6 inward toward the garage, or was it folded outward
toward

7 the patio? Do you recall?

8 A. Inward towards the garage.

9 Q. Okay. The frame on the bottom
10 portion, does it appear today to have been bent in
some

11 fashion?

12 A. Yes, sir.

13 Q. Was it in that same condition when
you

14 picked it up on June the 6th?

15 A. Yes, sir.

16 Q. Let me ask you also, Officer
Mayne,

17 did you ever retrieve any evidence from upstairs in
the

18 residence?

19 A. Yes, sir, I did.

20 Q. Okay. And specifically, did you
go

21 into the bedroom with the bunk-beds?

22 A. Yes, sir.

23 Q. All right.

24

25 (Whereupon, the
following

Sandra M. Halsey, CSR, Official
Court Reporter

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

9

10 BY MR. GREG DAVIS:

11 Q. Officer Mayne, let me ask you to
look

12 at State's Exhibit 70. Do you recognize that, sir?

13 A. Yes, sir.

14 Q. Okay. Is this the comforter that
you

15 retrieved from the bedroom on June 6, 1996?

16 A. Yes, sir, it is.

17 Q. Okay. At the time did it have
any

18 holes or defects in it?

19 A. No, sir.

20 Q. Okay. Did you do anything to

analyze

21 this thing for blood or other evidence?

22 A. No, sir.

23 Q. Did you place it into evidence

for

24 further analysis by someone else?

25 A. Yes, sir, I did.

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 70.

4 MR. RICHARD C. MOSTY: No
objection.

5 THE COURT: State's Exhibit 70
is
6 admitted.

7

8 (Whereupon, the item
9 Heretofore mentioned
10 Was received in
evidence

11 As State's Exhibit
No. 70

12 For all purposes,
13 After which time, the
14 Proceedings were
resumed

15 As follows:)

16

17 BY MR. GREG DAVIS:

18 Q. Officer, when you
looked at the

19 comforter, State's Exhibit 70, did
you try to determine
20 whether or not you could see any
blood on that?

21 A. It appeared to
have some type of blood
22 stain on the comforter.

23 Q. Okay. Is that
why you took it into
24 evidence?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official
Court Reporter

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1 Q. Okay. In
addition to the items that
2 you have identified here today
during your testimony, did
3 you retrieve additional items from
the family room there
4 at 5801 Eagle Drive?

5 A. Yes, sir.

6 Q. Officer Mayne,
let me show you what's
7 been marked as State's Exhibit 150.

Do you recognize
8 that photograph, sir?

9 A. Yes, sir.

10 Q. Is that a
photograph that you took in
11 the family room on June 6, 1996?

12 A. Yes, sir.

13 Q. Does it show
certain items in this
14 photograph that you retrieved?

15 A. Yes, sir.

16 Q. Does it show them
in the position that
17 they were when you first retrieved
them?

18 A. Yes, sir.

19

20 MR. GREG DAVIS:

Okay. Your Honor, at

21 this time we'll offer State's

Exhibit 150.

22 MR. RICHARD C.

MOSTY: No objection.

23 THE COURT:

State's Exhibit No. 150 is

24 admitted.

25 MR. GREG DAVIS:

Yes, sir.

Sandra M. Halsey, CSR, Official
Court Reporter

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1
2 (Whereupon, the
item
3 Heretofore
mentioned
4 Was received in evidence
5 As State's Exhibit No. 150
6 For all purposes,
7 After which time, the
8 Proceedings were resumed
9 As follows:)

10

11 BY MR. GREG DAVIS:

12 Q. Officer Mayne, as I'm showing this
to
13 the jury, can you just describe what part of the
family

14 room that we're looking at here?

15 A. This is the area beside the couch,
and
16 between the couch and the TV and a lamp.

17 Q. And, in the middle portion, are
there
18 certain papers?

19 A. Yes, sir.

20 Q. Are you familiar with where the

body

21 of Devon Routier was found?

22 A. Yes, sir.

23 Q. How far away from the body of

Devon

24 Routier were these papers?

25 A. Approximately two feet.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Were there a number of papers that
you
2 retrieved from that location?

3 A. Yes, sir.

4 Q. Okay. Let me show you first, four
5 pieces of paper. These have been marked as State's
6 Exhibit 77-C, D, E and F. Do you recognize these
four
7 pieces of paper to be papers that were gathered from
that
8 location in the family room, sir?

9 A. Yes, sir.

10

11 MR. GREG DAVIS: Your Honor, at
this
12 time we'll offer State's Exhibits 77-C, D, E and F.

13 MR. JOHN HAGLER: Same objection
as
14 previously stated.

15 THE COURT: Thank you. State's
16 Exhibits 77-D, E, C and F are admitted.

17

18 (Whereupon, the items
19 Heretofore mentioned
20 Were received in

evidence

21

As State's Exhibit No.

77-C

22

through 77-F for all purposes,

23

After which time, the

24

Proceedings were resumed

25

As follows:)

Sandra M. Halsey, CSR, Official Court Reporter

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1

2 BY MR. GREG DAVIS:

3 Q. Let me just ask you, Officer, if
these

4 appear to be renewal agreements from an insurance
5 company?

6 A. Yes, sir.

7 Q. What insurance company would
that be?

8 A. Combined Insurance Company.

9 Q. Okay. Of America?

10 A. Of America.

11 Q. Okay. And does it show an
insured on

12 77-C?

13 A. Yes, sir.

14 Q. And who is that?

15 A. Darin Routier.

16 Q. And on 77-D, is Darlie Routier
the

17 insured?

18 A. Yes, sir.

19 Q. And on 77-E, is Devon R. Routier
the

20 insured?

21 A. Yes, sir.

22

Q. And on 77-F, is Damon C. Routier

the

23 insured?

24

A. Yes, sir.

25

Q. Let me show you what's been

marked as

Sandra M. Halsey, CSR, Official Court Reporter

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1 State's Exhibit 76. Do you recognize that, sir?

2 A. Yes, sir.

3 Q. Now, is this a marriage license?

Is

4 this one of the pieces of paper that you retrieved
from

5 that location of the family room?

6 A. Yes, sir, it is.

7 Q. Does it appear to be a marriage

8 license between Darlie Lynn Peck and Darin

Eugene

9 Routier?

10 A. Yes, sir.

11

12 MR. GREG DAVIS: All right.

Your

13 Honor, at this time we'll offer State's Exhibit
14 76.

14 MR. JOHN HAGLER: Same objection,

your

15 Honor.

16 THE COURT: All right. Same
ruling.

17 State's Exhibit 76 is admitted.

18

19 (Whereupon, the item

20 Heretofore mentioned

21 Was received in

evidence

22 As State's Exhibit

No. 76

23 For all purposes,

24 After which time, the

25 Proceedings were

resumed

Sandra M. Halsey, CSR, Official Court Reporter

1742

1 As follows:)

2

3 BY MR. GREG DAVIS:

4 Q. Again this appears to be a
marriage

5 license of Darlie Lynn Peck and Darin E. Routier; is
that

6 correct?

7 A. Yes, sir.

8 Q. These papers that I'm showing you,
9 Officer, were they found in any sort of container,
or

10 where exactly were they?

11 A. They were in green folders
lying on

12 top of a plastic canister tub.

13 Q. And did you ever determine if
there

14 was anything inside that tub?

15 A. Yes, sir.

16 Q. Any other papers inside the
tub?

17 A. No, sir.

18 Q. What was inside the tub?

19 A. Like sewing equipment.

20 Q. All right. I'm going to show you

21 what's been marked as State's Exhibit 74-A and 74-B.

Do

22 you recognize those to be two of the papers that you

23 retrieved from that location in the family room?

24 A. Yes, sir, it is.

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. GREG DAVIS: Your Honor, at
this

2 time we'll offer State's Exhibits 74-A and 74-B.

3 THE COURT: All right. 74-A and B
are
4 admitted.

5
6 (Whereupon, the items
7 Heretofore mentioned
8 Were received in evidence
9 As State's Exhibit No. 74-A
10 And 74-B for all purposes,
11 After which time, the
12 Proceedings were resumed
13 As follows:)

14

15 BY MR. GREG DAVIS:

16 Q. Officer, do these appear to be
Social

17 Security cards, 74-A being for Devon Rush Routier?

18 A. Yes, sir.

19 Q. And does 74-B appear to be a
Social

20 Security card for Damon Christian Routier?

21 A. Yes, sir.

22 Q. Let me show you State's Exhibit 75.

23 Do you recognize this also to be one of the papers
that

24 you retrieved from that location of the family room?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1

2

MR. GREG DAVIS: We'll offer

State's

3

Exhibit 75.

4

THE COURT: I believe they have

5

already been reviewed. What is State's Exhibit

75?

6

MR. GREG DAVIS: 75 is the

birth

7

certificate of Darlie Lynn Peck.

8

THE COURT: Okay. Well,

State's

9

Exhibit 75 is admitted.

10

11

(Whereupon, the above

12

mentioned item was

13

received in

evidence as

14

State's Exhibit No.

75,

15

for all purposes

16

after which time,

17

the proceedings

were

18

resumed on the

record,

19 as follows:)

20

21 BY MR. GREG DAVIS:

22 Q. Again, Officer, does this appear
to be

23 a certificate of birth from the Commonwealth of
24 Pennsylvania for an individual named Darlie Lynn

Peck; is

25 that correct?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yes, sir.

2 Q. Okay. Officer, if you will
please

3 look at State's Exhibit 73-A and 73-B. Are those
two of

4 the papers that you retrieved from that location in
the

5 family room on June 6th?

6 A. Yes, sir.

7

8 MR. GREG DAVIS: Your Honor, at
this

9 time we'll offer State's Exhibits 73-A and 73-B.

10 THE COURT: All right. Exhibits
73-A

11 and B are admitted.

12

13 (Whereupon, the items

14 Heretofore mentioned

15 Were received in

evidence

16 As State's Exhibit No.

73-A

17 And 73-B for all

purposes,

18 After which time, the

19 Proceedings were
resumed

20 As follows:)

21

22 BY MR. GREG DAVIS:

23 Q. Just looking here, does 73-A
appear to

24 be a birth certificate for a Devon Rush Routier?

And

25 does 73-B appear to be a birth certificate for Damon

Sandra M. Halsey, CSR, Official Court Reporter

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1 Christian Routier?

2 A. Yes, sir.

3 Q. Okay. Officer, looking at
State's

4 Exhibits 72-A and B, are these also two pieces of
paper

5 you retrieved from the family room that morning?

6 A. Yes, sir.

7

8 MR. GREG DAVIS: Your Honor, at
this

9 time we will offer State's Exhibit Number 72-A and
72-B.

10 THE COURT: State's Exhibit 72-A
and B

11 are admitted.

12

13 (Whereupon, the items

14 Heretofore mentioned

15 Were received in

evidence

16 As State's Exhibit No.

72-A

17 And 72-B for all

purposes,

1 A. Yes, sir.

2 Q. Does 72-B appear to be a certified
3 copy of the birth certificate for Damon Christian
4 Routier?

5 A. Yes, sir.

6 Q. Officer, let me show you what's
been

7 marked as State's Exhibits 74-C and 74-D. Do you
8 recognize those to also be papers that you retrieved
from

9 the family room?

10 A. Yes, sir.

11

12 MR. GREG DAVIS: Your Honor, at
this

13 time we'll offer State's Exhibits 74-C and 74-D.

14 THE COURT: 74-C and D are
admitted.

15

16 (Whereupon, the items

17 heretofore mentioned

18 were received in

evidence

19 As State's Exhibit No.

74-C

20

and 74-D for all

purposes,

21

After which time, the

22

Proceedings were

resumed

23

As follows:)

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. All right. Officer, looking at
3 State's Exhibit 74-C, does it appear to be the
4 immunization record for Devon Routier?

5 A. Yes, sir.

6 Q. State's Exhibit 74-D, does this
appear

7 to be the immunization record for Damon Routier?

8 A. Yes, sir.

9 Q. Okay. Officer, let me show you
what's

10 been marked as State's Exhibit No. 82-A. Do you
11 recognize that, sir?

12 A. Yes, sir.

13 Q. Is this also one of the pieces of
14 paper that you retrieved from the den that morning?

15 A. Yes, sir.

16

17 MR. GREG DAVIS: Your Honor, at
this

18 time we'll offer State's Exhibit 82-A.

19 THE COURT: State's Exhibit 82-A
is

20 admitted.

21 (State's Exhibit 82-A admitted.)

22

23 BY MR. GREG DAVIS:

24 Q. Officer, did you ever look at the
25 hands here to compare the size of them to the
handprint

Sandra M. Halsey, CSR, Official Court Reporter

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1 that you found on the carpet?

2 A. Visually, yes.

3 Q. What was the result of that?

4 A. It appears they were approximately
the
5 same size.

6 Q. Okay. Officer, let me show you
what's

7 been marked as State's Exhibit 77-G, a folder with
8 several pieces of paper inside. Were these papers
also

9 found by you in the family room on June 6?

10 A. Yes, sir.

11

12 MR. GREG DAVIS: Your Honor, at
this

13 time we'll offer State's Exhibit 77-G.

14 THE COURT: State's Exhibit 77-G

is

15 admitted.

16

17 (Whereupon, the item

18 heretofore mentioned

19 was received in evidence

20 as State's Exhibit No. 77-G

21 for all purposes,

22

After which time, the

23

Proceedings were resumed

24

As follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. Does this appear to be a brochure
from

3 the A.L. Williams Company concerning insurance?

4 A. Yes, sir.

5 Q. Officer, looking at State's
Exhibit

6 No. 77-A and 77-B. Were these papers found by you in
the

7 family room on June 6th?

8 A. Yes, sir.

9

10 MR. GREG DAVIS: Your Honor, at
this

11 time we'll offer State's Exhibits 77-A and 77-B.

12 THE COURT: State's Exhibits 77-A
and

13 B are admitted.

14

15 (Whereupon, the items

16 Heretofore mentioned

17 Were received in

evidence

18 As State's Exhibit No.

77-A

19 And 77-B for all
purposes,

20 After which time, the
21 Proceedings were
resumed

22 As follows:)

23

24 BY MR. GREG DAVIS:

25 Q. Officer, if you would please
look at

Sandra M. Halsey, CSR, Official Court
Reporter

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1 the notebook that I have marked as State's Exhibit 78.

2 Do you recognize that, sir?

3 A. Yes, sir.

4 Q. Did you find that notebook in
the

5 family room on June the 6th?

6 A. Yes, sir.

7

8 MR. GREG DAVIS: Your Honor, at
this

9 time we'll offer State's Exhibit 78.

10 THE COURT: State's Exhibit 78
is

11 admitted.

12

13 (Whereupon, the item

14 Heretofore mentioned

15 Was received in

evidence

16 As State's Exhibit

No. 78

17 For all purposes,

18 After which time, the

19 Proceedings were

resumed

20

As follows:)

21

22 BY MR. GREG DAVIS:

23

Q. Officer, if you would please look

at

24 the piece of paper that I'm holding, State's Exhibit

80.

25 I'll ask you whether or not you found this piece of
paper

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1 in the family room on that date also on June 6th?

2 A. Yes, sir.

3 Q. As well as, did you find State's
4 Exhibit 79-A, 79-B, and the notepad identified as
State's

5 Exhibit 79-C. Did you find all four of these
documents

6 in the family room on June 6th, sir?

7 A. Yes, sir.

8

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

10 this time we'll offer State's Exhibit 79-A, 79-B, 79-
C,

11 and State's Exhibit No. 80.

12 THE COURT: All right. State's
13 Exhibits 79-A, B and C are admitted. And State's
Exhibit

14 80 is admitted.

15

16 (Whereupon, the items

17 Heretofore mentioned

18 Were received in

evidence

19 As State's Exhibit No.

79-A

20 Through 79-C and No. 80
21 For all purposes,
22 After which time, the
23 Proceedings were

resumed

24 As follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. All right. Officer Mayne, if you
3 could step down briefly and just point on the
diagram of

4 the family room exactly where you found the
documents

5 that we've just offered into evidence, sir.

6

7 (Whereupon, the witness
8 Stepped down from the
9 Witness stand, and
10 Approached the jury

rail

11 And the proceedings

were

12 Resumed as follows:)

13

14 THE COURT: Before, let me make

this

15 statement to the jury:

16 Ladies and gentlemen of the
jury,

17 State's Exhibit 77-D, E, C and F, and State's
Exhibit 76

18 and 74-A and B, 75, 73-A and B, 72-A and B, 74-C and
D,

19 82-A, 77-G, 77-A and B, 78, 80 and 79-A, B and C
were
20 admitted because they were found at the scene and
for no
21 other reason. And if necessary, a limiting
instruction
22 will be given to you in the Charge of the Court if
that
23 is appropriate, at the time that I give my Charge of
the
24 Court.
25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. Officer, if you could hold that
end.

3 If possible, just point out for us where you found
these
4 documents.

5 A. Right here.

6 Q. Okay. And I'm pointing here at
7 State's Exhibit 11-B. Am I pointing at the location
in
8 that room where you found them?

9 A. That's correct.

10 Q. Okay. If you'll step around so
all
11 those jurors can see you.

12 A. Okay.

13 Q. You found all the papers in that
one
14 location?

15 A. Yes, sir.

16 Q. Okay.

17

18 MR. GREG DAVIS: Your Honor, I
would

19 like permission to publish certain documents to the
jury.

20 And what we have done is we have made copies of the
21 documents that I'll be publishing, a copy for each
juror,
22 as well as for counsel and the Court.

23 THE COURT: You may do so.

24

25 (Folders passed out to

Sandra M. Halsey, CSR, Official Court Reporter

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1 the jury.)

2

3 MR. GREG DAVIS: The first
document

4 that we will be looking at is State's Exhibit 77-B.
And

5 that should be the first document in your folder
there.

6 And I draw your attention to the first page which
shows

7 that that document is an insurance policy issued by
the

8 Massachusetts General Life Insurance Company of
Boston,

9 Massachusetts.

10 And, if you will look at the
second

11 page, you will see that the insured is Darlie
Routier.

12 You will also see under the monthly cost of the
insurance

13 schedule that the flexible premium adjusted for life
14 insurance for the insured is \$100,000.

15 You'll also notice on the second
line,

16 CR-86, children's insurance, initial specified amount

is

17 \$5,000, with premium due on that.

18 Now, if you will look at the
second

19 document, in the notebook, you'll see that's State's

20 Exhibit 78. And, you'll see the first page is
actually

21 the outside cover of the notebook that I'm holding
here.

22 And if you'll turn to the next
page,

23 you'll see the page that's actually shown about four
or

24 five pages deep into the notebook here that I'm
holding.

25 And you'll see here that A.L. Williams, Darin,
350,000,

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1 Darlie, 50, Combined Insurance Company, their
address,
2 telephone number. Massachusetts General Life, Agent
John
3 B. Tanner, his telephone. Darin, 350,000, Darlie,
4 100,000. Also says if death occurs by plane,
American
5 Express will also pay for us.
6 And if you'll turn to the next
page,
7 you'll see there a notation, "Guardianships Sarilda
and
8 Lenny Routier. Joint custody, Darlie Kee,
parenthesis,
9 Mauk. Executor of will Darlie Kee. House to be
sold by
10 Mary Kay Molby, 475-5608. And any profit to be put
in
11 trust fund for Devon, Damon and Drake until age 21.
All
12 items in safety deposit box will remain in place
until
13 Devon, Damon and Drake reach age 21. Darlie Kee
will
14 have access to this box until the boys reach 21."

15 And, if you'll turn the page,
you'll
16 see it's entitled "funeral arrangements." Funeral
to be
17 paid for from insurance money, arrangements to be
made by
18 Darlie Kee and Sarilda Routier.
19 And, if you'll turn the page one
more
20 time, you'll see the last page in that exhibit.
"Money
21 from insurance, money remaining after funeral
arrangement
22 is to be divided into three trust funds for Devon,
Damon
23 and Drake." And those are pages out of State's
Exhibit
24 78, the notebook.
25 And, if you'll look at the next

trust.

17 Trust is \$25,000 each when they start college. If
they

18 don't -- and if you'll flip to the next page, what
you'll

19 see is what's on the back of the green pad.

20 If they don't go to college the
money

21 stays in trust until age 25. All items in safety
deposit

22 box to be kept in box until Devon and Damon reach
age 21.

23 Darlie Kee will have access to the box.

24 An allowance will be taken out
of the

25 trust one -- once per year in the amount of
\$10,000 to be

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Reporter

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1 used for Devon and Damon's living expenses while
in
2 custody of Lenny and Sarilda until Devon and Damon
reach

3 age 18, no exceptions.

4 And if you go to the next page.

This

5 page is going -- this next page is going to begin
with

6 mink coat.

7 Does everybody see the page
mink coat?

8 Mink coat, diamond heart
necklace,

9 leather furniture, formal dining table and chairs.

10 Leather furniture, Darlie Kee. All autographed
pictures

11 and remaining jewelry and guns go in the safety
deposit

12 box for Devon and Damon until age 25. Also, any
13 remaining items in house to be sold by Darlie Kee
and put

14 in trust for D and D until age 21.

15 1986 XJ6 Jaguar, Deon Routier.

And

16 stereo, with big screen T.V. Armani statues, two
diamond

17 and gold watches, Arenda Routier. 1987, 30-foot
boat,

18 Lenny and Sarilda Routier. Also green marble
three-piece

19 clock set, and large vase in entrance, three piece

20 bedroom suite, Barbara Jovell.

21 If you'll turn it over, you'll
see

22 what is a pink page still on the pad. Kitchen
table and

23 chairs, entrance table, and green leather TV
chairs, and

24 two carat diamond rings, Tammy Jovell. All
clothes and

25 amethyst ring, Dana Stahl. All perfume bottles
and

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Reporter

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1 emerald ring, Danielle Stahl.

2 Everything in shop is to be
sold by

3 Darlie Kee. 10,000 each is to be given to Barbara
and

4 Tammy Jovell. 10,000 is to be given to Darlie
Kee.

5 10,000 is to be given to Lenny and Sarilda
Routier.

6 Remaining money is to be divided among Dana
Stahl.

7 And if you'll turn, you'll see
the

8 beige-colored tab page here. Danielle Stahl,
Arenda

9 Routier, Deon Routier. All of the boys items from
house

10 to be taken with them to Lenny and Sarilda Routier,
11 including all pictures and any personal items that
Devon

12 and Damon want to have with them.

13 The dog and two cats are to go
with

14 Deon -- with Devon and Damon Routier, and are to be
taken

15 care of at the residence of Lenny and Sarilda
Routier.

16 And that's the last page on the notepad that's
actually

17 written on.

18 All right. And if you'll look at
the

19 next page in the packet there, you will see State's
20 Exhibit 80. The first of the back part where it's
been

21 marked here, State's Exhibit No. 80. And if you'll
go to

22 the last page there. The copies aren't real good,
but

23 you'll see the writing: Money from this policy is
to be

24 put into trust for Devon and Damon until age 21. It
25 appears Darlie Routier's signature and that of Darin

Sandra M. Halsey, CSR, Official Court Reporter

1 Routier beneath that.

2

3 BY MR. GREG DAVIS:

4 Q. Okay. And, again, Officer, the
papers

5 that we just read, were they also included in the
bags

6 that were out there in the open, on top of that
blue or

7 green box?

8 A. Yes, sir.

9 Q. Let me ask you: On the June
6th,

10 1996, did you collect any more evidence out there
than

11 what we have just seen?

12 A. Yes, sir.

13 Q. Okay. Any other papers, for
instance?

14 A. No, sir.

15 Q. Okay. What other evidence did
you

16 retrieve out there on June 6th?

17 A. Some marijuana.

18

19 MR. JOHN HAGLER: Excuse me,

your

20 Honor, may we approach the bench?

21 THE COURT: You may indeed.

22 MR. JOHN HAGLER: Your Honor,

we need

23 a hearing outside the presence of the jury.

24 THE COURT: Will the jury step

into

25 the jury room briefly, please.

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Reporter

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1 All right. Why don't you take
a 15

2 minute break now, please. Thank you.

3

4 (Whereupon, the jury

5 Was excused from

the

6 Courtroom, and the

7 Proceedings were

held

8 In the presence of

the

9 Defendant, with

her

10 Attorney, but

outside

11 The presence of

jury

12 As follows:)

13

14 THE COURT: Let the record reflect

15 that these proceedings are being held outside the

16 presence of the jury and all parties in the trial are

17 present.

18 You may proceed -- well, why don't

we

19 go through with this testimony first and then Mr.
Hagler

20 can make his objection.

21 Go ahead, Mr. Davis.

22 MR. GREG DAVIS: I have no further
23 questions, your Honor.

24 THE COURT: That's it?

25 MR. GREG DAVIS: Yes, sir.

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1 THE COURT: All right.

2 MR. GREG DAVIS: Concerning that
date,

3 I have some questions about June the 14th.

4 THE COURT: Okay. You got any
5 anything else that might indicate anything -- any
6 extraneous offense or anything?

7 MR. GREG DAVIS: No, sir. Just
for

8 the record, I was not attempting to offer an
extraneous

9 offense. I'm very well aware of the Court's order
here

10 in that regard, and that the matters are to be
taken up

11 outside the presence of the jury.

12 I expected the answer: "No, I
didn't

13 retrieve anything else." Because that's the only
14 evidence -- I'm looking at an outline here. That's
the

15 last piece of evidence that I've got on my outline
here

16 is the papers --

17 THE COURT: All right. I'll
sustain

18 the defense objection. And when the jury comes
back,

19 I'll instruct them not to consider that for any
reason

20 whatsoever.

21 MR. DOUGLAS MULDER: Judge, that
won't

22 do us any good. This is a flagrant violation. We've
23 been over this three or four times. It's not like
this

24 witness has not been prepared in this. This was a
25 deliberate attempt on the part of the prosecution and
the

Sandra M. Halsey, CSR, Official Court Reporter

18 even had a dress rehearsal on this, and the
witnesses

19 have testified. If we can take this witness on
voir

20 dire, we'll establish how many times he's talked to
the

21 prosecution.

22 But now, you've put us in the
position

23 of having to go into this matter, and show the jury
that

24 it was in fact a very, very small quantity of
marijuana.

25 The jury doesn't know whether there were bales out
there,

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1 or whether there were pounds, or just what.

2 But now, we're put in the
position,

3 because of this deliberate misconduct, of having to
clear

4 this matter up before the jury, and show them that it
5 was -- that we're talking about grams, a few grams,
6 instead of ounces or pounds or whatever.

7 THE COURT: Well, are you moving
for a

8 mistrial?

9 MR. DOUGLAS MULDER: Yes, sir.

10 THE COURT: Okay. Motion for
mistrial

11 denied. I will so instruct the jury.

12 MR. RICHARD C. MOSTY: You're not
13 going to instruct them about a mistrial, are you?

14 THE COURT: No, I'm going to tell
the

15 jury -- I will caution the jury -- I'll instruct the
jury

16 to not consider the last comment of the witness for
any

17 reason whatsoever.

18 MR. DOUGLAS MULDER: Well, Judge,
19 we're placed into the position of having to go into

this.

20 THE COURT: I understand. You've
21 moved for a mistrial. I have denied your motion for
a
22 mistrial. So if there's any error in my ruling, I
think

23 it's been adequately preserved.

24 MR. DOUGLAS MULDER: Well, we have
25 been --

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1 THE COURT: All right. With that
in
2 mind, we will, I guess, have another 13 minutes of
break.

3 MR. DOUGLAS MULDER: Would it be
4 presumptuous of me to ask the Court to admonish both
the
5 witness and the prosecution?

6 THE COURT: They are both so
7 admonished.

8 MR. DOUGLAS MULDER: Well, could
you
9 do it a little bit stronger, Judge, do you think?

10 THE COURT: Well, I think they --
I
11 don't think Mr. Davis did this intentionally.

12 MR. DOUGLAS MULDER: Well, what
13 sanctions do you intend to take against the
witness?

14 THE COURT: I have taken all
of
15 sanctions I intend to take right now. Thank you.
All
16 right.

17 MR. JOHN HAGLER: Your Honor, just

for

18 the purpose of the record, our objection is that this

is

19 an extraneous offenses, inadmissible under Rule 404-

B.

20

THE COURT: We understand that.

And

21 the jury is going to be instructed to disregard the

22 comment of the witness.

23

And you're instructed not to do

24 that -- anything like that again.

25

THE WITNESS: Yes, sir.

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1 MR. GREG DAVIS: Yes, sir.

2 THE COURT: All right.

3 MR. RICHARD C. MOSTY: And could
he be

4 admonished that that's even true on cross-examination
5 when I cross-examine him?

6 THE COURT: Yes, by all means.

7 Keep quiet about that.

8 All right. I guess we're on break
now

9 until 20 minutes to 3:00.

10

11 (Whereupon, a short

12 Recess was

taken,

13 After which

time,

14 The proceedings

were

15 Resumed on the

record,

16 In the presence

and

17 Hearing of the

defendant

18 But outside the

presence

19

Of the jury, as

follows:)

20

21

THE COURT: All right. Let the

record

22 reflect that these proceedings are being held outside

the

23 presence of the jury and all parties in the trial are

24 present.

25

Mr. Davis, Mr. Shook and Mrs.

Wallace,

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1 you're instructed to make sure that all of the
witnesses

2 are properly prepared and not to have a repetition of
3 what just occurred; is that clear?

4 MR. GREG DAVIS: Yes, sir. And I
will

5 state to the Court that during the break that Miss
6 Wallace went back and talked to the Rowlett officers
who

7 are scheduled to testify later in this case. And we
have

8 re-emphasized to them again, that these matters are
not

9 to be gotten into during their testimony.

10 THE COURT: All right. Thank you.

11 All right. Bring the jury in.

12 MR. DOUGLAS MULDER: Wait a
minute,

13 your Honor. Couple of things: One, Judge, if it
please

14 the Court, what happens if they do?

15 THE COURT: Well, we'll come to
16 that -- we'll cross that bridge when we come to
it.

17 Let's bring the jury in,
please.

18

MR. DOUGLAS MULDER: And

what --

19 second, what -- could the Court please tell us

what

20 instructions you intend to give the court -- the

jury?

21

THE COURT: I intend to give the

jury

22 the following instruction, not to consider the last

23 comment of the witness concerning marijuana to be

found

24 at the scene for any purpose whatsoever. Please

25 disregard it.

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1 All right. Let's bring the jury
in.

2 MR. RICHARD C. MOSTY: Wait a
minute.

3 Could we have second to think about it?

4 MR. DOUGLAS MULDER: We may not
want

5 any instruction. I just may not want it re-
emphasized.

6 THE COURT: Well, I
intend to do that,

7 so I am going to do it.

8 MR. DOUGLAS MULDER:
Over our

9 objection?

10 THE COURT: Thank
you.

11 MR. DOUGLAS MULDER:
All right.

12 THE COURT: All
right.

13 MS. SHERRI WALLACE:
Wait. Excuse me.

14 Are y'all objecting to his limiting
instruction?

15 MR. DOUGLAS MULDER:

No, he's already

16 ruled, and we aren't going to argue
with him.

17 THE COURT: I'm
going to give them a
18 limiting instruction. So let's bring
them in.

19 MR. RICHARD C.
MOSTY: And it's noted
20 that we object to that limiting
instruction that you
21 just --

22 THE COURT: All
right. Thank you.

23

24 (Whereupon, the
jury
25 Was returned to
the

1 Courtroom, and the
2 Proceedings were
3 Resumed on the
record,

4 In open court, in
the
5 Presence and
hearing

6 Of the defendant,
7 As follows:)

8

9 THE COURT: All right.

Let's go back

10 on the record.

11 All right. Let the record
reflect

12 that all parties in the trial are present and
the jury is

13 seated.

14 Ladies and gentlemen of the
jury, you

15 are instructed to disregard the last answer by
the

16 witness.

17 Mr. Davis.

18 MR. GREG DAVIS: Yes, sir.

19

THE COURT: All right.

20

MR. GREG DAVIS: I'll pass

the witness

21

for cross-examination.

22

THE COURT: Mr. Mosty.

23

24

25

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1

CROSS EXAMINATION

2

3 BY MR. RICHARD MOSTY:

4 Q. Mr. Mayne, have you prepared
any

5 reports?

6 A. Yes, sir.

7 Q. How many?

8 A. Approximately
two.

9 Q. Approximately
two?

10 A. Two.

11 Q. Is it two, or is it
approximately two?

12 A. It's two.

13 Q. You're sure?

14 A. Yes, sir.

15 Q. Okay. Did you take any
notes?

16 A. Yes, sir.

17 Q. Did you keep them?

18 A. Yes, sir.

19 Q. Where are they?

20 A. They're at my office.

21 Q. Your office in Rowlett?

22

A. Yes, sir.

23

Q. When is the last time you

looked at

24 them?

25

A. The notes?

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1 Q. Yes, sir.

2 A. It would be when I was
there.

3 Q. Okay.

4 A. Before the trial.

5 Q. Before the trial?

6 A. Yes, sir.

7 Q. Okay. How many pages of notes?

8 A. One.

9 Q. One page of notes. How long are
these
10 approximately two reports?

11 A. Two pages.

12 Q. Each?

13 A. No, sir.

14 Q. One page each?

15 A. Two pages on one, and a paragraph
on
16 the other.

17 Q. When are they dated?

18 A. The -- June 6th and June 14th.

19 Q. When is the last time you looked
at
20 those?

21 A. During the trial.

22 Q. Okay. Why didn't you bring your

23 notes?

24 A. Because I have studied them, and I
25 have looked over my reports.

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1 Q. Well, do you think maybe that
there

2 might be something in the notes that I saw that was
3 interesting, that you chose not to see?

4 A. No, sir.

5 Q. Didn't think so?

6 A. No, sir.

7 Q. Okay.

8

9 MR. RICHARD C. MOSTY: Your Honor,
may

10 we have Officer Mayne's reports, please.

11 MR. GREG DAVIS: Yes, sir. I'm
sorry,

12 I was under the impression that the reports had been
13 given. I have located one of them now.

14 THE COURT: Well, give them to the
15 defense. They will have time to review them.

16 MR. GREG DAVIS: Yes, sir. I have
17 found the two-page narrative. And I'll tender that
at

18 this time to Mr. Mosty. And I will continue to look
for

19 the additional page that was produced by Officer
Mayne.

20 THE COURT: Do you need some

time?

21 MR. GREG DAVIS: This is the crime
22 scene report dated June 6th.

23 MR. RICHARD C. MOSTY: Thank you.

24 THE COURT: All right. Take your
25 time, gentlemen.

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1 MR. RICHARD C. MOSTY: Do you want
to

2 move on? And we'll take another --

3 THE COURT: Well, whatever you
prefer

4 to do.

5 MR. RICHARD C. MOSTY: Well, it's
a

6 little hard for me to say not knowing what's in this
7 report.

8 THE COURT: All right. Well, can
we

9 bring -- do you want to -- we can just bring another
10 witness in -- do you want to go on to another witness
and
11 you can recall this gentleman?

12 MR. RICHARD C. MOSTY: No, I would
13 rather go along. They will find it before I let him
go.

14 MR. GREG DAVIS: I'm probably more
15 than halfway through, and I'm going to look through
every

16 page here as quickly as I can. But I've got another
17 witness available.

18 MR. RICHARD C. MOSTY: Well, I
would

19 rather hop in.

20 THE COURT: All right.

21 MR. GREG DAVIS: All right.

22

23 BY MR. RICHARD MOSTY:

24 Q. Mr. Mayne, did you just tell me

that

25 you have seen it since the trial?

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1 A. Yes, sir.

2 Q. Is that the second report or the
first
3 report that is missing?

4 A. Excuse me?

5 Q. Is that the second report or the
first
6 report?

7

8 THE COURT: I think Mr. Davis has
9 found the balance.

10 MR. GREG DAVIS: Let me just -- if
I
11 could take the witness on Voir Dire for just a
moment.

12 THE COURT: Yes, sir.

13

14 VOIR DIRE EXAMINATION

15

16 BY MR. GREG DAVIS:

17 Q. Officer Mayne, do you see this
crime
18 scene report dated June 14th?

19 A. Yes, sir.

20 Q. Is that the other report that
you're

21 talking about?

22 A. Yes, sir.

23

24 MR. GREG DAVIS: I'm tendering

that

25 report to Mr. Mosty.

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1

2

3

CROSS EXAMINATION (Resumed)

4

5 BY MR. RICHARD MOSTY:

6

Q. Okay. Mr. Mayne, I have
looked at a

7 two-page report dated 6-6-96. That's the date
that's

8 shown up on the left. I guess -- and that's a
two-page

9 report?

10

A. Yes, sir.

11

Q. And one dated 6-14-96, and
that's a

12 one-page report. Let me tender these to you and
ask you:

13 Is that the sum total of your report?

14

A. Yes, sir.

15

Q. Who typed those up?

16

A. I did.

17

Q. And the notes are about a
page, did

18 you tell me?

19

A. Yes, sir.

20 Q. And they're still up in
Rowlett?

21 A. Yes, sir.

22 Q. Other than the notes, and
these three

23 pages of reports, have you created any other
document,

24 handwritten, typed-written, in any manner?

25 A. Evidence tags.

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Reporter

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1 Q. Evidence tags?

2 A. Yes, sir.

3 Q. Okay. And is that just for
the
4 evidence that you seized or for other evidence?

5 A. What I seized.

6 Q. So you filled out your tag for
7 evidence?

8 A. Yes, sir.

9 Q. Now, I guess -- I take it it's
not
10 your habit to sign your reports?

11 A. That's correct.

12 Q. How is this done? On a
computer?

13 A. Yes, sir.

14 Q. If I went up to Rowlett -- when
is the
15 last time you looked at it on the computer?

16 A. On the computer?

17 Q. Yes, sir.

18 A. It was probably sometime in
December.

19 Q. Okay. And when was this hard
copy

20 produced?

21 A. I'm not for sure when that hard
copy

22 was produced.

23 Q. Is that computer stuff, is it
all kept

24 under this file, for instance? Is every report on
this

25 case in one computer file?

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1 A. Under -- yes, sir, under my
file.

2 Q. Well, what about the others of
Ward

3 and some of those others?

4 A. They have it under their files.

5 Q. Okay. Can you get access to
those?

6 A. No, sir.

7 Q. If someone -- if you went in and
8 wanted to make some corrections in this narrative,
you

9 would just call it up on the screen?

10 A. I could.

11 Q. And you could change it?

12 A. Yes, sir.

13 Q. And there would be no -- since
it's

14 not dated and signed, this hard copy, there would
be no

15 way for anybody to know whether a report had been

16 changed, would there, except the person who changed
it?

17 A. If I changed it, yes, sir.

18 Q. Well, or if somebody else

changed

19 their own report, so long as these aren't dated

and

20 signed, there's no way for someone to

independently

21 verify that this computer report has not been

changed, is

22 there?

23 A. Not to my knowledge.

24 Q. Is this the way you've been

writing

25 reports for your full 10 years there at Rowlett?

Sandra M. Halsey, CSR, Official Court Reporter

1778

1 A. Yes, sir.

2 Q. Is that the way everybody does it?

3 A. I'm not for sure how other people
do
4 it.

5 Q. There's no requirement that you
read
6 and sign your reports?

7 A. No, sir, I just have it printed.

8 Q. Okay. Where does it go from
there?

9 A. It goes into my file, and then a
10 report is generated for records.

11 Q. Do you make a habit of after you
have
12 typed up one of these narrative reports, of sitting
down
13 and then handwriting out that report?

14 A. No, sir.

15 Q. Do you see -- is there any reason
to
16 do that?

17 A. No, sir.

18 Q. Okay. You've been an officer
there 10

19 years now; is that right?

20 A. That's correct.

21 Q. And, did I understand that
obviously

22 you've gone to the basic school, but you have gone to

23 some schools for specifically relating to evidence

and

24 collection and preservation?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1779

1 Q. Okay. What are those
schools?

2 A. It's just different crime
scene

3 schools. It's intermediate crime scene school.
I think

4 advanced crime scene school.

5 Q. Like put on by the Department
of

6 Public Safety?

7 A. Different agencies.

8 Q. And, how long you have been
trained in

9 evidence selection and retention?

10 A. Approximately, eight years.

11 Q. Okay. But even your basic
training

12 covers that, doesn't it?

13 A. Yes, sir.

14 Q. Okay. And how long have you
been --

15 are you in charge -- were you in charge of this
crime

16 scene?

17 A. No, sir.

18 Q. Who was in charge of it?

19 A. As far as I know Sergeant
Nabors,

20 which is my Sergeant.

21 Q. Is he your immediate
supervisor?

22 A. In crime scene, yes, sir.

23 Q. Okay. Is he the highest
ranking crime

24 scene officer in Rowlett PD?

25 A. Yes, sir.

 Sandra M. Halsey, CSR, Official Court
Reporter

1780

1 Q. And then he works directly
under the

2 detectives, I take it?

3 A. Well --

4 Q. Or along side, is maybe a
better way

5 of saying it?

6 A. Yes, sir.

7 Q. And you've been trained in
blood

8 sampling?

9 A. Yes, sir.

10 Q. You have been trained -- you
sounded

11 like you had some training in blood spatter?

12 A. Yes, sir.

13 Q. You've been trained in
photography of

14 crime scenes?

15 A. Yes, sir.

16 Q. And did you tell me that you
had taken

17 blood samples in some 50 cases?

18 A. Yes, sir.

19 Q. Over your 10 years at Rowlett?

20 A. Yes, sir.

21 Q. About five a year, on average?

22 A. Yes, sir.

23 Q. How many of those were

homicides?

24 A. Death investigations, probably

45.

25 Q. By death, you're saying

suicide or

Sandra M. Halsey, CSR, Official Court
Reporter

1781

1 homicide or unknown?

2 A. Yes, sir.

3 Q. How many of them involve
multiple

4 bleeding parties?

5 A. Three.

6 Q. How many of them involve
multiple

7 bleeding parties who had been moving around the
crime

8 scene?

9 A. Two.

10 Q. How many of them involve
multiple

11 bleeding parties who have been moving around a
crime

12 scene and the paramedics had come in and
intervened on

13 some of the persons --

14 A. Two.

15 Q. One being this one?

16 A. That's correct.

17 Q. And one other one?

18 A. Yes, sir.

19 Q. And how long ago was that other

one?

20 A. Approximately five years ago.

21 Q. Okay. So in your two years

you've had

22 two occasions that are at least -- you've had two

23 experiences of multiple bleeding parties in a crime

scene

24 where there's movement and paramedics and all those

kinds

25 of things?

1 A. Yes, sir.

2 Q. All right. Now, were you called
out

3 there -- well, what were you called out to do
initially?

4 And I know you got sidetracked, didn't you?

5 A. I was called out to help with the
6 crime scene.

7 Q. Okay. And nothing more specific
than

8 that at that time?

9 A. At that time, no, sir.

10 Q. Did you go pick up your camera?

11 A. Yes, sir.

12 Q. And what other supplies?

13 A. Paper sacks, trace evidence kit,
that

14 area.

15 Q. All of these Albertsons sacks
that

16 we've got here?

17 A. Yes, sir.

18 Q. They might not all be Albertsons,
but

19 they look like they're all Albertsons, you went by

and

20 picked those up?

21 A. Yes, sir.

22 Q. Okay. But then on the way
something

23 happened. What happened?

24 A. We were dispatched to Fire

Station No.

25 2 to pick up some clothing --

Sandra M. Halsey, CSR, Official Court
Reporter

1783

1 Q. All right.

2 A. -- of one of the victims and
the
3 defendant.

4 Q. "We." Who is "we"?

5 A. Myself and Sergeant David
Nabors.

6 Q. All right. And who did you
meet
7 there?

8 A. I met a paramedic, last name
9 Zimmerman.

10 Q. Did you know him?

11 A. Yes, sir.

12 Q. Were you informed that that's who
you
13 ought to look for?

14 A. No, sir.

15 Q. How did you happen to make
contact
16 with Zimmerman?

17 A. We went to the fire station and
he was
18 the one who handed me the sacks with the clothing.

19 Q. Okay. And this was at the fire

20 station?

21 A. Yes, sir.

22 Q. Where was Zimmerman?

23 A. Inside the fire station.

24 Q. Where was the shirt?

25 A. It was in a sack inside the fire

Sandra M. Halsey, CSR, Official Court Reporter

1784

1 station.

2 Q. What kind of sack?

3 A. Just a brown paper sack.

4 Q. He gave you one sack?

5 A. He gave me two.

6 Q. He gave you two sacks?

7 A. Yes, sir.

8 Q. Did you look at them?

9 A. Yes, sir.

10 Q. What did you do with them?

11 A. I basically took over the

evidence and

12 secured it.

13 Q. Okay. Well, you're going to have

to

14 explain to me what that means.

15 A. Well, I mean, I didn't do

anything to

16 the evidence within the sacks. I put it in the car,

17 basically.

18 Q. You opened the sack up?

19 A. Um-hum. (Witness nodding head

20 affirmatively).

21 Q. Did you look inside?

22 A. Yes, sir.

23

Q. What did you see?

24

A. I saw the blue jeans.

25

Q. Okay. You saw blue jeans?

Sandra M. Halsey, CSR, Official Court Reporter

1785

1 A. Yes, sir.

2 Q. Okay.

3 A. And the underwear of the child.

4 Q. Okay.

5 A. And a T-shirt in the other one.

6 Q. Okay. So one sack has the blue
jeans

7 and the underwear in it. How do you know there
wasn't

8 anything else?

9 A. I'm sorry?

10 Q. How do you know there wasn't
anything

11 else in there?

12 A. I just viewed the top of the sack

13 inside the sack.

14 Q. You didn't reach in --

15 A. No, sir.

16 Q. -- and pick up and verify what
was in

17 there?

18 A. I could see plainly inside the
sack

19 that it was a pair of pants and underwear.

20 Q. Were they folded?

21 A. No, sir.

22 Q. Crumpled?

23 A. Well, just laying inside.

24 Q. Okay. Were they laying
together?

25 A. The underwear was on top of
the pants.

Sandra M. Halsey, CSR, Official Court
Reporter

1786

1 Q. Okay. They were touching each
other?

2 A. Yes, sir.

3 Q. Did you happen to observe
blood on it?

4 A. Yes, sir.

5 Q. Was it wet blood?

6 A. I'm sorry?

7 Q. Was it wet blood?

8 A. I'm not for sure if it was
wet. It

9 could have been wet.

10 Q. You don't recall?

11 A. I don't recall.

12 Q. Okay. I'm not sure what sack
that

13 was, but those were in such a position. I think
it's --

14 did you mark this sack?

15 A. Yes, sir.

16 Q. Show me where your mark is on
there.

17 A. Okay. Damon.

18 Q. That's your mark?

19 A. Um-hum. (Witness nodding head
20 affirmatively).

21 Q. Okay.

22 A. Hang on -- excuse me. Okay.

I've got

23 the tape marked here when I taped it.

24 Q. Okay. That says DRM?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1787

1 Q. Okay. And when did you tape
it up?

2 A. I had multiple tapings on it.

3 Q. Well, I can tell you, you
didn't tape

4 it until the 12th, did you? Or is that 9-12?

5 A. Yes. There were several --
like I

6 said, there were several tapings. But at the
scene I did

7 not tape it, no.

8 Q. Okay. Did you mark it when
you

9 received it at the scene?

10 A. No, sir.

11 Q. Well, that's contrary to
proper

12 policy, isn't it?

13 A. No, sir.

14 Q. It isn't good police work to
note on

15 there DRM, 6-6-96? That's not good police work?

16 A. Yes, sir.

17 Q. That would be good police
work?

18 A. Yes, sir.

19 Q. And it's not good police work
not to

20 note that, is it?

21 A. No, sir.

22 Q. Okay. And these two bloody
items were

23 crumpled together in this sack touching each
other,

24 weren't they?

25 A. Yes, sir.

 Sandra M. Halsey, CSR, Official Court
Reporter

1788

1 Q. And that's not good police
work, is
2 it?

3 A. No, sir.

4 Q. To have two items in a bag
like this?

5 A. That's correct.

6 Q. Okay. Why do you mark things
like

7 that with your date and your initials? What's
the

8 purpose of that?

9 A. For my -- for noting the bag
and on

10 the evidence that you collected it. And there
was an

11 evidence tag that I did attach to it that had my
marks on

12 it.

13 Q. Okay. But the reason for
doing the

14 sacks is to say, "I got this," and to verify what
it is,

15 and when it was received and how it was received
and who

16 it was received from. That's the reason you put
your

17 initials on there on the 6th, isn't it? Or
should have?

18 A. Well, yes, sir, it went on the
19 evidence tag.

20 Q. Okay. But you've already
admitted you

21 didn't -- you should have put it on the bag,
shouldn't

22 you?

23 A. I could have.

24 Q. Well, you should have.

Shouldn't you?

25 A. Well, not then.

Sandra M. Halsey, CSR, Official Court
Reporter

1789

1 Q. Okay.

2 A. I mean, I did not.

3 Q. Well, okay. And what's the
reason
4 that you only put one thing in a bag?

5 A. Well, I didn't put it in the
bag.

6 Q. Okay. You told me that the
proper
7 procedure --

8 A. To separate the clothing.

9 Q. Okay. And that's so that one
doesn't
10 get blood on another?

11 A. Yes, sir.

12 Q. Now, did you look in the shirt
bag?

13 A. Yes, sir.

14 Q. Where is the shirt bag?

15 A. I'm not for sure.

16 Q. Okay. You don't have it?

17 A. No, sir.

18 Q. Have you ever seen it?

19 A. The shirt bag?

20 Q. Yeah?

21 A.

Yes.

22

Q.

When?

23

A.

When I placed it into evidence.

24

Q.

Okay. Did you mark your

initials on

25 it that night?

Sandra M. Halsey, CSR, Official Court
Reporter

1790

1 A. Yes, sir, I think I did on that
one.

2 Q. You think you did?

3 A. Yes, sir.

4

5 MR. RICHARD C. MOSTY: Your
Honor, I

6 would like to see that bag.

7 THE COURT: Is it --

8 MR. RICHARD C. MOSTY: I assume
it was

9 in the --

10 THE COURT: Well, whatever is
there --

11 Where would it be, Mr. Davis,
would

12 you know?

13 MR. GREG DAVIS: I believe it's
in

14 evidence along with the T-shirt.

15 THE COURT: Okay. See whatever
you

16 have there. Take your time and look for it.

17 MR. GREG DAVIS: Are you
talking about

18 the defendant's T-shirt?

19 MR. RICHARD C. MOSTY: Yeah,
the bag

20 it was in.

21 MR. GREG DAVIS: That's 25.

22

23 BY MR. RICHARD MOSTY:

24 Q. Let me show you this bag, which

I

25 think, I've been told is Exhibit 25, State's
Exhibit 25,

Sandra M. Halsey, CSR, Official Court
Reporter

1791

1 and the contents. Tell me, look at the outside of
the

2 bag, and tell me did you or did you not identify
it on

3 the 6th?

4 A. Yes, sir.

5 Q. Okay. The bag?

6 A. The bag, the T-shirt. That
looks like

7 the bag that I put it in.

8 Q. Well --

9 A. That it was in.

10 Q. Okay. Where are your initials
on this

11 bag?

12 A. I must have been mistaken, it
was on

13 the evidence tag.

14 Q. Okay. So you're now telling me
that

15 you did not identify this bag on the 6th?

16 A. Well, it appears to be the same
bag.

17 Q. It appears to be the same bag?

18 A. Yes, sir.

19 Q. Okay.

20 A. In appearance.

21 Q. And again, why would it be
important

22 whether or not it's the same bag? Is that
important --

23 and, please, let me just make it in a general term.

24 Why would a bag that something

comes

25 in be important?

1 A. To identify it.

2 Q. Okay. Well, were these other
papers
3 in here when you got it?

4 A. No, sir. Just a shirt.

5 Q. Just a shirt. And what was the
6 condition of the shirt when you got it?

7 A. It was just in the bag.

8 Q. Just in the bag?

9 A. Yes, sir.

10 Q. Folded?

11 A. No, sir.

12 Q. Did Zimmerman tell you that he
had cut
13 that shirt off of Ms. Routier?

14 A. No, sir.

15 Q. Did -- do you know where it came
from?

16 A. He told me that it was Darlie's
17 T-shirt.

18 Q. Okay. But you don't know when
19 Zimmerman got it?

20 A. No, sir, it was that morning.

21 Q. You don't know where he got it?

22 A. Off the defendant.

23
do you?

Q. Well, but you don't know that,

24

A. Well, he told me.

25
you

Q. But of your personal knowledge,

Sandra M. Halsey, CSR, Official Court Reporter

1793

1 don't know, do you?

2 A. No, sir.

3 Q. Okay. And you don't know what
4 happened to it between the time that Zimmerman
picked it

5 up and when he handed it to you, do you?

6 A. No, sir.

7 Q. How long a period of time was
that?

8 A. I'm not for sure when he
retrieved it,

9 but I got the bag as soon as I walked into the fire
10 station.

11 Q. And that was at what time?

12 A. That was approximately 4:05 AM.

13 Q. Okay. And was it just wadded up
and

14 thrown in this bag?

15 A. I mean, it was just in the bag.

It

16 wasn't folded.

17 Q. It was not folded?

18 A. No, sir.

19 Q. Okay. And did you inspect it?

20 A. Visually in the sack, yes.

21 Q. Okay. And you could tell it was

22 bloody?

23 A. Yes, sir.

24 Q. And I don't guess you could tell

much

25 about the blood?

Sandra M. Halsey, CSR, Official Court Reporter

1794

1 A. No, sir.

2 Q. As you were sitting there?

3 A. No, sir.

4 Q. Now, what was the condition of
the
5 sack?

6 A. It was just folded at the top
when I
7 got it.

8 Q. Okay. Let me show you what's
inside
9 this sack. And I don't guess you -- have you ever
seen
10 what's inside that sack?

11 A. Right now? Yes, sir.

12 Q. Is that the first time you've
ever
13 seen it?

14 A. Well, I mean, the shirt was in
the
15 sack when I retrieved it. No, I don't know what
was in
16 the bottom.

17 Q. There appears to be other blood
stains
18 in this sack, doesn't it?

19 A. Yes, sir.

20 Q. And I guess those blood stains
would

21 have been in contact with the shirt?

22 A. Yes, sir.

23 Q. Was the shirt moist when you saw
it?

24 A. I don't recall.

25 Q. You do not recall if the blood
was wet

1 or dry?

2 A. It could have been wet.

3 Q. Do you remember if there was
blood

4 dripping in the bag when you saw it?

5 A. No, sir, there was no blood
dripping

6 in the bag or on the bottom of the bag.

7 Q. There was -- there wasn't
anything

8 dripping out of the bottom?

9 A. No, sir.

10 Q. Okay. But there was blood on the
11 bottom of the bag as you have seen now?

12 A. Yes, sir.

13 Q. Was blood on -- well, you told me
you

14 didn't see any blood on the bag. So you don't know
15 whether it was wet or dry?

16 A. Yes, sir.

17 Q. Okay. So you got those two
pieces of

18 evidence from Zimmerman, and you didn't identify
them.

19 And what did you do with them?

20 A. I put them in my vehicle.

21 Q. You didn't place any marks, or
staple

22 anything to either of the piece of clothing so that
you

23 could identify it, did you?

24 A. I placed the evidence tags,
stapled it

25 to the bag.

1 Q. To the bag?

2 A. Yes, sir.

3 Q. And that -- but that's later on.

4 Right?

5 A. That's when I got to the
residence of

6 the house.

7 Q. Oh, you started the evidence
tags that

8 night?

9 A. Sir?

10 Q. You started an evidence tag that

11 night?

12 A. That morning.

13 Q. Okay. Then, you got to the
residence;

14 am I right?

15 A. Yes, sir.

16 Q. And where did you place the bags
when

17 you were on the way to the scene?

18 A. In the back of the car.

19 Q. In the back seat?

20 A. Yes, sir.

21 Q. Trunk -- back seat?

22 A. Yes, sir.

23 Q. Okay. And when you got to the

24 residence what did you do?

25 A. I met with Sergeant Nabors and

Sandra M. Halsey, CSR, Official Court Reporter

1797

1 Sergeant Walling.

2 Q. Okay. And they were in the
yard?

3 A. Yes, sir, or beside the house.

4 Q. Okay. Let's see now, Nabors
rode with
5 you?

6 A. That's correct.

7 Q. So the two of y'all visited with
8 Sergeant Walling there at the scene a little bit?

9 A. Yes, sir.

10 Q. Did he brief you on, in general
--

11 A. Yes, sir.

12 Q. -- what he had seen?

13 A. Yes, sir.

14 Q. Where did you park your car?

15 A. In the front of the residence.

16 Q. Directly?

17 A. There's -- it was over towards
the
18 north, northeast.

19 Q. Did you lock it?

20 A. Yes, sir.

21 Q. That was a marked car?

22 A. Yes, sir. It doesn't have any
lights

23 on it, but it is marked.

24 Q. Is it black and white or --

25 A. It's white with blue lettering.

Sandra M. Halsey, CSR, Official Court Reporter

1798

1 Q. But no overhead lights?

2 A. That's correct.

3 Q. Now, then, what was the first
thing
4 you did after visiting with Nabors and Walling?

5 A. I was advised that a white tube
sock
6 was located in the alleyway, approximately two
houses
7 down from the Routier house.

8 Q. Okay. So that was virtually
9 immediately?

10 A. Approximately 5 minutes later,
10
11 minutes later.

12 Q. Walling didn't brief you on that
part?

13 A. No, sir.

14 Q. Y'all learned that, I guess,
after the
15 briefing?

16 A. Yes, sir.

17 Q. And you had your camera with
you?

18 A. Not then, sir.

19 Q. Did not have your camera with
you?

20 A. That's correct.

21 Q. After you were advised that
there was

22 a sock, what did you do?

23 A. I retrieved my camera and went
down to

24 the location where the sock was.

25 Q. From your car?

1 A. Yes, sir.

2 Q. What kind of camera is that?

3 A. It's a Minolta .35 millimeter.

4 Q. And I guess you had a supply of
film
5 with you?

6 A. Yes, sir.

7 Q. Okay. And, where did you go?

8 A. I walked down the alleyway and
to
9 where the white tube sock was.

10 Q. Accompanied by whom?

11 A. Officer Beddingfield.

12 Q. Had Beddingfield been the one
who
13 advised you of the tube sock?

14 A. Yes, sir.

15 Q. Did anyone else go down there?

16 A. Sergeant Ward and Officer Ferrie
was
17 down there.

18 Q. They were already down there?

19 A. I believe so, yes.

20 Q. Were they standing guard over
the

21 sock?

22 A. Yes, sir.

23 Q. And you took the photographs?

And I

24 think we've identified those.

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1800

1 Q. How many photographs did you
take?

2 A. Approximately 7.

3 Q. Approximately 7?

4 A. Yes, sir.

5 Q. Okay. Are those the first
photographs

6 that you took?

7 A. Yes, sir.

8 Q. Then what did you do?

9 A. I collected the sock.

10 Q. You picked it up?

11 A. Yes, sir.

12 Q. How did you do that?

13 A. With rubber gloves. I picked up
the

14 sock and placed it in a paper sack.

15 Q. Okay. And where is that sock?

Where

16 is that bag? Do you -- have you seen it?

17 Well, wait a minute, this might
be

18 easier, Mr. Mayne. I'm not too sure about which
is

19 which. But let me hand you a sack, and let me --

you

20 tell me. Is that the bag that you put the sock
in?

21 A. No, sir.

22 Q. How do you know?

23 A. Because this is the sack where
the

24 knife was in.

25 Q. All right. Does it say knife on
it or

Sandra M. Halsey, CSR, Official Court Reporter

1801

1 something? I got the sock, but I haven't got the
bag.

2 All right. Here we go. Let me
hand

3 you a bag now. It' got "sock from alley," written on
it.

4 A. Okay.

5 Q. Does that have your initials on
it?

6 A. No, sir, not on the 6th.

7 Q. Okay. And it wasn't taped up on
the

8 6th, was it?

9 A. It was stapled and with evidence
tag

10 attached to it.

11 Q. But, again, you went to the
trouble to

12 put on gloves, that is to make sure the evidence is
13 secure, isn't it?

14 A. Well, that I don't contaminate the
15 sock.

16 Q. And that's part of the reason that
you

17 put your initials on there, isn't it? To show that

the

18 evidence is secure and that it hasn't been tampered
with?

19 A. With an evidence tag, yes.

20 Q. Well, but you should have put that
on

21 the sock -- on the bag, shouldn't you?

22 A. Well the tag was attached to the
bag.

23 Q. When?

24 A. On the 6th.

25 Q. Well, at that time?

Sandra M. Halsey, CSR, Official Court Reporter

1802

1 A. Well, it was when I went back to
the
2 car.
3 Q. You went right back to the car and
did
4 the tag?
5 A. Yes, sir.
6 Q. Okay. So would this be the third
tag
7 you did?
8 A. Yes, sir.
9 Q. First one is which one?
10 A. Excuse me?
11 Q. First one is which one?
12 A. It would be Damon.
13 Q. Okay. That would be the shirt --
or
14 the jeans?
15 A. Yes, sir, the jeans.
16 Q. Okay. And the second tag?
17 A. Is the defendant's T-shirt.
18 Q. A T-shirt. And the third tag is
the
19 sock?
20 A. Yes, sir.
21 Q. Okay. Had you already done Damon

22 and -- the shirt tags, had you already done those
before

23 you even went down the alley?

24 A. Yes, sir.

25 Q. Okay. So you did those right as
soon

Sandra M. Halsey, CSR, Official Court Reporter

1803

1 as you got there?

2 A. Yes, sir.

3 Q. Before or after you visited with
4 Walling and Nabors?

5 A. Before.

6 Q. Okay. Okay. So, you picked those
7 up -- you picked the sock up and you go right back
down,

8 and you enter that in your evidence log? Do you call
it

9 an evidence log? What do you call it?

10 A. I placed the sock in the car along
11 with the other two sacks.

12 Q. Okay. And you made an evidence
tag,

13 did you call it?

14 A. Yes, sir.

15 Q. And that would be Number 3?

16 A. I mean that's the third tag --

17 Q. All right.

18 A. -- that I filled out.

19 Q. How did you fill out these tags?

Did

20 you put numbers on them?

21 A. I put the service number.

22 Q. What does that mean?

23 A. The service number that we
identify

24 the case with at our police department.

25 Q. Okay. So that's '96 something or

Sandra M. Halsey, CSR, Official Court Reporter

1804

1 other?

2 A. 18563, I believe.

3 Q. Okay. You put the service number
on

4 it. What else did you put on it?

5 A. I put Routier, meaning the name at
the

6 top, and then I put the address, my name and the
date,

7 and then the listing of what the evidence is.

8 Q. All right. You made that
collection.

9 Then what did you do?

10 A. I started photographing the
exterior

11 of the house.

12 Q. Before you went in it?

13 A. Yes, sir.

14 Q. Okay. How many pictures did you
take

15 of the exterior?

16 A. I'm not for sure, sir.

17 Q. All right. So you visited with

18 Walling, you went down and got the sock, you
photographed

19 the house. What's the next thing you did at the
20 residence?

21 A. We waited for James Cron to come
22 to
23 the location.

24 Q. All right. And how long a wait
25 was

that?

25 A. That was approximately 6:00
o'clock AM

Sandra M. Halsey, CSR, Official Court Reporter

1805

1 when he arrived.

2 Q. Okay. Let me go back just for a
3 second, to these evidence tags, so I'll be clear on
that.

4 Is this a book you've got?

5 A. No, sir.

6 Q. What is it?

7 A. It's just an individual evidence
tag.

8 Q. Okay. And you fill it out, and
what

9 do you do with it?

10 A. I attach it to the
sack.

11 Q. Staple it?

12 A. Yes, sir.

13 Q. Well, when are those removed?

14 A. They stay on them with the
evidence.

15 Q. Well, we know that's not true,
don't

16 we? Don't we?

17 A. Well, yes, sir, it's not with it
now.

18 Q. Pardon?

19 A. It's not with it now.

20 Q. Okay. So these tags that have
been

21 stapled to the evidence are now gone?

22 A. Yes, sir, they are.

23 Q. Who did that?

24 A. I'm not for sure.

25 Q. And that's not proper police work,
is

Sandra M. Halsey, CSR, Official Court Reporter

1806

1 it?

2 A. I mean, we still have the
evidence,

3 but not the tag.

4 Q. Well, maybe we do still have the
5 evidence. Maybe it's the same and maybe it isn't.

Isn't

6 that right?

7 A. It is the same evidence.

8 Q. Well, same evidence. Okay. Well,
9 then why is it you go to all of this trouble to

staple

10 these tags to these bags?

11 A. So there will be a record of that
12 piece of evidence.

13 Q. So it's secure?

14 A. Yes, sir.

15 Q. So it's not tampered with?

16 A. That's correct.

17 Q. So it stays in the same condition
as

18 before?

19 A. Yes, sir.

20 Q. So that someone can identify it
and

21 say this is how it was when I saw it, and the next
one

22 can say this is how it was when I saw it?

23 A. Yes, sir.

24 Q. Those are all the things you do?

25 A. Yes, sir.

1807 Sandra M. Halsey, CSR, Official Court Reporter

1 Q. But we didn't in this case, did
we?

2 A. I personally did, yes.

3 Q. You did your part?

4 A. Yes, sir.

5 Q. You stapled it on there, but
somebody

6 has torn those tickets off of these three items that
7 we've talked about so far?

8 A. Yes, sir.

9 Q. Do you know who did that?

10 A. No, sir.

11 Q. Okay. So, you photograph the
scene,

12 Cron arrives, and who goes in?

13 A. Myself and Sergeant Walling, and
a

14 neighbor, Karen Neal, entered into the house.

15 Q. Okay. And you described that as
a

16 couple of minutes?

17 A. Yes, sir.

18 Q. Then who goes in the second time?

19 A. When Karen Neal exits, James Cron
and

20 Sergeant Nabors entered into the house.

21 Q. Was that right away? I mean, as
soon

22 as she walked out?

23 A. Yes, sir.

24 Q. Or -- now, who went back in?

25 A. Sergeant Nabors and James Cron.

Sandra M. Halsey, CSR, Official Court Reporter

1808

1 Q. And yourself?

2 A. And myself and Sergeant Walling
was
3 inside the house.

4 Q. Walling was already inside the
house?

5 A. Yes.

6 Q. Where was he?

7 A. He was down in the entryway.

8 Q. He was in the entryway?

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

11 Q. Within your sight?

12 A. Yes, sir.

13 Q. Okay. You exited the residence
14 though?

15 A. No, sir.

16 Q. You never exited it after Karen
Neal
17 left?

18 A. That's correct.

19 Q. At that point then, Cron, Nabors,
20 Walling, and Mayne entered the house?

21 A. We were in the house, yes, sir.

22 Q. Okay. Well, that was the four

people

23 who did the walk-through?

24 A. That's correct.

25 Q. And I don't mean to pick with
you, but

Sandra M. Halsey, CSR, Official Court Reporter

1809

1 you and Walling --

2 A. Remained in the house and the
other

3 two came in.

4 Q. Y'all stayed in that little entry
hall

5 and then y'all walked through?

6 A. Yes, sir.

7 Q. How did you walk through?

8 A. We walked through the hallway.

9 Q. Straight ahead?

10 A. Yes, sir.

11 Q. Then what did you do?

12 A. We looked into the family room.

13 Q. Okay. Did you just glance that
way,

14 or did you walk in that room?

15 A. We walked in that room.

16 Q. What path did you walk?

17 A. We walked -- as you come out of
the

18 hallway, we walked inside -- take a left inside
where the

19 body was, and walked back out. That's the path that
we

20 took.

21 Q. Okay. You walked in over the
area

22 where the body had been removed?

23 A. We walked around the body, yes,
sir.

24 Q. You mean you walked around the
blood?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1810

1 Q. Okay. Four of y'all went in
there

2 single file?

3 A. Yes, sir, single file.

4 Q. Okay. Who was in front?

5 A. My recall it was Sergeant
Walling.

6 Q. Okay. Next?

7 A. I don't recall which order it was
in.

8 Q. Okay. Y'all all walked in single
9 file, one behind the other?

10 A. Yes, sir.

11 Q. And then what did you
do?

12 A. We stepped over the
blood.

13 Q. Right.

14 A. Okay.

15 Q. All four of you?

16 A. Yes, sir.

17 Q. Okay.

18 A. And we looked at the scene.

19 Q. Okay. Then what did you do? Did
you

20 go back out single file the opposite way?

21 A. Yes, sir.

22 Q. So whoever was last was first out
in

23 single file?

24 A. Yes, sir.

25 Q. Okay. Then where did you go?

Sandra M. Halsey, CSR, Official Court Reporter

1811

1 A. We went into the kitchen area.

2 Q. And you knew, and everybody there
knew

3 to be careful not to step in blood?

4 A. That's correct.

5 Q. You went to the kitchen area?

6 A. Yes, sir.

7 Q. Did you walk straight until you
saw

8 the kitchen? As you were walking in the kitchen,
you

9 walked straight ahead?

10 A. Yes, sir.

11 Q. And how far did the four of you
walk

12 in?

13 A. Walked in all the way into the
kitchen

14 area to the utility room.

15 Q. Okay. And again, do you remember
who

16 was in front and who was?

17 A. No, sir.

18 Q. Or what the order
was?

19 A. No, sir, I don't

recall.

20 Q. Now when you walked down the hall

and

21 turned, actually when you turned into the living

room,

22 did you look in the kitchen?

23 A. I glanced, yes, sir.

24 Q. Okay. And had you seen that

plastic

25 runner?

1 A. Yes, sir.

2 Q. And had you seen the green rug?

3 A. Yes, sir.

4 Q. And had you seen the vacuum
cleaner?

5 A. Yes, sir.

6 Q. Okay. So, as you were walking
in,
7 actually -- and had y'all already decided to do
that?

8 That y'all were going to go in that room first?

9 A. No, sir.

10 Q. Okay. Was Walling leading, sort
of
11 saying "look in here"?

12 A. Yes, sir. I mean, he took the
lead.

13 Q. Okay. So Walling was actually
14 directing your attention into the living room?

15 A. Yes, sir.

16 Q. But you had noticed, just as you
17 walked by and glanced, the runner and the green rug
and
18 the vacuum cleaner already?

19 A. Yes, sir.

20 Q. So then, of course, when you went
back

21 in the kitchen you saw the vacuum cleaner again,
didn't

22 you?

23 A. Yes, sir.

24 Q. You couldn't miss it, could you?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1813

1 Q. It was obvious to anybody who
walked

2 in there?

3 A. Yes, sir.

4 Q. Now, I'm going to apologize,
because I

5 got my notes here, sometimes they're not in order,
and

6 I'm going to skip a little bit of a time frame.
So if

7 I'm missing -- if you and I get confused on the
time,

8 stop me. Let's make sure.

9 A. Okay.

10 Q. I'm going to move back to the sock
for

11 a minute.

12 A. Okay.

13 Q. Which is the first thing you did
after

14 your briefing?

15 A. Yes, sir.

16 Q. Okay. Did you do any testing on
that

17 sock?

18 A. Yes, sir.
19 Q. Okay. Where did you do it?
20 A. I did it in the house.
21 Q. Okay. After you collected it?
22 A. Yes, sir.
23 Q. Where in the house?
24 A. It would be over -- there was a
dining
25 room area in the kitchen area.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. When did you do that?

2 A. It was approximately 9:30 AM.

3 Q. Okay. Now, tell me, what all is
4 required for a presumptive blood test?

5 A. It's just some distilled water,
and
6 there's a -- what I call a D-stick type, and you just
put
7 a little distilled water on it, and kind of put it on
the
8 stain itself and it will turn a certain color.

9 Q. Is that D-stick, is it, what is it
10 made of?

11 A. I'm not sure, sir, I'm not
qualified
12 to answer that.

13 Q. Is it paper type?

14 A. Yes, it's just a small stick, flat
15 stick.

16 Q. Like you buy a package of them?

17 A. Yes, sir.

18 Q. And like any number of things, you
can
19 dip it in a glass, different things, and there will
be

20 reaction, a change of color?

21 A. Different items, yes.

22 Q. So this one indicates, at least

23 presumably, that blood may be present?

24 A. That's correct.

25 Q. And you carry those -- you carry
the

Sandra M. Halsey, CSR, Official Court Reporter

1815

1 distilled water with you in your car?

2 A. We had to go buy some, yes.

3 Q. And who had the sticks?

4 A. We gathered those, if I'm not
5 mistaken, from the hospital.

6 Q. Okay. And this test takes, what,
less

7 than 20 or 30 seconds?

8 A. Seconds.

9 Q.

Seconds?

10 A. Yes,

sir.

11 Q. Okay. And that's midmorning that
you

12 had done that?

13 A. Yes, sir.

14 Q. Now, while you're out there, did
15 anybody ever suggest to you that there had been

some

16 knives found?

17 A. Yes, sir.

18 Q. Okay.

19 A. Inside the residence?

20 Q. Outside the residence.

21 A. No, sir.

22 Q. You never heard that?

23 A. No, sir.

24 Q. Okay. Well, if knives were

found, you

25 could have gone down there with your little
presumptive

Sandra M. Halsey, CSR, Official Court Reporter

1816

1 blood test and tested those knives right on the
scene,

2 couldn't you?

3 A. No, sir.

4 Q. You couldn't have?

5 A. I mean, I wasn't aware of the
knives.

6 Q. Okay. Well, bear with me here a
7 little bit.

8 If there were knives found across
from

9 the sock -- can you recognize State's Exhibit No. 7
as an

10 aerial of the Eagle Drive area?

11 A. Yes, sir.

12 Q. Okay. And this is Eagle on the
end,

13 5801 Eagle?

14 A. Yes, sir.

15 Q. Okay. How many houses down was
this

16 sock found?

17 A. Approximately two.

18 Q. Approximately two. Fourth house
down

19 from the end?

20 A. 5709 Eagle Drive.

21 Q. Okay. And you do not know

whether or

22 not there was a -- that there were knives found on

the

23 house on Willowbrook?

24 A. No, sir.

25 Q. Just directly opposite from where

the

Sandra M. Halsey, CSR, Official Court Reporter

1817

1 sock was?

2 A. No, sir, I was not.

3 Q. If there were knives down there,
could

4 you have gone down there and in less than a minute
walked

5 down there, or once you got there within less than a
6 minute sit down and do a presumptive blood test on
the

7 knives that were across that alley?

8 A. If I was advised so, yes.

9 Q. Okay. That would have been easy
to

10 do, wouldn't it?

11 A. Yes, sir.

12 Q. Okay. Now, while we're still
here at

13 the beginning phases, let me show you what you've
already

14 identified as your three-page report. I want to
direct

15 your attention to the first paragraph of it.

16 A. Yes, sir.

17 Q. Your report indicates that the
second

18 thing you did was photograph the house, doesn't it?

19 A. Yes, sir.

20 Q. Okay. And then after that, you
did

21 the tube sock?

22 A. Yes, sir.

23 Q. So one of -- either your report
is

24 wrong or your testimony is wrong. Is that fair to
say?

25 A. Yes, sir.

1 Q. Okay. Now, going on down, at
2 approximately, oh, 600 hours. Do you see that
sentence?

3 A. Yes, sir.

4 Q. You described who entered the
5 residence?

6 A. Yes, sir.

7 Q. Okay. That's wrong, isn't it?

8 A. Yes, sir. I have another officer
in
9 there that was not at the scene.

10 Q. Okay. You mistakenly identified
who
11 went in the house, didn't you?

12 A. Yes, sir.

13 Q. And this was on the 6th?

14 A. Yes, sir.

15 Q. And you were just flat wrong when
you
16 said who went in the house in your report that you
wrote

17 on the 6th?

18 A. On this one, yes, sir.

19 Q. Okay. Is your testimony correct?

20 A. Yes, sir.

21 Q. And the report is wrong?

22

A. Yes, sir.

23

Q. Which was done at that time?

24

A. Yes, sir.

25

Q. Or was it done at that time?

Sandra M. Halsey, CSR, Official Court Reporter

1819

1 A. I'm sorry?

2 Q. When was it done?

3 A. It was done on the 6th.

4 Q. On the 6th. Did you write a

5 supplement to correct any of these errors?

6 A. No, sir.

7 Q. Did you even know about these

errors?

8 A. No, sir.

9 Q. Okay.

10 A. I mean, I found out later.

11 Q. Okay.

12 A. But not at the time.

13 Q. Okay. All right. So, you did --

now,

14 back to the walk-through. You've gone in the living

15 room, then you've gone in the kitchen. And then what

did

16 you do?

17 A. We proceeded into the utility room

and

18 then into the garage.

19 Q. Okay. And did you go in the

garage?

20 A. Yes, sir.

21 Q. How far?

22 A. To the windows, and that far.

23 Q. Okay. The four of you marched in

24 again single file?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1820

1 Q. All the way to the window?

2 A. Not all of us at once, no, sir.

3 Q. How did you do that?

4 A. Well --

5 Q. It would be impossible, wouldn't
it?

6 A. Yes, sir.

7 Q. To go in there single file to that
8 window?

9 A. Yes, sir.

10 Q. Okay. How did you do that?

11 A. Each one of us kind of went up to
it.

12 Q. Okay.

13 A. Separately.

14 Q. And then you looked at it and then
15 walked back?

16 A. Yes, sir.

17 Q. Were you able to see what the
others
18 did up there?

19 A. Yes, sir.

20 Q. Okay. Were you standing back by
the
21 door or something?

22 A. I mean, I was standing where the
cat

23 cage was when they were there.

24 Q. Okay.

25 A. Or animal cage.

Sandra M. Halsey, CSR, Official Court Reporter

1821

1 Q. Okay. You were standing at the
animal

2 cage when somebody else was looking at the screen?

3 A. Yes, sir.

4 Q. Okay. I'm going to show you what
is

5 State's Exhibit 40. And you described this as a
6 depiction of the garage?

7 A. I can't hardly see it, I'm sorry.

8 Q. On the right is a depiction of
the
9 garage?

10 A. Yes, sir, that area is.

11 Q. Okay. And the area where you
entered

12 is where?

13 A. Sir, could I step down, please?

14 Q. Sure.

15

16 THE COURT: Please step down.

17

18 (Whereupon, the witness

19 Stepped down from

the

20 Witness stand, and

21 Approached the jury

rail

22

And the proceedings

were

23

Resumed as follows:)

24

25

Reporter Sandra M. Halsey, CSR, Official Court

1822

1 BY MR. RICHARD MOSTY:

2 Q. All right. If you can hold
that side
3 there.

4 A. All right. Right here. We
entered
5 into the garage from this doorway here.

6 Q. That exhibit, that part of 46
there
7 actually shows a little bit of the kitchen,
little bit of
8 the utility room and a little bit of the garage.

9 A. That's correct.

10 Q. Or is it all the garage?

11 A. This goes this way.

12 Q. Is it all the garage?

13 A. Yes, sir, this is the garage
here.

14 Q. Okay. Now, you might need to
sort of
15 do that twice so everybody down here --

16 A. This is the garage area.

17 Q. This block towards the top of
this
18 picture?

19 A. Yes, sir.

20 Q. Okay. And y'all went in
single file

21 over to that screen?

22 A. We walked in here, and kind of
23 gathered right here, and then each kind of walked
into

24 this area right here.

25 Q. Okay. When you say you
gathered right

Sandra M. Halsey, CSR, Official Court
Reporter

1823

1 here, you are talking about the cat cage. Is
this this

2 item here?

3 A. Yes, sir, this area right in
here is

4 where we gathered.

5 Q. Okay. And then you walked
over to the

6 screen one by one?

7 A. Yes, sir.

8 Q. And what did you do when you
were over

9 at the screen?

10 A. Looked for blood evidence.

11 Q. Okay. You can go ahead and
have a

12 seat.

13 A. Okay.

14

15 (Whereupon, the
witness

16 Resumed the

witness

17 Stand, and the

18 Proceedings were

resumed

19

On the record, as

20

Follows:)

21

22 BY MR. RICHARD C. MOSTY:

23

Q. Did you look at the screen?

24

A. Yes, sir.

25

Q. Do you know what the others
did when

Reporter Sandra M. Halsey, CSR, Official Court

1824

1 they were over there?

2 A. Basically the same thing.

3 Q. Was that just taking a couple
of
4 seconds each? Not a couple of seconds, but --

5 A. Well, yes, sir.

6 Q. 15 or 30 seconds?

7 A. Yes, sir.

8 Q. To look at that?

9 A. Yes, sir.

10 Q. Okay. And then y'all all came
out
11 again?

12 A. That's correct.

13 Q. Through the utility room?

14 A. Through the utility
room.

15 Q. Did you see that ball
cap?

16 A. Yes, sir.

17 Q. And that ball cap was obvious?

18 A. Yes, sir.

19 Q. Nobody could have missed it?

20 A. That's correct.

21 Q. And you exited through the

dining

22 room?

23 A. Yes, sir.

24 Q. All four of you?

25 A. Yes, sir.

Reporter Sandra M. Halsey, CSR, Official Court

1825

1 Q. Did you have your camera with
you?

2 A. I had it inside the foyer.

3 Q. It was sitting there in the
foyer?

4 A. Yes, sir.

5 Q. And then was some decision
made that
6 you would photograph the premises?

7 A. Yes, sir.

8 Q. Were you the only person in
there?

9 A. When I photographed, yes.

10 Q. Okay. And describe for me how
you
11 photographed it.

12 A. From the entryway, I
photographed
13 towards the hallway, walking through the hallway.

14 Q. Okay.

15 A. Into the family room.

16 Q. How did you enter the family
room?

17 A. Through the hallway.

18 Q. Okay. But then once you --

19 A. I took a left. I kind of did
an

20 overall picture and then went into the left
towards the
21 fireplace.

22 Q. Okay. And are you
photographing as
23 you go?

24 A. Yes, sir.

25 Q. Okay.

 Sandra M. Halsey, CSR, Official Court
Reporter

1 A. I mean, I'm stopping and
photographing

2 and then walking.

3 Q. Okay. You will walk and
photograph

4 ahead, and photograph down?

5 A. Yes.

6 Q. Are you just photographing
anything

7 that caught your eye?

8 A. No, sir, I'm photographing an
overall

9 picture of the room itself.

10 Q. You're trying to get
everything?

11 A. Yes, sir.

12 Q. So you walked in and you
turned what I

13 would call immediately left?

14 A. Yes, sir.

15 Q. In the area --

16 A. Yes, sir.

17 Q. -- where the body had been
removed?

18 A. Yes, sir.

19 Q. Okay. And you photographed
that?

20 A. Yes, sir.

21 Q. And then did you move on into
toward
22 the fireplace?

23 A. Yes, sir.

24 Q. Okay. Then where did you go?

25 A. And then after photographing
the

Sandra M. Halsey, CSR, Official Court
Reporter

1827

1 family room --

2 Q. Well, now wait a minute --

3 A. I'm sorry.

4 Q. Keep me in the family room for
a
5 minute.

6 A. Okay.

7 Q. You walked over toward the
fireplace.

8 And did you then photograph toward the west?

9 A. Towards the kitchen area, from
the
10 family room, that area there.

11 Q. Did you photograph toward, for
12 instance, toward the couches as you walked in?

13 A. Yes, sir.

14 Q. And that would be toward that
west
15 wall that --

16 A. Yes, sir.

17 Q. -- that's toward the backyard?

18 A. Yes, sir.

19 Q. The blinds there are closed?

20 A. Yes, sir.

21 Q. Okay. And then did you

photograph

22 back, pan back around toward the kitchen?

23 A. Yes, sir.

24 Q. From -- did you sort of pick a
spot?

25 A. Yes, sir. I mean, I just had
-- where

Sandra M. Halsey, CSR, Official Court
Reporter

1828

1 I could kind of get every space that I could,
that's

2 where I picked my spots.

3 Q. Okay. And then you came back
toward

4 the kitchen?

5 A. Yes, sir.

6 Q. What kind of lens do you have
on that

7 camera?

8 A. Just a standard -- I call it
standard

9 .35 millimeter lens. It's not a wide angle, it's
just

10 a --

11 Q. Not a zoom?

12 A. What?

13 Q. Not a zoom? Not a wide angle,
just

14 a --

15 A. Well, it is a zoom.

16 Q. It is a zoom?

17 A. Yes.

18 Q. How did you have it -- did you
have it

19 zoomed back or zoomed forward or both?

20 A. It's automatic, so I'm not for
sure.

21 I would pan in and it would give me the shot.

22 Q. It zooms automatically?

23 A. Yes, sir.

24 Q. Okay. So you took all of
these

25 pictures? How many in that room?

Sandra M. Halsey, CSR, Official Court
Reporter

1829

1 A. In that room? Approximately
four.

2 Q. Four photos?

3 A. Four rolls of film.

4 Q. Oh. How many per roll?

5 A. 24.

6 Q. Are you sure?

7 A. It probably --

8 Q. It's okay. I understand.

9 A. Well, I understand, but to my
10 knowledge I recall about four rolls.

11 Q. Okay. And you think there were
maybe

12 24 per roll?

13 A. Yes, sir.

14 Q. So we're talking a hundred, 96,
plus

15 photographs?

16 A. It's in that neighborhood, I'm not
for

17 sure.

18 Q. And do you think as you were in
the

19 living room that you were always -- that you were
pretty

20 much always at that one location as you came all the
way

21 around, or did you move around some?

22 A. I moved around. I mean, I would
pan

23 the area, and then I would move to another spot.

24 Q. Okay. And I guess these are the
25 photographs that have been admitted are some of your

Sandra M. Halsey, CSR, Official Court Reporter

1830

1 photographs?

2 A. Yes, sir.

3 Q. Okay. And I noticed on a lot of
these

4 they're sort of pieced together, aren't they?

5 A. Yes, sir.

6 Q. Did you do that?

7 A. No, sir.

8 Q. And I guess that's because these
9 photographs didn't have everything in it that
somebody

10 wanted? That there was no single photograph that
had

11 that?

12 A. Well, I'm not aware.

13 Q. You don't know?

14 A. I don't know.

15 Q. Okay. And was exhibit -- do you
16 remember Exhibit 150?

17 A. I don't recall.

18 Q. Was this one of the photographs
that

19 you took -- your little camera is time-dated, isn't
it?

20 A. Yes, sir.

21 Q. Is this Exhibit 150, is that one
of

22 the photographs you took?

23 A. Yes, sir.

24 Q. As you went through that first
time?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1831

1 Q. Now, if I'm in the living room
and I'm
2 looking toward the shutters, then that photograph is
3 facing west towards the shutters, with my back
toward the
4 street?

5 A. Oh, I'm sorry, yes, sir.

6 Q. Okay.

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. RICHARD MOSTY:

20 Q. Officer, let me show you what's
been

21 marked as Defendant's Exhibit 19 and ask if you can
22 identify that. Is that one of the photographs that
you

23 took as well?

24 A. Yes, sir.

25 Q. Is it dated?

Sandra M. Halsey, CSR, Official Court Reporter

1832

1 A. Yes, sir, it is.
2 Q. Okay.
3
4 MR. RICHARD C. MOSTY: Now, we
would
5 offer 19.
6 MR. GREG DAVIS: No objection.
7 THE COURT: Defendant's Exhibit
19 is
8 admitted.
9
10 (Whereupon, the above
11 mentioned item
was
12 received in
evidence
13 as Defense Number
19,
14 for all purposes
15 after which time,
16 the proceedings
were
17 resumed on the
record,
18 as follows:)

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Okay. Do 19 and State's 150

depict

22 the same lamp?

23 A. The same lamp, yes.

24 Q. However, in 19 the lamp is still

up on

25 the -- still up on the couch, isn't it?

Sandra M. Halsey, CSR, Official Court Reporter

1833

1 A. Yes, sir.

2 Q. Okay. And there's a pillow on
the
3 couch?

4 A. That's correct.

5 Q. On 19, isn't there?

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

8 Q. Okay. And on 150, the lamp is
now on
9 the ground, isn't it?

10 A. Yes, sir.

11 Q. And the pillow is now on the
ground?

12 A. Yes, sir.

13 Q. So don't you conclude from that
that
14 19 was taken before 150?

15 A. Yes, sir.

16 Q. So your testimony a minute ago
that
17 Exhibit 150 was how it was when you went in the room
the
18 first time, is not correct, is it?

19 A. No, sir.

20 Q. In fact, this -- even though this

is

21 on the 6th, the very same day, your photograph,
someone

22 has tampered with that crime scene, haven't they?

23 A. Yes, sir. When I took that
photo,

24 that was the photo where the documents were -- I
located

25 them and I took a close-up of the documents.

Sandra M. Halsey, CSR, Official Court Reporter

1834

1 Q. Okay. And 150 is an altered crime
2 scene?

3 A. Well, I mean, the items were
moved,
4 yes.

5 Q. Okay. That's what you call an
altered
6 crime scene, isn't it?

7 A. Well, yes, sir.

8 Q. Okay. The lamps had been moved
and
9 the pillow had been moved?

10 A. Yes, sir.

11 Q. Now, at this point you've taken
about
12 a hundred pictures?

13 A. Yes, sir.

14 Q. How are you noting these things?
How
15 are you noting the pictures?

16 A. I don't have any type of log.

17 Q. You don't do any kind of log?

18 A. No, sir.

19 Q. You don't do any kind of list of
rolls

20 of film?

21 A. No, sir.

22 Q. Do you number the rolls of film,
23 number 1, 2, 3, 4, 5?

24 A. No, sir.

25 Q. And so the result of that is that
we

Sandra M. Halsey, CSR, Official Court Reporter

1835

1 can't sit here today and tell which pictures were
taken

2 first, can we?

3 A. Not the rolls, that's correct.

4 Q. Well, and you can't walk over and
pick

5 up a box of pictures and say that here's the sequence
I

6 took these pictures in?

7 A. No, sir.

8 Q. And you can't verify whether
something

9 has been altered, or has not been altered, because
you

10 don't have a sequence to your photographs, do you?

11 A. I don't have a log for them.

12 Q. And that's what we just pointed
out in

13 150 and 19, isn't it?

14 A. Yes, sir.

15 Q. That you were wrong, in fact,
about

16 the sequence?

17 A. Yes, sir.

18 Q. Of those photographs on 150,

weren't

19 you?

20 A. Yes, sir.

21 Q. And had you had a contact sheet --

do

22 you know what a contact sheet is?

23 A. Yes, sir.

24 Q. Y'all don't do contact sheets in

25 Rowlett?

Sandra M. Halsey, CSR, Official Court Reporter

1836

1 A. No, sir.

2 Q. Well, what is a contact sheet?

3 A. Well, it's just where you have the

--

4 as best of my knowledge, it's where you have the
5 negatives laid out one beside each other. That's

what I

6 interpret it.

7 Q. Okay. That's to verify, I guess,

what

8 photos were taken when. Right?

9 A. I guess so, yes, sir.

10 Q. And that's good police work, isn't
it?

11 A. Well, it's not part of our
operation

12 to have the log.

13 Q. Well, that wasn't my question. My
14 question was: That's good police work. It wasn't
what

15 Rowlett did. My question was: That would be good
police

16 work to have a photo log, wouldn't it?

17 A. Well, to me, I'm not for sure.

18 Q. You're not for sure?

19 A. No, sir.

20 Q. Well, for instance, it would have

21 saved you the embarrassment of misidentifying

Exhibit

22 150, wouldn't it?

23 A. It could have.

24 Q. Okay. And that is the same basic

25 philosophy about preserving evidence, isn't it? You

Sandra M. Halsey, CSR, Official Court Reporter

1837

1 identify how photographs are taken. You identify
how

2 evidence was preserved. You identify when it was
taken.

3 You staple it. All those are to maintain the
integrity

4 of the crime scene, aren't they?

5 A. Yes, sir.

6 Q. And that's because, is it not,
that

7 crime scenes get contaminated day in, day out, don't
8 they?

9 A. No, sir.

10 Q. That's not true? You don't agree
11 that -- what is artifact, do you know?

12 A. No, sir.

13 Q. You do not know the term
artifact?

14 A. No, sir.

15 Q. Are you familiar that oftentimes
in

16 police investigations that items get moved, kicked
17 around, knocked around? Are you familiar with
that?

18 A. I mean, it could happen.

19 Q. Okay. And in this case it did
happen

20 some, didn't it? We know that from 19 and 150,
don't we?

21 A. Yes, sir, that was moved.

22 Q. Okay. In maintaining the
integrity of

23 those photographs, for instance, that would be to

24 maintain and identify separate pieces of evidence

and

25 when they were either seen, or where they were
observed;

1 is that right?

2 A. Yes, sir.

3 Q. And that's true, for instance,
4 of

5 these -- these bloody clothing? That's why you
6 separated

7 them, isn't it?

8 A. Yes, sir.

9 Q. So one doesn't contaminate the
10 other?

11 A. Yes, sir.

12 Q. So one doesn't soak blood on to
13 the

14 other?

15 A. Yes, sir.

16 Q. So that a bag doesn't soak blood
17 on to

18 a shirt?

19 A. Yes, sir.

20 Q. And those are the reasons that
21 you do

22 all of these procedures that are designed to
23 accurately

24 and fairly depict the crime scene, aren't they?

25 A. Yes, sir.

19 Q. I mean, you've been trained to
do that

20 stuff, haven't you?

21 A. Yes, sir.

22 Q. Time in and time out?

23 A. Yes, sir.

24 Q. You've been to a lot schools on
it?

25 A. A few.

1 Q. Now, you told me that you did
that

2 presumptive test?

3 A. Yes, sir.

4 Q. About 9:30, did you say?

5 A. Yes, sir.

6 Q. Okay. And I guess you went out
to

7 your car and got that bag?

8 A. Yes, sir.

9 Q. Okay. And you removed the
stapled

10 evidence tag?

11 A. Yes, sir.

12 Q. Okay. And that is the stapled
13 evidence tag that is now missing?

14 A. Well, I mean, I opened the bag.

I

15 think the evidence tag stayed on the bag itself.

16 Q. Well, you told me earlier that
you

17 stapled it -- that when you went back to the car,
after

18 getting the sock, that you immediately went back to
the

19 car and stapled the evidence tag on as the third

item?

20 A. That's correct.

21 Q. So when you went back to your
car at

22 9:30, that evidence tag was still stapled to the
bag?

23 A. That's correct.

24 Q. Okay. And you had to tear that,
or
25 remove the staple.

1 A. Yes.

2 Q. Was it stapled through the
evidence
3 tag?

4 A. Yes, sir.

5 Q. Okay. So you had to remove the
staple
6 and --

7 A. Well, all I did was open up the
flap.

8 Q. You kept the evidence tag on
there?

9 A. On the bag itself, yes.

10 Q. Okay. And you were just able to
open
11 it up and reach in and grab that sock?

12 A. Yes, sir.

13 Q. Well, doesn't that sort of
defeat the
14 purpose of securing a bag?

15 A. The bag was secure.

16 Q. Well, it's not very secure if I
can
17 reach in and get the sock out, is it?

18 A. Well, I had full gaining to it.

19 Q. Well, I'm not fussing with you,

I'm

20 just talking about --

21 A. I had it right there.

22 Q. Why do you staple the bag?

23 A. I staple the evidence tag to
attach it

24 to the bag.

25 Q. Well, why do you, in general
terms,

Sandra M. Halsey, CSR, Official Court Reporter

1841

1 why do you staple the bag?

2 A. Well, when I stapled that bag it
was

3 to hold the evidence tag on the bag.

4 Q. Well, isn't one of the reasons
that

5 you stapled the bag shut is so that nobody can get
in

6 there and tamper with the evidence?

7 A. Yes, sir.

8 Q. So that they can't open that
bag

9 without tearing the staples or tearing the red
tape or

10 whatever it is?

11 A. Yes, sir.

12 Q. And yet you were able to reach
into

13 your own bag --

14 A. Yes, sir.

15 Q. -- without unstapling it.

Right?

16 A. Yes, sir.

17 Q. Okay. So you didn't do a very
good

18 job of securing your own evidence, did you?

19 A. Yes, I did secure it.

20 Q. You did?

21 A. Yes, sir.

22 Q. Well, you didn't secure it
enough to

23 where somebody couldn't have reached in it.

24 A. Well, no one had access to it
except
25 for myself.

1 Q. Well, then after that did you
restaple

2 it so nobody could get into it?

3 A. Yes, sir.

4 Q. You had a staple gun there with
you?

5 A. Yes, sir. It was placed into
6 evidence.

7 Q. Well, now when did you -- you
reached

8 in it, the tag is still on it.

9 A. Uh-huh.

10 Q. You reached in it without
removing the

11 staples, got it out, did the test?

12 A. Yes, sir.

13 Q. You were able to do the test,
and you

14 were able to put it back in?

15 A. Yes, sir.

16 Q. Did you restaple it so nobody
else

17 could reach into it?

18 A. Yes, sir.

19 Q. And you had a staple gun there

in the

20 living room with you?

21 A. No, sir, it was out in the car.

22 Q. So you went out to the car and
stapled

23 it?

24 A. Yes, sir.

25 Q. But you know that the evidence
tag was

Sandra M. Halsey, CSR, Official Court Reporter

1843

1 on it?

2 A. Yes, sir.

3 Q. All those times?

4 A. Yes, sir.

5 Q. Okay. All right. You've taken
a

6 hundred, over a hundred photographs before you left
the

7 living room?

8 A. Approximately.

9 Q. And did you go on into the
kitchen?

10 A. Yes, sir.

11 Q. And how many rolls did you take
in

12 there?

13 A. I'm not for sure, sir.

14 Q. A number?

15 A. Two.

16 Q. Two rolls?

17 A. Yes, sir.

18 Q. And, again, there's no way we
can go

19 back and figure out what those were taken of, or
when

20 they were taken, or what they were of?

21 A. They were taken out of the
kitchen

22 area.

23 Q. Okay. Let me show you Number

150

24 again. And that's the photograph that you've
25 testified -- are those the documents that you picked
up?

Sandra M. Halsey, CSR, Official Court Reporter

1844

1 A. Yes, sir.

2 Q. And all of those documents, each
and
3 every one, are what has been entered into evidence?

4 A. Well, no, sir. There was more
type
5 papers.

6 Q. Were there three more?

7 A. I'm sorry?

8 Q. Were there three more papers?

9 A. I don't recall. There were
several
10 papers.

11

12 MR. RICHARD C. MOSTY: I'm going
to go
13 ahead and offer those in evidence. Number 84-A, B
and C.

14 Do you have Number 84-A, B and C?

15 THE COURT: Yes.

16 MR. GREG DAVIS: I have 84-B
here.

17 MR. RICHARD C. MOSTY: Do you
want me
18 to renumber them?

19 MR. GREG DAVIS: No, that's fine.

20 THE COURT: All right. They
were

21 withdrawn.

22 MR. GREG DAVIS: They were
withdrawn?

23 THE COURT: Yes.

24 MR. RICHARD C. MOSTY: Do you
want me
25 to renumber those?

Sandra M. Halsey, CSR, Official Court
Reporter

1845

1 THE COURT: All right. Let's
just

2 take a 10 minute break, please. Thank you.

3

4 (Whereupon, a short

5 Recess was

taken,

6 After which

time,

7 The proceedings were

8 Resumed on the

record,

9 In the presence and

10 Hearing of the

defendant

11 But outside the

presence

12 Of the jury, as

follows:)

13

14 THE COURT: Let the record

reflect

15 that these proceedings are being held outside the

16 presence of the jury and all parties of the trial

are

17 present.

18 Mr. Hagler.

19 MR. JOHN HAGLER: Could we let

the

20 record reflect that counsel has requested

permission to

21 make the motion at this time.

22 THE COURT: You can, yes.

23 MR. JOHN HAGLER: Move for a

mistrial

24 based on the fact that the instructions to the jury

were

25 insufficient to remove the error.

Sandra M. Halsey, CSR, Official Court Reporter

1846

1 THE COURT: And, Mr. Hagler made
this
2 objection prior to the beginning of cross-
examination.

3 And since the jury was already in the jury box, we
didn't
4 rule on that then. But the Court denies the motion
for
5 mistrial.

6 But Mr. Hagler already made this
7 motion, and so we will just put that on the record
now.

8 Let's bring the jury back in.

9

10 (Whereupon, the jury

11 was returned to

the

12 Courtroom, and

the

13 Proceedings

were

14 Resumed on the

record,

15 In open court, in

the

16

Presence and

hearing

17

Of the defendant,

18

As follows:)

19

20

THE COURT: All

right. Let the record

21 reflect that all parties in the trial

are present and the

22 jury is seated.

23

Mr. Mosty.

24

MR. RICHARD C. MOSTY:

Yes, sir.

25

Sandra M. Halsey, CSR, Official
Court Reporter

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1
2
3
following
4
5
6
7
8
9
10
11
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13
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17
18
19
20
21

(Whereupon, the

mentioned item was
marked for
identification only
after which time the
proceedings were
resumed on the record
in open court, as
follows:)

CROSS EXAMINATION (Resumed)

BY MR. RICHARD MOSTY:

Q. Officer Mayne, let me hand you

what

has been marked, it's actually got two marks on it,
three

documents, it's marked State's Exhibit No. 84-A and
Defendant's Exhibit 20, is the first one. And the
second

one is marked State's 84-B and Defendant's 21. And
the

third one is marked State's 84-C and Defendant's 22.

22 A. Yes, sir.

23 Q. Were those documents that you
picked

24 up there at the end of the couch?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1848

1 Q. By the lamp?

2 A. Yes, sir.

3 MR. RICHARD MOSTY: Okay. We'll
offer

4 Defendant's Exhibit 20, 21, 22.

5

6 MR. GREG DAVIS: No objection.

7 THE COURT: Defendant's Exhibits
20,

8 21 and 22 are admitted.

9

10 (Whereupon, the items

11 Heretofore mentioned

12 Were received in

evidence

13 As Defense Exhibit

No. 20

14 through 22 for all purposes,

15 After which time, the

16 Proceedings were resumed

17 As follows:)

18

19 BY MR. RICHARD MOSTY:

20 Q. Now, with these documents, are

all the

21 documents that you picked up at the end of the
couch, are

22 they all in evidence?

23 A. No, sir, not in this courtroom.

24 They're entered into a State's Exhibit.

25 Q. Okay. So there are others that
you

Sandra M. Halsey, CSR, Official Court Reporter

1849

1 found there that aren't here?

2 A. That's correct.

3 Q. Okay. And they were there at the
end

4 of the couch as well?

5 A. Yes, sir.

6 Q. Did you go through those
documents?

7 A. Yes, sir.

8 Q. And pick and choose which ones to
9 bring?

10 A. No, sir.

11 Q. Who did that, if you know?

12 A. I'm not for sure.

13 Q. But there were other documents
there?

14 A. Yes, sir.

15 Q. Where are they?

16 A. I think they are right here.

17 Q. With the State?

18

19 MR. GREG DAVIS: They're right
over

20 here.

21 MR. RICHARD C. MOSTY: Okay.

22

23 BY MR. RICHARD MOSTY:

24 Q. When you went in the house, did

you

25 photograph the fireplace in that wall?

Sandra M. Halsey, CSR, Official Court Reporter

1850

1 A. Yes, sir.

2 Q. Is that the south wall? I'm not
very

3 good on --

4 A. I believe it is.

5 Q. Okay. Now, I mean, let me show
you

6 some tags.

7 Now let in me show you

Defendant's

8 Exhibits No. 23 and 24 and ask you if those are also

9 photographs that you took on June 6th?

10 A. Yes, sir.

11 Q. Okay. And they fairly and
accurately

12 depict the scene?

13 A. The picture, yes, sir.

14

15 MR. RICHARD C. MOSTY: We would
offer

16 23 and 24.

17 MR. GREG DAVIS: No objection.

18 THE COURT: State's Exhibit --

19 Defendant's Exhibit 23 and 24 are admitted.

20 What is 23, Mr. Mosty? What is

it a

21 photograph of?

22

23 (Whereupon, the items

24 Heretofore mentioned

25 Were received in

evidence

Sandra M. Halsey, CSR, Official
Court Reporter

1851

1 As Defense Exhibit
No. 23

2 and 24 for all
purposes,

3 After which time, the
4 Proceedings were
resumed

5 As follows:)

6

7 MR. RICHARD C. MOSTY: It's a
8 photograph of the files.

9 THE COURT: 24?

10 MR. RICHARD C. MOSTY: The
couch,

11 Devon Routier, and files in it.

12 THE COURT: Okay.

13 MR. RICHARD C. MOSTY: And 24
is

14 files.

15 THE COURT: Okay. Thank you.

16

17 BY MR. RICHARD MOSTY:

18 Q. Now, let me show you

Defendant's

19 Exhibit, let's start with 24, I guess. In 24, is
the

20 lamp shade visible?

21 A. Yes, sir.

22 Q. Okay. When you say the lamp
shade is

23 visible, is it this object here?

24 A. Yes, sir.

25 Q. Okay. And at that stage, is
the lamp

Reporter Sandra M. Halsey, CSR, Official Court

1852

1 shade still up on the couch?

2 A. It appears so.

3 Q. Okay. It's knocked over, but
it's

4 still up on the couch?

5 A. Yes, sir.

6 Q. Okay. And that's the sort of
gold

7 object in the upper left-hand corner?

8 A. Yes, sir.

9 Q. Okay. So, do you -- do I
conclude

10 from this that this photograph must have been
taken

11 before State's 150?

12 A. It could have, yes, sir.

13 Q. Well, State's 150 is the one
that

14 shows the lamp moved, that we've already been
over,

15 doesn't it?

16 A. Yes, sir.

17 Q. Okay. So, like 19, which we
talked

18 about earlier -- Okay. So, we got 20 -- let's see,
that

19 was 24 we were talking about? Let's keep these.

24, 150

20 and 19.

21 Now, can you tell me which of
these --

22

23 MR. DOUGLAS MULDER: Do you want
me to

24 hold this?

25 MR. RICHARD C. MOSTY: Yes.

20 Q. Can you tell me which of these
were
21 taken first? You need to show -- this is 24 over
here.
22 It shows the lamp shade on the couch. And 19 shows
the
23 lamp shade on the couch?
24 A. Yes, sir.
25 Q. Correct? And we know they are
taken

1 before 150 because that is when the lamp shade has
been

2 moved?

3 A. Well, I'm not for sure.

4 Q. Well, you were the only person in
the

5 house, weren't you?

6 A. Yes, sir.

7 Q. Okay. Now, let's look at 24 and
8 describe what's at the top of 24, that brown
object.

9 A. A brown folder.

10 Q. Okay. And that was the way it
was

11 when you went in the house?

12 A. I don't recall.

13 Q. Okay. Let me show you 23,
which is in

14 evidence. 23 does not agree with 24, does it?

15 A. Only this green folder.

16 Q. Well, that's only the green
folder.

17 Okay. Now, this is the last one we're talking
about, and

18 in this one, there are green file folders at the
end of

19 the couch on top, are there not?

20 A. Yes, sir.

21 Q. Okay. And in that one, Devon
Routier

22 is still in -- his body is still in there, isn't
it?

23 A. Yes, sir.

24 Q. Okay. Now, then, we go to 24,
and in

25 24 the green folder has been moved. Correct?

Sandra M. Halsey, CSR, Official Court
Reporter

1855

1 A. Yes, sir. There is no green
folder on
2 there.

3 Q. Well, can you see something
that

4 maybe, it's, I don't know is that the brown
folder in

5 there or not? Or can you tell?

6 A. Well, I believe it is.

7 Q. Okay. So 23 has the green
folders on

8 top, and 24 has the brown folder on top?

9 A. Yes, sir.

10 Q. Those are all taken in your
first trip

11 through the house?

12 A. These items here, I was taking
closeup

13 shots when I found the folders at the end of the
couch.

14 Q. And so you moved them?

15 A. Sir?

16 Q. You moved the green folders?

17 A. Yes, sir. When I found them.

18 Q. Okay.

19 A. I photographed it, and then I

moved

20 some off and photographed again.

21 Q. Okay. All on that first trip
through?

22 A. No, sir, not on the first
trip.

23 Q. So these aren't on the first
trip?

24 A. This is on the first trip.

25 Q. This one with the green
folders is?

Sandra M. Halsey, CSR, Official Court
Reporter

1856

1 A. Yes, sir.

2 Q. These others are taken on the
6th?

3 A. Yes, sir, it is.

4 Q. Who moved that evidence?

5 A. I did.

6 Q. You did?

7 A. Yes, sir.

8 Q. Okay. Is that when you looked in
the
9 that green box?

10 A. That's when I was looking through
the
11 folders.

12

13 MR. RICHARD C. MOSTY: You can go
14 ahead and have a seat.

15

16

17 (Whereupon, the witness
18 Resumed the witness
19 Stand, and the
20 Proceedings were resumed
21 On the record, as
22 Follows:)

23

24 BY MR. RICHARD MOSTY:

25 Q. What was in the green box?

Sandra M. Halsey, CSR, Official Court Reporter

1857

1 A. As far as I recall it was sewing.

2 Q. Why didn't you photograph it?

3 A. I didn't see it was pertinent to
the
4 investigation, of just sewing items.

5 Q. You made that choice of not
6 photographing that?

7 A. That's correct.

8 Q. Where did you put those green
folders
9 when you picked them up?

10 A. I placed them in a paper sack.

11 Q. And is that in an evidence sack?

12 A. It's a paper sack that we have
for
13 evidence, yes.

14 Q. Well, did you -- did that get a
tag,
15 get stapled, and all those good things as well?

16 A. Yes, sir.

17 Q. Did you do that right away?

18 A. I put the paper sack (sic) in a
paper
19 sack and went to the car.

20 Q. You put the green folders.

21 A. Excuse me, yes, sir.

22 Q. The green folders in a paper
sack?

23 A. That's correct.

24 Q. And went to the car?

25 A. Yes, sir, that's correct.

Sandra M. Halsey, CSR, Official Court Reporter

1858

1 Q. And is that the green folders
that are

2 depicted in Number 23?

3 A. Yes, sir.

4 Q. Okay. And when was this?

5 A. It was late in the afternoon.

6 Q. Late in the afternoon?

7 A. Yes, sir.

8 Q. So you picked those up and walked
out

9 to the car with them?

10 A. Yes, sir.

11 Q. Straight to the car?

12 A. Yes, sir.

13 Q. Let me show you Exhibit 25 and
ask you

14 if you can identify that.

15 A. That's the green folders.

16

17 MR. RICHARD C. MOSTY: Okay. We
would

18 offer 25 into evidence.

19 MR. GREG DAVIS: No objection.

20 THE COURT: Defense Exhibit No.

25 is

21 admitted in evidence.

22

23 (Whereupon, the item

24 Heretofore mentioned

25 Was received in evidence

Sandra M. Halsey, CSR, Official Court Reporter

1859

1 As Defense Exhibit No. 25
2 For all purposes,
3 After which time, the
4 Proceedings were resumed
5 As follows:)

6
7

8 BY MR. RICHARD C. MOSTY:

9 Q. So it's not correct that you
picked
10 them up and carried them straight out to the car, is
it?

11 A. When I photographed them and
collected
12 them, that's when I did take them to the car.

13 Q. You photographed them at one
place?

14 A. That's correct.

15 Q. You picked them up and you put
them
16 down at another place?

17 A. Yes, sir.

18 Q. And then you photographed them
again?

19 A. That's correct.

20 Q. And then you took them to the

car?

21 A. Yes, sir.

22 Q. But a minute ago when I asked

you

23 about that, you left out the photographing of them?

24 A. Well, I'm sorry, but I did

photograph

25 them.

Sandra M. Halsey, CSR, Official Court Reporter

1860

1 Q. Okay. And you laid it down on
the
2 couch?

3 A. Yes, sir.

4 Q. Okay. And that pillow there?

5 A. Yes, sir.

6 Q. Okay. What was on that pillow?

7 A. I'm not for sure, sir.

8 Q. Well, that's how blood gets
9 transferred from one item in a crime scene to
another,

10 isn't it? Picking up one piece of evidence and
putting

11 it down on another?

12 A. Well, no evidence that I saw was
13 transferred to that.

14 Q. Okay. You didn't see any?

15 A. No, sir.

16 Q. But that's when you get two
objects of

17 evidence, you want to keep them separated, don't
you?

18 You have already testified to that.

19 A. Yes, sir, try to.

20 Q. And in this instance you didn't.
You,

21 in fact, laid one piece of evidence on top of
another.

22 A. Well, yes, sir, in that sense I
did.

23 Q. And we don't know whether there
might

24 have been blood on that yellow thing that got on
the
25 folders, or from blood from the folders that got on
the

1 yellow pillow, do we?

2 A. No, sir.

3 Q. And we'll never know now, will
we?

4 A. No, sir.

5 Q. And that's the same thing as
taking

6 Mrs. Routier's -- or the two children's clothes and
7 putting them together, blood off of one can soak on
the

8 other. Right?

9 A. Possibility.

10 Q. And vice-versa?

11 A. Yes, sir.

12 Q. And that's why you're trained to
13 separate them.

14 A. Well, they were in one bag, and
that's

15 the reason why I didn't separate them.

16 Q. Why didn't you separate them to
stop

17 that very thing?

18 A. Because I received those items in
that

19 one bag.

20 Q. And Mrs. Routier's T-shirt was

all

21 wadded up, wasn't it?

22 A. It was -- yes, sir.

23 Q. So blood could soak from one
place on

24 that T-shirt to another?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1862

1 Q. Blood soaked from that T-shirt
out on

2 to the paper bag that it was in, didn't it?

3 A. There was blood on it, yes, sir,
or

4 appeared to be blood.

5 Q. Well, whatever happened to have
been

6 crumpled on top, gravity is just going to pull that
drip

7 down on to another part of that shirt, can't it?

8 A. I'm not for sure. I didn't see
the

9 shirt.

10 Q. Well, but that can happen, can't
it,

11 you know?

12 A. Well, I'm not for sure.

13 Q. Well, you aren't trained to
avoid that

14 kind of thing?

15 A. I mean, I didn't know the
condition of

16 the shirt, so I'm not for sure.

17 Q. Well, aren't you supposed to,

for

18 instance, with a bloody shirt, rather than put it

in a

19 bag where it can mildew and everything, aren't

you

20 supposed to get it out and hang it up or dry it

some how?

21 A. That was done later, yes, sir.

22 Q. But, when was it done later?

23 A. When I cleared the crime scene

there.

24 Q. When, that evening?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1863

1 Q. Okay. Proper procedure would
have
2 been to take that shirt, and as quickly as
possible
3 preserve it in as pristine a condition as possible?

4 A. Well, there is really not a
procedure,
5 just when I got through with the crime scene.

6 Q. Well, what did you do?

7 A. With?

8 Q. Did you hang it up?

9 A. Yes, sir.

10 Q. And that's to let it dry?

11 A. That's correct.

12 Q. And that's to preserve it so
that

13 blood is not soaking from one place to another,
isn't it?

14 A. That's just to dry the blood.

15 Q. Okay. Dry it in it's place.
Correct?

16 A. Yes, sir.

17 Q. Okay. But when it's wadded up,
you

18 cannot -- that can't happen, can it?

19 A. I'm not for sure.
20 Q. Blood can move from one place to
21 another?
22 A. Well, like I said, I'm not for
sure.
23 Q. You don't know?
24 A. No, sir.
25 Q. Common sense doesn't tell you
why you

Sandra M. Halsey, CSR, Official Court Reporter

1864

1 go hang that thing up?

2 A. Just to let it dry.

3 Q. Okay. Is that bag always
upright that

4 had Mrs. Routier's shirt in it?

5 A. Yes, sir.

6 Q. At every time that you ever saw
it?

7 A. When it was in the car, it was
8 upright.

9 Q. All right. How was it -- well,
I
10 guess you don't know how it was when Zimmerman had
it,
11 where it was, what it was doing?

12 A. No, sir.

13 Q. How it was soaking through to
14 anything. You don't know any of that stuff, do
you?

15 A. No, sir.

16 Q. Okay. All right. Mr. Mayne,
let's

17 talk about -- first, have we covered all of the
18 photographs that you now did? As you went through
to the

19 utility room to the garage, you did all of those
20 photographs on the 6th?

21 A. Yes, sir.

22 Q. And we've covered all of those?

23 A. We covered the ones in the
kitchen, I

24 recall.

25 Q. Okay. And we covered ones in
the

1 living room earlier?

2 A. Yes, sir.

3 Q. How many -- by this time, how
many

4 pictures did you take?

5 A. I'm not for sure, sir.

6 Q. Okay. And I think you told me
that

7 you took a number of photographs of that ball cap?

8 A. I took a few.

9 Q. And it was right there?

10 A. Yes, sir, in the utility room.

11 Q. Okay. Your camera is a zoom
camera?

12 A. Well, it's -- I call it
automatic

13 camera. It's not really zoom, it just covers the
area.

14 I'm not familiar -- that familiar with cameras,
just to

15 take a picture.

16 Q. Well, does it automatically
focus?

17 A. Focus, no it automatically
focuses.

18 Q. Okay. Does it also have the
ability

19 to bring things in closer?

20 A. No, it's just focus.

21 Q. It's an auto focus?

22 A. Yes.

23 Q. Now, you've been trained in how
to

24 take photographs, you have told us that?

25 A. I mean, yes, sir.

1 Q. Okay.

2 A. Just basic.

3 Q. And you've had some training in
blood
4 spatter. Correct?

5 A. I have been to a school, yes,
sir.

6 Q. And they told you how to take
7 photographs, didn't they?

8 A. Well --

9 Q. At that school of blood, didn't
they?

10 A. No, sir, not at the blood school.

11 Q. They didn't?

12 A. No, sir.

13 Q. You have never been trained?

14 A. Well, I mean, on the job, and
basic
15 crime scene school.

16 Q. Well, have you ever heard that
for --
17 to analyze blood evidence that what the analyst
wants is
18 a pan picture as big as he can of the entire room?
Have

19 you ever heard that?

20 A. Yes, sir, I mean, that's all
crime

21 scenes get a pan of the area.

22 Q. And you know that a blood spatter
guy

23 wants a 90 degree photograph?

24 A. I mean, I do take them, but in
some
25 instances, yes.

1 Q. Well, can you tell me which of
these

2 photographs of the hundred and -- how many, 200?

3 A. I'm not for sure how many.

4 Q. Can you tell me which of those
are 90

5 degree photographs of a blood spatter?

6 A. No, sir, I couldn't tell you.

7 Q. And no one else would be able to
do

8 that either, could they?

9 A. No, sir.

10 Q. Okay. Now, with blood spatter,
you

11 have a direction to a blood, a drop of blood, don't
you?

12 A. I have been told, yes.

13 Q. Okay. Well, you see, you used --

14 A. I mean, I've been to school for
that,

15 yes, sir.

16 Q. Well, you used the phrase "cast-
off

17 blood," didn't you?

18 A. Yes, sir.

19 Q. And it makes a lot of difference
if

20 I'm photographing that at 90 degrees, or if I'm
21 photographing it at 45 degrees, doesn't it?

22 A. Well, I mean, from the degree,
yes.

23 Q. It's distorted if I'm not at 90
24 degrees, doesn't it?

25 A. No, sir, I don't see how it
distorts

Sandra M. Halsey, CSR, Official Court Reporter

1 it.

2 Q. You don't think that that distorts
it?

3 A. No, sir, not the photograph.

4 Q. Well, it distorts your ability to
look

5 at that blood spatter, doesn't it?

6 A. Well, I'm not for sure.

7 Q. Okay. You don't think that taking
it

8 at an angle adversely affects the blood spatters'
man's

9 ability to say if that blood was going at an angle,
and

10 if so what angle it was going at?

11 A. I'm not for sure.

12 Q. Okay. But, do you know that a
blood

13 spatter analyst wants a 90 degree photograph of any
14 important blood spatters?

15 A. No.

16 Q. You don't know that?

17 A. I don't.

18 Q. Okay. Did you know that a blood
19 spatter expert also wants, for instance, a ruler in

a

20 photograph?

21 A. Yes, sir.

22 Q. You know that, don't you?

23 A. Yes, sir.

24 Q. And the purpose of that is to

give it

25 perspective, isn't it?

Sandra M. Halsey, CSR, Official Court Reporter

1869

1 A. Yes, sir.

2 Q. And so if you find a blood
spatter

3 over here, you go and you put that ruler down by it
and

4 then you get down you take a 90 degree photograph of
it.

5 You know that?

6 A. Yes, sir, a photograph, yes, sir.

7 Q. You know that's what you're
supposed

8 to do, don't you?

9 A. Yes, sir.

10 Q. Did you, at any time, put your
ruler

11 down and measure any of these blood
spatters? Or just so

12 anybody could get a perspective of
what these blood drops

13 looked like?

14 A. The blood drops,
no, sir.

15 Q. But you know that
to be a good

16 practice, don't you?

17 A. Well, it could,
yes.

18 Q. Could or is?

19 A. Well, it could.

20 Q. All right. Let's
talk about some of

21 the evidence that you collected.

Well, before we leave

22 the photographs, let's hit a couple
more.

23 Did you pick up -
- did you take

24 possession of the phone?

25 A. No, sir.

Sandra M. Halsey, CSR, Official
Court Reporter

1870

1 Q. Nobody did?

2 A. I think it was
entered into evidence
3 days later.

4 Q. Days later?

5 A. Yes, sir.

6 Q. I guess somebody
chose to -- made a
7 decision that the phone was not
important?

8 A. Well, the first
day?

9 Q. Yes.

10 A. I chose not to
take it, yes, sir.

11 Q. That was your
choice?

12 A. Yes, sir.

13 Q. When you went in
the room, where was
14 the phone?

15 A. It was lying in
the family room.

16 Q. Can you give me
any better description

17 than that?

18 A. Yes, sir. By the
bar area in the
19 family room.

20 Q. Okay

21

22

23 (Whereupon, the
following

24 mentioned item

was

25 marked for

Sandra M. Halsey, CSR, Official
Court Reporter

1871

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

7

8 BY MR. RICHARD MOSTY:

9 Q. Let me show what's
been identified as
10 Exhibit 26. That's taken by you on the
6th, isn't it?

11 A. Yes, sir.

12 Q. Does that depict the
location of the
13 phone when you first went in?

14 A. I don't think that is
where it was,
15 sir.

16 Q. Okay. Let me show
you Number 25.

17 Does that depict the location of the
phone when you first

18 went in?

19 A. Yes, sir.

20 Q. How is it that one --

21

22 MR. RICHARD C. MOSTY:

I'll offer 25

23 and 26.

24 THE COURT: I've got

25 as the green

25 folders.

Sandra M. Halsey, CSR, Official
Court Reporter

1872

1

2

(Whereupon, the

following

3

mentioned item was

4

marked for

5

identification only

6

after which time the

7

proceedings were

8

resumed on the record

9

in open court, as

10

follows:)

11

12

MR. RICHARD C. MOSTY: Well, how

13

about, let me call them 26 and 27.

14

THE COURT: All right. Number

26

15

would be the -- that's the location of the phone on

the

16

floor.

17

MR. RICHARD C. MOSTY: Yes, sir.

18

THE COURT: Okay.

19

MR. RICHARD C. MOSTY: Okay.

I'm

20

going to call Number 25 (sic), and Number 27. Let

me

21

just go through this again.

22

THE COURT: Okay.

23

24 BY MR. RICHARD MOSTY:

25 Q. Number 26 is the photograph that
you

Sandra M. Halsey, CSR, Official Court Reporter

1873

1 said is not where it was when you went in?

2 A. Yes, sir.

3 Q. And 27 is where the phone was
when you

4 went in?

5 A. Yes, sir.

6 Q. Okay. These are both taken on
the 6th

7 of June?

8 A. Yes, sir.

9 Q. Is there anyway from your records
to

10 tell which was taken first?

11 A. Just by my knowledge, it's the
one

12 with a rag.

13 Q. Well, how come the phone is
getting

14 kicked around?

15 A. We did examine it for blood on
the

16 phone, and a photo was taken after it was moved.

17 Q. It is in a different location,
isn't

18 it?

19 A. Well, it appears so, yes.

20 Q. Well, in the one the antenna is
21 sticking off the runner?

22 A. Yes.

23 Q. And in the other, it's fully on
the

24 runner, isn't it?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1874

1 Q. Okay. So, your story is that you
saw
2 it on the floor and then you picked it up and looked
at
3 it -- this is you doing all this?

4 A. Taking the photos, yes.

5 Q. Well, who picked it up?

6 A. Well, I'm not for sure who picked
it
7 up.

8 Q. You don't recall that?

9 A. No, sir, those weren't on the same
10 time frame.

11 Q. Well, how did you know then that
in 26
12 somebody had picked it up to look for blood and had
set
13 it back down?

14 A. Well, from my knowledge that it
was on
15 the runner and it was beside the green rag.

16 Q. So you don't know who moved it?

17 A. No, sir.

18 Q. And you don't know if they looked
for

19 blood on it.

20 A. I do know that they did look for
blood

21 on it. I'm not for sure who picked it up.

22 Q. Did you see someone look for blood
on

23 it when they picked it up?

24 A. Through the conversation that

we've

25 had --

Sandra M. Halsey, CSR, Official Court Reporter

1875

1 Q. No, my question is: Did you see
2 someone look for blood when they picked up that
phone?

3 A. I don't recall.

4

5 THE COURT: Are you offering
Number 26

6 and 27, Mr. Mosty?

7 MR. RICHARD C. MOSTY: Yes, sir.

8 THE COURT: Any objection?

9 MR. GREG DAVIS: No objection.

10 THE COURT: All right.

Defense

11 Exhibits 26 and 27 are admitted.

12

13 (Whereupon, the items

14 Heretofore mentioned

15 Were received in

evidence

16 As Defense Exhibit

No. 26

17 and 27 for all

purposes,

18 After which time, the

19 Proceedings were

resumed

20

As follows:)

21

22 BY MR. RICHARD C. MOSTY:

23

Q. Okay. You don't know who

moved the

24 phone?

25

A. No, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

1876

1 Q. And you don't know if they
did a

2 presumptive blood test on it?

3 A. No, sir, I don't think they
did.

4 Q. It didn't have blood on it?

5 A. It did have blood on it.

6 Q. But no testing was done on
it?

7 A. No, sir. Not to my knowledge.

8 Q. Okay. Now, you picked up the
glass on

9 the floor?

10 A. On the kitchen floor, I did pick
up a

11 piece of glass.

12 Q. When did you do that?

13 A. It was approximately 12:20 P.M.

14 Q. Okay. And how many pieces of
glass

15 were on the floor?

16 A. There were several.

17 Q. How many did you pick up?

18 A. I think I picked up one large
piece

19 and a few small pieces.

20 Q. The exhibit that's in evidence,

is

21 that in the same condition as when you picked them

up?

22 A. Yes, sir.

23 Q. They haven't been broken up since

24 then?

25 A. No, they have not.

Sandra M. Halsey, CSR, Official Court Reporter

1877

1 Q. Okay. And that's all that you
picked

2 up?

3 A. Yes, sir.

4 Q. And that's -- can we say several
5 pieces of glass?

6 A. Yes, sir, there's some tiny
pieces

7 along with --

8 Q. Now, did you look carefully for
glass

9 everywhere?

10 A. Yes, sir, I saw glass on the
floor.

11 Q. On the floor? Did you look
anywhere

12 else for glass?

13 A. No, sir, just in the kitchen
area.

14 Q. But could you see it, I mean, on
the

15 counters or other places? Did you look up at other
16 places, for glass, other than on the floor?

17 A. Yes, sir.

18 Q. Did you see any?

19

A. I don't recall.

20

floor as

Q. There was a wine stem on the

21 well?

22

A. Yes, sir.

23

Q. To this same glass, presumably?

24

A. Presumably.

25

Q. But you didn't collect that?

Sandra M. Halsey, CSR, Official Court Reporter

1878

1 A. That's correct.

2 Q. Nobody collected that?

3 A. That day, no, sir.

4 Q. Okay. And the wine glass, I
guess it

5 can get kicked around the same way a phone can?

6 A. It could have been picked up.

7 Q. Well, why would somebody pick up
that

8 phone, and look at it, and then set it down at a

9 different location?

10 A. I'm not for sure. Picked it up to
11 analyze it for blood, or look at it for blood, and
sit it

12 back down.

13 Q. Isn't it proper police procedure
to

14 pick it up, put it in a bag, staple it down and look
at

15 it later?

16 A. No, sir.

17 Q. That's not proper procedure?

18 A. No, sir.

19 Q. What -- do you make those
decisions

20 out there on the spot?

21 A. Yes, sir.

22 Q. And so you can -- there might be
any

23 number of things out there that don't strike your
memory

24 right now that you just said, "That's nothing, I'm
not

25 even going to photograph it, I'm not going to pick
it up,

Sandra M. Halsey, CSR, Official Court
Reporter

1879

1 I'm not going to test it, it means nothing"?

2 A. It's through discussions with
3 everybody out there that we decided to collect
what we
4 collected.

5 Q. Okay. And so there's a
conscious
6 decision made on the spot to say, "I'm not going pick
7 that up"?

8 A. Myself, yes, I didn't pick it up.

9 Q. Well, so, somebody collectively
made a
10 conscious decision, picked up the phone -- well,
first

11 off, how would you pick up a phone like that?

12 A. Just pick it up.

13 Q. With your hand?

14 A. With gloves.

15 Q. With a glove on it?

16 A. Yes, sir.

17 Q. Wouldn't you try to get
tweezers or

18 something on it?

19 A. No, sir.

20 Q. Okay. You pick it up with a

glove,

21 and then would you examine it with a glove?

22 A. Just examine the phone.

23 Q. Okay. And you just make
that

24 determination out in the field that this

piece of

25 evidence is not worthy of going down to the
lab?

Sandra M. Halsey, CSR, Official Court Reporter

1880

1 A. Yes, sir.

2 Q. Okay. And y'all did that all
day on

3 the 6th, I guess?

4 A. Yes, sir.

5 Q. Made those decisions?

6 A. On that particular evidence,
yes.

7 Q. But on other pieces of evidence
as

8 well, didn't you?

9 A. The evidence that we had, we
10 collected.

11 Q. Well, did you collect all of
the
12 glass?

13 A. No, sir.

14 Q. You made some decisions, I'm
going to

15 collect this piece, and I'm not going to collect
that

16 one, didn't you?

17 A. Yes, sir.

18 Q. And then those are decisions
that you

19 make that this piece of evidence is not worthy to
go to

20 the lab?

21 A. Then and there are the only
pieces

22 that I collected.

23 Q. Those are the only ones you
remember?

24 A. The stem and what I collected?

25 Q. Right.

Reporter Sandra M. Halsey, CSR, Official Court

1881

1 A. I remember some more glass,
yes.

2 Q. Okay. Now, how did you decide
which

3 ones you were going to collect and which ones you
4 weren't?

5 A. I just talked it over with
people that

6 were there and collected that piece of evidence.

7 Q. Well, I understand that, but
what's

8 the reasoning? Surely somebody said, "That one
there

9 looks very important, let's get it." Because?

10 A. There was no blood on the glass
that I

11 collected.

12 Q. Okay. So that is how you made
your

13 choice? If there was blood on it, you left it, if
there

14 was not blood on it, you didn't?

15 A. Well, that's what I collected,
yes,

16 sir.

17 Q. Well, why did you go through
and pick

18 up all of those blood samples? Weren't blood
samples

19 important out there?

20 A. Yes, sir.

21 Q. But pieces of glass without
blood were

22 not important?

23 A. To me, yes, sir.

24 Q. I said that backwards, I think.
25 Pieces of glass that had blood on them were not

Sandra M. Halsey, CSR, Official Court
Reporter

1882

1 important?

2 A. Well, I mean, I'm not saying
that they

3 weren't important, I just did not collect them.

4 Q. Okay. That's fair enough.

5 The stem, you made a decision
that

6 that wasn't important?

7 A. I just made a decision not to
collect

8 it.

9 Q. Okay. You made no decision one
way or

10 another whether or not it was important?

11 A. I wasn't making a determination
if it

12 was not important, I just did not collect it.

13 Q. Well, that's contrary to, of
course,

14 what happened with the phone. Somebody apparently
made a

15 decision out there on the ground that the phone
wasn't

16 important.

17 A. I didn't say that. I said

somebody

18 examined it.

19 Q. And left it?

20 A. And left it, yes, sir.

21 Q. Okay. Now, you're trained over
the

22 importance of fingerprints, aren't you?

23 A. Yes, sir.

24 Q. And picking up things that may

have

25 latent prints on them?

Sandra M. Halsey, CSR, Official Court
Reporter

1883

1 A. Yes, sir.

2 Q. And not touching things that
may have
3 prints on them?

4 A. Yes, sir.

5 Q. Because you can wipe out
prints, can't
6 you?

7 A. Yes, sir.

8 Q. If you handle an object.

9 A. You could possibly smudge it,
yes,
10 sir.

11 Q. For instance, if you go over
and pick
12 up this vacuum cleaner. Whatever prints are
there,
13 you've destroyed, haven't you?

14 A. Well, I'm not for sure.

15 Q. Well, isn't it good police
practice to
16 dust something like that for fingerprints before
you
17 touch it?

18 A. Well, no, sir.

19 Q. No, sir?

20 A. Not the vacuum cleaner per se,

at that

21 time and point.

22 Q. You made a decision, a

conscious

23 decision, that dusting for prints on the vacuum

cleaner

24 was not important?

25 A. Not at that time.

Sandra M. Halsey, CSR, Official Court
Reporter

1884

1 Q. Well, did it later become
important?

2 A. I'm not for sure if it was ever
3 dusted, sir.

4 Q. Well, if it was important now,
it must
5 have been important then, isn't that right?

6 A. I mean, at the time I decided
not to
7 collect it.

8 Q. And you made no determination,
I
9 guess, one way or another whether or not it was
important
10 or not important to dust that for prints?

11 A. That's correct. I made a
12 determination not to.

13 Q. Okay. What about other places?
Did
14 you make any determinations that other places
didn't need
15 to be dusted for prints?

16 A. No, sir, I did not dust any
prints.

17 That was another officer that did that.

18 Q. Somebody else did that?
19 A. Yes, sir.
20 Q. Okay. When you went in the
house,
21 what is the first thing you remember observing or
22 photographing?
23 A. The first thing I observed?
24 Q. Yes, first observed.
25 A. In the house was the entryway.

Sandra M. Halsey, CSR, Official Court
Reporter

1885

1 Q. Okay. When you went in on your
2 photographic session, what is the first thing that
3 you noticed that you thought was worthy of
4 photographing? A. It would be the

5 Q. And what was it about that that
6 made

7 you choose to photograph the hallway?

8 A. There was just blood in the
9 hallway.

10 Q. What else did you see?

11 A. A couple of rags.

12 Q. A couple of rags?

13 A. Yes, sir.

14 Q. Did you see the
15 runner?

16 A. Yes, sir.

17 Q. All right.

18

19

20 (Whereupon, the

21 following

22 mentioned item was

marked for

identification only

after which time the

proceedings were

23

resumed on the record

24

in open court, as

25

follows:)

Sandra M. Halsey, CSR, Official Court Reporter

1886

1

2 BY MR. RICHARD MOSTY:

3 Q. Let me show you what I have
marked as

4 Defendant's Exhibits 28 and 29 and ask you if those
are

5 also photographs you took -- I'm not sure you can see
the

6 date stamped on one of them, but are those
photographs

7 you took on the 6th?

8 A. Yes, sir.

9

10 MR. RICHARD C. MOSTY: All right.

28

11 is -- well, we'll offer 28 and 29.

12 MR. GREG DAVIS: No objection.

13 THE COURT: Defense Exhibits 28

and 29

14 are admitted.

15

16 (Whereupon, the items

17 heretofore mentioned

18 were received in

evidence

19 As Defense Exhibit

No. 28

20

And 29 for all

purposes,

21

After which time, the

22

Proceedings were

resumed

23

As follows:)

24

25

MR. RICHARD C. MOSTY: Do you want

a

Sandra M. Halsey, CSR, Official Court Reporter

1887

1 description?

2 THE COURT: Well, they're both
hallway

3 photos.

4 MR. RICHARD C. MOSTY: Yeah, one
is

5 sort of at the -- 28 is at the end of the hallway.

6 THE COURT: All right.

7

8 BY MR. RICHARD MOSTY:

9 Q. These are -- and does 29 appear to
be

10 from farther back looking down the hallway?

11 A. Yes, sir.

12 Q. And then 28, is that a closer up
view

13 of part of what is shown in 29?

14 A. Yes, sir.

15 Q. Let me show those to the jury.

The

16 top one is a little farther away?

17 A. Yes, sir.

18 Q. And the bottom one is a little
closer

19 up view?

20 A. Yes, sir.

21 Q. Okay. And the top one shows what
in

22 it?

23 A. It shows the hallway with the two

24 rags.

25 Q. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

1888

1 A. Plus a rag at the top.

2 Q. And does it show the runner also
in
3 there?

4 A. I believe so.

5 Q. Okay. Did you look at those rags?

6 A. Yes, sir.

7 Q. Okay. And does it also show in 29
a
8 piece of white paper?

9 A. Yes, sir.

10 Q. Do you know what that was? Did
you
11 observe it?

12 A. It appeared to be a package for
gauze.

13 Q. Something like a paramedic would
14 leave?

15 A. Yes, sir.

16 Q. Okay. And in 29, you say there
are
17 two rags, and the gauze and the runner?

18 A. Yes, sir.

19 Q. Now, that runner appears to be
folded

20 over, or moved around or something?

21 A. Yes, sir.

22 Q. It's

moved?

23 A. Yes,

sir.

24 Q. Was it moved when you first went

in

25 the house?

Sandra M. Halsey, CSR, Official Court Reporter

1889

1 A. I believe so.

2 Q. Okay. And the rug that's shown
there,

3 the green rug, it appears to have been moved?

4 A. Yes, sir.

5 Q. You might look at 28.

6 A. Yes, sir.

7 Q. And in 28, can you actually see
what

8 appears to be a green stain on the white, from the
top

9 one, a green stain on the white carpet?

10 A. Yes, sir.

11 Q. Does that appear to be where that
rug

12 lived most of the time?

13 A. I'm not for sure. I wasn't there.

14 Q. Okay. You can't draw that
conclusion?

15 That that green stain on the white carpet is from
that

16 green rug?

17 A. I'm not for sure.

18 Q. Now that green rug, when you got
19 there, was actually in the kitchen. I guess it is

this

20 showing on 28, it actually shows the kitchen. It's

21 laying on the kitchen floor?

22 A. Yes, sir.

23 Q. Not on the

carpet?

24 A. Not on the

carpet.

25 Q. Okay. But it appears clearly to
have

Sandra M. Halsey, CSR, Official Court Reporter

1890

1 been moved?

2 A. I'm not for sure. I mean, that's
3 where it was when I got there.

4 Q. You can't draw that conclusion
that
5 it's been jostled around?

6 A. It could have been. I wasn't
there.

7 Q. Okay. And Number 29 shows, does
that

8 actually show three rags or two? One back in the --

9 A. One back here, yes, sir.

10 Q. Okay. So it shows three rags in
that

11 room?

12 A. Yes, sir.

13 Q. Now, did you tell the jury that
you

14 collected those rags?

15 A. Yes, sir.

16 Q. All right. The third one is --
the

17 third rag in this picture is sort of a little bit
18 darkened and it's back in the living room?

19 A. Yes, sir.

20 Q. And it was -- it's shown in one
of the
21 photographs of the phone before the phone was moved,
or
22 after the phone was moved, that green rag is shown
closer
23 to the phone, isn't it?

24 A. Yes, sir.

25 Q. All right. But that's the way it

1 looked when you first walked in?

2 A. Yes, sir.

3 Q. With that runner and that rug
thrown

4 like that?

5 A. I believe so.

6 Q. Okay. And it's your
understanding

7 that nothing had been moved at that point?

8 A. To my understanding, yes, sir.

9 Q. Okay. Now, did you take those
rags

10 into evidence?

11 A. Yes, sir.

12 Q. And how did you mark those?

13 A. Again, placed the rags in paper
sacks.

14 Q. Okay.

15 A. And attach the evidence tags to
the

16 sacks.

17 Q. Okay.

18

19 THE COURT: Mr. Mosty, you will
be

20 spending more time with this witness, I assume?

21 MR. RICHARD C. MOSTY: Yes, sir.

22 THE COURT: All right. By

agreement

23 it's now 5:00 o'clock. And I think -- we are coming

24 right upon 5:00 o'clock.

25 What's the jury's pleasure? Do

you

Sandra M. Halsey, CSR, Official Court Reporter

1892

1 wish to remain?

2 THE JUROR: How much longer?

3 THE COURT: How much longer do
you

4 think you will be, Mr. Mosty?

5 MR. RICHARD C. MOSTY: I don't
think

6 it will be too long. You are not going to hold me
to

7 that. Just a thing or two.

8 THE COURT: Just a thing or two?

9 All right. Well, do you think
you

10 will be through in like about 10 minutes?

11 MR. RICHARD C. MOSTY: It might
be

12 just a tad longer that.

13 THE COURT: Well, then we will
14 adjourn.

15 MR. RICHARD C. MOSTY: Tell you
what,

16 if you want to take a couple minutes break, I will
get

17 myself real organized.

18 THE COURT: No, no. I think we
will

19 do -- we will break until 9:00 o'clock tomorrow
morning,

20 at which time you will be even more superbly
organized.

21 See everybody at 9:00 o'clock in
the

22 morning.

23

24 (Whereupon, the
25 Proceedings were

Sandra M. Halsey, CSR, Official
Court Reporter

1893

1
day,

Recessed for the

2

To be resumed the

3

Following day, in

4

Open court, as follows:)

5

6

(These proceedings are continued in the next

7

numbered volume.)

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Sandra M. Halsey, CSR, Official Court Reporter

1894

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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

1895

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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19

MARK TOLLE, JUDGE

20

Criminal District Court Number 3

21

Dallas County, Texas

22

23

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25

Sandra M. Halsey, CSR, Official Court Reporter

1896

