



Wednesday

18

19

20

21

22

23

24

25

Sandra M. Halsey, CSR,  
Official Court Reporter

3321

1

C A P T

I O N

2

3

4           BE IT REMEMBERED THAT, on  
Wednesday, the 22nd 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:

13

14

15

16

17

18

19

20

21

22

23

24

25

Sandra M. Halsey, CSR,  
Official Court Reporter

3322

1

2

A P P E A R

A N C E S

3

4

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



1     ADDITIONAL APPEARANCES:

2

3                     HON. DOUGLAS D.

MULDER

4                     Attorney at Law

5                     2650 Maxus Energy

Tower

6                     717 N. Harwood

7                     Dallas, TX 75201

8

9     AND:             HON. CURTIS GLOVER

10                    Attorney at Law

11                    2650 Maxus Energy

Tower

12                    717 N. Harwood

13                    Dallas, TX

75201

14

15     AND:             HON. RICHARD

C. MOSTY

16                    Attorney at

Law

17                    Wallace,

Mosty, Machann, Jackson &

Williams

18                    820 Main

Street, Suite 200

19 Kerrville,

TX 78028

20

21 AND: HON. S.

PRESTON DOUGLASS, JR.

22 Attorney at

Law

23 Wallace,

Mosty, Machann, Jackson &

Williams

24 820 Main

Street, Suite 200

25 Kerrville,

TX 78028

Sandra M. Halsey,  
CSR, Official Court Reporter



1

2 AND:

HON. JOHN

HAGLER

3

Attorney at

Law

4

901 Main Street, Suite 3601

5

Dallas, TX 75202

6

ALL ATTORNEYS REPRESENTING

THE

7

DEFENDANT: DARLIE ROUTIER

8

MR. HAGLER HANDLING THE

APPEAL

9 AND:

10

HON. ALBERT D. PATILLO, III

11

Attorney at Law

12

820 Main Street, Suite 211

13

Kerrville, TX 78028

14

APPEARING FOR: Witness-

15

Detective Jimmy

Patterson

16

only on one date in

trial

17 AND:

18

HON. STEVEN J. PICKELL

19

Attorney at Law

20

620 Earl Garrett Street

21

Kerrville, TX 78028

22

APPEARING FOR: Witness

23

Officer Chris Frosch

24

only on one date in

trial

25

Reporter Sandra M. Halsey, CSR, Official Court

3325

1  
G S  
2  
3  
4  
5  
6  
7  
8  
following  
9  
in  
10  
presence  
11  
12  
13  
attorneys  
14  
of  
15  
16  
the  
17  
18  
19

P R O C E E D I N

January 22nd, 1997  
Wednesday  
9:00 a.m.

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

20 THE COURT: All right. Let the  
record

21 reflect that these proceedings are being held  
outside of

22 the presence of the jury and all parties in the  
trial are

23 present. Go ahead, Mr. Hagler.

24 MR. JOHN HAGLER: Yes, your

Honor, in

25 addition to our objections to Mr. Bevel's testimony  
that

Sandra M. Halsey, CSR, Official Court Reporter

3326

1 we have already set forth in the record, we would  
also

2 object to any of his testimony regarding blood  
typing,

3 the type of blood and the source of the blood that  
came

4 from State's Exhibit 25, the T-shirt. We have  
already

5 raised our objections to that, as to the chain of  
custody

6 and the contamination.

7 THE COURT: All right. Overruled.

8 Thank you.

9 MR. JOHN HAGLER: Could we have a  
10 running objection?

11 THE COURT: A running objection.

12 All right. Let's bring the jury  
in.

13

14 (Whereupon, the jury

15 Was returned to

the

16 Courtroom, and

the

17 Proceedings

were

18

Resumed on the

record,

19

In open court, in

the

20

Presence and

hearing

21

Of the defendant,

22

As follows:)

23

24

THE COURT: All right. Good

morning,

25 ladies and gentlemen. Let the record reflect that  
all

Sandra M. Halsey, CSR, Official Court Reporter

3327

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

2 Mr. Davis.

3 MR. GREG DAVIS: Yes, sir. Thank  
you.

4

5 Whereupon,

6

7

MR. TOM BEVEL,

8

9 resumed the witness stand, as a witness, for the  
State of

10 Texas, having been previously duly sworn by the Court  
to

11 speak the truth, the whole truth, and nothing but the

12 truth, testified further in open court, as

follows:

13

14

15 DIRECT EXAMINATION (Resumed)

16

17 BY MR. GREG DAVIS:

18 Q. Mr. Bevel, yesterday, as we  
were

19 leaving, we were talking about the vacuum  
cleaner,

20 State's Exhibit No. 93, and you described the  
blood that

21 you found on that vacuum cleaner. Would the  
blood that

22 you found on the vacuum cleaner, would it be  
shown here

23 in the photographs?

24 A. Yes, sir.

25 Q. That I'm holding, State's  
Exhibit 46-A

Sandra M. Halsey, CSR, Official Court  
Reporter

3328



1 through 46-G?

2 A. Yes, sir. That would be  
correct.

3 Q. Okay. Again, the top two show  
the  
4 blood on the handle; is that right?

5 A. Yes, sir.

6 Q. Okay. And then we have  
additional

7 photographs. You talked about a plastic covering  
over

8 the bag portion. Would that be in State's Exhibit  
46-C?

9 A. That is correct, sir.

10 Q. And then the other photographs, D  
and

11 E, would they show the back portion of the vacuum  
cleaner

12 that would be exposed when it is laying on the floor?

13 A. That's correct, sir.

14 Q. And finally, F and G, would they  
show

15 the base, and the drops that you saw there on the  
base,

16 sir?

17 A. Yes, sir.

18 Q. All right. Mr. Bevel, I want to  
now

19 turn your attention to the utility room again, and,  
do

20 you recall in your review in this  
case examining a

21 photograph of the utility room door  
leading into the

22 garage, sir?

23 A. Yes, sir, I do.

24

25 (Whereupon, the  
following

Sandra M. Halsey, CSR, Official  
Court Reporter

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.     Take a look at  
State's Exhibit    132.

12    Do you recognize that photograph,  
sir?

13                                    A.     Yes, sir, I do.

14                                    Q.     Is that one of  
the crime scene  
15    photographs that you reviewed in  
Dallas, taken by the  
16    Rowlett Police, on June the 6th of  
1996, sir?

17 A. Yes, sir.

18 Q. Okay.

19

20 MR. GREG DAVIS:

Your Honor, at this

21 time, we will offer State's Exhibit

132

22 MR. RICHARD C.

MOSTY: No objection.

23 THE COURT:

State's Exhibit 132 is

24 admitted.

25

Sandra M. Halsey, CSR, Official  
Court Reporter

3330

1 (Whereupon, the  
item

2 Heretofore  
mentioned

3 Were received in  
evidence

4 As State's Exhibit No.  
132

5 For all purposes,  
6 After which time, the  
7 Proceedings were

resumed

8 As follows:

9

10 BY MR. GREG DAVIS:

11 Q. Mr. Bevel, again let me show  
this to

12 you first, do you recognize that to be the utility  
room

13 door?

14 A. I do, sir.

15 Q. Okay. And, as I show this to  
the

16 jury, would you describe for us please, what we see  
on

17 this photograph.

18                   A.     Yes, sir.  There is blood that is  
19 exhibited on the edge of the doorway.  There is a  
20 transfer, as well as what is referred to as a blood  
run.

21                             The blood is voluminous enough  
that  
22 instead of just simply transferring to the door, it  
is  
23 continuing to run down the door as gravity is  
pulling on

24 it.

25                   Q.     The blood we see here on the  
door,

1 would it be consistent with an individual holding or  
2 touching this door while they have blood on their  
hands,

3 sir?

4 A. Yes, sir, that would be  
consistent.

5 Q. All right. And the drippage, do  
we

6 see that going down toward the actual locking  
mechanism

7 of the door?

8 A. That's correct sir.

9 Q. Now, sir, I want you to assume  
for me

10 for a moment, Mr. Bevel, that the individual -- an  
11 intruder who had stabbed two children, and had  
also

12 attacked another individual, is running through  
the

13 kitchen, into the utility room door, and at the  
point

14 that they reach this door, sir, they still have  
enough

15 blood on their hands to cause this transfer smear on  
this

16 door, and to cause this drippage. Okay?

17 A. Yes, sir.

18 Q. Given that scenario, sir, would  
you

19 expect that intruder to still have blood on at least  
one

20 of his hands at the time that he enters into the  
garage

21 area?

22 A. Under that scenario I certainly  
would.

23 Q. Why would you expect that that  
person

24 would still have some blood on his hands, even after  
25 leaving this kind of stain on the door?



1                   A.     To leave that volume of blood  
that is  
2     on this door, it certainly would be an indication of  
a  
3     good volume of blood on the hand.  You never have a  
4     complete transference of the primary area that has  
the  
5     blood to a secondary area.  There will always be  
6     evidence, and in most cases, the volume of blood on  
the  
7     original item will still be greater than that on the  
8     secondary item that is touched.

9                   Q.     Okay.  Now, I would like for you  
to  
10    assume that that same intruder, with blood on his  
hands,  
11    still as he goes through the garage, if he touched  
the  
12    window, the point of exit, or the window screen, or  
if he  
13    got out into the back yard and touched the gate, or  
the  
14    fence in order to leave that back yard, would you  
expect  
15    another transfer from his hand onto one of those

objects?

16                           A.     Anything that he is touching with  
that

17    hand, I would certainly anticipate there would be  
18    evidence of it.

19                           Q.     Okay.  Mr. Bevel, I now want to  
turn

20    your attention to another item, a sock, a white tube  
sock

21    recovered down the alley in this case.  Are you  
familiar

22    with the sock that I am talking about?

23                           A.     I am, sir.

24                           Q.     Have you had an opportunity to  
look at

25    that sock or to look at photographs of that sock?

Sandra M. Halsey, CSR, Official Court Reporter

3333

1 A. I have.

2 Q. And, did you notice a blood stain  
on  
3 that sock?

4 A. Yes, sir.

5 Q. How would you characterize the  
blood  
6 stain that you see on that sock?

7 A. It is in two different locations.  
If

8 you had the sock on, and what would normally be the  
sole,

9 or the part if you were walking it becomes slightly  
10 soiled.

11 There is an area of blood there  
that

12 is consistent with a very light transfer. And then,  
if

13 you were to, again, imagine the sock on your foot, if  
you

14 were to come up to the side of the foot.

15 In other words, that area does not  
16 touch the first thing that we're referring to. There  
is

17 an area in between, that there is no blood connected

to.

18 So we have one that is down here, and another one  
that is

19 up towards the edge in the sock, as you would  
normally

20 wear it.

21 Again, it is a light transfer of  
blood

22 that comes from some other area and then getting on  
to

23 the sock area.

24 Q. Okay. Just so I understand then,  
you

25 have got two areas of stain on the sock, is that  
right?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Yes, sir.

2 Q. All right. If I was wearing that  
sock

3 today with the shoes that I'm wearing here today,  
just

4 low top shoes, okay, would either of those stains  
5 actually be visible without me taking off my shoe?

6 A. They would not.

7 Q. Okay. So, do I understand you to  
say

8 that in order for that stain to be exposed, I would  
have

9 to take off my shoe, in order for that stain to be  
seen;

10 is that right?

11 A. Yes, sir.

12 Q. Would you expect -- and I want  
you to

13 now assume again, that an intruder is wearing that  
sock,

14 that he is wearing low top shoes, either tennis  
shoes or

15 leather shoes. That he goes in, he stabs a child  
four

16 times in the back, that he stabs another child twice



1 A. No, sir, they would not.

2 Q. Okay. Why not?

3 A. The shoe was covering that area  
that

4 would be exposed to where the blood is getting to on  
the

5 sock. The shoe would simply have to be off.

6 Q. Okay. The shoe would have to be  
off?

7 A. Yes, sir.

8 Q. Well, let me change the scenario  
a

9 little bit. This time I want you to assume that the  
10 intruder, as he comes into the house, is wearing the  
sock

11 over his hand.

12 That as he comes into the house,  
he is

13 now wearing the sock on his hand, he now stabs the  
child

14 four times in the back. He then stabs a child twice  
in

15 the chest, and finally, after both children have  
been

16 stabbed, he goes to an adult, and inflicts a slash

wound

17 across the neck, a wound to the left shoulder area,  
and a

18 wound to the right arm area.

19 That he then wears that sock  
during a

20 struggle with that adult. That he is carrying a  
bloody

21 knife in that hand, and that as he leaves the  
residence

22 again, he drops or throws the knife down on the  
utility

23 room floor, and then leaves the residence, and then  
three

24 houses down, drops the sock in the alley. Okay?

25 A. Yes, sir.



1                   Q.     Under that scenario, what blood  
would  
2     you expect to see on that sock when it is recovered  
in  
3     that alley way?

4                   A.     I would expect to see the  
possibility  
5     of blood actually from any one of the three victims.  
6     There is a greater probability that the person  
who is  
7     offering the greatest resistance, is going to  
have a  
8     heightened opportunity to deposit blood on to the  
sock.

9                   So, in the scenario given, I  
would  
10    anticipate that I would find more blood from the  
adult  
11    victim that you described, as opposed to the  
younger  
12    victims.

13                  Q.     In this case, sir, are you aware  
that  
14    there were only two blood types detected on that  
sock,

15 and they both belong to the two children in this  
case,

16 Devon and Damon Routier; are you aware of that?

17 A. I am.

18 Q. Are you aware that there was no  
blood

19 found on the sock belonging to Darlie Routier?

20 A. I am, sir.

21 Q. Would you expect to see that  
under the

22 scenario that I have just given to you, assuming  
that the

23 two children attacked, in my scenario, were Devon  
and

24 Damon Routier, and that the adult that was  
attacked and

25 resisted, or struggled with the intruder was  
Darlie

Sandra M. Halsey, CSR, Official Court  
Reporter

3337

1 Routier, would you expect to see only the two  
boys' blood

2 on that sock?

3 A. I would expect to see hers  
also.

4 Q. Now, Mr. Bevel, I want to turn  
your

5 attention to a T-shirt. That T-shirt has been  
marked as

6 State's Exhibit No. 25.

7 Let me show you State's Exhibit  
No. 25

8 and ask you, prior to your testimony today, if you  
have

9 had an opportunity to inspect and exam this T-  
shirt, sir?

10 A. I have, sir.

11 Q. Okay. When is the first time  
that you

12 have had a chance to look at the T-shirt?

13 A. The first time I saw it was on  
14 September the 11th.

15 Q. Okay. And, was that in the  
Dallas

16 County Courthouse?

17 A. That is correct, sir.

18 Q. Okay. And, at the time that  
you

19 examined the T-shirt, did it appear to you that  
certain

20 samples had already been taken from the T-shirt  
for

21 testing?

22 A. Yes, sir, that is correct.

23 Q. And, do you recall what samples  
had

24 actually been taken?

25 A. I just recall that samples had  
been

Sandra M. Halsey, CSR, Official Court  
Reporter

3338

1 taken. I couldn't tell you exactly which ones.

2 Q. All right. When you looked at  
the

3 T-shirt then, on September the 11th, did you  
determine

4 that additional samples should be taken from the T-  
shirt?

5 A. I did.

6 Q. And, how did you chose the areas  
that

7 you wanted us to test for DNA?

8 A. By looking at the over-all T-  
shirt,

9 front and back, and trying to find stains that,  
number 1,

10 that were not totally blood soaked.

11 In the areas that were totally  
blood

12 soaked, that is about all that you can really say  
about

13 it. Even if it's a mixture of blood, it's just  
simply

14 blood soaked, and we were trying to identify blood  
that

15 you can have a history of, an occurrence that could

have

16 produced it.

17 So I'm looking for either blood  
18 spatter, or blood cast off, which is usually looking  
for

19 the stains that are somewhat smaller, and certainly  
have

20 gotten there, as a result, not of just simply a  
blood

21 soak, or a transfer, but from an action, such as  
force

22 being applied, or an object being swung.

23 Q. Okay. So, you are  
differentiating

24 between a blood soak and a transfer, versus a cast-  
off or

25 a spatter; is that correct?

1 A. That's correct.

2 Q. Again, what would be the  
significance

3 or the value of seeing a cast-off or a spatter, as  
4 opposed to the others?

5 A. If you find spatter or cast-off  
on an

6 item that is going to place the person within a  
relative

7 area where an occurrence is actually taking place.

8 That could be somebody who is  
just

9 simply close enough to get spatter on them. It  
could

10 also be indicative of a person who is a person  
creating

11 this spatter or the cast-off.

12 Q. And, I want to ask you, in  
particular

13 about a sample. I believe that you labeled 3-TB,  
and I

14 believe it's also been labeled as T-10. Do you see  
this

15 stain, sir, or where this sample has been taken?

16 A. Yes, sir, I do.

17 Q. Okay. And, on the right upper  
18 shoulder area; is that right?

19 A. Yes, sir.

20 Q. Is there also another stain here,  
down

21 approximately three inches or maybe four inches  
downward,

22 that have you labeled as TB-2, T-9?

23 A. Yes, sir, that's correct.

24 Q. Again, these are basically on the  
25 right shoulder area, of the front of the T-shirt; is  
that



1 right?

2 A. Yes, sir.

3 Q. Are those two of the samples that  
you

4 indicated that you wanted to see tested in this  
case?

5 A. Yes, sir, that's correct.

6 Q. And as you looked at those two  
blood

7 spots, how -- what did they appear to you to be?

8 A. They appeared to be one of two  
9 possibilities, that is either a spatter or a cast-  
off.

10 Usually cast-off will be a little bit greater in  
volume

11 than spatter. These were directional, and  
consistent

12 with an occurrence taking place, which would either  
cast

13 or spatter the blood.

14 Q. Okay. You said that they appear  
to be

15 directional. What do you mean by that?

16 A. If you have, for example, a  
blood

17 droplet, if it's falling through space, if it lands  
on my  
18 hand, and it's in a horizontal position, it's  
likely to  
19 be circular.  
20 But, as I start angling my hand,  
and  
21 the blood hits it, because of the surface tension  
of the  
22 blood droplet interacting with the friction created  
by my  
23 hand, and inertia trying to keep the blood to  
continue  
24 going the same direction and speed, and this being  
a  
25 liquid, eventually it will form a point.

1 Well, blood points in the  
direction of  
2 travel. That is what we are referring to with  
3 directionality. We're talking about the direction  
that  
4 the blood is actually traveling.

5  
6 MR. RICHARD C. MOSTY: Mr.  
Davis,

7 would you give me those two numbers again?

8 MR. GREG DAVIS: Yes, sir, those  
are  
9 going to be TB-3 will be T-10 and TB-2 will be T-9

10 MR. RICHARD C. MOSTY: Thank  
you.

11

12 BY MR. GREG DAVIS:

13 Q. Mr. Bevel, I'm now holding  
photographs

14 120-A and 120-B. Do you see those photographs,  
sir?

15 A. Yes, sir.

16 Q. If you wouldn't mind, if you  
could

17 step down here for the jury and let's go over, TB-2

and

18 TB-3 here.

19 State's Exhibit 120-A does this  
show

20 the stain that you marked as 3-TB?

21 A. Yes, sir, it does.

22 Q. Okay. And that is also later  
23 identified as T-10; is that right?

24 A. Yes, sir, that's correct.

25 Q. Okay. Describe this stain, if  
you

1 would, and tell the members of the jury what that  
stain

2 says to you, as a blood stain analyst, sir?

3 A. Yes, sir. The stain has a  
direction

4 of travel going from -- as I am looking at it from  
the

5 bottom portion of the photograph with an upward

6 trajectory and going slightly to the left.

7 There is a possibility that that  
is

8 two stains. One coming in conjunction with another  
one,

9 because of how they possibly over lay, and I'm not  
able

10 to say that it's either one or two, but both of  
them, or

11 one stain, all that has the long axis, and that is  
what

12 we have to identify, is the long axis of a stain  
will

13 help us to identify the direction that it is going.

14 Q. Okay. When you talk about the  
long

15 axis, are you talking about this direction, up and

down

16 axis?

17 A. Yes, sir. On a blood stain, the  
short

18 axis would be basically the shortest dimension of the  
19 actual measurement of the stain, and then as it  
becomes

20 elongated, if it's not a 90 degree, then that is  
what

21 we're referring to as the long axis, is the longer  
22 measurement of the geometry of the stain.

23 Q. Okay. Now looking at TB-2, which  
is

24 T-9, describe for us what we see with this  
particular

25 blood stain?

Sandra M. Halsey, CSR, Official Court Reporter

3343

1                   A.     Okay.  On this blood stain,  
again, we  
2     have a direction that is coming from down to up.  
This  
3     one is also, slightly going a little bit to the left  
as  
4     you are looking at the photograph, and once again we  
have  
5     a stain, that it could be either two stains, or it  
could  
6     be one stain.  And again, the reason I'm saying that  
is,  
7     you go to the end of the long axis on the larger  
stain,  
8     to the bottom there is additional stains that is up  
9     above, that can either be an additional stain that is  
10    touching, or it can be simply a continuation.  
11                    A lot of times on fabric it's  
12    difficult to make that determination.  So the only  
thing  
13    I can say is, that if it is two, they are still  
14    indicative of going in an up and down direction, even  
if  
15    it is one stain, it is still indicative of going with  
an

16 upward trajectory.

17 Q. Okay. Now, you see the results  
here

18 that we indicate on 3-TB, which is T-10, we show that  
to

19 be a mixture of the blood of Devon Routier and Darlie  
20 Routier, and T-9 or TB-2, that is marked as a mixture  
of

21 Darlie Routier and Damon Routier?

22 A. Yes, sir.

23 Q. Now, Mr. Bevel, let me ask you,  
let's

24 talk about each of these stains. Using State's

Exhibit

25 No. 67?

Sandra M. Halsey, CSR, Official Court Reporter



1 A. Yes, sir.

2 Q. Okay. Let me ask you, sir,  
whether or

3 not, first of all 3-TB, which is T-10 that is the  
mixture

4 between Devon and Darlie Routier. If that stain, as  
we

5 see it in State's Exhibit 120-A would be consistent  
with

6 the defendant in this case, kneeling down over the  
body

7 of Devon Routier, and with two motions, raising the  
knife

8 up, stabbing him in the chest, then withdrawing the  
knife

9 up, and then striking again in the chest, and  
stabbing

10 and then withdrawing the knife again, after that  
second

11 stab wound.

12 Would that stain here on 120-A be  
13 consistent with that sort of motion by the defendant  
with

14 State's Exhibit No. 67?

15 A. It certainly could be consistent.

I

16 think we need an explanation here, however.

17 Q. Yes, sir. Why do you think it's  
18 consistent with that?

19 A. Well, again as you are coming  
back,

20 you can certainly have blood stains that are being  
cast

21 off of the weapon, and they could be cast off,  
certainly

22 going in front of you, coming back towards you, or  
it

23 could also go back behind you.

24 But it certainly is consistent  
with

25 stains that can be cast off. And the explanation  
that I

Sandra M. Halsey, CSR, Official Court Reporter

1 think that is needed here, since we have again two  
blood

2 types. If it is two separate stains, then obviously,  
she

3 has to also be bleeding.

4 If it is one stain, and I cannot  
make

5 that determination, she still has to be bleeding, but

6 it's a mixture with her blood, with the other blood  
and

7 again, I'm not -- with that stain, able to say  
which it

8 is.

9 Q. Okay. Now, when you talk about  
cast

10 off with this sort of motion coming back, what is  
the

11 blood casting off of? What is it coming off of to  
land

12 here on this shirt?

13 A. Well, there's two areas that are  
most

14 common, and that is, if I may?

15 Q. Yes, sir.

16 A. It's either going to be off of

the

17 edge which is the area that is receiving the most  
18 centrifugal force, it can also in times be off of  
this

19 edge. It is not uncommon if the hand is bloody  
enough

20 that you can also get some off of the hand.

21 In most instances it's going to  
be on

22 the longest appendage, whatever that may be. On  
this

23 case, it would be the end of the knife.

24 Q. Okay. Again, the direction of  
this

25 would be down to up; is that right?



16                   Q.     Okay.  Again, the path of travel  
of

17    this blood stain, is this one also down to up?

18                   A.     Yes, sir.

19                   Q.     Would it be consistent with the  
blood

20    actually travelling from the knife tip or the knife  
blade

21    from downward, upward and then depositing on the T-  
shirt

22    in this area, sir?

23                   A.     It would be consistent with the  
blood

24    being deposited with the upswing as opposed to a  
25    downswing.

1 Q. So, the motion as you are  
actually

2 bringing the knife back up from the stab wound over  
the

3 shoulder; is that correct?

4 A. That is correct.

5 Q. Okay. Now, I want to turn your  
6 attention to the stains on the left shoulder area,  
Mr.

7 Bevel. These were marked as LS-1 and LS-3. And you  
see

8 the indications that we have there. LS-1, you see  
we

9 have a mixture between, again, Damon Routier and  
Darlie

10 Routier on LS-1 and on LS-3 we have indicated a  
mixture

11 between Devon Routier and Darlie Routier.

12 A. Yes, sir.

13 Q. On the left of the area. Okay.  
Now,

14 with regards to these two stains, first of all LS-1,  
how

15 would you categorize, classify stain LS-1?

16 A. LS-1 is this one?

17 Q. Yes, sir.

18 A. LS-1 is an individual stain that  
19 is

19 very well formed. There is no indication of another  
20 stain that is overlapping it.

21 It is a downward direction  
going from

22 the top of the photograph going to the bottom  
portion of

23 the photograph. And consistent again, either with  
24 cast-off or I could not rule out entirely blood  
spatter.

25 Q. Okay. How about LS-3 over  
here?

Sandra M. Halsey, CSR, Official Court  
Reporter

3348



1                   A.     LS-3 is another bloodstain. In  
this  
2 case, the directionality is from the lower right-  
hand  
3 corner going slightly upward to the upper left-  
hand  
4 corner as far as the directionality.

5                   Q.     All right. Now, let's talk  
about  
6 these two stains. And I want you to again assume  
for me,  
7 that the defendant -- let's talk about LS-1 first,  
the  
8 mixture between Damon and Darlie Routier.

9                   I want you to assume for me  
again that  
10 the defendant is over the body of Damon Routier  
which is  
11 State's Exhibit No. 67 and is inflicting stab  
wounds to  
12 the back. And I want you to assume that one of  
those  
13 stab wounds travels 4-and-3/8ths inches into his  
body.

14                  A.     Yes, sir.

15                   Q.     That there are four stab wounds  
to the  
16   trunk area of his back with State's Exhibit No.  
67, with  
17   this motion again.

18                   A.     Okay.

19                   Q.     Would that motion be consistent  
with  
20   the production of stain LS-1 over here on the left  
21   shoulder area?

22                   A.     Yes, sir, it would.

23                   Q.     Okay.  Could you explain to the  
jury  
24   how that motion that I have just demonstrated here  
could  
25   produce stain LS-1?

Sandra M. Halsey, CSR, Official Court  
Reporter

3349

1                   A.     Okay, sir.  That is the stain  
that

2     has, again, and let me reconfirm, that is the  
downward

3     direction stain, which is the first one that we  
talked

4     about in this area?

5                   Q.     Yes, sir.

6                   A.     That stain is again coming from  
above.

7     There are again two possibilities that I have to  
8     consider, and one of those would be simply cast off.

And

9     what would occur there is that the blood -- anything  
that

10    goes up certainly has to come down at some point.

11                             And as it is, in this case, if it  
was

12    actually a cast-off, it had started its downward

13    trajectory and that is the reason that in this  
parabolic

14    arc we are having the downward trajectory.

15                             The other possibility, whenever  
you

16    have multiple wounds and you have very deep wounds  
that

17 are being created to where once the blood is  
starting to  
18 pool, if there is any contact from the side of the  
hand  
19 into that area, it's the same thing as if you had a  
20 punch.  
21 As long as the blood is there,  
this  
22 can also separate the blood which can again go out  
in  
23 kind of a radiating fashion. If that was the  
cause,  
24 again, the same thing that you have is that the  
parabolic  
25 arc is already taking place and it's going in a  
downward

1 trajectory.

2 Q. Let me ask you if this is  
consistent

3 with what you are talking about on the collision  
there.

4 If we just poured some blood out here on this  
carpet so

5 that it's actually standing and not all absorbed  
and I

6 took my fist, the heel of my hand and I actually  
came in

7 contact with that --

8 A. Yes, sir.

9 Q. Is that the type of motion  
that you're

10 talking about?

11 A. That can produce either  
spatter or

12 also as you are lifting your hand, the cast-off.

13 Q. Okay. And you talked about  
multiple

14 stab wounds, when you have those, blood then  
deposited at

15 times on the surface of it, if you continue to  
strike

16 that the heel of your hand will come in contact

with that

17 blood and actually collide with it and produce a  
spray?

18 A. Yes, sir. In fact, you  
typically with

19 a knife have to have multiple wounds for that to  
even

20 occur.

21 Q. Would you consider four stab  
wounds to

22 the back to be multiple wounds?

23 A. I certainly would.

24 Q. Now, with regards to State's

Exhibit

25 LS -- this is going to be LS-3 as shown as  
State's

Sandra M. Halsey, CSR, Official Court  
Reporter

3351

1 Exhibit 120-C. Again, I'm going to ask you to  
assume

2 that the defendant is over the body of Devon  
Routier

3 again, with State's Exhibit No. 67, and that she  
inflicts

4 two stab wounds to the chest of Devon Routier, one  
of

5 them, two inches deep and the other one five inches  
deep

6 into his chest.

7                                 Would that stabbing motion also  
be

8 consistent with producing State's Exhibit -- I mean  
LS-3

9 over here as shown on State's Exhibit 120-C?

10                                 A. That could be consistent, yes,  
sir.

11                                 Q. Again, how would that be  
consistent

12 with producing that particular bloodstain?

13                                 A. Instead of the bloodstain being  
14 overcome with a parabolic arc, this one is still in  
a

15 trajectory that is going upward.

16 For that particular stain with  
where  
17 it's located, the person wearing the gown would have  
had  
18 to have been oriented just slightly canted, if you  
would,  
19 as opposed to a perfect 90 degree, in order for that  
20 trajectory to be upward in the location that it is.  
21 Q. Okay. Do you believe that would  
be --  
22 cause this LS-3, do you think that would be caused  
from  
23 the withdrawal of the knife blade cast-off, or do  
you  
24 believe that it would be produced by the heel of the  
hand  
25 again coming in contact with blood on the body  
surface of



1 Devon Routier?

2 A. I can only identify it as being  
3 consistent with one of the two, because either one  
4 of  
5 them can produce that upward trajectory.

6 Q. Either one then?

7 A. Yes, sir.

8 Q. Now, Mr. Bevel, I want to direct  
9 your

10 attention to State's Exhibit 121-A. Do you see the  
11 bloodstain that is identified there. I believe  
12 your  
13 marking was TB-8; is that right?

14 A. That is correct, sir.

15 Q. And on the diagram we have that  
16 also

17 as T-15. Do you see that one, sir?

18 A. I do, sir.

19 Q. And as we look on the T-shirt  
20 here,

21 State's Exhibit No. 25, is that on the front of the  
22 T-shirt or is that one on the back of the  
23 T-shirt?

24 A. That is on the back.

25 Q. Okay. And, as we look

on the back, do

20 we see TB-8, which is also T-15 here?

21 A. Yes, sir, that is  
correct.

22 Q. If you could, just  
indicate on your

23 shirt, as we show this to the jury, what  
portion of the

24 T-shirt are we looking at here?

25 A. As best I can, it's  
going to be in

Sandra M. Halsey, CSR, Official Court  
Reporter

3353

1 this area in here.

2 Q. Okay. Over the right  
shoulder on the

3 back?

4 A. Yes, sir.

5 Q. Okay. Now, just  
looking at this

6 stain, first of all, the size of the  
stain?

7 A. Yes, sir.

8 Q. How would you describe  
the size of it?

9 A. Well, it's fairly  
small, in actual

10 measurement would be 1 millimeter by 1  
point 1

11 millimeter.

12 Q. Okay. Again, what was  
the appearance

13 of this particular stain? How would you  
classify it?

14 A. It is consistent with a  
cast-off

15 stain, the direction, because of the long  
axis, however,

16 we don't have a point on either end of the  
long axis. It  
17 is either going from down to up or it is  
going from up to  
18 down, and I'm not able to actually  
distinguish it. But  
19 the long axis is in this manner as opposed  
to some other  
20 manner.

21 Q. So again, the long axis  
is in an up  
22 and down trajectory; is that correct?

23 A. Yes, sir.

24 Q. But on this one you  
can't tell us  
25 whether the blood was travelling upward or  
travelling

Sandra M. Halsey, CSR, Official Court  
Reporter

1 downward to produce this stain; is that  
right?

2 A. Not conclusively, no,  
sir.

3 Q. Now, with regards to T-10 or T-15  
here

4 on the back of the T-shirt, I want you now to assume  
5 again that the defendant is wearing State's Exhibit  
No.

6 25, that she is bending over the body, kneeling over  
the

7 body of Devon Routier with State's Exhibit No. 67,  
again,

8 that she inflicts two stab wounds to his chest,  
again,

9 one of them two inches deep, another one five inches  
10 deep, with State's Exhibit 67 as I am doing at this  
time

11 here on the floor.

12 Sir, let me ask you if that motion  
13 also is consistent with having produced State's  
Exhibit,

14 excuse me, I mean, T-15 the stain that you marked as  
15 TB-8?

16 A. Yes, sir, it is.

17                           Q.     Okay.  Could you explain to the  
jury  
18   how that particular stabbing motion can produce this  
19   stain on the back of this T-shirt over the right  
20   shoulder?

21                           A.     Yes, sir.  In the drawback of the  
22   knife, once the blood is being released from the  
knife  
23   and following the same trajectory, the same direction  
as  
24   the force, what it is doing is just simply coming  
over,  
25   parabolic arc is taking over and at some point as it

Sandra M. Halsey, CSR, Official Court Reporter

1 comes back down it is going to land on whatever is  
there.

2 In this case, it would be  
consistent

3 with the T-shirt being the target that it ultimately  
4 lands on.

5 In fact, on the motion that the  
6 counselor was just demonstrating, if you watch the  
end of

7 the knife, you can actually see, if you just simply  
8 follow the end of the knife, you could see blood,  
or

9 imagine blood coming and follow the trajectory of  
it.

10 Q. If you could, demonstrate the  
motion

11 that you are talking about and show the jury what  
you are

12 mentioning there.

13 A. I'll go slow, but what we're  
trying to

14 do is envision blood coming down to the end of the  
knife

15 due to the centrifugal force of being drawn back.

16 And if you can, again, envision

the

17 blood coming off, it's going to go in the same  
direction

18 of travel. And in this instance it would just  
simply go

19 back over the shoulder and at some point as it  
comes down

20 it would land.

21 Q. Let me ask you, Mr. Bevel, your  
office

22 is in Oklahoma; is that correct?

23 A. Yes, sir.

24 Q. Okay. After you examined the  
T-shirt

25 here as shown in State's Exhibits 120 and 121, did  
you

Sandra M. Halsey, CSR, Official Court  
Reporter

3356



1 make any effort to take a T-shirt and determine  
whether

2 or not this particular kind of motion could in  
fact

3 produce this size stain on the back of a T-shirt?

4 A. I attempted to do a  
demonstration to

5 make an exemplar, so we could supplement my verbal  
6 testimony.

7 Q. All right. Just explain to the  
8 members of the jury what you did in order to  
produce

9 that?

10 A. Okay. Taking a knife that was  
the

11 same diameter of the knife in question, I just  
simply, in

12 this case I went down to my knee after placing a  
clean

13 T-shirt on my body, put blood on the knife, on  
both

14 sides, again, held it up and allowed it to just  
simply

15 stop it's dripping.

16 Now, I'm not trying to say that  
if I

17 held it there for another five minutes there may  
not be

18 an additional drop.

19 But what I'm talking about, for  
all

20 practical purposes, the continued dripping had  
ceased.

21 And then just simply did a motion such as this, I  
think

22 on the first time I did it with two swings, if you  
would,

23 without adding any additional blood, to see if in  
fact we

24 get the blood that would be on the back that would  
be

25 consistent in size, direction, location as the  
blood in

Sandra M. Halsey, CSR, Official Court  
Reporter

3357

1 question on the T-shirt.

2 Q. Okay. What was the result of  
that?

3 A. I was able, multiple times, to  
get  
4 bloodstains that were the same size, location, with  
the  
5 long axis up and down in that area and on other  
areas of  
6 the back of the shirt.

7 Q. Did you bring the T-shirts to  
Court  
8 this morning that you used in those demonstrations  
in  
9 Oklahoma?

10 A. Yes, sir, I did.

11 Q. Okay. Where are they?

12 A. I have them at the witness stand.

13 Q. Okay. Could you please show  
those to  
14 us?

15

16 MR. RICHARD C. MOSTY: Your  
Honor,

17 could we approach?

18 THE COURT: You may.

19

20

(Whereupon, a short

21

Discussion was

held

22

Off the record,

after

23

Which time the

24

Proceedings were

resumed

25

As follows:)

Sandra M. Halsey, CSR, Official  
Court Reporter

3358

1

2

THE COURT: Okay.

This should be but

3 a brief moment.

4

MR. JOHN HAGLER:

Excuse me, your

5 Honor, while we're waiting for them,  
I believe we have an

6 agreement that we could put  
something on the record at a

7 later point regarding this.

8

THE COURT: You

do indeed.

9

MR. JOHN HAGLER:

Thank you, your

10 Honor.

11

THE COURT: Thank

you.

12

Are we ready?

13

MR. GREG DAVIS:

Yes, sir, I believe

14 we are.

15

THE COURT: All

right. Thank you.

16

MR. GREG DAVIS:

Thank you.

17

18 BY MR. GREG DAVIS:

19 Q. Mr. Bevel, you  
had indicated I believe  
20 in your testimony that when you did  
these demonstrations,  
21 if you will, up in your office in  
Oklahoma, that you were  
22 wearing clean T-shirts each time; is  
that right?

23 A. Yes, sir, that is  
correct.

24

25 (Whereupon, the  
following

Sandra M. Halsey, CSR, Official  
Court Reporter

3359

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.     Let me show you, Mr. Bevel,  
what's

12    been marked as State's Exhibits 133 and 134. Do  
you

13    recognize these two white T-shirts, sir?

14                                    A.     Yes, sir, I do.

15                                    Q.     Again, looking at 133?

16                                    A.     I do, sir.

17                                    Q.     Okay. Are these in fact the T-  
shirts

18    that you were wearing while you attempted to  
duplicate

19    the bloodstain patterns that we see on State's

Exhibit

20 No. 25?

21 A. They are, sir.

22 Q. Okay. Just for the record,

State's

23 Exhibit 133 is dated 12-13-96; is that correct?

24 A. Yes, sir.

25 Q. And State's Exhibit 134 is dated

1-2

Sandra M. Halsey, CSR, Official Court Reporter

3360



1 of 1997; is that right?

2 A. Yes, sir, that's correct.

3

4 MR. DAVIS: Your Honor, at this  
time

5 we will offer State's Exhibits 133 and 134.

6 THE COURT: All right. State's  
7 Exhibits 133 and 134 are admitted.

8

9 (Whereupon, the items  
10 Heretofore mentioned  
11 Were received in  
evidence

12 As State's Exhibits No.

133

13 And 134 for all  
purposes,

14 After which time, the

15 Proceedings were

resumed

16 As follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Mr. Bevel, if you  
could again,

20 stepping down in front of the jury, can

you explain to us

21 what we see on State's Exhibit 133,  
please?

22

23 (Whereupon, the  
witness

24 Stepped down from

the

25 Witness stand, and

Sandra M. Halsey, CSR, Official  
Court Reporter

3361

1                   Approached the jury  
rail

2                   And the proceedings  
were

3                   Resumed as follows:)

4

5                   A.     The front of the T-shirt has  
stains

6     that are in this area and most of them go to  
7     approximately the edge of the right edge of the  
collar or

8     the opening of the T-shirt.

9                   And then if you turn the T-shirt  
10    around, we again have bloodstains that are getting  
to the

11   shoulder area as well as to the right shoulder and  
then

12   back of the actual T-shirt.

13

14   BY MR. GREG DAVIS:

15                  Q.     Okay.  And again, that was on  
December

16   the 13th of 1996; is that right?

17                  A.     That is correct, sir.

18                  Q.     Did you again do that  
demonstration in

19 your office on January 2nd, 1997?

20 A. Yes, sir, I did.

21 Q. And looking at State's Exhibit

134, is

22 this the T-shirt that you were wearing during that

23 demonstration, sir?

24 A. Yes, sir, it is.

25 Q. Could you please, again, show the  
jury

Sandra M. Halsey, CSR, Official Court Reporter

3362

1 what was found there on State's Exhibit 134?

2 A. Yes, sir. On the front of the  
shirt,

3 we got stains that are going to the right front  
sleeve,

4 and another one that is going from right to left  
with an

5 upward trajectory that is where my finger is  
locating,

6 this would be the upper area of the right shoulder.

7 Then, as we look at the back of the T-shirt, we have

8 stains that are -- let me hold it this way -- they  
are,

9 where I am pointing to, in multiple areas, with one  
10 fairly large one to about the center of the back.

11 Q. Okay.

12

13 (Whereupon, the witness

14 Resumed the witness

15 Stand, and the

16 Proceedings were resumed

17 On the record, as

18 Follows:)

19

20 BY MR. GREG DAVIS:

21 Q. Mr. Bevel, I want to take each of

22 these five stains we have talked about and ask you  
some  
23 questions about them. I want you first of all to  
look at  
24 the stain which is TB-8 or T-15 here on the back over  
the  
25 right shoulder on State's Exhibit 25.

Sandra M. Halsey, CSR, Official Court Reporter

3363

1 A. Yes, sir.

2 Q. Sir, do you have an opinion  
whether or

3 not this particular stain was caused by some soaked  
4 through or transfer of blood from another part of the  
5 T-shirt to where it's located here on State's

Exhibit

6 121-A?

7 A. I do, sir.

8 Q. Okay. What is your opinion about  
9 possible soak through or transfer for that stain?

10 A. That it is neither a transfer nor  
a  
11 soak through.

12 Q. Okay. And why did you conclude  
that?

13 A. Again, whenever you have another  
14 object that has the original blood and when it comes  
in

15 contact with another item, especially on clothing,  
the

16 transference from the original item to the new  
secondary

17 item creating the transfer, under magnification,  
and this

18 doesn't have to be very great magnification, but

what I

19 looked at this one was from 2-X to 20-X  
magnification.

20 If it is a transfer the inner  
weave of

21 the thread, if you would, will not typically  
have a

22 complete soak through, as opposed to something  
that is

23 impacting the clothing because it is being  
driven into

24 the fabric, the stain will be distributed evenly  
between

25 the outer fabric, and under magnification, now  
this kind

Sandra M. Halsey, CSR, Official Court  
Reporter

3364



1 of looks like mountains and valleys.

2 But if it is an impact stain,  
it will

3 be evenly distributed from the outer to the  
inner. Where

4 as if it is a transfer, especially stains this  
side, you

5 will end up having some voids or some of the  
threads that

6 are clean because the blood was not driven down  
into it.

7 As far as a transfer from  
some other

8 area -- I'm sorry.

9 Q. Let me just stop you. Did  
you

10 actually look at this particular stain T-15 or  
TB-8 under

11 a microscope?

12 A. I looked under it with a  
magnification

13 which was from 2-X to 20-X. That is not really  
a true

14 microscope, but it is magnification to that  
extent.

15 Q. All right. And when you  
looked at the  
16 weave underneath, did you see it to be an even  
soak or  
17 did you see it to have these hills and valleys?

18 A. It is an even soak amongst  
all of the  
19 thread in that area.

20 Q. That even soak tells you  
what?

21 A. That it is consistent with  
blood that  
22 has impacted the thread and upon that impact, it  
doesn't  
23 stop on the outer threads, it goes on in and  
also  
24 saturates the inner thread.

25 Q. Okay. If it was just a  
transfer from

1 some other region, you would expect to see it  
uneven

2 underneath; is that right?

3 A. That is correct, sir.

4 Q. You didn't see that?

5 A. I did not.

6 Q. Okay. You were about to say  
something

7 else about the stain before I interrupted you. What  
were

8 you intending to say?

9 A. That whether or not it's a soak  
10 through possibly from the opposing side. You can, in  
11 most instances, unless you are talking about a very  
large

12 volume of blood, such as the front of the shirt  
there,

13 there are areas there that it would be difficult to  
tell

14 which side it's coming from.

15 But when you get individual  
patterns

16 of blood, in most instances you are able to look at  
both

17 the outer portion of the fabric and then the inner

18 portion of the fabric looking at the stain from both  
19 sides.

20 And it becomes obvious, for some  
21 of

22 the same reasons that we talked about the impact,  
23 the

24 distribution, the blood soak as to which side it is  
25 heaviest on and which side that it is a little bit  
26 lighter on. And with this particular stain, this

27 has  
28 occurred, in my opinion, from being deposited from  
29 the

Sandra M. Halsey, CSR, Official Court Reporter

3366

1 outside as opposed to being from the inside.

2                                    Again, that determination was  
made by

3 looking at both sides as to the saturation of blood.

4                                    Q.     Okay.  And, on what side was TB-8  
5 heaviest?  Was it -- was the stain heaviest on the  
6 outside of the material or heaviest on the inside of  
the  
7 material?

8                                    A.     On the outside.

9                                    Q.     Okay.  Now, did you make the same  
kind  
10 of microscopic examinations of LS-1 and LS-3?

11                                  A.     I did, sir.

12                                  Q.     Okay.  Let's start with LS-3 here.  
13 Again, do you have an opinion as to whether or not  
LS-3  
14 is the product of a transfer from some other  
portion of

15 the T-shirt?

16                                  A.     I have an opinion, yes, sir.

17                                  Q.     What is your opinion about LS-3?

18                                  A.     For the same reasons that this  
is a

19 deposit from the outside of the garment as opposed  
to

20 coming from the inside.

21 Q. Okay. And, you had talked about

a

22 spatter or a cast-off. Was the distribution --

again, I

23 guess going back to this idea of transfer, was the

24 distribution of the soak even when you looked at

the

25 weaves under the microscope or was it uneven?

Sandra M. Halsey, CSR, Official Court  
Reporter

3367

1 A. It is even.

2 Q. Again, what does that tell you  
about

3 LS-3?

4 A. That the blood is being forced  
down to

5 the outer weave as well as the inner weave.

6 Q. Okay. That would be consistent  
with

7 what?

8 A. Okay. An impact, basically.

9 Q. Okay. And as far as soaked  
through,

10 on what side of the garment was the stain  
heaviest? Was

11 it on the outside or on the inside?

12 A. On the outside.

13 Q. And again, what does that tell  
you

14 about LS-3?

15 A. That this has come in contact  
with the

16 garment from the outside as opposed to seeping  
from the

17 inside and being visible to the out.

18 Q. Okay. LS-1 here, did you see,  
as you  
19 looked at it under the microscope, did you see an  
even  
20 saturation below, or did you see this uneven  
saturation?

21 A. It's an even saturation.

22 Q. And the even saturation told  
you what  
23 about LS-1?

24 A. Again, that it is consistent  
not with  
25 a transfer, but rather with an impact, some  
velocity of

Sandra M. Halsey, CSR, Official Court  
Reporter

3368



1 the still liquid blood impacting into the fabric.

2 Q. Okay. As far as soak through,  
on what

3 side of the garment was this most heavily  
saturated, on

4 the outside or the inside?

5 A. From the outside.

6 Q. And what did that tell you?

7 A. Again, that it has been  
deposited from

8 the outside of the garment as opposed to a bleed  
through,

9 if you would, from the inside out.

10 Q. Okay. Now let's look at TB-2  
which is

11 T-9. Same question about that as you looked at  
TB-2

12 underneath the microscope?

13 A. I'm sorry, which one?

14 Q. As you looked at TB-2, which is  
also

15 going to be designated T-9.

16 A. Yes, sir.

17 Q. Okay. As you looked at that  
stain

18 underneath the microscope, was the saturation  
underneath,

19 was it even or uneven?

20 A. It is even.

21 Q. And what did that tell you?

22 A. Again, that it is consistent  
with

23 being deposited from the outside of the garment as  
the

24 garment is normally worn as opposed to the inside.

25 Q. And again, most heavily  
saturated on

Sandra M. Halsey, CSR, Official Court  
Reporter

3369

1 the outside?

2 A. That is correct, sir.

3 Q. TB-3 which is also T-10, same  
question

4 about that, an opinion as to whether it was caused  
by a

5 transfer or not?

6 A. It is my opinion that it is not  
7 consistent with a transfer.

8 Q. Again, did you look at this  
stain

9 under the microscope, also?

10 A. Yes, sir.

11 Q. Was the saturation even as you  
looked

12 at the weave?

13 A. It is.

14 Q. And, same question about the  
15 saturation. Was this stain most heavily saturated  
on the

16 outside of the fabric or on the inside of the  
fabric?

17 A. On the outside.

18 Q. And again, what does that tell  
you

19 about the stain?

20                           A.     That it is consistent with  
being  
21    deposited from the outside as opposed to a bleed  
through  
22    from the inside.

23                           Q.     Okay.  Mr. Bevel, just a couple  
more  
24    questions here for you.  Have you ever met with  
any of  
25    the attorneys representing Mrs. Routier?

                          Sandra M. Halsey, CSR, Official Court  
Reporter

3370

1 A. Yes, sir, I have.

2 Q. Who have you met with?

3 A. Let's see, let me get the names  
so I

4 don't mispronounce them. Mr. Mosty, Mr. Mulder, I  
5 believe an investigator, Lloyd Harrell and then a  
Mr.

6 Glover.

7 Q. Okay. When did you meet with  
these

8 gentlemen?

9 A. December 30th, 1996.

10 Q. Where did that meeting take  
place?

11 A. In Oklahoma City.

12 Q. Okay. And how long did the  
meeting

13 take?

14 A. Well, their plane was late an  
hour, so

15 actual meeting time was approximately four hours.

16 Q. Did you ever give the attorneys  
your

17 personal notes that you had made in this case?

18 A. They requested them at that

meeting

19 and they were faxed on 1-2 of '97 to the  
attorneys'

20 office.

21 Q. So January 2nd for the personal  
notes.

22 Since January the 2nd, have you  
made

23 any additional personal notes concerning the work  
that

24 you have done in this case?

25 A. I'm sure that I have made some  
notes.

Sandra M. Halsey, CSR, Official Court  
Reporter

3371

1 For example, making sure that I was aware of what  
the

2 blood typings was for the various bloodstains,  
because

3 they have different numbers by different people.

4 Q. Okay. Have you been keeping your  
time

5 also on what you have been doing?

6 A. Yes, sir, I have.

7 Q. Finally, Mr. Bevel, let me ask you  
8 about the -- what you did out there at the residence  
on

9 November 26, 1996, when you dropped the knife on the  
10 floor of the utility room floor and when you also  
took

11 the same knife and you placed it on the carpet or  
you

12 tossed it or threw it on the carpet. Do you recall  
those

13 instances?

14 A. I do, sir.

15 Q. Sir, would you consider those to  
be

16 scientific tests or would you consider them to be  
17 something else?

18                   A.     Well, I consider them to be  
something

19     else.

20                   Q.     What would you consider them to  
be?

21                   A.     When, for example, in your office  
when

22     I was asked my opinion as to whether or not there was  
23     evidence of the knife being dropped, I stated my  
opinion.

24                             And, when we were at the  
residence,  
25     the counselor asked me if I could show him a

Sandra M. Halsey, CSR, Official Court Reporter



1 demonstration as to what I am actually talking about  
as  
2 to what I would expect to find. And that was exactly  
3 what was done.

4                               The photographs were taken in an  
5 effort to further supplement with a visual aid, my  
verbal

6 testimony on what my opinion actually was.

7                               For it to actually be a scientific  
8 experiment, you have to identify all of the variables  
and

9 this can be a great number of them, and then you have  
to  
10 test each one of those variables one at a time, and  
then

11 ultimately, you have to come back and consider the  
12 interaction between each one of those variables, one  
at a

13 time, and you have to take precise measurements of  
14 humidity, temperature, distance, volume, just a whole  
15 bunch of different possible factors that could impact  
16 what the unknown is.

17                               In this case, I offered my  
opinion,

18 and this was nothing more than a demonstration with  
19 photographs taken as a visual aid to supplement my

verbal

20 testimony as to what my opinion was.

21 Q. Would the same be true for the  
22 demonstrations that you did for me concerning the  
knife

23 in the carpet?

24 A. It would, sir.

25 Q. Basically, you did that at my  
request,

Sandra M. Halsey, CSR, Official Court Reporter

3373

1 right?

2 A. Yes, sir.

3 Q. Okay.

4

5 MR. GREG DAVIS: Your Honor, I'll  
pass

6 the witness at this time.

7 THE COURT: All right. Ladies and  
8 gentlemen, in view of the fact that cross examination  
may

9 be somewhat lengthy, let's take a break until 10:15,  
10 please.

11

12 (Whereupon, a short

13 Recess was

taken,

14 After which

time,

15 The proceedings

were

16 Resumed on the

record,

17 In the presence

and

18 Hearing of the

defendant



1                   Was excused from  
the  
2                   Courtroom, and the  
3                   Proceedings were  
held

4                   In the presence of  
the  
5                   Defendant, with  
her  
6                   Attorney, but  
outside

7                   The presence of  
jury

8                   As follows:)

9  
10                  THE COURT: Ladies and  
gentlemen, if

11    we can have quiet in the Courtroom, please.

12                  All right. Let the record  
reflect

13    that these proceedings are being held outside of  
the

14    presence of the jury, and all the parties of the  
trial

15    are present.

16                                 Mr. Hagler, you wanted to speak  
first  
17    and then I am going to let you speak.  
18                                 Go ahead.  
19                                 MR. JOHN HAGLER:  I wanted to --  
by  
20    the agreement between the parties, we do have a  
running  
21    objection to all of the testimony of this witness  
22    regarding his expert opinion testimony, and also  
that  
23    objection further applies to the exhibits that were  
--  
24    the T-shirt exhibits that were used as a  
demonstration  
25    and attempt by this witness to reconstruct the acts,  
the

1 so-called acts that constituted the offense.

2 THE COURT: You do.

3 MR. JOHN HAGLER: Thank you.

4 THE COURT: Thank you. Mr.

Mosty.

5

6 VOIR DIRE EXAMINATION

7

8 BY MR. RICHARD C. MOSTY:

9 Q. Two inquiries of Mr. Bevel, one  
is or

10 the State whomever, what are the additional notes  
that

11 you have taken, and can I have a copy of them?

12 A. The additional notes would be,  
for

13 example, coming here since Sunday, adding to my time

14 sheet, the additional notes would be identifying my

TB-8

15 is identified by somebody else's other means of

16 identification, understanding what those are,

writing

17 them down, and then putting what the results of the

18 examination is. And that is --

19 Q. May I get a copy of those, please?

20 A. They are right here, yes, sir.

21 Q. And the second inquiry is, did you  
22 tape record our meeting in Oklahoma City?

23 A. No, sir, I didn't. Did you?

24 Q. No, sir, I didn't.

25

Sandra M. Halsey, CSR, Official Court Reporter

3376



1 THE COURT: All right. Thank you.  
Is  
2 that it? Okay. Thank you.  
3 We're on break.  
4 MR. RICHARD C. MOSTY: Will you  
make  
5 me a copy of that?  
6 MR. GREG DAVIS: Yes, in the back.  
7  
8 (Whereupon, a short  
9 Recess was  
taken,  
10 After which  
time,  
11 The proceedings  
were  
12 Resumed on the  
record,  
13 In the presence  
and  
14 Hearing of the  
defendant  
15 And the jury, as  
follows:)  
16  
17 THE COURT: All right. Bring the

jury

18 back in.

19

20 (Whereupon, the jury

21 Was returned to

the

22 Courtroom, and

the

23 Proceedings

were

24 Resumed on the record,

25 In open court, in the

Sandra M. Halsey, CSR, Official Court  
Reporter

3377

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

4  
5                    THE COURT: All right. Let the  
record

6    reflect that all parties in the trial are present  
and the

7    jury is seated. Mr. Mosty.

8

9

10                    CROSS EXAMINATION

11

12    BY MR. RICHARD MOSTY:

13                    Q.    Mr. Bevel, during the break, I  
got, I

14    guess, an update on your notes. If I understand  
that the

15    sum total of all of the notes that you took in  
this case

16    consists of 15 pages?

17                    A.    I don't know the number.

That's

18    probably accurate.

19                    Q.    Okay. And of those, some of  
those

20 were sketches provided to you by Rowlett, were  
they? Or

21 sketches that you then took notes on?

22 A. Yes, there were some sketches,  
and to

23 be honest with you, I am not sure who provided --  
that is

24 the diagrams of the residence.

25 Q. Well, while we're doing this,  
why

Sandra M. Halsey, CSR, Official Court  
Reporter

3378

1 don't we cover this so we will be certain of it.

I'll

2 substitute my last page for the new last page you  
just

3 gave me.

4 A. Okay.

5 Q. Let me make sure my numbers are  
right.

6 And just to be clear, I will just show you, does  
this

7 appear to be what I am sending, showing you is a  
fax you

8 sent to me? There are two pages of number nine in  
there,

9 in the new one.

10 A. Yes, sir, they are.

11 Q. Okay. That is 14 pages which  
is the

12 sum total of your entire file?

13 A. The sum total of my  
14 personally-generated file.

15 Q. Okay.

16 A. It is considerably bigger than  
that,

17 but not what I generated.

18 Q. Okay. Well, what I'm talking  
about is

19 every note that you took, you know, so you could  
document

20 things and so that you could identify and  
remember. That

21 is included in these 14 pages?

22 A. To the best of my knowledge,  
yes, sir.

23 Q. Okay. And all of that, count  
with me

24 if you will, 2, 3, 4, 5 -- 5 of those pages are a  
sketch

25 on which you did some notes?

Sandra M. Halsey, CSR, Official Court  
Reporter

3379

1                   A.     Yes, sir.

2                   Q.     One is -- two are impressions?

3                   A.     Yes, sir.

4                   Q.     One is your time sheet with  
some  
5     additional notes?

6                   A.     Yes, sir.

7                   Q.     And then, the other one here is  
the  
8     time sheet again.  And then there are 1, 2, 3  
pages of  
9     notes, and then one, a sketch of a knife?

10                  A.     Yes, sir.

11                  Q.     So, three, actually in three  
pages are  
12    really all of the notes that you did on your own  
pad?

13                  A.     That are written documentation,  
that  
14    is correct.

15                  Q.     Okay.  Is there any other kind of  
-- I  
16    guess, the word written documentation seems to  
confuse me  
17    here.  I thought that documents are writings?

18                   A.     Well, I also consider photographs  
19    taken of evidence a document.  Maybe that is  
incorrect, I  
20    don't know.

21                   Q.     All right.  These are all the  
pieces  
22    of paper and then there's some photographs?

23                   A.     Yes, sir.

24                   Q.     Now, let's cover a little bit  
about  
25    exactly what you did.  You first went to Dallas, I



1 believe, it was on September 11th?

2 A. Yes, sir.

3 Q. At that time, had you seen the --  
had

4 you seen anything?

5 A. I did have some photographs prior  
to

6 arriving to September the 11th which was, let's see,  
7 there was a photograph, several photographs of a --  
the

8 gown that was being worn which was the T-shirt.

And, I

9 believe what I had was also a few of the autopsy  
10 photographs, but they were -- that was about the  
extent

11 of what I had.

12 Q. And did you keep those or did  
you give

13 them back to somebody?

14 A. Sir?

15 Q. Do you have a file that has  
those

16 photos in it?

17 A. I don't believe that I do. I am  
not

18 sure whether I gave those back. I don't believe  
that I

19 have them, no.

20 Q. Well, did you bring your file  
down

21 here?

22 A. Yes, sir.

23 Q. Okay. And you have looked at it

24 before?

25 A. Certainly.

1                   Q.     So you would remember if those  
2 photographs were in it, wouldn't you?

3                   A.     Well, I don't believe they are  
in  
4 there, no.

5                   Q.     All right. And you had not seen  
any  
6 of the crime scene photographs?

7                   A.     The original photographs that  
were  
8 sent? There is a possibility that some of those  
could  
9 have been in there. And I'm sorry I can't identify  
as to  
10 which time I got all the photographs. I don't  
know.

11                  Q.     You didn't take any notes to  
identify  
12 photo 1, 2, 3, 4, 5?

13                  A.     No, sir.

14                  Q.     And didn't take any notes to  
identify  
15 this photo that was taken on June 6th or June 8th  
or what  
16 date it was taken?

17                           A.     Well, I didn't take any of  
these.

18     So --

19                           Q.     Did you take any notes in your  
files

20     so that you can, you know, so that you can go back  
and

21     say, such and such photo on 6-6, I saw this?

22                           A.     No, sir, I did not.

23                           Q.     Mr. Bevel, you have testified  
hundreds

24     of times?

25                           A.     Yes, sir.

1 Q. Thousands?

2 A. No, sir.

3 Q. How many hundreds of times do  
you  
4 reckon you have testified?

5 A. Probably something around 200 or  
more.

6 I don't know.

7 Q. How many lawyers do you reckon  
have  
8 cross-examined you?

9 A. Well, I would say in each one of  
those  
10 instances I have been cross-examined.

11 Q. Any lawyer more than once?

12 A. Yes, sir.

13 Q. So, I mean would it be near 200  
14 lawyers who have examined you?

15 A. And you're just simply talking  
about  
16 trial, not depositions or anything else?

17 Q. Let's just talk about trials  
first, we  
18 will move on.

19 A. Okay.

20 Q. I'm talking about when you're  
sitting

21 in court testifying with a defense lawyer cross-  
examining

22 you?

23 A. Well, again, I don't have an  
exact

24 number. Each time that I have testified, certainly  
there

25 has been either one or more defense attorneys that  
has

1 had an opportunity to cross-examine me.

2 Q. And, in addition, in depositions  
or

3 out-of-court statements, and of course those were  
under

4 oath, weren't they?

5 A. The depositions certainly were.

6 Q. Okay. And how -- in addition to  
the

7 approximately 200 times you have testified in court,  
how

8 many depositions have you given?

9 A. I'm just guessing, but I would say  
10 probably 10.

11 Q. Okay. So it would be fair to say  
that

12 you have heard pretty much everything there is to  
hear in

13 terms of cross-examination?

14 A. No, I doubt that.

15 Q. You doubt that?

16 A. Yes, sir.

17 Q. Okay. But you are an experienced  
18 testifier, you would agree with me on that, wouldn't  
you?

19 A. Yes, sir.

20 Q. Let's talk a little bit about then

--

21 moving on from your September 11th -- let's make sure

22 we've covered your September 11th visit.

23 A. Yes, sir.

24 Q. You met, and did you look at

25 photographs?

Sandra M. Halsey, CSR, Official Court Reporter

3384



1 A. Yes, sir.

2 Q. Were those the crime scene  
3 photographs?

4 A. Those were included in the  
5 photographs, yes, sir.

6 Q. Let's talk about those  
photographs.

7 Were -- was there any of those photographs that were  
8 identified, for instance, with a log? They would  
say,

9 this is this item?

10 A. No, sir.

11 Q. Okay. How were the photographs  
12 explained to you?

13 A. Verbally.

14 Q. By?

15 A. A combination of different people  
at

16 various times. I would say the majority of the time  
it

17 was by Mr. Davis.

18 Q. Okay. And he would say, this is a  
19 photograph of kitchen counter or whatever it might  
be?

20 A. Yes, sir.

21

photographs

22 there?

23

Q. Was the man who took the

A. No, sir.

24

Q. Mr. Mayne was not at this meeting?

25

A. No.

Sandra M. Halsey, CSR, Official Court Reporter

3385

1 Q. Were the photographs arranged in  
any

2 kind of order or sequence?

3 A. Some of them were, yes.

4 Q. And some weren't?

5 A. Yes, sir.

6 Q. Were some of them taken on June  
6th?

7 A. Yes, sir.

8 Q. Were some of them taken on June  
8th?

9 A. I do not know the dates that the  
10 various photographs were taken.

11 Q. Because you didn't take any notes?

12 A. I didn't take the photographs.

13 Q. Nor did you take any notes to say  
that

14 this is a photograph of the vacuum cleaner taken on  
6-8?

15 A. I did not take any notes of that,  
no,

16 sir.

17 Q. Can you tell me today whether or  
not

18 the photographs you saw were taken on the 6th or the

8th?

19 A. I cannot.

20 Q. All right. You looked at these  
21 photographs at Mr. Davis's office?

22 A. Yes, sir.

23 Q. And Mr. Davis was present. Who  
else

24 was present?

25 A. At various times, there were  
different

Sandra M. Halsey, CSR, Official Court Reporter

3386

1 people. It would depend upon -- if we're talking  
about

2 September the 11th?

3 Q. September 11th.

4 A. Okay.

5 Q. And you knew by that time that  
Mrs.

6 Routier had already been indicted in two separate  
cases,

7 didn't you?

8 A. I don't know that I was aware it  
was

9 two separate cases.

10 Q. You knew she had already been  
11 indicted?

12 A. Been indicted, yes, sir.

13 Q. Other than looking at the  
photographs,

14 what else did you do? Did you, at that time, look at  
the

15 shirt?

16 A. Yes, sir.

17 Q. Anything else?

18 A. There were a number of things that  
was

19 there. And I can't remember -- on the 11th or 12th,  
I  
20 looked at the vacuum cleaner. And I'm not sure  
whether  
21 that was originally looked at at Mr. Davis's office  
or  
22 Dallas County or if that was actually at SWIFS.

23 Q. You were down there two days?

24 A. Yes, sir.

25 Q. All right. So you looked at the

Sandra M. Halsey, CSR, Official Court Reporter

1 photographs, you looked at the T-shirt, you looked at  
the

2 vacuum cleaner. Anything else?

3 A. There was a number of police  
reports:

4 Autopsy, medical records in reference to treatment at  
the

5 hospital, a large number of statements that were made  
by

6 various people, such as --

7 Q. Excuse me. Without -- I don't  
want --

8 I just want you to describe for me generically what  
you

9 saw. I don't want to go into the details of what  
some of

10 these things said, as they may be hearsay.

11 A. Okay.

12 Q. So you saw autopsy material,  
reports,

13 statements?

14 A. Yes, sir.

15 Q. Anything else?

16 A. At that particular meeting, I  
think

17 that pretty well encompasses the primary items that  
were

18 looked at.

19 Q. Okay. And you had not had those  
20 reports before the meeting?

21 A. No, sir.

22 Q. Did you make -- did you get copies  
of  
23 them?

24 A. I got copies of some of them.

What I

25 did the evening that -- or the afternoon actually  
that I

Sandra M. Halsey, CSR, Official Court Reporter



1 left, I went to a motel. I borrowed the, at that  
time,  
2 fairly complete copy that the DA's office had of the  
3 various reports that had been collected. And I read  
them  
4 that night while in the hotel.

5 Q. And then did you maintain copies  
of  
6 them or did you give them back to the district  
attorney?

7 A. I gave those back to the district  
8 attorney and subsequently requested copies of some of  
it,  
9 such as some of the statements, some of the autopsy  
10 findings and some of the original police officers'  
11 reports.

12 Q. Okay. And was this a fair stack  
that  
13 you read?

14 A. I would say it was considerable,  
yes.

15 Q. Six inches high?

16 A. Well, in a three-ring binder, and  
I'm  
17 guessing that it would be about like that. (Witness

18 gesturing).

19 Q. Okay. Similar to the binder like  
this

20 that I have here?

21 A. Yes, sir. However, considerably  
22 thicker. The pages -- it holds considerably more  
than

23 that.

24 Q. A lot more materials than what I  
am  
25 showing you here?

Sandra M. Halsey, CSR, Official Court Reporter

1                   A.     And of course, some of those  
included

2     photographs.

3                   Q.     Okay.  They were in a binder, too?

4                   A.     They were in a manila envelope  
about

5     the size of an 8 by 10 that was included in the -- I  
6     don't believe that they were attached, no.

7                   Q.     So you had a notebook larger than  
this

8     one and a manila envelope of photographs?

9                   A.     Photographs, yes, sir.

10                  Q.     All right.  And you sat and read  
them

11     in your motel room that night?

12                  A.     Yes, sir

13                  Q.     Did you take any notes -- of all  
of

14     that documentation, did you take any notes  
whatsoever?

15                  A.     I don't believe so.

16                  Q.     Now, then, you asked for certain  
of

17     those other -- certain of the documents you had seen  
to

18 be sent to you?

19 A. Yes, sir.

20 Q. And I guess you just called upon  
your

21 memory when you got back to Oklahoma, to say, "I  
want

22 this, and that"?

23 A. Well, no. Upon meeting on the  
24 following morning on the 12th, I expressed some of  
the  
25 copies that I would like to have.

1 Q. Okay.

2 A. Subsequently, upon getting back  
to

3 Oklahoma, they were sent.

4 Q. All right. And I guess when you  
did

5 that, Mr. Davis took some notes about which ones  
you

6 wanted?

7 A. Yes, sir.

8 Q. Or somebody did?

9 A. Well, let me back up. I think I  
10 actually wrote down and handed him a piece of paper  
11 stating, these are some of the items I would like  
to have

12 copies of.

13 Q. Okay. Now, are those presently  
in

14 your file?

15 A. I believe that they are, yes.

16 Q. Do you have your file up there  
with

17 you?

18 A. Yes, sir, I do.

19 Q. May I see it?

20 A. Yes.

21 Q. Now, I note in your file that  
there

22 are a number of photographs now?

23 A. Yes, sir.

24 Q. When did you get those?

25 A. I have had those -- collecting  
some of

Sandra M. Halsey, CSR, Official Court Reporter

3391

1 those from September the 11th. Some of them were  
given

2 to me on October the 1st, and there may have been  
some

3 since October 1st.

4 But I believe that either all or  
the

5 majority of them had been received prior to that.

6 Q. Okay. I'm not going to belabor  
this

7 right now. Maybe during the break or something, we  
will

8 identify what is in there.

9 A. Yes, sir.

10 Q. Okay. On the 11th, did you  
express

11 your opinions about this case to Mr. Davis?

12 A. Some of them.

13 Q. Did you look at the carpet at  
that

14 time in the September trip?

15 A. September the 12th I did.

16 Q. Okay. And it was rolled out for  
you

17 out at the -- where, PD?

18 A. Yes, sir.

19                   Q.     And then, is there anything else  
we  
20     have not covered on that trip, at least in general  
terms?

21                   A.     In general terms, I think that  
we have  
22     covered everything with one exception, that would  
be  
23     making imprints of the vacuum wheels while at  
SWIFS.

24                   Q.     Okay.  And, did you -- you had  
25     adequate time on those two days to do what you felt  
like



1 you needed to do?

2 A. No, sir.

3 Q. To get -- you know, did you want  
to

4 stay over and do some more or --

5 A. No, there was additional days  
that

6 additional work was done. And what I am saying is  
that

7 if we had stopped then, it certainly was not  
adequate.

8 Q. And certainly I didn't mean to  
imply

9 that. But for whatever the purpose of your trip  
on that

10 first trip, you had adequate time to do all of  
your

11 initial evaluations and figure out what kind of  
follow-up

12 you wanted to do?

13 A. Yes, sir.

14 Q. And then you came back on the  
first of

15 October?

16 A. October the 1st, yes, sir.

17 Q. And was that -- that was two

days?

18                                   A.     That was the first and second,

that's

19     correct.

20                                   Q.     Okay.  And, during that trip,

did you

21     again look at evidence?

22                                   A.     Yes, sir.

23                                   Q.     Look at the carpet again?

24                                   A.     No, sir.

25                                   Q.     Not on that trip?

                                  Sandra M. Halsey, CSR, Official Court  
Reporter

1 A. No, sir.

2 Q. What did you do, look at the  
3 photographs?

4 A. Photographs, there were  
basically a

5 conference that was given to go over --

6 Q. Excuse me. I'm not interested  
in the

7 details of what happened. I'm just interested in  
the

8 general description. I don't want to know, you  
know, a

9 report that said. I just want to hear the  
description of

10 what it was. You had a conference?

11 A. Yes, sir.

12 Q. You had -- did you again look  
at the

13 photographs?

14 A. Yes, sir.

15 Q. Did you again look at the T-  
shirt?

16 A. Yes, sir.

17 Q. By that time you had received  
some

18 reports?

19 A. Yes, sir. The majority of the  
reports

20 that I have in the file was received by September  
the

21 19th.

22 Q. And then your next trip was a  
one-day

23 trip to Dallas on November the 26th; is that  
right?

24 A. Yes, sir.

25 Q. And that concludes all of your  
trips

Reporter Sandra M. Halsey, CSR, Official Court

3394

1 to Dallas? Three trips?

2 A. Yes, sir.

3 Q. And in those trips, did you  
have

4 adequate time to do whatever you needed to do?

5 A. At those locations, yes, sir.

6 Q. I'm curious. Why didn't you do  
that

7 carpet experiment in October?

8 A. We didn't -- well, the carpet  
that I

9 had looked at, it was discussed on what was found  
at that

10 particular point.

11 In order to do it, I could have  
used

12 synthetic blood, which I had with me. I did not  
have

13 whole human blood. And it was my feeling that we  
should

14 use whole human blood in order to do the  
experimentation.

15 Arrangements had to be made in order to do that  
and that

16 was at a later time.

17                           Q.     SWIFS couldn't get you whole  
human

18    blood in October?

19                           A.     I'm sure that they could have,  
20    certainly.  But they prefer if they have a little  
bit of

21    advance notice, as opposed to saying on the  
telephone,

22    get me some blood out at such and such a place  
now.

23                           Q.     It just didn't occur to you  
before you

24    went down there in October to run experiments on  
the

25    carpet and to make arrangements for it?

                          Sandra M. Halsey, CSR, Official Court  
Reporter

3395

1                   A.     When in September?  Are you  
referring

2     to September 12th.

3                   Q.     No, I'm talking about the  
October

4     trip.  I'm sorry.  Let me restate that.  It didn't  
occur

5     to you when you were going down there on your  
second trip

6     in October to make arrangements in advance to do  
an

7     experiment on that carpet?

8                   A.     Well, I'm not sure that I can  
state

9     that it didn't occur to me, it was not set up to  
be done

10    then.

11                  Q.     Well, if it occurred to you,  
you

12    didn't follow up on it?  How about that?

13                  A.     That would be okay.

14                  Q.     All right.  Mr. Bevel, I have  
quite a

15    number of areas to cover.  And I'm going to more  
or less

16 try to cover them sort of in the order you did, so  
we can

17 go through them.

18 If you think that I am getting  
off

19 from one time to another or something or we get  
confused,

20 then stop me and we will get back so that you and  
I are

21 clearly talking about the same time. Fair enough?

22 A. Yes, sir.

23 Q. Let's talk about the vacuum  
cleaner

24 right here.

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court  
Reporter

3396



1 Q. You observed this vacuum  
cleaner, of

2 course, now it's been cleaned, has it not?

3 A. It's been cleaned?

4 Q. Yes.

5 A. I have not inspected it since  
it's

6 been cleaned, if it has. I don't know.

7 Q. The -- you said, did you not,  
that

8 there was a smear on the handle?

9 A. Yes, sir, that is correct.

10 Q. Whereabouts?

11 A. It is basically the top portion  
of the

12 handle and more of it was to the right side. And  
there

13 is actually traces of blood around the entire area  
of the

14 handle.

15 Q. Okay. So, like that, sort of?

16 A. It could be.

17 Q. Can you say it was -- can you  
say

18 whether or not the hand was this way or that way?

19                           A.     It could be either way.  I  
can't say.

20                           Q.     And can you say whether or not  
that

21    smear came from a hand that had a glove on it, a  
latex

22    glove or not?

23                           A.     I cannot.

24                           Q.     You can't make that

determination, can

25    you?

                          Sandra M. Halsey, CSR, Official Court  
Reporter

3397

1                   A.     No, sir.

2                   Q.     Okay.  But that was the only  
blood on

3     the handle area?

4                   A.     Yes, sir.

5                   Q.     And you looked at the vacuum  
cleaner,

6     did you tell me on the 11th?

7                   A.     It was either the 11th or the  
12th.  I

8     believe I saw it on the 11th, but the imprint of  
the

9     wheel was actually done on the 12th.

10                  Q.     Okay.  First trip, let's just  
call it

11    the first trip.

12                  A.     Okay.

13                  Q.     And at that time you looked at  
the

14    wheels, the back wheels, I guess?

15                  A.     I looked at them, yes, sir.

16                  Q.     Were you able to observe blood  
on

17    them?

18                  A.     To actually visually see blood,

no.

19                    Q.     Could not see blood on the  
wheels?

20                    A.     No.

21                    Q.     Okay.  But all these other  
places, you

22     could actually visibly --

23                    A.     Let me correct that because I  
am

24     mistaken.  On the -- what you would refer to as  
the part

25     of the wheel that would come in contact with the  
floor,

Sandra M. Halsey, CSR, Official Court  
Reporter

3398

1 no, I did not see any blood. As you get up to  
areas that

2 would be to the side of the wheel, there was some  
traces

3 of blood that you could see visually. What I was  
4 thinking of was the actual tread portion.

5 Q. Well, you're correct, because  
that is

6 really what I was asking you. I was not very  
accurate in

7 my question.

8 The part that is now taped?

9 A. Yes, sir.

10 Q. You were not able to see blood?

11 A. That's correct.

12 Q. And, did you, carefully of  
course,

13 look at the whole wheel?

14 A. I did.

15 Q. Careful not to contaminate it  
or knock

16 off a blood flake or something like that?

17 A. Certainly.

18 Q. Did you do it with finger or  
did you

19 do it with something like a --

20 A. It was done with a gloved  
finger,

21 basically.

22 Q. Okay. A latex gloved finger?

23 A. Yes, sir.

24 Q. Okay. But you were able to see  
blood

25 on, am I saying this right? On the side of the  
wheel?

Sandra M. Halsey, CSR, Official Court  
Reporter

3399

1                   A.     There were some areas of blood  
that  
2     was visible.  Again, we're not talking about a lot  
of  
3     blood, but there was some areas there was visible  
blood.

4                   Q.     Okay.  Now, if this vacuum were  
rolled  
5     through blood like you have described?

6                   A.     Yes, sir.

7                   Q.     Wouldn't you expect to see at  
least  
8     some blood on the wheel part?

9                   A.     I would certainly look for it,  
yes,  
10    sir.

11                  Q.     And you did?

12                  A.     And I did.

13                  Q.     Because you expected to see  
it?

14                  A.     Well, I certainly looked  
for it

15     because there is a good indication that it  
could

16     certainly be there.  That is the reason we didn't

stop by

17 just looking.

18 Q. Okay. All right. Then, you

told us

19 that you saw what these, what you call furrows, in

how

20 many locations?

21 A. I'm sorry, sir, what?

22 Q. Furrows. Didn't you mention the

word

23 furrow in there?

24 A. Your talking about the floor?

25 Q. Yes.



1 A. Yes, sir.

2 Q. Okay. In how many locations?

3 A. The one that is visible without  
the

4 amido is in front of the sink area and that would  
be to

5 the left.

6 There are, additionally, let's  
see,

7 one, two, at least three, possibly four, not furrows  
but

8 tracks that would be consistent with the width of  
the

9 wheels of the vacuum cleaner.

10 And that would be, if you are  
looking

11 at the sink, that would be to the right from where  
the

12 first one that we're indicating is.

13 Q. Okay. So, am I right that there  
is

14 the one that we will call the furrowed one?

15 A. Yes, sir.

16 Q. Then there may be four others?

17 A. Three to four others, yes, sir.

That

18 would be to the right of that one.

19 Q. And of course, you can't tell us  
three

20 to four because you don't have any notes, do you?

21 A. No, but we can easily look at the  
22 photographs and make that determination.

23 Q. Okay. I want to talk to you about  
the

24 photographs in just a minute as soon as I finish  
this.

25 A. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

3401

1                   Q.     So there is one, if I am at the  
sink,  
2     there is one that is sort of here on my left and some  
3     others that are more or less in front of me? Or are  
they  
4     scattered around?

5                   A.     Well, it depends on your  
definition of  
6     scattered, I guess.

7                   Q.     Well, then let me withdraw that  
8     question.

9                             How far apart in feet or inches,  
or  
10    whatever measurement you are comfortable with, were  
11    these?

12                  A.     I did not measure the distance  
from  
13    the one that is to the left to the others that are  
over.

14    What I actually did was to measure the diameter of  
the  
15    wheel.

16                  Q.     Okay. Well, give me an estimate  
of  
17    the one that was on the left to the others that were

on

18 the right, how far is that?

19 A. Again, by looking at the  
photographs,

20 I think we could be more accurate. However, my best

21 estimation without looking at the photographs is  
going to

22 be within, well, certainly less than three feet.

23 Q. All right. And, is that other  
area

24 that you call it, to the right, are those sort of  
closer

25 together, or are they also spread out?

Sandra M. Halsey, CSR, Official Court Reporter

3402

1                   A.     No.  There is two of them that are  
2  very close and another one that is somewhat over from  
the  
3  two that are close, and I believe that there is  
another  
4  one that is again separate from that.

5                   Q.     Okay.  So, it was your opinion  
that  
6  the vacuum cleaner was picked up between each of  
those?

7                   A.     Well, not necessarily between  
each of  
8  those, but certainly between the ones that are  
further  
9  apart.

10                  Q.     Okay.  And, did you demonstrate  
how  
11  that was done the other day, yesterday?

12                  A.     I just did a demonstration of  
where I  
13  said that the vacuum cleaner would have had to have  
been  
14  picked up --

15                  Q.     Come down and repeat that  
16  demonstration for me the way you did it yesterday.

17                  A.     Okay.

18

19

(Whereupon, the witness

20

Stepped down from

the

21

Witness stand, and

22

Approached the jury

rail

23

And the proceedings

were

24

Resumed as follows:)

25

Sandra M. Halsey, CSR, Official Court Reporter

3403

1                   A.     We talked about it being rolled.  
2                   Q.     Right.  
3                   A.     And then going from one location  
to  
4 another and then being rolled again.  
5                   Q.     Okay.  Thank you, you can go ahead  
and  
6 have a seat.  
7                   A.     Okay.  
8  
9                             (Whereupon, the witness  
10                            Resumed the witness  
11                            Stand, and the  
12                            Proceedings were resumed  
13                            On the record, as  
14                            Follows:)  
15  
16 BY MR. RICHARD C. MOSTY:  
17                   Q.     You put your hand right here,  
didn't  
18 you?  
19                   A.     I don't know.  
20                   Q.     You don't recall?  
21                   A.     I simply grabbed it and moved it.  
I

22 don't know where I exactly placed my hand.

23

24 MR. RICHARD C. MOSTY: Could the  
25 record reflect that's where he put his hand, your  
Honor?

Sandra M. Halsey, CSR, Official Court Reporter

3404



1 THE COURT: Well, I think the jury  
saw

2 where he put his hand. The jury is instructed --

3 MR. RICHARD C. MOSTY: I did. I  
saw

4 it.

5 THE COURT: -- to remember the  
6 testimony and view the evidence as they see it and  
7 remember it.

8 MR. RICHARD C. MOSTY: I saw it.

9

10 BY MR. RICHARD MOSTY:

11 Q. And there was no blood at this  
12 location, was there?

13 A. Not that I recall, no, sir.

14 Q. Okay. And, you wouldn't call me  
a

15 tall man, would you?

16 A. About my height.

17 Q. Okay. I would have to pick that  
up

18 like that, and then my arm is -- I would have to  
lift my

19 arm, to get it off the ground. I would have to get  
my

20 arm up parallel to the floor, wouldn't I?

21 A. Parallel, no.

22 Q. Pretty much. This part of my  
arm?

23 A. The way you have it is parallel.

You

24 don't have to do that.

25 Q. Okay. Well, then -- all  
right. Well,

Sandra M. Halsey, CSR, Official Court  
Reporter

3405

1 let me -- is that about as close as I can get  
it?

2 A. Without touching the floor,  
that is

3 what you're saying?

4 Q. Yes. Um-hum. (Attorney  
nodding head

5 affirmatively).

6 A. That is going to be pretty  
close, yes,

7 sir.

8 Q. All right. So if somebody is  
going to

9 pick it up, you would expect them to pick it up  
a little

10 higher than that, wouldn't you?

11 A. I would.

12 Q. Okay. If somebody is going  
to pick

13 that up, and then move it three feet?

14 A. Yes, sir.

15 Q. Okay. But they can't, let's  
see, it's

16 got to be like this, doesn't it, because the  
front wheels

17 are not touching?

18 A. To move it, why do any of the  
wheels

19 have to touch?

20 Q. Well, you found no evidence  
of the

21 front wheels being in blood, did you?

22 A. No, sir. I'm not clear on  
your

23 question.

24 Q. Well, you are the one that  
said, it's

25 picked up, I guess, straight up, or would you  
say it was

Sandra M. Halsey, CSR, Official Court  
Reporter

3406

1 picked up like this?

2 A. I have no way of knowing.

3 Q. All right. It would be  
pretty hard to

4 pick it up like that, wouldn't it?

5 A. Well, you just did it.

6 Q. Yeah, and look at my  
position.

7 A. I don't think that is  
difficult, no,

8 sir.

9 Q. You don't think that is  
difficult?

10 You think that is how a lady of Mrs. Routier's  
height

11 would have picked up that vacuum cleaner?

12 A. I didn't say that. I simply  
said I

13 don't believe that that is difficult.

14 Q. All right. That would be  
difficult,

15 wouldn't it?

16 A. By holding it out in front of  
you,

17 it's more like a weight. Yes, sir.

18                           Q.     Okay.  And of course, the  
main smear

19    that you saw on the handle, was on the right  
side, wasn't

20    it?

21                           A.     There was more of the blood  
that I saw

22    on the right side, but it continued all the way  
around.

23                           Q.     Okay.  And so, if somebody  
picked it

24    up like this, for instance, you would expect to  
see more

25    blood on the left side?

Sandra M. Halsey, CSR, Official Court  
Reporter

3407

1 A. If that hand is bloody.

2 Q. Okay. But it's clear to you  
that

3 between those marks on the floor that that  
vacuum cleaner

4 was picked up and moved to another location?

5 A. In my opinion, it would have  
had to

6 have been, yes, sir.

7 Q. Okay. And that would be  
consistent

8 with -- and you found no evidence of the front  
wheels

9 anywhere, rolling?

10 A. Okay. As far as the front  
wheels

11 rolling through blood, no, sir.

12 Q. Okay. Well, I'm going to get  
to the

13 floor in a minute.

14 Let's go to the utility room.  
And you

15 first went in this house on November 26th?

16 A. That's correct, sir.

17 Q. How long were you there that  
day?

18                   A.     I would say approximately --  
well,  
19     with time out for lunch, it would have been  
total  
20     cumulative time, somewhere approximately five  
hours.

21                   Q.     Okay.  And you brought the  
whole blood  
22     this time, or did somebody else bring it?

23                   A.     Mr. Linch brought it.

24                   Q.     Okay.  And, you -- what areas  
did you  
25     inspect of the linoleum before you were doing  
your

Sandra M. Halsey, CSR, Official Court  
Reporter

3408



1 experiments?

2 A. Well, basically the -- there  
is a kind

3 of like a closet, I'm not sure exactly what it  
was, but

4 as you are in the kitchen, there's some doors  
that will

5 fold, I looked at that area.

6 Q. Would you call that a pantry?

7 A. Could be a pantry, I'm really  
not sure

8 what it is.

9 Q. Okay.

10 A. The linoleum that is to the  
outside of

11 that, or what appeared to be the dining room and  
then

12 toward the utility room, and simply the area in  
front of

13 the sink and surrounding an island that is in  
the sink.

14 Q. I want to show you State's  
Exhibit 10.

15 Can you see it all right from where you are?

16 A. Yes, sir.

17 Q. Okay. And, are you saying,

that this

18 that I am pointing to that has the --

19 A. The doors that open.

20 Q. -- the doors that open, that  
is what

21 you called a closet of some kind?

22 A. Closet, pantry, I'm not sure  
what it

23 is.

24 Q. Okay. So you looked in front  
of that  
25 area?

Sandra M. Halsey, CSR, Official Court  
Reporter

3409

1                   A.     Yes, sir.

2                   Q.     And on the kitchen sink side?

3                   A.     Yes, sir.

4                   Q.     And in the utility room?

5                   A.     Yes, sir.

6                   Q.     Or have you covered that yet?

7                   A.     Yes, sir. I did.

8                   Q.     Okay. And that is where you  
were  
9     looking at the linoleum?

10                  A.     Yes, sir.

11                  Q.     Okay. At that time, all of  
the  
12     furniture had been moved out of the house?

13                  A.     That is correct, sir.

14                  Q.     And was there evidence of sort of  
the  
15     ordinary trash that people sometimes leave behind  
when  
16     they have moved out? You know, paper, things like  
that.

17                  A.     At various places in the house,  
yes.

18     And in fact in those areas, I would say there was  
some,

19 yes.

20 Q. It had not been cleaned up in  
other

21 words?

22 A. That's correct.

23 Q. And gone back and swept or  
vacuumed or

24 any of that stuff?

25 A. That is correct.

1 Q. But it was obvious -- did you go  
out

2 to the garage?

3 A. Yes, sir.

4 Q. And it was obvious that all of  
the

5 furniture had been moved out of the house?

6 A. Yes, sir.

7 Q. It sort of had a typical look of  
a

8 house that had been moved out of?

9 A. Yes, sir.

10 Q. And how did you conduct this  
11 inspection of the linoleum floor?

12 A. Just basically visually.

13 Q. Okay. No  
photographs?

14 A. Well, at that time,  
no.

15 Q. No notes?

16 A. That's correct -- well, let me  
back up

17 again here.

18 We have notes comparing -- well,  
that

19 was not done there, I'm sorry. I was about to talk  
about

20 the measurement of the wheels, but that actually was  
done

21 at a later time. I'm sorry.

22 Q. I'm talking about your notes.

23 A. That's what I'm talking about  
also.

24 Q. You didn't take any notes?

25 A. At that particular point, no, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. With respect to what you saw on  
the  
2 linoleum floor?

3 A. That is correct.

4 Q. Okay. How long did you just look  
at  
5 the floor?

6 A. Well, at various times you are  
looking  
7 at the floor, then doing other things and then  
looking at

8 another area of the floor. It's difficult to give  
you an  
9 actual time frame.

10 Q. That was a silly question. All of  
the  
11 blood was dried?

12 A. While I was there.

13 Q. This is six months nearly?

14 A. Yes, sir.

15 Q. After  
that?

16 A. Yes,  
sir.

17 Q. And you, of course, have no

way of

18 knowing how many people have been going in and

out of

19 that house?

20 A. I have no way of knowing that.

21 Q. And if I walk through there and I

drag

22 my feet on a spot of blood, it's dusty by then,

isn't it?

23 A. Certainly.

24 Q. And I just walk through, I could

kick

25 it and destroy a pattern, couldn't I?



1 A. You certainly could.

2 Q. If I had a box of furniture or  
pots

3 and pans, say pots and pans. If I had a box of  
cleaning

4 materials and I took them out of something, and I  
put

5 them in a box and I kicked the box across the  
floor or

6 moved it while I packed another box, I could  
destroy

7 dusty blood, couldn't I?

8 A. Certainly.

9 Q. And there are innumerable ways  
that

10 that could have happened?

11 A. Certainly.

12 Q. So then, if I understand then,  
the

13 next thing that you did was you then started on  
the

14 experiment?

15 A. Well, we are going to have a  
problem

16 here because I don't think that that is experiments

that

17 we are doing.

18 Q. Well, I expected we would have a  
19 problem about that. Tell me what they were.

20 A. Mr. --

21 Q. In your description of what is  
this?

22 A. Yes, sir.

23 Q. I'm not asking you how we did it,  
we

24 will get to that in a minute. What is it you were  
25 calling it?

Sandra M. Halsey, CSR, Official Court Reporter

3413

1                   A.     I was calling it a demonstration  
to  
2     show what my verbal opinion was as to what a knife  
would  
3     look like if it was bloody and fell in that area, and  
at  
4     Mr. Davis' request, we did a demonstration with a  
bloody  
5     knife impacting so that we could show it.

6                   Q.     And you used the word, I'm sure,  
7     demonstration?

8                   A.     I very well may have used an  
9     experiment, but when we start talking about  
scientific  
10    experiments, that certainly does not qualify.

11                  Q.     There is no stretch of the  
imagination

12    that could call this a scientific experiment, is  
there?

13                  A.     I agree with you.

14                  Q.     Beyond any doubt, there is no --

15                  A.     I agree with that.

16                  Q.     Because in a scientific experiment  
you

17    first do a hypothesis?

18 A. Yes, sir.

19 Q. And then you take out all of the  
20 variables and then you test your hypothesis?

21 A. With each one of the variables.

22 Q. In this event, this time you  
formed

23 your opinion first?

24 A. I gave an opinion as to what I  
would

25 look for. Mr. Davis wanted to know, instead of just

Sandra M. Halsey, CSR, Official Court Reporter

1 verbally what that would look like, he wanted to know  
2 what would it actually look like through a  
demonstration.

3 Q. And of course, this is after Mrs.  
4 Routier has been indicted?

5 A. Yes, sir.

6 Q. And you have come to your opinion  
and  
7 then you conduct a demonstration that supports your  
8 opinion?

9 A. That creates a visual aid so that  
10 instead of just verbally talking about it, you can  
look  
11 at the photographs and see or compare that to the  
verbal  
12 statement.

13 Q. And you have demonstrated how you  
did  
14 that, or testified a little bit about it, and you  
said  
15 that you dipped the knife in blood on both sides,  
right?

16 A. Yes, sir.

17 Q. Is this sort of a low pan?

18 A. Well, yes, it was.

19 Q. To where you can get the whole  
knife

20 blade in there?

21 A. Not dipping it down that way, no.  
You

22 have to lay it basically on its side. And actually  
what

23 I had to do was to get some of the blood almost into  
a

24 scooping motion to where it would run over the knife.

25 Q. Okay. So you put it in till you  
get

Sandra M. Halsey, CSR, Official Court Reporter

1 actually blood on the handle?

2 A. There was probably some blood that  
got

3 on the handle, yes.

4 Q. And on -- what do you call that  
part

5 of a knife?

6 A. That is a good question. I don't  
7 know.

8 Q. All right. How about we call it  
the

9 back side?

10 A. That will work for me.

11 Q. All right. You got blood on the  
back

12 side?

13 A. Yes, sir.

14 Q. And you of course testified that  
that

15 is one of the areas that can be a cast-off source?

16 A. Yes, sir.

17 Q. And you have got -- you dipped the  
18 blood. Did you get your finger -- did you do this

with

19 one hand or two hands, do you remember?

20                   A.     At various times I probably used  
one

21    and another time I probably used two.

22                   Q.     Because I just found myself sort  
of

23    using two, but I don't know that that is --

24                   A.     Most of the time I believe that  
the  
25    other hand was holding on to the container so that I



1 didn't spill it or knock it over. I believe most of  
the

2 time it was done with one hand.

3 Q. Did you actually get blood on  
your

4 gloves?

5 A. Yes, sir, I did.

6 Q. Okay. So you got that knife  
fully

7 bloody on both sides, right?

8 A. Yes, sir.

9 Q. And then you dropped it from,  
what you

10 call, waist high?

11 A. Well, you are missing one part.

12 Q. I'm sorry. I'll add it. You  
held it

13 up?

14 A. Yes, sir.

15 Q. And until the -- as you said,  
for all

16 practical purposes, it had stopped dripping?

17 A. Right. The continuous drip on  
the end

18 of the knife had ceased.

19 Q. I said those words correctly,  
didn't

20 I; for all practical purposes?

21 A. You probably did.

22 Q. Then, you took it and you  
dropped it

23 like that?

24 A. Well, there it would have hit  
the pan,  
25 so I had to turn.

Sandra M. Halsey, CSR, Official Court  
Reporter

3417

1 Q. All right. I have turned.

2 A. Okay.

3 Q. And you dropped it like that?

4 A. Yes, sir.

5 Q. You didn't decide to drop it  
like  
6 that?

7 A. At that location, no.

8 Q. Okay. Of course, we don't know  
9 because there is no -- there is no protocol for  
any of  
10 these demonstrations that says how you dropped it.

11 A. Nor do we know how it dropped  
12 originally.

13 Q. Yeah, you know, that is a very  
good  
14 point, isn't it?

15 A. Sure.

16 Q. And that undermines the whole of  
your  
17 demonstration, doesn't it.

18 A. No, sir.

19 Q. You don't know if someone  
dropped it  
20 like that?

21 A. I don't know that.

22 Q. That would be a different

pattern in

23 all likelihood?

24 A. It also should in that tile have

had

25 the tip point demonstrated as impacting it.

Sandra M. Halsey, CSR, Official Court Reporter

3418

1 Q. Okay. So you looked, you forgot  
to

2 tell us that earlier, you looked in the linoleum  
for a

3 place where a knife had stuck in the linoleum?

4 A. Matter of fact, I did, yes, sir.

5 Q. But you didn't mention that  
earlier,

6 did you?

7 A. I wasn't asked.

8 Q. Of course, you didn't take any  
notes

9 about that, did you?

10 A. Not specifically, no, sir.

11 Q. Okay. Now how did you decide to  
drop

12 it like that as opposed to like that?

13 A. Well, at various times it was  
dropped

14 differently.

15 Q. Okay.

16 A. Once while running.

17 Q. Once while running?

18 A. Yes, sir.

19 Q. Did you ever drop it onto a

carpet?

20 A. Yes, sir.

21 Q. Did you ever drop it onto a rug

on the

22 linoleum?

23 A. No, sir, I did not.

24 Q. Didn't do that, did you?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

3419

1                   Q.     You know there were multiple rugs  
in  
2     this kitchen, didn't you?

3                   A.     In the kitchen, yes, sir.

4                   Q.     And in the utility room door you  
know  
5     there was one, don't you?

6                   A.     I don't remember that.

7                   Q.     Okay.  On Exhibit 10, is there  
not a  
8     rug depicted in front of the utility room door?

9                   A.     If we're talking about in front  
of the  
10    utility room door, that may be accurate.  I don't  
11    recognize just what that is, but that may be  
accurate.

12                  Q.     I don't think anybody is going to  
13    swear to the scale of where that rug is.  If they  
are, I  
14    have not heard them yet.

15                  A.     Well, but earlier, I understood  
your  
16    question to be, in the utility room.

17                  Q.     I'm sorry.  I don't mean to be  
that --

18 I'm just saying, at any time did you take a flowered  
rug

19 and drop the knife on it; a flowered rug like this  
one

20 and drop the knife on it?

21 A. I never did that.

22 Q. Did you tell us yesterday that  
there

23 were eight to ten of these experiments?

24 A. I believe that is accurate.

25 Q. Okay. And, someone was in charge  
of



1 the photography?

2 A. Well, in charge -- there was  
somebody

3 who was taking photographs.

4 Q. Okay. Were you directing them?

5 A. I requested that some photographs  
be

6 taken. I did not direct them on each and every

7 photograph, no, sir.

8 Q. Okay. And, of the eight to ten  
times

9 you say that you dropped the knife in different  
ways?

10 A. Yes, sir.

11 Q. On State's Exhibit 125, which  
shows

12 test one and two, can you tell the jury whether or  
not

13 these were the experiments where you dropped the  
knife

14 running?

15 A. They were not.

16 Q. Can you tell whether that they  
were

17 the ones that you dropped the knife at waist high?

18 A. They are from waist high.  
19 Q. They are from waist high?  
20 A. Yes.  
21 Q. How was the knife held? Flat,  
like I  
22 was holding it?  
23 A. On either one of those I can't  
tell  
24 you whether it was held upright or flat, I don't  
know  
25 that.

Sandra M. Halsey, CSR, Official Court Reporter

3421

1                   Q.     Can you tell me whether it was  
even

2     held the same? Can you even tell me that, between  
these

3     two tests?

4                   A.     I can't positively state that,  
no.

5                   Q.     And if you had some notes, we  
would be

6     able to know that, wouldn't we?

7                   A.     If this was a scientific  
experiment,

8     you would have notes.

9                   Q.     Well, a demonstration is to, did  
you

10    say, aid your testimony?

11                  A.     Verbal testimony, as to my  
opinion as

12    to what you would have, in this instance, if a  
bloody

13    knife was to fall to the floor.

14                  Q.     Mr. Bevel, my question was  
simply, you

15    described this demonstration as something that would  
aid

16 the jury, is that what you thought?

17 A. Yes, sir.

18 Q. In understanding your testimony?

19 A. Yes, sir.

20 Q. And don't you think it might aid  
the

21 jury, if we knew exactly how you conducted these

22 demonstrations? Do you think that would aid the  
jury?

23 A. There is a possible --

24 Q. I think that is a simple yes or

no.

25 Would that aid the jury or not?

1

2

MR. GREG DAVIS: I'm sorry.

Please.

3 Can the witness please be allowed to answer the  
question?

4

THE COURT: Let the witness

answer the

5 question. Let's ask our questions once and move on  
to

6

another area.

7

MR. RICHARD C. MOSTY: I'll ask

it

8

again.

9

THE COURT: Thank you.

10

11 BY MR. RICHARD C. MOSTY:

12

Q. Do you think it would be of some

aid

13 to the jury to understand how you conducted tests

one and

14

two?

15

A. I think the jury understands how

I

16 conducted those tests.

17

Q. Okay.

18

19 THE COURT: Thank you. Next  
question.

20 MR. RICHARD MOSTY: Your Honor, I  
have  
21 got a lot more questions on this subject.

22 THE COURT: Oh, I know you do,  
just  
23 ask the next question.

24 MR. RICHARD C. MOSTY: I'll just  
try  
25 not to ask that one again.

1 THE COURT: All right. Thank  
you.

2 MR. DOUGLAS MULDER: We're not  
going

3 to ask the same one again, Judge.

4 THE COURT: All right. Please  
don't.

5 All right. Thank you.

6

7 BY MR. RICHARD C. MOSTY:

8 Q. Were all of the experiments  
9 photographed?

10 A. Were all of them --

11 Q. On the linoleum. On -- just on  
the

12 linoleum. Were all of the eight to ten experiments  
13 photographed?

14 A. Were all of the knife drops in  
that

15 particular area photographed?

16 Q. On linoleum.

17 A. On linoleum. I don't know. I  
was not

18 taking the photographs nor do I have a photographic  
log.

19 Q. Were more than these four taken?

20

A. Yes, sir.

21

Q. Okay. How many more?

22

A. I don't know.

23

Q. And I guess we will never know?

24

A. Well, I'm sure that the

prosecution

25 has those and you can request them. I don't know.

Sandra M. Halsey, CSR, Official Court Reporter

3424



1                   Q.     Indeed they do.  And indeed I'm  
going

2     to show them to you.

3                   Let me hand you a file and you  
tell

4     me, how many photographs in there, you can -- you can  
5     identify as being on the linoleum?

6                   A.     Okay.  There are four in here, and  
7     with the four photographs that are there, that would  
be a

8     total of eight photographs.

9                   Q.     Okay.  Where were those four,  
toward

10    the top?

11                  A.     Yes, sir.

12                  Q.     Have I pulled out the four  
photographs

13    that are of the linoleum testing?

14                  A.     Yes, sir.

15                  Q.     So now we think maybe there were  
eight

16    photographs taken?

17                  A.     We have identified eight that is  
here,

18    so I assume that is correct.

19                           Q.     Well, I'll represent to you that  
these  
20    are the photographs that were handed to me yesterday  
21    evening.

22                           A.     Yes, sir.

23                           Q.     Okay.  Do you have any reason to  
doubt

24    that?

25                           A.     I certainly don't.

Sandra M. Halsey, CSR, Official Court Reporter

3425

1                   Q.     So of the eight experiments, there  
are  
2     eight, or was it eight to ten experiments,  
approximately  
3     eight?

4                   A.     Eight to ten occurrences of  
dropping.

5     I still don't identify them as experiments.

6                   Q.     I'm sorry. I apologize.

7                   A.     Yes, sir.

8                   Q.     Are we comfortable with eight to  
ten?

9                   A.     Somewhere in that range, yes,  
sir.

10                  Q.     Of these events?

11                  A.     Yes, sir.

12                  Q.     Okay. And on one and two, test  
one

13     and two -- of course, we don't know that those are  
tests

14     one and two, do we?

15                  A.     We don't know which order those  
were

16     photographed, no, sir.

17                  Q.     It could have

been tests nine and ten?

18                           A.     I don't know.

It could be.

19                           Q.     And nobody  
knows?

20                           A.     Well, I  
disagree with that.

21                           Q.     Who does?

22                           A.     If you take  
the roll of photographs,  
23    they are numbered and I doubt  
that number eight was taken  
24    before number one.

25                           Q.     Okay.  But  
you don't have -- you have

Sandra M. Halsey, CSR,  
Official Court Reporter

3426

1 never seen that roll of  
photographs?

2 A. I have not --

3 Q. The negatives?

4 A. I have not seen the negatives.

5 Q. All right. Who do you reckon put  
6 these together, test one with test one?

7 A. Somebody in the DA's office. I  
don't

8 know.

9 Q. You didn't?

10 A. No, sir.

11 Q. And you didn't take any  
photographs?

12 A. I did not.

13 Q. And you didn't take any notes or  
make

14 any sketches of number one so that we could see in  
fact

15 that 125-A goes with 125-B?

16 A. You can look at them and tell.

17 Q. And the same thing of 126-A and  
126-B?

18 A. You can look at those and  
recognize

19 those as being the same.

20 Q. In 126-A and B, what is all this  
dark

21 stuff back there?

22 A. I believe that is fingerprint  
powder,

23 but I do not know conclusively what it is.

24 Q. Okay. I mean, it could -- I  
thought

25 it was dirt.

Sandra M. Halsey, CSR, Official Court Reporter

3427

1 A. It could be.

2 Q. That could obliterate a bloody  
print

3 that was under it, couldn't it?

4 A. If the item that was previously  
above

5 that was missing blood got there, yes.

6 Q. Okay. Now Mr. Bevel, this may be  
a

7 little hard, but let me see if I can do it. I'm  
going to

8 need some exhibits.

9 MR. RICHARD C. MOSTY: What's my  
next

10 number?

11

12 (Whereupon, the following

13 mentioned item was

14 marked for

15 identification only

16 after which time the

17 proceedings were

18 resumed on the record

19 in open court, as

20 follows:)

21

22 BY MR. RICHARD MOSTY:

23 Q. Mr. Bevel, I'm going to hand you  
what

24 has been marked as Defendant's Exhibit 54. Does  
that

25 appear to be one of the photographs that you just  
took

Sandra M. Halsey, CSR, Official Court Reporter

3428



1 out of the State's file?

2 A. Yes, sir.

3

4 MR. RICHARD C. MOSTY: We'll  
offer 54.

5 MR. GREG DAVIS: No objection.

6 THE COURT: Defendant's Exhibit  
54 is  
7 admitted.

8

9 (Whereupon, the item  
10 Heretofore mentioned  
11 Was received in evidence  
12 As Defendant's Exhibit No. 54  
13 For all purposes,  
14 After which time, the  
15 Proceedings were resumed  
16 As follows:)

17

18 BY MR. RICHARD MOSTY:

19 Q. I want you to look at 54 next to  
20 126-A?

21 A. Yes, sir.

22 Q. Now you tell me, is that a  
photograph

23 of the same event?

24 A. Yes, sir. That is simply a

different

25 distance.

Sandra M. Halsey, CSR, Official Court Reporter

3429

1 Q. Okay. So a minute ago when we  
talked

2 about these photographs being of the other  
experiments,

3 that is incorrect, isn't it?

4 A. I said that they were --

5 Q. I'm sorry. You didn't say the  
word

6 experiments.

7 A. That is not what I'm disagreeing  
with.

8 Q. What did you say these were four  
9 photos of?

10 A. Four photographs depicting the  
knife

11 being dropped onto the -- I did not say that those  
were

12 not the same, I just said there was a total of eight  
13 pictures.

14 Q. Okay. So, how many of the  
15 experiment/demonstrations were photographed?

16 A. We would have to lay them out here  
and

17 then I could tell you.

18 Q. Okay. Mr. Bevel, it's good  
practice,

19 is it not, when you are photographing bloodstains --  
20 Mr. Bevel, it is good practice, is  
it  
21 not when you are photographing blood spatter or  
22 bloodstains to place a scale or a ruler or an object  
of a  
23 known size in the photograph, isn't it?  
24 A. That is not a bad idea.  
25 Q. You recommend it, don't you?

Sandra M. Halsey, CSR, Official Court Reporter

1                   A.     It depends on what you are going  
to be  
2     doing.

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

13

14    BY MR. RICHARD MOSTY:

15                   Q.     Let me show you 55, 56 and 57.

Are

16    those the other three photographs from the State's  
file?

17                   A.     Yes, sir, they are.

18                   Q.     Okay.

19

20                   MR. RICHARD C. MOSTY:   Now may I  
see

21    them for a moment?   We would offer 55, 56 and 57.

22                   MR. GREG DAVIS:   Okay.   No

objection.

23

THE COURT: Defendant's Exhibits

55,

24 56 and 57 are admitted.

25

Sandra M. Halsey, CSR, Official Court Reporter

3431

1 (Whereupon, the  
above  
2 Mentioned items  
were  
3 Received in  
evidence  
4 As Defendant's  
Exhibits  
5 Nos. 55, 56, and 57  
6 For all purposes,  
after  
7 Which time, the  
8 Proceedings were  
9 Resumed as follows:)

10

11 BY MR. RICHARD C. MOSTY:

12 Q. Now, let me get this  
easel, Mr. Bevel.

13 I think this might be easier for the  
jury.

14

15 THE COURT: All  
right. Would someone  
16 please help Mr. Mosty get that out  
there. All right.

17

18 BY MR. RICHARD MOSTY:

19 Q. All right. Mr.

Bevel, would you maybe

20 step down here?

21 A. Yes, sir.

22

23 (Whereupon, the

witness

24 Stepped down from

the

25 Witness stand, and

Sandra M. Halsey, CSR, Official  
Court Reporter

3432





19                   A.     Okay.  This does not match the  
four

20    photographs on the poster.

21                   Q.     Okay.  Now, do either 55, 56, 57  
match

22    each other?  Are they in the same demonstration?

23                   A.     Okay.  Your prior question, 55 and  
56

24    do not match each other.

25                   Q.     How can you tell that from that

Sandra M. Halsey, CSR, Official Court Reporter

3433

1 distance?

2 A. Well, by looking at the patterns.

3 Q. Well, you are talking about -- how  
big

4 are these? What is this area? How long is that  
ruler?

5 Can you tell that?

6 A. It's a 6-inch.

7 Q. All right. So, what is  
represented in

8 that area is 12 inches by 18 inches, maybe, in the  
whole

9 photograph?

10 A. Somewhere in that range.

11 Q. Now, 55 and 56 don't match. Does  
57

12 match either 55 or 56?

13 A. No, sir.

14 Q. Okay. So now, if I am right, we  
have

15 photographs of five of the demonstrations?

16 A. That's correct.

17 Q. 125-A and B is one. And 54 and  
126-A

18 are the same thing?

19 A. Yes, sir.

20 Q. Different --

21 A. Distances.

22 Q. Distances. And so, on the right  
side,

23 test two, there are three photographs of it. And  
then

24 on, for lack of a better phrase, test three, four,  
and

25 five -- that isn't going to work. Three, four and  
five

Sandra M. Halsey, CSR, Official Court Reporter

3434

1 are shown in the ones at the bottom?

2 A. Yes, sir.

3 Q. Okay. Now, I am curious why these  
4 photographs are all done differently?

5 For instance, in the 126 series,  
you

6 take two of the knife at rest, and one after, am I  
right?

7 A. Well, I didn't take them, but  
there

8 are two photographs taken of the knife at rest and  
one

9 after it.

10 Q. Was it important to you to  
document

11 this?

12 A. What was important to me was to  
be

13 able to supplement my verbal testimony through  
showing

14 what I am talking about, if a bloody knife hits the  
15 floor.

16 Q. Was it important to you to  
document

17 what you were doing through photography?

18                           A.     Through photography to show  
examples

19   of what I'm talking about, yes.

20                           Q.     But you didn't say to the  
21   photographer, "Here is what I want you to do.  I want  
you

22   to take a photograph of the knife at rest, then we're  
23   going to pick it up, I want a photograph of that.

Then

24   I'm going to put a scale in it, I want a photograph  
of  
25   that."  You didn't do any of that, did you?

1 A. I did not.

2 Q. You left it up to -- what's this  
guy's  
3 name?

4 A. I don't know who it was.

5 Q. Was it Officer Mayne?

6 A. I don't know who it was.

7 Q. Did you leave it to Officer  
Mayne's

8 discretion as to what photographs should be done?

9 A. Well, I guess I did because I did  
not  
10 point out specific occurrences to photograph.

11 Q. And of course, from Officer  
Mayne's

12 photographs, we can see there is no consistency of  
what  
13 he did, is there?

14 A. Oh, I totally disagree.

15 Q. You do?

16 A. Yes, sir.

17 Q. Okay. This one has two  
photographs of

18 the knife and one of the floor?

19 A. What is consistent is that in any

one

20 of those photographs, I can look at the various  
distances

21 and compare the bloodstains that are there and I have  
no

22 problem with what is shown.

23 Q. You see, Mr. Bevel, I know that  
but

24 that was not my question. My question was about the  
25 documentation of this demonstration.

Sandra M. Halsey, CSR, Official Court Reporter

3436



1                   There is no consistency to the  
2 document -- to the photography and the documentation  
done

3 by camera in your demonstration, is there?

4                   A.     I don't totally agree with that  
5 statement, no.

6                   Q.     Okay. You are saying that this  
series

7 of photographs, the 126 series is consistent with the  
125

8 series?

9                   A.     In what we're trying to show, yes.

10                  Q.     Well, you know, that sort of  
depends

11 on what you are trying to show, doesn't it?

12                  A.     Yes.

13                  Q.     You know, I can choose, if I  
want to

14 show that an indicted person is guilty, and I want  
to

15 show that my opinion is correct, I can pick and  
choose

16 what to photograph, can't I?

17                  A.     In this instance, since I didn't  
18 direct the photographer, I didn't choose.

19 Q. Of course, Officer Mayne can pick  
and

20 choose, can't he?

21 A. I guess he can.

22 Q. And on 55, 56 and 57, apparently  
there

23 is no attempt made or no effort made to photograph  
the

24 knife?

25 A. That is correct.

1

2

MR. RICHARD C. MOSTY: Go ahead

and

3

have your seat, if you will.

4

THE WITNESS: Okay.

5

6

(Whereupon, the witness

7

Resumed the witness

8

Stand, and the

9

Proceedings were resumed

10

On the record, as

11

Follows:)

12

13 BY MR. RICHARD MOSTY:

14

Q. Let's -- while we're on the

subject of

15

Officer Mayne's photography, let's talk about that a

16

little bit.

17

Now, assume that I am in the

corner of

18

this room, and if I am a photographer, my first

order of

19

business is not to mess anything up, I guess?

20

A. Certainly.

21

Q. Okay. And my second order of

business

22 is to take a 360 degree pan of the whole room, if I  
don't

23 have a wide angle?

24 A. That would not be a bad practice.

25 Q. Well, you recommend it?

Sandra M. Halsey, CSR, Official Court Reporter

3438



21 being equal, if your cameraman has that ability and  
it  
22 doesn't interfere with saving a life, go take a full  
pan  
23 of every room from all corners?  
24 A. At some point, as soon as  
possible,  
25 yes.

Sandra M. Halsey, CSR, Official Court Reporter

3439

1 Q. Before the evidence is moved?

2 A. Hopefully.

3 Q. Okay. And then you recommend  
that  
4 they go and take, what you call, a 90 degree  
photograph,  
5 do you not?

6 A. Are you talking about evidence?

7 Q. I'm talking about bloodstains  
now.

8 A. Okay. Yes, sir.

9 Q. You want a 90 degree photograph?

10 A. I do.

11 Q. Okay. That is because if I take  
a  
12 photograph from here, the directionality of that  
blood  
13 drop can be distorted?

14 A. The directionality, no.

15 Q. Well, what you're able to  
determine  
16 from the directionality can be distorted?

17 A. No, sir.

18 Q. Can't be distorted?

19 A. The directionality?

20 Q. Angle of impact could be

distorted?

21                           A.     It could, yes, sir.

22                           Q.     Okay.  So you can't -- and there  
is a

23     way that we can go and take a spatter, matter of  
fact,

24     there are sort of standardized blood dropping that  
talk

25     about 80 degrees and 90 degrees, and you can take  
from a

Sandra M. Halsey, CSR, Official Court Reporter

3440



1 measurement, from a formula, and you can determine  
what

2 you believe to be, within some parameters, the  
angle of

3 impact of that blood, can't you?

4 A. Considering the surface that it is  
on,

5 yes, sir.

6 Q. Okay. And, but to do that, one of  
the

7 things you need is a 90 degree photograph?

8 A. To determine the impact angle, it  
is

9 best to have a 90 degree photograph, yes, sir.

10 Q. That is what you recommend.

11 A. Well, we have to -- you cannot do  
that

12 with all of the bloodstains, there may be a very  
bloody

13 scene.

14 Q. Um-hum. (Attorney nodding head  
15 affirmatively.)

16 A. I recommend that you do it on  
stains

17 with which you are going to try and establish  
something

18 with.

19 Q. All right. And then you recommend  
20 that somebody get a ruler and place it alongside that  
21 drop or droplets or whatever it is?

22 A. If you're going to try to do  
something

23 with that individual stain, that is necessary, yes,  
sir.

24 Q. Because you need to try to  
determine  
25 the dimensions of that stain, perhaps, at a later  
date?

Sandra M. Halsey, CSR, Official Court Reporter

3441

1                   A.     That is correct, sir.

2                   Q.     Were those 90 degree photographs  
taken

3     in this case?

4                   A.     There are some instances of 90  
degree,

5     by far, there are very few.

6                   Q.     Okay.  And that is not good  
7     photography practice so far as what you need to  
evaluate

8     those blood drops, is it?

9                   A.     If we're going to do an impact  
angle  
10    on an individual stain and that is not done, then I  
would

11   not have the ability to do that.

12                  Q.     Of course, impact angle can be  
13   important in determining, for instance, if I am  
walking

14   at this pace or if I am walking briskly?

15                  A.     It is important, yes, sir.

16                  Q.     Yes, sir.  And of course we don't  
know

17   what the impact angle of any of the blood on the  
linoleum

18 is, do we?

19 A. Well, I would disagree with that.

20 There are a great number of them that are just simply

90

21 degree.

22 Q. On the floor?

23 A. Yes, sir.

24 Q. There are a number of them that

are

25 not?

Sandra M. Halsey, CSR, Official Court Reporter

3442

1                   A.     Yes, sir.

2                   Q.     And there are a number of them  
that  
3     you just can't tell what they are?

4                   A.     To an exact impact angle, I would  
have  
5     to agree with that.

6                   Q.     And for instance, if I am walking  
7     briskly, you can't rule out that someone walked  
briskly  
8     through that utility room, can you?

9                   A.     Through the utility room?

10                  Q.     Through the kitchen, to the  
utility  
11     room?

12                  A.     Yes, sir, I believe that I can.

13                  Q.     You can't rule out someone walked  
14     through there with a fast walk, can you?

15                  A.     I cannot rule out that they went  
16     through there with a fast walk depending upon again  
your  
17     definition of a fast walk.

18                  Q.     Well, you said slow walk.

19                  A.     Yes, sir.

20                  Q.     And I guess that is a subjective

21 statement, isn't it?

22                   A.     It shows there is little velocity  
with

23 which the blood could go forward from -- separate  
from

24 the blood source, yes, sir.

25                   Q.     But you don't want to agree with  
what

Sandra M. Halsey, CSR, Official Court Reporter

3443

1 I call a fast walk because you don't understand what  
I  
2 mean by fast walk; is that right?

3 A. Well, we -- back up just a second,  
4 Counselor. If we're talking about a run, those  
5 photographs can, without a doubt, identify whether or  
not  
6 we are talking about a run.

7 If you're talking about somewhere  
8 between a slow walk to just simply a little bit  
faster

9 than that, I probably cannot make that determination.

10 Q. Okay. How long is that kitchen?

11 A. I don't know from memory.

12 Q. Okay. But someone could have been  
13 walking through that at a fast pace, brisk pace,  
whatever

14 you want to call it, with a good pace to them, and  
that

15 would be consistent with the blood drops you found,  
16 wouldn't it?

17 A. There may be some of those blood  
18 droplets that that could be consistent with, but  
the

19 majority of them, I would say no. They are closer

to

20 just simply a 90 degree blood droplet at low  
velocity.

21 Q. So, if I am understanding, then  
some

22 of the drops are consistent with fast walk, some  
are

23 consistent with slow walk and some are consistent  
with

24 maybe standing still?

25 A. I think that I could better  
answer



1 that if we would look at the individual stains that  
we  
2 are talking about.

3 Q. Well, of course, we really can't  
do  
4 that, can we?

5 A. Yes, sir, we can.

6 Q. Because we don't have all the  
7 photographs? And we don't have all of those 90  
degree  
8 photographs, do we?

9 A. We can look at the photographs  
that we  
10 do have present and make a determination as to the -  
-  
11 whether or not those are consistent with a 90 degree  
or  
12 they are otherwise.

13 Q. And the point is that some of  
them are  
14 consistent with 90 degrees, some of them are  
consistent  
15 with a slow walk and some of them are consistent  
with a  
16 faster walk?

17                   A.     I don't remember again where the  
fast

18   walk stains that you're referring to are.

19                   Q.     Do you know -- well, you cannot  
rule

20   out someone walking through that room at a fast  
pace, can

21   you?

22                   A.     Depending upon our definition of  
fast.

23                   Q.     I guess it depends on your  
definition

24   of slow too, doesn't it?

25                   A.     It probably would.

1 Q. You didn't have any problem  
answering

2 the prosecutor's question about a slow walk, but you  
3 understood what he meant by slow, I guess?

4 A. I can eliminate a run.

5 Q. Well, Mr. Bevel, my question was:  
Did

6 you understand what the prosecutor said when he said  
a

7 slow walk?

8 A. Yes, sir.

9 Q. Did you not understand what I said  
10 when I said a fast walk?

11 A. I'm trying to differentiate  
between a

12 run, and a fast walk, and a slow walk.

13 Q. Have I asked you about a run?

14 A. I'm not sure whether you did or  
not.

15 Q. I asked you about a fast walk.

And

16 you said you couldn't define what I meant by  
fast.

17 A. Well, maybe that is where I  
am

18 introducing a run. Are you running or are you  
just

19 simply -- I mean, what is your definition?

20 Q. I'm asking the questions  
pretty

21 directly, I think.

22

23 MR. GREG DAVIS: I'll object to  
the

24 side-bar, if he could just ask the questions.

25 THE COURT: Sustained. Let's get  
out

1 of the side-bar. Let's ask the next question and  
move  
2 on.

3 MR. RICHARD C. MOSTY: Well, then  
the  
4 witness needs to be instructed not to make side-bar  
5 comments.

6 THE COURT: Well, both sides are  
so  
7 instructed. The witness is too. Let's ask the next  
8 question.

9 THE WITNESS: Yes, sir.

10 THE COURT: No, he asks them, you  
11 don't. All right.

12

13 BY MR. RICHARD C. MOSTY:

14 Q. Let's talk about this sock. And  
you  
15 understand that this sock was found three houses  
down?

16 A. Yes, sir, that is the information  
that  
17 I understand.

18 Q. Okay. And, you don't have any  
19 understanding of how that sock was used in this

crime, do

20 you?

21 A. I do not.

22 Q. Okay. And, you -- did you say

that

23 you would expect to see more of Mrs. Routier's blood

on

24 that sock?

25 A. I did state that under the  
scenario

Sandra M. Halsey, CSR, Official Court Reporter

3447

1 that was given, yes, sir.

2 Q. Okay. Of course, there could be  
other

3 scenarios, couldn't there?

4 A. There could always be other  
scenarios.

5 Q. That is true of every crime scene,  
6 isn't it?

7 A. There can always be different  
8 scenarios, yes, sir.

9 Q. That is always true of blood  
spatter  
10 analysis, isn't it? There can more than one  
explanation?

11 A. It depends on the particular area  
of  
12 bloodstain pattern that you are referring to.

13 Q. Of course, we -- when we talk  
about  
14 patterns --

15 A. Yes, sir.

16 Q. One spatter does not a pattern  
make?

17 A. That is correct.

18 Q. That -- matter of fact, that is

sort

19 of gospel, isn't it?

20 A. Well, I'm not sure that I equate  
it to

21 the Bible, but --

22 Q. Well, the Bible in blood spatter  
world

23 is Mr. McDonald, is it not? Or the closest thing  
there

24 is to a Bible?

25 A. The closest thing probably that  
there

Sandra M. Halsey, CSR, Official Court Reporter

3448



1 is, yes.

2

3 THE COURT: Well, in view of the  
time,

4 gentlemen, it is now 20 minutes of 12, we will take a  
5 break. We will take a lunch break until 10 minutes  
after

6 1:00 Okay. If everyone will remain seated please  
until

7 the jury clears the courthouse. Thank you.

8

9 (Whereupon, the jury  
10 Was excused from  
the

11 Courtroom, and

the

12 Proceedings were  
held

13 In the presence of

the

14 Defendant, with

her

15 Attorney, but

outside

16 The presence of

jury

17 As follows:)

18

19 THE COURT: All right. Bring the  
jury

20 in please.

21 Are both sides ready to bring the  
jury

22 in?

23 MR. GREG DAVIS: The State is  
ready.

24 MR. RICHARD C. MOSTY: The defense  
is  
25 ready.

Sandra M. Halsey, CSR, Official Court Reporter

3449

1 THE COURT: All right. Bring the  
jury  
2 in, please.

3  
4 (Whereupon, the jury  
5 Was returned to  
the  
6 Courtroom, and  
the  
7 Proceedings  
were  
8 Resumed on the  
record,  
9 In open court, in  
the  
10 Presence and  
hearing  
11 Of the defendant,  
12 As follows:)

13  
14 THE COURT: All right. Be  
seated,  
15 please. Let the record reflect that all parties in  
the  
16 trial are present and the jury is seated.

17

Mr. Mosty.

18

19

CROSS EXAMINATION (Resumed)

20

21 BY MR. RICHARD MOSTY:

22

Q. Mr. Bevel, did you have the

23

opportunity during lunch to review any other  
materials or

24

discuss the case or your testimony any further?

25

A. I did not review anything, no,  
sir.

Sandra M. Halsey, CSR, Official Court Reporter

3450

1 Q. Did you discuss your testimony  
with

2 anyone?

3 A. Not directly, no, sir.

4 Q. Okay. How do you -- what is the  
5 difference between an indirect discussion and a  
direct

6 discussion?

7 A. If somebody was to make a comment,  
of,

8 "You're doing okay," or if you -- what I am saying  
is,

9 the comments about my testimony, we did not delve  
into it

10 at all.

11 Q. Okay. Who did you have lunch  
with?

12

13 MR. GREG DAVIS: I'm going to  
object

14 to that. That is irrelevant who he ate lunch with.

15 THE COURT: I'll sustain the

16 objection. Let's move on.

17

18 BY MR. RICHARD C. MOSTY:

19 Q. Just one other thing I need to

cover

20 on this vacuum cleaner. You testified about the roll  
21 marks. Do you recall that?

22 A. Yes, sir, I do.

23 Q. Okay. Now, and let me show you  
24 State's Exhibit 43-C. You have seen that before, I'm  
25 sure?

Sandra M. Halsey, CSR, Official Court Reporter

3451

1 A. Yes, sir.

2 Q. Okay. And that shows the cord of  
the

3 vacuum cleaner out on the ground?

4 A. It does.

5 Q. I was wondering, did you find any  
6 evidence in the blood of that cord being jerked  
around as

7 that vacuum cleaner was?

8 A. Not that I could associate with  
the

9 cord, no, sir.

10 Q. You were not able to do that?

11 A. I was not.

12 Q. Now when you talked about, in a  
lot of

13 Mr. Davis's questions you talked about, that  
something is

14 consistent, that an observation you made was  
consistent

15 with perhaps a certain act?

16 A. Yes, sir.

17 Q. Okay. And when you say that, is  
what

18 you are telling us is that you can't rule out that

that

19 act led to what you observed?

20 A. That there could be other  
21 possibilities, yes, sir.

22 Q. Right. And you can't say that  
that

23 one can just be eliminated. That, you know, if you  
say

24 something is consistent, it means that I cannot

eliminate

25 that as one of the possibilities that could have led  
to



1 what I observed?

2 A. Yes, sir.

3 Q. And all the time when you used  
the

4 word consistent, is that the sense that you're going  
to

5 be using it in?

6 A. I would say so.

7 Q. Okay. So, that is when something  
is

8 consistent we might substitute, that is one  
possibility?

9 Those would be synonymous, wouldn't they?

10 A. I think each time that you are  
going

11 to have to direct it to what is actually being  
talked

12 about.

13 But in most instances,  
consistent with

14 that occurrence as described, I would not be able  
to

15 eliminate that, but I'm not saying that there could  
not

16 be other possibilities.

17 Q. Right. Okay. Maybe that event  
caused

18 what I observed and maybe that event didn't cause  
what I

19 observed?

20 A. Again, I think we need to talk  
21 specifics, but there are other possibilities,  
generally

22 in most instances, that you have to consider.

23 Q. And that is pretty much true in  
all

24 bloodstain analysis, isn't it? Is that there are  
almost

25 always more than one possibility of how some event

1 occurred?

2 A. No, I would not agree with that,  
no.

3 Q. Not almost always?

4 A. No, sir.

5 Q. All right. Now, you would agree  
with

6 me that the account given by the actual  
participants at a

7 crime are oftentimes unreliable?

8 A. For many reasons, yes, sir.

9 Q. Okay. One is the ability to  
observe?

10 A. Yes, sir.

11 Q. One is that things are happening  
so

12 fast?

13 A. That is certainly a possibility.

14 Q. And the mind tends to try to  
fill in

15 those gaps, doesn't it?

16 A. I'm sure that it does.

17 Q. Sometimes, someone will say, "I  
don't

18 remember this, but I know that I had to have done

it,"

19 you know, "I had to have unbuckled my seat belt  
after the

20 accident," for instance, "I don't remember it, but  
I know

21 it happened."

22 A. Yes, sir.

23 Q. And that is consistent with your

24 experiences as a police officer, isn't it?

25 A. That does happen, yes, sir.

1 Q. Now, let's turn to the sock.  
You were  
2 advised that that sock was some three -- it was the  
fifth  
3 house down, about where it was found?  
4 A. As I recall, it was three  
houses.  
5 Q. Well, I was counting the Routier  
6 house, fifth house down, three in between?  
7 A. I don't remember exactly. All I  
8 remember is three houses down.  
9 Q. Okay. When did you first look  
at that  
10 sock?  
11 A. I believe that was October 2nd.  
12 Q. Did you look at it under your  
13 microscope?  
14 A. I had magnification, but again  
that is  
15 not the same as a microscope.  
16 Q. What do you call those things?  
Do you  
17 have one of those things you carry in your pocket?  
18 A. I have one of those and I also  
have

19 another one.

20 Q. And the magnification of those  
is?

21 A. One of them is 2-X and one of  
them is

22 20-X.

23 Q. Okay. Did you testify about  
looking

24 at the sock under magnification or not?

25 A. I don't actually recall being  
asked.

1 Q. Okay. Did you? Do you recall?

2 A. I looked at the sock with the 2-

X. I

3 never looked at it with a 20-X.

4 Q. All right. And the shirts,

while

5 we're just hitting on magnification --

6 A. Yes.

7 Q. -- the shirts that you talked

about,

8 what did you look at those under?

9 A. Both.

10 Q. Both. And when did you look at

11 those -- well, let's separate what shirts we are

talking

12 about. Mrs. Routier's shirt?

13 A. Okay.

14 Q. When did you look at that under

15 magnification, if you did?

16 A. I believe that was actually the

same

17 date we looked at the sock, which would have been

October

18 the 2nd.

19 Q. Okay. Now, if I understood your

20 testimony, you were testifying about the sock and  
the

21 stains, you identified the stains of Damon and  
Devon on

22 that sock?

23                           A.     It was reported to me that they  
had

24 been identified.

25                           Q.     And those stains of the boys'  
blood



1 were consistent with wipes, were they not?

2 A. Wipes, or I think a little bit  
more

3 accurate would be a light transfer.

4 Q. Okay. That meaning, that if I  
had

5 that sock in my hand, and I came in contact with it

6 lightly --

7 A. I can't see what you are doing.  
I'm

8 sorry.

9 Q. All right. Let me find my sock.  
I'll

10 do it without a sock. If I had a sock in my hand,  
and I

11 just lightly touched a spot of blood, that would  
lead to

12 that kind of light transfer?

13 A. It certainly could, yes, sir.

14 Q. All right. So, and there were  
two

15 types of light transfers -- or I'm sorry. There  
were two

16 different light transfers with different types of  
blood?

17 A. Two different areas, yes, sir.

18 Q. Now, did you then say that in  
the

19 hypothetical that Mr. Davis gave you, that you  
would have

20 expected to see Mrs. Routier's blood on that sock?

21 A. In the hypothetical that was  
given,

22 yes, sir, I did.

23 Q. Okay. Of course, now that

24 hypothetical assumed only one sock, didn't it?

25 A. That was all that I was asked  
about,

1     yes, sir.

2                     Q.     Okay.  So if someone came in,  
picked

3     up two socks, and to, just to cover their  
fingerprints,

4     they might have a sock just in their hand to cover  
up

5     their prints and have a sock in the other hand or  
on, I

6     don't know, one sock could be bloody and never  
recovered.

7                     Now, that is my hypothetical.  And  
in

8     that circumstance, it would be consistent that you  
might

9     only find a small, faint transfers of the boys' blood  
on

10    one sock?

11                    A.     Yes, sir.

12                    Q.     And of course, you can't rule out  
how

13    many socks or rags or gloves or whatever assailants  
had

14    in that house, can you?

15                    A.     No, sir, I can't.

16 Q. You can't rule out or rule in that  
17 there was only one assailant, can you?

18 A. Not conclusively, I sure can't.

19 Q. You have been investigating these  
20 kinds of crimes for how many years? Violent crimes  
21 in  
22 general?

23 A. I would say approximately close  
24 to 27  
25 years now.

26 Q. Close to how many?

27 A. Twenty-seven.

1                   Q.     All right.  And in that time,  
you have

2     seen articles like a sock, or a glove that is  
sometimes

3     called throw-down evidence?

4                   A.     I have, sir.

5                   Q.     And it's your experience that  
with

6     throw-down evidence, throw-down evidence is  
typically

7     found at or next to the body?

8                   A.     Yes, sir, so it would be  
obvious.

9                   Q.     Because the assailant, whomever  
it is,

10    doesn't want to take the chance that the police  
officers

11    might not find that piece of evidence?

12                  A.     I would agree with that  
statement.

13                  Q.     And throw-down evidence is  
typically

14    exaggerated, isn't it?

15                  A.     Yes, sir.

16                  Q.     In other words, if I have a

sock and I

17 want to get someone's blood on it, I don't just  
faintly

18 transfer it, I go and I douse it in that blood and  
most

19 likely leave it at or near the body, don't I?

20 A. Yes, sir.

21 Q. That has been your experience?

22 A. That is correct.

23 Q. And the sock that is three  
houses down

24 with faint transfers is inconsistent with your  
25 experience?

Sandra M. Halsey, CSR, Official Court  
Reporter

3459

1                   A.     With it being a throw-down as  
you have

2     described, yes, sir.

3                   Q.     Okay.  And when you are talking  
about

4     throw-down evidence, you are talking about  
evidence that

5     a person or a perpetrator wants the police to  
find, is

6     that --

7                   A.     That is generally the purpose  
in

8     leaving it there, yes, sir.

9                   Q.     And, the purpose of that --  
well, I

10    think we have covered that.

11                             Let's move to the demonstration  
on the

12    carpet.  And again, you did not direct the  
photography of

13    that, I suppose?

14                   A.     I did not.

15                   Q.     You left that to the discretion  
of

16    Officer Mayne?

17 A. I did.

18 Q. And you didn't direct him at  
all to

19 photograph this, watch that, be sure that we  
document

20 this, none, not at all?

21 A. I did not.

22 Q. Of course, you are the expert,  
aren't

23 you?

24 A. Yes, sir.

25 Q. Weren't you the pro from Dover  
down

Sandra M. Halsey, CSR, Official Court  
Reporter

3460



1     there?

2                   A.     Dover, where?

3                   Q.     You must not have seen MASH?

4                   A.     Apparently not that episode  
anyway.

5                   Q.     All right.  No, this is the  
movie.

6     All right.

7                                 Did -- were there any photos of  
that

8     experiment introduced?  I don't recall so.

9                   A.     Of the carpet?

10                  Q.     Of the carpet.

11                  A.     I don't believe so, no, sir.

12                  Q.     Okay.  How many times was that  
done,

13     the carpet?

14                  A.     I do not know how many times.

15                  Q.     Didn't take any notes?

16                  A.     I did not.

17                  Q.     Didn't write any reports?

18                  A.     I did not.

19                  Q.     Why didn't you write a report?

20                  A.     I made the offer and was told  
that it

21 would not be necessary.

22 Q. Who told you that?

23 A. Mr. Davis.

24 Q. You think this is a pretty

important

25 case, don't you?

Sandra M. Halsey, CSR, Official Court Reporter

3461

1                   A.     I certainly do.

2                   Q.     But apparently it was not  
important

3     enough to write a report?

4

5                   MR. GREG DAVIS:  I'll object to  
that.

6     That is speculation as to any reasoning on my part.  
I'll

7     object to that.

8                   THE COURT:  I'll sustain the  
9     objection.  Let's move on.

10

11  BY MR. RICHARD C. MOSTY:

12                  Q.     Well, you recommend writing  
reports,

13     don't you?

14                  A.     Well, I can't say I disagree  
with

15     that.

16                  Q.     Does that mean that you and I  
are in

17     agreement for the first time today?

18                  A.     No, we agreed about our height  
19     earlier.

20                   Q.     That is true.  No, you agreed, I  
don't

21    think I agreed to that.

22                   Okay.  And of the photos of this  
23    carpet experiment, of course, we can't tell which  
time,

24    which drop led to which result, can we?  You need  
to look  
25    at the photos?

Sandra M. Halsey, CSR, Official Court Reporter

3462

1                   A.     I'm not sure exactly -- I  
believe what

2     you are saying is, can I identify which drop  
produced

3     which pattern?

4                   Q.     Right.

5                   A.     Sequentially or in order, no,  
sir, I

6     could not do that.

7                   Q.     Tell me this:  When you loaded  
the

8     knife for these experiments, did you clean it in  
between?

9                   A.     No, I did not.

10                  Q.     And again, you were loading that  
knife

11    fully with both sides and then dripping it?

12                  A.     That is correct.

13                  Q.     Allowing it to drip?

14                  A.     That is correct.

15                  Q.     Do you know whether or not the  
knife

16    that was found at this scene had blood on the other  
side?

17    There is a photograph of it you have seen, I

suppose?

18                   A.     Yes, sir, I have seen the  
photographs.

19                   Q.     Okay.  And have you ever seen a  
20    photograph of the other side?

21                   A.     I have seen the other side.  I  
don't  
22    know for sure whether or not that was simply a  
photograph  
23    or just simply the knife.

24                   Q.     When did you -- well, of course,  
if  
25    you saw the other side, that would have been after  
the

1 knife had been through a few months of testing?

2 September would have been the earliest?

3 A. Are you referring to taking some  
4 samples off of it for blood?

5 Q. No, I'm talking about the first  
time

6 you saw it.

7 A. There were some samples taken  
off for

8 blood analysis, yes, sir.

9 Q. And was there still -- first  
time you

10 saw it, was there still some blood on the knife?

11 A. There was a considerable amount  
of

12 blood on both sides.

13 Q. On both sides?

14 A. Yes, sir.

15 Q. Have you seen a photograph of  
the

16 other side?

17 A. I don't honestly remember.

18 Q. But in your experiments it would  
be

19 fair to say that the entirety of the blade was, how

would

20 I say that, had a sheen of blood on it?

21 A. I wouldn't say that 100 percent  
22 coverage, but I certainly attempted to get as much  
23 coverage as possible.

24 Q. You tried to get as much on  
there as  
25 possible?

Sandra M. Halsey, CSR, Official Court Reporter

3464



1                   A.     Yes, sir.

2                   Q.     Then you dropped it from, more  
or  
3     less, waist high?

4                   A.     And, we are on the carpet?

5                   Q.     On the carpet.

6                   A.     Yes, sir, that's correct.

7                   Q.     Now, I could change this  
experiment  
8     around a little bit, couldn't I? I'm sorry, this  
9     demonstration around a little bit, couldn't I?

10                  A.     Any time you change an  
occurrence,  
11     there is a possibility that you are changing  
something.

12                  Q.     I could drop it flat, couldn't  
I?

13                  A.     You could.

14                  Q.     I could drop it point down?

15                  A.     Yes, sir.

16                  Q.     I could drop it tilted?

17                  A.     Certainly.

18                  Q.     I could drop it this way?

19                  A.     Yes, sir.

20                  Q.     I could drop it this way?

21 A. Yes, sir.

22 Q. And a man of your expertise would

have

23 an idea of how those different things would affect

what

24 you saw on the floor, wouldn't you?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

3465

1 Q. And of course, there is no way  
for us

2 to now know if you did any of those things?

3 A. Other than asking me.

4 Q. Okay. Of course, we can't verify  
it

5 through any documentation?

6 A. There is no video of me dropping  
it,

7 no, sir, or written report.

8 Q. And let me show you these  
exhibits,

9 and I think maybe I put the carpet ones on top for  
you,

10 but double-check me, please?

11 A. Yes, sir, they are on top.

12 Q. This experiment was done November  
13 26th?

14 A. Yes, sir.

15 Q. Actually, after the jury was  
selected

16 in this case, or do you know that?

17 A. I don't know.

18 Q. All right. Now, on the  
photographs of

19 the carpet experiment, you looked at all of them?

20 A. I believe so.

21 Q. Have -- are any of those, do any  
of

22 those show the knife in there; like 125 and 126 do?

23 A. No, sir.

24 Q. Okay. Why is that?

25 A. We were --

Sandra M. Halsey, CSR, Official Court Reporter

3466

1 Q. Or can you tell me?

2 A. Well, again, I didn't take the  
3 photographs, but we were interested in demonstrating  
the

4 pattern that results either from the knife being  
laid

5 down or dropped or thrown, and what you are seeing  
is a

6 result of those various occurrences.

7 Q. Of course, none of those show the  
8 knife where it came to rest?

9 A. These do not, no, sir.

10 Q. Okay. And again, there are no  
notes,

11 there is no measurements, there is no nothing that  
can

12 document any of that?

13 A. The only documentation is the  
14 photographs that we have here.

15 Q. Okay. Do you recommend that  
people

16 take notes; investigators?

17 A. Again, it depends on the  
circumstance

18 that you're referring to.

19 Q. Well, our memories are not very  
good,

20 are they?

21 A. Well, I don't know. I don't know  
22 whether yours is better than mine or mine is better  
than

23 yours, but certainly things can be forgotten.

24 Q. Right. And that is the purpose

of  
25 taking notes, isn't it?



object

21 to that. There is no evidence that Officer Mayne  
took

22 any of these photographs. In fact, I don't think he  
did

23 that day.

24 MR. RICHARD C. MOSTY: I'll

withdraw

25 that question.

Sandra M. Halsey, CSR, Official Court Reporter

3468



1 THE COURT: All right. The  
question

2 has been withdrawn. The objection would have been  
3 sustained.

4 Let's move on.

5

6 BY MR. RICHARD MOSTY:

7 Q. All right. And yet, you didn't  
think

8 it was important enough for you, who had been flown  
down

9 from Oklahoma City, to direct the photographer to  
say

10 what you just said to the Jury, "It is important  
that we

11 document this. And this is how I want you to do  
it."

12 A. I thought it was important that  
13 photographs be taken so that we could have a visual  
to

14 compare to my verbal and we have that.

15 Q. Okay. But you didn't think it  
was

16 important enough to instruct the officer on how to  
take

17 those photographs?

18 A. No, sir.

19 Q. Now, let me show you 111,

State's

20 111-A, B and C. I'm going to try to -- the middle

21 photograph is -- has a red arrow to it and a line

in the

22 carpet there?

23 A. Yes, sir.

24 Q. Do you know if that line was

tested to

25 be blood or not?

1 A. It was tested, yes, sir.

2 Q. Okay. By whom, do you recall?

3 A. I do not recall that.

4 Q. Okay. And on that one the knife  
is

5 not laid into the stained area, the bloodstained  
area?

6 A. It is beside it.

7 Q. Okay. And in the bottom  
exhibit, C,

8 is laid into the bloodstained area?

9 A. That is correct.

10 Q. Now, it is curious to me that  
this

11 bloodstain in exhibit C actually extends out past  
the end

12 of the knife, doesn't it?

13 A. It does, sir.

14 Q. That is a continuous stain,  
isn't it?

15 A. It is.

16 Q. And so that is all part of one  
17 occurrence, in your judgment?

18 A. I believe that it is.

19 Q. Okay. However, when the knife  
is laid

20 in here for comparison purpose, there is still --  
how far

21 is that? An inch?

22 A. It could well be.

23 Q. An inch more of that same stain

24 sticking out in front of the knife?

25 A. That is correct.

Sandra M. Halsey, CSR, Official Court Reporter

3470

1 Q. Incidentally, did you look at  
these

2 other stains that are shown in 111-A?

3 A. Let me see.

4 Q. Upward, the middle of the  
picture?

5 A. Yes, sir, I did look at it.

6 Q. Okay. And you were able to look  
at

7 those from whatever angle or whatever extent you  
wanted

8 to?

9 A. Yes, sir.

10 Q. Now, was it your testimony that  
the

11 knife, when you dropped it on the carpet, that it  
left

12 different impressions than what you observed in  
111?

13 A. Did I testify to that? Is that  
what

14 you are asking me?

15 Q. Yes, sir.

16 A. I don't recall testifying to that,  
no,

17 sir.

18 Q. Did it? Or sometimes did,  
sometimes

19 not?

20 A. Yes, sir. There are similarities  
21 between each and every one of them. The extension  
past

22 the end of the knife was not typically done.

23 Q. Okay. That, this extension did  
not

24 consistently show up in your experiments? Is that  
fair?

25 A. That is correct.

Sandra M. Halsey, CSR, Official Court Reporter

3471



21 course, we -- all you can say about 111 is really  
that

22 that stain could be consistent with the shape of  
67?

23 A. Well, not could be, it is  
consistent.

24 Q. It is, all right, I'm sorry. It  
is  
25 consistent. That one of the possibilities for that  
stain



1 is Exhibit 67?

2 A. Certainly.

3 Q. And of course, if in fact it  
were 67

4 that caused that stain, when the knife was dropped  
you

5 have no way of knowing how much blood was on it, do  
you?

6 A. I think there is an indication  
because

7 that is what the extension is from the end of the  
knife.

8 That is a drip. And in my opinion, it was not  
dropped.

9 Q. How long is that extension?

10 A. I honestly don't know the exact  
11 measurement.

12 Q. Can you give me a reasonable  
estimate?

13 A. I wouldn't disagree with your  
prior

14 estimate of approximately one inch or less.

15 Q. Okay. And your testimony -- your  
16 statement is that that in your judgment is a drip?

17 A. It certainly is.

18 Q. I view a drip as a gravitational  
19 thing.

20 A. I'd agree with that.

21 Q. That carpet is flat, is it not?

22 A. Well, it is -- I'm not sure that  
I can

23 agree with that in the essence that we have to  
consider

24 the fibers that are projecting up from the floor.

25 Relatively flat like this board  
in

1 front of me, no.

2 Q. But, your statement is that that  
one

3 inch extension off that knife is a gravitationally  
caused

4 drip?

5 A. In my opinion, that is what  
caused

6 that.

7 Q. Okay. And that is -- is that  
8 different than a transfer?

9 A. Certainly.

10 Q. Are drips consistent like that?

11 A. Drips, depending upon the volume  
of

12 blood that could be the source for the drip, can be  
quite

13 consistent.

14 Q. Okay. Sometimes consistent,  
sometimes

15 not?

16 A. That is true.

17 Q. That carpet has a wicking effect,  
18 doesn't it?

19 A. It certainly does.

20                   Q.     And so, as blood is dripping,  
21     gravitational flow of that drop is -- it's being  
wicked

22     into the carpet, is it not?

23                   A.     Yes, sir.

24                   Q.     So at the point of the knife, you  
25     would expect more wicking where the drip begins?

Sandra M. Halsey, CSR, Official Court Reporter

3474

1                   A.     Well, now does it begin there or  
does  
2     it end there?

3                   Q.     Well, golly, it would seem to me  
like  
4     that if the knife caused it -- if the knife caused  
this  
5     stain, that it would have to be dripping that way?

6                   A.     Prior to the knife coming in  
contact  
7     with the carpet, which would mean that is the end.

8                   Q.     Well, you are the one who told me  
it  
9     was a gravitational drip?

10                  A.     And I still agree with that.

11                  Q.     Tell me which direction that drip  
is  
12     moving.

13                  A.     The point of the drip that is out  
in  
14     front of the knife is going back towards the point  
of the  
15     knife and it is simply dripped off in that  
combination of  
16     taking the knife to the carpet.

17 Q. That one -- did that happen  
first?

18 A. It has to happen first.

19 Q. That one inch spot of blood was  
the  
20 very first one to hit the floor?

21 A. It would have to have hit the  
floor  
22 prior to the knife getting there.

23 Q. Okay. And then, that then flows  
24 downhill, toward the knife tip where the knife tip  
is in  
25 116-C?

1                   A.     I don't see where you are getting  
2 downhill.

3                   Q.     Well, does blood flow uphill?

4                   A.     No, sir.

5                   Q.     You called it a gravitational  
flow,  
6 didn't you?

7                   A.     Off of the end of the knife.

8                   Q.     So, is it your statement then  
that the  
9 point of the knife hit at the end of that mark?

10                  A.     It certainly is, but we're not  
talking  
11 about dropping.

12                  Q.     When did the gravitational flow  
occur?

13                  A.     As the knife is being held above  
and  
14 then as it is being laid down, the tip end is in  
15 conjunction with the end of that line.

16                  Q.     Okay. So what you're telling the  
jury  
17 happened there, is that this knife is put down point  
18 first, am I right?

19                  A.     Yes, sir.

20 Q. And then laid down?

21 A. In order to get that extending  
line,

22 it has to be pointed downward prior to coming in  
contact

23 with the carpet.

24 Q. Pointed downward and then

actually

25 pulled, huh?

Sandra M. Halsey, CSR, Official Court Reporter

3476



1                   A.     Well, I don't see any evidence of  
2 pulled.

3                   Q.     Well, if I laid it down, I don't  
4 understand why the point isn't right there?

5                   A.     It is right there.

6                   Q.     Then I don't understand what this  
one  
7 inch of blood out on the end of it is?

8                   A.     That is where the blood dropped  
from

9 the end of the knife as the knife is coming down,  
and as  
10 the knife, in it's movement toward the floor, once  
it  
11 comes in contact with the floor, the point of the  
knife  
12 is on the end of the line closest to the front of  
the  
13 knife.

14                  Q.     So, did the knife actually come  
in  
15 contact with the point on 116-C, or is that a drop  
off of  
16 the knife before it touches the floor?

17                  A.     Are you talking about at the

point of

18 the knife or the point of line?

19 Q. The end of -- at the very end of  
the

20 stain?

21 A. Okay. No, I don't believe that  
the

22 knife came in contact with the very end of the  
stain.

23 Q. So your testimony, maybe I've  
got it

24 right now, your testimony is that this one inch is  
25 because of blood falling on the carpet before the  
knife

1 hits the carpet?

2 A. Before it comes in contact, that  
is  
3 correct.

4 Q. Okay. And the remaining part of  
the  
5 stain is after it comes in contact?

6 A. That is correct.

7 Q. And, just coincidentally, the  
drip is

8 in a perfect line with where the knife was later  
laid  
9 down?

10 A. I don't think it's coincidental  
at  
11 all.

12 Q. You don't think that it might be  
13 fairly likely that if I were laying that down and  
there

14 is some movement, are you saying that it was put  
down

15 like this? Of course, there has to be some  
movement,

16 doesn't it?

17 A. There has to be some movement or

you

18 wouldn't get the line extending in front of it.

19 Q. So it's got to move at least  
some?

20 A. A short distance, yes, sir.

21 Q. At least an inch?

22 A. I can't say at least an inch.

23 Q. Well, the stain is an inch.

24 A. That is your estimation, and I'm  
25 saying that that could well be. Whatever that  
distance

1 is, it would have moved.

2 Q. So, this is coming and it leaves  
a

3 stain which is later approximately an inch?

4 A. Yes, sir.

5 Q. And then it is -- as it's laid  
down,

6 it is laid down so that there is no break in the  
one inch

7 that is off the end of it from the back edge?

8 A. That is correct.

9 Q. That is a continuous line?

10 A. That is correct.

11 Q. And, of course, that would be  
12 consistent with someone stabbing and then getting  
up?

13 A. Getting up with the knife still  
in

14 hand?

15 Q. Yes. I'm doing this. I'm  
stabbing

16 and then I use that -- I'm on any knees, say.

17 A. Yes, sir. I think what has to

18 happen --

19 Q. I'm stabbing --

20 A. I think what has to happen --

21 Q. Well, I don't know which hand

this is

22 in?

23 A. Can I finish?

24 Q. Well, as soon as I finish my

question.

25 A. Okay.

Sandra M. Halsey, CSR, Official Court Reporter

3479

1                   Q.     I'm stabbing, and then, I can do  
2 something with that knife and get up?

3                   A.     Yes, sir.

4                   Q.     I can stab like this. I can get  
up.

5                   A.     If you will look at your hand  
right

6 now. With the knife on the carpet, your fingers  
are

7 preventing the back side of that knife from coming  
in

8 contact with the carpet.

9                   Q.     Of course, you don't know how it  
was

10 held, do you, for this to happen?

11                  A.     If you can put your fingers on  
the

12 very edge of the handle, I couldn't say that is not  
13 impossible.

14                  Q.     Well, for this to happen, I have  
to

15 put my hand on the edge, don't I?

16                  A.     No, sir, you don't.

17                  Q.     I could do it like this?

18                  A.     But your fingers ultimately have

to be

19 removed.

20 Q. That is what you are saying?

21 A. They have to be removed, yes, sir.

22 Q. And of course, that is -- in my

23 example, that is true, too.

24 A. The fingers would have to be

removed.

25 Q. I am not going to smush my fingers

Sandra M. Halsey, CSR, Official Court Reporter

3480



1 under there, if I am using it. You have seen people  
lots  
2 of times be down on their knees, use their hands to  
get  
3 up with?

4 A. Certainly.

5 Q. It's not unusual, is it?

6 A. No, sir, it's not.

7 Q. On that stain on the carpet floor,  
8 whose blood was on that?

9 A. I would have to now refer to the  
10 report. I do not remember at this point.

11 Q. Have you got those reports in your  
12 file?

13 A. I don't have those, no, sir.

14 Q. Well, how do you go about  
remembering

15 that kind of stuff?

16 A. I would refer to the report.

17 Q. Okay. Which one would you like to  
18 see?

19 A. The one that has the results.

20 Q. You don't know which one that is?

21 A. Not offhand.

22 Q. Okay. You don't know -- I guess

you

23 didn't pay much attention to the numbering system

from

24 Gene Screen to whomever?

25 A. I didn't pay any attention to it?

Sandra M. Halsey, CSR, Official Court Reporter

3481

1 Q. Yes. How they numbered things  
2 compared to SWIFS, for instance?

3 A. I do note that they do try and  
4 correlate it, yes, sir.

5 Q. You, I guess, have seen all of the  
DNA  
6 reports?

7 A. No, sir, I have not.

8 Q. You have seen the one that  
describes

9 whose blood is on this carpet where that photo is  
taken?

10 A. I don't recall that information,  
no,  
11 sir.

12 Q. Let me show you a report from  
SWIFS

13 dated November 1st, 1996. Have you seen that report  
14 before?

15 A. I don't recall this, no, sir.

16 Q. Okay. Does that tell you whose  
blood

17 is on this carpet stain?

18 A. Well, I have to read it. I don't  
19 know.

20

21

THE COURT: Would you direct him

to

22 the appropriate part, Mr. Mosty, so we can save some

23 time.

24

MR. RICHARD C. MOSTY: Judge, I

am

25 very confused about these reports. I have to tell  
you.

Sandra M. Halsey, CSR, Official Court Reporter

3482

1 Maybe somebody could help me.

2 MR. GREG DAVIS: Well, I believe  
that

3 the results we're looking for is on the Gene Screen  
4 report.

5 MR. RICHARD C. MOSTY: First one?

6 MR. GREG DAVIS: Well, I am not  
sure

7 if it is the first one or the second one, but it  
should

8 be --

9 MR. RICHARD C. MOSTY: Mr. Davis  
is

10 right, let me --

11 MR. GREG DAVIS: 105 is there.

12 MR. RICHARD C. MOSTY: We'll do  
it

13 this way. I'm sorry. I should have thought of  
that.

14 THE COURT: Thank you.

15

16 MR. RICHARD C. MOSTY:

17 Q. I am going to refer to the  
State's

18 Exhibit, and you have seen this exhibit, have you

not?

19 A. I have.

20 Q. That has the DNA results?

21 A. Yes, sir.

22 Q. Okay. Now, can you tell us, tell

the

23 jury, the stain that you have just been describing

is

24 whose blood?

25 A. Well, let me look here. I'm  
sorry,

1 from that I would not be able to tell you which it  
is.

2 Q. You still can't?

3 A. I still can't.

4 Q. Where was it found?

5 A. It is over in this area but as to  
6 which one of those dots accurately represents it,  
I'm not

7 sure.

8 Q. It's in the area on the other  
side of

9 Devon's body?

10 A. On the other side, I don't know -  
-

11 Q. On the fireplace side of Devon's  
body?

12 A. I believe that that is correct.

13 Q. You are sure of that?

14 A. No, sir, I'm not.

15 Q. Of course, it would help if you  
had

16 some notes, wouldn't it?

17 A. No, it would help to look at the  
18 photograph overall showing it, and then I could  
point it

19 out.

20 Q. Now, it's found in front of the  
chair,

21 isn't it?

22 A. Well, I see also the fireplace up  
in

23 that direction, but yes, the chair is in front of  
it.

24 Q. Well, looking at 111 and 122, can

you

25 tell the jury where -- whose blood the bloodstain  
had and



1 where it was located?

2 A. The only stains that are in that  
area

3 are Darlie.

4 Q. In front of this chair which is  
shown

5 in 111-A?

6 A. That is correct.

7 Q. Okay. So that means that when  
this

8 bloodstain is placed there by whatever means, that at  
9 that point Mrs. Routier has been stabbed?

10 A. That is correct.

11 Q. She is actively bleeding?

12 A. Yes, sir.

13 Q. When this -- you called it a knife  
14 laid down?

15 A. Yes, sir.

16 Q. Or consistent with a knife laid  
down,

17 I guess we should say.

18 A. Yes, sir.

19 Q. Did you also testify that there  
was --

20 that there was some blood evidence that was

consistent

21 with a -- what do you call that?

22 A. An impact.

23 Q. An impact. Did you testify about

24 that?

25 A. I testified that some of the blood  
on

Sandra M. Halsey, CSR, Official Court Reporter

3485

1 the shirt -- I could not tell the difference between  
or  
2 decide which it was.

3 It could either be blood spatter,  
4 which could be from an impact, or it could be from  
5 cast-off.

6 Q. Okay. And, cast-off and spatter  
are  
7 both airborne blood?

8 A. Quite typically, yes, sir.

9 Q. And, did Mr. Davis ask you a  
10 hypothetical about that? I thought I recalled that  
he  
11 did.

12 A. I believe that he did.

13 Q. And, was his hypothetical that  
assumed

14 that Mrs. Routier stabbed -- was it Damon or Devon?

15 A. I don't recall it being either one  
in  
16 his description.

17 Q. But that she stabbed one of the  
18 children sufficient to cause her fist to hit that  
child,  
19 and cause the spatter?

20 A. That was in the scenario, yes.

21 Q. That is the gist of that  
statement?

22 A. It was.

23 Q. And you said, that that would be  
24 consistent with one of the spatters that you

observed?

25 A. That would be consistent with one  
of

Sandra M. Halsey, CSR, Official Court Reporter

1 the spatters or that could also be from cast-off.

2 Q. Okay. Which of those spatters  
could

3 that scenario be consistent with? Do you need to see  
the

4 shirt?

5 A. No, sir. We're talking  
specifically

6 about the -- and I don't know the stains, but the  
ones

7 that are identified on the chart up to the left  
front

8 shoulder area.

9 Q. Okay. I'm showing you the  
chart of

10 the -- so which ones would that action that I have  
just

11 described be consistent with?

12 A. I'm sorry. I can't quite see it.

13 Just a second.

14 Q. All right. Take whatever time you  
15 need.

16 A. That would be referred to as LS-1

--

17 Q. Which shoulder is that on?

18 A. That is on the left.

19 Q. All right. That is the higher one

or

20 the lower one?

21 A. That is this one here.

22 Q. All right.

23 A. And I'm having difficulty reading,

but

24 it looks like LS-2.

25 Q. Give me the location of LS-2.

Sandra M. Halsey, CSR, Official Court Reporter

3487

1                   A.     I'm sorry.  That is LS-3.  It  
would be

2     in this area right here.

3                   Q.     Okay.  So both of those would be  
the

4     left shoulder?

5                   A.     Left shoulder, yes, sir.

6                   Q.     Did you say that those could be a  
7     cast-off or spatter?

8                   A.     I did.

9                   Q.     And your statement was that that  
would

10    be consistent with a stabbing and then -- or hand  
11    impacting a child's body that already had blood on  
12    it?

12                  A.     In the scenario, I agreed that  
that is

13    possible, yes, sir.

14                  Q.     And those bloodstains that you are  
15    talking about are mixed blood?

16                  A.     That is correct.

17                  Q.     So for that scenario to be  
possible,

18    Mrs. Routier would have to already be bleeding?

19                  A.     If those are individual single

stains,

20 if they are not overlying one another, that would be

a

21 true statement.

22 Q. Okay. And for that to happen,

there

23 would have to be a wound at least to the depth of

where

24 my hand is?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

3488



1 Q. So, how -- so, how long is this  
knife

2 blade?

3 A. I have got it written down but I  
don't

4 recall right at the moment.

5 Q. Do you want to give me an  
estimate?

6 A. Certainly. Okay. In inches, it's  
7 going to be a little over seven inches.

8 Q. Did you know that neither of the  
9 children had a wound seven inches deep in them?

10 A. Yes, sir.

11 Q. Okay. So, in the scenario that I  
just

12 described with you, you would have to have this knife  
at

13 least seven inches in someone's body in order to have  
the

14 hand impact and spatter blood out?

15 A. The hand has to come in contact  
with

16 that area.

17 Q. Has to actually hit whatever the  
18 source of the blood is?

19 A. That is correct.

20 Q. And in the hypothetical, that was

a

21 child?

22 A. Yes, sir.

23 Q. So the depth of the wounds would

make

24 that scenario inconsistent, wouldn't it?

25 A. If we're able to allow for any

Sandra M. Halsey, CSR, Official Court Reporter

3489

1 compression, I would have to agree with your  
statement as

2 stated.

3 Q. Because in fact compression would  
be

4 less up the knife, wouldn't it?

5 A. It would.

6

7 THE COURT: Gentlemen, can just  
one

8 lawyer ask the questions, please? Thank you.

9 MR. RICHARD C. MOSTY: May Mr.  
Mulder

10 and I confer?

11 THE COURT: You may, but please do  
it

12 in a, shall we say, a quieter tone of voice.

13

14 BY MR. RICHARD C. MOSTY:

15 Q. And of course, in Mr. Davis's  
example,

16 let's see, he got down on one knee, didn't he?

17 A. I do not recall whether it was one  
or

18 two.

19                   Q.     All right.  Well one or two, it  
20  doesn't matter.  And of course, he made this motion,  
like  
21  that, didn't he?

22                   A.     Yes, sir.

23                   Q.     Okay.  And for your scenario to be  
24  true, or Mr. Davis's scenario to be true, Mrs.

Routier

25  has to be bleeding, am I right?

Sandra M. Halsey, CSR, Official Court Reporter

3490

1 A. If the blood is a mixture --

2 Q. Yeah.

3 A. -- and it's not a separate  
occurrence,

4 then she has to be bleeding in order for her blood to  
be

5 there, yes, sir.

6 Q. I wonder why in all of your  
expertise,

7 you all didn't find any knee impressions with blood  
on

8 them?

9 A. Well, that is not too uncommon.

10 Q. Not too uncommon to not find that  
kind

11 of thing?

12 A. That is correct.

13 Q. You wouldn't call that an  
14 inconsistency?

15 A. I would not.

16 Q. Just a non-event.

17 A. Well, the blood has to be at a  
18 location when the knee is going to go into it and  
that is

19 typically some time later when the blood is starting

to

20 pool. It is not common for it to occur at the actual  
21 immediate attack.

22 Q. Okay. I'm going to come back to  
that

23 because I do want to cover that. Let me make a note  
of

24 it.

25 Now, were you also asked a

Sandra M. Halsey, CSR, Official Court Reporter

3491

1 hypothetical about the stabbing of Damon, in that  
same

2 regard with respect to the blood, the mixed blood --  
when

3 we were in Oklahoma, did you tell us that that was  
mixed

4 blood?

5 A. I told you there was some mixed  
blood.

6 I don't know if we specifically addressed that stain.  
I

7 don't recall.

8 Q. Well, you told us that in your  
9 judgment, that that was mixed blood in one stain?

10 A. I don't recall specifically  
stating

11 that it was one stain. Now, which one are we  
referring

12 to here?

13 Q. I'm talking about these, I'm  
talking

14 to all four of them on the front of the shirt, all  
four

15 of them mixed?

16 A. The only one that I can say is

really

17 consistent without any hesitation, is the one that  
is up

18 in this area here, which is going to be LS-1.

19 Q. You are talking about the highest  
one

20 on the left shoulder?

21 A. That is correct.

22 Q. Okay. But you didn't tell us  
when we

23 were up there that you thought all of those others  
were a

24 stain that was mixed before it hit the shirt?

25 A. I don't believe so.



1                   Q.     Okay.  And your testimony --  
let's

2     turn to Damon now.  And Damon is, for your  
recollection

3     is red.  And I'm going to show you -- let's talk  
about

4     those stains that you have testified about.

5                   You said that those were  
consistent

6     with someone being with Mrs. Routier, because that is  
her

7     shirt, kneeling over Damon and stabbing him in this

8     motion that was described to you; is that right?

9                   A.     I believe that's correct.

10                  Q.     And did I do that fairly, the way  
Mr.

11     Davis did it?

12                  A.     Other than he was on one knee or  
two

13     knees when he did it, but the movement is certainly -

-

14                  Q.     The arm movement is the same?

15                  A.     Well, actually, I believe yours  
is a

16     little bit more to the side, but --

17 Q. More out?  
18 A. But I, again, I don't know.  
19 Q. Okay. Now, to get that cast-  
off,  
20 would that have to be from a kneeling position?  
21 A. It would not have to be, no,  
sir.  
22 Q. And if someone were down,  
going to  
23 stab a child, and there is a couch right here,  
and a  
24 coffee table right here, they can't hardly do that  
motion  
25 up like that, can they, getting it outside of their

Sandra M. Halsey, CSR, Official Court Reporter

1 shoulder?

2 A. Well, I don't think I can agree  
with

3 that.

4 Q. Well, you would stab like this,  
5 wouldn't you?

6 A. Sir, if you continue on with your  
arm,

7 you will have no problem clearing that.

8 Q. Sure. If I come up like this?

9 A. Certainly.

10 Q. Is it your experience that people  
take

11 their knife back like this to stab somebody, all the  
way

12 back here?

13 A. It has not been my experience  
14 necessarily at all, no.

15 Q. It seems to me like if I was going  
to

16 stab somebody, I would go -- (Counsel hits table  
three

17 times) -- as quick as I could.

18 A. Well, doing that, you won't  
inflict

19 the wounds that are on those bodies.

20 Q. You don't think so?

21 A. Not the way you was doing just a  
22 second ago.

23 Q. But I could do it very hard like  
that,

24 can't I?

25 A. Certainly.

Sandra M. Halsey, CSR, Official Court Reporter

3494

1 Q. As a matter of fact, you would  
expect

2 that the drawback motion to be the slower and the  
stab

3 motion to be the hardest?

4 A. Not necessarily at all and that  
has

5 been proven through experimentation.

6 Q. Okay. You know, I cut my finger  
doing

7 that.

8 A. Good point.

9 Q. That is a good point, isn't it?

10 A. Yes, sir, it is.

11 Q. Because had that scenario that  
Mrs.

12 Routier did like that, had that been true, and had  
her

13 hand had blood on it, there is a good possibility  
that it

14 would have slipped and cut her hand, wouldn't it?

15 A. Well, there is that possibility,  
yes,

16 sir.

17 Q. And that would be a cut in the

palm

18 area?

19 A. Depending upon how the knife is  
being

20 held.

21 Q. On those, on these stains that  
are

22 marked with both blood, do you remember in Oklahoma,  
Mr.

23 Mulder asking you specifically: Does that mean that  
the

24 knife had to be wet with the blood of both parties  
at the

25 time that these multiple DNA results are shown? I'm

1 talking about the front of the shirt.

2 A. I don't remember Mr. Mulder  
asking me

3 any questions.

4 Q. You don't?

5 A. No, sir. I remember him making  
some

6 statements.

7 Q. I'm going to come back to the  
shirt,

8 because I want to cover it, at one time.

9 You have --

10

11 THE COURT: What have we covered

so

12 far? We are out of the utility room and where are

we

13 going now? Have you got all the stuff so far?

14 We're not going back over things,

I

15 hope?

16 MR. RICHARD C. MOSTY: I wouldn't

do

17 that.

18 THE COURT: Thank you very much,

Mr.

19 Mosty. I appreciate that.

20

21 BY MR. RICHARD C. MOSTY:

22 Q. I'm going to mention the word  
vacuum

23 cleaner, but this is a new subject.

24 You observed the photographs of

the

25 vacuum cleaner. Let me give you an example of 43-C.



1 A. Yes, sir.

2 Q. And, there is a good bit of -- let  
me

3 give you another example of Defendant's 41?

4 A. Yes, sir.

5 Q. There is a substantial amount of  
blood

6 at the sink and in the vacuum cleaner area and --

7 correct?

8 A. Yes, sir.

9 Q. Okay. And we know from, do we  
not,

10 from Exhibit 122 that that is Mrs. Routier's blood?

11 A. That is correct.

12 Q. Okay. And that is the blood that  
is

13 shown in front of the sink between the island and  
what we

14 call the counter?

15 A. Yes, sir.

16 Q. Okay. And, you see, or have seen  
a

17 footprint there?

18 A. Yes, sir.

19 Q. And do you see glass there?

20 A. There are some areas that could be

21 glass. I'm not actually able to identify them.

22 Q. In other photographs, have you  
23 identified glass in that area?

24 A. In that general area, yes, sir.

25 Q. Okay. I take it you draw no

Sandra M. Halsey, CSR, Official Court Reporter

3497

1 conclusions from glass being on top of blood in that  
2 area?

3 A. Well, if the blood was there  
first.

4 Q. Okay. But how it got there, you  
have

5 not testified about any conclusions about how that  
glass

6 could have gotten there?

7 A. I have not.

8 Q. Okay. Now, so, at the time that  
this

9 Exhibit is taken, you know that Mrs. Routier is  
bleeding?

10 A. Yes, sir.

11 Q. You know that there is glass that  
has

12 come on to that area of blood?

13 A. Yes, sir.

14 Q. And you know that a vacuum cleaner  
has

15 come on to that area of blood?

16 A. Yes, sir.

17 Q. And you can, in fact, in 41, see  
18 evidence of movement in the blood?

19 A. Yes, sir.

20 Q. That someone is moving about?

21 A. Yes, sir.

22 Q. Incidentally, on 43-C, have you  
ever

23 seen that green towel, that green rug?

24 A. If I have, I do not recall it.

25 Q. Okay. All right. So these

Sandra M. Halsey, CSR, Official Court Reporter

3498

1 photographs tell us that Mrs. Routier was bleeding  
first,

2 and then the vacuum cleaner comes to that area and  
then

3 the glass comes to that area?

4 A. Yes, sir.

5 Q. Okay.

6

7 MR. RICHARD C. MOSTY: Your Honor,  
I

8 would like to stand by Mrs. Routier. And, so that we  
get

9 a comparison of our heights.

10 THE COURT: Please stand, ma'am.

11

12 (Whereupon, the defendant

13 complied with the

request

14 by standing next to

her

15 attorney Mr. Mosty.)

16

17 BY MR. RICHARD C. MOSTY:

18 Q. How much taller am I than Mrs.

19 Routier?

20 A. Very little.  
21 Q. A couple of inches?  
22 A. No.  
23 Q. Or an inch?  
24 A. No.  
25 Q. She is bleeding, and there is  
glass

Sandra M. Halsey, CSR, Official Court Reporter

3499

1 there. Wouldn't it be consistent that if she went  
to a

2 wine rack and reached up and got a wine glass and  
broke

3 it, that she would have left blood on the wine  
rack?

4 A. If it is done at that instant,  
yes,

5 sir.

6 Q. Well, we know that it's done  
after she

7 is bleeding, don't we?

8 A. We know that the glass is broken  
after

9 she is bleeding?

10 Q. Yes.

11 A. How?

12 Q. Because it's on top of the blood?

13 A. That is assuming nobody has moved  
it

14 on top of the blood at some later point.

15 Q. Assuming no police officer kicked  
it

16 over there?

17 A. Or anyone else.

18 Q. Okay. Let's assume that. Assume  
that

19 Mrs. Routier is bleeding and there is no one in the  
house

20 but her. There is no one downstairs except her and  
the

21 children in the other room, and she is bleeding.

22 And there is glass on top of her

23 blood. Then necessarily, she would have had to go  
after

24 she was bleeding to get the wine glass and break it?

25 A. Assuming that, that's correct.



1 Q. Okay. And when you break a wine  
2 glass, that is a cast-off movement, isn't it?

3 A. Well --

4 Q. If I broke a wine glass?

5 A. It is similar to that movement,  
yes,  
6 sir.

7 Q. Well, that kind of movement --

8 A. Yes, sir.

9 Q. Matter of fact, you could see  
water

10 casting out of this thing. Did you see that?

11 A. No, I didn't.

12 Q. Look. That wasn't staged either.

It

13 just happened to be that way.

14 A. And I still can't see it, but  
I'll

15 take your word for it.

16 Q. Okay. I saw it. But anyway,  
that

17 kind of movement is -- when you are talking about a  
18 cast-off, that kind of movement is what causes cast-  
off?

19 A. That is correct, sir.

20 Q. Or one of the movements that can?

21 A. Certainly.

22 Q. It is a moving object that flings

a

23 liquid?

24 A. Yes, sir.

25 Q. It could be my hand?

Sandra M. Halsey, CSR, Official Court Reporter

3501

1 A. Yes, sir.

2 Q. It could be a wine glass?

3 A. Yes, sir.

4 Q. So it would be consistent that if  
Mrs.

5 Routier was bleeding and she reached up to get a  
wine

6 rack (sic) up on this shelf --

7 A. Yes, sir.

8 Q. -- and broke it, that there would  
be

9 blood on that wine rack?

10 A. If that hand is the bleeding  
hand,

11 yes, sir.

12 Q. Um-hum. (Attorney nodding head  
13 affirmatively.)

14 Of course, she has got, by this  
time,

15 by the time you have this much blood, as shown in  
front

16 of that kitchen, we're talking about a neck wound by  
17 then, aren't we?

18 A. I believe that's correct, yes,  
sir.

19                   Q.     I mean, you are not going to have  
that

20    much blood without a neck wound, in all likelihood?

21                   A.     I cannot agree with that.

22                   Q.     Under these circumstances, under  
what

23    has been described to you as Mrs. Routier's wound?

24                   A.     I think you could have that much  
blood

25    even without a neck wound.

1                   Q.     Okay.  But of the ones that have  
been  
2     described to you of Mrs. Routier's wounds, you would  
3     think that her neck is bleeding by the time all  
that  
4     blood is on that kitchen floor?

5                   A.     Well, that is a very good  
possibility.

6                   Q.     And it would be consistent  
that  
7     somehow some of that blood, soaking, dripping,  
moving,  
8     would be on the wine rack?

9                   A.     Under that scenario, yes, sir,  
it  
10    would.

11                  Q.     Okay.  Well, somehow, if Mrs.  
Routier  
12    broke the wine glass, she had to reach and get  
it, didn't  
13    she?

14                  A.     I would say so.

15                  Q.     Okay.  And we know the vacuum  
cleaner  
16    is there?

17 A. Yes, sir.

18 Q. On top of the blood?

19 A. Yes, sir.

20 Q. Now, if the vacuum cleaner,  
this and

21 this, Exhibit 122, this blue dot represents the  
wine

22 rack.

23 A. Yes, sir.

24 Q. And, of course, there is no  
blood on

25 the front of that wine rack, or anyplace that has  
been

Sandra M. Halsey, CSR, Official Court  
Reporter

3503

1 testified to?

2 A. Yes, sir.

3 Q. And you know that?

4 A. Yes, sir.

5 Q. And if the vacuum cleaner was  
over

6 here, this is -- you want to see that other one  
that

7 shows the pantry? Let me get that one, because that  
is

8 the one you and I talked about earlier. On Exhibit -  
- on

9 Exhibit 10.

10 Again, the wine rack is shown in  
11 green, and the pantry is over here.

12 A. Yes, sir.

13 Q. Okay. If Mrs. Routier were  
bleeding

14 from the neck, as you think she was when this blood  
was

15 deposited in this area, and she went over here to get  
a

16 vacuum cleaner, you would expect that there would be  
17 evidence of that, wouldn't you?

18 A. I would.

19 Q. Okay. And so, if there is not  
20 evidence of going over to that pantry area to get  
a  
21 vacuum cleaner --

22 A. Yes, sir.

23 Q. -- and there is no blood, that  
that  
24 would be inconsistent with her going over there  
and  
25 getting the vacuum cleaner after she was bleeding.

Sandra M. Halsey, CSR, Official Court Reporter

3504



1                   A.     That would be correct as so  
described.

2                   Q.     Let's move to the T-shirt now.

3

4                   THE COURT:   Before we move to the  
5 T-shirt, let's take a 10 minute break, please.

6                   MR. RICHARD MOSTY:   Yes, sir.

7                   THE COURT:   Can I see both sides  
up  
8 here, please?

9                   MR. RICHARD MOSTY:   All right.

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                   And outside of the presence.

19                   of the jury, as follows:)

20

21

THE COURT: All right. Whenever

the

22 State closes, whenever they close, be prepared to go

23 forward with your witnesses at that time. Is that

clear?

24

MR. RICHARD C. MOSTY: Is that

because

25 I'm taking so long to cross examine him?

Sandra M. Halsey, CSR, Official Court Reporter

3505

1 THE COURT: Oh, no. We are going  
--

2 we are going -- you have been on cross examination  
right

3 now and they had an hour and 49 minutes on direct.  
We're

4 going, over and over and over.

5 MR. RICHARD C. MOSTY: This lady's  
6 life is on the line, Judge.

7 THE COURT: I understand that.

8 MR. RICHARD C. MOSTY: I apologize  
if

9 I overdo it.

10 MR. DOUGLAS MULDER: Judge, I  
would

11 like this on the record.

12 THE COURT: It's my discretion as  
to

13 when to have it put on the record.

14 MR. DOUGLAS MULDER: Judge, nobody  
15 understands that better than I do. I understand  
just

16 exactly what your discretion is, but I'll remind  
the

17 Court, that back when we began this, and I asked for  
an

18 estimate so that we would know when it was going to  
be

19 our turn, so on and so forth, the Court advised me  
that

20 we would be given that estimate.

21 And I said, Judge, we just want  
to be

22 shown the same consideration so that we can start  
our

23 case and have the same continuity that the State has.

24 THE COURT: We're going to.

That's

25 right. Go ahead.

1 MR. DOUGLAS MULDER: Judge, excuse  
me  
2 for interrupting you. If you have something to say,  
I'll  
3 wait until you are finished.

4 THE COURT: No, you go ahead.

5 MR. DOUGLAS MULDER: No, I'll be  
happy  
6 to wait for you.

7 THE COURT: We agreed that we  
would  
8 finish this thing today. We are, obviously, at the  
rate  
9 we are going now, not going to finish today.

10 MR. DOUGLAS MULDER: Well, maybe  
we  
11 are and maybe we aren't. I don't know. I can't  
predict  
12 that because I don't know who the State's witnesses  
are  
13 and the Court has never required that they tell me.

14 THE COURT: And the Court will not  
15 require that and be clear about it.

16 MR. DOUGLAS MULDER: I understand  
17 that.

18 THE COURT: Thank you.

19

MR. DOUGLAS MULDER: Yes, sir.

But I

20 can't predict how long we're going to take on  
anything.

21 And I would remind the Court that they spent, they  
would

22 use six and seven witnesses to testify about the same  
23 event.

24 They took five days to do what you  
and

25 I both know they could have done in two days.

Sandra M. Halsey, CSR, Official Court Reporter

3507

1                   THE COURT: All we need to do is  
get  
2    on with the thing and get this done as quickly as we  
can.

3                   Now, the jury is staying late  
tonight  
4    also and so be prepared for that.

5                   MR. DOUGLAS MULDER: Judge, that  
is  
6    fine. We will stay as late as you want to stay.

7                   THE COURT: Thank you.

8                   MR. DOUGLAS MULDER: But I just  
ask  
9    that you show us the same consideration that you  
have  
10   shown the State throughout this.

11                  THE COURT: You will be shown  
the  
12   same courtesy, Mr. Mulder. You always have and  
you  
13   always will be. Do not be alarmed about that.

14                  But I would appreciate  
appropriate  
15   questions being asked that are on point instead of  
being  
16   repetitious.

17 MR. RICHARD C. MOSTY: Well, your  
18 Honor, I personally take offense at that because I  
think  
19 that I am covering different ground.

20 THE COURT: Thank you.

21 MR. RICHARD C. MOSTY: And this  
lady's  
22 life is literally on the line and this man has walked  
in  
23 here with all his opinions, and I think that I need -  
-  
24 and I feel compelled, in my good oath as a lawyer to  
take  
25 whatever time is necessary for me to defend this  
lady's

Sandra M. Halsey, CSR, Official Court Reporter



1 life.

2 THE COURT: I think that is right,  
and

3 I'm going to give it to you, if you would just move  
the

4 points on.

5 MR. RICHARD C. MOSTY: Then, I  
would

6 ask that the Court not reprimand me in front of the  
jury

7 for doing that.

8 THE COURT: I am not reprimanding  
you

9 in front of the jury. I am just saying let us get  
on

10 with this succinctly.

11 MR. DOUGLAS MULDER: Judge, you  
have

12 done that repeatedly.

13 THE COURT: Thank you.

14 MR. DOUGLAS MULDER: Yes, sir. I  
15 would just like this on the record too, if you don't  
16 mind.

17 THE COURT: Um-hum. (Judge  
nodding

18 head affirmatively).

19 MR. DOUGLAS MULDER: But you have  
not  
20 hastened the State when they have been the one who  
has  
21 been dragging this on, and have done really,  
literally,  
22 they have covered in 13 days what they could have  
done in  
23 five.

24 THE COURT: Well, of course, the  
State  
25 feels the other way, Mr. Mulder. Thank you.

1 MR. DOUGLAS MULDER: That is not  
the  
2 consensus.

3 THE COURT: Thank you.

4 MR. GREG DAVIS: Well, it is  
over  
5 here. Take a poll.

6 THE COURT: All right.

7  
8 (Whereupon, a short  
9 Recess was  
taken,

10 After which  
time,

11 The proceedings  
were

12 Resumed on the  
record,

13 In the presence  
and

14 Hearing of the  
defendant

15 And the jury, as  
follows:)

16

17 THE COURT: All right. Are both

sides

18 ready to bring the jury back?

19 MR. GREG DAVIS: Yes, sir, the

State

20 is ready.

21 MR. DOUGLAS MULDER: Yes, sir, the

22 Defense is ready.

23 THE COURT: All right. Bring the

jury

24 back.

25 MR. RICHARD C. MOSTY: We are  
ready,

Sandra M. Halsey, CSR, Official Court Reporter

3510

1 your Honor.

2 THE COURT: All right. Bring the  
jury

3 back, please.

4

5 (Whereupon, the jury

6 Was returned to

the

7 Courtroom, and

the

8 Proceedings

were

9 Resumed on the

record,

10 In open court, in

the

11 Presence and

hearing

12 Of the defendant,

13 As follows:)

14

15 THE COURT: All right. Be

seated,

16 please. Let the record reflect that all parties in

the

17 trial are present and the jury is seated. Mr.

Mosty.

18

MR. RICHARD C. MOSTY: Yes, your

19 Honor.

20

21

CROSS EXAMINATION

(Resumed)

22

23

(Whereupon, the

following

24

mentioned item

was

25

marked for

Sandra M. Halsey, CSR, Official  
Court Reporter

3511

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 C. MOSTY:

9 Q. Mr. Bevel, let me hand you what  
has  
10 been marked as Defendant's Exhibit No. 58. Is that a  
11 photograph that you have observed before?

12 A. Yes, sir.

13 Q. Does that appear to be -- is it  
taken  
14 on the 6th?

15 A. The child is still in place, so I  
16 would believe that to be accurate.

17 Q. Isn't there -- no, on the front,  
isn't  
18 there a stamp over there? Can you see it? You might  
not  
19 be able to see it.

20 A. No, sir.

21 Q. 6-6.

22 A. No, sir.

23

24 MR. RICHARD MOSTY: Okay. We will  
25 offer Defendant's Exhibit No. 58.

Sandra M. Halsey, CSR, Official Court Reporter

3512



1 THE COURT: Any objection?  
2 MR. GREG DAVIS: No objection.  
3 THE COURT: Defendant's Exhibit 58  
is  
4 admitted.  
5 THE COURT: All right. It's a  
picture  
6 of what now?  
7 MR. RICHARD C. MOSTY: 58,  
Defense.  
8 THE COURT: What's the photo?  
9 MR. RICHARD C. MOSTY:  
Carpet,  
10 bloodstains.  
11  
12 (Whereupon, the  
above  
13 mentioned item  
was  
14 received in  
evidence  
15 as Defendant's  
Exhibit  
16 No. 58 for all  
purposes,  
17 After which time,

the

18

proceedings were

19

resumed on the

record,

20

in open court,

21

as follows:)

22

23 BY MR. RICHARD MOSTY:

24

Q. Exhibit 58, Mr. Bevel, shows

some

25 bloodstains in the carpet, doesn't it, when Devon

Sandra M. Halsey, CSR, Official Court Reporter

3513

1 Routier's body is still out there at the scene?

2 A. Yes, sir.

3 Q. Okay. And, Defense 32, which is  
in

4 evidence, would that appear to be a little farther  
back

5 shot of the same area but after the body is  
removed?

6 A. Yes, sir.

7 Q. And do you see that white rag up  
on

8 the coffee table?

9 A. Yes, sir.

10 Q. Mr. Bevel, do you recommend that  
if

11 there is a bloody rag that is touching a body, would  
you

12 recommend that that rag be picked up?

13 A. Yes, sir.

14 Q. And collected as evidence?

15 A. Yes, sir.

16 Q. I'm going to try -- and I don't  
know,

17 since I don't have an enlargement of this, I want to

18 point some things out, and I'm going to have to walk  
down

19 to the jury as you and I talk about them, and let me  
get

20 as far back as I can so they can see.

21                               This area appears to have an  
22 assortment of different types of bloodstains in it,  
does

23 it not?

24                               A.     It does, yes.

25                               Q.     All right. This area here, would

Sandra M. Halsey, CSR, Official Court Reporter

1 those be a -- would you call that a smudge or a  
transfer?

2 A. I would call it a combination.  
There

3 is some soaked blood in there as well as movement  
beyond

4 the area of the soaked blood.

5 Q. All right. So probably some blood  
6 there, and then something has happened to cause that  
7 blood to be moved around?

8 A. That is correct.

9 Q. And again, we're talking about --  
I'll

10 show them my finger. Now, is that consistent with --  
11 would that be consistent with Mrs. or Mr. Routier  
going

12 to assist this child and disturbing some blood that  
was

13 on the carpet?

14 A. It would be consistent with  
somebody

15 being in that area. As far as me identifying who, I  
16 wouldn't be able to.

17 Q. Well, somebody includes Mrs.  
Routier,

18 doesn't it?

19 A. Certainly.

20 Q. Okay. Now, is also -- tell the  
jury

21 what expectorate is?

22 A. Yes, sir. If you have blood that  
is

23 down into the air passages, such as the throat,  
mouth,

24 nose and a person is still fighting to breathe.

There

25 will frequently be a coughing action which is  
expelling

1 the blood out of the mouth or nose as the person is  
2 attempting to breathe.

3 Q. An expectorate is typically a  
finer  
4 pattern?

5 A. It is typically, yes, sir.

6 Q. Not always?

7 A. It's generally a combination of  
8 varying sizes, but there is certainly some fine  
mist.

9 Q. I was wondering, is this area  
nearest  
10 his head, is that consistent with expectorate?

11 A. I could not identify it on this  
carpet

12 as necessarily being consistent. What you would  
really

13 need to do, in order to corroborate that, is to look  
at

14 the mouth and nose area, to see if those are  
surrounding

15 the bloodstains that are consistent with going over  
to

16 the carpet in that area.

17 Q. Of course, now, the mouth and the

nose

18 are not the only sources of expectorate, are they?

19 A. They are the most common, and  
they are

20 the ones that produce the most broken up blood.

21 Q. Um-hum. (Attorney nodding head  
22 affirmatively). However, a wound that can cause --  
you

23 can have expectorate come out of a wound, can't you?

24 A. I don't believe that I recall  
that

25 expectorate in the same sense that we just  
described.



1 There can certainly be blood that is pushed out. If  
2 there, for example, is a flow of air coming out of  
that  
3 wound.

4 Q. You have already told us about  
Herb  
5 McDonald, haven't you?

6 A. I don't believe that I did, no,  
sir.

7 Q. Okay. Well, Herb McDonald is  
sort of  
8 credited with being the pioneer of bringing blood  
spatter  
9 evidence into the 20th century, should I say? How  
about  
10 just taking the word pioneer.

11 A. I would say that he is credited  
with  
12 popularizing, or making it more used in the modern  
day.

13 But he more or less rediscovered something that was  
well  
14 in front of him.

15 Q. Okay. And, you recognize Mr.  
McDonald

16 as being an authority in the field, don't you?

17 A. I do.

18 Q. And you recognize his book,  
Bloodstain

19 Patterns, to be authoritative?

20 A. Yes,  
sir.

21 Q. Don't  
you?

22 A. Yes,  
sir.

23 Q. And would you agree with me that  
Mr.

24 McDonald in his book, says, "That it should be  
remembered

25 that penetrating wounds to the chest, that open a  
channel

1 for expiration of blood may also produce bubbles in  
the  
2 blood, and there may be -- in these cases there may  
not  
3 be obvious blood accumulated in the mouth or the  
nasal  
4 passage."

5 That is a correct statement, isn't  
it?

6 A. Unless I look at it, I am not  
going to  
7 comment. I prefer to read what you're reading.

8 Q. Matter of fact, you tell people,  
that  
9 if on the witness stand if they are asked that kind  
of  
10 question, you counsel people to give that response  
that  
11 you just gave?

12 A. Because of what has been done to  
me by  
13 the defense, yes, sir.

14 Q. But you counsel other people to do  
15 that?

16 A. I certainly do.

17 Q. Would you like to read that quote?

18 A. I would.

19 Q. I am quoting from -- well, I'm  
quoting

20 from page 82 of McDonald. I believe this is the  
third

21 edition, isn't it?

22 A. I'm not sure.

23 Q. I'm quoting from page 82 of  
McDonald's

24 book. It's highlighted.

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

3518

1                   Q.     Okay.  You would agree with me  
that an  
2     open wound to the chest, such as was suffered by  
Devon  
3     Routier, it could open a passageway for expired  
blood?

4                   A.     As what Mr. McDonald is talking  
about  
5     there, it can open the possibility of blood going  
into  
6     the mouth or the nose because of a penetrating  
wound.

7                   Q.     Well, you would agree with me  
that  
8     blood can come out of a wound such as Devon  
Routier?

9                   A.     It can.

10                  Q.     And would have the appearance  
of  
11    expired blood?

12                  A.     I don't know that I would agree  
that  
13    it appears to be like expired blood, no, sir.

14                  Q.     Okay.

15                  A.     Typically, it is larger, does

not go

16 as far, and again, the only way that you can  
actually get

17 it is to have an air flow going back up out of one  
of the

18 wounds.

19 Q. Okay. That is fair enough.

Expired

20 blood can travel how far, typically?

21 A. Depends on the size of the blood

22 droplets you're referring to. If it is 1

millimeter in

23 diameter or less, about the maximum that it could

24 possibly travel is about 46 inches.

25 Q. Forty-six inches.

1                   A.     If it is larger, it certainly  
could

2     go -- travel considerably farther distance.

3                   Q.     Okay.  Four foot and on, do you  
have

4     any outward boundary of how far you would say, for  
5     instance, a large droplet of expired blood might  
go?

6                   A.     I would only state that it  
certainly

7     could travel further than four feet.

8                   Q.     All right.  Now, assume with me  
that

9     Devon Routier has been stabbed, and that Mr. Routier  
and

10    Mrs. Routier go to him, and that Mr. Routier  
attempts

11    mouth-to-mouth resuscitation, and blows in his  
mouth,

12    that is part of mouth-to-mouth resuscitation, isn't  
it?

13                   A.     Yes, sir.

14                   Q.     Blows in his mouth and reports  
that

15    air and blood are coming out of his chest?

16 A. If he reports that?

17 Q. Yes. And assume that to be the  
facts.

18 A. Yes, sir.

19 Q. And in that instance, you could  
very

20 well have expired blood?

21 A. You could certainly have some  
blood

22 that would be coming out of a wound. I would not

23 anticipate that it would look quite like what I  
would

24 expect to come out of a mouth or a nose.

25 Q. Okay. And how would it be  
different?



1     Would it be larger, do you think?

2                     A.     Typically larger, yes, sir.

3                     Q.     Now, what we have been talking  
about

4     here in Exhibit 58, some of those droplets are  
larger

5     than what you would ordinarily find in expired  
blood,

6     aren't they?

7                     A.     They certainly are.

8                     Q.     Do some appear also to be  
consistent

9     with the size that you would find with expired  
blood,

10    or do they all appear to be a little too large?

11                    A.     There are some there that would  
be

12    about the right size.

13                    Q.     Okay.  And those -- and so that  
kind

14    of expired blood you might think might go up to 46  
15    inches?

16                    A.     That, that is approximately 1  
17    millimeter in diameter and less, and that is the  
outside

18 limit.

19 Q. Okay. Can you, for my help and  
the

20 jury's help, can you estimate or is it unfair  
because of

21 scale, to try to estimate the size of some of these  
22 droplets?

23 A. From that, I certainly could not,  
no,

24 sir.

25 Q. You wouldn't want to do that?

Sandra M. Halsey, CSR, Official Court Reporter

3521

1 A. No, sir.

2 Q. Okay. But it's fair to say that  
that

3 bloodstain in that area could be consistent with  
4 expired blood?

5 A. Some of the smaller drops that are  
6 there are approximately the right size and could be,  
yes,  
7 sir.

8 Q. And once a blood drop is in the  
air,  
9 whether it be cast off or projected, the physics of  
how  
10 it impacts an object are not going to change, are  
they?

11 A. No, sir.

12 Q. That the source of energy does  
not in  
13 any manner affect the impact. Well, that is not a  
fully  
14 correct statement, is it?

15 A. No, sir.

16 Q. Because it could affect the size,  
for  
17 instance, gunshot and so forth?

18 A. Size and distance.

19 Q. Size and distance and those  
things.

20 But assuming that something is cast off or projected  
with

21 the same energy?

22 A. Yes, sir.

23 Q. And the same volume of blood drop?

24 A. Yes, sir.

25 Q. Those would appear identical?

Sandra M. Halsey, CSR, Official Court Reporter

1                   A.     As far as how they would land on  
an  
2     object?

3                   Q.     Yes.

4                   A.     Yes, sir.

5                   Q.     So in that instance you could not  
say  
6     that that drop was cast off or that it was projected.  
7     You might be able to draw some other conclusions from  
it?

8                   A.     Well, that it was projected into -

-

9                   Q.     I'm sorry.    I'm sorry.

Expired, I

10    didn't mean projected, I meant cast off, cast off or  
11    expired.

12                   A.     I'm sorry, sir.    Would you start  
13    again?

14                   Q.     You are right.    That if you have  
a  
15    blood drop that is either cast off or expired, and  
you  
16    know, the same energy, the same volume of blood,  
those

17    drops would appear identical on the same target

surface?

18 A. They could, yes, sir.

19 Q. Okay. And you would not, even

with

20 all of your training and knowledge, be able to say

that

21 one is expired and that one is cast off?

22 A. Again, it would depend. If there

are

23 air bubbles, which is quite frequent with expired

24 blood, even after the air bubble burst, you are able

to

25 identify that.

1 Q. Of course, that is expired  
blood

2 that comes out of the mouth, isn't it?

3 A. Well, now, if it is air also  
pushing

4 it out of the wound, would there not be air mixed  
with

5 it? I believe it could be either way.

6 Q. It could. It could be air  
mixed, or

7 could not be air mixed.

8 A. Sure.

9 Q. And, as a matter of fact, that is  
one

10 of the things in expired blood, that you look for  
is,

11 is it a little bit pinker in color?

12 A. If it is coming from the mouth,  
yes,

13 sir.

14 Q. That could be a telltale sign of  
some

15 oxygen in that drop?

16 A. Well, it is mixed with saliva,  
17 typically, is what you are identifying that with.

18 Q. But that is not always true  
either?

19 A. Not 100 percent, no, sir.

20 Q. All right. So, we have said that  
the

21 stains -- and maybe we ought to circle these. And  
let

22 me -- let's talk about the first one -- you know, I  
have

23 drawn a circle around that whole area?

24 A. That we first talked about?

25 Q. Yes, sir.



1                   A.     Yes, sir.

2                   Q.     And I will call that 1.  And then  
the  
3     next area we talked about is, here?

4                   A.     In that general area, yes, sir.

5                   Q.     Is 2, correct?

6                   A.     Yes, sir.

7                   Q.     Okay.  Now, this area, sort of  
between  
8     those, is that a transfer?

9                   A.     I can't see where you are  
pointing.

10                  Q.     Okay.

11                  A.     I wouldn't necessarily call that  
a  
12     transfer.  It looks to me like there has been a  
deposit  
13     of blood and then something has come in contact,  
smearing  
14     the blood.

15                  Q.     Okay.

16                  A.     It's a transfer beside it, but  
there  
17     is a deposit of blood first.

18                  Q.     Again, that is consistent with

there

19 being blood on the carpet and then some object  
dragging

20 through it, or pushing over it, or somehow coming in  
21 contact with it?

22 A. Yes, sir.

23 Q. All right. Let's talk about  
these

24 here. Is that a fair group to talk about, before I

put

25 my circle on there?

1 A. I would guess so, I mean --

2 Q. I'm going to call that 3. Those  
drops

3 you would call what velocity?

4 A. They are probably going to be  
close to

5 a low velocity, very close to what you have got on  
the

6 kitchen floor. The absorbency of the carpet is the  
7 reason that they are not as large.

8 Q. All right. And, in that  
instance, can

9 you tell directionality with those kind of drops in  
a  
10 carpet-type of fabric?

11 A. Typically, no.

12 Q. All right. Those drops in Number  
3,

13 would be consistent with Mrs. Routier coming to help  
her

14 child and dropping blood?

15 A. Well, it could be consistent with  
16 that, yes.

17 Q. Okay. And again, the area that  
we're

18 talking about in these photos is in the family room  
on

19 the other side of the coffee table, am I right?

20 A. On which side -- yes, sir. Yes,  
sir.

21 I thought you were pointing to the other side.

22 Q. On what I call the fireplace  
side?

23 A. Yes, sir.

24 Q. Okay. Mr. Bevel, you first  
looked at

25 the T-shirt in Dallas on the 9th -- I'm sorry, the  
11th

1 of September. And did you take notes at that time  
of  
2 what your observations were?

3 A. Well, the only thing that would  
have

4 been marked at that point was some of the circles  
around

5 stains that I requested the analysis to be done on.

6 Q. Did you make a sketch?

7 A. Yes, sir.

8 Q. And at that time in your sketch,  
you

9 noted some marks on the front, right shoulder?

10 A. Yes, sir.

11 Q. Of the T-shirt?

12 A. Yes, sir.

13 Q. And some on the back?

14 A. Yes, sir.

15 Q. I was curious. You

didn't note any on

16 the left shoulder.

17 A. On that date, I did not.

18 Q. Why is that? Did you

just overlook

19 them?

20                           A.     No, I didn't necessarily  
overlook  
21    them.  I was looking for those that were  
consistent with  
22    an impact into the clothing that could  
either be spatter  
23    or cast-off.

24                           And you could have kept  
circling  
25    samples all day long and those were just  
simply the ones

                          Sandra M. Halsey, CSR, Official Court  
Reporter

1 that I thought were the most promising as  
far as trying

2 to determine whose blood it was.

3 Q. Most promising for the  
prosecution?

4 A. Most promising to  
determine who it was

5 that was consistent with that impact of  
cast-off.

6 Q. All right. Let's -- I'm  
going talk

7 briefly about this.

8

9 MR. RICHARD C. MOSTY: I  
am not going

10 to be long enough for you to -- if you want  
to, you can,

11 but --

12 MR. GREG DAVIS: That is  
all right.

13

14 BY MR. RICHARD C. MOSTY:

15 Q. You -- after you looked  
at the shirt,

16 you formed some opinions about what you had

observed?

17 A. Yes, sir.

18 Q. Okay. And, then at a  
subsequent time

19 and I think you have testified about this,  
you went and

20 made a demonstration to show -- to  
demonstrate what your

21 opinion was?

22 A. To demonstrates that  
that can occur.

23 Q. Okay.

24 A. In my opinion, yes, sir.

25 Q. And you did that by  
means of a video

Sandra M. Halsey, CSR, Official Court  
Reporter

3528



1 that you prepared?

2 A. A video was taken, yes,  
sir.

3 Q. Okay.

4  
5 (Whereupon, the  
following

6 mentioned item was  
7 marked for  
8 identification only  
9 after which time the  
10 proceedings were  
11 resumed on the record  
12 in open court, as  
13 follows:)

14

15 BY MR. RICHARD MOSTY:

16 Q. And, I'm going to hand you,  
Mr. Bevel,

17 what I've marked as Defendant's Exhibit 59.

And ask you

18 if you believe that to be a copy of your video  
19 demonstration that you prepared, is it?

20 A. I believe so.

21 Q. All right.

22

23

MR. RICHARD C. MOSTY: Your

Honor, at

24 this time, we would like to play this video.

25 THE COURT: All right. Just  
a minute,

Reporter Sandra M. Halsey, CSR, Official Court

3529

1 Mr. Mosty. I'm trying to have that noise  
stopped.

2 All right. You can move it  
out there.

3 Get it ready.

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

5 offer Defendant's Exhibit 59.

6 MR. GREG DAVIS: No  
objection.

7 THE COURT: Defendant's  
Exhibit 59 is

8 admitted. I think we have stopped the noise.

9  
10 (Whereupon, the item  
11 Heretofore mentioned  
12 Was received in evidence  
13 As Defendant's Exhibit No.

59  
14 For all purposes,  
15 After which time, the  
16 Proceedings were resumed  
17 As follows:)

18

19 BY MR. RICHARD MOSTY:

20 Q. All right. I started it.

Let me

21 play -- let me rewind it. And before we start

let me --

22 does it appear -- did you make me a full copy

of your

23 video?

24 A. Of what I had, yes, sir.

25 Q. Okay. And, let me just play  
it

Reporter Sandra M. Halsey, CSR, Official Court

3530

1 through, and then maybe we will talk about it  
some.

2 A. That will be fine.

3 Q. Okay.

4 A. Okay.

5

6 (Whereupon, the  
videotape.

7 was played for the  
jury,

8 after which time, the

9 proceedings were

10 resumed on the

record,

11 as follows:)

12

13 BY MR. RICHARD MOSTY:

14 Q. If I understand correctly, the  
second

15 experiment that you referred to there, the camera  
broke.

16 A. I turned the camera off, replaced  
the

17 T-shirt and upon trying to turn it back on, it did  
not

18 come on.

19                           Q.     Okay.  So, and we could play this  
20     again because I am not sure some of the jury heard  
all of  
21     it, but the first part of this is an experiment where  
you  
22     are focussing on throwing the blood onto your back,  
that  
23     is what you are trying to do?

24                           A.     I'm trying to see if it will go  
there,  
25     yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

1                   Q.     Okay.  And the second one is where  
you

2     are really trying to see what it does out in front of  
3     you?

4                   A.     In front and in back.

5                   Q.     Okay.  All right.  Let's play it  
6     again.  It looks like it's about two minutes  
long?

7                   A.     Yes, sir.

8                   Q.     Okay.

9

10                   (Whereupon, the Videotape  
11                   was played for jury, in  
12                   open court, which is  
13                   Defendant's Exhibit No. 59,  
14                   after which time the  
15                   proceedings were resumed  
16                   on the record, as follows:)

17

18     BY MR. RICHARD C. MOSTY:

19                   Q.     Let me stop.  Where I just  
stopped,

20     that was the end of the first experiment, am I  
right?

21     I'm sorry, demonstration.

22                   A.     Well, I'm not even sure that it  
was  
23   absolutely the end.  There were several times that  
this  
24   was done and that was not videoed for all of them.  
25                   Q.     I'm sorry, the end of the video.

Sandra M. Halsey, CSR, Official Court Reporter

3532



1 A. Yes, sir.

2 Q. On that part.

3 A. Yes, sir, that's correct.

4 Q. And that second part where there  
was a

5 flash where you were trying to do a strobe?

6 A. I was trying to use a high speed  
7 strobe to actually stop some motion, but it was not  
quite

8 fast enough.

9 Q. But both of those were all sort  
of the

10 one demonstration?

11 A. Yes, sir.

12 Q. And again, you have, there are a  
few,

13 maybe -- how many times on the film?

14 A. On this one?

15 Q. Three?

16 A. Facing one direction, there's at  
least

17 two, and the other direction at least two, one of  
them

18 maybe three, I'm not sure.

19 Q. Okay. And, but there were -- you  
did

20 a lot of other things that same day. I mean, those

--

21 that were not on the video?

22 A. That is correct.

23 Q. And you did multiple times with

this

24 movement?

25 A. Without re-wetting the knife,  
yes,

Sandra M. Halsey, CSR, Official Court Reporter

3533

1 sir.

2 Q. And in all of those you were  
getting

3 the knife, essentially as far back as you could get  
it,

4 were you not? As far as your arm would reach?

5 A. It was a good swing, I believe  
that I

6 could have gotten it back further.

7 Q. But in any event, it's beyond --  
what

8 would that be, beyond the vertical?

9 A. Yes, sir, it would be.

10 Q. And, when a knife goes like that,  
the

11 point of stopping of the knife -- for instance, if  
it's

12 the point that cast, where that -- the direction  
that

13 that point is moving at the time the drop separates  
from

14 the knife, that is the direction that the blood drop  
15 flies?

16 A. Well, we have to be careful here.  
If

17 you're talking about while it is still in motion and  
now

18 it actually stops?

19 Q. I'm talking about when the drop  
exits

20 the knife?

21 A. Yes, sir.

22 Q. That the direction that --  
assuming

23 it's off the point. If the point is moving like  
that,

24 then, the drop is initially, until gravity -- is  
going to

25 head that direction?

Sandra M. Halsey, CSR, Official Court  
Reporter

3534

1                   A.     Yes, sir.

2                   Q.     And if I stop like that, then  
the  
3     motion is up (indicating)?

4                   A.     Could be, yes, sir.

5                   Q.     Are you a fisherman?

6                   A.     Not really.

7                   Q.     Okay.  Then, I guess I can't talk  
to  
8     you about that direction.  But it's the same  
principle,  
9     is it not, that the direction that the object is  
moving,  
10    is the direction that it initially starts heading?

11                  A.     At the point of separation, yes,  
sir.

12                  Q.     So, if I come back like this,  
then  
13    that is going to be the movement?  (Attorney  
14    demonstrating.)

15                  A.     Some of it would be, yes, sir.

16                  Q.     And have I sort of -- that is the  
17    direction of the point?

18                  A.     Yes, sir.

19                  Q.     If I come like this, then it's

going

20 to go up?

21 A. Some of it can do that, yes, sir.

22 Q. If I go like this,

also some of it may

23 go out in front?

24 A. Certainly.

25 Q. And that is the next  
experiment we're

Sandra M. Halsey, CSR, Official  
Court Reporter

3535

1 going to see?

2 A. Yes, sir.

3 Q. Okay.

4

5 (Whereupon, the

Videotape

6 played for the jury,

7 which is

Defendant's

8 Exhibit No. 59,

after

9 which time, the proceedings

10 were resumed as follows:)

11

12 BY MR. RICHARD C. MOSTY:

13 Q. And again, the -- in your work  
there,

14 including all, but not limiting myself to the ones  
that

15 were videoed, in all of those you first, before  
starting

16 your swings, loaded the knife fully?

17 A. That would be correct.

18 Q. And of course, you know, do you  
not,

19 that if someone is stabbed, that the skin actually

has

20 sort of a cleansing effect?

21 A. That can happen, yes, sir.

22 Q. And that, in fact, even though  
there

23 might be blood there, the skin just as it comes out

24 cleans that knife off?

25 A. That is something that can occur,  
yes,

Sandra M. Halsey, CSR, Official Court Reporter

3536



1 sir.

2 Q. And, in the video, you were  
trying to

3 throw blood onto the wall and onto your back?

4 A. Yes, sir.

5 Q. Of course, if I change that a  
little

6 bit and stab like this, (indicating), then you  
wouldn't

7 have gotten the results that you got, would you?

8 A. They would have been in a  
different

9 location.

10 Q. They would have been over here  
11 somewhere?

12 A. Some of them would, yes, sir.

13 Q. Some of them would be out there?

14 A. They would.

15 Q. But you wouldn't expect any  
behind?

16 A. Well, I don't think I can state  
that.

17 Depends on how far you are going.

18 Q. That's right. But come back  
here.

19 But somehow or another I have to get that direction

20 coming around behind my back?

21 A. Coming back, yes, sir.

22 Q. If I do like this, it's never  
going to

23 be on the back.

24 A. It is certainly much less

probable,

25 what you just did, would ever be there.

Sandra M. Halsey, CSR, Official Court Reporter

3537

1 Q. And, of course, I guess it's  
somewhat  
2 depends on how you hold that knife. How did you  
choose  
3 to hold it?

4 A. I held it different ways at  
different  
5 times. The ones in the video is actually to the  
side,  
6 kind of like you're holding it there.

7 Q. Like that?

8 A. Yes, sir.

9 Q. And of course, that can have a  
10 difference too, on how you hold that knife could  
have a  
11 difference on where the blood is slung?

12 A. Well, you are going to have more  
of a  
13 factor on how it's slung rather than how it's held.

14 Q. Yeah, how it's slung is so  
important,  
15 isn't it?

16 A. It is a factor, yes.

17 Q. Of course, the volume of the  
blood is

18 very important, too, isn't it?

19                   A.     That was the reason I was  
concerned

20 that we got all the dripping off.

21                   Q.     Well, but even so, the volume of  
the

22 blood -- I can sit here with my pen and dip it in  
red

23 food coloring and red food coloring would have

24 essentially the same effect as blood, wouldn't it, in  
25 terms of the directionality and --

Sandra M. Halsey, CSR, Official Court Reporter



20 MR. GREG DAVIS: Well, that's kind  
of

21 the way we do things, isn't it?

22 THE COURT: I think so.

23 MR. GREG DAVIS: I'll object to it

24 being shown. It's not in evidence. I'll object to

it as

25 hearsay.

Sandra M. Halsey, CSR, Official Court Reporter

3539

1 THE COURT: Sustained. Let's move  
on.

2

3 BY MR. RICHARD C. MOSTY:

4 Q. Would you agree with me, that if I  
5 take a knife and I load it with blood, and the  
first

6 time -- and I throw it, that there on the first  
throw,

7 there would be more spatters than the second, than  
the

8 third, and the fourth?

9 A. Yes, sir.

10 Q. And that is because the volume  
of

11 liquid on the knife is being reduced?

12 A. It is decreasing, that is  
correct.

13 Q. And so, that next set of  
spatters is

14 going to tend to be smaller in decreasingly smaller  
15 numbers?

16 A. Smaller numbers.

17 Q. And likely smaller size?

18 A. That is not always true. But,

it

19 certainly could correlate that way.

20 Q. And in this instance, of course,

if I

21 throw it like this, these here likely are going to

be 90

22 degrees?

23 A. When it's coming off of the

knife,

24 when it's at a 90-degree angle, yes, sir.

25 Q. And then as they go down, there's



1 going to start showing some directionality?

2 A. Yes, sir.

3 Q. More so and more so?

4 A. Well, all of them are showing  
5 directionality, they simply become more elongated as  
you

6 go further down.

7 Q. Okay. And in your instances, in  
your

8 demonstrations, you -- as you come up, you actually  
threw

9 blood out onto an area in front of you, didn't you?

10 A. That is correct.

11 Q. Three feet or so?

12 A. Yes, sir.

13 Q. And as a matter of fact, very  
often,

14 there's blood on the ceiling?

15 A. Well, not in my experiments but,  
yes,

16 in a lot of crime scenes you will see it on the  
ceilings.

17 Q. And in your experiments you  
didn't

18 look for blood on the ceiling?

19 A. I certainly did.

20 Q. In the video?

21 A. Not with the video, but with my  
eyes.

22 Q. Okay. And how -- you looked for  
blood

23 on the ceiling of those experiments that we saw  
here?

24 A. I certainly did, sir.

25 Q. Was there any?

1 A. No.

2 Q. It's not true that there is  
always

3 blood on the ceiling with that kind of motion?

4 A. Certainly not.

5 Q. Let me ask you this: Does it  
make a

6 difference or might it make some difference in the  
size

7 depending on the volume of blood, but are these  
general

8 propositions true, no matter what the casting object  
is,

9 that there will be a casting probably there, there,  
there

10 and depending on how far back you go, and that  
principle

11 stays uniform?

12 A. Yes, sir.

13 Q. So, if I cast with a hammer, or a  
14 club, or a knife, or a pen, or a finger, those  
similar

15 principles would be true?

16 A. Similar, there would be some  
17 differences specifically in volume.

18 Q. Right. But as far as the spatter  
you

19 would expect in terms of some 90 degree and in the  
20 directionality, that principle would not change?

21 A. That is correct, sir.

22 Q. You said that these stains on the  
23 T-shirt on the right shoulder were consistent with  
the

24 right-hand stab that Mr. Davis did?

25 A. Yes, I said it could be consistent

1 with that, yes, sir.

2 Q. That is one of the possibilities?

3 A. That is correct.

4 Q. And you said that that same  
5 right-handed motion is consistent with the left  
shoulder?

6 A. With one of them that is over  
there,

7 you have to angle -- the lower stain, you have to  
angle

8 the shoulder slightly in order to get it there. So  
it

9 can't be the same position as the --

10 Q. All right. So if I'm -- on the  
one,

11 for the right shoulder, I have got one movement?

12 A. Yes, sir.

13 Q. But to get it on the other  
shoulder,

14 does this shoulder have to turn like this?

15 A. I don't believe it is that --

16 Q. That dramatic?

17 A. No, sir, that's correct.

18 Q. But it's some -- instead of  
being

19 square, for it to get over here, there has to be  
some

20 kind of movement like this?

21 A. For one of the stains, which is  
the

22 lower one.

23 Q. The lower one?

24 A. Yes, sir.

25 Q. And what about the upper one?

Sandra M. Halsey, CSR, Official Court Reporter

3543

1                   A.     The upper one, you don't have to  
have

2     that canted movement.

3                   Q.     Could be like this?

4                   A.     Yes, I would say that, yes, it  
could.

5                   Q.     Even though that knife blade is  
going

6     up like this?

7                   A.     Well, now, you just changed it.  
If

8     you are going off to the side --

9                   Q.     Well, I'm talking -- I want you  
to

10    watch the end of the knife blade.

11                  A.     Yes, sir.

12                  Q.     I'm not so much interested in my  
hand.

13    Am I far enough back, compared to your experiments?

14                  A.     Well, I don't think so, but,  
certainly

15    that --

16                  Q.     Like that?

17                  A.     That is certainly within it.

18                  Q.     Okay. And, the lower stain is

which

19 direction?

20 A. I believe that it is slightly up,  
21 going toward the left.

22 Q. Slightly up going to -- did you  
ever

23 make any notes of that?

24 A. Not that I recall.

25 Q. The left shoulder. Did you make  
any



1 measurements of it?

2 A. Of those things, I did not  
measure

3 them.

4 Q. Okay. So the lower one is  
slightly

5 left, meaning that way?

6 A. No, sir.

7 Q. Left meaning --

8 A. Well, toward the center of the  
body,

9 slightly that direction, yes, sir.

10 Q. Towards the center of the body,  
but

11 going up?

12 A. In an upward trajectory, as best  
I

13 remember, yes, sir.

14 Q. And that one is consistent with  
what?

15 A. I couldn't rule it out from  
either a

16 cast-off or a spatter.

17 Q. It's going in this direction; am  
I

18 about right?

19 A. A little bit more upward. And  
again,

20 I think it would be best to look at the photograph,  
but

21 that is going to be close.

22 Q. And this motion, you say can  
cause

23 that upward stain?

24 A. With the way that you swung the  
knife,

25 I would say likely not.

1 Q. Isn't that -- is that the way Mr.  
2 Davis demonstrated it?

3 A. Well, I'm not sure exactly, but  
if it  
4 is --

5 Q. That motion wouldn't create this  
6 stain, would it?

7 A. The exact motion that you just  
did  
8 would not. As you start coming closer to mid-point,  
it  
9 is certainly getting to be more possible.

10 Q. Okay. Let's say I do almost a  
back  
11 hand?

12 A. Yes, sir.

13 Q. Would that cause it?

14 A. It certainly could.

15 Q. Well, it seems to me like that  
still  
16 would be this way?

17 A. Well, again, we have to take  
into fact  
18 the parabolic arc that is occurring.

19 Q. Parabolic arc doesn't change

20 direction?

21 A. It doesn't?

22 Q. Doesn't change the direction

that

23 thing is moving.

24 A. Well, it certainly does.

25 Q. Once an object is in motion,  
it's

Sandra M. Halsey, CSR, Official Court Reporter

3546

1 going to go straight, except it's going to drop;  
isn't

2 that right?

3 A. Well, yes, sir, all of that is a  
4 change in direction.

5 Q. Okay. But this, this  
directionality

6 is not going to change?

7 A. Once it impacts, that is  
correct.

8 Q. Well, once it's airborne, unless  
9 something interferes with it, like wind?

10 A. Well, again, once you start  
talking

11 about the parabolic arc, it's a continual change in  
12 direction.

13 Q. Well, but that is in a downward  
14 direction, isn't it?

15 A. Yes, sir.

16 Q. Okay. It's not going to change  
the

17 direction from this to this?

18 A. Oh, I understand your point, yes,  
sir,

19 I agree with that.

20 Q. And now, the other stain on the  
left  
21 shoulder?  
22 A. Yes, sir.  
23 Q. Is consistent with -- how did you  
24 describe it?  
25 A. With either blood spatter from an

Sandra M. Halsey, CSR, Official Court Reporter

3547

1 impact to a blood source or cast-off.

2 Q. You were not able to tell?

3 A. No, sir.

4 Q. And, those stains that you have  
just

5 described in each instance are a mixed blood?

6 A. Yes, sir.

7 Q. That would mean that in order for  
this

8 occurrence to happen, that all three of these people  
have

9 to be bleeding; Devon, Damon and Mrs. Routier?

10 A. Well, two of them for one stain  
and

11 two of them for the other, certainly.

12 Q. Right. So that in those -- the  
13 possibilities that you have described, if that  
happens,

14 that before it happened, Mrs. Routier would have to  
have

15 her own blood on this knife?

16 A. If it is a single occurrence.

17 Q. Right. Well, for each  
single

18 occurrence. Let's just talk about each

single

19 occurrence.

20 Before the top one, she would  
have to

21 have her blood and Damon's, before this spatter  
occurred?

22 A. I'm sorry, sir, I cannot see  
what you

23 are pointing to.

24 Q. Okay. Red is Damon's blood.

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court  
Reporter

3548



1                   Q.     For that to spatter, to have  
both

2     blood, she would -- Damon would have to be  
stabbed?

3                   A.     There has to be his  
blood bleeding,

4     yes, sir.

5                   Q.     And Mrs. Routier  
would have to be

6     stabbed?

7                   A.     Both of them would  
have to be

8     bleeding.

9                   Q.     And for Mrs. Routier  
to have a

10    significant amount of blood on that  
knife, she would have

11    had to have cut her throat?

12                  A.     Well, I can't agree  
with that

13    wholeheartedly.

14                  Q.     Do you think that  
self-inflicted

15    wounds to an arm, punctures, that those  
would create

16 sufficient blood to where that  
combination would happen?

17 A. I can't rule that  
out, no.

18 Q. You can't rule it in,  
can't rule it  
19 out?

20 A. Correct.

21 Q. But in any event,  
there had to be  
22 sufficient blood to get that mix?

23 A. Yes, sir.

24 Q. And that is true of  
the other one,  
25 which is Devon's blood?

Sandra M. Halsey, CSR, Official  
Court Reporter

3549

1 A. Yes, sir.

2 Q. That by the time  
these two stains were

3 there, all three of these people had to  
be bleeding?

4 A. Yes, sir.

5 Q. And that is true on  
the right shoulder

6 as well?

7 A. Yes, sir.

8 Q. Okay. Now, let's  
talk about the right

9 shoulder. Those are upward cast-offs?

10 A. The ones that are on  
the right front?

11 Q. Right front shoulder.

12 A. Yes, sir.

13 Q. And the direction of  
those is what?

14 A. Upward.

15 Q. Straight upward?

16 A. I don't know that I  
can say they are

17 perfectly straight upward, but they are  
in an upward

18 trajectory.

19

20

MR. RICHARD C. MOSTY:

Do you want to

21 look at this?

22

MR. GREG DAVIS: We

object to that as

23 hearsay.

24

MR. RICHARD C. MOSTY:

Let me go

25 through my offer.

Sandra M. Halsey, CSR, Official  
Court Reporter

3550

1 THE COURT: Okay.

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. RICHARD C. MOSTY:

14 Q. Let me show you Exhibit 60, Mr.  
Bevel,

15 and ask you if you can identify that?

16 A. Yes, sir.

17 Q. Okay. That is an enlargement of  
your

18 notes?

19 A. It is.

20 Q. And it has the description of  
what you

21 observed on the right shoulder in the back of the  
shirt?

22                           A.     Yes, sir.

23

24                           MR. RICHARD C. MOSTY:  We would

offer

25     60, your Honor.

Sandra M. Halsey, CSR, Official Court Reporter

3551

1 THE COURT: Any objection?

2 MR. GREG DAVIS: No, I'm not  
going to

3 object. That's fine.

4 MR. COURT: All right. That is  
5 Defendant's Exhibit No. what?

6 MR. RICHARD C. MOSTY: Sixty.

7 THE COURT: Defendant's Exhibit  
60 is  
8 admitted.

9  
10 (Whereupon, the above  
11 mentioned item was  
12 received in  
evidence

13 as Defendant's  
Exhibit

14 No. 60, for all  
purposes,

15 After which time, the  
16 proceedings were  
17 resumed,  
18 as follows:)

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Exhibit 60, Mr. Bevel, is what?

22                           A.     That is some notes that I took in  
23   reference to some of the bloodstains that I  
requested to

24   have analysis on.

25                           Q.     Okay.  And these are describing  
the

Sandra M. Halsey, CSR, Official Court Reporter

3552



1 right shoulder stain and the left shoulder stain and  
the

2 back --

3 A. Yes, sir.

4 Q. -- stains? And, in that the  
stains

5 that we are talking about as the yellow and green  
one is

6 your number, what?

7 A. Well, let me look there.

8 Q. Okay.

9 A. Let me double-check the number  
right

10 quick.

11 Q. Do you want to look at this note?

12 A. All right. I'm sorry, the mix on  
the

13 stains you are referring to, is what?

14 Q. Right shoulder?

15 A. No, I mean the participants, the  
16 people that are bleeding.

17 Q. Damon. Now, let's go to the top  
one.

18 A. Okay.

19 Q. Damon?

20 A. Okay. And mom?

21

Q. Right.

22

A. That is TB-2.

23

Q. That is TB-2. And you showed

TB-2 to

24 be in your chart, in what direction?

25

A. Upward and slightly, just very

Sandra M. Halsey, CSR, Official Court  
Reporter

3553

1 slightly toward the mid-center.

2 Q. Okay. And 3 is that shown on  
Exhibit

3 120, your Number 3?

4 A. Yes, sir. That would be, I  
believe,

5 T-10 which is a mix of Devon and mom.

6 Q. Okay. T-10, that is in your  
second

7 round of samples?

8 A. No, sir.

9 Q. Okay. Well, did you draw  
another

10 sketch? This one only goes as high as --

11 A. I'm sorry T-10 is the number  
they have

12 assigned. It is TB-3. I'm sorry, because we  
used so

13 many numbers it gets confusing.

14 Q. All right. I agree. TB-3 is  
yours

15 here?

16 A. That is correct, sir.

17 Q. A little bit higher on the  
shoulder?

18 A. That is correct.

19 Q. And that is upward in a --  
20 A. Slightly toward midline.  
21 Q. Okay. So, the higher one is  
sort of  
22 in this, is that fair?  
23 A. Similar, yes.  
24 Q. Okay. And, it's upward?  
25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court  
Reporter

3554

1 Q. And your statement is that  
this motion

2 can cause that?

3 A. Yes, sir.

4 Q. And this motion that I am  
doing is

5 actually -- is more pointing out that way, isn't  
it?

6 A. The more you go to a side  
swing, the

7 less probable it is.

8 Q. Um-hum. (Attorney nodding  
head

9 affirmatively).

10 And to get -- if you come like  
this,

11 you can, you are pretty much in line with it?

12 A. Certainly.

13 Q. And the more I go straight  
vertically,

14 I am off-line with it?

15 A. Well, you are certainly off-  
line, but

16 you are more off-line whenever you start doing  
the strike

17 off.

18 Q. The farther I go out this way,  
the

19 farther off-line I get with that?

20 A. That is correct.

21 Q. And in your experiments, is  
this

22 pretty much how you did it?

23 A. I would say that is similar.

24 Q. Okay. And it's sort of on the  
outside

25 of my shoulder here?

Sandra M. Halsey, CSR, Official Court  
Reporter

3555

1 A. Yes, sir.

2 Q. Now, let's turn to the back of  
the  
3 shirt now, which is this on the right side here.  
4 On the back of the shirt,  
you  
5 identified four areas, am I right?

6 A. That is correct.

7 Q. Okay. And, they, are more or  
less,  
8 right, back shoulder?

9 A. Yes, sir.

10 Q. Fair enough. Right, back  
shoulder,  
11 sort of more toward the middle?

12 A. Yes, sir.

13 Q. A little bit lower?

14 A. Yes, sir.

15 Q. This one over here is on the  
left  
16 shoulder?

17 A. That's correct.

18 Q. And that one is going in that  
19 direction?

20 A. That is correct.

21 Q. And then you have six that are  
going

22 down that way?

23 A. That's correct.

24 Q. So you have one going that  
direction?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

3556



1 Q. One going that direction?

2 A. Yes, sir.

3 Q. One going that direction?

4 A. Yes, sir.

5 Q. And one going that direction?

6 A. Yes, sir.

7 Q. So they are all different  
directions

8 to those?

9 A. Slight difference.

10 Q. As you drew them up, they are?

11 A. That is correct.

12 Q. Of course, some of them are  
fairly

13 significant, like 7 is a pretty significantly  
different

14 direction, isn't it?

15 A. It is a different direction. I  
don't

16 know, it's not drastically different. It is  
significant,

17 yes.

18 Q. That was my question. Now, when  
we

19 were in Oklahoma, you thought that those stains had

mixed

20 blood on them, didn't you?

21 A. That is correct. Some of the

lower

22 stains, at that point, I thought was a mixture of

Darlie

23 and one of boys.

24 Q. Okay. And now, these stains are

all

25 at different angles, aren't they?

Sandra M. Halsey, CSR, Official Court Reporter

3557

1                   A.     They are at slightly different  
angles,

2     yes, sir.

3                   Q.     Well, from 65 degrees to 18  
degrees,

4     is that a slight difference?

5                   A.     You are talking about the impact,  
not

6     the direction.

7                   Q.     What -- how do you measure  
direction?

8                   A.     You identify the long axis of the  
9     stain and follow it.

10                  Q.     And then from that you determine  
the  
11     angle of impact?

12                  A.     Not just from that, no, sir.

13                  Q.     Well, you do that, you take that  
and

14     then you go to your co-sign tables and you make that  
15     determination?

16                  A.     You first have to measure the  
short

17     axis as well as the long axis.

18                  Q.     Okay. And how does that --

19                           A.     Then you can go to a table and  
20    identify the impact angle.

21                           Q.     Okay.  And I have taken the  
liberty of  
22    doing that.

23   Number 8, is a 65 degree angle,  
isn't

24    it?

25                           A.     By the measurements, and we have  
to be

Sandra M. Halsey, CSR, Official Court Reporter

1 very careful here because we have to talk about the  
2 surface that it's on as well as the impact angle that  
3 it's calculated to.

4 Q. And that core surface can cause  
you

5 some -- to skew your liability of your angle?

6 A. It certainly can.

7 Q. Okay. But in this instance, you  
wrote

8 65 degrees for No. 8, didn't you?

9 A. Yes, sir, I did.

10 Q. Okay. No. 7, have you calculated  
11 that?

12 A. I did not calculate any other than  
the

13 No. 8.

14 Q. Would No. 7 appear to you to be at  
15 about 10 degrees?

16 A. Well --

17 Q. Number 7 is 3 by 17 millimeters?

18 A. That is correct, sir.

19 Q. Okay. Tell me if that calculates  
to

20 be 10 degrees?

21 A. Yes, sir.

22 Q. Okay. And, you want to do 5 --

does

23 it calculate to be 30 degrees?

24 A. Yes, sir.

25 Q. And does 6 calculate to be 19  
degrees?

Sandra M. Halsey, CSR, Official Court Reporter

3559

1 A. I'm sorry. Calculate to be what?

2 Q. 19 degrees.

3 A. 19 degrees, yes, sir.

4 Q. So, on 8, we're -- all right.

First,

5 just bear with me, I am holding this up straight.

6 A. Would you like for me to hold  
that?

7 Q. 90 degrees is like this. Hold it  
8 right there. If you need to step down, feel free to  
do

9 so. But on 8, 90 degrees means that, does it not?

10 A. Yes, sir.

11 Q. Okay. And 65 degrees?

12 A. That is going to be approximating  
it.

13 Q. Well, let's get a little closer.

14 A. Okay.

15 Q. I will let you verify with my  
16 instruments I've got a square, and see if I have  
marked

17 correctly on there each line representing 10 degrees  
18 difference.

19 A. They are going to be close enough

--

20 Q. For us to discuss?

21 A. Yes, sir.

22 Q. So you will feel comfortable?

23 A. Yes, sir.

24 Q. All right. So, if 8 is at 90  
25 degrees -- can you see my lines?

Sandra M. Halsey, CSR, Official Court Reporter

3560



1 A. Yes, sir.

2 Q. That would be 80, that would be 70  
and

3 that would be 65?

4 A. Yes, sir.

5 Q. Is that a fair representation of  
that

6 angle?

7 A. Yes, sir.

8 Q. Okay. Five -- 5 which is how far  
from

9 8? Do you recall about?

10 A. In actual distance, no.

11 Q. Okay. Maybe I can do it like  
this: 5

12 is at a 30 degree angle, which is that?

13 A. Yes, sir.

14 Q. Okay. And would you say that is  
15 significantly different than the 65 degree  
angle?

16 A. As far as an impact angle,  
it

17 certainly is.

18 Q. Okay. Seven is 10  
degrees?

19 A. Yes, sir.

20 Q. Okay. This one is going to be  
a  
21 little hard for me, because it's going this  
direction.

22 A. Rotate that, it's still going  
to be  
23 the same.

24 Q. All right. There you go. I  
can't see  
25 my line. Is that about that angle, is that about  
10?

1 A. It's going to be close.

2 Q. Okay. So that one is coming from  
this  
3 angle that way?

4 A. And impacting, yes, sir, that's  
5 correct.

6 Q. And 6 --

7

8 MR. DOUGLAS MULDER: Richard, you  
9 can't see it over here.

10

11 BY MR. RICHARD C. MOSTY:

12 Q. Okay. Let's do that one again.

Am I

13 right about that?

14 A. What you are going to have to do  
is  
15 move this in this direction. You need to tilt it.

16

17 THE COURT: I don't think the  
jurors

18 can see that on the end down there.

19 MR. RICHARD C. MOSTY: I'm trying  
to

20 get it --

21 THE WITNESS: You can stand to

the

22 side and we can do the same thing.

23

24 (Whereupon, the witness  
25 stepped down from the

Sandra M. Halsey, CSR, Official Court Reporter

3562

1 witness box, and approached  
2 the jury rail, for the  
3 purpose of further describing  
4 the exhibit to the jury.)

5

6 MR. RICHARD C. MOSTY:

7 Q. All right. Am I about there?

8 A. Yes, sir.

9 Q. Okay. And that is a sharp angle?

10 A. It is quite a sharp angle.

11 Q. Significantly different than a 65  
12 degree angle?

13 A. It is significantly different,  
14 yes.

15 Q. Okay. And let's do 6 down there.

16 Is

17 that No. 6 at about 19 degrees? Is that --

18 A. That is going to be fairly  
19 close, yes,

20 sir.

21 Q. Is that about right?

22 A. Yes, sir.

23 Q. That is again, at a sharp angle  
downward?

A. That is correct.

Q. Now, Mr. Bevel, you would agree

with

24 me that this does not show a blood pattern, does

it?

25

typically

A. To describe a blood pattern,

Reporter Sandra M. Halsey, CSR, Official Court

3563

1 you have to have multiple stains that you can  
connect

2 with an occurrence, and those, you cannot do that,  
no,

3 sir.

4 Q. Okay. And that is the old  
adage of "a

5 few spatters -- a few spatters does not a pattern  
make"?

6 A. Well, I believe it says, "One  
pattern,

7 or one bloodstain does not a pattern make."

8 Q. I think McDonald says a few.

9 A. Well, he may. We will look at  
it.

10 Q. All right. Let's do that right  
now.

11 A. Okay.

12

13 (Whereupon, the witness

14 Resumed the witness

15 Stand, and the

16 Proceedings were resumed

17 On the record, as

18 Follows:)

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Let's me show you McDonald's  
book,

22 page 171, what he calls his general rule. The 20

23 Fundamental Rules of Blood Spatter Analysis, I  
believe.

24 And, number 9, does he make that statement, "It  
should be

25 remembered that a few spatters does not a pattern  
make"?

Reporter Sandra M. Halsey, CSR, Official Court

3564



1 A. He does say a few, yes, sir.

2 Q. Okay. All of those patterns on  
the  
3 back have at least somewhat different directions,  
4 sometimes a lot more than others and significantly  
5 different angles of impact.

6 A. Yes, sir, as calculated.

7 Q. And your stains that you  
identified as  
8 cast-offs on the shoulders are generally in an upward  
9 direction?

10 A. Yes, sir.

11 Q. And as a general rule, did you say  
12 that you did not agree that the greatest velocity is  
13 usually on the striking force?

14 A. I did state that, yes, sir.

15 Q. Okay. And you and McDonald don't  
16 agree on that, do you?

17 A. It depends on which volume you  
have,  
18 because he said it both ways.

19 Q. All right. My volume says that  
the  
20 greatest impact is -- that the greatest velocity is  
21 downward?

22 A. Well, he has also stated just the

23 reverse in the first text in the LEAA, in 1971.

24 Q. But in his third text and it was

--

25 this is the godfather of blood spatter. His third  
was

Sandra M. Halsey, CSR, Official Court Reporter

3565

1 in -- it was copyrighted in, when, '93?

2 A. I'm not sure of the year on this  
one.

3 Q. Okay.

4

5 THE COURT: All right. At this  
time

6 we will take another 10 minute break, please.

7

8 (Whereupon, a short

9 Recess was  
taken,

10 After which  
time,

11 The proceedings  
were

12 Resumed on the  
record,

13 In the presence  
and

14 Hearing of the  
defendant

15 And the jury, as  
follows:)

16

17 THE COURT: Are

both sides ready to

18 bring the jury in and continue with  
this witness?

19 MR. TOBY SHOOK:

Yes, your Honor, we

20 are ready.

21 MR. RICHARD

MOSTY: Yes, your Honor, I

22 believe we are ready now.

23 THE COURT: All

right. Let's bring

24 the jury back.

25

Sandra M. Halsey, CSR,  
Official Court Reporter

3566

1 (Whereupon, the  
jury  
2 Was returned to  
the  
3 Courtroom, and  
the  
4 Proceedings  
were  
5 Resumed on the  
record,  
6 In open court, in  
the  
7 Presence and  
hearing  
8 Of the defendant,  
9 As follows:)

10  
11 THE COURT: Let the record  
reflect

12 that all parties in the trial are present and the  
jury is

13 seated. Go ahead, Mr. Mosty.

14

15

16

CROSS EXAMINATION (Resumed)

17

18 BY MR. RICHARD C. MOSTY:

19 Q. Mr. Bevel, with respect to TB-  
20 8, a/k/a

21 T-15, those are the same things, aren't they?

22 A. Yes, sir.

23 Q. Now, it's now my understanding  
24 that

25 you expressed no opinion whatsoever about the

directionality of that spot of Devon's blood on  
the back

of Mrs. Routier's shirt?

Sandra M. Halsey, CSR, Official Court  
Reporter

3567

1                   A.     Well, that is entirely true.  
It's

2     either going up or down, certainly not going  
sideways.

3                   Q.     I'm getting in trouble for  
stealing

4     pens.  It's going --

5

6                   MR. DOUGLAS MULDER:  Do you want  
me to

7     hold that?

8

9     BY MR. RICHARD C. MOSTY:

10                  Q.     -- slightly toward the middle of  
the

11     back?

12                  A.     Yes, sir.

13                  Q.     Okay.  And it could be going down  
or

14     it could be going up?

15                  A.     That is correct.

16                  Q.     And of course, if it's going up,  
it's

17     inconsistent with all of the stabbing motions that  
you

18     have been describing?

19 A. It would.

20 Q. With each and every one of them?

21 A. That is correct.

22 Q. Okay. Now, that stain TB-15

(sic), on

23 Mrs. Routier's back, would that be consistent with a

24 paramedic going over and helping Devon Routier and

25 getting blood on him, and then coming, and, to the  
back

Sandra M. Halsey, CSR, Official Court Reporter

3568



1 of Mrs. Routier, and as he is reaching up, perhaps,  
cast

2 off some blood?

3 A. Okay. I may have misunderstood  
you.

4 Did you say TB-15?

5 Q. T-15, also known as TB-8.

6 A. TB-8. We are still talking about  
--

7 Q. I'm talking about 15, Devon's  
blood on

8 Mrs. Routier's back.

9 A. Okay. Identified as my TB-8?

10 Q. Right. T-15 on State's Exhibit  
121.

11 A. Yes, sir.

12 Q. Would that be consistent with a  
13 paramedic running to her and not paying much  
attention to

14 how his arms are going, but coming up to her to check  
15 her?

16 A. As long as, again, you have got  
the

17 arm in a consistent manner with the long axis. I  
could

18 not say that that is impossible.

19 Q. No. It would be consistent,  
wouldn't

20 it?

21 A. It could be consistent with that  
as

22 described.

23 Q. And it could be consistent with a

24 paramedic tending to Devon Routier, getting his

hands

25 bloodied, and popping off as he is coming to her,  
his

1 playtex -- his latex gloves?

2 A. I guess that's possible.

3 Q. That would cast blood off,  
couldn't

4 it?

5 A. It could.

6 Q. Those are all possibilities,  
aren't

7 they? That is consistent?

8 A. I cannot eliminate those as  
9 possibilities.

10 Q. And you cannot eliminate that as  
11 expired blood?

12 A. Well, in my opinion it is not  
13 expired blood.

14 Q. Okay. But you can't eliminate  
it?

15 You can't rule it out?

16 A. With 100 percent scientific  
certainty,

17 no, I could not.

18 Q. Of course, all of the blood  
spatter is

19 really something done within parameters, isn't it?

20 A. The majority of it, yes, sir.

21 Q. In your experiments in this  
video, you

22 proved that Tom Bevel could throw blood onto his  
back,

23 didn't you?

24 A. Yes, sir.

25 Q. A man of your knowledge of blood

Sandra M. Halsey, CSR, Official Court Reporter

3570

1 spatter was capable of doing that?

2 A. Certainly.

3 Q. The video does not prove that a  
woman

4 could do that, does it?

5 A. That video doesn't, no, sir.

6 Q. Okay. And in fact, good  
likelihood

7 that a woman's movement, of her arm, of a swinging  
motion

8 or whatever we want to call it, a woman's movement  
might

9 be significantly different than yours?

10 A. Any person's movement may be  
11 significantly different than mine. In studies of  
12 cast-off found on the back through the courses that  
we  
13 teach --

14

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

16 Honor, I'm going to object to him testifying --

17 MR. GREG DAVIS: I'm going to  
object

18 to him interrupting --.

19 THE COURT: Just let him answer  
the  
20 question. Answer the question.

21 THE WITNESS: In the  
experimentation  
22 of schools that are taught, we find that there is  
just  
23 about an equal difference between people that are  
casting  
24 blood onto their back, from old to young, from male  
to  
25 female, any of them are perfectly capable of doing  
that.

Sandra M. Halsey, CSR, Official Court Reporter

3571

1

2 BY MR. RICHARD C. MOSTY:

3 Q. Just about equal? What does that  
4 mean?

5 A. I would say within a range of  
about 40

6 to maybe 60 percent, it's going to fall within  
there.

7 Q. And where are these experiments  
done,

8 at your shop?

9 A. Well, all over the United States.

10 Q. Can you quote me one of those?

11 A. Can I quote you?

12 Q. Yeah, where I could go read that.

13 A. You bet.

14 Q. Who -- where do I get --

15 A. Mr. McDonald has a database  
16 specifically on that.

17 Q. Now, you are paid for your  
testimony,

18 are you not?

19 A. I am paid for my time.

20 Q. And, what is that rate?

21 A. It is, whichever is the lesser of

125

22 per hour or 15 hundred per day.

23 Q. And how much have you billed --

or

24 where are we right now as to how much the State owes

you?

25 A. I have not added it up nor have I

Sandra M. Halsey, CSR, Official Court Reporter

3572



1 billed them nor you.

2 Q. Where are we on -- how much time  
have

3 you spent on this?

4 A. I have not calculated it up.

5 Q. You can't give me an estimate?

6 A. I can calculate it up if that is  
what

7 you would like.

8 Q. Mr. Bevel, isn't it true that you  
9 recommend to people to write reports, to bloodstain  
10 analysts to write reports, isn't that true?

11 A. I do recommend that you write  
reports,

12 and I also recommend that you work with whoever it  
is

13 that has employed you, as far as that  
recommendation.

14 And that applies both to defense and prosecution.

15 Q. And, you agree that the analyst  
should

16 investigate and prepare reports in each case with an  
eye

17 on the witness stand, don't you?

18 A. Certainly.

19 Q. You teach that? You preach it?

20 A. Well, I don't know that I teach

or

21 preach it. I would not doubt but what I have stated

it

22 in lectures, yes, sir.

23 Q. Okay. And you would agree that

your

24 own report can sometimes come back to destroy you?

25 A. It can go either way.

1                   Q.     Okay.  And, that is why you talk  
about

2     how important reports are, isn't it?

3                   A.     I don't go around lecturing that  
4     reports can destroy you or make you.  A report is  
5     certainly important.

6                   Q.     You don't make that statement,  
that a

7     report may destroy you?

8                   A.     I can't state that I have never  
said

9     that.  I don't recall saying it specifically.

10                  Q.     Okay.  Of course, if you have not  
11     written a report, then you can remain flexible on  
the

12     witness stand, can't you?

13                  A.     Only as far as the notes that  
have

14     been provided to you and that I have written.

15                  Q.     Okay.  Well, that is the only  
thing

16     that could pin you down to some opinion, isn't it?

17                  A.     Well, I believe that the  
photographs

18     that have been taken at the various locations, the

video,

19 so it's not just simply a report, no, sir.

20 Q. Well, but the only thing that  
could

21 really pin down what your conclusions were before  
today

22 and before you testified would be if you had  
prepared a

23 report in advance that I could compare today to what  
you

24 testified to?

25 That would be the only way to  
really

1 pin you down, wouldn't it?

2 A. Well, I'm not sure that I can  
totally

3 agree with that. It would be a way of doing it,  
yes,

4 sir.

5 Q. Okay. And you go so far as to  
tell

6 police officers how to answer questions from defense  
7 attorneys, don't you?

8 A. I do do that, yes, sir.

9 Q. You go through things like, make  
sure

10 that you look at the jury during a long answer, and  
11 during a short answer, just look at the lawyer who  
is

12 asking you questions?

13 A. That is consistent with what is  
taught

14 in basic police training.

15 Q. Of course, you do that stuff,  
don't

16 you?

17 A. I try to, but I'm not as good at  
18 looking over at the jury as I should be.

19                           Q.     All right.  And matter of fact,  
you  
20    have said that every action in the courtroom must be  
used  
21    to your advantage?

22                           A.     I'm sorry.  When did I say that?

23                           Q.     You do not recall making that  
24    statement or writing that statement?

25                           A.     That -- say that again.

Sandra M. Halsey, CSR, Official Court Reporter

3575

1                   Q.     Every action in the courtroom  
should

2     be used to your advantage?

3

4                   MR. GREG DAVIS:   I'm going to  
object

5     unless we can go to a specific time and place where  
that

6     statement supposedly was made --

7                   THE COURT:   Sustain the  
objection.

8     Let's move on, please.

9

10    BY MR. RICHARD C. MOSTY:

11                   Q.     You don't recall making such a  
12     statement?

13                   MR. GREG DAVIS:   Same objection,  
14     unless he can cite a specific statement.

15                   THE COURT:   Same ruling.  Let's  
move

16     on.  Ask your next question.

17

18    BY MR. RICHARD C. MOSTY:

19                   Q.     Let me just sort of wrap up one  
thing

20 on this shirt. The fact of the matter is that a  
shirt is

21 significantly different than, for instance, this  
board?

22 A. Significantly.

23 Q. You know, and a lot of stuff is  
just

24 common sense, isn't it?

25 A. I say life is common sense.

Sandra M. Halsey, CSR, Official Court Reporter

3576



1 Q. But a lot of what you have said  
today

2 is just common sense, isn't it?

3 A. There is a good portion of it,  
yes,

4 sir.

5 Q. It's just got to stand the good  
test

6 of common sense?

7 A. A good portion of it, yes, sir.

8 Q. And the reason that that T-shirt  
is so

9 different than this board is that that T-shirt can  
be

10 moved?

11 A. So can the board.

12 Q. Um-hum. (Attorney nodding head  
13 affirmatively). But if I'm not touching it?

14 A. Well, if you're not touching the  
15 T-shirt, then the T-shirt isn't moving.

16 Q. Of course, you suspect that T-  
shirt

17 was on Mrs. Routier, don't you?

18 A. Yes, sir.

19 Q. Okay. And that is a moving

object,

20 isn't it? What is called a moving target?

21                   A.     If she is in motion and the shirt  
is

22 on her, then it is certainly moving.

23                   Q.     Okay. And those kinds of  
objects,

24 those kinds of targets and the conclusions you draw  
from

25 them should be viewed with great suspicion,  
shouldn't

1 they?

2 A. No, sir.

3 Q. They should be viewed with  
suspicion,

4 shouldn't they?

5 A. No, sir.

6 Q. No? Mr. Bevel, let me hand you a  
7 document. Ask you if you can identify that?

8 A. Yes, sir.

9 Q. Okay. May I have it back?

10 A. Yes, sir.

11 Q. In this document that you have  
12 identified, these are your statements, aren't they?

13 A. Mine and Ross Gardner's.

14 Q. Okay. Let me ask you if you and  
Mr.

15 Gardner made this statement, "The analyst should" --  
can

16 you see?

17 A. No, I can't.

18 Q. All right. "The analyst should  
19 investigate and prepare reports for each case with an  
eye

20 on the witness stand. Your own report could later

21 destroy you." Did you make that statement?

22                           A.     That is written there, yes, sir.

23                           Q.     Okay.  Who's statement is that?

Who

24    is Gardner?  I mean, you rely on Mr. Gardner?  He is

a

25    reputable fellow?

Sandra M. Halsey, CSR, Official Court Reporter

3578

1 A. I do.

2 Q. Whose statement is that, yours or  
3 Gardner's?

4 A. That book was written somewhere  
around

5 probably, now 10 years ago, and I'm not sure actually  
6 whose it is. But as far as thinking about what the  
7 defense attorney can do to you in reference to a  
report,

8 I don't disagree with that.

9 Q. Okay. Do you remember making the  
10 statement, "Every action in the courtroom must be  
used to  
11 your advantage"?

12 A. That is in reference to, for  
example,

13 how you walk up and hold your hand, how you swear,  
14 because every eye is on you, certainly I'm not going  
to  
15 do something like pick my nose, to take to my  
16 disadvantage.

17 Q. So you have identified that,  
because

18 you are a professional at testifying?

19 A. You certainly want to be

represented

20 as professional, yes, sir.

21 Q. Now, let's go to what got us  
started

22 on this. My question was, and you did not agree with  
it,

23 that stains found on objects capable of moving must  
be

24 viewed with suspicion.

25 That was the statement that you  
didn't

Sandra M. Halsey, CSR, Official Court Reporter

3579

1 agree with, wasn't it?

2 A. That was not my understanding.

3 Q. What was it?

4 A. We were talking about just simply  
the

5 T-shirt in motion, and as to whether or not my  
opinion as

6 to what that was consistent with, had to be treated  
with

7 great suspicion.

8 Q. Then I took the word out, "great,"  
and

9 I said just suspicion, didn't I?

10 A. I don't recall, you could have.

11 Q. Conclusions drawn about objects  
12 capable of moving, such as the T-shirt, should be  
viewed

13 with suspicion, shouldn't they?

14 A. Your opinion formed should be  
quite

15 careful, yes, sir.

16 Q. Okay. See if this is the  
statement

17 you made. "Stains found on any object which is  
capable

18 of motion during the assault must be viewed with  
19 suspicion. This is particularly true of stains  
found on  
20 the body of a victim. Stains on stationary objects  
21 should be considered the most reliable."

22 A. And they should be considered  
the most  
23 reliable, yes, sir.

24 Q. And stains on objects capable  
of  
25 moving should be viewed with suspicion?

Sandra M. Halsey, CSR, Official Court  
Reporter

3580



1                   A.     And there should be a parameter  
set  
2     whenever you are doing an impact angle, such as we  
did  
3     previously.

4                   Q.     If you wrote this again,  
you would add  
5     that parameter language?

6                   A.     When we are talking about  
these  
7     impacts on this stain, through the  
demonstration that you  
8     and I did, it certainly would be there.

9  
10                   MR. RICHARD C. MOSTY:   Pass  
the  
11     witness.

12  
13

14                   REDIRECT EXAMINATION

15

16     BY MR. GREG DAVIS:

17                   Q.     Mr. Bevel, if Mrs. Routier  
is wearing  
18     this particular T-shirt, State's Exhibit 25,

as she is

19 stabbing her two sons to death, would you

consider her to

20 be a victim?

21 A. No, sir.

22 Q. Well, let's go to Mr.

McDonald here,

23 the godfather, for a moment. If we looked in

his book,

24 would we find citations and references to you,

Mr. Bevel?

25 A. Yes, sir, you would.

Sandra M. Halsey, CSR, Official Court  
Reporter

3581

1 Q. Okay. Of what sort?

2 A. One thanking me for some of  
the

3 photography that was included within the book,  
and

4 another one, for just simply recognition.

5 Q. Let's talk about the utility  
room

6 floor once again. The --

7

8 MR. DOUGLAS MULDER: Judge, we  
are

9 going to object to anything -- if he is going over  
this

10 again, we have already plowed this field.

11 THE COURT: This is redirect.

Go

12 ahead, please.

13 MR. GREG DAVIS: Thank you,  
Judge.

14

15 BY MR. GREG DAVIS:

16 Q. With regards to the additional  
17 photographs that Mr. Mosty showed you, that have  
been

18 admitted into evidence, do you recall those, sir?

19 A. Yes, sir.

20 Q. Okay. Showing additional

testing done

21 on the floor?

22 A. Yes, sir.

23 Q. Okay. Those additional

photographs,

24 if we were to look at those, in comparison to the

25 photographs shown in State's Exhibit 38-A through  
38-D,

Sandra M. Halsey, CSR, Official Court  
Reporter

3582

1 would those additional photographs of your  
additional

2 tests be consistent, or inconsistent, with the  
type of

3 bloodstains that we see here on 38-A through 38-D?

4 A. I am a little bit confused.

Are we

5 talking about the experiments that I did?

6 Q. Yes, sir.

7 A. That have been introduced?

8 Q. Yes, sir. The additional ones  
that

9 you did. Would they be consistent with these  
stains or

10 would they be inconsistent? Do you recall them?

11 A. They would be inconsistent  
still.

12 Q. And would they be consistent in  
the

13 nature of the stains that we had already seen in  
the

14 photographs shown here on test 1 and test 2 on 125-  
A, B,

15 126-A, and 126-B?

16 A. That is correct.

17 Q. They would be consistent with  
those?

18 A. Yes, sir.

19 Q. Did I understand you to say that  
when

20 you went out there and looked at that linoleum  
floor out

21 there on November 26th, that you were looking for  
tip

22 impact on this floor?

23 A. I got down on my hands and knees  
and

24 looked for a tip impact on that floor.

25 Q. Why were you looking for a tip  
impact

1 on the utility room floor?

2 A. Again, it would be consistent  
with the

3 pointed end of the knife impacting that area.

4 Q. So, that if an individual took  
State's

5 Exhibit No. 67 in his hand, and he dropped it on  
the way

6 out, you would expect the tip to hit that floor  
just like

7 it hit this carpet just a moment ago when I dropped  
it?

8 A. Yes, sir.

9 Q. When you looked at this utility  
room

10 floor, did you see any tip impacts, sir?

11 A. I did not see any, no, sir.

12 Q. The lack of tip impacts, would  
that be

13 consistent or inconsistent with this knife, 67,  
being

14 dropped on that floor on June 6th?

15 A. It would not be consistent,  
simply

16 because there is no evidence that would correlate

to it.

17                           Q.     Let's talk about the sock for a  
18     moment.

19                           A.     Yes, sir.

20                           Q.     Mr. Mosty asked you about throw-  
down

21     evidence to be found.  Let me ask you about the  
sock.

22     Would that be more consistent with the assailant  
wanting

23     to disassociate that sock from that crime scene?

24                           A.     For the reason of the distance,

yes,

25     it would.



1                   Q.     That especially be true in your  
2 opinion if that sock came from the crime scene  
3 originally?

4                   A.     Yes, sir.

5                   Q.     Now, if we can, let's turn to  
the  
6 outline of the knife on the carpet. Do you recall  
the  
7 photographs we're talking about there?

8                   A.     Yes, sir.

9                   Q.     And rather than have me go  
through  
10 this on demonstration, could you please step down  
and  
11 take State's Exhibit No. 67, here on this carpet  
today.

12                             And can you indicate and  
demonstrate  
13 for the members of the jury, the motion that you  
feel, in  
14 all probability, caused this imprint on this  
carpet.

15 Just, if you will, turn around so everybody can see  
you.

16

17                             (Whereupon, the witness

18 stepped down from the  
19 witness box, and approached  
20 the jury rail, for the  
21 purpose of further describing  
22 the exhibit to the jury.)

23

24 MR. RICHARD C. MOSTY: Your

Honor, I'm

25 going to object to that. That is the rankest form

--

1 MR. GREG DAVIS: I'll object to  
his  
2 statements. If he will please just state the  
objection  
3 without the side-bar.

4 THE COURT: Gentlemen.

5 MR. GREG DAVIS: Thank you,  
Judge.

6 THE COURT: Let's just state --  
Mr.

7 Mosty, do you have an objection?

8 MR. RICHARD C. MOSTY: It calls  
for  
9 pure speculation.

10 THE COURT: Overruled.

11 MR. RICHARD C. MOSTY: And it's  
not a  
12 proper opinion testimony under Daubert.

---

13 THE COURT: Thank you.  
Overruled.

14 MR. GREG DAVIS: Thank you.

15

16 BY MR. GREG DAVIS:

17 Q. Sir, would you please step down  
here

18 and show us at this time the motion that you believe  
19 produced the imprint on 111-B and 111-C?

20 A. Yes, sir. The knife has to be  
held

21 above that area, to where the blood is dripping, and  
22 there has to be some backward motion, and you are  
just

23 simply laying it down.

24 Q. Okay.

25 A. And again, it's going to depend on

Sandra M. Halsey, CSR, Official Court Reporter

1     which way the knife is being held as to which way  
it's

2     likely to turn.

3                     Q.     All right.  Thank you, sir.

4

5                     (Whereupon, the witness

6                     Resumed the witness

7                     Stand, and the

8                     Proceedings were resumed

9                     On the record, as

10                    Follows:)

11

12  BY MR. GREG DAVIS:

13                    Q.     And, Mr. Bevel, now that we know  
that

14     the blood shown in the extension, if you will, this  
15     one-inch extension, is Darlie Routier's blood, and we  
now

16     know that the blood contained on the outline is also  
17     Darlie Routier's blood, would that indicate that  
this

18     knife was then laid on the carpet after Darlie  
Routier

19     was bleeding?

20                    A.     It would.

21                    Q.     And if you will, assume for a

moment

22 that the assailant in this case first stabbed Devon

23 Routier twice in the chest, then stabbed Damon

Routier

24 four times in the back, and then cut Darlie Routier

along

25 the neck, the shoulder and the arm, would that be

Sandra M. Halsey, CSR, Official Court Reporter

3587

1 consistent then with that assailant disarming  
himself

2 after he has then attacked the adult in the house?

3 A. By laying the knife down, that  
would

4 be consistent with that, yes, sir.

5 Q. All right. So in other words,  
would

6 it be consistent then with the assailant going to  
Darlie

7 Routier, injuring her and then disarming himself by

8 placing the knife down on the floor after he has  
done

9 that to an adult?

10 A. That would be correct.

11 Q. You have been investigating  
homicide

12 or violent offenses for 27 years; is that right?

13

14 MR. DOUGLAS MULDER: Object to  
the

15 leading. That is the epitome of a leading question.

16 THE COURT: Overruled. Correct  
the

17 question. In other words, just rephrase the  
question,

18 please.

19 MR. GREG DAVIS: Yes, sir.

20

21 BY MR. GREG DAVIS:

22 Q. How many years have you been  
23 investigating crime scenes involving violent crime,  
sir?

24 A. Approximately 27 years.

25 Q. And in your experience, sir, as  
an

Sandra M. Halsey, CSR, Official Court Reporter

3588



1 investigator over the homicide division, would you  
expect  
2 an assailant to disarm himself voluntarily after he  
has  
3 injured an adult in a home?

4

5 MR. JOHN HAGLER: Your Honor,  
that  
6 just calls for pure speculation.

7 THE COURT: Overruled. If you  
know  
8 the answer, answer it.

9 THE WITNESS: I would not expect  
that  
10 to occur, no, sir.

11

12 BY MR. GREG DAVIS:

13 Q. Mr. Bevel, let me direct your  
14 attention to, again, this is going to be the stain  
of  
15 Devon Routier on the back of the T-shirt. This is  
T-15  
16 and your T-8 (sic).

17 A. Yes, sir.

18 Q. Would it be necessary for Darlie

19 Routier to be bleeding at the time that T-15 is  
deposited

20 onto the back of this T-shirt, sir?

21 A. No, sir.

22 Q. Now, if we look at T-10, which is  
your

23 3-TB. Now, if we assume that the stains shown here  
in

24 3-TB are in fact two separate occurrences?

25 A. Yes, sir.

1                   Q.     And not one occurrence.  Would it  
be  
2     necessary for Darlie Routier to be bleeding at the  
time  
3     that Devon Routier's blood is deposited up here at  
3-TB?

4                   A.     No, sir.

5                   Q.     If we look here at LS-3, and if  
we  
6     assume that that is also two occurrences and not  
one,  
7     would it be necessary for Darlie Routier to be  
bleeding  
8     at the time that Devon Routier's blood is deposited  
on  
9     that T-shirt, sir?

10                  A.     No, sir.

11                  Q.     And when we talk about two  
12     occurrences, what do you mean by that term?

13                  A.     What I would mean is, when one  
14     bloodstain is deposited whatever the occurrence, and  
then  
15     if there is a second bloodstain, that we're talking  
about  
16     two different actions or two different occurrences.

17

18

MR. DOUGLAS MULDER: Excuse me,

Judge.

19 I'm not clear on that. Does he mean one on top of  
the

20 other?

21

THE COURT: You can have it on

cross

22 examination in just a minute.

23

Go ahead, Mr. Davis.

24

MR. GREG DAVIS: Thank you, your

25 Honor.

Sandra M. Halsey, CSR, Official Court Reporter

3590

1

2 BY MR. GREG DAVIS:

3 Q. Again, looking at T-15, the stain  
4 on

5 the back of this T-shirt. What was the approximate  
6 size

7 of this particular stain, Mr. Bevel?

8 A. One millimeter by 1.1 millimeter.

9 Q. All right. And, did you testify  
10 upon

11 cross examination as to the maximum distance that a  
12 drop

13 this size could travel?

14 A. Sometime today I have testified  
15 to

16 that, yes, sir.

17 Q. Well, you have been testifying  
18 since,

19 what, 9:00 o'clock this morning?

20 A. Yes, sir.

21 Q. All right. Well, let me just ask  
22 you

23 then: What is your opinion about the maximum  
24 lengths

25 that a stain the size of T-15 could travel, to be

18 deposited on that particular T-shirt?

19                   A.     When you start getting to  
20 approximately 1 millimeter in diameter, a stain will  
21 usually travel at a maximum of approximately 46  
inches.

22                   Q.     Okay.  Would it then be true,  
sir,

23 that this T-shirt would have to be within 46  
inches of

24 the source of this blood shown in T-15?

25                   A.     Yes, sir.

Reporter           Sandra M. Halsey, CSR, Official Court

3591

1                           Q.     Do you recall Mr. Mosty  
asking you to  
2     assume that Darin Routier reported that the  
defendant was  
3     next to him while he was doing CPR on Devon  
Routier?

4                           A.     I remember that.

5                           Q.     Well, I want you to assume  
that Darin  
6     Routier reported that the defendant was in the  
kitchen on  
7     the telephone to 911 at the time that he  
performed CPR on  
8     Devon Routier.

9                           A.     Yes, sir.

10                          Q.     If that is the case, is it  
possible  
11    that any of the stains shown in T-15, LS-3, LS-  
1, T-9 or  
12    T-10 could have been deposited on the  
defendant's T-shirt  
13    as a result of any CPR that Darin Routier did  
on Devon  
14    Routier?

15                          A.     With that distance, that

would not be

16 possible.

17 Q. Now, I want to take you

through

18 another fact situation. I noted in your video

that you

19 had a demonstration there at the last, did you

not, where

20 you actually had blood projecting forward onto

a T-shirt;

21 is that correct?

22 A. That is correct.

23 Q. And you did that, I believe,

did you

24 not, with a T-shirt in a vertical, I mean in a

25 horizontal, and then turned up and down like we  
would

Sandra M. Halsey, CSR, Official Court  
Reporter

3592



1 normally see a T-shirt in the vertical; is that  
right?

2 A. That is correct.

3 Q. Okay. Now, if -- I want you  
to assume

4 that the defendant at the time, that Devin and  
Damon

5 Routier are stabbed, that the defendant is  
laying on a

6 couch --

7 A. Okay.

8 Q. -- in a prone position. She  
is not

9 standing up, she is not sitting up, either  
facing or

10 facing away from the victims.

11 She is simply laying down on  
the couch

12 on her back. In your opinion, is it possible  
for any of

13 the these stage, T-15, LS-3, LS-1, T-9 or T-10,  
to have

14 been deposited on her T-shirt, if she is in  
that

15 position, while these two boys are being

stabbed to  
16 death?

17 A. That would not be possible.

18 Q. Why not? What is wrong with  
that?

19 A. Well, there are several  
things: One,

20 if she is on her back, that area certainly is  
protected.

21 The horizontal position, the angularity of the  
direction

22 of the bloodstains because of the T-shirt  
fiber, it is

23 much more difficult to even determine the  
directionality.

24 Whereas, if it is running in  
the same

25 direction as the weave, if you would, on the  
fabric, is

Sandra M. Halsey, CSR, Official Court  
Reporter

3593

1 much easier to determine the direction and the  
angularity

2 is simply wrong here.

3 Q. Okay. When you talk about  
the

4 angularity, are you talking about the up and  
down

5 direction of T-15?

6 A. The long axis of any of the  
stains,

7 yes, sir.

8 Q. Okay. If the defendant were  
laying on

9 a couch, and her back were exposed to these two  
boys when

10 they were being attacked, when Devon is being  
attacked,

11 how would you expect the long axis to be?

Would it be up

12 and down as shown in this photograph, or would  
it be

13 different?

14 A. With her laying on her side,  
and on

15 the back, it should be in this manner, as  
opposed to this

16 manner.

17 Q. Okay. So is it going to be  
different

18 from what we see here in this photograph?

19 A. It should, yes, sir.

20 Q. Okay. How about the  
direction of

21 these other stains shown in the other three  
photographs,

22 120-A, 120-B and 120-C.

23 Are the angles also going to  
be

24 different on those stains if this woman is  
laying on the

25 couch while these two boys are being butchered?

Sandra M. Halsey, CSR, Official Court  
Reporter

3594

1                   A.     Yes, sir.

2                   Q.     Okay.  Mr. Bevel, when you  
were

3     looking at this T-shirt, there was some  
questioning

4     about -- does this represent a blood pattern.

5                             Were you looking for a blood  
pattern

6     on this T-shirt or something else?

7                   A.     Well, I would have to admit that  
I am

8     always looking for a blood pattern.

9                   Q.     Okay.  What else would you be  
looking

10    for in this particular case with this T-shirt?

11                   A.     For individual stains as opposed  
to

12    very large soak stains, you are looking for, simply  
what

13    may be there from transfers to impact to cast offer  
to

14    spatter, whatever simply is there.

15                   Q.     And those are the types of  
samples

16    that you had gathered, correct?

17 A. That is correct.

18 Q. One last thing. I'm a little  
hesitant

19 to get into it; the cosigned factors and all of  
these

20 impact angles. Do you remember the cosigns and the  
other

21 instruments here?

22 A. Yes, sir.

23 Q. In this case, how significant  
are any

24 of those impact angles?

25 A. I don't believe that they are  
very

1 significant at all.

2 Q. Okay. Why not?

3 A. Number 1 on a hundred percent  
cotton

4 T-shirt, there have been studies that have been  
shown

5 that from the known to the calculated impact  
angle on

6 such material, can be as far as, on a used shirt,  
30

7 degrees off, and you would have to include that  
30

8 degrees within your parameters, which greatly  
enlarges it

9 to a new T-shirt, or a new fabric. It can be as  
much as

10 38 degrees off from the calculated to the known.  
So you

11 have to be very careful on establishing exact  
angles.

12 Q. Okay.

13

14 MR. GREG DAVIS: I'll pass the  
15 witness, your Honor.

16

17

18

REXCROSS EXAMINATION

19

20 BY MR. RICHARD C. MOSTY:

21

Q. Of course, that is part of the

reason

22

why you got to view clothing which is on someone

with

23

such suspicion, isn't it?

24

Because, it would make a

difference if

25

I had my coat buttoned, or if I had my coat open?

It



1 could make a difference where I could get spatter?

2 A. Certainly, it could.

3 Q. And, of course, if I am moving  
and

4 there is blood in the air, then that can make a  
5 difference?

6 A. It can, yes, sir.

7 Q. And those are all of those  
things --

8 those are all of those variables when you have two  
9 objects in motion, one being blood and one being a  
shirt?

10 A. Yes, sir.

11 Q. During the break we just had,  
did you

12 have an opportunity to visit with Mr. Davis?

13 A. Yes, sir.

14 Q. How -- about how many blood  
spatters

15 do you think are on that shirt? Can you even  
estimate

16 for us?

17 A. I would be hesitant to give you  
an

18 estimation.

19 Q. Hundreds and hundreds?

20 A. Well, are you talking about  
individual

21 stains separate from the soaked stains?

22 Q. Yes.

23 A. Hundreds and hundreds. I would  
say

24 that that is approaching the outside limits.

25 Q. All right. And of course, you  
don't

1 know how many knives were used in this attack, do  
you?

2 A. I do not know that.

3 Q. And you don't know what was  
going on

4 with one, while one victim was having something  
happen

5 and what the other victim may or may not have been  
doing?

6 A. I cannot answer that.

7 Q. And you couldn't tell the order  
of

8 this happened first, and that happened second, and  
this

9 happened third, you can't do that?

10 A. No, I can't answer that  
specifically,

11 no, sir.

12 Q. And, you said that you thought  
that

13 carrying a sock three houses down would be -- that  
14 someone was trying to, did you say, disassociate  
that

15 evidence from the house?

16 A. That was the question asked, and

I did

17 agree with that, yes, sir.

18 Q. And, you said that would be  
19 consistent?

20 A. That would be consistent with  
that,

21 yes, sir.

22 Q. Do you think it would be  
consistent

23 that a lady would do that, run down there without  
her

24 underwear on?

25 A. I would certainly hope not.

1 Q. Do you think it would be  
consistent

2 that if I wanted to disassociate something from a  
crime

3 scene that I would take the most obvious thing and  
4 disassociate that from the crime scene?

5 A. Well, there would have to be  
some

6 reason for a desire for this disassociation.

7 Q. That's right. And  
disassociating a

8 sock from a crime scene doesn't make a lot of sense,  
does

9 it?

10 A. I'm not sure that I can --

11 Q. You can't get a fingerprint off of  
it,

12 can you? Highly unlikely?

13 A. Highly unlikely.

14 Q. But disassociating a knife, a  
weapon

15 from a scene, that makes sense, doesn't it?

16 A. I would have to agree.

17 Q. That is a lot more consistent  
than

18 disassociating a sock, isn't it?

19 A. I would agree.

20 Q. And your statement of this cast-  
off

21 blood of Darlie Routier, the consistency you  
describe is

22 that she threw her own blood onto her own back with  
this

23 motion?

24 A. With that motion, whether there  
was a

25 knife in her hand or not.

1 Q. And of course, that -- we  
didn't

2 really cover this, but casting off could be  
anything?

3 A. That is a bloody object in  
motion,

4 yes, sir.

5 Q. I can cast off with this?

6 A. Certainly.

7 Q. I can cast off with a towel or a  
rag?

8 A. If it's a bloody object, yes, sir.

9 Q. If it's got enough blood to where  
that

10 friction breaks, just the amount of --

11 A. The surface tension.

12 Q. Surface tension?

13 A. Yes, sir.

14 Q. No matter what the object is that  
is

15 generating the motion, it can cast blood?

16 A. It can.

17 Q. So in that sense, really, anything  
18 that is capable of movement and capable of getting  
blood

19 on it is capable of casting blood?

20 A. Certainly.

21

22 MR. RICHARD C. MOSTY: Pass the

23 witness.

24

25

Sandra M. Halsey, CSR, Official Court Reporter

3600



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

FURTHER REDIRECT EXAMINATION

BY MR. GREG DAVIS:

Q. Mr. Bevel, just one more question.

Of all the possibilities that you

have

been presented today with how Devon Routier's blood  
got

onto the shirt of Darlie Routier, what is the most

probable occurrence that you believed caused his  
blood to

be on her shirt?

A. In my opinion --

MR. JOHN HAGLER: That is pure

speculation, your Honor.

THE COURT: Overruled. Go ahead

and

answer it.

THE WITNESS: In my opinion, it is

consistent -- or more consistent with the action of  
the

knife coming over the shoulder, with that deposit  
onto

the back.

21 BY MR. GREG DAVIS:

22 Q. How about Damon Routier's blood?

Most

23 likely occurrence of all that you have heard today,

to

24 produce his blood on her shirt?

25

Sandra M. Halsey, CSR, Official Court Reporter

3601

1 MR. RICHARD C. MOSTY: Your  
Honor, I'm

2 going to object. The witness testified he can't  
ever

3 testify about most likely. He can testify within  
4 parameters.

5 THE COURT: Well, I'll overrule  
the

6 objection. If you know the answer, answer it.

7 THE WITNESS: I'm sorry, sir?

8

9 BY MR. GREG DAVIS:

10 Q. What do you believe to be the  
most

11 likely occurrence that deposited Damon Routier's  
blood up

12 on to the defendant's T-shirt?

13 A. Again, excuse me. Would you tell  
me

14 which one specifically you were referring to?

15 Q. Yes. Let's talk about T-9 here.

16 A. Okay. My TB-2? I'm sorry. Go  
ahead.

17 Q. Yes, sir.

18 A. That has an upper trajectory,  
again,

19 that is consistent with the movement with the blood  
going

20 in an upward direction. It's consistent with  
impact.

21 All of those encompassed together, I believe it is  
more

22 likely from that motion, of the stabbing motion.

23 Q. Okay. Thank you.

24

25 MR. GREG DAVIS: Pass the witness.

1

2

FURTHER RECROSS EXAMINATION

3

4 BY MR. RICHARD C. MOSTY:

5

Q. And one final thing, just to remind,

6 when you talk about consistent, what you told me, and

7 agreed with me was, that that is something you cannot

8 rule out?

9

A. That is correct.

10

11 MR. RICHARD C. MOSTY: Thank you.

12

MR. GREG DAVIS: No further questions.

13

THE COURT: Mr. Mosty, anything else?

14

MR. RICHARD C. MOSTY: No, sir.

15

THE COURT: All right. Thank you.

16

You may step down, sir. You are subject to recall.

You

17

know that.

18

THE WITNESS: Yes, sir.

19

THE COURT: All

right.

20

THE WITNESS: Yes,

sir.

21 THE COURT: All right. Step  
down,

22 please. Thank you.

23 All right. Ladies and  
gentlemen, in

24 view of the hour, we will recess today until --

just a

25 minute, folks, everybody sit tight -- until  
tomorrow

Sandra M. Halsey, CSR, Official Court  
Reporter

3603

1 morning at 9:00 o'clock.

2 Remember the same instructions  
as

3 always. Do no investigation on your own. Decide  
this

4 case from the testimony you hear and the evidence  
you

5 receive in this Courtroom.

6 Do not discuss this case among  
7 yourselves, nor with anybody else. You will discuss  
this

8 case among yourselves after you have heard both sides  
of

9 the case, received the charge of the Court, heard  
10 arguments and then you go into the jury room. That  
is

11 when you discuss it by yourselves.

12 Finally, you are going to --  
probably

13 this will be on TV, radio and the newspapers, if you  
see

14 or hear any of it, please ignore it.

15 We will see everybody down here  
16 tomorrow morning at 9:00 o'clock. Thank you.

17

18 (Whereupon, the jury

19 Was excused from  
the  
20 Courtroom, and  
the  
21 Proceedings were  
held  
22 In the presence of  
the  
23 Defendant, with  
his  
24 Attorney, but  
outside  
25 The presence of  
jury

Sandra M. Halsey, CSR, Official  
Court Reporter

3604





four more, I

17 assume?

18 MR. GREG DAVIS: I

have got at least

19 one more, yes, sir.

20 THE COURT: Okay.

And you have some

21 easy ones that you said you could put  
on right away.

22 MR. DOUGLAS MULDER:

Yeah.

23 THE COURT: Okay.

Well, we will

24 just -- whenever we get through with

the one, if you will

25 have your easy ones ready.

Sandra M. Halsey, CSR, Official  
Court Reporter

3605

1 MR. DOUGLAS MULDER:

How long is your

2 one going to take?

3 MR. GREG DAVIS:

Well, that kind of

4 hard to judge. If it is anything like  
today, probably 10

5 to 5 tomorrow.

6 MR. DOUGLAS MULDER:

If he's is

7 anything like today, if it takes that  
long to get the

8 truth out of him.

9 THE COURT: Hey,

guys, just a minute,

10 let's just stop all of this bickering.

What we will do,

11 Mr. Mulder, if we finish tomorrow

morning, we will pick

12 your others up at 1:30.

13 MR. DOUGLAS MULDER:

How long is

14 direct going to take?

15 MR. GREG DAVIS:

Probably about an

16 hour.

17 THE COURT: Okay.  
We will pick yours  
18 at 1:30 and go until we're through with  
them, and you'll  
19 have them in tomorrow and early on  
Friday.

20 MR. DOUGLAS MULDER:  
Yes, I have got  
21 about 20.

22 THE COURT: And your  
hard core, you  
23 will have coming down Monday?

24 MR. DOUGLAS MULDER:  
Yes, sir.  
25 THE COURT: All  
right.

Sandra M. Halsey, CSR, Official  
Court Reporter

3606

1  
2  
was  
3  
the  
4  
the  
5  
1997,  
6  
7  
proceedings  
8  
open  
9  
10  
11  
12  
to  
13  
14  
15  
16  
17  
18  
19

(Whereupon, the jury

thereby excused for

day, to return on

next day, January 23,

at 9:00 a.m. at which

time the

were resumed in

court.)

(These proceedings are continued

the next volume in this cause.)

20

21

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

3607

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

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

3608



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

15

16

17

18

19

---

20

MARK TOLLE, JUDGE

21

Criminal District Court Number 3

22

Dallas County, Texas

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

3609

