

1                               IN THE CRIMINAL  
DISTRICT COURT NO. 3

2                               DALLAS  
COUNTY, TEXAS

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6    THE STATE OF TEXAS                        }

NO. F-96-39973-J

7    VS:   }

& A-96-253

8    DARLIE LYNN ROUTIER                       }

Kerr Co. Number

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13   REPORTERS

RECORD

14   JURY

TRIAL

15   VOL. 41 OF

53 VOLS.

16   January

24, 1997

17

Friday

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Sandra M. Halsey, CSR,  
Official Court Reporter

3913

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C A P T

I O N

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4           BE IT REMEMBERED THAT, on  
Friday, the 24th day of

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

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

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

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

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

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

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

12   follows:

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A P P E A R

A N C E S

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HON. JOHN VANCE

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Criminal District Attorney

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Dallas County, Texas

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BY: HON. GREG DAVIS

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Assistant

District Attorney

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Dallas County,

Texas

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AND:

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HON. TOBY SHOOK

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Assistant

District Attorney

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AND:

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HON. SHERRI

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Assistant

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21 Dallas County,

Texas

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APPEARING FOR THE STATE OF TEXAS

24

25

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1

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16   only on one date in

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APPEARING FOR: Witness

23

Officer Chris

Frosch

24

only on one date in

trial

25

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Court Reporter

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P R O C E E D I N G S

January 24th, 1997  
Friday  
9:00 a.m.

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

THE COURT: All right. Who is

the

21 next witness? Do you have a witness you can put  
on?

22 MR. CURTIS GLOVER: We're ready  
to go,

23 Judge.

24 THE COURT: Okay.

25 MR. GREG DAVIS: Judge, you  
know, I

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1 have been led to believe that when we come out here  
for

2 the jury, the defense may call Jimmy Patterson.

3 Obviously, they have been told  
now

4 that Jimmy Patterson is in Dallas.

5 THE COURT: We understand. He  
will be

6 here Monday.

7 MR. GREG DAVIS: We will call,  
we will

8 have him down here. I just don't think it's proper  
for

9 them to stand up and say, "We will call Jimmy  
Patterson,"

10 and then to have the State to have to explain that.  
So

11 we will have him here.

12 THE COURT: I understand. Well,  
Mr.

13 Patterson will be here Monday.

14 MR. DOUGLAS MULDER: Judge, so  
that

15 the record is clear on this, I advised them -- they  
would

16 not cooperate, and would never tell me who their

17 witnesses were.

18                                 And I checked the subpoena list

19 to

20 make sure that Patterson has been subpoenaed, and  
he had,

21 and he had been here in Court.

22                                 THE COURT: Just a minute.

23 First of

24 all, let the record reflect that these proceedings  
are

25 being held outside of the presence of the jury.

And all

26 parties in the trial are present.

27                                 And, Mr. Mulder, you wanted the

1 witness named Jimmy Patterson for today; is that  
correct?

2 MR. DOUGLAS MULDER: Yes, sir.

3 THE COURT: He is not here; is  
that

4 correct?

5 MR. GREG DAVIS: That's correct.  
He

6 is in Dallas.

7 THE COURT: Today is Friday. It  
is

8 shortly after 9:00 o'clock in the morning. We  
can't get

9 him here today. You will have him here Monday.

10 MR. DOUGLAS MULDER: I  
understand,

11 Judge, but he has been here for three weeks. And I  
told

12 them, that the witnesses that weren't -- that were  
13 subpoenaed, were to be released only with my  
consent.

14 And that was the agreement that we had, and the  
agreement

15 before this Court.

16 And I told them that I would let

them

17 know at the end of the week who I didn't need.

18 MR. GREG DAVIS: Well --

19 THE COURT: Well, I don't think  
20 anything was done on either side maliciously.

21 It is Friday morning, and we  
can't get

22 him here today. He will be here Monday. So, I am  
sure

23 Mr. Davis will have him here.

24 MR. GREG DAVIS: Yes, sir.

25 MR. DOUGLAS MULDER: Well, also,

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1 instruct them not to tamper with him.

2 MR. GREG DAVIS: If the record  
could

3 also reflect, please, that we have several times  
asked

4 Mr. Mulder, please, give us the names of any  
witnesses

5 that you want down here.

6 And he's consistently said that  
he

7 won't do that, and we certainly understand that. But  
at

8 the same time, if a witness needs to be here, we do  
need

9 some lead time to get them here from Dallas.

10 So, that is all that I am asking,  
not

11 any lineup.

12 MR. DOUGLAS MULDER: Well, wait a  
13 second.

14 THE COURT: Just a minute,  
gentlemen.

15 We will do this one at a time. Mr. Davis, continue.

16 MR. GREG DAVIS: So again, I'm  
just --

17 I'm not asking for a lineup or anything else, but the  
18 witnesses that we need to get here from Dallas, we  
need  
19 some advance notice, whatever that may be, and we  
will  
20 make our very best efforts to get them back down  
here.

21 MR. DOUGLAS MULDER: Judge, I'm  
not  
22 concerned with them getting my witnesses down here.  
I  
23 will get my own witnesses.

24 But witnesses that are subpoenaed  
by  
25 them, served by them, I am entitled to rely on that

1 subpoena. Patterson was subpoenaed by them, was  
served

2 by them, was here. And I am entitled to have him  
here in

3 attendance to the Court until I excuse him, or agree  
to

4 other plans.

5 MR. RICHARD C. MOSTY: It pretty  
much

6 defeats the purpose of all this, if every time we  
want a

7 witness they get a day to go up there and prep him,

8 before he comes back down here.

9 THE COURT: Well, Mr. Mosty, and  
Mr.

10 Mulder, this is the first witness that has occurred  
to or

11 with. And I think -- I know the State will have him  
here

12 Monday, and I'm directing them to, and I'm ordering  
both

13 sides not to tamper with any witness.

14 MR. DOUGLAS MULDER: Well, Judge,  
I

15 would ask the Court to suggest to them that witnesses

16 that are under subpoena, that they get them down here  
in

17 attendance to the Court, in accordance with the law.

18 THE COURT: Well --

19 MR. DOUGLAS MULDER: And I will  
decide

20 if I don't want them.

21 THE COURT: Well, Mr. Mulder,  
thank

22 you very much. I am directing both sides to get  
the

23 appropriate witnesses down here. And, then we  
will

24 decide when they are going to be put on. And each  
side

25 will have the right to put on whatever witness it  
wants

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1 to put on, at the appropriate time.

2 With that having been said, we're  
3 going to bring the jury in, and continue with the  
trial.

4 Who will be your next witness?

5 MR. CURTIS GLOVER: She is on her  
way,

6 Judge. Her name is Julie Clark.

7 THE COURT: Julie Clark.

8 All right. Bring the jury in, please.

9

10 (Whereupon, the jury

11 Was returned to

the

12 Courtroom, and

the

13 Proceedings

were

14 Resumed on the

record,

15 In open court, in

the

16 Presence and

hearing

17 Of the defendant,

18 As follows:)

19

20

THE COURT: Ms. Clark, will you

raise

21 your right hand please?

22

23

(Whereupon, the witness

24

was duly sworn by

the

25

Court, to speak

the truth,

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Court Reporter

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1                   the whole truth  
and  
2                   nothing but the  
truth,  
3                   after which, the  
4                   proceedings were  
5                   resumed as follows:)

6  
7                   THE COURT:  Do you solemnly  
swear or  
8    affirm that the testimony you are about to give  
will be  
9    the truth, the whole truth, and nothing but the  
truth, so  
10   help you God?

11                   THE WITNESS:  I do.

12                   THE COURT:  All right.  Have a  
seat up  
13    here please.

14                   MR. DOUGLAS MULDER:  Your  
Honor, our  
15    next witness will be Jimmy Patterson who was  
under

16    subpoena, and was in attendance --

17                   MR. GREG DAVIS:  Your Honor,

if the

18 Court will recall, we had a discussion outside of  
the

19 presence of the jury.

20 It was my understanding that  
this sort

21 of speech would not be made at this time.

22 THE COURT: Mr. Mulder, Mr.  
Patterson

23 is not present. Mr. Patterson will be here  
Monday. Is

24 that clear?

25 MR. DOUGLAS MULDER: That's  
clear.

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Reporter

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1 THE COURT: Fine. Thank you.

2 MR. DOUGLAS MULDER: Thank  
you, Judge.

3 THE COURT: I'll ignore that  
comment

4 at this time. The agreement was not to mention  
that

5 name, and I will kindly ask you not to do that in  
the

6 future. Is that clear?

7 MR. DOUGLAS MULDER: Judge, I  
8 understand what the Court just said.

9 THE COURT: Thank you.

10 MR. DOUGLAS MULDER: I  
understand what

11 the arrangements were.

12 THE COURT: Thank you very  
much.

13 THE COURT: Now, ladies and  
gentlemen,

14 this witness has been sworn outside of your  
presence.

15 And if you will please state  
your

16 name, ma'am, and spell it for the court reporter.

17 THE WITNESS: Julie Clark. J-

U-L-I-E,

18 C-L-A-R-K.

19 THE COURT: Speak loud enough

so the

20 last two jurors can hear you. Okay. Go ahead,

please.

21

22

23

24

25

Reporter Sandra M. Halsey, CSR, Official Court

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1 Whereupon,

2

3 JULIE CLARK,

4

5 was called as a witness, for the Defense, having  
been

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

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

8 court, as follows:

9

10

11 DIRECT EXAMINATION

12

13 BY MR. CURTIS GLOVER:

14 Q. Julie, where do you live?

15 A. I live in Rockwall,  
Texas.

16 Q. Okay. For the folks  
here in

17 Kerrville, that is just an adjoining county to  
Dallas,

18 isn't it?

19 A. Yes, it is.

20 Q. Close to Rowlett?

21 A. Very close.

22 Q. Okay. What do you up there? What  
23 kind of work do you do?

24 A. I'm a farm manager.

25 Q. Okay. What does that entail?

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1                   A.     Breeding manager for Arabian  
horses

2     and German Shepherd dogs.

3                   Q.     Okay.  And you also have an animal  
4     collection, don't you?

5                   A.     Yes, I do.

6                   Q.     What might that be?

7                   A.     We have several exotic cats.  We  
have  
8     a nonprofit organization, TEARS, for abandoned exotic  
9     animals.

10                   Right now, we have three Bengal  
tigers

11     and two mountain lions.

12                   Q.     You have raised some of those by  
hand,

13     haven't you?

14                   A.     Yes, we have.

15                   Q.     All right.  Are you married,  
Julie?

16                   A.     Yes, I am.

17                   Q.     You have any kiddos?

18                   A.     One daughter.

19                   Q.     Okay.  How old is she?

20                   A.     She is four.

21 Q. How do you know Darlie Routier?

22 A. My husband Steve, met Darin

through

23 work, and soon after my daughter was born we were

invited

24 to a Christmas party, and we met them there and have

been

25 friends ever since.

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1 Q. About how many years ago would  
that

2 have been?

3 A. About four years.

4 Q. Okay. At some point in time, you  
and

5 your family had an occasion to live with the  
Routiers.

6 What occasioned that?

7 A. We were going to have a new home  
8 built, and we were living with my mother and her  
husband,

9 and we basically had a disagreement, and we didn't  
have

10 anywhere else to go at the time, so Darlie invited us  
to

11 live with them for about a month and a half.

12 Q. Okay. Did you and Darlie become  
good

13 friends?

14 A. Very good friends.

15 Q. Okay. You shared a particular  
16 interest. What was that?

17 A. A love of animals.

18 Q. Okay. Explain that to the jury,  
if

19 you will, what that means.

20 A. Well --

21 Q. Did Darlie have animals?

22 A. Darlie had several animals,  
several

23 cats and one dog.

24 Q. Okay. And you loved animals?

25 A. Um-hum. (Witness nodding head)

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Reporter

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1 affirmatively.)

2 Q. That was kind of a mutual  
interest

3 between the two of you?

4 A. Yes.

5 Q. Did y'all pal around  
together?

6 A. Yes, we did.

7 Q. Okay. What would that amount  
to?

8 A. We had dinner together  
usually at

9 least once a week, sometimes through the week,  
sometimes

10 we spent the night over, the kids played very well.

11 We went camping together, we went  
on

12 vacations together, we went shopping together.

13 Q. Did you have an occasion to see  
her

14 around her children?

15 A. All the time.

16 Q. Describe that relationship, if  
you

17 would.

18                           A.     Darlie had a real good  
relationship  
19     with the boys.  I had Courtney when I was young and  
I  
20     didn't do really well, she helped me a tremendous  
amount.  
21     She was very patient with them and a lot of times I  
22     wasn't.  
23                                     And she helped me learned to be  
24     patient with Courtney, and she just had a very  
loving  
25     relationship with them.

1 Q. Okay. Did you have an occasion  
at one

2 point in time to work in their shop there, Testnec?

3 A. Testnec, yes, sir.

4 Q. Okay. What would you do there?

5 A. Test technician, building  
fixtures to

6 test circuit boards on, testing circuit boards,  
QC'ing

7 circuit boards, everything the job entailed.

8 Q. Okay. How long did you work  
there?

9 A. About 10 months.

10 Q. Was there a woman working there  
by the

11 name of Barbara Jovell?

12 A. Yes, there was.

13 Q. Okay. She has described Darlie  
as

14 being a selfish, materialistic --

15

16 MR. GREG DAVIS: I'm going to  
object

17 to that comparison of the testimony, your Honor.

18 THE COURT: The Court will  
sustain the

19 objection.

20

21 BY MR. CURTIS GLOVER:

22 Q. Is Darlie a selfish, self-  
centered,

23 materialistic person in your view?

24 A. No, absolutely not.

25 Q. Do any of those adjectives apply  
to

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1 her at all?

2 A. No.

3 Q. You, I guess, had an occasion in  
June

4 of '96 to learn of the tragedy?

5 A. Yes, I did.

6 Q. Tell the jury about that.

7 A. As far as how I learned of it?

8 Q. Yes.

9 A. Well, apparently Darin didn't have  
our

10 home number in his wallet, but he had my husband's  
beeper

11 number.

12 Darlie's sister beeped us about  
5:30

13 in the morning and we called back and, of course,  
Dana

14 told us what happened.

15

16 MR. GREG DAVIS: I'm going to  
object

17 to whatever Dana told her as being hearsay.

18 THE COURT: Ma'am, here is the  
thing.

19 Don't say what other people told you. All right?

20 THE WITNESS: Okay.

21 THE COURT: Just listen to the  
22 question, but don't get into things like that. Okay?

23 THE WITNESS: Okay.

24 THE COURT: You may want to

rephrase

25 your question.

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1 MR. CURTIS GLOVER: I will.

2

3 BY MR. CURTIS GLOVER:

4 Q. Julie, as a result of what you  
learned

5 about those events with the boys, tell the jury what  
you

6 did.

7 A. Well, I think I was in a  
tremendous

8 amount of shock at first. I got up and I went  
through a

9 full range of emotions. I didn't know whether to  
tell

10 Courtney or --

11

12 THE WITNESS: I'm sorry.

13 THE COURT: That's all right.

Take

14 your time.

15 THE WITNESS: Anyhow, I got up and

I

16 went to the hospital.

17

18 BY MR. CURTIS GLOVER:

19 Q. Okay. Did you see Darlie there?

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

22 Q. Describe her for the jury, if you  
23 would.

24 A. Well, she was still -- seemed

somewhat

25 incoherent but I went in and talked to her and --

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1 Q. Did she seem to understand what  
had

2 happened?

3 A. Seemed like.

4 Q. Pardon?

5 A. Seemed like. She was upset and  
crying

6 and didn't understand how someone could do that to  
Devon

7 and Damon.

8 Q. Okay. Did you have occasion --  
and

9 you saw her there, of course, in the hospital shortly  
10 after that, I guess?

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

13 Q. Okay. Did you have an occasion,  
14 Julie, to go to what has been referred to as the  
viewing

15 of the boys there at the funeral home?

16 A. Yes, I did.

17 Q. Okay. Did you see Darlie there?

18 A. Yes.

19 Q. Okay. Describe her emotions  
there, if

20 you would.

21                   A.     She seemed up and down.  She was  
22     trying to be strong, but when I got up there, we just  
23     hugged each other and started crying.

24                   Q.     Okay.  You are how old, Julie?

25                   A.     I'm 23.

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1 Q. Okay. You have had occasion, I  
guess,

2 to grieve in the past?

3 A. Yes, I have.

4 Q. Was Darlie grieving?

5 A. I believe so.

6 Q. Any doubt in your mind about that?

7 A. No doubt.

8 Q. Okay. Did you have an occasion  
then,

9 I guess, to go to the funeral?

10 A. Yes, I did.

11 Q. Okay. And after the funeral, did  
you

12 have occasion then to go to any of the events that  
13 occurred thereafter? I believe there was a prayer  
14 service at the grave side. Did you have occasion to  
go

15 to that?

16 A. Yes -- I'm sorry. When? Right  
after

17 the funeral?

18 Q. It was on the 14th, I think, of  
June?

19 A. Oh, yes. No, I didn't go the

prayer,

20 I went to the birthday party following the prayer  
service

21 because I couldn't get off of work.

22 Q. Okay. Did you know what the  
birthday

23 party was to be?

24 A. Yeah, mainly for the neighborhood  
25 children, and I brought Courtney. And Devon made a  
huge

1 deal out of turning seven for so long, and we were  
2 invited to the birthday party, so we decided to go  
ahead

3 and take Courtney to that.

4 Q. Okay. Did you see anything  
5 inappropriate about that?

6 A. No. Mainly, I was talking to  
other

7 people and, you know, singing birthday songs and  
trying

8 to be uplifting to the children.

9 Q. Okay. There were little mementos  
left

10 around on the grave, weren't there? Balloons and  
that

11 sort of thing?

12 A. Yes.

13 Q. Did you find that to be okay?

14 A. Yeah.

15 Q. Okay.

16

17 MR. CURTIS GLOVER: We'll pass

the

18 witness.

19

20

21

CROSS EXAMINATION

22

23 BY MR. GREG DAVIS:

24 Q. Ms. Clark, my name is Greg Davis.

I

25 just have a few question for you. If you need to  
take a

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1 break at any time while I am talking with you, let  
me

2 know, okay?

3 A. Okay.

4 Q. Ms. Clark, would you agree with  
me

5 that the defendant is an intelligent woman?

6 A. Yes.

7 Q. Okay. In fact, she -- would it  
be

8 fair to say, since her husband was out working, that  
she

9 basically ran that house over there on Eagle Drive,  
10 didn't she?

11 A. Basically.

12 Q. Okay. And she also helped with  
the

13 books up there at Testnec, correct?

14 A. Yes.

15 Q. In fact, she had worked up there  
--

16 hadn't she worked with her husband at what, Cuplex  
17 before?

18 A. I believe so.

19 Q. So certainly an intelligent

woman,

20 correct?

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

23 Q. Okay. You said that you had  
taken

24 vacations together with the family. Were you with  
the

25 family when they went to Las Vegas in 1995?

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1 A. No.

2 Q. Did you go with the family in 1995  
to  
3 Durango, Colorado?

4 A. No.

5 Q. How about the trip in 1995 to  
Grand  
6 Cayman Island in the Caribbean?

7 A. No.

8 Q. You stated that you didn't feel  
the  
9 defendant was materialistic or selfish. Would it be  
fair  
10 to say then that you were familiar with her financial  
11 situation, her family's finances?

12 A. Not as much as to know how they  
may  
13 have kept their checkbook or anything like that,  
but as  
14 far as, you know, shopping and things of that  
nature.

15 Q. Okay. Certainly familiar with  
what  
16 she bought and things that she liked to acquire?

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

18 affirmatively.)

19 Q. Would it be fair to say that  
Darlie

20 Routier, she loved nice things, didn't she?

21 A. She loved for her family to have  
nice

22 things.

23 Q. Okay. Well, the 28 foot boat out  
24 there on the lake, that was a pretty nice boat,

wasn't

25 it, that they had on Lake Ray Hubbard?

1 A. Yeah, that was Darin's boat.

2 Q. The spa in the backyard, that was  
a  
3 new, very nice spa, wasn't it?

4 A. Yes.

5 Q. And having been inside the house,  
you  
6 certainly know that it was furnished very nicely,  
wasn't  
7 it?

8 A. Yes, it was.

9 Q. Now, as a very -- and you were  
very  
10 close, and still are a very close friend with the  
11 defendant, aren't you?

12 A. Yes, I am.

13 Q. Okay. Since this occurrence, you  
14 visited with her several times, have you not?

15 A. Yes, I have.

16 Q. Do you have any idea of the  
number of  
17 times that you have gone to the jail, either in  
Dallas  
18 County or here in Kerr County to visit with the  
19 defendant?

20                           A.     I don't have any idea.  I mean to  
add

21    them up, probably, maybe 20.

22                           Q.     And, as a very close friend,  
wouldn't

23    it also be fair to say that you were pretty  
familiar with

24    her emotional state over the time period that you  
knew

25    her?  You knew when she was up and you also knew  
when she

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Reporter

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1 might be down; is that right?

2 A. Yes.

3 Q. She certainly had up times,  
didn't

4 she?

5 A. Yes, she did.

6 Q. And wouldn't it also be fair to  
say

7 that, like all of us, she also had times when she  
got

8 down?

9 A. Yes, she did.

10 Q. And in 1996, wouldn't it be  
fair to

11 say that after Drake was born before the murders  
occurred

12 in June, that there were several times that Darlie  
had

13 down periods during that period?

14 A. There were, but there were several  
15 times that she had up periods.

16 Q. Okay. But again, my question to  
you

17 was: You certainly would have to agree with me that  
18 during that time period, you saw down periods also,

19 didn't you?

20 A. I did.

21 Q. Darlie was unhappy with the way  
she

22 looked, wasn't she?

23 A. I think she was on a diet. We  
never

24 really talked about it with each other as far as  
being

25 concerned about our weight, because I really didn't  
care

1 that much about mine.

2 Q. Would it be fair to say that  
Darlie

3 took a great deal of pride in the way that she  
looked,

4 her appearance?

5 A. I think most women do.

6 Q. Okay. And, she had certainly  
gained

7 weight since the birth of Drake?

8 A. If she had, it wasn't a whole  
lot,

9 only because she could still fit into her jeans  
that she

10 wore before she had him. So --

11 Q. Were you aware that shortly  
before

12 this that Darlie had started to take diet pills to  
try to

13 lose that weight?

14 A. Yes.

15 Q. And wouldn't it also be true  
that

16 taking care of two boys, Devon and Damon, and a new  
baby,

17 wouldn't it be true that that also put a pretty  
good

18 amount of pressure on this woman?

19 A. Well, when Courtney was seven  
months

20 old, I also babysat Devon and Damon for a period of  
about

21 three months, and the boys were very good children,  
very

22 easy to take care of, very clean.

23 Q. Okay. Darlie, she really liked  
a very

24 clean house, didn't she?

25 A. Yeah, she liked it to be  
straight and



1 nice.

2 Q. Matter of fact, anybody that  
went in

3 the house, including the kids, had to take their  
shoes

4 off, didn't they?

5 A. No.

6 Q. They didn't?

7 A. My husband didn't take his  
shoes off.

8 Q. Okay.

9 A. I generally tried to, but if I  
didn't,

10 it's not like Darlie would gripe at us and say,  
"Go back

11 to the door and take your shoes off," or  
anything.

12 Q. Well, it wouldn't be uncommon  
though

13 when you went over there to see the kids' shoes  
out on

14 the front porch or on the back porch, would it?

15 A. Oh, yeah, I have a brand new  
house and

16 I try to make my child take her shoes off also.

17 Q. And, having a child, as some  
of us do,  
18 you know, kids are not always the neatest in the  
world,  
19 are they?

20 A. No, they're not.

21 Q. They like to play and  
sometimes they  
22 mess up stuff in the house, don't they?

23 A. Yes, they do.

24 Q. And, I want to direct your  
attention  
25 to the early part of May of 1995?

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1                   A.     Okay.

2                   Q.     First week in May, were you  
still in

3     very close contact with the defendant at that  
time?

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

6                   Q.     How would you describe --

7

8                   THE COURT:  Ma'am, please, say  
yes or

9     no.

10                  THE WITNESS:  Oh, I'm sorry.

Yes,

11    yes.

12

13    BY MR. GREG DAVIS:

14                  Q.     Okay.  If you will do that for  
the

15    benefit of the court reporter.

16                  A.     Yes.

17                  Q.     Okay.  During that first week  
in May,

18    how would you describe the defendant's emotional  
state?

19                           A.     She was depressed.  Soon after  
she had  
20   her period and everything, soon after that, she  
got a lot  
21   better and seemed a lot happier.

22                           Q.     Okay.  When you say she was  
depressed,  
23   what do you mean by that?  How did you know that  
she was  
24   depressed?

25                           A.     Well, just being around her, I  
knew

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1    how she reacts to certain things, and she just  
wasn't  
2    quite as happy as she had been, but certainly had  
3    recovered.

4                    Q.    Would it be fair to say that  
she  
5    doesn't deal with stress real well?  That one of  
the  
6    things that she doesn't react well to is stress?

7                    A.    I think she deals with stress  
very  
8    well.

9                    Q.    If, for instance, well, would  
you be  
10   surprised then that upon the entry into the  
hospital at  
11   Baylor that that was one of the questions asked,  
and the  
12   response was not good in reaction to stress?  
That would  
13   surprise you, I guess, wouldn't it?

14                   A.    Well, it depends on the  
amount of  
15   stress.  Normal, everyday, bookkeeping type of  
stress, I

16 think she deals with very well, with her  
children being

17 murdered, I don't think she would deal well with  
that at

18 all.

19 Q. Well, are you aware of the  
journal

20 that she was keeping?

21 A. I was aware of an entry but  
only

22 through the media.

23 Q. You have received several  
letters from

24 Darlie over the years, have you not?

25 A. Over the past six months,  
yes.

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1 Q. Since she has been in jail?

2 A. Yes.

3 Q. You certainly would recognize  
her

4 handwriting, wouldn't you?

5 A. Yes, I would.

6 Q. Okay.

7

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

17

18 BY MR. GREG DAVIS:

19 Q. Ms. Clark, if you will, I'm going  
to

20 ask you to look at a portion of State's Exhibit 90,  
that

21 I have paper clipped this.

22 If you would, please look at the  
pages

23 that I have paper clipped, and tell me whether or not  
you

24 recognize that to be the writing of Darlie Routier.

25

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19

proceedings were

20

resumed on the

record,

21

in open court,

22

as follows:)

23

24 BY MR. GREG DAVIS:

25

Q. Ms. Clark, let me turn back first

to

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1 the front portion of the book, and does it appear to  
say:

2 "This book belongs to Darlie Routier, born January  
4th,  
3 1970"?

4 A. Yes, it appears that way.

5 Q. And as we look towards the last  
entry

6 there, do we see that it's dated May 3rd, 1996?

7 A. Yes.

8 Q. Okay. It appears to be addressed  
to

9 Devon, Damon and Drake, and it appears to be her  
writing;

10 is that right?

11 A. Yes.

12

13 MR. GREG DAVIS: Your Honor, if I  
14 could publish this at this time?

15 THE COURT: You may.

16 MR. GREG DAVIS: Ladies and  
gentlemen,

17 this is dated 5-3-96, Devon, Damon --

18 MR. DOUGLAS MULDER: Excuse me,  
Judge,

19 under the Rule of Completeness, we would like to

have him

20 read the entire journal.

21 MR. GREG DAVIS: I'm offering the

22 entire journal. I simply wish to publish this

portion

23 first.

24 THE COURT: Well, just read that

25 portion of it. It's all in evidence.

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stopped

16 where the writing stopped in the book?

17 A. Yes.

18 Q. At or near the time that that  
entry is

19 dated, Ms. Clark, did you discuss with Darlie the  
types

20 of problems that led her to make that sort of entry  
in

21 this journal?

22 A. No, I didn't. I just --

23 Q. Ms. Clark, I know you have a  
family as

24 we all do. Would it be fair to say that even with  
the

25 best of friends there are some things that maybe  
you

1 don't share with friends that you keep within your  
own

2 home or your own family?

3 A. I'm sure there are.

4 Q. Ms. Clark, I want to move  
forward to

5 when you were with the defendant in the hospital.

6 You said that she appeared to be  
7 incoherent but she seemed to understand what had  
8 happened; is that right?

9 A. Yeah.

10 Q. Did she tell you what had  
happened to

11 her and the two boys that morning?

12 A. She told me a little bit of what  
she  
13 thought happened.

14 Q. All right. Could you please  
relate to

15 us what the defendant told you there in the  
hospital?

16 A. She just had said that they had  
fallen

17 asleep downstairs in what we call the Roman room, I  
guess

18 they call it the living room, I'm not sure, which  
we do

19 quite often.

20 She said that she was somewhat  
waken

21 up, but Damon had come over and nudged her and that  
22 really kind of brought her to, and she felt someone  
down

23 maybe by her legs, I don't know whether she had  
said -- I

24 can't remember what she said whether he was  
touching her  
25 or what.



1                                 But she got up and the guy had  
gone  
2     through the kitchen and she followed him that way.  
He  
3     went out through the laundry room into the garage,  
and  
4     she had followed him to the laundry room, and found  
the  
5     knife on the laundry room floor. Came back, and  
turned  
6     the light on in the kitchen. And that is when she,  
as  
7     far as I can remember, that's when she noticed she  
was  
8     cut, and then looked over and saw Devon laying on  
the  
9     floor and Damon was there.

10                                 Q.     All right. I was trying to take  
this  
11     down as you were talking. Let me see if I got it.  
Okay?

12                                 A.     Okay.

13                                 Q.     She said she had fallen asleep  
down in  
14     the Roman room that night, correct?

15                   A.     Right.

16                   Q.     That she was -- did she tell you  
where

17 she was sleeping in the Roman room?

18                   A.     Well, I don't recall if she told  
me,

19 but she always sleeps on the long, green couch, so  
I

20 assumed that is where she was sleeping.

21                   Q.     Okay. Would that be the one  
over

22 close to the windows that face the backyard?

23                   A.     Yes.

24                   Q.     Okay. And the one -- are you  
familiar

25 with the cat cage that is over by the big-screen  
TV?

1                   A.     I think the last time I was in  
there,

2     it was over by the windows.

3                   Q.     All right.  So she is asleep and  
then

4     Damon nudges her and that is when she really comes  
awake;

5     is that right?

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

8

9                   THE COURT:  Is that a yes,  
ma'am?

10                  THE WITNESS:  Yes.  I'm sorry.

11                  THE COURT:  Very -- all right.

That

12     is good.

13

14     BY MR. GREG DAVIS:

15                  Q.     All right.  She looks up and  
there is

16     a man down by her legs; is that correct?

17                  A.     Right.  And what I can't recall  
18     whether she said if he was touching her or anything  
like

19     that.  I just recall her saying that she saw the

back of

20 him and he went towards the kitchen and out through  
the

21 laundry room.

22 Q. Okay. So, saw the back of him.

Did

23 she describe him doing anything up here around her  
neck

24 with a knife or any other instrument?

25 A. I don't remember.

1 Q. Okay. So, saw the man by her  
legs.

2 Saw his back, he then got up, and went through the  
3 kitchen?

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

6 Q. And she started to follow after  
him;

7 is that right?

8 A. Yes.

9 Q. Okay. Did she describe how this  
man

10 was leaving? Was he just walking, running, what  
was he

11 doing?

12 A. I don't remember her saying  
whether

13 anyone was walking or running.

14 Q. Okay.

15 A. I would assume he was running.

16 Q. Okay. So, you assume the man is  
17 running through the kitchen, she is chasing him,  
correct,

18 or following him?

19 A. Following him.

20 Q. Following him. Then she gets to

the

21 laundry room. Would it be fair -- utility room,

where

22 the washing machine and dryer

are?

23 A. Right.

Right.

24 Q. Okay. And, it's inside the

utility or

25 the laundry room on the floor is where she sees the

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1 knife, right?

2 A. I believe so.

3 Q. Okay. That is certainly the way  
that

4 you remember her describing it, right?

5 A. That's how I remember it.

6 Q. Okay. Not in the kitchen, not in  
the

7 family room, the laundry room floor, correct?

8 A. Right.

9 Q. And, did she pick the knife up at  
some

10 point?

11 A. Yes.

12 Q. All right. Was that before or  
after

13 she went back into the kitchen and turned the light  
on?

14 A. That, I'm not sure about. I don't  
15 know if she turned the light on and then actually  
went

16 back and looked, or if she picked it up and  
carried it

17 over and then turned the light on.

18 Q. All right. So at some point  
then, she

19 turned the light on in the kitchen, and then went  
back

20 into the family room, or the Roman room?

21 A. Yeah. She didn't really tell me  
much

22 past -- she said that Damon was there, and I believe  
she

23 said she asked him to lay down, and I don't know if  
-- I

24 really don't know whether she went to get Darin, but  
she

25 said she got some towels and wet them and put them  
on



1 Damon's back.

2 Q. Okay. So she actually told you  
that

3 she had to tell Damon to lay down; is that right?

4 A. Well --

5 Q. Or she told him to lay down?

6 A. Well, actually that part I'm not  
sure

7 about. I don't know if he laid down or if she went  
over

8 and told him or what. I don't know how that  
happened. I

9 know that he laid down, she said he laid down and  
she

10 went and got some towels, and wet them, and put them  
on

11 his back.

12 Q. And then actually placed them on  
his

13 back, right?

14 A. I would assume so.

15 Q. And then, what is the next thing  
that

16 she said that she did?

17 A. Well, we pretty much didn't talk

about

18 anything else after that.

19 Q. All right. And what sort of  
20 description of this man did she give you?

21 A. She just said she thought he was

--

22 she didn't say he was huge or anything, she said she  
23 thought he was somewhat built, maybe had a T-shirt  
and a

24 ball cap on. She just said she saw the back of him.

25 Q. Okay. White or black?

1                   A.     At that time she said she really  
2 wasn't sure, possibly white.

3                   Q.     Hair; long, short?

4                   A.     I believe she said medium-length  
hair.

5                   Q.     Okay.  What do you understand to  
be

6 medium-length?  Is mine medium?

7                   A.     No, yours is short.

8                   Q.     Okay.

9                   A.     Maybe past the collar.

10                  Q.     Okay.  A little bit past the  
shirt

11 collar then?

12                  A.     Yes, maybe a little bit longer.

13                  Q.     Okay.  We have ball cap, T-shirt,  
how

14 about socks, anything in his hands, gloves that he  
was

15 wearing?

16                  A.     She didn't say, but I would think  
she,

17 you know, she just described the back of him, if he  
was

18 moving, I don't know if she could have seen anything

in

19 his hands.

20

Q. But didn't describe anything for

you

21 though?

22

A. She didn't.

23

Q. And, what did she say that this

man

24 said to her?

25

A. I don't recall her saying

anything

1 that went on verbally either way.

2 Q. All right. So, your recollection  
is

3 today that there was no discussion about what the  
man

4 said to her or what she may have said to him. As  
far as

5 you know there was nothing, right?

6 A. As far as I know, I don't know  
what

7 went on.

8 Q. Certainly what you know about the  
9 event is what the defendant has told you, since you  
10 weren't there; is that right?

11 A. Right.

12 Q. And, that evening, June 5th, the  
night

13 leading up to this, had you been over at the  
Routier's

14 that night?

15 A. No, we were going to go because  
it was

16 my birthday the day before, but I had a bunch going  
on

17 and canceled.

18                   Q.     Okay.  In your 20 other visits  
with  
19   the defendant since she has been in jail, what other  
20   information has she given you?  Has she been able to  
give  
21   you a better description of what happened to her  
that  
22   night?

23                   A.     Not that I can -- she just --  
that's  
24   all she has ever told me.  As far as the man or  
anything,  
25   it's always been, that's all she could remember.

1 Q. Okay. Have you all discussed it  
when

2 you have gone to the jail to visit with her?

3 A. Not much because I try not to  
talk

4 about that. I try to rather tell her about the  
good

5 stories that we have had with my daughter and try  
to lift

6 her up emotionally.

7

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

10

11

12 REDIRECT EXAMINATION

13

14 BY MR. CURTIS GLOVER:

15 Q. Needless to say, Julie, I guess  
a good

16 description of how she could describe what went on  
there

17 that night was both difficult as well as fuzzy?

18

19 MR. GREG DAVIS: I'm going to

object

20 to that as being leading.

21 THE COURT: You may want to

rephrase

22 your question. Go ahead.

23

24 BY MR. CURTIS GLOVER:

25 Q. Stated facts with reference to  
whether

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1 or not it seemed fuzzy to her or difficult?

2 A. Yeah.

3 Q. Okay. And now, there has been  
some

4 discussion about the fact that Darlie suffered from  
the

5 blues after Drake was born. Is that a good  
description

6 of it, blues?

7 A. Yes.

8 Q. Is that a postpartum-type thing?

9 A. I believe so.

10 Q. Women understand that, I guess,  
among

11 themselves better than perhaps men do?

12 A. Yes.

13 Q. Do you know what I'm talking  
about?

14 A. Yes, I do.

15 Q. Would you describe what Darlie  
was

16 going through as perhaps being that?

17 A. As far as emotionally, how she  
seemed

18 to me?

19

Q. Right.

20

A. She had good days as well as bad.

I

21 know that she hadn't been having her menstrual  
period.

22

Q. Did y'all talk about that?

23

A. Yes.

24

Q. Okay. Well, was that of some

concern?

25

mentally?

A. Medically or physically or

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1 Q. Just y'all talking about it.

2 A. Well, it didn't seem abnormal,  
because

3 she breast-fed Drake, and according to the doctors  
you

4 don't have menstrual cycles during that period.

5 Q. Okay. Did she ultimately then  
have a

6 menstrual cycle?

7 A. Yes, she did.

8 Q. Was that such that it became a  
topic

9 of conversation?

10 A. Yes, it did.

11 Q. What did it do as far as uplifting  
12 her?

13 A. It made a tremendous difference in  
14 her. I don't want to be rude or anything, as far as  
her

15 sex drive, and things of that nature, it made a

16 turn-around for her.

17 Q. Okay. And y'all talked about it?

18 A. Yes.

19 Q. Okay. And, did she seem somewhat  
20 relieved emotionally, that things were back to  
normal?

21 A. Yes, she did.

22 Q. Okay. Did you -- was her  
situation

23 there remarkable as far as her attitude and  
whatnot?

24 A. As far as being overly happy?

25 Q. Or sad or whatever.

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Reporter

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1                   A.     No, she seemed pretty much  
back to  
2     normal.

3                   Q.     Okay. Well, before that even  
4     occurred, were you concerned?

5                   A.     Before that occurred, I mean,  
you  
6     know, we had dinner with them usually at least  
once a  
7     week, and we talked about our problems and we  
talked  
8     about the good times that we had had that week, and  
it  
9     didn't seem so -- for me to be very, you know, all  
that  
10    much concerned about it.

11                  Q.     Okay.

12                  A.     I mean, yeah, I don't like it  
when my  
13    friends are not happy, but usually by the time we  
left we  
14    were happy and having a good time.

15                  Q.     Okay. Needless to say, did her  
16    appearance become bedraggled like that of a person  
who is

17 down and out?

18 A. No, Darlie always looked nice.

19 Q. Okay. Was her house well-kept?

20 A. Yes.

21 Q. Was she -- did she have the  
normal

22 concerns that you had always observed in her?

23 A. Yes.

24 MR. CURTIS GLOVER: Pass the

witness.

25

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1

2

REXCROSS EXAMINATION

3

4 BY MR. GREG DAVIS:

5

Q. Just one other question, Ms.

Clark.

6

Had you ever seen her deal with her mortgage being  
in

7

default before?

8

A. I never knew of her mortgage  
being in

9

default.

10

11

MR. GREG DAVIS: No further  
questions.

12

THE COURT: Ma'am, you will be  
13 stepping down now. You are now under what's  
called the

14

Rule of Evidence.

15

Here is what that means: When  
you are

16

not testifying, you have to remain outside of the

17

courtroom. Don't talk about your testimony or

about what

18

you testified to here in Court. In other words,

don't

19 compare.

20 You may talk to the attorneys  
for

21 either side. But, if anybody tries to talk to you  
about

22 your testimony, please tell the attorney for the  
side who

23 called you. Okay?

24 THE WITNESS: Okay.

25 THE COURT: If you will step  
down,

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 please.

2 THE COURT: Your next witness.

Mr.

3 Glover, who will be next?

4 MR. CURTIS GLOVER: LuAnn

Black.

5 THE COURT: Raise your right  
hand,

6 please, ma'am.

7

8 (Whereupon, the witness  
9 Was duly sworn by the  
10 Court, to speak the  
truth,

11 The whole truth and

12 Nothing but the truth,

13 After which, the

14 Proceedings were

15 Resumed as follows:)

16

17 THE COURT: Do you solemnly swear

or

18 affirm that the testimony you are about to give will  
be

19 the truth, the whole truth, and nothing but the  
truth, so

20 help you God?

21 THE WITNESS: I do.

22 THE COURT: Have a seat right  
here.

23 Is this the first time you have testified?

24 THE WITNESS: Yes.

25 THE COURT: Here is the thing,  
relax

Sandra M. Halsey, CSR, Official Court Reporter

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1 and speak into the microphone loudly so the ladies  
and

2 gentlemen of the jury can hear you. Okay?

3 THE WITNESS: Okay.

4 THE COURT: From time to time you  
will

5 hear an objection, stop talking until I rule on it.

6 Spell your full name for the court reporter. When

7 answering questions, don't say um-hum or huh-uh.

Okay?

8 THE WITNESS: Okay.

9 THE COURT: All right. Go  
ahead.

10 Please state your name and spell it for the  
reporter,

11 ma'am.

12 THE WITNESS: LuAnn Black, L-U-A-  
N-N,

13 B-L-A-C-K.

14 THE COURT: Can the jurors hear  
the

15 witness? Here is what you are going to have to do.

The

16 acoustics are bad, you are going to hear your voice  
so

17 don't worry about it. Those last two ladies and

18 gentlemen have to hear you. Okay?

19 THE WITNESS: Okay.

20 THE COURT: All right. Go ahead,  
21 please.

22 MR. S. PRESTON DOUGLASS: Thank  
you,

23 your Honor.

24

25

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1 Whereupon,

2

3

LUANN BLACK,

4

5 was called as a witness, for the Defense, having  
been

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

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

8 court, as follows:

9

10

11

DIRECT EXAMINATION

12

13 BY MR. S. PRESTON DOUGLASS:

14

Q. Ms. Black, would you please tell  
the

15 ladies and gentlemen of the jury where you live and  
what

16 you do for a living.

17

A. Okay. I live in Altoona,  
18 Pennsylvania, and I am a loan operations --

19

20

THE COURT: You are going to

have to

21 bring your voice up, because neither one of them  
can hear

22 you.

23 THE WITNESS: Okay.

24 THE COURT: I know this is your

first

25 time testifying, and you will hear your voice echo.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Don't be worried about it. Just bring it up.

Okay.

2

3 BY MR. S. PRESTON DOUGLASS:

4 Q. Are you nervous, Ms. Black?

5 A. Yes.

6 Q. There's more people here than  
was in

7 my wedding, so I understand your feelings.

8 Let me ask you this: You work  
at a

9 bank; is that right?

10 A. Yes.

11 Q. What does your husband do  
for a

12 living?

13 A. He works for Bell Atlantic.

14 Q. And, do you have children?

15 A. One daughter.

16 Q. All right. And, do you know

Darlie

17 Routier, obviously?

18 A. Yes, very well.

19 Q. You are her aunt?

20 A. Yes.

21 Q. Okay. Explain that relationship.

You

22 are sisters of?

23 A. Darlie Kee.

24 Q. Okay. Darlie was born in

25 Pennsylvania?

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1 A. Yes.

2 Q. And, do you recall what age it  
was

3 that she left Pennsylvania?

4 A. I think it was about 13 or 14.

5

6 THE COURT: Ma'am, we still can't  
hear

7 you. You have to get your voice way up. Okay.

8 Let's ask the question again,  
please,

9 Mr. Douglass.

10

11 BY MR. S. PRESTON DOUGLASS:

12 Q. Would you tell the ladies and  
13 gentlemen of the jury what age you recall Darlie  
leaving

14 Pennsylvania.

15 A. To the best of my knowledge, of  
what I

16 can remember, I think it was like 13 or 14.

17 Q. Okay. And over the years when  
Darlie

18 became a mother, would she come to visit you in

19 Pennsylvania and would sometimes you go down to

visit her

20 family?

21 A. Yes. A lot of times they would  
come

22 up for the holidays.

23 Q. All right. Can you describe

Darlie

24 for the members of the jury?

25 A. She was just -- she's a sweet  
person,

1 caring, thoughtful.

2 Q. Was she a generous person?

3 A. Yes, very much.

4 Q. Do you remember a trip in which

Darlie

5 and Devon and Damon came to Altoona in March of  
1995?

6 A. Yes, I do.

7 Q. They spent some time at your  
house

8 during that time?

9 A. Yes, and at my sister, Sherry's  
house,

10 also.

11 Q. Did Darlie care about the  
children and

12 interact well with the children?

13 A. Yes, she loved her children,  
very,

14 very, much.

15 Q. Was she protective of the  
children?

16 A. Yes.

17 Q. Do you remember any instances  
that

18 stick out in your mind where she would watch over  
the

19 children?

20 A. Yes. There was one time when we  
were

21 going to my sister Sherry's home for supper, and the  
boys

22 were wanting to play down in her basement with  
Sherry's

23 son, Brett. He is the same age. There's 10 days  
between

24 him and Devon. And they wanted to play in the  
basement

25 and Darlie Lynn was saying she wanted to know if  
there

1 was an adult down there because she didn't want them  
down

2 there unless there was an adult there to watch what  
they

3 were doing.

4 Q. And was that fairly typical of  
how

5 Darlie reacted and took care of her kids?

6 A. Oh, yes, yes.

7 Q. Would you describe Darlie as a  
8 selfish, materialistic person?

9 A. Never, never.

10 Q. I want to move ahead to June of  
1996.

11 And in June, did you travel down to Texas after the  
12 children had died?

13 A. Yes, I did.

14 Q. And did you have an opportunity  
during

15 that trip to go to the hospital upon your arrival?

16 A. Yes.

17 Q. Okay. Do you recall how soon it  
was

18 that you went to the hospital?

19 A. It was -- we got in on Friday

evening,

20 the 7th, and we had taken our luggage back to my  
sister,

21 Darlie Kee's home, and then we went straight to the  
22 hospital.

23 Q. Do you recall at any time when  
you

24 went to the hospital, or let's go to your first  
visit, do

25 you recall seeing bruises on Darlie's right arm?

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1 A. Yes, I do.

2 Q. Okay. Can you tell the ladies  
and

3 gentlemen of the jury, how that happened? What  
brought

4 those bruises such that you noticed them?

5 A. Well, when we went in to see her,  
she

6 was sitting up in the bed, and she was like -- she  
was

7 pulling her hair back, and just like wiping her  
mouth and

8 her face, and when she was pulling her hair back is  
when

9 I noticed the bruising, but I noticed it a lot more  
on

10 Saturday at the viewing, it was darker and it was  
very

11 noticeable.

12 Q. Okay. So if I understand what  
you are

13 saying, are you saying that you began to notice a  
bruise

14 when you first arrived?

15 A. Yes.

16 Q. Okay. And then that bruise

continued.

17 You noticed it was very obvious to you in the  
hospital?

18 A. Yes.

19 Q. And then that bruise got worse as  
time

20 went by?

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

23 Q. Okay. Now, I'll jump a little  
bit

24 ahead again. Were you present for the viewing and  
the

25 funeral?



1 A. Yes.

2 Q. Did you also go to the prayer  
service

3 and the birthday party?

4 A. Not the birthday party, but the  
prayer

5 service in the afternoon at 2:00 o'clock, we were  
there.

6 But we had to leave at 5:00 to catch our plane back,

7 so --.

8 Q. Can you describe the prayer  
service

9 for the jury?

10 A. It was very beautiful. You know,  
11 Pastor David had a beautiful prayer, and the other  
pastor

12 that was there, I don't recall his name, I'm sorry.  
But,

13 we were just -- we were just there and --

14 Q. Do you recall how many people  
were

15 there?

16 A. A lot. I don't remember exactly  
how

17 many.

18 Q. Did it appear to you that Darlie

had a

19 great deal of support during that time?

20 A. Yes.

21 Q. When you were with Darlie, did  
you see

22 anything inappropriate about how she acted after the

23 death of the children?

24 A. No, never.

25 Q. Did she appear to be -- at times  
to

1 have cried in your presence?

2 A. Yes.

3 Q. Did it appear that there were  
times

4 that she was quiet in your presence?

5 A. Yes.

6 Q. And did it appear that there were  
7 times when she smiled or even laughed in your  
presence?

8 A. She would smile. She has a very  
sweet

9 smile, and she would just smile at us, you know,  
when we

10 told her that we loved her and she just smiled and  
she

11 said, "I know."

12 Q. Did you take part in any, making  
any

13 of the arrangements for the birthday party? Did you  
get

14 any of the balloons or anything?

15 A. Yes. I rode in the car with  
Darin,

16 and Darlie Lynn, myself and Shana, that is my sister

17 Sherry's daughter, Shana and Danielle, Darlie Kee's

other

18 daughter. We all went to Michaels to get the  
balloons

19 and different -- we made these -- everyone had made  
these

20 necklaces, they were like with beads that -- one  
said

21 Happy Birthday, Devon; and one said Damon.

22 And we went over to where we were

23 getting special balloons made up, and I remember

Darlie

24 Lynn had the one balloon that said, Happy Birthday,  
25 Devon. And she just, before they had put the air in  
it,

1 she, you know, it was laying there and she just  
touched

2 it, and she started crying, and Darin came over and  
3 hugged her.

4 Q. Were there times like that that  
she

5 would see something that reminded her of one of her  
6 children and she would cry?

7 A. Yes.

8 Q. Did you see her frequently clutch  
a

9 photograph or a portrait of the children?

10 A. I don't recall.

11 Q. Okay. And this balloon, what was  
she

12 doing to the balloon, before it was blown up in the  
13 store, what was she doing?

14 A. She was just touching where it  
said,

15 Devon on it, it said happy birthday, Devon, and she  
just

16 cried.

17

18 MR. S. PRESTON DOUGLASS: Pass

the

19 witness.

20

21

22 CROSS EXAMINATION

23

24 BY MR. GREG DAVIS:

25 Q. Ms. Black, my name is Greg Davis,  
and

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1 I have a few questions for you. Again, if you need  
to  
2 take a break at any time during the questioning, you  
just  
3 let me know. Okay?

4 A. Okay.

5 Q. Ms. Black, you have been in  
Kerrville

6 since when?

7 A. The 11th, we got in.

8 Q. Okay. And you say, "We got in."

Who

9 all got in on the 11th?

10 A. My sister, Sherry, and her  
daughter,

11 Shana, and myself.

12 Q. Okay. How about your other  
sister,

13 Darlie Kee?

14 A. Well, she was already down here  
in

15 Kerrville.

16 Q. Okay. And, you all have been  
staying

17 together at the Inn of the Hills since that time?

18 A. Yes, that's correct.

19 Q. Okay. Would it be fair to say  
that  
20 you have been keeping up with everything that's been  
21 going on in this courtroom since the 11th?

22 A. Yes.

23 Q. Okay. Basically, reports come  
back to  
24 you every day about what transpired, about what the  
25 testimony was, and really, what all of the jurors  
have

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1    been hearing, right?

2                    A.     Just, you know, I don't know  
3    everything that goes on, but just some --

4                    Q.     Well, as much as the notes would  
show  
5    you anyway?

6                    A.     No, I have not read Sandy's -- I  
know  
7    she's keeping notes, but I haven't read them.

8                    Q.     You're certainly aware that there  
has  
9    been testimony about a bruise on the defendant's  
right  
10   arm?

11                   A.     Yes.

12                   Q.     Okay.  Do you know what the  
nurses

13   said, don't you?

14                   A.     What the nurses said?

15                   Q.     Medical people, what they said?

16                   A.     No, because I didn't talk to  
any

17   nurses when I was at the hospital.

18                   Q.     And, you're certainly aware  
that

19   photographs have been admitted and shown to the

jury,

20 that show those bruises, right?

21 A. I assume that they would have  
taken

22 pictures. I didn't see the pictures.

23 Q. Describe the bruise for me.

Where was

24 it?

25 A. It went from the bottom of her  
arm

1 clear up to the top of her arm.

2 Q. Okay. And if you will, tell me  
if I

3 am indicating correctly. You started, what, about  
two

4 inches above your right wrist? Would that be fair?

5 A. I just remember, what I remember  
is

6 seeing it because my father had held her arm up, too,  
and

7 said, "Look at this".

8 Q. Okay. Well, can you just show me  
9 again, and show the members of the jury the length of  
10 that bruise, please?

11 A. It was just the whole arm. It was  
the

12 worst bruise that I have ever seen.

13 Q. Okay. Again, you have indicated  
all

14 the way, the length of arm, right?

15 A. I remember it being on this part  
of

16 her arm that there was lot. I didn't measure it  
but it

17 was a lot there, it covered her whole arm.

18 Q. Right.

19                   A.     It was terrible.

20                   Q.     What shape was it?

21                   A.     What do you mean, what shape?

22                   Q.     I mean, you have indicated the  
inside  
23     part of your arm. Did it extend to the outside?

24                   A.     No, I didn't see a bruise. I  
just saw  
25     that she had a wound there with bandages on it, the

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1 bruise was underneath.

2 Q. Okay. What color was it when you  
3 first saw it on the 7th?

4 A. On the 7th, it was like, it  
wasn't as

5 dark. It was lighter, on the 8th at the viewing, it  
was

6 a lot darker.

7 Q. Okay. Well, right now I'm  
interested

8 in the color. I know that you say that it got  
darker,

9 but it started out what color?

10 A. Just like a purple blue, you  
know,

11 just a bruise.

12 Q. Okay. Purple and blue on the  
7th.

13 Any green or yellow?

14 A. No.

15 Q. Any red?

16 A. I don't remember every color that  
was

17 on her arm.

18 Q. Well, I'm just trying to get a

19 description of the bruise.

20 A. I mean, it was just bruise. I  
mean it

21 was very evident that it was a bruise.

22 Q. Okay. Just a bruise. On the 8th?

23 A. Not just a bruise, a bad bruise.

24 Q. On the 8th, describe -- the same  
25 location for the bruise? Had it increased in size,

1 decreased in size?

2 A. It was darker, that's all I  
remember.

3 It was more visible. You could notice it more  
because --

4 I remember the dress she was wearing because my  
sister,

5 Darlie Kee and I went shopping that day and bought  
her a

6 dress to wear.

7 And I know exactly what the dress  
8 looked like. It was black, like an A-line with short  
9 sleeves. And so there was plenty of people at that  
10 viewing that would have seen that bruise.

11 Q. Well, I think my question was:  
Was it

12 the same size and shape as it had been on the day  
before?

13 A. I didn't measure it. I just knew  
it

14 was there.

15 Q. And you said it was darker.

Describe

16 the coloring that you saw on the 8th now?

17 A. It was darker and more noticeable.

I

18 don't know what else to say.

19 Q. Well, any green in it by that  
time?

20 A. I don't recall.

21 Q. Any yellow?

22 A. I don't know.

23 Q. Well, it was a very noticeable  
bruise

24 from the get-go there on the 7th.

25 When you asked the defendant how  
she

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1 got that bruise, what did she tell you?

2 A. I didn't ask her how she got it.

I

3 just assumed from the wound or from the attack. I  
didn't

4 ask her.

5 Q. So you never asked and she never  
told

6 you, correct?

7 A. Correct.

8 Q. Well --

9 A. At the hospital she didn't.

10 Q. Okay. Well, when did she tell you  
how

11 she got it?

12 A. Well, she didn't -- she just -- we  
--

13 she didn't have to tell us, we knew by -- we knew  
what

14 had happened.

15 Q. You knew what had happened?

16 A. We knew that she was  
attacked.

17 Q. When you were up there at  
the

18 hospital, what was her description of this  
attack?

19 A. She didn't give us a  
description.

20 Q. Well, just --

21 A. It was a time of mourning. We  
were

22 all in just -- in shock over all of this. We just  
wanted

23 to be there to hold her, and to tell her that we were  
24 there for her. We weren't asking her about what this  
25 came from or that.

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1 Q. Well --

2 A. We just wanted to hold her and hug  
her

3 and tell her that we loved her and that we were sorry  
4 about what had happened.

5 Q. Well, let me just rephrase the  
6 question. At any time that she was in the hospital,  
Ms.

7 Black, did she tell you about the events of the  
attack?

8 A. I just remember her saying that  
Damon

9 actually saved her life, because he had woke her up  
and  
10 leaned against her.

11 Q. Okay. So Damon is the one that  
woke  
12 her up and saved her life by doing what?

13 A. She just said that he had leaned  
14 against her.

15 Q. Leaned against her?

16 A. Yes.

17 Q. Okay. Were those the only facts  
or

18 details that she gave you while she was in the

hospital?

19 A. Yes.

20 Q. And since her stay in the  
hospital, I

21 assume, you have had occasion to speak with her,  
have you

22 not?

23 A. Since her stay at the hospital?

24 Q. Yes, ma'am.

25 A. Yes.

1                           Q.     Okay.  I'm now talking about,  
have you  
2     had occasions before you went back to Pennsylvania  
to  
3     speak with her?

4                           Certainly you were at the  
funeral and  
5     the prayer service, right?

6                           A.     Yes.

7                           Q.     Okay.  During that time period  
did she  
8     give you any further description of what happened  
to her  
9     and the two boys there in the house on June 6th?

10                          A.     No.  I didn't want her to have  
to  
11    relive it over and over, so I didn't want to keep  
asking  
12    her about it.  I just wanted to be there to love  
her.

13                          Q.     The funeral that occurred on the  
9th,  
14    did you think everything that went on there was  
15    appropriate?

16                          A.     Yes.

17 Q. Okay. You were there for the  
first

18 song that was played, I take it?

19 A. Yes.

20 Q. Gangster's Paradise?

21 A. Yes.

22 Q. You thought that was a very  
23 appropriate song for these two children who had  
been

24 murdered?

25 A. Yes, it was one of their -- a  
favorite

1 song of theirs and that is why she played it.

2 Q. You mean that she let her five  
and six

3 year old children listen to Gangster's Paradise by  
4 Coolio?

5 A. Yes.

6 Q. Have you had a chance to listen  
to

7 that song, ma'am?

8 A. I listened to it at the funeral.

9 Q. And, are you familiar with some  
of the

10 lyrics in that song, what that song is about?

11 A. No, I'm not.

12 Q. So you are not aware that it is  
about

13 violent crimes?

14 A. No.

15

16 MR. GREG DAVIS: I'll pass the  
17 witness.

18 THE COURT: Mr. Douglass.

19

20

21 REDIRECT EXAMINATION

22

23 BY MR. S. PRESTON DOUGLASS:

24 Q. Let me ask you one thing. You

had --

25 you came down on plane tickets that were  
transferred to

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1 you; is that right?

2 A. That's right.

3 Q. Can you explain that to the  
members of

4 the jury?

5

6 MR. GREG DAVIS: Excuse me. I'm  
going

7 to object to that. What is the relevance of how  
she got

8 down here on plane tickets?

9 THE COURT: Oh, I'll let it in.

10 MR. GREG DAVIS: I believe it's  
also

11 cumulative, I think we already know that the  
defendant's

12 family --

13 THE COURT: I'll let Mr.  
Douglass,

14 continue. Go ahead. I'm sure he will explain the  
15 relevancy quickly.

16 MR. S. PRESTON DOUGLASS: I  
appreciate

17 the confidence.

18

19 BY MR. S. PRESTON DOUGLASS:

20 Q. Judge -- I mean, Ma'am, if you  
would

21 go ahead with why you got those tickets and what  
the

22 plans were, that had been made with those tickets?

23 A. Yes. Well, we had been planning  
a

24 50th wedding anniversary for my parents. It was to  
be on

25 the 15th of June.

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1                                 And, they were all planning to  
come  
2     up, my sister, Darlie Kee and her husband, Darlie  
Lynn  
3     and Darin and the boys, and I was going to pick  
them up  
4     at the airport in Pittsburg, and have one other car  
5     because I didn't have enough room.

6                                 They were going to rent a car at  
the  
7     airport, and I had a car seat already in my car  
for baby  
8     Drake. And, I was to meet them, you know, I had  
9     scheduled that day off of work to be there to meet  
them  
10    at the airport and to drive them back home.

11                             Q.     These plans had been long  
standing; is  
12    that right?

13                             A.     Yes, we had started planning  
for that  
14    since January that year.

15                             Q.     Okay. To your knowledge, was  
it an  
16    event that Darlie was very much wanting to attend?

17                           A.     Yes.

18

19                           MR. S. PRESTON DOUGLASS:   Pass

the

20    witness.

21

22                           RE CROSS EXAMINATION

23

24    BY MR. GREG DAVIS:

25                           Q.     Ms. Black, just one question.

When

                          Sandra M. Halsey, CSR, Official Court  
Reporter

1 you met with Investigator Bosillo in Pennsylvania,  
you

2 remember him, don't you?

3 A. Yes.

4 Q. Okay. Isn't it true, ma'am, that  
you

5 told Investigator Bosillo that Darlie Lynn had told  
you

6 that she could identify the person who came into  
that

7 house and did this to her and her two children?

8 A. No, we never said that.

9

10 MR. GREG DAVIS: No further  
questions.

11 MR. S. PRESTON DOUGLASS: I  
don't have

12 any further questions, your Honor.

13 THE COURT: All right. Ma'am,  
you are

14 going to be excused now.

15 You are under what we call the  
Rule of

16 Evidence. That simply means that you have to  
remain

17 outside the courtroom when you're not testifying.

Don't

18 talk about your testimony with anyone who has  
testified.

19 You can talk to any attorney  
for

20 either side. If someone tries to talk to you  
about your

21 testimony, please tell the attorney for the side  
who

22 called you. Okay?

23 THE WITNESS: Okay.

24 THE COURT: Please step down.  
25 Your next witness, please.

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Reporter

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1 MR. DOUGLAS MULDER: Karen  
Neal.

2 THE COURT: If you will raise  
your  
3 right hand, please.

4  
5 (Whereupon, the witness  
6 Was duly sworn by the  
7 Court, to speak the  
truth,

8 The whole truth and  
9 Nothing but the truth,  
10 After which, the  
11 Proceedings were  
12 Resumed as follows:)

13  
14 THE COURT: Do you solemnly swear  
or  
15 affirm that the testimony you are about to give will  
be  
16 the truth, the whole truth, and nothing but the  
truth, so  
17 help you God?

18 THE WITNESS: Yes.

19 THE COURT: Have a set right here.  
20 All right. Is this your first time to testify?

21 THE WITNESS: Yes, sir.

22 THE COURT: All right. Here is  
what

23 you do. Just have a seat. Speak into the  
microphone.

24 You will hear your voice echo. The two jurors on the  
end

25 have to be able to hear you.

Sandra M. Halsey, CSR, Official Court Reporter

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1 THE WITNESS: Okay.

2 THE COURT: Pay close attention to  
the  
3 question, answer only what is asked, and say yes or  
no,  
4 not um-hum or uh-huh. And when the lawyers object,  
just  
5 stop, and I will rule on it and we'll go ahead.

Okay?

6 THE WITNESS: Yes, sir.

7 THE COURT: All right. Will you  
8 please state your name and spell it for the court  
9 reporter?

10 THE WITNESS: It's Karen Marie  
Neal.

11 My last name is N-E-A-L, Karen is K-A-R-E-N, Marie,  
12 M-A-R-I-E.

13 THE COURT: All right. Mr.  
Mulder.

14

15

16 Whereupon,

17

18 KAREN NEAL,

19

20 was called as a witness, for the Defense, having

been

21 first duly sworn by the Court, to speak the truth,

the

22 whole truth, and nothing but the truth, was examined

and

23 testified in open court, as follows:

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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1

DIRECT EXAMINATION

2

3 BY MR. DOUGLAS MULDER:

4 Q. Ms. Neal, you have been called  
here to

5 testify as regards to Darlie Routier. Do you know  
her?

6 A. Yes, sir.

7 Q. Do you see her here in Court?

8 A. Yes, sir.

9 Q. Is she on my immediate left?

10 A. Yes, sir.

11 Q. Okay. Will you tell the jury  
where

12 you live?

13 A. I live directly across the street  
from

14 Darlie.

15 Q. Are you married?

16 A. Yes, sir.

17 Q. And, you have a family?

18 A. Yes, sir, I do.

19 Q. And what does your family consist  
of?

20 A. A son that is 14, and my daughter  
is

21 12 and my husband.

22 Q. Okay. And, you and your husband

both

23 work?

24 A. Yes, sir.

25 Q. And how is your husband employed?

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1                   A.     He is employed by Texas  
Instruments.

2                   Q.     How long has he been employed by  
Texas  
3     Instruments?

4                   A.     I believe 17 years.

5                   Q.     Okay.  And how are you employed?

6                   A.     I am a nurse, a registered nurse  
at a  
7     hospital.

8                   Q.     Okay.  How long have you been a  
9     registered nurse?

10                  A.     Approximately 12 years.

11                  Q.     All right.  I want to direct your  
12     attention back in time to the early morning hours of  
June

13     the 6th of 1996.  I'll ask you if you and your two  
14     children and your husband were at home during the  
early

15     morning hours of June 6th?

16                  A.     Yes, sir.

17                  Q.     And was there anything that  
happened

18     that startled you or caught your attention?

19                  A.     Yes, sir.  Approximately 2:35 in

the

20 morning my husband and I both heard a pounding, a  
very

21 forceful noise at our front door.

22 Q. Did it sound like somebody was  
trying

23 to break in?

24 A. Exactly, yes, sir.

25 Q. Okay. And, your husband is a  
very

1 large, large man, is he not?

2 A. Yes, he is.

3 Q. Big, tall guy?

4 A. Yes, sir.

5 Q. What, if anything, did he do?

6 A. When we heard the forceful  
sound of

7 the noise, my husband, Terry, jumped up to the  
side of

8 the bed and grabbed his gun that he keeps in the  
night --

9 excuse me -- yes, his gun that he keeps in the  
10 nightstand. And, my husband, and myself and my son  
11 rushed downstairs to the front door.

12 Q. Okay. What, if anything, did you  
find

13 when you got to the front door?

14 A. My son and I were standing  
directly

15 behind my husband and as he opened the door, my  
husband

16 said, "Yes, sir?"

17 He saw a figure of Darin and at  
that

18 moment he said, "Yes, Darin, what is the matter?"





1 running down his face.

2 Q. Was he loud?

3 A. Very loud. He was screaming.

4 Q. How was he dressed?

5 A. He had on a pair of blue jeans, no  
6 shirt and he was barefoot.

7 Q. Okay. What, if anything, happened  
8 next?

9 A. I told Darin -- I had on my  
nightgown,  
10 and my husband (sic) and I said, "Let me run upstairs  
and  
11 get dressed." And I ran upstairs and Terry and Darin  
and  
12 my son, Nick stayed by the front door.

13 I went directly to the top of the  
14 steps, took off my nightgown, put on a T-shirt and  
my  
15 shorts, ran directly down the steps, you know,  
within a  
16 few seconds, and we ran directly across the street.

17 Q. Okay. All three of you?

18 A. My husband, myself, my son and  
Darin.

19 Q. Okay. Four of you?

20 A. All four of us, yes.

21                   Q.     Okay.  What happened when you got  
22 across the street?

23                   A.     We ran directly across the street  
and

24 we were stopped by a policeman.  The policeman said,  
25 "Wait a minute.  You can't go any further."

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1                                   And my husband and Darin both  
shouted,

2        "she's a nurse."

3                                   And I said, "Yes, I need to get  
4 through."

5                                   And he said, "Okay. You may go  
6 through, just one of you."

7                                   And I went directly to Darlie who  
8 was -- the two paramedics were placing her -- setting  
her  
9 down in the doorway.

10                        Q.     Okay. A doorway at her residence?

11                        A.     Of her residence, yes, sir.

12                        Q.     Okay. And they were administering  
13 first aid to her at that time?

14                        A.     Yes, sir.

15                        Q.     Okay. Did you have occasion to  
go on  
16 into the Routier house?

17                        A.     Yes, sir.

18                        Q.     All right. Will you tell the  
jury

19 about that?

20                        A.     I saw Darlie practically every  
day.

21 We car pooled. She would take my daughter and her  
son,

22 Devon, and another child to school in the morning,  
and

23 myself and another neighbor picked up in the  
afternoon.

24 Q. Okay. And did you, after seeing  
25 Darlie there in the doorway, did you later on have

Sandra M. Halsey, CSR, Official Court Reporter

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1 occasion to go into the Routier home?

2 A. Yes, sir, I did.

3 Q. Okay. And will you tell the jury  
what

4 you found when you went into the home?

5 A. As I walked into the home, I  
6 approached the entrance way between the kitchen and  
the  
7 living area, and I saw Devon laying on his back with  
a

8 blanket covering the -- most part of his body with  
only a  
9 fraction of his right eye that I could see.

10 Q. Okay. Ms. Neal, was there anyone  
in  
11 attendance to Devon at that time?

12 A. No, sir.

13 Q. Okay. Was there anyone else in  
the  
14 house that you saw at that time?

15 A. No, sir.

16 Q. Okay. Did you subsequently  
leave, and  
17 go back outside?

18 A. Yes, sir, I did.

19 Q. Okay. Now, later on that -- or  
early

20 morning, did you have occasion to enter the house  
and

21 retrieve a little dog?

22 A. Yes, sir.

23 Q. All right. And you, of course,  
24 recognized that dog, and I assume that the dog

recognized

25 you?

1 A. Yes, sir.

2 Q. Okay. You were able to get the  
dog,

3 and did you take the dog over to your house?

4 A. Yes, I did.

5 Q. Now, I'll ask if later on that  
morning

6 you were with some other neighbors there and the  
police

7 and -- we have got -- let me show you what has been

8 marked for identification and record purposes and

9 admitted into evidence as State's Exhibit No. 8, and  
I'll

10 ask you if you recognize what is portrayed in that

11 exhibit?

12 A. I'm sorry, I --

13 Q. You haven't seen this exhibit  
before,

14 have you?

15 A. No, sir, I have not.

16 Q. Okay. Do you recognize Eagle  
Drive,

17 and do you recognize this as an aerial view of the

18 Routiers -- primarily the Routiers' house?

19 A. Yes, I do.

20 Q. Do you see your house in that

21 photograph?

22 A. Yes, sir, I do.

23 Q. Would you point to your house for  
the

24 jury, please?

25 A. This right upper corner right  
here.

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1 Q. Okay. And, who is your neighbor  
on  
2 this side?

3 A. Bill and Gail Gorsuch.

4 Q. Can you -- that's a kind of  
enlarged

5 turn area, and you see a vehicle parked there. Did  
you

6 frequently park your vehicles in that area?

7 A. Yes, sir, directly in front of my  
8 house.

9 Q. Did the Gorsuch's likewise park  
their  
10 vehicles in that area?

11 A. Yes, sir.

12 Q. All right. Do you recall whether  
or

13 not your vehicle was parked in that area that  
evening?

14 A. Yes, sir.

15 Q. Okay. Will you show the jury  
16 approximately where your vehicle was parked?

17 A. Yes, sir. Between my sidewalk  
right

18 here and this mailbox, my car was angled at this

19 vicinity.

20

Q. Okay. And how about the

Gorsuch's

21 cars?

22

A. The van is right where it is

pictured

23 and --

24

Q. Is that their van?

25

A. Yes, sir.

1 Q. Okay.

2 A. And there was a small red  
truck on the

3 left side of the van.

4 Q. Okay. Did you all engage in  
a

5 conversation, you and the neighbor here is, the  
Watts?

6 A. Yes, sir.

7 Q. Did you and the neighbor  
Watts engage

8 in a conversation with the police and identify  
an area

9 where a small black car had --

10

11 MR. TOBY L. SHOOK: Judge,  
I'll object

12 to any hearsay. I think the way the question is  
phrased,

13 I'm not sure.

14 THE COURT: Well, I think,  
gentlemen,

15 here -- if we can just phrase our questions in  
the right

16 way.

17 MR. DOUGLAS MULDER: Yes,  
sir.

18 THE COURT: Go ahead with  
your  
19 question, Mr. Mulder.

20 MR. DOUGLAS MULDER: Yes,  
sir.

21

22 BY MR. DOUGLAS MULDER:

23 Q. Did you point out an area  
along with

24 Nelda Watts as to where a small black car had  
been parked

25 that day?

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Reporter

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1

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

3 again. He is going into what another neighbor  
did and

4 that would be hearsay. If it's just her, that  
is fine.

5 But if she's going to go into what another  
neighbor

6 did --

7 MR. DOUGLAS MULDER: All she  
said was

8 that the neighbor was present.

9 THE COURT: Just a minute,  
gentlemen.

10 I will overrule. Ask the question.

11 MR. DOUGLAS MULDER: Yes,  
sir.

12

13 BY MR. DOUGLAS MULDER:

14 Q. Go ahead. Can you answer  
that?

15 A. Yes, sir.

16 Q. Show the jury where that  
little black

17 car was parked.

18 A. Nelda and I had a discussion  
that she

19 saw a black car.

20

21 MR. TOBY L. SHOOK: Judge,  
again, I'm

22 going to object to anything she had a discussion  
with any

23 other neighbor.

24 THE COURT: All right.

Ma'am, all

25 right. Fine. I'll let her answer the question.

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Reporter

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1                                   Go ahead and answer it, and  
let's

2    phrase our questions properly and get this in.

3                                   MR. DOUGLAS MULDER:  Yes,  
sir.

4                                   THE COURT:  Okay.  Thank you.

5

6    BY MR. DOUGLAS MULDER:

7                                   Q.    Go ahead and answer it.

8                                   A.    A small black car was seen in  
this

9    area, in front of my mailbox, and in front of  
Nelda's

10   mailbox.

11                                  Q.    Okay.  Now, had you seen a  
small,

12   black car in your neighborhood, in that area, parked  
in

13   that area a week -- or tell the jury when you had  
seen a

14   small, black car parked there earlier.

15                                  A.    It was approximately seven to  
eight

16   days before the episode.

17                                  Q.    Okay.

18 A. At the Routier house.

19 Q. Okay. How did you happen to  
see the

20 vehicle, tell the jury.

21 A. I came home from work about  
3:00

22 o'clock in the afternoon, and I saw a small, black  
car

23 that was stationed right in front of my sidewalk.

24 Q. Okay. And how was that small,  
black

25 car parked in that area?

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Reporter

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1                   A.     It was against my curb, and the  
person

2     in the car seemed to be angled towards the Routier  
home.

3                   Q.     Okay.  There was a person  
occupying

4     that vehicle?

5                   A.     Yes, sir.

6                   Q.     Okay.  Did the vehicle have  
windows

7     that you could easily see through or were they  
tinted?

8                   A.     No, sir, they were tinted.

9                   Q.     All right.

10                  A.     It was a dark tinting.

11                  Q.     All right.  Were you able to  
see the

12     individual at all?

13                  A.     I was able to see his eye-level  
only.

14                  Q.     Okay.  Why is that?

15                  A.     His window was only opened  
16     approximately a small amount.

17                  Q.     All right.  And you told the  
jury that

18     he appeared to be focussing on the Routier house?

19 A. Yes, sir.

20 Q. Okay. Did that strike you as  
unusual?

21 Did you say anything to him or do anything or go  
in the

22 house or --

23 A. When I got out of my car to  
approach

24 him, he sped off very fastly.

25 Q. He drove off at a high rate of  
speed?

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1                   A.     Yes, sir.

2

3                   THE COURT:  Mr. Mulder, it's  
10:15.

4     Let's take our morning break now, please.  Fifteen  
5     minutes, thank you.

6

7                   (Whereupon, a short  
8                   Recess was  
taken,

9                   After which  
time,

10                  The proceedings  
were

11                  Resumed on the  
record,

12                  In the presence  
and

13                  Hearing of the  
defendant

14                  And the jury, as  
follows:)

15

16                  THE COURT:

Bring in the witness,

17     Karen Neal.

18 THE COURT: All

right. Are both sides

19 ready to bring the jury back and

resume the trial?

20 MR. GREG DAVIS:

Yes, sir, the State

21 is ready.

22 MR. DOUGLAS

MULDER: The defense is

23 ready.

24 THE COURT: All

right.

25

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Official Court Reporter

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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: All right. Let the  
record  
12 reflect that all parties in the trial are present and  
the  
13 jury is seated. Mr. Mulder.

14  
15  
16  
17

DIRECT EXAMINATION (Resumed)

18 BY MR. DOUGLAS MULDER:

19 Q. Ms. Neal, I'll ask you if later on  
20 that day, if you had occasion to go to Baylor  
Hospital to  
21 visit Darlie?

22 A. Yes, sir.

23 Q. Okay. And, will you tell the jury  
who

24 was with you?

25 A. My husband, Terry, and baby Drake.  
I

Sandra M. Halsey, CSR, Official Court Reporter

1 had the baby.

2 Q. Okay. And, you went down to  
Baylor

3 Hospital?

4 A. Yes, sir.

5 Q. Were you able to get in to see  
Darlie?

6 A. Yes, sir.

7 Q. Okay. Will you describe her for  
the

8 jury, her emotional appearance and physical  
appearance as

9 you recall it?

10 A. When I first walked in with Darlie  
I

11 was by myself. Darlie was laying in the bed and she  
12 opened her eyes and saw me, and she tried to reach  
for my

13 hand and she started to cry.

14 And she said, "Karen."

15 And I said, "I'm here." And I  
said,

16 "It's okay."

17 She appeared very upset. I think  
18 maybe seeing me brought back the memories.

19 Q. You, as a nurse, you see a lot of

20 people in traumatic situations, don't you?

21 A. Yes, sir.

22 Q. Did you think that her demeanor  
was

23 appropriate?

24 A. Very much so.

25 Q. Do you think there was anything  
fake

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1 or phony about it?

2 A. No, sir.

3 Q. Okay. Did you subsequently bring  
the

4 baby in?

5 A. Yes, sir.

6 Q. Okay. And, will you tell the jury  
7 what you did with regard to baby Drake?

8 A. As I brought Drake in Darlie  
started

9 to cry when she saw the baby. But she wanted to hold  
him

10 and she said, "Let me hold him."

11 And she tried to put her arms up  
to

12 take him and she was -- had an IV in her left arm and  
she

13 could not reach.

14 So I placed the baby towards her  
15 stomach area and she kind of held his hands, and  
Drake

16 was very restless, and she could not control him.

So I

17 was trying to hold him for her.

18 Q. Okay. It was apparent, the love  
19 between the mother and the child?

20 A. Very much so.

21 Q. Okay. Now, did you happen to --

as a

22 nurse you would observe, I guess, her physical  
condition

23 and whatever medical treatment she was receiving?

24 A. Yes, sir.

25 Q. Will you tell the jury if you  
noticed

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1 any bruising on either of her arms, and if so,  
what?

2 A. I noticed on her right forearm,  
3 slightly above her wrist that she had some light --  
I  
4 wanted to call it bruising that was developing.

5 It was a reddish in color and  
her

6 forearm was swollen. On her left arm, the left  
forearm

7 where her IV was, she was telling me that the IV  
hurt,

8 and I noticed that she had a little bruising around  
that

9 forearm area on the left arm also.

10 Q. Did you --

11 A. It was very light in color.

12 Q. Did you do anything to her arm?

13 A. Yes, sir. When she complained  
that

14 her arm was hurting, I felt that maybe her IV was  
not in

15 the vein, it was maybe going in the tissue. I  
pinched

16 her IV to make sure I got a blood return, and I told  
her

17 that it was fine.

18 Q. Okay. Was there a nurse there at  
that

19 time?

20 A. Yes, sir.

21 Q. Did she see what you had done?

22 A. Yes, sir.

23 Q. And, did she thank you for  
assisting

24 or did she make a comment to you?

25 A. She was angry at me. She told me  
that

1     there was nothing wrong with her IV, nothing wrong  
with  
2     her arm.

3                     Q.     Okay. Did you think it was your  
place  
4     to point it out to the doctors or nurses that there  
was  
5     bruising on both her left and right arms?

6                     A.     No, sir.

7                     Q.     Okay. Is there any question in  
your  
8     mind of what you saw, what you have described to  
this  
9     jury?

10                    A.     No, sir.

11                    Q.     Is there any question about what  
you  
12    saw bruising on her arms?

13                    A.     No, sir.

14                    Q.     Okay. All right. Now --

15                    A.     I'm sorry. I didn't quite  
understand.

16    You were asking me, did I think it was a reason why  
she  
17    had bruising?

18                   Q.     No.  I asked if you thought it  
was  
19  your place to point that out to the doctors and the  
20  nurses?

21                   A.     No, sir.

22                   Q.     I mean, after all, she was in a  
23  hospital, wasn't she?

24                   A.     That's correct.  I felt that she  
was  
25  under pretty close medical attention.

1 Q. Now, did you have occasion to  
return

2 the next day?

3 A. Yes, sir, I did.

4 Q. And did you likewise bring the  
child?

5 A. Yes, sir.

6 Q. Okay. And, were there any other  
7 members of your family that also accompanied you?

8 A. My daughter, Rebecca, and my son,  
9 Nick, and my husband, Terry.

10 Q. Okay. Did you all walk into the  
room

11 and see her at the same time?

12 A. Yes, sir, we did.

13 Q. Okay. And, what was her reaction  
to

14 you all, and you and the children and your husband's  
15 reaction to her?

16 A. Darlie cried when she saw Nick  
and

17 Rebecca. Rebecca, my daughter, became very  
violently

18 upset. She was trying to hug Darlie, and Darlie  
could

19 not quite reach to her to comfort her.

20 Q. Okay. And did you again let her  
hold  
21 the child or put the child where she could touch the  
22 child?

23 A. At that moment, I did not let her  
hold  
24 Drake at that moment, but a little later during the  
visit  
25 I did.

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1 Q. Okay. Did you arrange for her to  
hold

2 Drake in the same fashion?

3 A. Yes, sir, I did.

4 Q. Tell the jury how that was again.

5 A. Darlie was unable to reach up.

She

6 appeared to be very limited for her arms.

7 Q. Did you find that unusual, given  
the

8 circumstances?

9 A. No, sir, I did not.

10 Q. Okay. So what did you do with  
Drake?

11 A. I placed Drake on her stomach and  
let

12 her hold his hands and she talked to him.

13 Q. Okay.

14 A. Tried to comfort him.

15 Q. Did you find that normal?

16 A. Yes, sir.

17 Q. Okay. Have you observed Darlie  
with

18 her children?

19 A. Yes, I have.

20 Q. What sort of a mother is she?

21                   A.     Darlie is very compassionate, very  
22     outstanding with her children.  She made sure the  
23     children treated everyone equally.  She made sure  
when

24     the children did something wrong --

25                   Q.     What do you mean by that?

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1                   A.     She told her children that there  
is no  
2     discrimination.  That is not the word she used, but  
she  
3     said, "You treat everyone equally.  This is your  
friend."

4                   No matter what color they were, no  
5     matter whether they were rich or poor or whatever  
status.

6     The children did not see any difference between  
7     themselves and another child.

8                   Q.     And that is the way she felt?

9                   A.     Exactly.  Yes, sir.

10                  Q.     Did you think that she was  
11     materialistic and self-centered and selfish?

12                  A.     No, sir.  Darlie was very  
generous to

13     children.  She was very generous to everyone in our  
14     neighborhood.

15                             At Christmas time, she took the  
16     opportunity to help other families, through an  
17     organization.  She received their name, she bought  
the  
18     mother, father, children, everyone very nice gifts.

19                  Q.     Were children welcome in her

home?

20                           A.     Yes, sir. Her home was the all  
around

21 neighborhood home. All the children, as well as  
22 teenagers went to her home.

23                           Q.     Okay. Did you attend the viewing  
24 later in the week?

25                           A.     Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

4006

1 Q. And did you see Darlie there?

2 A. Yes, I did.

3 Q. Did she seem appropriate to you,  
in  
4 the fashion in which she was grieving?

5 A. Yes, sir.

6 Q. Okay. I assume you attended the  
7 funeral?

8 A. Yes, sir.

9 Q. There's been some talk about  
10 Gangster's Paradise being played there.

11 A. Yes, sir.

12 Q. You heard that?

13 A. Yes, sir.

14 Q. Not the sort of thing I listen to  
and  
15 perhaps not -- I don't even know if I have even  
heard  
16 it -- but is that one of your favorites?

17 A. I would not call it my favorite,  
but  
18 it was definitely Devon and Damon's favorite song.

19 Q. Do you see anything inappropriate  
in  
20 as much as it's their funeral?

21                   A.     No, sir. I felt it was very  
22 appropriate, that was in the remembrance of the  
boys.

23                   Q.     Do you think they should have  
played  
24 something that was perhaps your favorite or the  
parents'  
25 favorite?

Sandra M. Halsey, CSR, Official Court Reporter

4007

1 A. No, sir.

2 Q. There's been some talk about  
Darlie

3 being depressed or having the blues after Drake was  
born.

4 Are you familiar as a nurse and as a mother with  
what I

5 am talking about?

6 A. Postpartum depression, yes, sir.

7 Q. Okay.

8 A. Yes.

9 Q. Did you note that in your  
frequent

10 visits with her?

11 A. I noted that Darlie did have --  
yes,

12 some postpartum depression. She did not appear to  
be any

13 more physically or mentally depressed than I was  
when I

14 had my children.

15 Q. Okay. As a nurse, I guess you  
would

16 have recognized that?

17 A. Yes, sir.

18 Q. Okay. Not unusual for a woman to  
have

19 the blues?

20 A. No, sir.

21 Q. You felt that was normal?

22 A. I felt it was a very appropriate,  
yes,

23 sir.

24 Q. Okay.

25



1 MR. DOUGLAS MULDER: We will pass  
the  
2 witness. They will have some questions for you Ms.  
Neal.

3 Thank you.

4 THE COURT: Mr. Shook.

5

6

7 CROSS EXAMINATION

8

9 BY MR. TOBY L. SHOOK:

10 Q. Ms. Neal, my name is Toby Shook.

I

11 just have a few questions for you.

12 A. Yes, sir.

13 Q. If you don't understand any of  
them,

14 just let me know, I'll try to rephrase them. Okay?

15 A. Okay.

16 Q. All right. Now, you said you're  
a

17 registered nurse; is that right?

18 A. Yes, sir.

19 Q. Do you work at a hospital,  
doctor's

20 office?

21 A. I work at a hospital.

22 Q. Okay. What type of work do you  
do

23 there at the hospital?

24 A. I'm a staff nurse. I prepare

patients

25 for surgery and recover them post-operatively. And,  
I am

Sandra M. Halsey, CSR, Official Court Reporter

4009

1 well-rounded. I work on the telemetry floor, which  
is a

2 heart floor. I work in the intensive care unit.

3 I have had opportunity to work in  
the

4 recovery room, immediate post-op recovery room from  
5 surgery.

6 I have worked on the obstetrics  
ward.

7 I'm pretty well familiar with very many services of  
the

8 hospital as a nurse.

9 Q. You have been all over it?

10 A. Yes, sir.

11 Q. At Parkland?

12 A. No, sir, Doctors Hospital.

13 Q. Doctors Hospital?

14 A. Yes, sir.

15 Q. Okay. And, you were -- how long  
had

16 you known the Routier family?

17 A. Approximately four and a half  
years.

18 Q. Had you already been living in  
your

19 house when their house was built?

20 A. Yes, sir.

21 Q. Then you became friends?

22 A. We became friends.

23 Q. Okay. And you all became close

24 friends, did you not?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

4010

1                   Q.     Who were her other close -- she  
had

2     another close friend in the neighborhood, did she  
not?

3                   A.     Mercedes.

4                   Q.     Okay.  Is that Mercedes Adams?

5                   A.     Yes, sir.

6                   Q.     And would you say that you and  
7     Mercedes Adams were probably her close  
neighborhood

8     friends?

9                   A.     Yes, sir.

10                  Q.     She had other friends that would  
come  
11     and see her?

12                  A.     She had many friends.

13                  Q.     Okay.  And, you -- now let me  
talk

14     about the early morning when the murder occurred.  
You

15     say that -- I was a little confused.  Out here in  
front

16     of your house, you always park out here, your two  
cars

17     are always parked out, just like the Gorsuches; is  
that

18 right?

19 A. That's correct.

20 Q. Okay. Now, what time did you get  
out

21 of the house after Darin woke you up?

22 A. It was approximately, shortly  
after

23 that I would say, less than a minute.

24 Q. Okay. So we're talking around,  
maybe

25 2:36, or 2:38?

1                   A.     I would think about 2:36 or  
2:37.

2                   Q.     Okay.  Had you been asleep  
when he  
3     woke you up?

4                   A.     Yes, sir.

5                   Q.     Okay.  Did you see any black car  
out  
6     there that morning?

7                   A.     No, sir.

8                   Q.     Okay.  So you never saw any black  
car  
9     out -- parked out in front of -- what is the name of  
this  
10    next-door neighbor?

11                  A.     Nelda Watts.  Roy and Nelda  
Watts.

12                  Q.     You never saw that car yourself,  
did  
13    you?

14                  A.     No, sir.

15                  Q.     Okay.  And, did you get outside  
the  
16    house before Ms. Watt's got outside of her house?

17                  A.     Yes, I did.

18 Q. Okay.

19 A. I ran directly across the street,  
and

20 as I was walking back from the house after they had  
21 placed Darlie in the ambulance, Nelda and Roy had  
come

22 out to greet me and ask me what was going on.

23 Q. Okay. So that -- some time had  
passed

24 by that time, I guess?

25 A. Yes, sir.



1 Q. Okay. Now, you said that you  
went up  
2 to the hospital that day, the 6th. What time did  
you  
3 make it up there?

4 A. It was between 2:00 and 3:00  
o'clock.

5 Q. Okay. And you saw this -- what  
was  
6 the injury you saw on the arm? Describe it again.

7 A. On her right arm?

8 Q. Yes.

9 A. On her right arm it was reddish,  
kind  
10 of starting to bruise, it had a -- I want to say a  
bluish

11 cast to it. It was starting to be early bruising.

12 Q. Okay. And let me ask you about  
the  
13 right one first. Where was that bruise located?

14 A. Between here and here. Between  
the  
15 elbow area and this.

16 Q. Okay. And where on the arm?

17 A. It was -- I can't pinpoint

exactly. I

18 want to say it was scattered, this area was swollen,  
this

19 area was reddish.

20 Q. Okay. So it's clear for the  
record.

21 She is writing this down.

22 A. I understand.

23 Q. Were you pointing to your forearm

24 here?

25 A. Yes, sir.

1 Q. Okay. And, below the elbow here  
to  
2 the wrist?

3 A. Yes, sir.

4 Q. And we are talking about the --  
you  
5 probably know what the name of it is?

6 A. The aspect, the side, posterior  
side  
7 and the very top side.

8 Q. Okay. This side right in there?

9 A. Yes, sir.

10 Q. Okay. And that was starting to  
11 bruise; is that right?

12 A. Yes, sir.

13 Q. Reddish and blue?

14 A. It had a very light blue tinge to  
it.

15 I call it early bruising.

16 Q. Okay. And that was the area  
here?

17 A. Yes.

18 Q. Was she cut on this side of the  
arm  
19 also?

20                   A.     Yes, sir.  She had sutures right  
here.

21                   Q.     And this bruising was all up and  
down,  
22     near that same area?

23                   A.     Exactly.

24                   Q.     No doubt about that in your mind  
then?

25                   A.     No doubt about that.

Sandra M. Halsey, CSR, Official Court Reporter

4014

1                   Q.     You were paying attention to her  
2 injuries quite carefully, I guess?

3                   A.     No, sir, I was not. I was not  
the  
4 nurse taking care of her. I didn't feel like it was  
my  
5 job --

6                   Q.     But, I mean you saw it there.

7                   A.     I observed it, yes, sir.

8                   Q.     I mean, I know you didn't examine  
the  
9 wound or anything, but no doubt in your mind that's  
where  
10 it was?

11                  A.     Yes, sir.

12                  Q.     Okay. And sometime during that  
13 morning you were the neighbor that the police needed  
to  
14 go retrieve that vicious dog out of the house,  
right?

15                  A.     Yes, yes.

16                  Q.     What type of dog did they have?

Would  
17 you describe that dog, please?

18                  A.     I don't know the name of the dog.

He

19 is very small, like a Pomeranian.

20 Q. How long had they had that dog?

21 A. They had the dog ever since they  
moved

22 in, approximately four years.

23 Q. Okay. And do you recall the  
dog's

24 name being Domain?

25 A. Domain.

1 Q. Did he always stay in the house  
2 usually?

3 A. Yes, sir

4 Q. We're talking about a little  
white  
5 dog, right?

6 A. Yes, sir.

7 Q. Okay. Where was he -- did you go  
in  
8 with some police officers, did they escort you into  
the  
9 house to get the dog?

10 A. Yes, sir.

11 Q. Did you go up the stairs? Was he  
12 upstairs?

13 A. Domain was at the top of the  
steps,  
14 yes, sir.

15 Q. What was he doing when he was at  
the  
16 top?

17 A. Barking, growling.

18 Q. Okay. Kind of like little dogs  
do?

19 A. Yes, sir.

20 Q. Okay. Does the dog know you?

21 A. Yes, sir.

22 Q. Okay. And did you have any  
trouble

23 picking him up?

24 A. Initially, I did. Domain was  
barking

25 when he saw me coming up, and when I got to the top  
of

Sandra M. Halsey, CSR, Official Court Reporter

4016



1 the steps, I said, "Domain." And he settled down.

2 He then started wagging his tail  
and I

3 think he recognized me, and I picked him up and he  
was

4 shaking.

5 Q. Okay. Police officers had been  
kind

6 of nipped at, I guess, earlier?

7 A. Yes, so they told me. I did not  
8 observe that.

9 Q. All right. So you helped the  
police

10 out and got the dog out?

11 A. Yes, I did.

12 Q. Did he start barking right when  
you

13 got in the house?

14 A. He was barking -- I could hear him  
15 barking before I even got in the house.

16 Q. Okay. So he was barking as you  
came

17 up and then when you went upstairs?

18 A. Yes, sir.

19 Q. And, was that his usual practice

when

20 strangers were around?

21 A. Yes, sir.

22 Q. Okay. He barked a lot if he  
didn't

23 know you?

24 A. Basically, yes.

25 Q. Okay. We're talking about a young

Sandra M. Halsey, CSR, Official Court Reporter

4017

1 dog, right? Well, four years, I guess?

2 A. They did not have him exactly when  
3 they moved in. They got him shortly after that  
period,

4 so I would say yes.

5 Q. Okay. So you are in the house --  
did

6 they keep him in the house during the daytime?

7 A. Yes, sir.

8 Q. And in the evening?

9 A. Yes, sir.

10 Q. Okay. Do you know where he slept  
or  
11 where he stayed?

12 A. He stayed upstairs mainly. He  
13 traveled between Darlie's bedroom, the boys' bedroom  
and  
14 the game room.

15 Q. Okay. Would he come downstairs on  
16 occasion when you were there?

17 A. He would never come down the steps  
by  
18 himself.

19 Q. Had to be helped down?

20 A. Yes, he did.

21 Q. He didn't have any trouble hearing

22 things going on in the house when he was upstairs  
though,

23 did he?

24 A. No, sir.

25 Q. He could make plenty of noise up

Sandra M. Halsey, CSR, Official Court Reporter

4018

1 there, couldn't he?

2 A. It was a muffled sound when you  
were

3 in the kitchen, you could hear him barking.

4 Q. Okay. Okay. But, if he heard a  
noise

5 or something, or someone came in the house, would he  
bark

6 from upstairs when you were present in the house?

7 A. Yes, he would, until he saw who it  
8 was.

9 Q. Okay. In other words, he could be  
10 alert, things like that?

11 A. Basically, yes.

12 Q. My mom has a dog that you can let  
13 firecrackers off next to him and he is so old he  
doesn't

14 wake up. But we're talking about a dog that can  
bark?

15 A. Yes.

16 Q. Okay. Now, you saw a --  
your

17 daughter, how old is she?

18 A. Twelve.

19 Q. Okay. Now, did she babysit for  
Darlie

20 Routier?

21 A. Yes, she did.

22 Q. Okay. When did she start doing  
that?

23 A. She would -- we called it

24 babysitting -- she would go into the house and help  
25 Darlie out.

Sandra M. Halsey, CSR, Official Court Reporter

4019

1 Q. Did Darlie pay her or did she  
just --

2 A. No, no, no.

3 Q. She just did that for something  
to do?

4 A. She -- Becca liked to be with the  
baby

5 and she liked to be with the boys, and she would go  
over

6 there every day to play with them. But she would  
help

7 take care of the baby, help feed him, change his  
diaper,

8 in the presence of Darlie.

9 Q. Okay. Now, you saw a -- you did  
see a

10 dark car, how many days before this offense  
occurred?

11 A. About seven or eight.

12 Q. Where was that car parked again?

13 A. Directly in front of my home.

14 Q. Okay. And, about what time of  
the day

15 was that?

16 A. About 3:00 o'clock in the  
afternoon.

17 Q. Okay. Had you come home from  
work and

18 saw it there?

19 A. And saw him there, yes, sir.

20 Q. Show us again where this car was.

21 A. I have to get me bearings again.

He

22 was right here. He was angled in front of my  
sidewalk.

23 Q. When you say angled, where was  
the

24 front end of the car?

25 A. The front end of the car was like



1 this, headed this way.

2 Q. Headed kind of -- kind of pointed  
at

3 the Gorsuches' house?

4 A. Kind of pointed this way. He was  
5 twisted a little bit, kind of -- his back end of the  
car

6 was at my sidewalk.

7 Q. Okay. So that he was kind of  
twisted

8 out this way. If he were looking straight ahead,  
where

9 would he be looking?

10 A. Probably to this angle right  
here.

11 Q. So right at the Routier's home?

12 A. Yes, sir.

13 Q. So he is backed up to your house  
and

14 right across -- kind of directly at the Routier's  
home?

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

17 Q. Okay. And, you didn't -- what  
kind of

18 description could you give of him?

19 A. I saw his eyes, his eye level

and

20 above.

21 Q. Could you tell -- could you

tell if it

22 was a male, first of all?

23 A. I believe it was. His hair

was short

24 and that is all I remember. That's all I can

say. His

25 hair was dark.

Sandra M. Halsey, CSR, Official Court  
Reporter

4021

1 Q. Could you tell the race at  
all?

2 A. No, sir, I could not.

3 Q. Okay. Could you tell if he  
was with

4 anyone or by himself?

5 A. I could not tell, the windows  
were

6 dark.

7 Q. Ever see that car before?

8 A. I have on occasion.

9 Q. Okay.

10 A. You know, it's a common car.

It's

11 dark, it's a black car, small.

12 Q. Okay. But have you seen that  
13 particular car before, you think?

14 A. I believe I have.

15 Q. Okay. Where was that?

16 A. Driving by in our  
neighborhood.

17 Q. How long have you been seeing  
it in

18 the neighborhood?

19 A. I would say, maybe, as much as

a month

20 ahead of time. I did not see it daily. I saw  
it, maybe,

21 two or three times.

22 Q. Just driving by?

23 A. Including that time, just  
driving by.

24 He would slow down. It was not uncommon for  
people, as

25 they went around the corner, to slow down and  
look at the

Sandra M. Halsey, CSR, Official Court  
Reporter

4022

1 fountain. So I saw him doing that.

2 Q. Is this the same car you had  
seen for

3 about a month prior driving by the house?

4 A. Yes, sir.

5 Q. This is the first time you saw  
him

6 stop in front of the house; is that right?

7 A. Yes, sir.

8 Q. Okay. So what did you do when  
you saw

9 the car backed up and he's --

10 A. I parked my car and I pulled  
directly

11 behind him, and I got out of my car. I was going  
to

12 approach him to see if there was a problem, and  
he sped

13 off very quickly.

14 Q. Okay. Did you get a license  
number?

15 A. I did not.

16 Q. Okay. Did it concern you,  
that

17 incident, were you concerned?

18                           A.     I was very concerned that  
someone

19     would be sitting there staring.

20                           Q.     At the Routier home?

21                           A.     At the Routier home, yes.

22                           Q.     Did you go over there and tell  
them

23     about this incident?

24                           A.     Not directly.

25                           Q.     Okay.

                          Sandra M. Halsey, CSR, Official Court  
Reporter

4023

1                   A.     They were not home at that  
moment.

2     And, I mentioned to Darin earlier that it came to  
me

3     later that evening that, "Darin, there was a car  
sitting

4     in front of my house, staring at your fountain."

5                   Q.     Okay. Did he seem concerned at  
all?

6                   A.     Yes, he did, but, he, -- you  
know, we

7     had talked about, and, well, he said, "Yes, what  
were

8     they doing?"

9                   He wanted to know what kind of  
car it

10    was.

11                  Q.     And did you --

12                  A.     And I told him it was a small,  
black

13    car. I don't know makes of cars.

14                  Q.     Okay. So, did you ever talk to  
Darlie

15    about this car?

16                  A.     I don't believe I have.

17 Q. Okay.

18 A. If I did, I do not remember.

19 Q. So you told Darin about this  
situation

20 and he did seem concerned?

21 A. Yes.

22 Q. And you didn't see the car any  
more

23 after that?

24 A. Yes, I did.

25 Q. When did you see it again after  
that?



1                   A.     The day, the afternoon of the  
murder.

2                   Q.     Okay.  Where was the car then?

3                   A.     He was driving by -- I say he,  
excuse

4     me -- the car was driving by slowly and a police  
officer

5     was standing out in front.

6                   The car pulled into the alley as  
if he

7     was turning around.  He backed up and was going by  
the

8     front of the house very slowly again, and as I  
walked

9     out, he sped off real quick.

10                  Q.     Was this after the murder?

11                  A.     Yes.

12                  Q.     Okay.  So a police officer is out  
13     there as you walked out.  Did he spot you?

14                  A.     The police officer?

15                  Q.     No, the car as it sped off.

16                  A.     I assume he did, because he took  
off

17     very quickly.

18                  Q.     Okay.  Did you go tell the police  
19     officer?

20 A. Yes, I did.

21 Q. Do you remember which police  
officer

22 that was?

23 A. I don't.

24 Q. Okay. That night you were --

after

25 you got out of the house, you were out for several  
hours,

Sandra M. Halsey, CSR, Official Court Reporter

4025

1 and I'm talking about the morning of the murder, and  
you  
2 were out there kind of helping out, and doing what  
you  
3 could; is that right?

4 A. I'm not understanding your  
question.

5 Q. I'm sorry. Well, after Darin got  
you  
6 out of the house, you didn't go back in your house  
for  
7 several hours, did you? I mean, you were primarily  
out  
8 in your front yard?

9 A. I was basically out front, yes,  
sir.

10 Q. Okay. Did you talk to some  
police  
11 officers that morning?

12 A. Yes, I did.

13 Q. Do you remember what they looked  
like  
14 at all?

15 A. The police officer I talked to  
was  
16 approximately middle age, 50's.

17 Q. Was he in uniform?

18 A. He was in uniform.

19 Q. Okay. Did you tell him about  
this car

20 you had seen about a week before?

21 A. I do not recall.

22 Q. Okay. Did you ever tell any  
other

23 police officers about the car you had seen?

24 A. The -- I am definitely sure I  
told the

25 officer that when I first saw it that he was out  
front, I

1 ran across the street and said, "Did you see that  
black

2 car that just pulled up? That is the car that I  
have

3 seen before in front of my home."

4 That one officer I did go into  
detail

5 with.

6 Q. Okay. Now, you went -- did you  
go to

7 this birthday party that was on Friday the 14th, I  
guess,

8 at the grave site?

9 A. No, I did not.

10 Q. Okay. You didn't attend that  
party?

11 A. No.

12 Q. Did your husband attend that  
party?

13 A. No, he did not.

14 Q. We are talking about the --

15 A. At the cemetery.

16 Q. At the cemetery, the party, the  
one

17 that was filmed and people have seen?

18 A. We could not make it. We had

other

19 obligations.

20 Q. Okay. You attended the funeral  
21 though; is that right?

22 A. Yes, sir.

23 Q. Okay. Mr. Mulder asked you about  
the

24 song, Gangster Paradise. You felt that that was an  
25 appropriate song?

Sandra M. Halsey, CSR, Official Court Reporter

4027

1 A. Yes, sir.

2 Q. Had you ever heard that song  
before?

3 A. On a daily basis.

4 Q. Okay.

5 A. My children play that song.

6 Q. Okay. Are you familiar with the  
words  
7 to it?

8 A. Pretty much so.

9 Q. What are the words --

10 A. I don't know detail for detail  
the  
11 words.

12 Q. Would you recognize them then --

13 A. Yes, I would.

14 Q. -- if you saw them? Okay.

15

16 (Whereupon, the following  
17 mentioned item was  
18 marked for  
19 identification only  
20 after which time the  
21 proceedings were  
22 resumed on the record  
23 in open court, as

24  
25

follows:)

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1 BY MR. TOBY L. SHOOK:

2 Q. Ms. Neal, let me show you what  
has

3 been marked as State's Exhibit 140, a two-page  
document.

4 If you could just glance over that and see if you  
5 recognize the words there to Gangster Paradise?

6 A. I don't know it word for word,  
but I

7 do recognize most of them.

8 Q. Okay.

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

11 Q. Is that the words, the lyrics as  
you

12 remember them?

13 A. Yes, sir.

14

15 MR. TOBY L. SHOOK: We'll offer

16 State's Exhibit 140.

17 THE COURT: Any objection?

18 MR. RICHARD C. MOSTY: May I look

at

19 it?

20 MR. DOUGLAS MULDER: We have no

21 objection, if he will sing it.

22 THE WITNESS: I am a very bad  
singer.

23 MR. DOUGLAS MULDER: Not you,  
Toby.

24 THE COURT: State's Exhibit 140  
is  
25 admitted, and let's cease the side-  
bar, please.

Sandra M. Halsey, CSR, Official  
Court Reporter

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1 Thank you. All  
right.

2  
3 (Whereupon, the  
item

4 Heretofore mentioned  
5 Was received in  
evidence

6 As State's Exb. No.  
140

7 For all purposes,  
8 After which time,  
the

9 Proceedings were  
resumed

10 As follows:)

11

12 BY MR. TOBY L. SHOOK:

13 Q. Ms. Neal, when you got to the  
hospital

14 on the 6th, how long did you stay there, do you  
recall?

15 A. Approximately four hours.

16 Q. Okay. While you were at the  
hospital,

17 did Mrs. Routier -- did she tell you about the

assault?

18                           A.     Yes, she did.

19                           Q.     Tell us what she told you she  
20     remembered happening.

21                           A.     To the best of my knowledge,

Darlie

22     said that she was awakened by Damon tapping on her

23     shoulder, saying, "Mama, Mama," and she opened her  
eyes,

24     she saw the figure of a man walking away from her.

He

25     was -- when she opened her eyes, he was at the lower

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1 level of the couch, from where she was laying. He  
was  
2 walking out through the kitchen and she followed him,  
and  
3 he went out through the door leading to the garage,  
the  
4 pantry door.

5 Q. Okay. Did she say what happened  
next  
6 as she followed?

7 A. Sometime during the events, she  
turned  
8 on the light, and saw a knife laying on the floor,  
and  
9 she picked it up.

10 Q. And then what happened?

11 A. I don't -- I do not recall. I  
don't  
12 think she specified after that.

13 Q. So, had she told you why she was  
14 downstairs sleeping?

15 A. No, I do not recall.

16 Q. But then she was woken up by Damon  
and  
17 saw this man at the --

18 A. -- foot of the couch.

19 Q. Foot of the couch, walking away?  
20 A. Yes, sir, she saw his back.  
21 Q. Was she able to describe this man  
at  
22 all to you?  
23 A. Just that he had dark hair, and  
that  
24 he had on a -- I do not remember if she said black,  
but I  
25 want to say black T-shirt and blue jeans.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Anything about a cap did she  
mention?

2 A. I do not recall a cap.

3 Q. Did she describe his build, how  
big a  
4 man this was?

5 A. I did not ask her.

6 Q. Okay. But she said there was just  
7 one?

8 A. Yes, sir.

9 Q. Okay. Have you talked to her  
again on  
10 other occasions about what happened that night?

11 A. I believe I have.

12 Q. Okay. Has she been able to tell  
you

13 any more about the man or what happened?

14 A. I do not recall any more.

15 Q. Just the same story as what she  
said?

16 A. Yes.

17 Q. Did she ever tell you --  
remembered

18 being stabbed or anything like that?

19 A. Not that I can recall.

20 Q. Could she have told you that then?

21 A. I don't believe so.

22 Q. I mean did she ever tell you that

this

23 man was wrestling around her neck, or anything like

that,

24 or how she got these wounds?

25 A. Other than talking about a dream  
that

Sandra M. Halsey, CSR, Official Court Reporter

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1 she had had, that she sees a man holding a knife,  
leaning

2 over her.

3 Q. That is just a dream she had?

4 A. I believe so, yes.

5 Q. She has never been able to tell  
you,

6 this is what happened, I remember this man standing  
over

7 me with a knife?

8 A. No, no.

9 Q. Nothing like that?

10 A. The only thing she told me, she's  
11 seeing the back of a man walking away.

12 Q. Okay. And, did you go to a  
birthday

13 party that was after the funeral with your kids?

14 A. Yes, I did.

15 Q. Okay. Where was that?

16 A. That was at Mama Darlie's home.

17 Q. Who was that birthday party  
for?

18 A. That was for Devon.

19 Q. Okay. And who was there?

20 A. Darlie, Darin, my son, Nick,

my

21 daughter, Rebecca, Mercedes' son, Jonathan,  
several

22 children, several families, members and  
friends.

23 Q. Were her family members  
there?

24 A. Mama Darlie, Dana, her  
sister,

25 Danielle, her sister, Darin, Drake, Sarilda -- I'm  
not

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1 sure if Sarilda was there, I want to say Sarilda.  
There  
2 were a lot of people, I do not remember exactly.  
3 Q. She had had a lot of family come  
in  
4 immediately to support her, had she not? I mean, a  
lot  
5 of her family was from out of town, they came  
immediately  
6 once they heard about this tragedy, did they not?  
7 A. A few people that I can recall.  
8 Q. Okay. Do you know her aunt,  
Sherry,  
9 from Pennsylvania?  
10 A. I know that, I have met them.  
11 Q. Okay. Do you recall her being  
there  
12 at the birthday party after the funeral?  
13 A. Yes, I do.  
14 Q. Okay. She was there at this  
birthday  
15 party. And how about the other sister, LuAnn?  
16 A. I'm not sure. I'm not sure if  
the  
17 aunts were there.

18 Q. Okay.

19 A. I remember seeing them at one  
time

20 when I was at Mama Darlie's. I have been there  
several

21 times.

22 Q. No reason why they wouldn't be  
there,

23 if they were down for this?

24 A. If they were down for the  
funeral,

25 they would have been there, to the party.

Sandra M. Halsey, CSR, Official Court  
Reporter

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1 Q. What time did the funeral end?

2 A. I'm not sure. It was mid-  
afternoon

3 from what I can recall.

4 Q. What time did the birthday  
party

5 begin?

6 A. I'm not sure.

7 Q. Okay.

8 A. Lunch time, early afternoon.

9 Q. Okay. Thank you, Ms. Neal.

10

11 MR. TOBY L. SHOOK: That's all

the

12 questions I have.

13 THE COURT: Anything else?

14 MR. DOUGLAS MULDER: No, I

have

15 nothing further. May she be excused?

16 THE COURT: She may be

excused.

17 Let me just tell you, you are

now

18 under the Rule of Evidence which means, don't

discuss

19 your testimony with anybody when you are not  
testifying,

20 remain outside the courtroom.

21 THE WITNESS: Yes, sir.

22 THE COURT: You may talk to the

23 attorneys for either side. If someone tries to  
talk to

24 you about your testimony, tell the attorney for  
the side

25 who called you.

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Reporter

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1 THE WITNESS: Yes, sir. Thank  
you.

2 THE COURT: All right. Watch  
your  
3 step going off.

4 Your next witness.

5 MR. DOUGLAS MULDER: Judge,  
that is

6 going to be it for the day, as you understand.

7 THE COURT: We understand.

8 Ladies and gentlemen of the jury,  
9 we're going to be adjourning now for the week. We're  
not  
10 doing this because we want Friday afternoon off. But  
due  
11 to the weather and all this -- the problems we've  
had,  
12 both sides have very diligently tried to schedule  
13 witnesses to go through the entire week.

14 We were unable to do so. Believe  
me,

15 they are all scheduled for next week. Everything is  
in  
16 order now, so we will start at 9:00 o'clock on Monday  
17 morning.

18 Now, this is neither side's fault

in

19 this case. Nobody is trying to play games or do  
anything

20 with anybody. So we apologize for this delay.

21 We have some matters to take up,  
which

22 we can take up now. Hopefully, we will telescope  
things

23 next week.

24 So same instructions as always.

Do no

25 investigations on your own. You will decide this  
case on

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1 the testimony you hear and the evidence you've  
received

2 in this courtroom. Do not discuss the case among  
3 yourselves yet because it's not over, nor with  
anybody

4 else.

5 Finally, should you hear or see  
6 anything, publicity on this case on radio, TV or  
7 newspaper, please ignore it. Wear your juror badges  
at

8 all times in the courthouse and surrounding areas.

So we

9 will see everybody down here Monday morning at 9:00  
10 o'clock ready to go. Thank you.

11

12 (Whereupon, the jury

13 Was excused from

the

14 Courtroom, and

the

15 Proceedings were

held

16 In the presence of

the

17 Defendant, with

his

18 Attorney, but

outside

19 The presence of

jury

20 As follows:)

21

22 THE COURT: Ladies and gentlemen,

if

23 you will remain seated please until the jury clears

the

24 courthouse.

25 Y'all did get a list of

witnesses,

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1 right? You did get the State's witness list before  
this

2 trial started?

3 MR. DOUGLAS MULDER: Well, I  
don't

4 rely on the witness list, Judge. I rely on the --

5 THE COURT: Please, all I want to  
know

6 is, you did get a list of witnesses? That's all I  
want

7 to know.

8 MR. DOUGLAS MULDER: Yes, we got  
a

9 list of witnesses.

10 THE COURT: Thank you. That's  
all I

11 need to know.

12 MR. DOUGLAS MULDER: I think we  
got a

13 list of witness as we selected the jury.

14 THE COURT: Fine. That's all I  
want

15 to know.

16 MR. RICHARD MOSTY: Judge, it was  
the

17 Rowlett phone book, as I recall.

18 THE COURT: All right. That's  
all I

19 wanted to know.

20 MS. SHERRI WALLACE: Excuse me,  
Judge,

21 Mr. Mulder, do you want anyone else for Monday other

22 than --

23 MR. DOUGLAS MULDER: I would  
advise

24 you to have the witnesses down here that I have not  
25 excused.

1                   MS. SHERRI WALLACE: The Dallas  
County  
2    taxpayers don't want to pay for all of the witnesses  
on  
3    the list.

4                   THE COURT: Mr. Mulder.

5                   MR. DOUGLAS MULDER: Yeah.

6                   THE COURT: Mr. Mulder, please  
let  
7    them know who you would like to have.

8                   MR. DOUGLAS MULDER: Judge, I  
9    appreciate your concern in this, but I have made my  
10   statement.

11                  THE COURT: Well, I'm making  
mine, and  
12   I'm telling you to let them know what witnesses you  
want  
13   to have.

14                  MR. DOUGLAS MULDER: Well, I'm  
telling  
15   you right now, I want the witnesses down here that  
have  
16   not been called who are under subpoena.

17                  THE COURT: Anyone who is under  
18   subpoena, will do that. And anyone you intend to

call

19 will do that. Do you understand that?

20 You let them know who you want to

call

21 and anybody under subpoena, they will have them

down. Is

22 that clear? Thank you.

23 MR. DOUGLAS MULDER: Those -- I'm

not

24 sure whether that is clear.

25 If they have got a witness under

1 subpoena and I have not excused them, he better be  
here.

2 It's as simple as that.

3 MS. SHERRI WALLACE: Judge, if he  
4 could just make it easier. There are a hundred  
5 witnesses -- 150 witnesses on our witness list.

6 THE COURT: How many witnesses do  
you

7 have under subpoena?

8 MS. SHERRI WALLACE: I don't  
know. If

9 he just wants to tell me who he wants here, we will  
be  
10 happy to have them here, more than happy.

11 MR. DOUGLAS MULDER: Again, if  
they  
12 can sit down here for three weeks for them, they can  
sit  
13 down here for three weeks for me.

14 MS. SHERRI WALLACE: Judge, I  
object  
15 to the side-bar. They haven't been down here three  
16 weeks. We have got budget constraints, the Dallas  
County  
17 taxpayers don't want to pay for everybody on our  
witness

18 list to be here.

19 MR. DOUGLAS MULDER: Oh, come on.

20 THE COURT: All right. Stop the

21 bickering. You make a list of the witnesses you  
want,

22 Mr. Mulder, and Ms. Wallace, have them down here.

23 MS. SHERRI WALLACE: Certainly,  
sir.

24 MR. RICHARD C. MOSTY: We can do  
that,

25 it's the clerk's list of the subpoenaed witnesses.

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1 THE COURT: All I want to tell  
you is

2 this: You give Ms. Wallace a list of the witnesses  
you

3 want. Thank you.

4 On that happy note, we will  
adjourn.

5 Have a nice weekend.

6

7 (Whereupon, the jury was  
8 thereby excused for the  
9 day, to return on  
10 Monday, January 27, 1997,  
11 at 9:00 a.m.)

12

13 (These proceedings are continued  
14 to  
15 the next volume in this cause.)

16

17

18

19

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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

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1 STATE OF  
TEXAS )  
2 COUNTY OF  
DALLAS )

3

4

JUDGES CERTIFICATE

5

6

7

8 The above and foregoing transcript, as  
certified

9 by the Official Court Reporter, having been  
presented to

10 me, has been examined and is approved as a true and  
11 correct transcript of the proceedings had in the  
12 foregoing styled cause, and aforementioned cause  
number

13 of this case.

14

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19

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20

MARK TOLLE, JUDGE

21

Criminal District Court Number 3

22

Dallas County, Texas

23

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25

Sandra M. Halsey, CSR, Official Court Reporter

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