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

THE STATE OF TEXAS }
VS: } NO. F-96-39973-J
DARLIE LYNN ROUTIER } & A96-253 (Kerr
Co.)

REPORTERS RECORD
JURY TRIAL
VOL. 42 OF 53 VOLS.
January 27, 1997
Monday

Sandra M. Halsey, CSR, Official Court Reporter

4044

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C A P T I O N

BE IT REMEMBERED THAT, on Monday, the 27th day
of
January, 1997, in the Kerr County Courthouse, this
case
being transferred from Criminal District Court
Number 3
of Dallas County, Texas, the above-styled cause
came on
for a trial before the
Hon. Mark Tolle, Judge
Presiding,
for the Criminal District
Court No. 3, of Dallas County,
Texas, with a jury, and
the proceedings were held, in
open court, in the City of
Kerrvile, Kerr County
Courthouse, Kerr County,
Texas, and the proceedings were
had as follows:

17

18

19

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25

Sandra M. Halsey,
CSR, Official Court Reporter

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1

A P P

E A R A N C E S

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3

4

HON. JOHN VANCE,

5

Criminal District

Attorney

6

Dallas County, Texas

7

8

BY: HON. GREG

DAVIS

9

Assistant

District Attorney

10

Dallas

County, Texas

11

12

AND:

13

HON. TOBY

L. SHOOK

14

Assistant

District Attorney

15

Dallas

County, Texas

16

17

AND:

18

HON. SHERRI

WALLACE

19 Assistant

District Attorney

20 Dallas

County, Texas

21

22

APPEARING FOR THE STATE OF

TEXAS

23

24

25

Sandra M. Halsey,
CSR, Official Court Reporter

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1 ADDITIONAL APPEARANCES:

2 HON.

DOUGLAS D. MULDER

3 Attorney at
Law

4 2650 Maxus
Energy Tower

5 717 N.
Harwood

6 Dallas
County, Texas 75201

7 AND:

8 HON. CURTIS
GLOVER

9 Attorney at
Law

10 2650 Maxus
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11 717 N.
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12 Dallas
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13 AND:

14 HON.

RICHARD MOSTY

15 Attorney at

Law

16 Wallace,
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18 Kerrville,
Texas 78028

19 AND:

20 HON. S.
PRESTON DOUGLASS, JR.

21 Attorney at
Law

22 Wallace,
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23 820 Main
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24 Kerrville,
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25

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1 AND:

2 HON. JOHN

HAGLER

3 Attorney at

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4 901 Main Stree, Suite 3601

5 Dallas, Texas 75202

6 AND:

7 MR. LLOYD HARRELL

8 Private Investigator

9 Dallas, Texas

10 APPEARING FOR THE

DEFENDANT

11 AND:

12 HON. ALBERT D. PATILLO, III

13 Attorney at Law

14 820 Main Street, Suite 211

15 Kerrville, TX, 78028

16 APPEARING FOR WITNESS:

17 Detective Jimmy

Patterson

18 AND:

19 HON. STEVEN J. PICKELL

20 Attorney at Law

21 620 Earl Garrett Street

22 Kerrville, TX 78028

23

APPEARING FOR WITNESS:

24

Officer Chris

Frosch

25

Sandra M. Halsey, CSR, Official
Court Reporter

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P R O C E E D I N G S

January 27, 1997
Monday
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. Mr. Davis, I

20 assume that Mr. Patterson is here and ready if they
want

21 him?

22 MR. GREG DAVIS: Yes, sir.

23 THE COURT: Okay. Are both sides

24 ready to bring the jury in and resume the trial in

the

25 State of Texas versus Darlie Routier?

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. GREG DAVIS: Yes, sir, the
State
2 is ready.
3 MR. DOUGLAS D. MULDER: Yes, sir,
the
4 defense is ready.
5 THE COURT: All right. Bring the
jury
6 in, please.
7
8 (Whereupon, the jury
9 Was returned to
the
10 Courtroom, and
the
11 Proceedings
were
12 Resumed on the
record,
13 In open court, in
the
14 Presence and
hearing
15 Of the defendant,
16 As follows:)
17

1 witness is on his way in the courtroom.

2 Please raise your right hand,
sir.

3

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

7

The whole truth and

8

Nothing but the truth,

9

After which, the

10

Proceedings were

11

Resumed as follows:

12

13

THE COURT: Do you solemnly

swear or

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

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

16 help you God?

17

THE WITNESS: I do.

18

THE COURT: You have testified

before

19 and you understand Rule of Evidence; is that
correct?

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. You

are under

22 it now.

23 THE WITNESS: Yes, sir.

24 THE COURT: All right. If you

will

25 just have a seat up here in this witness box,
please.

Reporter Sandra M. Halsey, CSR, Official Court

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1 THE WITNESS: Yes, sir.

2 THE COURT: All right. You
may

3 proceed, Mr. Mulder.

4

5 Whereupon,

6

7 JIMMY RAY PATTERSON,

8

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

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

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

12 court, as follows:

13

14

15 DIRECT EXAMINATION

16

17 BY MR. DOUGLAS D. MULDER:

18 Q. Would you tell the jury your
name,

19 please, sir?

20

21

MR. DOUGLAS D. MULDER:

Excuse me,

22 Judge, are you ready to go?

23

THE COURT: Well, let's see,

we always

24 think we are, but we don't know. I'm not sure

this sound

25 system is working here. All right. I think we
have that

Reporter Sandra M. Halsey, CSR, Official Court

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1 taken care of now.

2

3 BY MR. DOUGLAS D. MULDER:

4 Q. Would you tell the jury your
name,

5 please, sir?

6 A. Jimmy Ray Patterson.

7 Q. Mr. Patterson, you are a
police

8 officer?

9 A. Yes, sir.

10 Q. And, you work for Rowlett
Police

11 Department?

12 A. Yes, sir, I do.

13 Q. And what was your position,
vis-a-vis,

14 the Darlie Routier case?

15 A. I am the lead detective in
the case.

16 Q. All right. Well, you left
town before

17 we had a chance to talk to you. When did you
leave

18 Kerrville?

19 A. Sometime after 6:00 o'clock

Thursday

20 afternoon.

21 Q. Thursday afternoon. When
did you

22 first come to Kerrville, Mr. Patterson?

23 A. The first time I came down
here was on

24 the 6th.

25 Q. The 6th of January?

Sandra M. Halsey, CSR, Official Court
Reporter

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1 A. Yes, sir.

2 Q. Okay. And, you were with us
until

3 sometime after 6:00 o'clock on Thursday of last
week, is

4 that correct?

5 A. That's correct.

6 Q. Have you brought your notes
with you?

7 A. Yes, sir, I have.

8 Q. Do you have your case file
with you?

9 A. Yes, sir.

10 Q. Could I see it, please?

11 A. I don't have it right here
with me.

12 Q. Where is it?

13 A. It's in the back.

14 Q. Could you get it, please?

15 A. Yes.

16

17 MR. DOUGLAS D. MULDER:

Would you mark

18 this, please?

19

20 (Whereupon, the following

21 mentioned item was
22 marked for
23 identification only as
24 Defendant's Exhibit No. 72,
25 after which time the

Reporter Sandra M. Halsey, CSR, Official Court

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

5

6 BY MR. DOUGLAS D. MULDER:

7 Q. Let me hand you what has
been marked

8 for identification and record purposes as
Defendant's

9 Exhibit No. 72 and I'll ask you if that is the
note book

10 that you just handed to me?

11 A. Yes, sir, it is.

12 Q. And this contains your
entire file on

13 Darlie Routier; is that correct?

14 A. Yes, sir.

15 Q. You and I have never met,
have we?

16 A. No, sir, we have not.

17 Q. We have never visited about
this case,

18 have we?

19 A. No, sir.

20 Q. Now, when you were first

notified that

21 there had in fact been a -- an assault or a
death there

22 at 5801 Eagle Drive in Rowlett?

23 A. June the 6th, 1996, at about
2:55 in

24 the morning.

25 Q. Okay. Were you at home or
were you on

Sandra M. Halsey, CSR, Official Court
Reporter

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1 duty?

2 A. I was at home.

3 Q. Okay. And as result of
that, did you

4 have occasion to get up and get dressed and
proceed to

5 that scene?

6 A. Yes, sir, I did.

7 Q. Okay. About what time did
you arrive

8 there?

9 A. About 3:30, 3:35.

10 Q. Okay. And, who was there
when you

11 arrived, Detective Patterson?

12 A. There was some fire
personnel, there

13 was some uniformed officers at the scene, the
lieutenant

14 over C.I.D. was at the scene.

15 Q. Who is the lieutenant over
C.I.D.?

16 A. His name is Grant Jack.

17 Q. All right. Was he down here
for the

18 past three weeks as well, along with you?

19 A. No, sir.
20 Q. Has he been here?
21 A. Yes, sir.
22 Q. Okay. He is back in Rowlett
now, I
23 guess?
24 A. No, sir.
25 Q. Where is he?

 Sandra M. Halsey, CSR, Official Court
Reporter

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1 A. He is here now.

2 Q. Oh, he came back down with
you?

3 A. Not with me. He came back
down.

4 Q. Who else came down this
weekend?

5 A. An officer, Dwayne
Beddingfield,
6 Sergeant David Nabors, and another detective by the
name
7 of Chris Frosch.

8 Q. Just the five of y'all?

9 A. Yes, sir.

10 Q. Okay. When did y'all get back
down
11 here?

12 A. I got back down here yesterday
about
13 4:00 o'clock.

14 Q. Okay. When did the others come,
do
15 you know?

16 A. I'm not sure.

17 Q. Okay. At any rate you got out

there

18 and the medical personnel were there; is that right?

19 A. I don't know -- no, I think they
had

20 already left and I talked to a firefighter.

21 Q. Okay. Do you know how many
medical

22 personnel had been there?

23 A. Not total, no, sir.

24 Q. Okay. I take it you interviewed
the
25 paramedics who had been at the scene?

1 A. They had written a written
statement.

2 Q. I mean, does that mean you
interviewed
3 them?

4 A. I did not talk to them
personally, no.

5 Q. Did you talk to any of them?

6 A. No, sir.

7 Q. All right. And, you don't know
how --

8 whether there were eight or nine or ten or you don't
know
9 how many there were?

10 A. I don't recall how many were out
11 there.

12 Q. Okay. What was the first thing
you
13 did when you got to the scene?

14 A. The first thing I did when I
arrived

15 at the scene is I met with the officer in charge.

16 Q. And, who was that?

17 A. Sergeant Matt Walling.

18 Q. Okay. And I guess you talked
with

19 Sergeant Walling?

20 A. Yes, sir.

21 Q. Okay. And what is the next thing
that

22 you did?

23 A. He briefed me on what he knew, at
that

24 time, and I just walked up to the front door, and
there

25 was an Officer Wade at the front door. He asked me
if I

1 was going inside and I said no. And I just veered
inside

2 for a second.

3 Q. You did go inside, did you?

4 A. No, I did not. I just looked
inside

5 from the door, from the front porch.

6 Q. I thought you said you veered
inside.

7 You peered inside?

8 A. Yes, sir, I just looked inside.

9 Q. You just looked inside?

10 A. Yes, sir.

11 Q. And, what was the next thing you
did?

12 A. Well, Sergeant Walling had told
me

13 about a screen that had been --

14 Q. We're not going into what you
were

15 told. I asked simply what you did?

16 A. I walked around to the back and
17 noticed the screen window had been cut.

18 Q. Okay. And when you went around
to the

19 back, did you have occasion to look at the back
gate?

20 A. Yes, sir.

21 Q. Okay. And, did you notice
anything

22 unusual about the back gate?

23 A. It was open.

24 Q. Anything else?

25 A. No, sir, not at that time.

1 Q. Did you move it back and forth to
see

2 how it swung in place?

3 A. No, sir, I did not.

4 Q. Did you see any scuff marks at
the

5 base of the gate?

6 A. I didn't look.

7 Q. Okay. Will you tell the jury
which

8 way the gate swung?

9 A. Inwards.

10 Q. Okay. Inwards to your right, as
you

11 were going in from the garage or to your left?

12 A. As you walk up to the gate, it
swung

13 open this way. (Demonstrating)

14 Q. Okay. And it was open at the
time you

15 first observed it?

16 A. Yes, sir.

17 Q. Okay. And you walked around to
the

18 screen that was cut?

19 A. I walked inside just enough where

I

20 could see the screen. I didn't go up to the screen.

21 Q. Well, why is that?

22 A. Well, I didn't want to tamper
with any

23 evidence, in case there was any.

24 Q. Okay. Did you know that other
25 officers had already been on the scene, and had been
to

Sandra M. Halsey, CSR, Official Court Reporter

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1 the screen?

2 A. Well, the only thing I knew, was
that

3 there had been an officer look in the back yard.

4 Q. Just over the fence was your
5 understanding?

6 A. No, just went inside the back
yard to

7 look, to make sure there wasn't any suspects.

8 Q. Okay. But had not actually
approached

9 the screen, was that your understanding?

10 A. I really didn't get into that to
know.

11 Q. So, you didn't know whether
anybody

12 had gone in the back yard, or what the extent of the
back

13 yard was?

14 A. I didn't know who had been in the
back

15 yard.

16 Q. Okay.

17 A. I just knew that a couple of
officers

18 had went in there, just to make sure that there

wasn't a

19 suspect.

20 Q. Okay. After that, what did you
do?

21 A. At that point, I went back around
to

22 the front, and asked by my lieutenant to go to the
23 hospital and meet with the witnesses.

24 Q. Okay. Did you talk with anyone

else

25 at the scene, before you went to the hospital?

1 A. Well, I had talked to one of the
fire

2 person -- or the paramedics, just for a brief
moment,

3 yes.

4 Q. Okay. Did you talk with any of
the

5 neighbors?

6 A. Yes, sir.

7 Q. You forgot about that?

8 A. No, I didn't forget about it.

9 Q. Okay. I asked you if you had
talked

10 to anybody else before you left for the hospital,
didn't

11 I?

12 A. Right. And I just said that I
had

13 talked to the captain.

14 Q. Well, you were just fixing to
tell us

15 about the neighbors?

16 A. Yes, sir.

17 Q. Okay. As a matter of fact you
were

18 advised that there had been a small, black car at
the

19 scene, had you not?

20

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

22 to that as hearsay, what he was advised.

23 THE COURT: I'll sustain the

24 objection.

25

1 BY MR. DOUGLAS D. MULDER:

2 Q. Well, when you talked to the
neighbor

3 was your attention directed to this part of the
street?

4

5 MR. GREG DAVIS: Objection, that
is

6 hearsay.

7 THE COURT: Overruled. Go ahead.

8 MR. DOUGLAS D. MULDER: Yes, sir.

9 THE WITNESS: I heard a lady call
out
10 that she wanted to talk to an officer.

11

12 BY MR. DOUGLAS D. MULDER:

13 Q. Okay.

14 A. And I walked over there to talk
to
15 her.

16 Q. Okay. And were you advised that
she

17 had seen a small, black car in this location?

18 A. Yes.

19

20 MR. GREG DAVIS: I'm going to
object,

21 your Honor, that is hearsay.

22 THE COURT: Sustained. Let's
phrase

23 our questions properly.

24

25 BY MR. DOUGLAS D. MULDER:

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. Was your attention
directed to

2 a location immediately in front of her mailbox?

3

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

5 That is hearsay what he was advised or directed.
That

6 has to come from someone else who is not here, so
it has

7 to be hearsay.

8 MR. DOUGLAS D. MULDER: Well,
Judge,

9 he can testify to that.

10 THE COURT: Just a minute. I'll
11 overrule that. Let's go ahead and move on with the
case.

12 MR. DOUGLAS D. MULDER: Sure.

13

14 BY MR. DOUGLAS D. MULDER:

15 Q. Detective Patterson, moving
right

16 along, will you tell the jury whether or not your
17 attention was directed to this mailbox in the
parking

18 area immediately in front of it?

19 A. Well, not to the mailbox.

20 Q. Okay. To the parking area
immediately

21 in front -- tell the jury where your attention was
22 directed. We'll make it easy.

23 A. Okay. A lady had called out and
asked

24 me -- she said that she wanted to talk to an
officer, and
25 so I walked over there.

1 Q. You talked to her, didn't you?

2 A. Yes, sir.

3 Q. And you made a note in your
4 supplemental report, didn't you?

5 A. Yes, I made a note, yes, sir.

6 Q. Okay. And in that note you said
that

7 there had been --

8

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

10 to that --

11 MR. DOUGLAS D. MULDER: -- a
black

12 car, that night --

13 MR. GREG DAVIS: Judge, please.
I'm

14 going to object to this.

15 MR. DOUGLAS D. MULDER: Judge,
let me

16 finish my question.

17 THE COURT: Let him finish his
18 objection, please.

19 MR. GREG DAVIS: I am going to
object

20 to that as being hearsay, and referring to
documents not

21 in evidence.

22 THE COURT: All right. Well,
let's --

23 All right. Well, I'll sustain that objection. And
let's

24 phrase our questions properly, please.

25 If you want to put the document
in

Sandra M. Halsey, CSR, Official Court Reporter

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1 evidence, then let's do so. I assume you are
referring

2 to State's (sic) Exhibit No. 75?

3 MR. DOUGLAS D. MULDER: Judge,
that

4 was State's (sic) Exhibit No. 72.

5 THE COURT: I mean, Defendant's
6 Exhibit No. 72.

7 MR. DOUGLAS D. MULDER: Judge,
I'm not

8 suggesting that I put his entire report in. I
don't mind

9 giving him his report to refresh his memory.

10 THE COURT: Well, I think if you
will

11 just phrase the questions properly, then we will
move on.

12 Let's go ahead, please.

13 MR. DOUGLAS D. MULDER: All
right.

14 Well --

15

16 BY MR. DOUGLAS D. MULDER:

17 Q. All right. Again, as a result
of your

18 conversation with the lady, where was your

attention

19 directed in this enlarged -- what would you call
that

20 area?

21 A. A residential area.

22 Q. Well, yes.

23

24 THE COURT: You might speak a

little

25 bit louder, because the last two jurors have to
hear you

1 down there. Just speak into that mike so they can
hear

2 you.

3

4 BY MR. DOUGLAS D. MULDER:

5 Q. What would you call this area?

Is

6 this a little parking area?

7 A. Yes, sir, I would call it a
street.

8 Q. Okay. And would you call this a
9 parking area in the street or not?

10 A. Well, no, sir, I wouldn't.

11 Q. What would you call it?

12 A. I would call it a street.

13 Q. Okay.

14 A. But people parked along the curb
side,

15 yes.

16 Q. Okay. This appears to be a car
headed

17 in, is that right?

18 A. Yes, sir.

19 Q. Okay. And do people park in that
20 fashion?

21 A. Yes, sir.

22 Q. Okay. And, will you tell us, and
tell

23 the jury what your conversation with the lady was
about,

24 please, sir?

25 A. She asked to speak with an
officer,

Sandra M. Halsey, CSR, Official Court Reporter

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1 and so I walked over there, and she said something
to the

2 effect that she had saw a car --

3

4 THE COURT: The jurors cannot
hear you

5 on the end down there.

6 THE WITNESS: That she had saw a
car

7 leaving that scene, as the police and the fire
department

8 had arrived, or right after they had arrived.

9

10 BY MR. DOUGLAS D. MULDER:

11 Q. And, she also told you that she
was

12 familiar with the cars in the neighborhood, didn't
she?

13 A. No, sir, I don't recall her
telling me

14 that.

15 Q. Okay. You made a note of that in
your

16 report, did you, your conversation with the lady?

17 A. Yes, sir.

18 Q. Did you later on that afternoon,

have

19 an occasion to -- you or one of the police officers

20 there, to talk with a Karen Neal in regards to a

small,

21 black car that had passed through the neighborhood

that

22 afternoon?

23 A. I did not.

24 Q. Do you know if anybody else did?

25 A. No, sir, I do not.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Would it be your responsibility,
as
2 the primary officer in charge of this case, to find
those
3 things out? I mean, would you be the center where
the
4 information is funneled into?

5 A. Yes, sir.

6 Q. Okay. And I take it that this
report
7 over here, Defendant's Exhibit No. 72 is an
accumulation
8 of reports that other people have filled out and
9 submitted to you?

10 A. That's correct.

11 Q. So you would, for lack of a
better
12 word, be the central information clearinghouse, I
guess,
13 in this case, for lack of a better description?

14 A. I could, yes, sir.

15 Q. Okay. You would be the one who
ought
16 to be familiar with, whatever is going on in this
17 particular case; right?

18 A. Well, you have to understand
that, you
19 know, I'm not going to remember everything. And
that,
20 you know, I did look over the reports.

21 Q. Okay. I mean, that is the reason
we
22 make reports, isn't it? Because we can't be
expected to
23 remember everything?

24 A. Well, that is to refresh our
memory,
25 yes, sir.

1 Q. And, like you have so skillfully
2 pointed out, had it not been for the paramedics
reports,

3 you wouldn't know what any of the paramedics did out
4 there, would you?

5 A. That's correct.

6 Q. Because you have not, to this
date,

7 talked to any of them, have you?

8 A. No, I have not.

9 Q. Okay. So you don't know which
ones

10 were in the house, whether they were all in the
house, or

11 what parts of the house they went into, or what they
did

12 while they were there, do you?

13 A. Well, by their notes I do know.

14 Q. Oh, they all addressed that, as to
15 where they went in the particular house, and what
they

16 did?

17 A. They addressed what they did,
yes.

18 Q. Okay. But they don't address

where

19 they went in the house, do they?

20 A. No, sir, I don't believe so.

21 Q. All right. And you didn't think
that

22 that was important to you, I guess, in evaluating the

23 case, or you would have interviewed them?

24 A. They have been interviewed.

25 Q. But not by you?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. But not by me.

2 Q. Okay. Did you interview the
officers

3 that were first on the scene?

4 A. I read their notes.

5 Q. Okay. So your knowledge of what
their

6 activities were, of course, would be limited by the
notes

7 that they prepared?

8 A. Yes, sir.

9 Q. Okay. And if a witness, or a
10 participant in the investigation of this case, did
not

11 prepare a report, of course, there would be nothing
for

12 you to review, would there? Does that make sense?

13 A. Well, I don't understand what you
are

14 saying.

15 Q. All right. Well, if a
participant in

16 the investigation made no report either because he
was

17 directed by the district attorney or someone else
not to

18 prepare a report, there would be, of course, nothing
for

19 you to review, would there?

20 A. Well, I don't think anyone is
going to

21 tell someone not to prepare a report.

22 Q. Well, that would be mighty poor
police

23 work, wouldn't it? In your judgment?

24 A. Maybe in some cases, yes.

25 Q. Okay. You don't really want to
commit

1 to that one?

2 A. Well, no, I do not, because I
really

3 don't understand what you are asking me.

4 Q. Well, I'm saying this as simply
as I

5 can. That it would be very poor police work not to
6 prepare a report, would it not?

7 A. Well, that depends on what you
are

8 doing and what -- you know, and what you did in this
9 case.

10 Q. Well, okay. If you didn't want
11 anybody to find out about it, it would be a good
idea, I
12 guess?

13 A. Well, we are not going to do
that. We

14 write our notes and we make supplements to these
reports.

15 Q. Okay. Did you make a supplement
to

16 your report when you all met down at the courthouse,
and

17 everyone took the witness stand and testified as
regards

18 to what they did in this particular case?

19 A. Did I take notes?

20 Q. Yeah, did you make notes on that?

21 A. No, sir.

22 Q. Okay. Why was that?

23 A. I didn't see any need in taking
notes.

24 Q. Okay. And I take it you

testified in
25 that event?

1 A. No, sir.

2 Q. But you were there and listened
to
3 everyone else?

4 A. I was there, and we talked about
our
5 case, yes.

6 Q. Okay. Was there someone on the
bench
7 in lieu of the judge?

8 A. Well, there was someone sitting
up
9 there in the judge's chair.

10 Q. Okay. Well, just by coincidence
or do
11 you --

12 A. Well, I don't know why.

13 Q. You never did figure out why?

14 A. No, sir.

15 Q. All right. Well, let's just see
if we
16 can't figure out why -- you know what circumstantial
17 evidence is, don't you?

18 A. Yes, sir.

19 Q. Okay. Was there someone in the

20 prosecutor's -- at the prosecutor's desk in the
21 courtroom?

22 A. Yes, sir.

23 Q. And was there someone at the
defense

24 table, a lawyer?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. And was there someone up on the
bench

2 in the judge's position?

3 A. Yes, sir.

4 Q. And was there someone on the
witness

5 stand where you are right now?

6 A. Yes, sir.

7 Q. And did the prosecutor ask them
8 questions?

9 A. Yes, sir.

10 Q. And did the defense lawyers ask
them

11 questions?

12 A. Yes, sir.

13 Q. Now circumstantially, do you
think

14 that we could put those circumstances together,
and

15 figure out that they were conducting a mock
trial?

16 A. I think what we
were doing, is that we

17 were just trying to make sure --
well, we wanted to make

18 sure that the prosecutors knew what
we knew.

19 Q. Okay. And, it
helped, I guess, to
20 make sure that the other officers
knew everything that

21 you --

22 A. Well, I don't know
about that.

23 Q. You don't know
about that. Okay.

24 Now, at any rate,
after you had talked
25 to the lady at the curb side there,
in what you termed to

Sandra M. Halsey, CSR, Official
Court Reporter

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1 be the street, and I would call an
enlarged maybe elbow

2 of the street, did you then leave to
go to Baylor

3 Hospital?

4 A. No, sir.

5 Q. What did you do?

6 A. There was another
lady that came up

7 and I talked to her for a few
minutes.

8 Q. Okay. And who
might that have been?

9 A. Her name was
Barbara Jovell.

10 Q. Okay. And did you
engage her in a

11 conversation as regards to a black
car?

12 A. She had mentioned
that her mother had

13 seen a black car.

14 Q. Okay. When in
time had her mother

15 seen a black car?

16 A. The way she

described it, it was

17 earlier on the 5th.

18 Q. Just the day
before?

19 A. Yes, sir.

20 Q. And, in fact, less
than eight hours

21 earlier, would that be about right?

22 A. No, sir, I don't
know about what time,

23 but it was more than eight hours
earlier.

24 Q. Okay. Nine hours,
ten hours?

25 A. I don't know.

Sandra M. Halsey, CSR, Official
Court Reporter

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1 Q. When did she tell
you that?

2 A. When I talked to
Barbara Jovell, which
3 was sometime between 3:35 and 4:00
o'clock, we tried to
4 contact her mother, but her mother --
I could not
5 understand what she was saying.

6 Q. Okay. Did you
understand, that being
7 a detective out there, I guess you
would want to know
8 where she saw the car, wouldn't you?

9 A. Yes, sir.

10 Q. And what the car
was doing?

11 A. She didn't know
what the car was
12 doing.

13 Q. All right. But,
you would want to
14 know what she thought the car was
doing that was
15 suspicious, right?

16 A. Yes, sir.

17 Q. I mean, it had to
have been doing
18 something that -- I mean, there are a
lot of cars out
19 there, can we agree on that?

20 A. Well, there's lot
of cars that drive
21 out there, yes.

22 Q. Okay. And, most
of them, we aren't
23 going to think anything about them,
because they don't do
24 anything to attract our attention,
right?

25 A. Right.

Sandra M. Halsey, CSR, Official
Court Reporter

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1 Q. So this had to be
one that attracted

2 her attention, correct?

3 A. Well, she told us
about it, yes, sir.

4 Q. Okay. And where
did she tell you that

5 car was?

6 A. My understanding
was it was in the

7 alleyway behind the house.

8 Q. Okay. Is this the
alleyway behind

9 this house?

10 A. Yes, sir, it is.

11 Q. This is the
alleyway behind the house?

12 A. Right, that's
correct.

13 Q. All right. And
you understood it was

14 in the alleyway behind the house, and
apparently doing

15 something that was -- or at least she
thought it was

16 suspicious; is that right?

17 A. Well, the only
thing she could say is

18 that it was a car behind the house,
and going through the

19 alleyway.

20 Q. Well, of course, a
car behind the

21 house going through the alleyway,
ordinarily wouldn't be

22 suspicious, would it?

23 A. No, it would not
be.

24 Q. All right. So
there must have been

25 more to it than that, to have
attracted her attention,

Sandra M. Halsey, CSR, Official
Court Reporter

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1 and to have her --

2 A. She never did tell
me.

3 Q. She wouldn't tell
you?

4 A. She didn't tell
me.

5 Q. All right. Well, after that, did
you

6 then leave for the hospital, without talking to
anyone

7 further?

8 A. Yes, sir.

9 Q. Okay. And where did you go,
Detective

10 Patterson, when you arrived at the hospital?

11 A. To the emergency room.

12 Q. Okay. And, who did you see
there?

13 A. I first met up with a uniformed
14 officer, who had directed me to where Detective
Frosch

15 was.

16 Q. All right. And, did you find
where

17 Detective Frosch was?

18 A. Yes, sir.

19 Q. All right. And, about what time
did

20 you arrive at Baylor Hospital?

21 A. About 4:30 A.M.

22 Q. Okay. And, did you determine
that

23 Darlie Routier had already arrived there?

24 A. Yes, sir.

25 Q. Okay. And, did you determine
what

1 time she had arrived there?

2 A. No, sir, I did not.

3 Q. Okay. Did you determine that her
4 youngest son, Damon Routier, had arrived at Baylor
5 Hospital?

6 A. Yes, sir.

7 Q. Did you determine what time he
had
8 arrived?

9 A. No, sir, I did not.

10 Q. Did you determine at what time
either
11 one of them left the Eagle Drive address?

12 A. No, sir.

13 Q. It didn't seem to be important?

14 A. I'm not saying it didn't seem to
be
15 important, I didn't ask.

16 Q. Okay. Did you ask later on?

17 A. No, sir.

18 Q. So, it never has seemed
important?

19 A. No, I'm not saying it didn't
seem

20 important. It just wasn't a question that I
asked.

21 Q. Well, I mean, you have not asked
to

22 this moment, have you?

23 A. Well, no, sir.

24 Q. So apparently it's not important
to
25 you even now?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Well, it's on the fire
department's

2 run sheet.

3 Q. Did you look at it there?

4 A. I reviewed the run sheet, but I
don't

5 know what time they left.

6 Q. Okay. Well, would you tell the
jury

7 what time they arrived at Baylor Hospital?

8 A. I just told you, I don't know.

9 Q. All right. Well, at any rate,
did you

10 proceed to where Detective Frosch was?

11 A. Yes, sir.

12 Q. And where was he?

13 A. He was in a waiting room where
Darin

14 Routier was.

15 Q. Okay. All right. And just the
two of

16 them?

17 A. No, there was another person
there, I

18 believe his name is Terry Neal.

19 Q. Okay. He is Detective Frosch's

cousin

20 by marriage, is he not?

21 A. I don't know what he is to

Detective

22 Frosch.

23 Q. Okay. You have never talked with

24 Detective Frosch about that?

25 A. He made mention that he was some

Sandra M. Halsey, CSR, Official Court Reporter

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1 relative, but I don't know what.

2 Q. Okay. At any rate, did you
interview

3 Darin Routier at that time?

4 A. Yes, sir.

5 Q. And how long did you and
Detective

6 Frosch, in the presence of Detective Frosh's
relative,

7 talk with Darin Routier?

8 A. We didn't.

9 Q. You didn't talk with him?

10 A. I didn't talk to Darin Routier
in

11 front of Mr. Neal, no.

12 Q. Well, why is that?

13 A. Well, we had asked Mr. Neal to
step

14 out of the room.

15 Q. Okay. So both you and
Detective

16 Frosch were there, is that right?

17 A. In the waiting room with Darin?

18 Q. Yes, sir.

19 A. Yes, sir.

20 Q. All right. And you

interviewed him at

21 that time, is that right?

22 A. Yes, sir.

23 Q. Okay. And I assume that you
took

24 notes of that interview?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court
Reporter

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1 Q. Okay. And where are -- are
your notes

2 in this --

3 A. No, sir.

4 Q. Where are your notes?

5 A. Back there in the office.

6 Q. Could you get those notes for
us,

7 please, sir?

8 A. Yes, sir.

9 Q. Okay. Thank you. Would you --
- the

10 notes are not a part of your file; is that right?

11 A. No, they are not.

12 Q. Okay. Would you just --
whatever you

13 have, would you bring them on out here, and I'll
save you

14 a trip.

15 A. Yes, sir. I will bring them
all.

16 Q. Okay. Thank you, Detective
Patterson.

17

18 (Whereupon, the following

19 mentioned items were

20 marked for
21 identification only as
22 Defendant's Exhibit No. 73,
23 after which time the
24 proceedings were
25 resumed on the record

Reporter Sandra M. Halsey, CSR, Official Court

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1 in open court, as
2 follows:)

3

4 BY MR. DOUGLAS D. MULDER:

5 Q. All right. In your presence
I'll mark

6 this for identification and record purposes as
7 Defendant's Exhibit No. 73. And, that is a
number of

8 stapled note book sheets, is that correct?

9 A. Yes, sir.

10 Q. And this contains all of the
notes

11 that you have made in this particular case?

12 A. Yes, sir.

13 Q. When were these notes made,
Detective

14 Patterson?

15 A. They have been made at
different

16 times.

17 Q. Okay. I figured that out,
that they

18 were made at different times. But, did you date
them?

19 A. Some of them is dated and some

of them

20 are not.

21

Q. Well, why wouldn't you date

all of the

22 reports?

23

A. Well, I just didn't date them.

24

Q. Well, why?

25

A. I don't have a reason, I just

didn't

Reporter Sandra M. Halsey, CSR, Official Court

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1 date them.

2 Q. Well, you knew what the date
was,

3 didn't you?

4 A. I know what the date is going
to be.

5 Q. All right. But how many did
you date,

6 and how many did you not date?

7 A. Well, there's a few pages that
are

8 dated, and a few pages that are not dated.

9 Q. Okay.

10

11 MR. DOUGLAS D. MULDER: Mark
this,

12 please.

13

14 (Whereupon, the following
15 mentioned item was
16 marked for
17 identification only as
18 Defendant's Exhibit No. 73,
19 after which time the
20 proceedings were
21 resumed on the record

22 in open court, as

23 follows:)

24

25 BY MR. DOUGLAS D. MULDER:

Reporter Sandra M. Halsey, CSR, Official Court

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1 Q. Now, let me hand you back what
has
2 been marked for identification and record
purposes as
3 Defendant's Exhibit No. 73. And will you tell the
jury
4 which of the pages of your personal notes are dated?

5 A. Page number 1 has a date.

6 Q. What is the date on page number
1?

7 A. June the 6th, 1996.

8 Q. And that relates to your
conversation

9 with a Nelda Watts?

10 A. Yes, sir, it does.

11 Q. All right. And it has the time?

12 A. Yes, sir.

13 Q. What

time?

14 A. 3:45

A.M.

15 Q. All right. And I assume that you
put

16 down everything that was relevant in that
conversation

17 that you had with her?

18 A. Yes, sir.

19 Q. Okay. And then the next one is

20 Barbara Jovell?

21 A. Yes, sir.

22 Q. All right. And what time is

that?

23 A. June the 6th, 1996, at 3:54 A.M.

24 Q. Okay. And what is the next page

that

25 is dated?

1 A. June the 6th, 1996.

2 Q. Okay. And, does that have
someone's
3 name on it or relate to a conversation?

4 A. Yes, sir, it does.

5 Q. And, who might that be, please,
sir?

6 A. Theresa Marie Powers.

7 Q. Okay. Theresa?

8 A. Theresa.

9 Q. Theresa Powers?

10 A. Yes, sir.

11 Q. And what is the date and time of
that?

12 A. June 6th, 1996, at 4:36 A.M.

13 Q. And who is the Theresa Powers?

14 A. A nurse at Baylor Hospital.

15 Q. All right. So, by that time we
can
16 assume that you are at Baylor Hospital?

17 A. Yes, sir.

18 Q. Okay. Do you find any other
notes in
19 there that are dated? Excuse me, I think there is a
20 medical -- it says M.E. office, and it has the date,

but

21 nothing written.

22 A. It has the date on there.

23 Q. Is that what I am holding up

here?

24 A. Yes, sir.

25 Q. Where it just says 5:44 A.M., and

Sandra M. Halsey, CSR, Official Court Reporter

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1 6-6-96, M.E. office?

2 A. Right.

3 Q. Does that mean you were at the
M.E.
4 office?

5 A. No, sir.

6 Q. What does it mean?

7 A. That means that that is what time
that
8 I talked to someone at the M.E.'s office from the
9 hospital.

10 Q. Can you tell who you talked to?

11 A. I don't remember her name.

12 Q. But you can remember that it was
a
13 female?

14 A. Yes, sir.

15 Q. But didn't write any notes other
than
16 that?

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

18 Q. Okay. So other than that sheet,
the
19 only other notes that are dated and timed are this
second

20 sheet you said, and this first sheet, is that right?

21 A. Can I finish looking at that?

22 Q. You bet.

23 A. And there's some date on these

last --

24 the date and time are on these last three pages.

25 Q. Are you talking about a report
that

Sandra M. Halsey, CSR, Official Court Reporter

4087

1 you did?

2 A. Yes, sir.

3 Q. That was a supplemental report?

4 A. Right.

5 Q. Okay. Did you take -- I guess
the way

6 we got into this, and I have not asked for them, but
you

7 said you took notes about your conversation with
Darin

8 Routier?

9 A. Actually -- well, yes, there is
notes

10 in there, yes, sir.

11 Q. Okay. Could you point me to that
12 part, please, sir?

13 A. Okay.

14 Q. Are you referring to a
supplemental

15 report?

16 A. Yes, sir.

17 Q. You didn't have a laptop computer
or a

18 typewriter with you?

19 A. Not with me, no.

20 Q. Okay. But I thought you said you
took

21 notes?

22 A. I did.

23 Q. Where are the notes?

24 A. That is this right here.

25 Q. Well, that is typed?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Okay. I didn't take handwritten
2 notes.

3 Q. Oh, you took mental notes. You
mean,

4 we have been going through this exercise, and you
have

5 been telling me all along that the notes you took
were

6 simply mental notes?

7 A. Yes, sir.

8 Q. Okay. And those, I guess, were
those

9 timed and dated?

10 A. My mental notes?

11 Q. Um-hum. (Attorney nodding head
12 affirmatively.)

13 A. Well, I have dates and times on
there.

14 Q. Okay. But the notes that you
took,

15 that you were telling us about, when you
interviewed

16 Darin Routier, were mental notes?

17 A. Correct.

18 Q. Okay. All right. Now, how long
did

19 you talk to Darin Routier?

20 A. Twenty or 30 minutes.

21 Q. Okay. And had he been

interviewed by

22 Chris Frosch prior to the time that you got there?

23 A. Yes, sir.

24 Q. And do you know how extensive he

had

25 been interviewed?

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1 A. No, sir.

2 Q. Okay. You didn't talk to
Detective

3 Frosch and find out?

4 A. I talked to him briefly, yes.

5 Q. Before or after you interviewed
Darin?

6 A. Before.

7 Q. Okay. Where did you talk to
him? In

8 the presence of Darin?

9 A. No, just right outside the
waiting
10 room.

11 Q. Of course, you didn't make any
written
12 notes on that, did you?

13 A. I did not, no.

14 Q. All right. Now, you proceeded
from

15 there to where? After you had interviewed Darin
Routier?

16 A. Then I went back and went into
the

17 room where Damon Routier was.

18 Q. About what time was this,
Detective

19 Patterson?

20 A. Sometime just before 6:00 A.M.

21 Q. Okay. So about what -- if you
arrived

22 out at the hospital at what time?

23 A. About 4:30.

24 Q. Okay. And you talked to Darin

for

25 half an hour or so?

1 A. Yes, sir.

2 Q. Would it now be five o'clock or
3 thereabouts?

4 A. Or a little after.

5 Q. Where did you go from your
interview

6 with Darin Routier?

7 A. I went to the room where Damon
Routier

8 was.

9 Q. Okay. And, did you view his
body?

10 A. Yes, sir.

11 Q. And, how long did that take?

12 A. I can't give you a time. I was
in

13 there a few minutes before I notified the crime
scene

14 officer.

15 Q. Okay. And where did you go from
16 there?

17 A. From where?

18 Q. From the room where Darin --
Damon

19 Routier was?

20 A. Well, he was in a room that is

there

21 attached to the emergency room, and I just went
outside

22 and made a phone call.

23 Q. Okay. And who did you call?

24 A. I called the dispatch, Rowlett

Police

25 dispatch and asked for a crime scene unit.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. And who did you talk
with?

2 A. I do not remember.

3 Q. Okay. Where did you go from
there?

4 You were outside, and you were on the phone, you
finish

5 your phone conversation. Where did you go next?

6 A. Back in there and talked to
Frosch for

7 a little bit.

8 Q. By this time what time is it?

9 A. I don't know.

10 Q. After five o'clock?

11 A. Well, it's after five, yes, it's
just

12 shortly before six.

13 Q. Okay. So you talked with Frosch.

14 Now, during your interview with Darin Routier, did

15 Detective Frosch take any notes?

16 A. Yes, sir.

17 Q. And, in your presence?

18 A. Yes, sir.

19 Q. Written notes?

20 A. Written notes? I can't say for
sure,

21 I don't know.

22 Q. Okay. All right. And I mean, is
23 there some reason that you all didn't take written
notes?

24 A. No, sir.

25 Q. I mean, I guess I wouldn't know
enough

Sandra M. Halsey, CSR, Official Court Reporter

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1 not to take notes. Is that a bad practice, to take
2 notes?

3 A. I don't think so, no.

4 Q. But you just take them sometimes
and

5 sometimes you don't?

6 A. Well, in this case I didn't take
any

7 notes, no.

8 Q. Okay. So, at any rate, after you
have

9 conferred with Detective Frosch, where did you next
go?

10 A. I waited on a crime scene unit,
and he

11 arrived. At which point we went back into where
Damon

12 was and we took photographs.

13 Q. Okay.

14 A. Of Damon's injuries.

15 Q. Okay. You said "we did," are you
16 saying that someone else did it in your presence?

17 A. Right.

18 Q. Do you remember who did it?

19 A. Yes, that was Officer Dwayne
20 Beddingfield.

21 Q. All right. And, what happened
after

22 that?

23 A. At which time, the family
arrived,

24 they wanted to see Damon, and we let Ms. Darlie Kee
go in

25 there for just a moment, and then she left.

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1 Q. Okay. And then what did you do?

2 A. We found out that we could go
talk to

3 Darlie Routier.

4 Q. Okay. And had you left
instructions

5 with Darin not to leave the room that he was in? Or
was

6 he free to leave, or what were your instructions to
him?

7 A. Well, I don't recall telling him
that

8 he couldn't leave.

9 Q. Okay. So, as far as you were
10 concerned he was free to leave?

11 A. Yes, sir.

12 Q. You didn't tell him anything to
the

13 contrary?

14 A. No, sir, not that I recall.

15 Q. Well, that is something you would
16 recall, isn't it?

17 A. Well, I don't remember telling
him he

18 couldn't leave, no.

19 Q. How about Detective Frosch?

20 A. I don't know.

21 Q. Not to your knowledge? I mean,

he

22 didn't tell him he couldn't leave to your knowledge,

did

23 he?

24 A. I don't know if he did or not.

25 Q. Okay. At any rate, who told you
that

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1 you could see Darlie Routier?

2 A. I believe it was an officer by the
3 name of Phyllis Jackson.

4 Q. Okay. Was she a young lady who
worked

5 there at the Baylor Hospital?

6 A. As a policeman, yes, sir.

7 Q. Part of the Baylor private police
8 personnel?

9 A. Yes, sir.

10 Q. Okay. And about what time was it
when

11 you went up to see Darlie Routier?

12 A. About 6:11.

13 Q. Okay. And, who was present when
you

14 interviewed her?

15 A. Detective Frosch, and a nurse by
the

16 name of Chris, and I can't recall his last name.

17 Q. But a male?

18 A. Yes, sir.

19 Q. Okay. Just the three of you:

You,

20 Frosch, the nurse and Darlie Routier?

21 A. That is all that was in there that

I

22 saw, yes.

23 Q. Okay. Anybody else, you would

have

24 seen them?

25 A. Well, we were behind -- somewhat

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1 behind a curtain. I couldn't see the front door or
the

2 door leading into the hallway.

3 Q. All right. Do you know whether or
not

4 Darlie Routier had been medicated?

5 A. I do not know.

6 Q. She was there in the hospital,
7 correct?

8 A. Correct.

9 Q. She had injuries that you
reviewed?

10 A. Yes, sir.

11 Q. Did you -- were you advised that
she

12 had just come out of surgery?

13 A. Yes, sir.

14 Q. Okay. And again, as a detective
15 wouldn't you put two and two together, and figure
that

16 she had, in fact, been medicated?

17 A. Well, I don't know.

18 Q. You didn't know?

19 A. No.

20 Q. And I take it that you didn't make
any

21 inquiry as to whether or not she had been medicated?

22 A. No.

23 Q. And you didn't think that that

might

24 be important when you interviewed her?

25 A. What I did was, I asked her if she
was

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1 okay, and felt well enough to talk to us, and she
said

2 she did.

3 Q. Okay. She was cooperative, wasn't
4 she?

5 A. Yes, sir.

6 Q. And, as matter of fact, answered
all

7 of your questions, didn't she?

8 A. Yes, sir.

9 Q. Okay. Did you take notes of that
10 conversation?

11 A. No, sir.

12 Q. Okay.

13 A. Detective Frosch took the notes.

14 Q. And, you know, of course, that he
took

15 them, and recorded them accurately?

16 A. Yes, sir.

17 Q. Okay. Even though you didn't take
any

18 notes yourself?

19 A. No, because I told Frosch that I
was

20 going to ask the questions while he took the notes.

21 Q. Okay. And, you were not under

any

22 time restraints, were you?

23 A. No, sir.

24 Q. Okay. So you could have talked to
25 her, I guess as long as she was willing to talk to
you?

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1 A. Yes, sir.

2 Q. And, she was willing to talk to
you,

3 as long as you asked her questions, she would answer,
4 wouldn't she?

5 A. She answered our questions, yes,
sir.

6 Q. How long did you talk to her,
7 Detective Patterson?

8 A. Twenty or 30 minutes.

9 Q. Okay. Did you tell Detective
Frosch

10 to note, in his notes there, the date and time that
the

11 interview began, and the date and time when the
interview

12 ceased?

13 A. I did not.

14 Q. Okay. Do you know whether he did
or

15 not?

16 A. I know that he -- he has the date
that

17 we was there, and the date that we started, or that
we

18 went up there, and the time that we went up there.

1 Q. Stopped the interview?

2 A. No.

3 Q. And, I guess you didn't think that
was

4 important, or you would have had him do it?

5 A. Right, I don't see that that had
6 anything to do with it, no.

7 Q. But at any rate, that conversation
8 lasted some 20 or 30 minutes?

9 A. Something like that, yes, sir.

10 Q. And she was cooperative the entire
11 time?

12 A. Yes, sir.

13 Q. Did you ask her what had happened,
or
14 what she recalled?

15 A. Yes, sir.

16 Q. And what did she tell you?

17 A. She told us, at that time, that an
18 intruder had -- well -- she had awoken to find an
19 intruder over her. She struggled with the intruder.
She
20 saw him with the knife. I asked her to describe this
21 person, at which time she started to describe the
person,

22 and I asked her to stop for a minute and let's start
from

23 the very top to what he was wearing.

24 Q. Okay. What did she tell you?

25 A. She said that he was wearing a
black

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1 cap. And I said, "Was the bill to the front of the
face

2 or was it turned around backwards?" And, she said the
3 bill was to the front.

4 Q. Okay.

5 A. I asked her if she remembered
seeing

6 any writing on it. She didn't see any writing or no
7 pictures.

8 I asked her if she knew whether it
was

9 a fitted cap, or if it was one that you had to
adjust.

10 She did not know.

11 I asked her from the cap, if she
could

12 describe his hair, and she said it was a dark colored
13 brown, that was shoulder length. It appeared to be
14 straight.

15 I asked her to describe his face,
and

16 she could not describe any part of the face.

17 I asked her to describe what he
was

18 wearing, and she said he was wearing a black T-

shirt.

19 And I asked her if it was a black pull-over T-shirt,

a

20 buttoned-up T-shirt, and she said it was a pull-

over,

21 that it didn't have any buttons on it. Didn't have

a

22 collar on it, and it was short sleeved.

23 Q. All right.

24 A. I asked her if it had any writing

or

25 designs on it, and she didn't see any.

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1 I asked her about a belt. She
2 couldn't remember if there was a belt or not.

3 I asked her about his jeans. The
blue

4 jeans, I asked her if she could remember if they
were

5 blue blue jeans or a different color. She said
blue.

6 She couldn't remember any labels on the jeans.

7 Q. Okay.

8 A. I asked her about his shoes and
socks,

9 and she didn't remember any shoes or socks.

10 I asked her -- because of it
being a

11 short sleeved T-shirt, if she saw any tattoos or
scars on

12 his arms, and she said, no, that she didn't remember
any

13 scars or tattoos.

14 Of course, naturally, we think
about

15 robbery, and I asked her about her jewelry. And she
said

16 the jewelry -- she described her jewelry real well

and

17 where it was located.

18 And, I would have to look at my
notes

19 to see what else was said.

20 Q. Okay. Are you talking about your
21 written notes?

22 A. No, I'm talking about Frosch's
notes

23 or the supplement.

24 Q. You just made mental notes?

25 A. Yes, sir.

1 Q. All right. Have you had occasion
to
2 review Frosch's notes?

3 A. Yes, sir.

4 Q. Before your testimony?

5 A. Yes, sir.

6 Q. Yesterday I suspect?

7 A. Yes, sir.

8 Q. Okay. When is the last time
before
9 yesterday that you reviewed them?

10 A. The last time I reviewed Frosch's
11 notes has been -- right after he gave them to me,
months
12 ago.

13 Q. All right. Let me hand you what
has
14 been marked for identification and record purposes
15 Defendant's Exhibit No. 2 (sic), and you will have
his
16 notes in here?

17 A. Yes, sir.

18 Q. Would you find those for me,
please,
19 sir? I mean, 72.

20 A. Okay.

21

22 THE COURT: Rather than take up

the

23 jury's time, we will take a 10 minute break now,

please.

24

25 (Whereupon, a short

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1 Recess was
taken,
2 After which
time,
3 The proceedings were
4 Resumed on the
record,
5 In the presence and
6 Hearing of the
defendant
7 And the jury, as
follows:

8
9 THE COURT: All right. Are both
sides
10 ready to bring the jury back and continue with this
11 witness?

12 MR. TOBY SHOOK: Yes, your Honor,
the
13 State is ready.

14 MR. DOUGLAS D. MULDER: Yes, your
15 Honor, we're ready.

16 THE COURT: All right. Bring the
jury
17 back, please.

18

19 (Whereupon, the jury
20 Was returned to
the
21 Courtroom, and
the
22 Proceedings
were
23 Resumed on the
record,
24 In open court, in
the
25 Presence and
hearing

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1 Of the defendant,

2 As follows:)

3

4 THE COURT: Let the record

reflect

5 that all of the parties in the trial are present and

the

6 jury is seated.

7 Mr. Mulder.

8 MR. DOUGLAS D. MULDER: Yes, sir,

9 thank you, Judge.

10 THE COURT: You may proceed.

11

12

13 DIRECT EXAMINATION (Resumed)

14

15

16 BY MR. DOUGLAS D. MULDER:

17 Q. Detective Patterson, while the

jury

18 was out of the room you went through your entire

file

19 here, did you not?

20 A. Yeah, pretty much so.

21 Q. All right. And you were

unable to

22 find Chris Frosch's notes there?

23 A. I didn't find them, no.

24 Q. It's your file, isn't it?

25 A. Yes, sir.

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1 Q. All right. You are telling us
that

2 Chris Frosch's notes are not in your file?

3 A. I didn't see them in there.

4 Q. Okay. But you reviewed them
last

5 night?

6 A. I did, but I didn't look in
that file.

7 I've got a copy of his notes.

8 Q. Where is that?

9 A. I just gave you two pages.

10 Q. Oh, you are talking about what
is

11 written up here?

12 A. The supplement.

13 Q. Yes.

14 A. I just gave you two pages of
the

15 supplement.

16 Q. Yes, sir.

17 A. Yes.

18 Q. Okay. Well, I was talking
about his

19 actual notes?

20 A. I don't have that. Are you
talking

21 about handwritten notes?

22 Q. Yes, sir.

23 A. I don't have those.

24 Q. Okay. So what you are telling

us you

25 reviewed, you apparently reviewed the report that
he

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Reporter

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1 made, and not his handwritten notes?

2 A. What I reviewed was -- he has a
3 supplement, and I reviewed this supplement.

4 Q. Okay.

5

6 MR. DOUGLAS D. MULDER: Mark

these,

7 please.

8

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

18

19 BY MR. DOUGLAS D. MULDER:

20 Q. Let me hand you what have been
marked

21 for identification and record purposes as
Defendant's

22 Exhibits 74 and 75, and I'll ask you if you recognize

23 Chris Frosch's handwriting?

24

A. I'm not sure.

25

Q. Well, I don't know whether you

would

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1 take my word for it or not, but he handed those to
me,

2 and told me they were his notes?

3 A. Okay.

4 Q. Do you have any quarrel with that?

5 A. No, sir.

6 Q. These are the notes that you saw
him

7 taking at the hospital?

8 A. No, sir.

9 Q. Oh, these are not the notes that
he

10 was taking at the hospital?

11 A. I didn't see what he was taking,
12 because where I was standing, I was asking questions
and

13 he was kind of standing to my left, and I wasn't
really

14 paying any attention to him.

15 Q. Well, when you left the hospital,
did

16 you review his notes to make sure that he put down
what

17 was accurate?

18 A. No, I did not.

19 Q. Why not?

20 A. Well, I just didn't review his
notes.

21 Q. Well, I mean, you wanted to be
22 accurate with what she said, don't you?

23 A. Yes, sir.

24 Q. Okay. Well, I mean, what better
way
25 to be accurate than either, one, record it with a
tape

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1 recorder, and you could have done that, couldn't you?

2 A. We could have, but that is not a
3 policy that we use, no.

4 Q. Okay. Well, I don't care whether
it's

5 your policy or not, I just want to know --

6 A. Well, we care that it's our
policy,

7 and it's not our policy, and so we don't use a tape
8 recorder.

9 Q. Did you have that option? You
could

10 have recorded it with a tape recorder?

11 A. Well, we don't do that.

12 Q. But you could have?

13 A. We don't do that.

14 Q. Well --

15

16 THE COURT: All right. Let's move
on.

17 I think everybody understands the question and the
18 answer.

19

20 BY MR. DOUGLAS D. MULDER:

21 Q. Well, you could have video

recorded it

22 if you had chosen to?

23 A. But we don't do that.

24 Q. Well, you video record drunk

drivers,

25 don't you?

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1 A. That is uniform, that is separate
than
2 our division.

3 Q. All right. So you have the
equipment
4 available to you?

5 A. We have video equipment, yes, sir.

6 Q. You chose not to do that?

7 A. No.

8 Q. You chose not to take any notes
9 yourself, and you chose not to review your partner's
10 notes.

11 Would you look at those notes now,
12 Defendant's Exhibit No. 74. Would this be the first
time
13 that you have looked at them?

14 A. The first time I have looked at
this,
15 yes.

16 Q. All right. The first time that
you
17 have ever seen his notes, as regards the
conversation
18 that took place at approximately 6:00 o'clock, on
June

19 the 6th of 1996, is that right?

20 A. Do what now?

21 Q. This is the first time that you
have

22 reviewed Chris Frosch's notes with respect to the
23 conversation between you and Darlie at 6:11 or 6:15
or

24 whatever time it was?

25 A. I reviewed his notes. I reviewed
his

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1 supplement.

2 Q. Well, are those the notes that
you

3 reviewed?

4 A. No, I reviewed the typed
supplement

5 that he --

6 Q. All right. I understand that.
Would

7 you review his notes, please, sir?

8 A. Sure.

9 Q. Okay.

10

11 THE COURT: All right. You may
12 continue, please.

13 MR. DOUGLAS D. MULDER: Yes, sir.

14

15 BY MR. DOUGLAS D. MULDER:

16 Q. Do you feel like you are well
enough

17 acquainted with those notes now to answer some
questions?

18 A. Yes, sir.

19 Q. Okay. You had told the jury, or
given

20 them an account, and is it fair to say that these
notes

21 probably start on this page that I have marked

22 Defendant's Exhibit No. 74, where it says Baylor

23 Hospital, Baylor Medical Center, Dallas, in recovery

24 room, approximately 6:11?

25 Do you see that? Would that be
fair

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1 to say that that is probably where those notes
start?

2 A. Well, no, it looks like to me it
3 started on the first page.

4 Q. Well, but if you will read that,
that

5 appears to be an interview with Darin, isn't it?

6 A. On the first several pages?

7 Q. Yes, sir.

8 A. Yes, sir.

9 Q. Okay.

10 A. These are Detective Frosch's notes
and

11 that is probably who you are going to have to ask
about

12 that.

13 Q. Okay. Well, inasmuch as you have
14 refreshed your memory from his notes, you have told
us

15 about, for example, you gave us a description, and
that

16 description was based on what Detective Frosch wrote
17 down, I assume, was it not?

18 A. The description of what?

19 Q. The description of the assailant

that

20 Darlie Routier described to you, during the morning
of

21 June the 6th?

22 A. And what I can remember, yes,
sir.

23 Q. Okay. Did she tell y'all that
the man

24 was possibly black?

25 A. She did not tell us that morning,
no,

1 she had told the uniformed officer --

2 Q. Wonder why he wrote it in his
notes up

3 there?

4

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

6 to that, that is improper impeachment.

7 THE COURT: Sustained, sustained.

8 Let's move on. If you want to call Detective Frosch
then

9 call him.

10 MR. DOUGLAS D. MULDER: Judge, I
11 intend to call him.

12 THE COURT: Well, then fine.

Let's

13 move on to what this witness actually knows of his
own

14 knowledge.

15 THE WITNESS: That is not what
that

16 says.

17 MR. DOUGLAS D. MULDER: Yes, sir.

18

19 BY MR. DOUGLAS D. MULDER:

20 Q. "Black cap --"

21

22

MR. GREG DAVIS: I'm going to

object

23

again to him going into that document.

24

THE COURT: Sustained.

25

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1 BY MR. DOUGLAS D. MULDER:

2 Q. Did he have a black cap on?

3 A. She says he had a black cap on.

4 Q. Okay. Shoulder length hair or
collar

5 length hair?

6 A. What I remember is, it was about
7 shoulder length -- excuse me, collar length.

8 Q. Did she ever describe the
assailant as

9 possibly black?

10 A. I had one of the other
supplements,

11 from Officer Waddell showed black or white.

12 Q. Okay. Black or white, is that
right?

13 A. Black or white.

14 Q. Now, you were telling us about
talking

15 to a lady about an unusual car out there?

16 A. Yes, sir.

17 Q. And talking to this Barbara
Jovell

18 about a car, and talking to another lady about a car
that

19 was parked in that -- what you call a street, is

that

20 right?

21 A. Yes, sir.

22 Q. All right. Were there any other
23 people that reported a small, black car in or around
the

24 Routier home that evening, or early morning? Either
the
25 evening of June the 5th or the early morning of June
the

1 6th?

2 A. You will have to ask me that
again.

3 Q. Okay. Why was it -- why did you
care

4 whether there had been mysterious cars, or
suspicious

5 cars out there? What importance could that have
possibly

6 been?

7 A. Well, at that time, we were
looking

8 for an intruder.

9 Q. Okay. So that is what made it
10 important if there were suspicious cars out there?

Is

11 that right?

12 A. Yes.

13 Q. Okay. And did you find people
who had

14 seen suspicious cars out there?

15 A. Did we find people?

16 Q. Yes.

17 A. The lady, Ms. Watts, told me
about a

18 car.

19 Q. That is one.

20 A. But she didn't say black car to
me,

21 she just said a car.

22 Q. She said a dark car to one of
your

23 other fellow detectives, didn't she?

24 A. Well, I don't know if it was a

dark

25 car or -- well, I would have to read that again, but
it

1 was a dark car, mid-sized, and then Ms. Jovell was
the
2 one that was telling me that her mother had seen a
black
3 car in the alleyway.

4 Q. Okay. Well, did anybody tell you
that

5 they had seen a car around midnight, drive up her
alley,

6 and look in the garage, and turn -- or toward the
garage,

7 and turn around, and leave, and just hanging around
in

8 that area, a small, black, car?

9 A. Well --

10 Q. Yes, sir, that is about a 3 inch
11 account. Have you read that?

12 A. Well, there is a supplement about
13 someone telling a uniformed officer about a car.

14 Q. Okay.

15 A. It was dated on 6-8.

16 Q. All right. I mean, it is your
report?

17 A. Right.

18 Q. Did you find someone who had seen

a

19 small car in the alley shortly before midnight, some
two,

20 or two and a half hours before the attack?

21 A. I didn't talk to anybody about
that.

22 Q. I know. But that report came in
to

23 you, didn't it?

24 A. Which report? That report there
shows

25 a different date.

1 Q. "Drove by the victim's home
slowly.

2 Drove in the alley -- "

3

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

5 to that.

6 THE COURT: Sustained. Please
ask the

7 next question.

8 Please answer all of the
questions you

9 know of your own knowledge, directly and succinctly,
and

10 as quickly as possible.

11 THE WITNESS: Yes, sir.

12

13 BY MR. DOUGLAS D. MULDER:

14 Q. Did you say that this is the
first

15 time that you have actually seen the spiral notebook
with

16 the handwritten notes?

17 A. Yes, sir.

18 Q. Okay. Now, you were there

19 approximately 20 to 30 minutes, is that what you
have

20 previously testified to?

21 A. I was where?

22 Q. At the hospital, at Baylor,
talking to

23 Darlie?

24 A. Yes, sir.

25 Q. Okay. Twenty or 30 minutes, is
that

1 right?

2 A. About that.

3 Q. That is not a trick question. I
want

4 to move on.

5 A. Approximately, yes.

6 Q. Okay. And, did you then leave
the

7 hospital, or did you go back to talk to Darin?

8 A. I don't remember talking to Darin
any

9 more after that.

10 Q. Okay. Did you return to the
hospital

11 any more that day?

12 A. I don't recall being back at the
13 hospital that day.

14 Q. Of course, you didn't put
anything in

15 your notes about it, did you?

16 A. No, sir.

17 Q. You didn't put anything in your
notes

18 about talking to Darin, did you?

19 A. Yes, sir.

20 Q. You did?

21 A. I have a supplement showing I
talked

22 to Darin.

23 Q. Well, but I'm talking about your
24 handwritten notes?

25 A. I didn't take any handwritten
notes.

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1 Not about when I talked to Darin.

2 Q. Okay. No handwritten notes when
you

3 talked to Darin, and no handwritten notes when you
talked

4 to Darlie?

5 A. No. On that day.

6 Q. Right. You don't recall returning
to

7 the hospital that day?

8 A. I don't remember coming back to
the

9 hospital.

10 Q. Well, does that mean you could
have?

11 A. I could have.

12 Q. Okay. But you wouldn't -- of
course,

13 there is no way we will know, because you don't have
any

14 notes; is that right?

15 A. I know that I talked to somebody
about

16 coming back to the hospital, but I don't remember
that I

17 went back to the hospital.

18 Q. All right. When you left the
19 hospital, will you tell the jury where you went?

20 A. That morning?

21 Q. Yes, sir.

22 A. I went back to 5801 Eagle
Drive.

23 Q. Okay. About what time did you
get

24 back there?

25 A. I can't remember if it was
shortly

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Reporter

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1 before 8:00 o'clock or shortly before 9:00
o'clock.

2 Q. Okay. When you got back there,
who

3 all was there?

4 A. I can't tell you everyone that
was

5 there. I met up with Sergeant David Nabors, and
James

6 Cron.

7 Q. Was Nabors in charge of
coordinating

8 things?

9 A. The crime scene, yes, sir.

10 Q. That was his responsibility?

11 A. Yes, sir.

12 Q. That would be a Sergeant
Nabors?

13 A. Yes, sir.

14 Q. Okay. And he is one of the
people

15 that -- he has not testified in this case to your
16 knowledge, has he?

17 A. No, sir, he has not.

18 Q. Okay. But it was his job to
19 coordinate the crime scene?

20 A. Yes, sir.

21 Q. And he would determine what was
picked

22 up, and what wasn't, and things of that nature?

23 A. That would be part of his job.

Yes,

24 sir.

25 Q. Okay. As the chief investigator

1 assigned to this offense, you would coordinate your
2 investigation with Sergeant Nabors, I suspect?

3 A. Yes, sir.

4 Q. Did you walk through the scene?

5 A. Yes, sir.

6 Q. Okay. And what was your purpose
in

7 doing that?

8 A. James Cron and Nabors took me
through

9 the scene, just to show me what they were -- you
know,

10 what it looked like had happened in there.

11 Q. Okay. And, what time was that?

12 A. Well, if I got back at shortly
before

13 8:00, it was around 8:00; or shortly before 9:00,
then it

14 was around 9:00.

15 Q. Okay. So you did it shortly
after you

16 arrived back at that area; is that right?

17 A. Yes, sir.

18 Q. Okay. And, at that time, were
they

19 processing the scene?

20 A. There had been -- my

understanding was

21 that there had been photographs taken.

22 Q. Okay. Had it been processed for

23 fingerprints?

24 A. I don't know.

25 Q. Well, if you went through the
scene,

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1 Detective, you are probably an old hand at
investigating

2 murder cases, aren't you?

3 A. What do you mean an old hand at
it?

4 Q. Well, I mean, this wasn't your
first

5 one, was it?

6 A. No, sir, it was not.

7 Q. How many had you investigated
before?

8 A. I have been on over 50 death
9 investigation scenes.

10 Q. Okay. Well, that wasn't my
question.

11 I was talking about murder scenes?

12 A. I have been on 5 or 6 or 7
murder

13 scenes.

14 Q. You have been on some here
lately,

15 have you?

16 A. I have worked on -- I
investigated one

17 just prior to this one.

18 Q. Okay. How many have you done

for

19 Rowlett?

20 A. That I have actually
investigated, or

21 personally been involved in, is 5 or 6.

22 Q. Okay. Counting this?

23 A. Yes, sir.

24 Q. Are you counting this as one, or

are

25 you counting this as three or two?

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1 A. I am just counting this as one.

2 Q. Okay. So, how long have you
been a

3 police officer?

4 A. For 17 and a half years.

5 Q. Okay. So you -- that would be
one

6 every, what, 3 years, approximately?

7 A. No, sir.

8 Q. Okay.

9 A. That I have actually been
involved in?

10 Q. Well, you said 5 or 6?

11 A. Well, that is only since I have
been a

12 detective.

13 Q. Okay. How long have you been a
14 detective?

15 A. Eight years.

16 Q. Okay. So that is one every year
and a

17 half?

18 A. Approximately, yeah.

19 Q. Okay. You have been through
enough of

20 them where you can tell if something has been

dusted for

21 fingerprints, can't you?

22 A. Yes, sir.

23 Q. And how do you tell?

24 A. By the powder.

25 Q. Okay. Had this crime scene been

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1 dusted for fingerprints?

2 A. I didn't look.

3 Q. Well, I mean, you can't help --
you

4 can't miss it if they have dusted it for
fingerprints,

5 can you?

6 A. Well, I wasn't -- all we did at
that

7 particular time, was just walking through the crime
8 scene. I wasn't watching what other people were
doing.

9 Q. All right. Now, when you got
out to

10 the garage to the window, you looked at that, didn't
you?

11 A. Yes, sir.

12 Q. Okay. Did you see any fingerprint
13 polish -- powder on that?

14 A. Not that I recall.

15 Q. Okay. So you are telling the jury
16 that that had not been printed prior to --

17 A. No, sir, I'm not telling them
that.

18 Q. You are just telling them --

19 A. I'm just saying that I don't

recall

20 that.

21 Q. Well, and you didn't take any
notes?

22 A. No, sir.

23 Q. Okay. Did you notice how close
the

24 screen was to the actual window itself?

25 A. The screen was attached to the
window.

Sandra M. Halsey, CSR, Official Court Reporter

4123

1 Q. Okay. Did you notice how close
the

2 screen was to the actual windowpane?

3 A. No, sir.

4 Q. Okay. Would it be fair to say
that it

5 was very close? Less than an inch?

6 A. I couldn't tell you.

7 Q. Okay. That just didn't seem
important

8 at the time?

9 A. Well, I'm not saying it's not
10 important, but I didn't sit there and take
measurements

11 on how far the distance between the screen and the
12 window.

13 Q. Well, you could just eyeball it
14 though, couldn't you?

15 A. Well, I could have, but, you know,
I
16 didn't do it that way.

17 Q. All right. So you don't have any
idea

18 how far the window was from the screen?

19 A. Well, I would say that it was
pretty

20 close. It's attached to the window.

21 Q. Okay. So that would limit it
some,

22 wouldn't it?

23 A. Yes, sir.

24 Q. And if they were right together,

don't

25 you reckon that probably the screen or the window is

Sandra M. Halsey, CSR, Official Court Reporter

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1 close enough to the screen as possible, just far
enough

2 away, so that the screen doesn't interfere with the
3 window as the window was raised up and down?

4 A. Yes, sir.

5 Q. Okay. The screen is on the
outside

6 and the window is on the inside, isn't it?

7 A. The window is on the inside and
the

8 screen on the outside, yes, sir.

9 Q. That makes sense, doesn't it?

10 A. Yes, sir.

11 Q. Okay. And it makes sense that
it's

12 close, the purpose being, that you want to leave room
for

13 the window to go up and down, so that the screen
doesn't

14 interfere with it. But you want it as close as
possible?

15 A. Yes, sir.

16 Q. That makes sense, doesn't it?

17 A. Yes, sir, that makes sense.

18 Q. Okay. And if it would work that
way,

19 you would probably have -- it probably -- that
probably

20 would have seemed unusual to you, and you probably
would

21 have remembered that?

22 A. If it wasn't which way?

23 Q. If it wasn't like we discussed,
it

24 probably would have looked unusual, and that would
have

25 attracted your attention, and you would have,
perhaps

1 reserved that in the halls of your memory?

2 A. I'm not sure what you are getting
at.

3 Q. I'm not trying to trick you, I'm
just
4 trying to figure out what you saw. You didn't take
any
5 notes, did you?

6 A. No, sir.

7 Q. All right. At any rate --

8

9 THE COURT: I think we have
10 established that the gentleman did not take any
notes.

11 MR. DOUGLAS D. MULDER: Well,
Judge, I

12 keep thinking that he may whip out that whip-out
book at

13 any time.

14 THE COURT: I see. Well, let's
just

15 move on to the next question.

16 MR. DOUGLAS D. MULDER: All
right.

17

18 BY MR. DOUGLAS D. MULDER:

19 Q. At any rate, did you look at the
20 outside of the window?

21 A. Yes, sir.

22 Q. Okay. And did you see some mulch
23 there?

24 A. Out in the back yard?

25 Q. Yes, sir.

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1 A. Yes, sir.

2 Q. All right. And did that appear
to be

3 disturbed or undisturbed?

4 A. It didn't appear to be disturbed
to
5 me.

6 Q. Okay. How does it look when it's
7 disturbed versus when it's undisturbed?

8 A. What I'm going to have to go on,
is
9 what James Cron, another person that was there,
along
10 with David Nabors told me about that.

11 Q. Okay. So you are telling me that
you
12 can't look at mulch yourself, and determine whether
it's
13 been disturbed or undisturbed?

14 A. I think from the time that I got
out
15 there and looked at that, that you are talking about
the
16 difference between several hours, and, you know, it
may

17 be a little bit different from what I saw.

18 Q. Well, I mean, mulch is mulch,
isn't

19 it?

20 A. It is, but I think that you are
going

21 have to -- it's going to be different when it's

22 somewhat -- from the time that the crime scene unit
gets

23 there, and they start looking at this, versus me
looking

24 at it, several hours after that.

25 Q. Okay. It's fair to say that you

1 didn't see anything unusual about it shortly after
8:00

2 or shortly after 9:00 or whatever time you got out
there?

3 A. I can't tell you that it -- you
know,

4 whether it was disturbed or not.

5 Q. Okay. There was nothing -- was
there

6 anything about it that attracted your attention to
it?

7 A. I can't tell you that it -- not
to me,

8 no.

9 Q. All right. Did you, in the light
of

10 day then, did you examine that gate?

11 A. Yes, sir.

12 Q. And what did you observe about
the

13 gate?

14 A. I didn't see that -- well, I have
to

15 go on what the crime scene officer tells me, because
that

16 is part of his notes, and that is part of what he is
17 going to tell me.

18 Q. Well, I understand that, but I'm
just
19 talking about what you personally saw. Did you see
20 anything unusual about it?

21 A. I didn't see any blood on the
gate.

22 Q. Okay. That would have been
unusual?

23 A. Yes, sir.

24 Q. Okay. You didn't see any blood.
25 Anything else?

1 A. No, sir.

2 Q. Would you have expected to see
blood?

3 A. If someone had been inside that
house
4 and went out that door I would.

5 Q. Okay. And why is that?

6 A. If someone had been in that -- if
an
7 intruder had been in that house, they would have had
to
8 have some blood on them, and there wasn't any
evidence in
9 the garage of blood, or going out the window of
blood.

10 Q. Okay. You figured that the
intruder
11 had to have been injured?

12 A. I wouldn't say had been injured.

13 Q. Cut his hands, perhaps?

14 A. No.

15 Q. Cut his leg?

16 A. No.

17 Q. Cut his face?

18 A. I don't know.

19 Q. Well, why would you expect --
where

20 would you expect the blood on the intruder to be?

21 A. On his feet.

22 Q. Okay. Police officers walked
23 throughout that house from the den area through

the

24 kitchen, you didn't see any tracks from the police
25 officers, did you?

1 A. No, sir.

2 Q. Okay.

3 A. It's my understanding that they
were
4 careful enough that they didn't step in any blood.

5 Q. Okay. Would you expect to find
blood
6 on his hands?

7 A. I don't know.

8 Q. Okay. Well, maybe yes and maybe
no?

9 A. I don't know.

10 Q. Okay. How long were you there at
the
11 scene?

12 A. That morning?

13 Q. Yes, sir.

14 A. I don't recall.

15 Q. And you didn't make any notes
while
16 you were there, however long you were there?

17 A. I didn't take any handwritten
notes,
18 no.

19 Q. Okay. What time did you get off
duty

20 or what time did you finally leave?

21 A. That day?

22 Q. Yes, sir.

23 A. It was sometime late in the
evening.

24 I don't recall what time I left.

25 Q. Was it dark?

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1 A. I don't remember it being dark.

2 Q. It was sometime before dark?

3 A. Yes, sir.

4 Q. When you left?

5 A. Yes, sir.

6 Q. You don't recall going back to
Baylor
7 Hospital?

8 A. No, sir.

9 Q. Okay. Did you go to Baylor
Hospital
10 the next day?

11 A. Yes, sir.

12 Q. Okay. And about what time did you
get
13 there?

14 A. Sometime late in the afternoon.

15 Q. Okay. Just give me your best
guess.

16 A. I don't know, sometime late in the
17 afternoon.

18 Q. All right. Before it got dark?

19 A. I don't remember if it was dark
or
20 not.

21 Q. Okay. And, can we assume that
you
22 continued your usual practice of not taking notes?
Can
23 we assume that you didn't take any notes?
24 A. I didn't take any notes, no.
25 Q. All right. Did you go see
Darlie

Sandra M. Halsey, CSR, Official Court
Reporter

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1 Routier?

2 A. Yes, sir.

3 Q. All right. And how long did
you spend
4 with her?

5 A. Fifteen minutes.

6 Q. Okay. Did you visit with her?

7 A. Just for a few minutes, yes,
sir.

8 Q. Okay. Did you ask her what had
9 happened again out there?

10 A. No, sir.

11 Q. Okay. Who was -- was Frosch
with
12 you?

13 A. Yes, sir.

14 Q. Okay. Was anyone with her?

15 A. There were several people
there.

16 Q. Do you recall who was there?

17 A. No, sir.

18 Q. Were they family members, or
medical
19 personnel?

20 A. Well, there was someone sitting

at the

21 front door, or sitting in her room door, I believe

it was

22 a security officer, but I don't remember who was

there.

23 Q. Okay. But you remember that

people

24 were there?

25 A. There were other people there,
yes.

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Reporter

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1 Q. Okay. And, are you telling us
that

2 nothing of any import happened at that encounter?

3 A. No, sir.

4 Q. You are not telling us that?

5 A. We didn't talk about what had
6 happened, no.

7 Q. Okay. Just, "How are you? How
are

8 you getting along? How is the food?"

9 A. Well, we checked on her well-
being,

10 yes.

11 Q. Okay. But nothing about the
case?

12 A. No.

13 Q. Okay. And, you say that
encounter

14 took about 10 or 15 minutes?

15 A. Yes, sir.

16 Q. Something like that?

17 A. Yes, sir.

18 Q. Okay. And Frosch was with you?

19 A. Yes, sir, he was.

20 Q. Did he take any notes?

21 A. No, sir.

22 Q. Okay. You are sure about that?

23 A. No, I'm not sure. You would have

to

24 ask Frosch about that.

25 Q. Okay. Well --

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23 her, and where did you see her?

24 A. At the police station. And I

believe

25 it was -- I would have to look at my notes, but I
believe

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1 it was after 4:00 o'clock.

2 Q. Okay. So the first time you saw
her

3 on the 8th, which is Saturday, is going to be at the
4 police station?

5 A. Yes, sir.

6 Q. Okay. And, how did she come in
there,

7 do you know?

8 A. What do you mean how did she come
in

9 there?

10 Q. How did she arrive? Was it by
car?

11 A. By two of our detectives.

12 Q. All right. Who had picked her up?

13 A. Detective James Latham and Keith
14 Needham.

15 Q. Okay. And where had they picked
her

16 up, do you know?

17 A. At Baylor Hospital.

18 Q. Okay. And then they brought her
to

19 your -- to the Rowlett Police Department?

20 A. Yes, sir.

21 Q. Okay. And was that at your

22 instruction?

23 A. I had asked if they would come in

and

24 talk to us, yes, Darlie and Darin Routier.

25 Q. Okay. And did they cooperate with

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1 you?

2 A. Yes, sir, they did.

3 Q. All right. And, did you visit
with

4 them?

5 A. Yes, sir.

6 Q. Okay. And as best you recall they
got

7 there around 4:00 o'clock?

8 A. Yes, sir.

9 Q. Again, no notes were made of this?

10 A. I have a -- I would know the exact
11 time, when I look at what I had read her. I read her
the

12 Miranda rights, and it has the time on it.

13 Q. Okay. As a matter of fact, the
14 Miranda rights, that is what you read someone before
you

15 take a statement from them frequently, isn't it?

16 A. Yes, sir.

17 Q. Okay. And, you read that to her?

18 A. Yes, sir.

19 Q. And that basically says that, you
have

20 a right to remain silent. You have the right to
counsel.

21 You can have a lawyer here. You can answer questions.

22 You can refuse to answer questions. You can, basically

23 not cooperate with us if you don't want to.

Basically

24 that is what it is?

25 A. Well, that is kind of what it says,

Sandra M. Halsey, CSR, Official Court Reporter

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1 yes.

2 Q. Okay. But it starts out, it says
"You
3 have a right to remain silent." It says, "Anything
you
4 say can and may be used against you in a court of
law."

5 Doesn't it?

6 A. Well, I don't know if it starts
off
7 that way. I would have to read the one that I read
to
8 her.

9 Q. Okay. How long you been doing
this?

10 A. For 17 and a half years.

11 Q. Okay. All right. At any rate,
did
12 she give you a statement?

13 A. She gave us a voluntary written
14 statement, yes, sir.

15 Q. Okay. And you asked her to,
didn't
16 you?

17 A. I asked her if she wanted to.

18 Q. And she cooperated with you,

didn't

19 she?

20 A. And she did, yes.

21 Q. How about Darin, was he
cooperative?

22 A. Yes, sir.

23 Q. Okay. And by that I mean, did he
go

24 so far as to give you the keys to his house?

25 A. No.

Sandra M. Halsey, CSR, Official Court Reporter

4137

1 Q. Did he give you the keys to his
2 business?
3 A. I don't know about that.
4 Q. Did he give you the keys to his
boat?
5 A. I don't know about that.
6 Q. Well, I mean what does that mean?
7 Does that mean he may have?
8 A. Well, someone --
9 Q. Well, does that mean he may have?
10 A. Well, someone else was doing that,
and
11 I don't know if he did or didn't.
12 Q. Okay.
13 A. I don't know if he let them in, or
if
14 he gave the keys to them. Someone else went over
there
15 and done that.
16 Q. All right. Would you recognize
her
17 statement?
18 A. Yes, sir.
19
20 MR. DOUGLAS D. MULDER: Let me get
21 this marked.

22

23

(Whereupon, the following

24

mentioned item was

25

marked for

Sandra M. Halsey, CSR, Official Court Reporter

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1 identification only as
2 Defendant's Exhibit No. 76,
3 after which time the
4 proceedings were
5 resumed on the record
6 in open court, as
7 follows:)

8

9 BY MR. DOUGLAS D. MULDER:

10 Q. Let me show you what's been marked
11 for

12 identification and record purposes as Defendant's
13 Exhibit

14 No. 76, and it appears to be a handwritten statement
15 of

16 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 pages. Is that her
17 statement?

18 A. Yes, sir.

19 Q. Okay. And you remember that
20 statement

21 being given to you?

A. Yes, sir.

Q. Okay.

20

21 MR. DOUGLAS D. MULDER: We will
offer

22 into evidence what has been marked and identified as
23 Defendant's Exhibit No. 76, which is her
statement.

24 MR. GREG DAVIS: No

objection.

25 MR. DOUGLAS D. MULDER: Do

y'all mind

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Reporter

1 if I just --

2 THE COURT: Excuse me,

Defendant's

3 Exhibit 76 is admitted.

4

5 (Whereupon, the above

6 mentioned item was

7 received in evidence as

8 Defendant's Exhibit No. 76

9 for all purposes,

10 after which time,

11 the proceedings

were

12 resumed on the

record,

13 as follows:)

14

15 MR. DOUGLAS D. MULDER: Do you

all

16 mind if I take this out or do you --

17 MR. GREG DAVIS: Well, I tell

you

18 what, I have got the original. It's been marked

as

19 State's Exhibit --

20 THE COURT: Can we substitute

that?

21

MR. DOUGLAS D. MULDER: Excuse

me,

22 Judge, this is Defendant's Exhibit No. 76-A.

23

24

(Whereupon, the following

25

mentioned item was

Sandra M. Halsey, CSR, Official Court Reporter

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1 marked for
2 identification only as
3 Defendant's Exhibit No. 76-A
4 after which time the
5 proceedings were
6 resumed on the record
7 in open court, as
8 follows:)

9
10 MR. GREG DAVIS: Yes, sir, that
will

11 be fine. It already has State's Exhibit No. 32 on
it.

12 But, I'll tell you what, if you don't mind, let me
just

13 offer State's Exhibit 32 as being the original of
14 Defendant's Exhibit No. 76.

15
16 (Whereupon, the following
17 mentioned item was
18 marked for
19 identification only
20 as State's Exhibit 32,
21 after which time the
22 proceedings were
23 resumed on the record

24
25

in open court, as
follows:)

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1

2

MR. DOUGLAS D. MULDER: Well,
inasmuch

3

4

as this is my case and I am the one offering the
evidence, if you don't mind, I'll just mark it
myself.

5

MR. GREG DAVIS: Whatever you
like.

6

THE COURT: Gentlemen.

7

MR. DOUGLAS D. MULDER: Well,
Judge, I

8

9

just want it clear, who is offering the statement.

10

Let's

11

let's

12

13

I'm

14

15

the

16

Defendant's

17

Exhibit 76-A; is that correct, Mr. Mulder?

MR. DOUGLAS D. MULDER: Judge,

THE COURT: And we appreciate

effort. All right. This is going to be

18 MR. DOUGLAS D. MULDER: Yes,
sir,

19 that's correct.

20 THE COURT: All right. No
objection I

21 assume, Mr. Davis?

22 MR. GREG DAVIS: No
objection.

23 THE COURT: All right.
Defendant's

24 Exhibit 76-A is admitted.
25

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Reporter

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1 (Whereupon, the above
2 mentioned item was
3 received in evidence as
4 Defendant's Exhibit No.

76-A,

5 and as State's Exhibit No.
32,

6 for all purposes
7 after which time,
8 the proceedings were
9 resumed on the record,
10 as follows:)

11

12 MR. DOUGLAS D. MULDER: Is this
13 in
14 order?

15 MR. GREG DAVIS: Yes, sir, it
16 should
17 be.

18 MR. DOUGLAS D. MULDER: Well, let
19 me
20 just put a staple in there, is that agreeable with
everybody?

MR. GREG DAVIS: Yes, that is
fine.

MR. DOUGLAS D. MULDER: Judge, I

would

21 like to read this, if I may.

22 THE COURT: That will be fine.

23 MR. DOUGLAS D. MULDER: Okay.

I'll

24 read the whole thing.

25 "6-8-96, 4:49 P.M., Darlie Lynn

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1 Routier, 5801 Eagle Drive, Rowlett, Texas, 75088.

Time:

2 4:49 P.M. Place: 4401 Rowlett Road, Rowlett Police
3 Department. Officer: Detective J. Patterson, number
4 1004, City of Rowlett, Texas. County of Dallas,

State of

5 Texas.

6 "Police officer, Detective J.
7 Patterson, the person to whom I make this written
8 statement, has warned me: 1. That I have the right
to

9 have a lawyer present to advise me prior to and
during

10 any questioning. 2. If I am unable to employ a
lawyer,

11 I have the right to have a lawyer appointed to me,
to

12 advise me prior to and during any questioning. 3. I
13 have the right to remain silent and not make any
14 statement at all, and that any statement that I make,
may

15 be used in evidence against me at my trial. 4. I
have

16 the right to terminate the interview at any time. 5.
17 Any statement that I make may be used against me in
18 court. I do not want to consult with a lawyer

prior to

19 and during the answering of any questions or the
making

20 of this statement. I fully understand, and do
hereby

21 knowingly, intelligently, and voluntarily waive the
above

22 explained rights, and I do make this following
voluntary

23 statement to the aforementioned person, of my own
free

24 will, and without any promises or offers of leniency

or

25 favors, and through no fear, coercion, or threat of

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1 physical harm, by any person whomsoever.

2 "I am 26 years of age. Have
completed

3 12 years of formal education. And can" -- is
4 underlined -- "read, write and understand the English
5 language."

6 You have can and cannot there, and
I

7 guess you underline one?

8 A. I asked her if she can, and she
said

9 she could.

10 Q. All right.

11 "Darin and my sister Dana came
home

12 from working at the shop. The boys were playing with
the

13 neighborhood kids outside. I was finishing up
dinner.

14 Damon came home and Devon called, and I told him to
be

15 home soon, because we were going to eat.

16 "Darin played with the baby Drake
with

17 Dana a while, and I had pulled everything together to
18 eat. Devon came home, and we all ate dinner

together.

19 After we ate, we cleaned all the plates. I was
changing

20 Drake, while Darin put everything in some containers,
for

21 leftovers. We all talked a little about how happy we
22 were that the shop had been so busy for the past
three

23 weeks, and that we hoped it would continue, since
work

24 had been slow for a couple of months. Devon and
Damon

25 asked if they could play with one of their friends a

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1 little while longer, and so we said okay.

2 "Darin, Dana and I just sat around
and
3 watched a little TV. Later, and I'm not sure of the
4 exact time, I asked Darin to drive Dana, my sister,
home
5 because I wasn't feeling too well. While Darin was
gone,
6 the boys brought down their blankets and pillows and
7 asked if they could watch TV. I said, 'Yes.' They
came
8 downstairs and played on the floor in front of the TV
9 with Drake while I made some popcorn.

10 "About 20 or 25 minutes later,
Darin
11 came in, and sat down with us while we watched TV.
Drake
12 started to get fussy, so I made him a bottle, and I
13 believe Darin fed him the bottle. Soon after the
boys
14 both fell asleep, Darin took the baby upstairs, and
put
15 him in his crib and came back downstairs.

16 "We talked a while about a few
17 problems we were having with the car, and the boat,

and

18 had a few words between us. Since I had the baby, I

had

19 been having some depression. I told Darin that I

was

20 depressed because I had not been able to take the

boys

21 anywhere because we only had one car.

22 "He told me that he loved me,

and

23 asked me if I wanted him to sleep downstairs with

me

24 because I wanted to stay up a while and watch TV. I

told

25 him no, because I didn't think that he would be able

to

1 sleep on the couch and get any sleep. I had been
2 sleeping on the couch the past week or so, off and
on,
3 because the baby slept in our room in the crib, and
when
4 he moved, he woke me up.
5 "Darin and I laid together for a
6 little while, and then decided to go to sleep
because he
7 had work the next day. This was around 12:30 or
1:00,
8 I'm not sure. He kissed me and said he loved me,
and I
9 told him I loved him and would see him in the
morning.
10 "After a while, I started to get
11 sleepy. The next thing, I woke up, and felt a
pressure
12 on me. I felt Damon press on my right shoulder,
and
13 heard him cry. This made me really come awake,
and
14 realized there was a man standing down at my
feet,
15 walking away from me. I walked after him, and
heard

16 glass breaking. I got halfway through the kitchen,
and
17 turned back around to run and turn on the light. I
ran
18 back towards the utility room, and realized there
was a
19 big, white-handled knife lying on the floor. It
was then
20 that I realized that I had blood all over me, and I
21 grabbed the knife, thinking he was in the garage.
22 "I looked over and saw the door
shut
23 to the garage, and so I thought he might still be
in
24 there, and I needed to get Darin. I ran back
through the
25 kitchen, and realized that the entire living room
area

1 had blood all over everything. I put the knife on
the
2 counter and ran into the entrance, turned on the
light
3 and started screaming for Darin. I think I
screamed
4 twice, and he ran out of the bedroom with his jeans
on,
5 and no glasses and was yelling, 'What is it? What
is
6 it?'

7 "I remember saying that he cut
them.

8 'He tried to kill me. My neck.' He ran down the
stairs
9 and into the room where the boys were. I grabbed
the
10 phone and called 911. Darin started giving Devon
CPR
11 while I put a towel on my neck, and a towel on
Damon's
12 back. I remember telling Damon to hang on, Mommy
was
13 there. I looked over at Darin, and saw the glass
table

14 had been knocked half way off, and the
flower arrangement
15 had been knocked over. I then stood up
and turned around
16 and saw glass all over the kitchen floor.
17 "I tried to glance over
to see if
18 anything was out of place, or if anything
was missing. I
19 took a few steps, and opened the door and
screamed for
20 Karen. I was still on the phone with 911.
I don't
21 recall what all was said, because
everything was
22 happening so fast.
23 "I went back to Damon,
and by him, he
24 had stopped moving, and the police walked
through the
25 door. The paramedics came and tried to
work on the

Sandra M. Halsey, CSR, Official Court
Reporter

1 children. Darin was screaming, 'Who did
this? Who did
2 this?' And I started asking if my babies
were dead.

3 "Darin was crying and
said yes. After
4 that, I just remember screaming, and
showing Darin my
5 neck. Darin took me out the front of the
house, and by
6 then Darin ran upstairs to make sure the
baby was okay.

7 He showed me Drake was okay, and then
handed him to
8 Karen, our neighbor. I remember them
holding a towel on
9 my neck. And, wiping my arm, and then he
put me in the
10 ambulance. Darin got in, but they told
him he needed to
11 leave, so they could take me -- so they
could take care
12 of me.

13 "I remember get (sic)
to the hospital
14 and then them telling me they were taking

me to surgery.

15 They took me -- they took off my necklace
and put me to

16 sleep. I woke up, and minutes later, the
detectives were

17 there asking me all kind of questions."

18 And she signed it

"Darlie Routier."

19 A. Yes.

20 Q. And that is her

statement as you

21 recall it?

22 A. Her written statement,

yes.

23 Q. Yes, sir. Now, in the

course of that,

24 Detective Patterson, you had asked her

questions, had you

25 not?

Sandra M. Halsey, CSR, Official Court
Reporter

4149

1 A. You mean that there?

2 Q. Yes.

3 A. While she was writing
that?

4 Q. Yes, sir.

5 A. No, sir.

6 Q. Okay. You had had your
conversation
7 with her ahead of time?

8 A. Yes, sir.

9 Q. Okay. And, do you recall in
that
10 conversation ahead of time, that you had briefly gone
11 through this entire statement?

12 A. What do you mean?

13 Q. Well, do you remember whether or
not
14 you questioned her, prior to the time that she sat
down
15 and write this out?

16 A. No, I didn't do that.

17 Q. What did you do?

18 A. Well, I mean she wrote that out,
and I
19 didn't talk to her about it, while she was writing.

I

20 didn't talk to her while she was writing that out.

21 Q. Had you talked to her before she
wrote

22 this out?

23 A. Yes.

24 Q. Okay. And how long did you talk
to
25 her before she wrote this statement out?

Sandra M. Halsey, CSR, Official Court Reporter

4150

1 A. Just a few minutes.

2 Q. Is that 10 or 15 minutes?

3 A. I couldn't tell you.

4 Q. Okay. But at any rate, the time
that

5 she began writing this statement was 4:49, or is that
6 when you read the --

7 A. I read the Miranda rights to her,
and

8 then I talked to her.

9 Q. Okay. And again you had told her,
10 Detective Patterson, had you not, that you were
following

11 a bunch of leads in this case, hadn't you?

12 A. Yes, sir.

13 Q. Okay. Now, had you made up your
mind

14 by that time, that she was your prime suspect?

15 A. No, sir.

16 Q. Okay. What leads were you
following

17 at that time, Detective Patterson?

18 A. The leads as far as what the crime
19 scene was showing. What her first statement was
that

20 she, you know, gave me. That written statement

right

21 there.

22 Plus we had two other

detectives that

23 was (sic) taking statements that people were
calling in,

24 which we call lead sheets.

25 Q. Lead sheets, what are lead
sheets?

Reporter Sandra M. Halsey, CSR, Official Court

4151

1 A. Lead sheets is where someone
will call

2 in that they saw some kind of suspicious activity.

3 Q. Um-hum. (Attorney nodding head
4 affirmatively.)

5 A. That they remember something,
and

6 these other two detectives were following up with
those

7 sheets.

8 Q. Okay. Were they following up
on this

9 black car that had been seen out there in the
vicinity?

10 A. Well, yes, sir.

11 Q. And, who was following up on
the black

12 car?

13 A. Either James Latham or Keith
Needham.

14 Q. Okay. Had you all received a
call

15 that a man who fit the description that you had
given of

16 the assailant, had been spotted in the vicinity?

17 A. No, sir.

18 Q. Okay. Do you recall a man by
the name

19 of Reggie Salter?

20 A. Yes, sir.

21 Q. Well, he called in, didn't he?

22 A. Yes, sir.

23 Q. Okay. And didn't he report
seeing a

24 man in a black baseball cap, and in a black shirt,
and

25 dark jeans the next morning?

Sandra M. Halsey, CSR, Official Court
Reporter

4152

1 A. He called in the next morning.

2 Q. Yes, sir.

3 A. Yeah, but that was on the other
end of
4 town.

5 Q. Oh, it was on the other end of
town?

6 A. Yes, sir.

7 Q. Well, how big is Rowlett?

8 A. Twenty-two or 23 square miles.

9 Q. Okay. How long does it take to
drive
10 from one end of town to the other end of town?

11 A. Right now with the traffic, a
long
12 time.

13 Q. All right. Without traffic, if
you
14 are doing it after midnight, you can do it in 4 or
5
15 minutes, can't you?

16 A. No, it would take you longer
than
17 that.

18 Q. Well, not much?

19 A. Well, I can't tell you, I

didn't time

20 it.

21 Q. Well, you can drive from
Interstate 30

22 to Highway 66 in 5 or 6 minutes, can't you?

23 A. I don't know.

24 Q. Well, you can do it in less
than 10,
25 can't you?

Sandra M. Halsey, CSR, Official Court
Reporter

4153

1 A. I don't know.

2 Q. You don't know about that
either?

3 A. No, sir.

4 Q. Okay. Now, Detective
Patterson, in

5 the course of your investigation, you found out
that

6 Darin had worked on the gate that evening, didn't
you?

7 The evening before?

8 A. The day before?

9 Q. That evening before. The
evening of

10 the 5th of June?

11 A. Well, I remember the day
before, and I

12 don't know if that puts it on the 4th or the 5th.

13 Q. Okay. But you did verify that
he had,

14 in fact, worked on the gate, a short time before
this

15 happened, didn't you?

16 A. How did we verify it?

17 Q. Well, you are the -- all of the

18 information, remember, is funneled through you?

19 A. Yes.

20 Q. Not through me, but through
you?

21 A. Well, I mean --

22 Q. Well, you talked to the
neighbor

23 behind you (sic), and the neighbor behind said
they saw

24 him working on it.

25 A. Well, I didn't talk to the
neighbor

Sandra M. Halsey, CSR, Official Court
Reporter

1 behind.

2 Q. I know it, but there is a
report to

3 that effect, isn't there?

4 A. Well, I know that the gate
looked like

5 it had been worked on.

6 Q. Well, did you talk -- did
somebody

7 talk to the neighbor behind?

8 A. No, not that I know of. I
don't know.

9 Q. Okay. Well, have you read your
10 report?

11 A. No, I don't remember seeing
that

12 report.

13 Q. Have you read your file?

14 A. Have I? Yes, sir.

15 Q. When did you last read it?

16 A. I just read bits and pieces of
it just

17 the last few weeks. I have not read the whole
thing in

18 several, several months.

19 Q. Okay. At one time I assume you
read

20 it. I mean, that is the purpose of getting these
21 reports, is to assimilate it all, isn't it?

22 A. Yes, sir.

23 Q. Okay. I mean you are the guy
who is

24 supposed to be --

25 A. There is no way I can remember
it all.

Sandra M. Halsey, CSR, Official Court
Reporter

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1 Q. Well, you don't have to
remember it

2 all, but you can -- you are telling me you don't
have

3 anything in your file about that?

4 A. No, sir.

5 Q. Okay. When you walked through
the

6 residence there, you got into the kitchen, didn't
you,

7 Detective Patterson?

8 A. Yes, sir.

9 Q. Did you see the broken glass on
the

10 kitchen floor?

11 A. Yes, sir.

12 Q. Okay. And was Officer Mayne with
you?

13 A. No, sir.

14 Q. Did you talk to Officer Mayne out
at

15 the scene?

16 A. No, I talked to Nabors and James
Cron.

17 Q. Okay. Were you careful not to
step in

18 any of the glass?

19 A. I didn't step in any of the
glass.

20 Q. Okay. Did you check your shoes
after

21 you got back out of the house to see if there was
glass

22 in the soles of your shoes?

23 A. What I did was, is that I didn't
go

24 through the part where the glass was laying.

25 Q. Okay. So you didn't come up on
the

1 wine rack then, did you?

2 A. I saw the wine rack.

3 Q. But you didn't get close enough
to
4 inspect it?

5 A. I could see it from where I was.

6 Q. How far were you from the wine
rack?

7 A. A few feet.

8 Q. Okay. But, not close enough to
step
9 on any glass?

10 A. No, sir.

11 Q. Okay. When you got out of the
house,
12 did you look at the bottoms of your shoes?

13 A. No, sir, I did not.

14 Q. You didn't?

15 A. No, sir.

16 Q. It might have been a good
practice to
17 see if you had, in fact, stepped in any glass?

18 A. I didn't step in any glass.

19 Q. Well, how do you know until you
look
20 at the bottom --

21 A. I didn't step anywhere around
where

22 that glass was on that linoleum floor.

23 Q. Well, I know that, Detective,
but, did

24 it ever cross your mind that maybe somebody else had
25 tracked glass in, and in stepping on the carpet you
would

Sandra M. Halsey, CSR, Official Court Reporter

4157

1 have stepped on that glass and tracked it around?

2 A. Well, I didn't check my soles,
but I

3 didn't step in any glass.

4 Q. You have seen police officers at
the

5 scene of an offense before, haven't you?

6 A. Yes, sir.

7 Q. Everybody wants to touch the gun,
8 don't they?

9 A. No.

10 Q. They don't? They don't want to
touch

11 the weapons?

12 A. No, sir.

13 Q. They all stand back, and, in
fact,

14 it's probably not even necessary to put people at
the

15 door, and put tape around to keep the officers out,
is

16 it?

17 A. Well, you know, with our
department,

18 we don't have to worry too much about those

officers

19 doing that, because they are pretty well trained
and they

20 know exactly what to do. That tape is to keep, you
know,

21 bystanders out.

22 Q. Okay.

23 A. It's to keep other people out.

24 Q. Okay. Did you determine that

there

25 was, in fact, a security light out in the back
yard?

1 A. I was told there was.

2 Q. Well, did you ever go out there?

3 A. I saw the security light.

4 Q. Okay. So you were not only told
it,
5 but you saw it?

6 A. Yes.

7 Q. Okay. And, did you know where
you had
8 to go in the back yard to activate that light?

9 A. No.

10 Q. Okay. Well, I mean, a light
just
11 comes on when you go in the back yard?

12 A. I didn't check that. David
Nabors
13 checked that.

14 Q. Okay. And did he -- he
conducted some
15 experiments out there, didn't he?

16 A. I believe he did, but you will
have to
17 ask him. I don't know, I wasn't there.

18 Q. Well, he filled out a report,
didn't
19 he?

20 A. Yes, sir.

21 Q. Did you read the report?

22 A. No, sir.

23 Q. Well now, wait a minute now.

You are

24 the chief detective and these reports --

25 A. His report says that the light
stays

Sandra M. Halsey, CSR, Official Court Reporter

4159

1 on for somewhere around 18 minutes.

2 Q. Is that all it says?

3 A. Well, there's more pages to it
than

4 that.

5 Q. Okay. Well, did you read his
report

6 or not?

7 A. Yes, sir, I did.

8 Q. Okay. Well, you told the jury
that

9 you didn't?

10 A. Well, I know, but I did.

11 Q. You did?

12 A. Yes, sir.

13 Q. Okay. Well, I mean, any
reason you

14 would tell them that you didn't read it?

15 A. No, it was just my mistake
for saying

16 that I didn't.

17 Q. Okay. As a matter of fact,
in the

18 report he says that --

19

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

21 to that as being hearsay.

22 THE COURT: Sustained.

23 MR. GREG DAVIS: He can ask
David

24 Nabors about it.

25 THE COURT: Sustained.

Sandra M. Halsey, CSR, Official Court
Reporter

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1

2 BY MR. DOUGLAS D. MULDER:

3 Q. David Nabors is here, is he?

4 A. Yes, sir.

5 Q. Okay. And, you know from
your

6 investigation that you don't have -- that you
can walk

7 from that window to the gate, on the paved,
exposed

8 aggregate there, and not activate the light.
You know

9 that, don't you?

10 A. No, I do not know that.

11 Q. Okay. Let me ask you, while
they are

12 looking for Mr. Nabors' report, let me ask you
this:

13 There was a viewing of the body, is that right?
Of the

14 youngster's body?

15 A. Yes, sir.

16 Q. Okay. And after that, there
was a

17 funeral the next day?

18 A. Yes, sir.

19 Q. Did you attend the funeral?

20 A. Yes, sir.

21 Q. Okay. And then I believe, on
the

22 14th, there was a prayer service at the grave
side, were

23 you aware of that?

24 A. Yes, sir.

25 Q. Okay. And, did you attend
that?

Sandra M. Halsey, CSR, Official Court
Reporter

4161

1 A. No, sir.

2 Q. Did you place a microphone by
the

3 grave side for the prayer service, so that you
could

4 record and intercept things that were said at the
grave

5 side?

6 A. I did not.

7 Q. Who did?

8 A. Two other detectives.

9 Q. Why did they do that?

10 A. In case someone went out there
and

11 made a confession about what happened.

12 Q. Did you realize that that was --
was

13 that done with your knowledge?

14 A. Yes, sir.

15 Q. Did you know that that is a
violation

16 of federal law? That is a federal felony.

17

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

19 to that, that calls for some legal conclusion.

20 THE COURT: I will sustain the
21 objection.

22 MR. DOUGLAS D. MULDER: Okay.

23

24 BY MR. DOUGLAS D. MULDER:

25 Q. But you are telling this jury,
that

Sandra M. Halsey, CSR, Official Court Reporter

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1 you folks put microphones at the grave side, to
monitor

2 the conversations of the people who had gone there to
3 pray, and to mourn and grieve at the passing of these
two

4 children?

5 A. Yes, sir.

6 Q. And recorded all that?

7 A. Yes, sir.

8 Q. And these were hidden, so that the
9 people couldn't find them. I mean, it was designed
to be

10 done surreptitiously, was it not?

11 A. So that they couldn't -- that they
12 didn't see it, that's right.

13 Q. And you would record those private
14 moments, is that right?

15 A. Yes, we did.

16 Q. Did your -- who all knew about
this

17 besides you?

18 A. Detective Frosch.

19 Q. And who else?

20 A. The two detectives that set it up.

21 Q. Okay. But you were a part of it,

it

22 was done, not only with your knowledge but at your
23 insistence, wasn't it?

24 A. I didn't insist on anyone to do
it.

25 Q. But y'all got together and
thought it

Sandra M. Halsey, CSR, Official Court Reporter

4163

1 would be a good idea?

2 A. Yes, sir.

3 Q. Okay.

4

5 MR. DOUGLAS D. MULDER: Mark

this

6 please.

7

8 (Whereupon, the following
9 mentioned item was
10 marked for
11 identification only as
12 Defendant's Exhibit No. 77,
13 after which time the
14 proceedings were
15 resumed on the record
16 in open court, as
17 follows:)

18

19 BY MR. DOUGLAS D. MULDER:

20 Q. Let me hand you what has been
marked

21 for identification and record purposes as
Defendant's

22 Exhibit No. 77. I'll ask you if that is Sergeant
Nabors'

23 report?

24 A. Yes, sir, it is.

25 Q. Does that refresh your memory?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Well --

2 Q. Did the district attorney's
office

3 know that you had surreptitiously planted
microphones at

4 the grave side to monitor those private
conversations?

5 A. Could you tell me what that word
6 means?

7 Q. Surreptitiously?

8 A. Yes, sir.

9 Q. Secretly.

10 A. No, I don't remember, I don't
think

11 the D.A.'s office knew about that.

12 Q. You didn't tell them? Do you
know if

13 that is a violation of state law was well?

14 A. Not that I remember.

15 Q. Okay. Have you reviewed that
report?

16 A. I didn't review the whole page,
just

17 what is highlighted.

18 Q. Okay. Do you recognize that as
having

19 seen it before?

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

22 Q. Okay. You know, based on your
23 investigation, that you could pass on the paved
area,

24 from the window to the gate, and not trip or set off
the
25 security lights, don't you?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yes, sir. It says that you can
walk
2 on the paved part from the gate to the window
without
3 triggering the light.

4 Q. Okay. And you didn't have to
take
5 anybody's word for it, I mean, you know from
experiments
6 that were performed out there, weren't there, to
your
7 knowledge?

8 A. Yes, sir.

9 Q. Okay. Did you, in the course of
your
10 investigation, determine how many fingerprints were
11 lifted out there at the residence?

12 A. I don't remember any fingerprints
13 being lifted.

14 Q. Okay.

15 A. What I remember is the palm
print.

16 Q. Okay. Finger or palm prints?

17 A. Yes, sir.

18 Q. How many lifts were taken, do you
19 know?

20 A. I don't recall, I don't know.

21 Q. Okay. That just didn't seem
important

22 to you?

23 A. Well, that's important to me, but
that

24 is also someone else's -- you know, I have to
delegate,

25 you know, some of this to other people, because I
can't,

1 you know, do it all. And, I don't remember how many
were

2 taken.

3 Q. Okay.

4 A. Or lifted.

5 Q. Okay. After you had the -- after
6 Darlie had written this statement for you, did you
7 continue to talk to her?

8 A. No, sir.

9 Q. Okay. How long did it take her
to
10 write this statement?

11 A. I don't remember.

12 Q. Well, I mean, can we agree that
it
13 didn't take more than probably a half an hour?

14 A. Well, no, I don't remember.

15 Q. Well, can we agree that it didn't
take

16 more than an hour?

17 A. I don't remember.

18 Q. Okay.

19 A. It took her longer than 30
minutes.

20 Q. Okay. Did it take her more than

an

21 hour?

22 A. I don't remember.

23 Q. Okay. But you are saying that

you

24 were just sitting there, and were not asking any

25 questions?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. I was not sitting there the whole
2 time.

3 Q. Oh, you just left her there in
the
4 room?

5 A. I left her in the room during
part of
6 it. And I check on her to see if she was completed
with
7 it or not.

8 Q. Okay. When she finished it, did
y'all
9 talk further?

10 A. No, sir.

11 Q. What did you do?

12 A. I just read it over, and I asked
her
13 if this was everything, and she said yes.

14 Q. Okay. Did you read it over out
loud?

15 A. No, sir.

16 Q. You read it over to yourself?

17 A. Yes, sir.

18 Q. Okay. Did you have any further
19 discussion with her about what had happened out

there

20 that evening?

21 A. On the 8th?

22 Q. Yes.

23 A. No.

24 Q. Okay. Are you sure about that?

25 A. I don't recall talking to her any

more

Sandra M. Halsey, CSR, Official Court Reporter

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1 about it, no.

2 Q. Okay. Have you testified on
another

3 occasion under oath, that we may have discussed,
whether

4 or not she struggled with the man, I'm not sure?

5 A. Well, I don't recall that. I
have

6 testified on other occasions about this, but I don't
7 remember saying that.

8 Q. Would it refresh your memory to
see

9 that?

10 A. Yes, sir.

11 Q. And then you might remember that
12 perhaps that was discussed, or you didn't know
whether it

13 was discussed or not?

14 A. Well, I don't remember at this
point

15 if it was discussed.

16 Q. Okay. Are you saying that it may
well

17 have been discussed?

18 A. I'm saying that I don't remember
it.

19 Q. Okay.

20

21 THE COURT: Well in the interest
of

22 time, we will adjourn now until 1:10 for lunch.

23 Perhaps over the noon hour, both
sides

24 can go through all documents and get them in line,
and

25 make sure that the witnesses are aware of what is
going

Sandra M. Halsey, CSR, Official Court Reporter

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1 to be asked.

2 Members of the jury, the same
3 instructions as always, do not discuss the case
among

4 yourselves, or with anyone else. Do no
investigation on

5 your own. Do not speak to anyone about it. If
someone

6 tries to speak to you, tell the bailiff who is with
you

7 at the time, and should you hear any publicity,
radio, or

8 TV or newspapers, please ignore it.

9 Let's see everybody back here at
10

10 minutes after 1:00 o'clock. Thank you.

11

12 (Whereupon, a short

13 Recess was

taken,

14 After which

time,

15 The proceedings

were

16 Resumed on the

record,

17 In the presence

and

18 Hearing of the

defendant

19 And the jury, as

follows:

20

21 THE COURT: All right. Everybody

is

22 back after lunch. Are both sides ready to bring the

jury

23 in and resume the trial?

24 MR. GREG DAVIS: Yes, sir, the

State

25 is ready.

Sandra M. Halsey, CSR, Official Court Reporter

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1 MR. DOUGLAS D. MULDER: Yes, sir,
the

2 defense is ready.

3 THE COURT: All right. Bring the
jury

4 in, please.

5

6 (Whereupon, the jury

7 Was returned to

the

8 Courtroom, and

the

9 Proceedings

were

10 Resumed on the

record,

11 In open court, in

the

12 Presence and

hearing

13 Of the defendant,

14 As follows:)

15

16 THE COURT: All right. Be

seated,

17 please. Let the record reflect that all parties in

the

18 trial are present and the jury is seated.

19 Mr. Mulder.

20 MR. DOUGLAS D. MULDER: Yes, sir,

your

21 Honor.

22

23

24 DIRECT EXAMINATION (Resumed)

25

Sandra M. Halsey, CSR, Official Court Reporter

4171

1 BY MR. DOUGLAS D. MULDER:

2 Q. Officer Patterson, I'm going to
get
3 into where we were when we left off in a minute, but
just
4 so that you and I are on the same wave length, do
you
5 understand what the federal law is, as regards to
6 monitoring private phone conversations?

7 A. No, sir.

8 Q. Weren't you a narcotics officer?
9 Didn't you work drugs?

10 A. Yes, sir.

11 Q. Well, in that capacity didn't you
have
12 occasion to get wire taps?

13 A. Well, if you're saying that I
violated

14 some law, then I'm not going to say anything else
about
15 that.

16 Q. Well, you're going to answer my
17 questions.

18

19 THE COURT: Well --

20

21 BY MR. DOUGLAS D. MULDER:

22 Q. Are you going to take the Fifth,

is

23 that what you are going to say?

24 A. If you're saying that I violated

some

25 state or federal law, then I'm not going to answer

it

Sandra M. Halsey, CSR, Official Court Reporter

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1 until I have legal counsel.

2 Q. Well, I suspect you better get
legal

3 counsel then, because I am suggesting to you that
that is

4 exactly what you did.

5

6 MR. GREG DAVIS: Object to him
7 suggesting anything. The officer has already stated
that

8 he doesn't know.

9 THE COURT: Sustained.

10 MR. DOUGLAS D. MULDER: Judge, it
11 doesn't make any difference to me whether you warn
the

12 man or not. The Court knows the law, and it's a
13 violation of state and federal law.

14 THE COURT: Mr. Mulder, I know
the law

15 and --

16 MR. DOUGLAS D. MULDER: This is a
17 federal felony.

18 THE COURT: Mr. Mulder, please,
19 please. Officer Patterson is a law enforcement
officer

20 and is presumed to know the law in Texas, yes, sir.

21 I have advised him of his rights
in
22 this regard. And you do have a right, under the
Fifth
23 Amendment of the Constitution of the United States,
not
24 to say anything that might tend to incriminate you
in any
25 way. And you certainly understand all of that, do
you

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1 not?

2 THE WITNESS: Yes, sir.

3 THE COURT: So you are an
experienced

4 law enforcement officer, you have warned a lot of
other

5 people of their rights, you know what the Miranda
6 warnings are, do you not?

7 THE WITNESS: I do.

8 THE COURT: Well then, if you
know

9 what the Miranda warnings are, then I think that
that

10 speaks for itself. You understand what you can do
and

11 what you can't do. Do you need any further
counselling,

12 do you think? Any explanation of what your rights
are

13 under the law?

14 THE WITNESS: No, sir.

15 THE COURT: Okay. Fine. I think
we

16 have covered that. So ask your questions. If he
wants

17 to answer it, he will, if he does not, then he can
invoke

18 the Fifth Amendment.

19 MR. DOUGLAS D. MULDER: Yes, sir.

Let

20 me just ask you something.

21

22 BY MR. DOUGLAS D. MULDER:

23 Q. Do you understand any more about
it

24 now than you did before the Judge talked to you?

About

25 what the law is?

1 A. No one has read me any statute
that I

2 violated a law.

3 Q. Okay. Would you like to have
time to

4 read both the state laws and the federal laws as
regards

5 to the surreptitious collection of conversation such
as

6 you and those other officers that you told us about
7 before lunch recorded?

8 A. I would like to read it, yes.

9
10 THE COURT: Well then, in that
case,

11 do you have another witness that you can put on the
12 stand?

13 MR. DOUGLAS D. MULDER: Would the
14 Court let me go on to some other matters and then let
him

15 read that during the -- during the --

16 THE COURT: Proceed. Let's just
don't

17 get into that area. Go into something else.

18 MR. DOUGLAS D. MULDER: Yes, sir.

19

20 BY MR. DOUGLAS D. MULDER:

21 Q. In all fairness to you, don't you
22 think that it is appropriate that anything I ask you
23 about that, or any remarks that you make be
recorded?

24 A. Do I think it's fair?

25 Q. Yeah, fair to you?

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1 A. Well, I don't understand what you
are
2 saying.

3 Q. Well don't you think that any --
I'm
4 not going to ask you to make any comments about that
5 until you have had time to get legal counsel and to
talk
6 with your lawyer, about the state law and the
federal
7 law. But don't you think that in fairness to you,
if I
8 questioned you about that, that our conversations
ought
9 to be recorded?

10 A. Well, at this time, until I have
legal
11 counsel, or until I read that, if I violated
something,
12 then I'm not going to answer you.

13 Q. Well, I guess I'm missing the
point.

14 But in fairness to you, so that your jury, if it
comes to
15 that on down the line, will know exactly what you

said

16 and what admissions you made or didn't make, don't
you

17 think in fairness to the prospective defendant,
that

18 those conversations should be recorded, so that
there is

19 no question about what was said?

20 A. I don't understand what you are
21 saying.

22 Q. Well, all right. Let me put it
in

23 another way, and maybe I can make this a little more
24 artful.

25 I guess the bottom line is this:
If I

1 am going to question you about criminal conduct,
don't

2 you think in fairness to the person questioned, and
then

3 I tell you that I'm going to use that, whatever you
say

4 on down the line against you, or I could have, it
has

5 that possibility. Don't you think in fairness to
the

6 person questioned, that your answers ought to be
recorded

7 so that there is no question about what you said or
8 didn't say?

9 A. I still don't understand what you
are
10 saying.

11 Q. All right. Let me run at it from
12 another direction. Suppose you were going to
question me

13 about a traffic violation for speeding from here to
San

14 Antonio, or something -- well, let's make it
something

15 more serious than that. But you are going to

question

16 me.

17 Do you think, in fairness to me,

18 whatever I say, should be recorded, so that on down
the

19 line a week from now, or two weeks from now, or a
month

20 from now, if you intend to use that against me, that

21 there would be an accurate rendition of what I have
said,

22 so that we don't have to rely on your memory?

23 A. Well, until I get legal counsel
about

24 what you are saying, I'm not going to answer you.

25 Q. Okay. You don't even have the
answer,

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1 do you? But you were a narcotics officer, weren't
you?

2 A. Yes, sir.

3 Q. And in that capacity, did you
record

4 conversations?

5 A. I did.

6 Q. Okay. You ought to be familiar
with

7 the law?

8 A. Well --

9
10 MR. GREG DAVIS: I'm sorry,
excuse me,

11 I thought we were done with this until we had a
break.

12 THE COURT: Mr. Mulder, let's
move on

13 to some other area, other than what this is.

14 MR. DOUGLAS D. MULDER: Yes, sir.

15 THE COURT: And then we can get
back

16 on this after we take a break.

17 MR. DOUGLAS D. MULDER: Yes, sir,
I

18 understand.

19

20 BY MR. DOUGLAS D. MULDER:

21 Q. I had asked you if you questioned
her,

22 prior to the time that she made this written
statement.

23 Do you recall that?

24 A. Yes, sir.

25 Q. And what was your answer, Mr.

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1 Patterson?

2 A. That we talked a few minutes.

3 Q. And what did you talk about, Mr.

4 Patterson?

5 A. I don't recall.

6 Q. Do you recall when you testified
under

7 oath, on August the 26th and 27th of 1996, do you
recall

8 that?

9 A. I remember testifying, but I
don't

10 remember the dates.

11 Q. Do you remember being under oath
at

12 that time?

13 A. Yes, sir.

14 Q. You swore to tell the truth?

15 A. Yes, sir.

16 Q. Do you recall being asked: "Did
you

17 ask her questions as she was writing, or did she
just

18 write it out in long hand?"

19 Do you recall answering, "Well,

we had

20 talked a little bit right before, prior to that.

And

21 then she wrote it out."

22 "What did y'all talk about?"

23 "The same thing. I just asked

her

24 what happened."

25 Is that right?

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1 A. Can I look at that?

2 Q. You bet.

3 A. Okay.

4 Q. Do you recall being asked those
5 questions and making those answers?

6 A. Yes, sir.

7 Q. Okay. So you did talk with her
about

8 what had happened before she wrote it out in long
hand?

9 A. Just a few minutes, yes, sir.

10 Q. And, at that time, you asked her
to

11 write it out in long hand then, after you had quizzed
her

12 about it?

13 A. I asked her if she would, yes,
sir.

14 Q. Again, nothing recorded, no notes
by

15 Patterson?

16 A. No, sir.

17 Q. All right. And I asked you, if in
18 that conversation she had told you that she had
struggled

19 with a man; is that right?

20 A. That -- do what now?

21 Q. Did she tell you in this
conversation

22 that you had, before she wrote her statement out,
that

23 she had struggled with the man?

24 A. She had told me that on the 6th.

25 Q. Did she tell you that on the 8th?

1 A. I don't remember her telling me
that
2 on the 8th.

3 Q. You aren't saying that she didn't
tell
4 you that, are you?

5 A. I don't recall her telling me that
on
6 the 8th.

7 Q. All right. Well, that doesn't --
do
8 you recall being asked this question: "Detective
9 Patterson, the first time you spoke with her, she
told
10 you about a struggle on June the 8th. Did she say
11 anything to you about a struggle occurring between
her
12 and the intruder?"

13 Answer: "Not in the report, she
14 doesn't."

15 And by that, you meant not in her
16 handwritten version, I take it?

17 A. Okay.

18 Q. She didn't write a report, but I
take

19 it that you are talking about what she wrote down; is
20 that right?

21 A. Right.

22 Q. Okay. "Did she, in that
conversation

23 with you on June the 8th -- did she, in conversations

24 with you on June 8th?"

25 "I honestly don't remember if she
did

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1 or not."

2 Is that what you said?

3 A. Can I read that?

4 Q. You bet.

5 A. Okay.

6 Q. Did you make that answer? Under
oath?

7 A. Well, it says that I did, yes,
sir.

8 Q. Well, I mean, do you have any
9 recollection or not?

10 A. Well, it says that I said that.

11 Q. Well, that is not what I asked
you.

12 Does that refresh your memory, or are you still
telling

13 the jury that you don't know, one way or the other?

14 A. Well, I mean, that is the
statement

15 that I made on June the 8th.

16 Q. Well, you now remember that?

17 A. Well, after reading it, yes.

18 Q. Okay. All right. Is that the --
are

19 you telling this jury now, that you don't know

whether

20 she discussed that with you or not?

21 A. Well, that says that I don't

remember

22 if she said anything about a struggle, but in her

written

23 statement, she didn't say that she struggled with

him.

24 Q. All right. That was going to be

my

25 next question. After you read her statement, did you

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1 discuss it with her?

2 A. No, sir.

3 Q. You didn't discuss it with her?

4 A. No, sir.

5 Q. Why is that?

6 A. Well, I didn't feel that I needed
to.

7 Q. Why not?

8 A. I just didn't.

9 Q. Well, apparently you said in the
10 conversation on the 6th, that y'all didn't write
anything

11 down about it?

12 A. Well, I didn't say that we didn't.

13 Q. No, I say that you didn't. I say
you

14 didn't.

15 A. I didn't write anything.

16 Q. Well, do you see anything in

Frosch's

17 notes here, that he had at the hospital?

18 A. Well, I read Frosch's supplement
19 report.

20 Q. You read a report that you all did
21 sometime later?

22 A. Yes.

23 Q. Not the notes that he took there

in

24 the hospital?

25 A. Right. That is nothing uncommon,
you

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1 know that.

2 Q. Well, you don't know what I know?

3 A. Well, but that is nothing
uncommon.

4 Q. No. I suggest to you, that it is
5 uncommon. And I suggest to you, that in fairness, if
you
6 are going to hold her feet to the fire, for something
7 that you claim she said, that you would at least have
the
8 honesty to -- to record it or --

9

10 MR. GREG DAVIS: I object to this
as
11 being argumentative, it's not even a question.

12 THE COURT: All right. Gentlemen.
If
13 you will please direct questions to the witness. If
the
14 witness will answer to the point, briefly and
succinctly

15 and straight to the question asked. Thank you.

16

17 BY MR. DOUGLAS D. MULDER:

18 Q. Don't you think, Mr. Patterson,

that

19 in all fairness, that if you are going to hold
somebody

20 accountable for a statement that you claim that they
21 made, that you would at least record the statement
22 accurately? Is that too much to ask?

23 A. I did.

24 Q. You didn't record it at all. You
25 wrote nothing down, and he wrote a sentence or two.

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1 MR. GREG DAVIS: Well, I'm going
to
2 object to what those notes may or may not say.

Detective

3 Frosch is back there if he wants to question him on
4 those. This officer didn't make those notes.

5 THE COURT: All right, gentlemen.

If

6 you will just ask the question, if that is a document
of

7 a prior hearing in which this witness testified to,
let's

8 get straight to the point. Officer Frosch is
present.

9 We can call him later. He is back there, Mr. Davis?

10 MR. GREG DAVIS: Yes, sir, he is.

11 THE COURT: All right.

12

13 BY MR. DOUGLAS D. MULDER:

14 Q. Mr. Patterson, when you went
through

15 the residence, with the other detectives on the walk

16 through on June 6th, did you see some towels with
blood

17 on them in the den area?

18 A. The towels I remember were in the
19 hall.

20 Q. Towels in the hall. All right.

How

21 many towels did you see in the hall?

22 A. I don't -- I didn't count them.

23 Q. Were they bloody?

24 A. There were some washcloths that

had

25 some blood on them, or had something that appeared
to be

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1 like blood.

2 Q. Were they wet when you saw them?

3 A. I don't recall if they were or
not.

4 Q. Were you told that they had been
wet?

5 A. No, sir.

6 Q. Did you inquire as to whether or
not

7 they were wet?

8 A. No, sir.

9 Q. It didn't make any difference?

10 A. It made a difference.

11 Q. She told you she put wet towels on
the

12 boys, didn't she?

13 A. In her written statement.

14 Q. Did she ever tell you that she put
wet

15 towels on the boys?

16 A. Well, in her written statement she
17 did.

18 Q. All right.

19

20 MR. DOUGLAS D. MULDER: Judge,

might I

21 suggest that -- I am at the point that I would like
to go

22 back into that, but I have another witness that I
could

23 put on, and if we could get him counsel.

24 THE COURT: That is fine.
25 If you will step down, please.

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but

20 don't get excited. That is a fresh cup of water.

Now

21 you have to speak loudly enough, so that that
gentlemen

22 down there and that lady up there in the corner can
hear

23 you, okay? Those people over there in the jury
box right

24 here.

25

THE WITNESS: Yes, sir.

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Reporter

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1 THE COURT: Okay. Over here
in the

2 jury box, you see.

3 Now, both sides may ask you
questions.

4 Now one side may object. If anybody objects then
just

5 stop, and I'll rule on it, and then we well go on
again,

6 okay? Just relax.

7 THE WITNESS: Okay.

8 THE COURT: Ma'am, if you can
state

9 your name, and spell your last name for the court
10 reporter, please.

11 THE WITNESS: Okay. It's Mary
12 Angelia, and it's spelled -- the Angelia has an
I-A on

13 the end of it. Rickels, R-I-C-K-E-L-S.

14 THE COURT: All right. And
you are

15 going to have to get a little bit closer so they
all can

16 hear you.

17 THE WITNESS: Okay.

18 THE COURT: Go ahead, please,

Mr.

19 Mulder.

20

MR. DOUGLAS D. MULDER: Yes,

sir.

21

22

23

24

25

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1 Whereupon,

2

3 MARY ANGELIA RICKELS,

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. DOUGLAS D. MULDER:

14 Q. Ms. Rickels, would you tell the
jury

15 your name again, please?

16 A. Angelia Rickels.

17 Q. Okay. Can y'all hear her all
right?

18 I will stand back here, so that you can keep your
voice

19 up. If you will just speak up, so that we can hear
you

20 back here in this part of the area.

21 Would you tell the jury where you

22 live?

23 A. I live in Rowlett.

24 Q. And how long have you lived there?

25 A. Oh, for over two years now.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Are you a married lady?

2 A. Yes, I am.

3 Q. Do you have a family?

4 A. Oh, yes.

5 Q. What does your family consist of,
6 please, ma'am?

7 A. I have 3 teenagers and one baby,
well,
8 he is 15 months now.

9 Q. Okay. And when was your baby
born?

10 A. October 6th, 1995.

11 Q. Okay. Can you -- let me show you
what
12 has been marked for identification and record
purposes as
13 State's Exhibit 6-B. And I'll ask you if you see on
14 State's Exhibit B, 6-B, the City of Rowlett,
Texas?

15 A. Do I see it?

16 Q. Yes.

17 A. Yes.

18 Q. Okay. And where do you live in
19 Rowlett?

20 A. I live on Miami Drive.

21

Q. Okay.

22

A. It's in the Rockwall County

side of

23 Rowlett.

24

Q. Is it close to Dalrock Road?

25

A. We are just east of it.

Reporter Sandra M. Halsey, CSR, Official Court

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1 Q. All right. And, do you see on
this

2 exhibit, Dalrock Road, across here?

3 A. Yes, I do.

4 Q. Okay. About how far off --
Dalrock

5 Road is this blue dotted line across here, is it
not?

6 A. That is true.

7 Q. Okay. Can y'all see that?

8 How far off of Dalrock Road do
you
9 live?

10 A. What I call city blocks, it's
two.

11 Q. Two city blocks?

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

14 Q. And you live on Miami Street, is
that
15 right?

16 A. That's correct.

17 Q. And, do you live in kind of a
curve in

18 the road?

19 A. Yes, I do.

20 Q. Could you find that, do you think,
21 on

21 State's Exhibit Number -- is that Miami Road right
there,

22 right at the end of that yellow spot?

23 A. Yes, that is.

24 Q. All right. And do you live right
25 where Miami curves?

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1 A. Right before it hits Willowbrook.

2 Q. Okay. Can y'all see that? Kind
of by

3 that yellow mark?

4 A. Yes.

5 Q. And would you say it would be
about

6 two blocks off of Dalrock Road, two city blocks?

7 A. Yes, sir.

8 Q. Okay. All right. You are right
there

9 on the curve?

10 A. Our house faces right on the
curve, or

11 the cul de sac, whichever you want to call it.

12 Q. Okay. What sort of work was your
13 husband doing back in June of 1996?

14 A. He works for TCI Cable as a line
tech.

15 Q. Okay.

16 A. And at that time he was working at
17 nights.

18 Q. Okay. And, when was your baby
born?

19 A. October 6th, 1995.

20 Q. Okay. So your baby, at that time,

21 would have been what, approximately 9 months
old or

22 thereabouts?

23 A. Oh, pretty close to it.

24 Q. Okay. Are you a nurse?

25 A. I'm a registered nurse.

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1 Q. Okay. And after the child was
born,

2 did you experience some medical difficulty?

3 A. I had a stroke.

4 Q. Okay. And you are still
recovering?

5 A. Oh, yeah.

6 Q. Okay. All right. Now, Ms.
Rickels,

7 did your husband, what hours did he work back in
June of

8 1996?

9 A. He worked from 11:00 at night
until

10 7:30 in the morning.

11 Q. Okay.

12 A. But he is always one of those
that

13 gets there way ahead of time before he had to be
there,

14 so he would leave the house between 9:30 at night
and

15 10:00, to be there in plenty of time. And then
usually

16 he wouldn't come home the next morning until almost

9:30

17 or 10:00.

18 Q. Okay. Would he have occasion to
check

19 on you, from time to time, because of your medical
20 health, ma'am?

21 A. Yeah, he was always coming by.

22 Q. And would he, from time to time,
come

23 home for -- I guess it would be lunch for him, if he
came

24 by early in the morning, wouldn't he?

25 A. Yes, he would.

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1 Q. Okay. I want to direct your
attention

2 in time, to the early morning of June the 6th of 1996.

3 And I'll ask you if you had occasion to be watching
TV

4 early that morning?

5 A. I was watching TV about 1:30 in
the

6 morning, yes.

7 Q. Okay. Did anything of an unusual
8 nature happen?

9 A. Somebody was at the door, and at
10 first, my first thought was that it was my husband
11 coming in. Because we have a dead bolt that you
have to

12 kind of wiggle the door, you know, in a certain way,
to

13 get the key to unlock it.

14 So, when I first started hearing
it

15 wiggling, I thought it was him. But then, when I
heard

16 the wood split, you know, and they just kept
continuing

17 on, you know, wiggling this door, and was hitting on
the

18 door, then I heard the wood split, you know, a loud
19 cracking noise, so I finally ran to the door,
to see what
20 was going on.

21 Q. Okay. And what did you find
when you
22 got to the door?

23 A. Well, I turned the porch
light on,
24 because I was thinking, you know, everybody
says turn the
25 lights on, and then they will know you are
home, and then

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Reporter

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1 they will go away.

2 So then, I looked through
the

3 peephole, and there was two men standing out
there.

4 Q. Okay. What did they look
like?

5 A. One was about your size, but a
little

6 stockier.

7 Q. Okay.

8 A. He had like a knit cap on. Kind
of

9 rolled up around the edges, and there was some blonde
10 hair sticking out.

11 And the other guy was tall and
thin.

12 Q. Do you recall what color the --
this

13 was like a toboggan, or a stocking cap?

14 A. Well, it was dark, and he had like
a

15 jogging suit on.

16 Q. What color was the jogging suit?

17 A. It was also dark colored.

18 Q. Okay. Did you get a look at them?

19 Had you ever seen them before? Did you recognize
them?

20 A. I didn't look at their faces, to
be

21 honest, no. Because I was so scared at the time.

22 Q. What happened when you turned the
23 lights on?

24 A. They ran off.

25 Q. Okay.

1 A. Towards Willowbrook, which would
have
2 been northwest from our house.

3 Q. Okay. What happened next?

4 A. Well, I was thinking, "It's okay.
5 Everything is over."

6 And I just went back to watching
TV,

7 and I started hearing somebody at the bedroom window,

8 which was right off the living room, where I was
watching

9 TV. And somebody, you know, it sounded like
something

10 tapping on the window in that bedroom.

11 And so, I went in there, to look
out

12 the bedroom, you know, the window, to see what was
going

13 on. And, our house is wired strange, where the
bedroom

14 light switch, controls the studio lights in the
living

15 room. So, of course, that light was on.

16 And any way, I went to the window,
17 looked through the blinds.

18 Q. What did you see?

19 A. I saw them there, and there was
some

20 sort of a metal object, I don't know if it was a
knife or

21 a screwdriver, they were trying to get up at the
lock,

22 you know, those wing-type locks, you can hit
those a

23 certain way and you can flip them open and unlock
it.

24 Q. Okay.

25 A. And then when I, you know, turned
off

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1 the bedroom light, again they left.

2 Q. Did they ever come back?

3 A. Not that night, no.

4 Q. Okay.

5 A. But I stayed up all night then, I
kept

6 watching all of the windows, I was so scared.

7 Q. Did you tell your husband about
it?

8 A. Oh, yeah.

9 Q. Did you tell your in-laws about
it?

10 A. Oh, yes, my in-laws, and my
mother.

11 Q. Okay.

12 A. Everybody.

13 Q. Of course, you heard that morning
14 about the problem with the children, the Routier
children

15 being stabbed to death?

16 A. Yes, I did.

17 Q. Okay. And, did you call the
police?

18 A. That night, no, I didn't.

19 Q. Okay. And you didn't call the

police

20 for several days, did you? It was after you talked

to

21 your in-laws, and one thing another?

22 A. That is true.

23 Q. Okay. All right. Did the police

come

24 out and talk to you?

25 A. Yes.

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1 Q. Okay. Did they seem interested in
2 what had happened to you?

3 A. Not at all.

4 Q. Okay. You met me -- you have seen
me

5 twice, haven't you?

6 A. Yes, sir.

7 Q. You saw me back in November?

8 A. Yes, sir.

9 Q. And I told you that I had just
gotten

10 your name from the State the day before, didn't I?

11 A. Yes, sir.

12 Q. Okay. And you told me that -- I
don't

13 see it here -- Mr. Bosillo, with the district
attorney's

14 office, had been out. And, I told you that I got
your

15 name from them -- I got your name, the day before,
and I

16 came out as quickly as I could. And, you told me
that

17 Mr. Bosillo had been out there the day before;
didn't

18 you?

19 A. Yes, sir.

20 Q. With the district attorney's
office.

21 He had a lady with him -- and I don't see her.

But, a

22 blonde-haired or a gray-haired lady was with him?

23 A. A small, petite, frosted-haired
woman.

24 Q. Okay. And, he told you not to

talk to

25 anybody, didn't he?

Sandra M. Halsey, CSR, Official Court Reporter

1 A. Well, they told me there would be
a
2 lot of people coming around, and it would just be
best to
3 not speak to any one.

4 Q. Okay. And I talked to you again
last
5 night, didn't I?

6 A. Yes, sir.

7 Q. I talked to you briefly, at your
8 hotel?

9 A. Yes, sir.

10 Q. Is that right?

11 A. Yes, sir.

12 Q. And, your husband stepped out.

And, I

13 had a lady with me when I came in there, didn't I?

14 A. Um-hum. (Witness nodding head
15 affirmatively.) Yes, you did.

16 Q. And it was just the three of us,
and

17 your husband just stepped out in the parking lot
while we

18 visited. And, you basically told me this same thing,
19 didn't you?

20 A. Yes, sir.

21 Q. Okay. And then, I believe Mr.
Bosillo

22 and the lady that was always with Mr. Bosillo, and
Mr.

23 Davis, I guess, came over and met with you after I
did.

24 A. We went to their hotel last
evening,
25 yes.

Sandra M. Halsey, CSR, Official Court Reporter

1 Q. Okay. And, you talked to them I
guess

2 after I left. Is that right?

3 A. Yes, sir.

4 Q. And you told them basically the
same

5 thing, I suspect?

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

8

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

10 THE WITNESS: Yes, it is.

11 THE COURT: Okay. You need to
speak

12 up, we can't take head nods.

13 THE WITNESS: Oh, okay. You
can't

14 take head nods? Okay.

15 THE COURT: Thank you, ma'am.

16

17 BY MR. DOUGLAS D. MULDER:

18 Q. This is the first time you have
19 testified in court, isn't it?

20 A. Yes it is.

21 Q. Okay.

22

23 MR. DOUGLAS D. MULDER: I'll

pass the

24 witness. Now either Mr. Shook or Mr. Davis will

ask you

25 some questions.

Sandra M. Halsey, CSR, Official Court Reporter

4200

1 THE WITNESS: Okay.

2

3

4 CROSS EXAMINATION

5

6 BY MR. TOBY SHOOK:

7 Q. Ms. Rickels, do you remember me?

We

8 talked last night?

9 A. Yes, I do.

10 Q. I'm Toby Shook. And you have
talked

11 to Investigator Bosillo several times, I believe,
haven't

12 you?

13 A. Yes, sir.

14 Q. Usually out at your house, or on
the

15 phone?

16 A. On the phone, usually.

17 Q. Okay. Now, back in -- when this
18 happened you were there at -- who else was there at
the

19 house with you back in June?

20 A. My oldest daughter.

21 Q. Okay. How old is she?

22 A. She was 15 then.

23 Q. Okay. And, I believe your baby

and

24 your other daughter were at their grandmother's

house; is

25 that right?

Sandra M. Halsey, CSR, Official Court Reporter

4201

1 A. That's correct.

2 Q. Okay. And your husband, he was
out
3 working, and so you were just watching -- what kind
of
4 movie was it?

5 A. It was a scary movie. I can't
tell
6 you the title of it right now.

7 Q. Horror movie of some sort?

8 A. Oh, yeah, I'm a big horror movie
9 freak.

10 Q. Okay. And I remember you told
me it
11 was pretty scary, wasn't it?

12 A. Oh, sure, I'm sure it probably
was.

13 Q. Okay. And then you heard this
noise
14 at your door, your front door; is that right?

15 A. Yes, sir.

16 Q. Okay. And y'all had a lock that
is
17 kind of a trick sometimes to get open?

18 A. Yes, sir.

19 Q. And, was it more of a rattle,

kind of

20 rattling at the door, or how would you best describe
it?

21 A. A jiggle.

22 Q. A

jiggle?

23 A. A

jiggle.

24 Q. Okay. And I think we talked last
25 night, your Honor, and if I might just open the door
here

1 for a second, and I don't know if this will make the
2 noise or not, but, was it kind of like that?

(Counsel

3 bangs on door.)

4 A. A whole lot louder.

5 Q. Okay. (Counsel bangs on door.)

Like

6 that?

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

9 Q. Louder than that?

10 A. Even still louder, yes.

11 Q. Okay. And that obviously got
your

12 attention, didn't it?

13 A. Oh, yes.

14 Q. Okay. And how long did that go
on?

15 A. Several minutes when I finally
was

16 realizing that it was not Don, my husband, using the
key

17 to come in, and then when I heard that wood crack.

18 Q. That went on for a long time,
didn't

19 it?

20 A. Well, I wasn't timing it.

21 Q. Sure.

22 A. It was several minutes.

23 Q. Several minutes. That louder than

24 that, and at first you thought that might be your

25 husband; right?

Sandra M. Halsey, CSR, Official Court Reporter

4203

1 A. Yes, I did.

2 Q. Okay. So then after that, went
on --

3 and, did it stop or was it pretty steady for several
4 minutes?

5 A. It was steady.

6 Q. Okay. So, it was that noise that
I

7 was making, a little bit louder, for several minutes
8 then?

9 A. Yes, sir.

10 Q. That is when you decided that you
11 better go and see what was going on at the front
door?

12 A. Yes, sir.

13 Q. Because you also heard a crack of
some

14 sort, is that right?

15 A. Yes, sir.

16 Q. And then you turn on the light,
and

17 there was -- there was -- you looked out the
peephole?

18 A. Yes, sir.

19 Q. And there was two men out there;

is

20 that right?

21 A. That's correct.

22 Q. One was a big stocky guy?

23 A. Yes.

24 Q. With some type of knit cap on?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter

4204

1 Q. And you saw blonde hair sticking
out;

2 is that right?

3 A. That's correct.

4 Q. And he had on what you called a
5 jogging suit; is that right?

6 A. Yes.

7 Q. And it was long sleeved; is that
8 right?

9 A. Yes, it was.

10 Q. Was it long pants also?

11 A. Yes, it was.

12 Q. And the other guy was taller and
13 thinner?

14 A. Yes, sir.

15 Q. And he had on -- do you remember
what

16 kind of hat he had on?

17 A. A cowboy hat on.

18 Q. Okay. He had on a cowboy hat. Do
you

19 remember what color the cowboy hat was?

20 A. Dark.

21 Q. Okay. So he had on a cowboy hat.

Did

22 he have on some type of western shirt?

23 A. Yes, sir.

24 Q. Okay.

25 A. And blue jeans.

Sandra M. Halsey, CSR, Official Court Reporter

4205

1 Q. And blue jeans. Was it a long
sleeved

2 western shirt?

3 A. Yes, it was.

4 Q. So one had on kind of a jogging
suit,

5 with long sleeves, and the other one had on a cowboy
hat,

6 and a long sleeved western shirt and blue jeans?

7 A. Yes, sir.

8 Q. Okay. And then once you turned
the

9 light on, they ran off?

10 A. Yes, sir.

11 Q. And, did you see any car out there
12 also?

13 A. Yes, I did.

14 Q. Where was that car?

15 A. Right in front of our house, sir,
in a

16 cul de sac, you know, you really can't park right in
17 front. It was kind of half in front of mine, and
half in

18 front of my neighbors to the left of me.

19 Q. Okay. Had you seen that car

before at

20 all?

21 A. No. Because when I was -- that
was

22 the reason why I looked out the
window, to see if there

23 was any weird cars out there, and make
a note if I saw

24 anybody strange in the neighborhood.

25 Q. When you looked out
through the

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Court Reporter

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1 peephole or when you --

2 A. No, through the
window.

3 Q. Later on?

4 A. Yes, sir.

5 Q. Okay. And, these guys they
didn't run

6 to that car, did they?

7 A. No, sir, they went the opposite
8 direction of it.

9 Q. Now, after they ran off from the
door,

10 you didn't call the police then, did you?

11 A. No, sir.

12 Q. Okay. Did you go back and start
13 watching the horror movie again?

14 A. Yes, I did, and calming my
daughter

15 down.

16 Q. She was kind of scared too?

17 A. Oh, she was petrified.

18 Q. Okay.

19 A. Along with me.

20 Q. And then, do you know how long it
was

21 before you heard the tapping noise again, or this
tapping

22 on the window?

23 A. I think 15 or 20 minutes,
somewhere

24 around in there.

25 Q. Was the horror movie still going
on?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yeah, it was still going on.

2 Q. Okay. And then you -- the window
they
3 were at, is that your daughter's window?

4 A. My second daughter's, yes.

5 Q. Okay. And, did you go in the
room and
6 look out the window at that time?

7 A. Yes, I did.

8 Q. And, was it these same two men
outside
9 the window at that time?

10 A. Yes, I think it was.

11 Q. Okay. What do you mean you think
it
12 was? Do you think it might have been two different
men?

13 A. Well, if they were to stand here
in
14 front of me, and I had to personally identify them,
I
15 don't think I could, you know.

16 Q. Did they look like --

17 A. But they were the same --

18 Q. The same --

19 A. Had the same outfits on.

20 Q. Dressed the same way?

21 A. Yes, and the same builds.

22 Q. So the guy with blonde hair, and
the

23 toboggan, and long sleeve jogging shirt, and the guy
with

24 the cowboy hat and tall and skinny?

25 A. Tall and slim, yes.

1 Q. Did you open the window and look
-- I
2 mean, did they see you looking at them?
3 A. No, I don't think they did.
4 Q. How long were they out there?
How
5 long were you watching them at the window?
6 A. Maybe a minute or two.
7 Q. Okay. So maybe a couple of
minutes,
8 and one of them was jiggling with the window?
9 A. Yes, sir.
10 Q. And, what happened then, after
they
11 were there for a minute or two?
12 A. When I turned the bedroom light
on,
13 all the noise stopped, and I went back again and
looked
14 out the window, and they were gone.
15 Q. Did you see where they went to?
16 A. They went the same direction
when they
17 left from the front door, northwest of the house.
18 Q. And, did you see that car out

there?

19 Is that when you saw the car out there?

20 A. I saw the car out there, about

10

21 minutes after that, yes.

22 Q. Okay. So about what time was

that?

23 A. A little after 2:00, 2:08 or

somewhere

24 around in there.

25 Q. So, sometime after 2:00?

Sandra M. Halsey, CSR, Official Court
Reporter

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1 A. Yes, sir.

2 Q. Were you looking at a clock at
all?

3 A. At that time?

4 Q. Yes.

5 A. No.

6 Q. Okay. And again, what did this
car
7 look like?

8 A. It was a dark blue, small, boxy-
type
9 car. I'm not good with types of cars.

10 Q. Okay. And, you didn't go to
sleep
11 again that night?

12 A. No, I stayed up all night.

13 Q. After you saw the men at your
14 daughter's window, did you call the police then?

15 A. No, sir.

16 Q. Okay. Did you see that car again
in
17 the morning, after it was light?

18 A. Since I stayed up all night, you
know,
19 I kept watching all of the windows, and the car was
there

20 at 3:00, and then again, it was still there at 7:30.

21 Q. So, it was still outside?

22 A. It was still in the exact same

spot

23 where I had seen it.

24 Q. Okay. And then your husband came

25 home; is that right?

Sandra M. Halsey, CSR, Official Court Reporter

4210

1 A. That's correct.

2 Q. And you told him about what had
3 happened?

4 A. Oh, yeah.

5 Q. And y'all still didn't call the
6 police, did you?

7 A. No.

8 Q. Not at that time?

9 A. Well, at that time, I was
thinking it

10 was -- it's all over, what can the police -- what
can

11 they do now, you know.

12 Q. Okay. And, you had been having -
- had

13 you had any incidents like this happen before this,
where

14 some --

15 A. Not at that house, no.

16 Q. At another house had you?

17 A. Yes.

18 Q. Which house was that?

19 A. Back when I was in collage, in
the

20 dinosaur days, as my girls would say.

21 Q. Okay. Since that time, at the

house

22 you live in, on Miami, you have had another incident

23 where you thought some people were coming up to your

24 house, haven't you?

25 A. After this?

Sandra M. Halsey, CSR, Official Court Reporter

4211

1 Q. Yes, after this in June.

2 A. Yes.

3 Q. Okay. When was that?

4 A. It was in November.

5 Q. What happened on that occasion?

6 A. I'm a smoker, and I go outside in
the

7 garage to smoke, and the door was only lifted maybe
a

8 foot, if that much, and I heard shuffling of
footprints,

9 or foot steps, or whatever, on the driveway out
there,

10 and I got scared, and I wasn't about to bend over
and

11 look out there, and see who it was then. I was
just

12 scared, and so I just pulled the door down, and
stuck a

13 stick in the door so they couldn't lift it.

14 Q. Well, what time of the day was
that?

15 A. It was in the middle of the
night.

16 Q. Kind of about the same time that

this

17 happened in June?

18 A. Oh, more like 2:30 or 3:00.

19 Q. Okay. Did you call the police on
that

20 occasion?

21 A. I did the next morning.

22 Q. Okay. And did they come out and
talk

23 to you about that?

24 A. Yes, he did.

25 Q. And about, I guess it was about
the

Sandra M. Halsey, CSR, Official Court Reporter

4212

1 11th, that you called the police back in June, right?

On

2 June the 11th?

3 A. That's correct.

4 Q. Five days after this had happened?

5 A. That's correct.

6 Q. And did the uniformed officer come
out

7 and talk to you?

8 A. Yes.

9 Q. Okay. Did you tell him what you
had

10 seen that night?

11 A. Yes did.

12 Q. Okay. And, did the police come
out

13 again, soon after that, when you saw that car again?

14 A. Well, again in August, I saw that
car

15 pull out there and, what triggered my memory, was
that

16 the person that got out of the car, was the same
build as

17 the stocky guy that I had seen before, and so I ran
in

18 and called the police, and they came over then.

19 Q. Did you point out the car to
them?

20 A. Yes, I did.

21 Q. Okay. And what did the police do
22 then?

23 A. They went to the house where I
pointed

24 to, that showed where the guy went to.

25 Q. Was that a neighbor of yours?

1 A. Yes.

2 Q. And did they bring any of them
out of

3 the house?

4 A. They brought a small, skinny
person

5 out in handcuffs.

6 Q. Did that look like one of the
guys

7 that had been there?

8 A. No, he was shorter than the one
that I

9 had seen on June 6th.

10 Q. That was a different guy
altogether?

11 A. Well, based on height, yes.

12 Q. Had you seen that car around
there any

13 more after that?

14 A. No.

15 Q. Okay. Now, back when this
happened on

16 June the 6th, you had had some bad health problems
that

17 year, hadn't you?

18 A. Oh, yes.

19 Q. You had this stroke, and you have
had

20 some other health problems, haven't you?

21 A. Well, yes, I had three heart
attacks

22 that year, too.

23 Q. What heart attacks did you have
that

24 year? When did you have those heart attacks?

25 A. At the end of June that year.

1 Q. Okay.

2 A. And then one 14 days after that,
it
3 was about the second week or so, of July, and then
4 another one in August.

5 Q. Okay.

6 A. Pretty much one after another it
7 seemed like.

8 Q. Okay. And you buried your
brother, I
9 think, just three days before this incident; is that
10 right?

11 A. That's right, on June 3rd I
buried my
12 baby brother.

13 Q. And you were pretty close to him,
14 weren't you?

15 A. Very close.

16 Q. Okay. And that had upset you
quite a
17 bit, hadn't it.

18 A. Yes.

19 Q. Okay. And, were you on any
medication

20 at the time this happened from your stroke?

21 A. Blood thinners. Numerous, I had
to

22 take quite a bit of medicine.

23 Q. What all types of medication did
you

24 take?

25 A. Well, an antidepressant, and
then, of

Sandra M. Halsey, CSR, Official Court Reporter

4215

1 course, blood thinners, and there were some cardiac
meds

2 that I had to take. And, that was -- when I say
3 numerous, I'm thinking numerous in dollar value. It
was

4 about sixteen hundred a month.

5 Q. A whole lot of medication?

6 A. A lot of money for it, yeah.

7 Q. What type of antidepressants were
you
8 taking?

9 A. Trazadone.

10 Q. Okay.

11

12 THE COURT: Could you spell that
for

13 me, please, ma'am, if you know how?

14 THE WITNESS: T-R-A-Z-A-D-O-N-E.

15 THE COURT: Okay.

16 MR. TOBY SHOOK: I believe that's
all

17 we have, Judge.

18 MR. DOUGLAS D. MULDER: We have
19 nothing further.

20 THE COURT: May this witness be
21 excused, gentlemen?

22 MR. DOUGLAS D. MULDER: Yes, sir.

23 THE COURT: All right. Be

careful

24 stepping down there.

25 MR. DOUGLAS D. MULDER: Her
husband is

Sandra M. Halsey, CSR, Official Court Reporter

4216

1 down here too. I assume that he can be excused as
well?

2 THE COURT: Yes. All right. You
are

3 free to go back to Dallas, or wherever you see fit.

4 Just watch your step going off of
5 there, please.

6 THE WITNESS: Thank you.

7 THE COURT: All right. Your next
8 witness.

9 MR. DOUGLAS D. MULDER: Yes, sir.

Let

10 me see if I can find that witness, your Honor. I
believe

11 they have just stepped out.

12 THE COURT: All right. Well,
let's

13 take a 10 minute break. All right.

14

15 (Whereupon, a short

16 Recess was

taken,

17 After which

time,

18 The proceedings

were

19 Resumed on the
record,

20 In the presence
and

21 Hearing of the
defendant

22 And the jury, as
follows:)

23

24 THE COURT: All right. Are both
sides

25 ready to bring the jury back in, and resume with the

Sandra M. Halsey, CSR, Official Court Reporter

4217

1 trial?

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

3 is ready.

4 MR. DOUGLAS D. MULDER: Yes, sir,
we

5 have our witness here now. We're ready to proceed.

6 THE COURT: All right. Bring the
jury

7 in, please.

8

9 (Whereupon, the jury
10 Was returned to

the

11 Courtroom, and

the

12 Proceedings

were

13 Resumed on the

record,

14 In open court, in

the

15 Presence and

hearing

16 Of the defendant,

17 As follows:)

18

19

THE COURT: All

right. Let the record

20 reflect that all parties in the trial

are present and the

21 jury is seated.

22

Your next witness,

Mr. Mulder.

23

MR. DOUGLAS D.

MULDER: I thought she

24 was coming right in.

25

THE COURT: Ma'am,

if you will raise

Sandra M. Halsey, CSR, Official
Court Reporter

4218

1 your right hand, please.

2

3 (Whereupon, the
witness

4 Was duly sworn by
the

5 Court, to speak the
truth,

6 The whole truth and

7 Nothing but the truth,

8 After which, the

9 Proceedings
were

10 Resumed as
follows:

11

12 THE COURT: Do you solemnly swear
or

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

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

15 help you God?

16 THE WITNESS: I do.

17 THE COURT: All right. If you
will

18 have a seat right here please, ma'am.

19 THE WITNESS: Okay.

20 THE COURT: Is this your first
time to

21 testify?

22 THE WITNESS: Yes, sir.

23 THE COURT: Okay. Ma'am, you are
24 under the Rule of Evidence now. That simply means,

that

25 when you are not testifying, you have to remain
outside

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4219

1 the courtroom, and don't talk about your testimony
with

2 anybody who has testified. In other words, don't
compare

3 it.

4 You may talk to the attorneys for
5 either side, but if someone tries to talk to you
about

6 your testimony, tell the attorney for the side who
called

7 you.

8 THE WITNESS: Okay.

9 THE COURT: If you will state your
10 name and spell your last name for the court
reporter,

11 please.

12 THE WITNESS: My name is Sarilda
13 Routier. S-A-R-I-L-D-A.

14 THE COURT: Now, ma'am, you are
going

15 to have to continue to speak loudly enough so that
the

16 gentlemen and the lady down there in the far corner
of

17 the jury box can hear you, okay?

18 THE WITNESS: Um-hum. (Witness

19 nodding head affirmatively.)

20 THE COURT: Okay. Speak right
into

21 that microphone. Go ahead, please.

22 THE WITNESS: Okay. Sarilda
Routier.

23 Did you get that? Sarilda Routier. S-A-R-I-L-D-A,
and

24 R-O-U-T-I-E-R.

25

1 Whereupon,

2

3

SARILDA ROUTIER,

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. DOUGLAS D. MULDER:

14 Q. Are you Sarilda Routier?

15 A. Yes, sir.

16 Q. And would you tell the jury where
you

17 live, please?

18 A. I live in Lubbock, Texas, at 5104
19th

19 in Lubbock.

20 Q. Okay. And, have you lived there a
21 good part of your adult life?

22 A. I have lived there all of my life
23 except two years when my husband was in the service.

24 Q. When was that?

25 A. We got married in '64, we lived in

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1 Dallas from 1964 to 1968 then we moved to Lubbock.

2 Q. Okay. Do you have children?

3 A. Yes, sir.

4 Q. How many children do you have?

5 A. I have three children. I have

Darin

6 is my oldest, he is 29. Deon, who is 27, and Arenda,
who

7 is 21.

8 Q. Okay. Are your children married?

9 A. All of them are married now.

10 Q. Okay. And, where do they live?

11 A. Darin lives in Rowlett, and

Deon, he

12 has been going to college all this time, he has
just

13 recently moved to Plano, Texas, which is in the
Dallas

14 area, and Arenda lives in Lubbock.

15 Q. Okay. What business are you and
your

16 husband in?

17 A. We own a machine shop. It is
called R

18 and R Repair and Machine.

19 Q. Okay.

20 A. We have had it for 26 years.

21 Q. Is it basically your husband
operates

22 it, does he?

23 A. Yes, we started the business, it
was

24 because my maiden name was Raper, R-A-P-E-R, and it
was

25 Raper and Routier. Initials, R and R. My father
died in

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1 1987, so we're sole proprietors now, we were a
2 partnership.

3 Q. You have been called here to
testify

4 as regards to Darlie Routier. How long have you
known

5 Darlie?

6 A. They have been married eight
years. I

7 have known her 10 or 11 years. To tell you the
truth, I

8 can't tell you exactly, but a long time.

9 Q. Do you know her well?

10 A. Well --

11 Q. How many grandchildren did you
have?

12 A. Well, I had four.

13 Q. Okay.

14 A. I have two other grandsons.

15 Q. Okay.

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

18 Q. And what are their ages?

19 A. Well, we had Devon, who wanted to
be

20 considered 7, and Damon who was 5, and Drake --

well, I

21 have to -- well, Deon and Dana have a little boy
named

22 Dillon. Dillon will be 3. He is 2 and a half. And
I

23 have Drake, who is about 15 or 16 months old.

24 Q. All right. So you have two
surviving

25 grandchildren?

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1 A. Two surviving, um-hum. (Witness
2 nodding head affirmatively.)

3 Q. And one grandchild by your son,
Darin?

4 A. Yes, and one by Deon.

5 Q. And one by Deon?

6 A. Yes.

7 Q. What was your relationship, Ms.
8 Routier, with your grandchildren? Did you see them
9 often?

10 A. I saw them often. As much as you
can
11 with them living in Dallas. You know, when you
live, I
12 mean, Lubbock is 350 miles. Okay? And -- but I did
get
13 to see them often.

14 They came to us -- we never were
away
15 from each other on the holidays, and so, either they
came
16 to us, or I came to them.

17 I also do a lot of shopping at
market,

18 and so, I came with girlfriends, for sometimes day

trips,

19 or two night trips. Plus, I was always there when
the
20 babies were born. Darlie and I do lots of shopping.
She
21 is truthfully my daughter-in-law. She is really a
girl
22 friend of mine. I mean, we're real friends. So I
spent
23 a lot of time in their home.

24 Q. Would you talk to your daughter-
in-law
25 and your son, and your grandchildren on the phone

1 frequently?

2 A. Oh, yes, we have 10-811, ten
cents a
3 minute, and to be truthful with you, we was talking
more
4 and enjoying it lots. I talk to Darlie an hour or
two a
5 week, and Darin. Sometimes they would say, you know,
one
6 saying that I was doing all of the talking to one,
and
7 then they would talk, and then sometimes I would
speak to
8 both of them in the same day.

9 I hardly went a week that I didn't
10 talk to them on the phone.

11 Q. Do you feel like you know your
12 daughter-in-law well?

13 A. I most certainly do.

14 Q. Can you tell the jury what type of
15 mother she was to your grandchildren?

16 A. Darlie is the daughter-in-law that
17 everyone would love to have. Okay? You should all
get
18 to have her.

1 close. Darin is very -- is a very loving person. He
is
2 very affectionate. He shows his affection. He
kisses me

3 on lips. Deon doesn't do that.

4 Deon loves me, but you know, they
are

5 two different personalities. And she allowed it.

And I

6 appreciate that. I have seen that in my friends, who
7 didn't have that.

8 I have friends who have

9 daughter-in-laws that are jealous of the
relationship.

10 She was never jealous of our relationship. Well, she
11 loved me too. Why would she be in any way
jealous of

12 Darin's relationship, when she felt the same
away.

13 Q. Okay. She has been described as
14 selfish and materialistic, self centered. Do you
agree

15 with that?

16 A. I most certainly do not.

17 Materialistic. Well, materialistic can mean

different

18 things to different people. Darlie likes nice
things, I

19 like nice things --

20 Q. Do you know anybody who doesn't?

21 A. Well, I don't know. We like nice
22 things, but we buy it on sale.

23 Q. Okay.

24 A. Well, I mean, it's the truth.

25 Q. Okay.

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1 A. Well, I mean, as far as
materialistic,

2 I mean, Darlie liked nice things, and Darin liked
nice
3 things, and they bought it honestly, with their own
4 money. I don't see anything wrong with that.

5 Q. They worked hard, didn't they?

6 A. They worked hard. They had lots
of
7 guts, and they are successful because of his guts.

Darin

8 is really a mixture of me and daddy, of his father.

He

9 is not quite as boisterous maybe as I, but he is not
as
10 quiet and reserved as his father. He is a wonderful
mix,

11 and he has turned out awesome.

12 He found a wonderful mate, and
13 together they have worked hard, and made every dime
of
14 that money themselves.

15 Q. Did they take good care of your
16 grandbabies?

17 A. Well, Darlie is -- you know,

Darlie is

18 not going to deny them anything. She is going to --
if

19 she has a dollar in her pocket, and they wanted a
candy

20 bar, well now, grand-mommy thought, well, they really
21 didn't need that. But Darlie just couldn't deny them
22 anything, and that is the truth.

23 Q. Tell the jury what those
grandchildren

24 meant to you?

25 A. Well, I'm sure everybody has
grandkids

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1 I hope that you do. Okay? You know, your first
2 grandchild is very important. Not that those others
3 aren't, but Devon looks just like Darin. He has
4 freckles, which I hated my freckles, I didn't
particular
5 care for his either. But, it was like a little
Darin.
6 You know, grandbabies, you know, if you don't have a
7 grandbaby, grandbabies are something that you didn't
give
8 birth to, but you have got that wonderful feeling,
you
9 know, it's really neat, it's a wonderful, wonderful
10 feeling. Somebody -- I don't have them any more, and
I
11 have not really come to terms with that. I put it
12 somewhere, because when you do really think about
that we
13 don't have Devon and Damon any more, it is so
unbearable
14 that, I start to throw up. So you have to just put
it
15 somewhere, and our main emphasis right now is
getting
16 Darlie home, and getting this mess straightened

out.

17 This awful mess.

18 Q. Did you see her at the
hospital?

19 A. I sure did.

20 Q. Did you think her grief was
21 appropriate?

22 A. I would be ashamed if I was
anybody to

23 say that wasn't appropriate. I don't know where

24 people -- number 1, I am offended by anybody saying
that

25 it was not there. But if you saw it, and we're not

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1 talking about a choice here, of somebody saying what
is
2 appropriate, and what is not appropriate.

3 It sounds to me like, from reading
the
4 papers, they are saying that it was inappropriate. I
was
5 there and it was appropriate at every step.

6 I mean, ask me. What times are we
7 talking about? Every time it was appropriate. I
have

8 thought back over this. I mean, you know, this is
my
9 grandbabies. I have another grandbaby. I have
Drake.

10 I, in no way, shape, form or fashion intend to have
Drake
11 put in any kind of jeopardy. Okay?

12 I mean, you know, I seen all this,
I
13 mean, from what bits and pieces I got, from frantic
14 friends and neighbors, I guess you could say that is
how
15 I have gotten my information.

16 Q. Have you read the newspapers, and
kept

17 up with the --

18 A. Well, Lubbock has really been very
19 kind toward me. This is Darin and Darlie's home, and
20 they have kind of considered that trash, and they
have

21 repeated very little, very little. So I got the
Dallas

22 Morning News, and I have heard that it was on the
front

23 page, and this and that.

24

25 MR. GREG DAVIS: I'm sorry, I will

1 object to this. This is extraneous --

2 THE COURT: Sustained. Sustain
the
3 objection.

4 Ma'am, just testify -- just listen
to
5 the question.

6

7 BY MR. DOUGLAS D. MULDER:

8 Q. Have you kept up with, and are you
9 aware of the evidence in this case? You have talked
to
10 me, haven't you?

11 A. Yes, sir.

12 Q. Are you aware of the evidence in
this
13 case?

14 A. Yes, I am, I am aware of
everything
15 that I know of any way.

16 Q. Do you believe that Darlie killed
her
17 sons?

18

19 MR. GREG DAVIS: I'll object to
that.

20 It's not relevant.

21 THE COURT: Sustained. Let's move
on.

22

23 BY MR. DOUGLAS D. MULDER:

24 Q. Do you know who killed your
25 grandchildren?

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1 A. I have no idea.

2 Q. Would you be here if you had any
doubt

3 in her whatsoever?

4 A. I would not.

5

6 MR. GREG DAVIS: We would object
to

7 that again, and ask that the Court instruct the jury
to

8 disregard that last comment.

9 THE COURT: The jury is
instructed to

10 disregard the last comment.

11

12 BY MR. DOUGLAS D. MULDER:

13 Q. Is she capable of all of this?

14

15 MR. GREG DAVIS: I object again.

16 THE COURT: All right. Gentlemen,

17 let's ask her the right questions. Ma'am, just
listen to

18 the questions, and answer it as briefly and to the
point

19 as you can, please.

20 THE WITNESS: Okay. What was the
21 question again? I only heard the objection.

22

23 BY MR. DOUGLAS D. MULDER:

24 Q. I asked you if she was capable of

this

25 and --

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1

2

MR. GREG DAVIS: And to that, I do

3

object.

4

THE COURT: Sustained. Let's move

on.

5

Next question.

6

MR. DOUGLAS D. MULDER: We will

pass

7

the witness.

8

They will have some questions for

you.

9

MR. GREG DAVIS: Ms. Routier, I'm

10 sorry that you had to come down here. I know that
you

11 loved your two grandchildren, and I certainly have

no

12 questions for you.

13

Thank you.

14

THE COURT: Thank you, ma'am.

You may

15

step down. Let's watch your step going off of

their.

16

THE WITNESS: Can I take this

water

17

with me?

18

THE COURT: Oh, yes, by all

means,

19 take it with you. Go ahead.

20 All right. And by agreement

this

21 witness will be excused.

22 Your next witness.

23 MR. DOUGLAS D. MULDER: Judge,

we're

24 waiting on Mr. Patterson.

25 THE COURT: All right. Ladies
and

1 gentlemen of the jury, can you step out briefly
please?

2 Thank you.

3

4 (Whereupon, a short

5 Recess was
taken,

6 After which
time,

7 The proceedings were

8 Resumed on the
record,

9 In the presence and
10 Hearing of the
defendant

11 And the jury, as
follows:

12

13 THE COURT: All right. Are both
sides

14 ready to bring the jury back in and resume the trial?

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

16 is ready.

17 MR. DOUGLAS D. MULDER: Yes, sir,
the

18 defense is ready.

19 THE COURT: All right. Bring the
jury

20 back in, please.

21

22 (Whereupon, the jury

23 Was returned to

the

24 Courtroom, and

the

25 Proceedings

were

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1
record,

Resumed on the

2
the

In open court, in

3
hearing

Presence and

4

Of the defendant,

5

As follows:)

6

7

THE COURT: All right. Sir,

raise

8 your right hand, please.

9

10

(Whereupon, the witness

11

Was duly sworn by the

12

Court, to speak the

truth,

13

The whole truth and

14

Nothing but the truth,

15

After which, the

16

Proceedings were

17

Resumed as follows:

18

19

THE COURT: Do you solemnly swear

or

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

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

22 help you God?

23 THE WITNESS: I do.

24 THE COURT: All right. Now sir,

you

25 are under the Rule of Evidence. That simply means
that

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1 when you are not testifying you have to remain
outside of

2 the courtroom. Don't talk about your testimony with
3 anybody who has testified, in other words, don't
compare

4 it.

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

7 testimony, tell the attorney for the side who called
you.

8 Please state your name and spell
your

9 last name for the court reporter, please.

10 THE WITNESS: Darin, D-A-R-I-N,
11 Routier, R-O-U-T-I-E-R.

12 THE COURT: All right, go ahead
13 please.

14

15

16 Whereupon,

17

18 DARIN ROUTIER,

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, testified in
open

23 court, as follows:

24

25

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1 DIRECT EXAMINATION

2 BY MR. DOUGLAS D. MULDER:

3 Q. Mr. Routier, what age man are you?

4 A. I'm 29.

5 Q. Where were you born and raised?

6 A. Lubbock, Texas.

7 Q. Okay.

8 A. Raised in Lubbock, Texas.

9 Q. Your parents, what are your
parents

10 names?

11 A. Leonard and Sarilda Routier.

12 Q. And where do they live at this
time?

13 A. They live in Lubbock, Texas.

14 Q. Did you grow up there?

15 A. Yes, sir, I did.

16 Q. Okay.

17 A. I left there when I was 18.

18 Q. Pardon?

19 A. I left there when I was 18.

20 Q. Okay. You graduated from high
school

21 there?

22 A. Yes, sir.

23 Q. Okay. And, what high school did

you

24 attend, Darin?

25 A. Lubbock and Cooper.

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1 Q. Did you play any sports?
2 A. Yes, sir.
3 Q. What sports did you play?
4 A. Football, basketball, track.
5 Q. Okay.
6 A. Weight lifting.
7 Q. Did you work while were you in
school?
8 A. Yes, sir, I have been working
since I
9 was 14.
10 Q. Okay. Tell the jury what sort of
work
11 you did when you were 14?
12 A. Well, I started out as a
dishwasher,
13 and when I left Western Sizzler in Lubbock, when I
left,
14 I was the manager of the restaurant.
15 Q. Okay. And, how old were you at
that
16 time?
17 A. I was 18.
18 Q. Okay. And, I'll ask you if in the
19 course of your years there in Lubbock, you had
occasion

20 to meet Darlie, your wife?

21 A. Yes, sir, I met her on Mother's
Day,

22 12 years ago.

23 Q. Okay. And what were the
circumstances

24 under which you met her?

25 A. Her mother worked with me at the

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1 restaurant. She was a waitress, and I was a fry
cooker

2 and assistant manager.

3 And, she kept telling me how
beautiful

4 her daughter was, and I was like, yeah, yeah, yeah,
you

5 know, every mother's daughter is beautiful. And she
came

6 in on Mother's Day, and just blew me away.

7 Q. Okay. Y'all began to date, I
guess?

8 A. Yes, sir, we did.

9 Q. All right. And after you
graduated at

10 age 18, you moved, did you?

11 A. Yes, sir, I moved to Dallas.

12 Q. Okay. And what was your purpose
in

13 moving to Dallas?

14 A. To get a higher education. I went
to

15 technical school, called Video Technical Institute.

I

16 took electronics.

17 Q. Okay. And how long did that take

to

18 matriculate there?

19 A. Well, it was 14 months, and I went

to

20 school eight hours a day, six days a week.

21 Q. Did you also work?

22 A. Yes, sir, I worked full time, the

23 whole time.

24 Q. All right. So --

25 A. I took a job making four bucks an

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1 hour, so that I could finish school. We started out
with

2 112 people in my class and 12 of us graduated.

3 Q. Okay. What did you do when you
4 graduated?

5 A. I got my first job working at a
6 company called Cuplex, in Garland, Texas.

7 Q. What size business is that?

8 A. They have about four hundred
9 employees. And, they do roughly about 72 million
dollars

10 a year, manufacturing printed circuit boards.

11 Q. Manufacturing what?

12 A. Printed circuit boards.

13 Q. Okay. Now, about what time --
what

14 year is it that you went to work for Cuplex?

15 A. I believe it was in '87.

16 Q. And, had you and Darlie continued
your

17 relationship?

18 A. Yes, sir, we got married in '89,
19 and --

20 Q. What were the circumstances -- do
you

21 remember when you got engaged?

22 A. Yes, we got engaged, actually my

23 senior year in high school. And we got engaged in

24 Purgatory, Colorado, and --

25 Q. Out there on a ski trip?

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1 A. Yes, sir, with the whole family.

2 Q. Okay.

3 A. In March.

4 Q. Are you talking about your family?

5 A. Yes, sir.

6 Q. You have a brother and a sister?

7 A. Yes, sir, I have a brother that
has

8 moved to Plano, and he is in telecommunications, and
also

9 a poli-sci major from Texas Tech University, in
Lubbock.

10 And, my sister is a home nurse.

11 Q. All
right.

12 A. She is
21.

13 Q. Okay. And, when did you and
Darlie

14 get married?

15 A. August 27th.

16 Q. Of what year?

17 A. '89.

18 Q. Were you working at that
time?

19 A. Yes, sir, I have always
worked.

20 Q. Okay. Where were you working at
that
21 time?

22 A. We were both working at Cuplex.

23 Q. Okay. And, what were your duties
and
24 responsibilities there at Cuplex?

25 A. I was a test engineer. I worked
in

1 the electrical test department. And, actually they
2 pretty much let me do whatever I wanted to do,
because I
3 loved being there, and so I would put in, between 75
to
4 80 hours a week.

5 Q. Okay. Now, where were you and
Darlie
6 living while were you working -- while were you both
7 working at Cuplex?

8 A. We were living off of Chaha Road,
9 which is real near Rowlett. It's actually in
Garland,
10 but it's in a little peninsula, right off the lake.
We
11 were living in a little one bedroom apartment.

12 Q. Okay. And, I'll ask you, if a
year or
13 so after you were married, if you had a child?

14 A. Yes, sir, we did. We had Devon.

15 Q. Okay. And, do you recall when he
was
16 born?

17 A. June 14th.

18 Q. Where were you living at that

time?

19 A. Well, we were living in the
apartment,
20 and we had started looking for houses. And, the
21 apartment complexes were around 750 to 800 dollars a
22 month, and we had decided that, even though we were
young
23 that we could buy our first house.

24 So, we were looking and looking,
and
25 Devon was born actually two days after we had closed
on

1 our first house.

2 Q. Okay. And when Darlie came home
from

3 the hospital, did you move into your new house, or
did

4 you have a short delay?

5 A. We had a delay, because we were
6 painting the house, trying to get it ready to bring
7 Darlie and the baby home and, you know, we didn't
want

8 either one of them to be exposed to any of the
fumes or

9 anything in the house. So we had a little bit of a
10 delay. Probably about four or five days was all.

11 Q. Okay. Where was that first
house

12 located, Darin?

13 A. It was on Bond Street in
Rowlett.

14 Q. Okay.

15 A. About two and a half miles from
the

16 house that we --

17 Q. Now, while you were working for
18 Cuplex, did you have an occasion to go into business

for

19 yourself?

20 A. Actually I didn't want to be

21 self-employed. My parents and grandparents and
everyone

22 in my family have been self-employed without
retirement,

23 and I wanted to go to work for a company, and work
for

24 you know, 25 or 30 years, you know, the American
dream of

25 being able to retire at 55. Me and Darlie both
have

1 always done everything very young, and always very
high

2 achievers. But I knew that I could never make the
kind

3 of money that I really felt like that I deserved
unless I

4 did become self-employed.

5 Q. Okay. Did you start your own
6 business?

7 A. Yes, sir, I did.

8 Q. Okay. And what business were you
in?

9 A. Well, basically the same thing I
was
10 doing at Cuplex, except for I was doing it for myself
and
11 I was doing it for other printed circuit board shops
12 around the United States.

13 Q. Okay.

14 A. We started out real small working
in
15 the apartment. Making little receptacles that a wire
was
16 attached. We would hand crimp, you know, these
little

17 parts together and we were making a pretty good
profit

18 doing it that way. And even when Darlie was
pregnant

19 with Devon, we would sit there on the couch and watch
TV,

20 and we would crimp these little parts.

21 Q. Okay. Were you doing that in
22 competition with Cuplex or did you do that with --

23 A. No, I was selling them to Cuplex.
So

24 while I was still working there, I was still able to
25 start a business and they were very encouraging.
They

1 are both from Lubbock, Texas. They encouraged me
to kind
2 of go out on my own, but they knew that I had a
family
3 that I had built and that I needed the benefits of
having
4 the insurance and the benefits of working for a
larger
5 company.

6 Q. Okay. So you were encouraged by
the
7 owners of Cuplex?

8 A. Yes, sir, I was.

9 Q. Okay. And that is a privately
owned
10 business, is it not, Cuplex?

11 A. Yes, sir.

12 Q. Okay. You said they are from
Lubbock,
13 the primary -- the principals in that business?

14 A. Yes, sir, Mr. Jeff Reino and Ron
15 Reino, they were both from Lubbock, they both
graduated

16 from Texas Tech University. They both had kids at
Texas

17 Tech University, and they also both worked at T.I.

until

18 it shut down, and then they went off into their own
19 business.

20 Q. Okay. And how long did you
continue

21 working your business out of your house, the
business

22 that you started and working for Cuplex?

23 A. About a year and a half. I
continued

24 to work for them while I had my own business.

25 I started my business in
December of

1 '89. And, I guess it was about '91 whenever we
decided

2 to go ahead and -- that I was making enough money
to be

3 able to not have to worry about Cuplex as a backup.

4 Q. Okay. So you left Cuplex at that
5 time?

6 A. Yes, sir.

7 Q. And had Darlie left sometime
before

8 that?

9 A. Actually, Darlie fell while she
was at

10 Cuplex. They have a lot of chemicals and a lot of
things

11 on the floor, and she had slipped, and they gave her
12 about a three month leave of absence, prior to that.

13 Q. Okay.

14 A. So she didn't have to work, and
then

15 she worked for me from then on.

16 Q. Okay.

17 A. We worked together.

18 Q. Okay. When was it that your
business

19 had grown to the extent that you were able to move

your

20 business out of your home?

21 A. About four years ago, probably the

end

22 of '92 or '93.

23 Q. Would that be after your second

child

24 was born?

25 A. Yes, sir.

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1 Q. Okay. And when was your second
child,

2 Damon, born?

3 A. He was born in '91, February.

4 Q. Okay. And, where did you move
your

5 business when you moved it out of your residence?

6 A. I moved it off of Main Street,
right

7 there -- there is a Main Street that goes right
downtown

8 Rowlett, and we had got our own little building, and
we

9 had purchased a lot of equipment to go in that.
Prior to

10 that, all we had, basically, was a lot of hand tools
and

11 a lot of things in the garage.

12 Q. Okay.

13 A. So that is kind of where we
started,

14 and then we got into purchasing some large
equipment.

15 Q. And did you, in fact, purchase
some

16 large equipment?

17 A. Yes, I did.

18 Q. Okay. Did you move it into your
19 business?

20 A. Yes, sir.

21 Q. Okay. Did your business grow and
22 continue to prosper?

23 A. Yes, sir, it always has.

24 Q. Okay. You started out with how
many
25 customers?

1 A. We started out with one.

2 Q. All right. And it grew to how
many?

3 A. I have got over 20 now.

4 Q. Okay. Can you give the jury some
idea

5 of how much money you were taking in, in 1995?

6

7 MR. DOUGLAS D. MULDER: What was
my

8 next number?

9 MR. PRESTON DOUGLASS, JR: 77.

10 THE COURT REPORTER: We already
have a

11 77.

12 MR. PRESTON DOUGLASS, JR.: I
don't

13 see number 77. I think we have 76-A.

14 MR. DOUGLAS D. MULDER: I'll just
go

15 ahead and mark it 77.

16

17 (Whereupon, the following

18 mentioned item was

19 marked for

20 identification only

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

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1

2 BY MR. DOUGLAS D. MULDER:

3

4 Q. Let me hand you what has been
marked

5 for identification and record purposes as
Defendant's

6 Exhibit No. 77. And, I'll ask you to look that over
and

7 tell me whether or not that is a copy of your 1995
8 federal tax return.

9 A. Yes, sir, this is the short
version.

10 Q. Okay. Well, it doesn't have all
of

11 the depreciations and things like that in it, but
it's

12 just the --

13 A. Right.

14 Q. It gives the basic amounts, does
it

15 not?

16 A. Right. The gross income was two
17 hundred sixty-four thousand, and twenty-two dollars.

18 Q. Okay.

19 A. That is a good year.

20 Q. Okay. And in 1995; is that
correct?

21 A. Yes, sir.

22 Q. And did you find -- do you know
how
23 much your expenses were?

24 A. Well, I know my profit range is
25 roughly 40 percent.

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21
22
23
24
25

For all purposes,
After which time, the
Proceedings were resumed
As follows:

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. DOUGLAS D. MULDER:

2 Q. Now, Darin, by 1995 did you have
the

3 majority of your equipment paid for, in your
business?

4 A. Yes, sir.

5 Q. Okay. And, in the year of 1995,
did

6 you add equipment? Did you add, for example, a
laptop

7 computer?

8 A. Yes, sir.

9 Q. All right. Did you add forty-
four

10 hundred dollars of miscellaneous equipment, and
some

11 Proto-line software, in the amount of five
hundred

12 dollars, and a computer and printer to the tune
of

13 forty-seven hundred and thirty-six dollars,
making a

14 total of equipment that you added in 1995 of
eleven

15 thousand, one hundred and thirty-six dollars?

16 A. Yes, sir, that is correct.
17
18 (Whereupon, the following
19 mentioned item was
20 marked for
21 identification only as
22 Defendant's Exhibit No. 77-A
23 after which time the
24 proceedings were
25 resumed on the record

Sandra M. Halsey, CSR, Official Court Reporter

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1 in open court, as
2 follows:)

3

4 BY MR. DOUGLAS D. MULDER:

5 Q. Okay. And that is -- that
equipment

6 is listed in Defendant's Exhibits 77-A, which shows
all

7 of your depreciation schedules and things of that
nature,

8 doesn't it?

9 A. Yes, sir.

10 Q. It's just the long version of 77?

11 A. Yes, sir.

12 Q. Okay. Now, you had -- how many
13 employees in your business?

14 A. I have one full time, myself,
Darlie

15 and then I would add on some contract laborers as I
16 needed them, depending on how the flow was coming
17 through.

18 Q. All right. Who was your full
time

19 employee?

20 A. Barbara Jovell.

21 Q. Is she the one also known as

Basia?

22

A. Basia, yes, sir.

23

Q. Okay. And how long has she work

for

24 you?

25

A. Four years.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. All right. Where had you met
her?

2 A. At Cuplex.

3 Q. Okay. And how long had she
worked at

4 Cuplex?

5 A. She was there for 12 to 14 years
6 before me, so --

7 Q. All right. Had she been
terminated at

8 Cuplex?

9 A. Yes, sir.

10 Q. All right. And, after she had
left

11 Cuplex, had she been terminated at her next place of
12 employment?

13 A. Yes, sir. She doesn't get along
with

14 people very well.

15 Q. All right. She got along with
you?

16 A. Yes, sir.

17 Q. Okay. You were in the office and
she

18 did a lot of the testing?

19 A. Yes, sir she did.

20 Q. And you did testing as well?

21 A. Yes, sir.

22 Q. And Darlie did?

23 A. Yes, sir.

24 Q. You didn't depend on Ms. Jovell

to

25 sell your services to other companies?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. No, sir, that was my job.

2 Q. All right. And you didn't depend
on

3 Ms. Jovell to do your books, or handle your accounts
4 receivable, or --

5

6 MR. GREG DAVIS: Your Honor, I'm
going

7 to object to this as being leading. If the witness
could

8 please just testify.

9 MR. DOUGLAS D. MULDER: Did you -

-

10 THE COURT: Sustained. Please,
11 rephrase your question.

12 MR. DOUGLAS D. MULDER: Yes, sir.

13

14 BY MR. DOUGLAS D. MULDER:

15 Q. Did you count on Ms. Jovell to do
your

16 accounting and to keep your books, and --

17 A. No, sir, she doesn't know -- she
18 didn't write or read very well.

19 Q. Okay. She is from Poland, isn't
she?

20 A. Yes, sir.

21

Q. Okay.

22

her.

A. But I don't hold that against

23

assume?

Q. Well, she was a good worker, I

24

A. She was a very good worker.

25

Q. And, you got along with her?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yes, sir, I tried.

2 Q. Were you about the only one that
3 could?

4 A. At times, yes.

5 Q. Okay.

6 A. She is very demanding.

7 Q. I'll ask you if, as you
progressed in

8 business and your business prospered, if she became
9 somewhat jealous of Darlie?

10 A. Well, I think the fact that
because

11 Darlie had a new baby, and, you know, we were mainly
12 taking up the slack and I was taking over a lot of
things

13 that Darlie was doing at the shop, because she was
14 spending time with the baby. I think she was a
little

15 bit jealous because of the fact, that of course, my
16 income went up, and I was trying to balance things
out,

17 to where -- I think she felt a lot of times that she
18 deserved to be making as much money as I did. And I
can

19 kind of understand that, but at the same time, I'm

the

20 one who is taking all of the financial risks, and

it's

21 kind of hard to understand, unless you are self-
employed,

22 to understand how that -- kind of how it all works.

But

23 I did pay her ten dollars an hour, and I thought at
that

24 point, that was fair.

25 Q. Well, that was a raise for her
from

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1 what she had been making, wasn't it?

2 A. Yes, sir, that is the highest pay
she

3 has ever gotten.

4 Q. Okay. During the year of 1995
you had

5 acquired some -- you bought a boat, did you?

6 A. Yes, I did.

7 Q. All right. And you bought a --
did

8 you have to pay anything down on the boat?

9 A. No.

10 Q. Just signed the note?

11 A. Yeah, I just signed the note.

12 Q. Okay. And do you recall
approximately

13 how much that was per month?

14 A. It was about three hundred and
15 forty-two dollars or something like that.

16 Q. Okay.

17 A. I'm not exactly sure, but it was
in

18 the rough range of three hundred and forty to three
19 hundred and fifty dollars.

20 Q. Okay. And you had bought a car

that

21 you drove, a Jaguar, had you not?

22 A. Yes, sir, I had an '86 Jaguar.

23 Q. All right. And how were you

paying

24 for that?

25 A. No, I paid cash for that.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. All right. Was that an expensive
car,

2 or how much did you pay for it? Do you remember?

3 A. I paid ten thousand, eight
hundred

4 dollars for it.

5 Q. Okay. So that was paid for?

6 A. Yes, sir.

7 Q. All right. When had you bought
the

8 home at 5801 Eagle Drive?

9 A. Oh, it's been four years ago, in
'92,

10 the end of '92 or '93.

11 Q. Okay. Do you remember
approximately

12 how much you paid for that home?

13 A. Well, with upgrades and
everything, it

14 was roughly around one hundred and thirty-one
thousand.

15 Q. Okay. And, had you put some
money

16 into it?

17 A. Oh, yes, sir.

18 Q. Okay. Had you done a lot of the

work

19 on it yourself?

20 A. I redid the stairs. I put
hardwood

21 floors upstairs. I did the ceramic tile, the vinyl
tile.

22 We had done all of the curtains, I had taken all the
old

23 stairs out and put hardwood floors going all the way
up

24 it.

25 Q. Did you do that work yourself?

1 A. Yes, sir, I did all of the work
2 myself.

3 Q. Okay.

4 A. It's kind of a hobby.

5 Q. Okay. And Darlie helped you?

6 A. Yes, sir.

7 Q. But you didn't have to pay
someone to

8 come in and do that work?

9 A. No, I did it all.

10 Q. Okay.

11 A. I did have somebody come in and
show

12 me how to put the hardwood floors down, but once he
got

13 me started, I could do the rest.

14 Q. Okay. Darin, how did you pay
15 yourself? Monthly, or every other week, or weekly?

16 A. Well, I just kind of -- a lot of
the

17 aspects that I put into my business, was what me and
18 Basia were both used to, and that was getting paid
on

19 every Friday. So, I would pay myself either a
thousand,

20 or up to fifteen hundred dollars a week, depending

on,

21 you know, what bills I had coming up, for that
particular

22 month.

23 Q. Okay. The work that you did on
your

24 house, approximately how much was that, when you
put in

25 hardwood floors, and the ceramic tiles, and things
like

Sandra M. Halsey, CSR, Official Court Reporter

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1 that?

2 A. In materials?

3 Q. Yes.

4 A. I really couldn't even tell you.

5 Q. Did you pay cash for that or pay
for

6 that as you when along?

7 A. Yes, most of it -- actually, it
took

8 us a little over a year and a half to pay for the
9 curtains that we had done in one of the rooms. So,
we

10 would just kind of -- it's like paying a credit
card,

11 except, for we were paying these people that were
going

12 to do to work for us, so that we would not have to
use

13 any credit or borrow any money to do it.

14 Q. Okay.

15 A. I think the materials for the
hardwood

16 floor, in one room, were like twelve or thirteen
hundred

17 dollars, and I would save up, and save up, and then

we

18 would have the money to go and get those materials.

19 Q. All right. Now, when was your
third

20 son, Drake, born?

21 A. He was born in October.

22 Q. Of 1995?

23 A. Yes, sir.

24 Q. Okay. Sometime after Drake was

born,

25 did you notice that Darlie was -- had the blues to
some

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1 degree?

2 A. She did for a couple days.

3 Q. Okay.

4 A. But soon after, she got right over
it.

5 Q. All right. And, did that concern
you

6 at all?

7 A. Not really.

8 Q. Okay.

9 A. I mean, you kind of have to
understand

10 what the circumstances was. I was kind of getting in

11 a -- I, myself, was even kind of getting into a
little

12 bit of a lazy mode. It was the beginning of the
summer.

13 I have this real bad habit about wanting to sleep
late.

14 I like to stay up. I worked the second shift for
about

15 four years. So, my day kind of doesn't get started
until

16 about noon.

17 Q. Okay.

18 A. So --

19 Q. What time do your packages get
there

20 from UPS?

21 A. Well, they don't get there until
10:00

22 o'clock, so my day really doesn't start until 10:00.

23 Q. Okay. Well, how does your work
come

24 in?

25 A. It all comes in from out of state.

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1 And then --

2 Q. Does it come by mail?

3 A. Yes, UPS, Fed Ex, you know,

Priority

4 One. We get a lot of our packages in. I don't have
very

5 many local customers any more. So, most of our stuff

--

6 we get a lot of things from Houston.

7 Q. Okay. It comes from out of town?

8 A. Yes, sir.

9 Q. Now, let me direct your attention,
10 Darin, to May 3rd, of 1996. I'll ask you if you were
at

11 work and Darlie called?

12 A. Yes, sir.

13 Q. Okay. And do you recall the date
that

14 I'm talking about?

15 A. I didn't realize what day it was.

16 Q. All right. Did Darlie call you,
and

17 as a result of her phone call, did you go home?

18 A. Yes, sir, I did.

19 Q. All right. And, what did you find

20 when you went home?

21 A. Darlie was laying on the bed, and
the

22 baby was in the crib, and she was crying, and she was
23 writing into a journal.

24 Q. All right. And, was that a -- was
she
25 writing into the journal a note, or a letter that has

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1 since been called by some as a suicide note?

2 A. I personally never read the
letter, so

3 I don't really know. I mean, that was her private
diary,

4 and I can respect the fact that a woman has a diary,
and

5 that she can write into it whatever she wants.

6 Q. All right. Did you have a
discussion

7 with Darlie when you got home?

8 A. Yes, we did.

9 Q. Okay. And, tell the jury what
your

10 discussion was, and how you happened to go home?

11 A. Well, she -- she called me at
work,

12 and she called me about 2:30 or 3:00 o'clock, and I
was

13 really busy at work, and she said that --

14 Q. Could you tell from the tone of
here

15 voice that --

16 A. That she was blue.

17 Q. All right.

18 A. I mean, it's not unusual for
somebody
19 to -- but it's really unusual for her to tell me
that,
20 you know, that she needs me home, that, "I need you
to
21 come home and help me with the kids."
22 Q. Well, did you go home?
23 A. Yes, sir, I did.
24 Q. And when you got there she was
there
25 on the bed, writing into her journal?

1 A. She was writing into her journal,
and
2 she was crying, and I went over to the bed with her,
and
3 I asked her what was wrong, and she just said that
she,
4 you know, was just really feeling bad.

5 Q. Why was she upset and why was she
6 feeling bad?

7 A. I don't exactly really know, but
I do
8 know that she had been breast feeding the baby, and
she
9 had quit breast feeding him.

10 Q. Well, Drake was now, what, eight
or
11 nine months old?

12 A. No, he wasn't that old. She quit
13 breast feeding Drake when he was about four months
old.

14 So, I don't know, it was just, kind of, one of those
15 situations where a husband
knows when his wife is telling
16 him that -- you know, "I need
you to come home."

1 little while, and then --

2 Q. What was
said?

3 A. -- that was
it.

4 Q. What did y'all talk about?

5 A. We just talked about the fact that
she

6 said that she needed me to spend more time with the
kids.

7 That she needed me not to be so concerned about
working

8 so much.

9 That she did not want me to be
like my

10 father and be a workaholic, because my father works
from

11 the time he wakes up, until the time he goes to bed.

12 And, I was kind of leading down
that

13 same path, and that is what she was mainly concerned
14 about. That I need to spend more time, you know,
being

15 able to play ball, and being able to, you know, do
the

16 fun things, which a lot of that came with the boat,
you

17 know, and taking them snow skiing, and things like
that.

18 So --

19 Q. Okay. Did she have any pills that
she

20 was going to take at that time?

21 A. I think she had some sleeping
pills,

22 but I don't know if she was really going to take them
or

23 not.

24 Q. Did you think she was serious
about

25 committing suicide?

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1 A. No. If she was, I would have
gotten

2 her help. I wouldn't have hesitated.

3 Q. Did you stay home with her the
next

4 day or go to work?

5 A. I went on to work.

6 Q. Okay. And, any more --

7 A. We had a long -- we had a good,
long,

8 hard, cry, and then that seemed to -- the next day
was a

9 whole new day, and everything was fine.

10 Q. Okay. Did she seem to perk up?

11 A. Oh, very much so. In about two
days,

12 I know she had her first menstrual cycle that she
hadn't

13 had in over a year.

14 Q. All right. And did that --

15 A. That seemed to release everything
that

16 was -- seemed to be bothering her.

17 Q. Was she her old self again?

18 A. Yes, sir.

19 Q. Was she generally upbeat?

20 A. Yeah, she takes care of a lot of
21 things around the house. She is usually very on top
of
22 everything. And, you know, she loves all the
children
23 and all of the kids in the neighborhood, and they
all
24 love her. As a matter of fact, they are wanting to
be
25 here really bad.

1 Q. Now, what was her relationship
with
2 your sons?

3 A. The most loving, caring woman I
have
4 ever seen. She was the caretaker. The person who
took
5 care of the kids. Made sure that they got bathed,
and
6 they got fed. She loved them with all of her
heart.

7 They were -- our whole lives revolved around those
8 babies. And that --

9 Q. You took them on trips, and did
things
10 with them on the weekends, and did things with them
at
11 night?

12 A. Yes. Every -- for the last seven
13 years we went to Vietnamese, which is a Vietnamese
14 restaurant, and we would take them to a dollar movie.
We
15 could all go out for about 12 dollars, and I mean,
just
16 have a blast.

1 enjoyed -- they behaved. Every time we went to the
2 movies, because they had been going to the movies
ever
3 since they were, you know, babies, you know, ever
since
4 they were in the little car seat.

5 Q. Okay. I'm going to direct your
6 attention to Wednesday, June 5th of 1996. And I'll
ask
7 you if you went to work that morning?

8 A. Yes, sir, I did.

9 Q. All right. And did you drive
your
10 car or did you drive Darlie's car?

11 A. My car was in the shop, my
Jaguar had
12 broke down the day before.

13 Q. All right. What happened to
the
14 Jaguar?

15 A. Oh, something was wrong with
the
16 transmission. It ended up being a little three
dollar
17 hose.

18 Q. Okay. And, so you left your

home that

19 morning, and you went to work in her Nissan
Pathfinder?

20 A. Yes, sir.

21 Q. Okay. And you worked all day,
did

22 you?

23 A. Yes, sir, I did.

24 Q. Okay. About what time did you

finish

25 work?

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Reporter

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1 A. Right around 5:30.

2 Q. All right. And, did you come
directly

3 home or did you go somewhere or what?

4 A. No, actually Dana was with me,
5 Darlie's sister. And, we came straight home. I
was

6 bringing her home, because she didn't have a car
yet.

7 Q. Okay. Had Basia left before
you did?

8 Left work before you did?

9 A. Yes, sir. She leaves at five
o'clock

10 right on the dot.

11 Q. Okay. And, was her mother
working

12 there at y'all's house?

13 A. Yes, sir.

14 Q. Helping Darlie out?

15 A. Yes, she had only been working
there a

16 couple of days.

17 Q. All right. And, when you
arrived

18 home, was Basia and her mother still there?

19 A. Yes, sir, they were. They were
parked

20 where I normally park my truck.

21 Q. Okay.

22 A. Right in front of the house.

23 Q. Well, why did you park your --

are you

24 talking about the Nissan Pathfinder?

25 A. Yeah, we live on a cul de sac,
and a

 Sandra M. Halsey, CSR, Official Court
Reporter

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1 lot of kids, including mine, would run back and
forth

2 across the cul de sac, and a lot of people were
always

3 concerned, and asking me why did I park my truck
there,

4 wasn't I afraid that somebody was going hit my
truck.

5 And, I'm like, "I would rather
them

6 hit my truck than to hit my kids."

7 Q. Okay.

8 A. And, I always parked the truck
9 right out in front, just because -- just for that
reason.

10 Q. Where -- I'm showing you what's
been

11 marked and admitted into evidence as State's Exhibit
No.

12 8. Would you show the jury where you would park
your

13 truck?

14 A. Right there on the front.

15 Q. All right.

16 A. Right there by the mailbox.

17 Q. All right.

18 A. See, it would slow people down as
they

19 came around this corner.

20 Q. All right.

21 A. Sometimes people are going around
this

22 corner going forty miles an hour, because that was a
wide

23 turn.

24 Q. Okay. And that is the reason

that you

25 parked there?

1 A. Yes, sir.

2 Q. Okay. You said Basia was there?

3 A. Yes, sir, she was parked in the
place

4 that I normally park my car, so I parked on the
side,

5 about where that white car is.

6 Q. Okay. And I'll ask you, if, as
you

7 parked your vehicle, you noticed a black car that
was

8 driving as you -- what you --

9 A. A black car came behind me, it
came
10 around the corner.

11 Q. At an excessive rate?

12 A. Yes, sir, probably 30 to 35
miles an
13 hour.

14 Q. Okay. And, you thought that was
too
15 fast for the circumstances?

16 A. Yes, sir, I always think it's
too fast
17 when it's around my house.

18 Q. Okay. When you went into the

house,

19 did you say anything to Darlie, or did y'all

discuss the

20 black car?

21 A. Well, she said something about

the

22 fact that Helena had seen it, and they were looking

into

23 our garage. And, I heard it, but I didn't really

listen

24 to it, you know, just kind of -- might have been

either

25 into kind of a hectic moment, or, I just really
didn't

1 even think twice about it.

2 Q. Okay. Had you talked to a
neighbor

3 approximately one week earlier, about a black car,
that

4 was parked in that turn, where they were surveilling
your

5 house?

6 A. Yes, sir, Karen, across the
street,

7 told me that the car was --

8

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

10 to that as being hearsay.

11 THE COURT: Sustained. Sir, just
12 testify to what you actually know.

13 MR. DOUGLAS D. MULDER: You can't
14 testify as to what Karen --

15 THE COURT: Just a minute. Not
what

16 anybody else said. Is that clear?

17 THE WITNESS: Okay.

18 THE COURT: All right. Go ahead.

19

20 BY MR. DOUGLAS D. MULDER:

21 Q. Did you talk with Karen about a
black

22 car?

23 A. Yes, sir, I did.

24 Q. Okay. Now, was that approximately
25 seven or eight days before June the 6th?

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1 A. Yes, sir.

2 Q. Okay. Now when you arrived home,
3 where were the boys?

4 A. They were outside playing, riding
5 their bikes out on the street.

6 Q. Okay. And --

7 A. On the sidewalk, they were not
allowed

8 to ride their bikes on the street.

9 Q. Okay. And, were they called in,
or

10 what did you do in preparation for supper that
evening?

11 A. We called them in, and they both
put

12 their bikes back up in the garage, and we came in,
and we

13 ate chicken noodle soup, and Darlie had made homemade
14 bread, when Helena was there, and, Helena was going

to

15 teach Darlie some new dishes from Poland.

16 Q. Okay. Basia and Helena had gone;
had

17 they not?

18 A. Yes. They left as soon as I drove
up.

19 Q. Okay. So, who was there to eat
super

20 with y'all?

21 A. Me and Darlie, and both of the
boys,

22 and the baby, and Dana, Darlie's sister.

23 Q. Okay. What happened after y'all
24 finished supper that evening?

25 A. Well, I went outside. We were
talking

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1 about -- see, we had this little Pomeranian dog, and
we
2 had bred him the day before, and he was really pretty
3 hyper. And she had asked me to go out, and asked me
if I
4 would fix the fence, because the kids were going in
and
5 out of it, and it was real hard to kick, and it was
6 dragging the sidewalk.

7 And so, I went out, and I got all
of
8 my tools out of my shed, and I cut it, and I shaved
it
9 off a little bit, so that I could make the fence fit
the
10 latch better.

11 Prior to that, we always just
had,
12 like a big old bag of mulch just thrown up against
the
13 side of it, to keep the dogs from being able to go,
but a
14 little dog like that, he can get through a hole
this big.

15 (Witness indicating.)

16 Q. Okay.

17 A. So, I was trying to get the back
yard

18 ready, to be able to put the dog back there.

19 Q. Okay. All right. And, what did
you

20 do, after -- were you successful in getting the
gate

21 fixed?

22 A. Yes, sir, I got the latch all
lined

23 back up, and I got it to where the gate would swing
back

24 and forth, without dragging.

25 Q. Okay. It would swing back and
forth,

1 so that you wouldn't have to push it with your
foot?

2 A. Yes, sir.

3 Q. Okay. What did do you next?

4 A. Well, I came inside, and we
played

5 around on the floor a little bit, and I played with
the

6 baby.

7 The reason why, like I was
saying

8 before, the hardwood floor is upstairs, and the tile
9 floors -- when you have a six month old baby, you
can't

10 have a baby running around on a hard floor when he is
11 crawling.

12 So, all of a sudden, this room
that we

13 had downstairs, we called it the Roman room. And,
that

14 was kind of a place where the baby could crawl around
on

15 the carpet, and the boys could lay out on the floor,
and

16 it wasn't kind of -- you know, it wasn't hard, and

you

17 didn't have to sit up on the furniture or anything.

18 So, that is kind of the main

reason

19 why we were using that room so much.

20 Q. Okay. Played with the baby for a

21 while?

22 A. Played with the baby for a little

23 while.

24 Q. Okay.

25 A. And, we just talked and kind of

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1 visited a little bit, and then I took Dana home, at
about

2 9:30.

3 Q. Did you have occasion to work in
the

4 garage at all?

5 A. Yeah. We had been talking, I
guess

6 after supper, about the fact that we were possibly
going

7 to have a garage sale, but we were not sure if we
were

8 going the have it before we went to Pennsylvania,
because

9 we were supposed to go to Pennsylvania on the 14th.

10 So, we were out in the garage, and
we

11 were kind of -- had been separating it. We had a lot
of

12 stuff to sell, we had a lot of junk, and a lot of
stuff

13 that we wanted to keep.

14 And, we wanted to be able to
separate

15 what we were going to keep, and what we wanted to try

to

16 sell. And, Darlie was working on trying to get the
tags

17 and everything made up, so that we could kind of get
rid

18 of some of that stuff.

19 Q. All right. How were you arranging
the

20 stuff in the garage?

21 A. Well, we were just putting what we
22 wanted to keep on one side, and what we wanted to get
rid

23 of on the other.

24 Q. Okay. Was the garage door up or
down?

25 A. The garage door was up while we
were

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1 working, and I kind of -- Darlie had worked on it for
a
2 while, earlier in the week, and then, I was kind of
going
3 through it, to see what she was going to sell, that I
4 probably wanted to keep.

5 So, I was going out there to make
sure
6 that I was going to be able to kind of hold some of
my
7 stuff back, and at least hide it.

8 Q. Okay.

9 A. So, but you know, it was real hot.
I
10 mean, it seemed like it was in that garage, it seemed
11 like it was about 106 or 108 degrees. It was
extremely
12 hot.

13 Q. Okay. Were the windows up or
down?

14 A. One of windows was up, probably
six
15 inches -- six to eight inches over by the cat cage.
And,
16 we had kind of talked about getting into breeding

cats,

17 and I had bought Darlie two cats for Christmas.

18 Q. Darlie was an animal lover, wasn't
19 she?

20 A. She has a lot of animals. She
still

21 does. They are out at the farm.

22 Q. Okay. Anyway you talked about
getting

23 into the cat breeding business?

24 A. Right. And I had built this cage,
25 that was huge, I mean, it's probably four foot by

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1 probably seven feet tall, and I had built it --
actually

2 Julie -- y'all met Julie, she is a big animal person
too,

3 and so she kind of told me how, actually, me and her
4 worked on it quite a bit.

5 But we made it where it was bi-
level

6 so we could have one cat on the top, and one cat on
the

7 bottom. And we made it so that we could -- when they
had

8 their babies, we could secure them down in the
bottom,

9 and we were going to put lamps and everything inside
of

10 them to keep them warm, and --

11 But we had this cat, this black
cat,

12 that was -- he is just really a weird cat. He has
got

13 fur about that long. (Witness indicating.)

14 And, his name is Bear. And he is
a

15 full-blooded Persian. And that cat didn't like
nobody.

16 I mean, the kids wouldn't come around that cat for
17 nothing. I mean, he would just hiss at you, like he
was
18 going to come out of that cage any minute.

19 Q. Okay. Was he kept in the garage
when

20 it --

21 A. He was kept in the garage, and
Darlie
22 ended up going and buying another cage to put inside
of
23 the house, because it was cruelty to that cat, to be
24 stuck out there in the garage, when it's a hundred
25 degrees, and it was probably 120 degrees on his
skin,

1 because it was so hot out there. And --

2 Q. So the cat stayed inside?

3 A. We ended up bringing the cat in.

She

4 went and bought another cat cage, and we had it
inside

5 the house.

6 Q. Okay.

7 A. So that it could get some air
8 conditioning.

9 Q. Okay. Do you know how close the
10 screens -- you said on the one window, the window
was up?

11 A. No, the window was down. No, it
was
12 within six inches from being closed.

13 Q. All right. And how close was the
14 window to the screen itself?

15 A. Probably an inch.

16 Q. Okay. Now, when you went inside,
17 after you had finished your sorting there in the
garage,

18 you went inside, did you?

19 A. Yes, sir, I did.

20 Q. And, was the window still up six
21 inches or so?

22 A. Yeah, I didn't put the window
back

23 down.

24 Q. Okay. And you came inside, and
about

25 what time was that, as best you recall, Darin?

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1 A. Well, I remember I took Dana home
2 right around 9:30.

3 Q. All right. So it would have been
4 dark?

5 A. Yeah, I'm sure it was.

6 Q. Okay. With all of that stuff in
the
7 garage, could you keep your car in the garage?

8 A. No. Our garage was cram packed
full.

9 Q. All right. Where would you keep
the
10 Jaguar parked?

11 A. Around the back. Outside.

12 Q. Okay

13 A. Just in the driveway.

14 Q. All right. So if someone wanted
to
15 know whether or not you were there or not, they
could

16 drive by and see whether or not your Jaguar was
there?

17 A. They could see my car from the
street.

18 Q. Okay. But your car was never

parked

19 in the garage itself?

20 A. No, sir.

21 Q. And Darlie's car -- she always
drove

22 the Pathfinder; didn't she?

23 A. Yes, sir.

24 Q. Okay. She didn't like to drive
the
25 Jaguar, did she?

1 A. No, she hated the Jag.

2 Q. Okay.

3 A. She was always afraid it would
break
4 down on her.

5 Q. All right. About what time did
you
6 return from taking Dana home?

7 A. Oh, about 10:15 or so.

8 Q. Okay. And was -- what was Darlie
9 doing when you got home?

10 A. She was watching TV. She was --
laid
11 down on the couch downstairs, and Devon was asleep
in
12 front of the big screen TV.

13 Q. You say Devon was asleep in front
of
14 the big screen TV?

15 A. Yes, Devon was asleep in front of
--
16 yeah, the big screen TV.

17 Q. Okay.

18 A. And Damon was kind of curled up,
with

19 one -- we had a little black kitty about this big,
and,

20 he was kind of curled up, right next to Damon on a
21 blanket. But Damon was still kind of awake.

22 Q. Okay. And the TV was on?

23 A. Yes, the TV was on, and she was
24 watching something on HBO.

25 Q. Okay. Where was the baby?

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1 A. The baby was asleep on Darlie's
chest.

2 Q. Okay.

3 A. And he was kind of -- not sleeping
4 real, real good, so you had to be -- I was going to
take

5 him back upstairs, and I went and got a bottle, and
then

6 I took him from Darlie, and then I went upstairs and
I

7 watched the news for a little while. And I held him
in

8 the rocking chair, and I watched TV for a little
while in

9 the TV room.

10 Q. Okay. Would he make noises at
night?

11 A. Yeah, he would grunt. Do you know
12 what that is? (Witness demonstrates noise.) He
would

13 grunt, he would kind of get in the blankets, and he
would

14 wiggle, and you know, make the whole bed shake. He
would

15 get really restless with all of those blankets and

stuff

16 around him, and the little animals -- the stuffed
animals

17 and things that were in the crib.

18 Q. Did he like to sleep under
blankets?

19 A. Yes, sir.

20 Q. I mean, with his head under the
21 blanket as well.

22 A. Yeah, that is how you got him to
go to

23 sleep. He had to be in complete darkness. He is
still

24 like that.

25 Q. You mean right now?

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1 A. Yes, sir.

2 Q. Okay.

3 A. Actually now he kicks them off a
4 little more than what he used to, but he is a lot
bigger

5 than he was then too.

6 Q. He was a big boy back then, wasn't
he?

7 A. Yeah. All of my boys were big.

8 Q. All right. But, back in June he
9 weighed 18 pounds, didn't he?

10 A. Yes, about 18 pounds.

11 Q. And he would only be eight or
nine

12 months old?

13 A. Yes, sir, and he also had four
teeth

14 when he was -- you know -- all my boys were almost
born

15 with teeth. You know, a full head of hair, and
were

16 cutting teeth, almost from the time they were born.

17 Q. Was he -- was Drake pulling
himself up

18 at that age?

19 A. Yes, sir, that is the reason why
he
20 was -- he was really unbalanced, you know. You
watch a
21 little kid, especially going through that time, he
would
22 very easily grab a hold of something, and pull
himself
23 up.
24 We always were kind of told by
some of
25 the doctors -- well, see, my oldest son, Devon, he

1 started walking at six months and that is really
early.

2 That is way too early.

3 And, they were afraid that his
feet

4 would start to turn in or out, and he walked before
he

5 could crawl, and so they told us to put some shoes
on

6 him, and get him to where he would stay on the
floor.

7 And so, we were kind of afraid
that

8 Drake was going to be that way too, because he is
very

9 physically -- he is very strong.

10 Q. Okay.

11 A. Stronger than he probably should
be.

12 Q. All right. How long did it take
you

13 to -- once you got him upstairs and put him in his
crib,

14 and gave him his bottle; how long did it take you to
get

15 him down and asleep?

16 A. Probably 30 -- 30 minutes or so.

I

17 watched the news. Darlie doesn't like to watch the
news.

18 So, I watched the news up there with him for a little

19 while, and I finally got him to go to sleep. I put
him

20 in his crib, and put his blankets on him, and he
finally

21 went to sleep, and then I went back downstairs.

22 Q. All right.

23 A. And I talked to Darlie for a
little

24 while.

25 Q. Okay. Were the boys asleep by
that

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1 time?

2 A. Yes. Damon had fallen asleep.

They

3 had played pretty hard all day.

4 Q. Okay.

5 A. Riding their bikes and roller
blading,

6 and all of that.

7 Q. Okay.

8 A. Everybody knows who has kids knows
9 that the garage is kind of a toy box for kids. I
mean,

10 you raise the garage door up in the morning and
that's

11 where all of their toys are. So, they had bicycles,
and

12 roller blades, and all of their toys and all of
their

13 balls, and all of that stuff in the garage.

14 Q. Okay. You came back downstairs?

15 A. Yes, sir.

16 Q. And, did you visit with Darlie?

17 A. Yeah, we talked about our
upcoming

18 trips. Things that we had planned that were coming

up

19 that next week.

20 Q. What did you have coming up?

21 A. Well, the 14th we were supposed
to go

22 to Pennsylvania.

23 Q. Had you already purchased your

24 tickets?

25 A. Yes, sir, we did. We purchased

married?

16 A. Oh, I knew you would ask me
that.

17 Q. That fall?

18 A. Well, if -- let's see, it was
probably

19 the 26th.

20 Q. Of August?

21 A. Yeah.

22 Q. Okay. Were your boys, Devon and
23 Damon, to be --

24 A. Ringbearers. Yeah, they were
going to

25 be ringbearers and --

1 Q. Was Darlie making anything?

2 A. Yeah, she was making the pillows
for
3 them that they were going to carry.

4 Q. Did y'all talk about that?

5 A. And on mine and Darlie's 10th
6 anniversary, we're having a -- we're going to get
7 remarried.

8 Q. Okay. Did you discuss that?

9 A. Yes, sir, we did.

10 Q. Okay. Did you discuss -- there's
been

11 some talk that you had sixty-four dollars in the
bank.

12 Could you carry off all of this stuff with sixty-
four
13 dollars in the bank?

14 A. No, sir.

15 Q. Well, what --

16 A. Well, I had roughly seventy-
eight

17 hundred dollars in my business account. So, that
just

18 means that Friday hadn't come, and I hadn't paid
myself

19 yet.

20 Q. Okay. How much did you have at
that

21 time in accounts receivable in your business?

22 A. Between 18 to 20 thousand.

23 Q. Okay. So you had about eight
thousand

24 in your business account?

25 A. Yes, sir.

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1 Q. And, another twenty thousand on
the
2 books?

3 A. Yes, sir.

4 Q. So you had close to thirty
thousand,
5 access to it if you wanted it?

6 A. I had plenty of money.

7 Q. Okay. All right.

8 A. We were talking about what we were
9 going to have to do, and what plans we were going to
have

10 to make for me to be gone. Normally we always take
two

11 vacations every year. We take one on our
anniversary, as

12 a gift to each other. And then we take another one.

13 Q. How long are you usually --

14 A. For our anniversary we're only
gone

15 for the weekend.

16 Q. All right.

17 A. I mean, sometimes we will take off
18 like late Thursday night, and take a Friday, Saturday
and

19 Sunday, and back Sunday night. So, I can't usually

take

20 off -- if I'm not working -- people do business with
me,

21 because of me, not because of what I do.

22 Q. Okay. Do you have contracts with
the

23 people that you do business with?

24 A. No, sir. I do everything on a
25 handshake.

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1 Q. Okay. You ever have trouble
2 collecting the money from them?

3 A. No, sir. Well, sometimes, just a
4 little bit.

5 Q. Well, they might be slow, but you
know
6 you are going to get it?

7 A. Right. I usually look at it as I
8 don't like people to beg money from me, and so, I
don't

9 want to beg them giving money to me, and so I don't
like
10 to ask them for work, and then come right back, and
say,

11 "But I need get paid."

12 I do a lot of work for a lot of
big
13 companies, Lockheed, NASA, McDonnell Douglas. We do
14 stuff for the Air Force, we do stuff for the Army.
We do
15 stuff for everybody.

16 So, just because they are slow
pay,
17 doesn't mean that you are not going to get paid.

18 Q. All right. And that 18 to 20

thousand

19 that was on the books at that time, have you since
20 collected that?

21 A. Yes, sir, plus some.

22 Q. Okay. So, how long did you talk
with

23 Darlie, when you came back downstairs after you put
Drake

24 in the crib?

25 A. Well, we talked until about
midnight

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1 and, kind of talked about a lot of different things,
the
2 things we were going to have to plan. And then, I
was
3 going to go up and check on him and he (sic) said --
she
4 asked me if I would go up and get her a blanket and a
5 pillow, and so I did.

6 Q. Okay.

7 A. And I came back down.

8 Q. What sort of pillow did you get
for
9 her?

10 A. It's a maroon pillow with little
green
11 diamonds on it, and gold trim. It matches our
comforter
12 that --

13 Q. Okay.

14

15 MR. DOUGLAS D. MULDER: Do you
know

16 where that pillow is?

17 THE COURT REPORTER: In that box
back

18 there.

19

20 BY MR. DOUGLAS D. MULDER:

21 Q. Let me show you what's been marked
for

22 identification and record purposes somewhere as

23 Defendant's Exhibit No. 53-A. And I'll ask you if
you

24 recognize that?

25 A. That is the pillow I brought down
to

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1 Darlie.

2 Q. All right. And brought a blanket
with

3 that, did you?

4 A. Yes, sir.

5 Q. Okay. And did you continue to
visit

6 with her?

7 A. Yeah, we talked until I went up to
bed

8 at 1:00 o'clock.

9 Q. Do you remember how she was
dressed at

10 that time?

11 A. She was wearing like a white
Victoria

12 Secret, long, kind of a shirt, like a big over night
13 shirt and panties.

14 Q. All right. And, she had had that
15 Victoria Secret shirt for some time, had she?

16 A. Well, I don't think -- it was
fairly

17 new.

18 Q. It had been washed, I guess?

19 A. I guess.

20 Q. Okay. About what time, as best
you

21 recall, Darin, did you go upstairs to bed?

22 A. At 1:00 o'clock.

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

24 you got up there?

25 A. Well, I checked on the baby and
made

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1 sure he was okay, and I covered him back up, and I
laid
2 there for a little while, and I couldn't go to sleep,
and
3 so, I turned on the TV for a little while, and
probably
4 watched TV for about 10 minutes, and then I went to
5 sleep.

6 Q. Okay.

7

8 MR. DOUGLAS D. MULDER: Judge, I'm
9 getting ready to get into a situation that I would
rather
10 not be interrupted on.

11 THE COURT: Well, that's fine.

I'm

12 all for that. Let's just keep on going.

13 All right. The jury is okay

14 break-wise?

15 All right.

16 MR. DOUGLAS D. MULDER: Okay.

17 THE COURT: Proceed on, as we say

in

18 Texas.

19 MR. DOUGLAS D. MULDER: All right.

20

21 BY MR. DOUGLAS D. MULDER:

22 Q. When is the next thing that you
heard

23 something of an unusual nature, Darin?

24 A. The very first thing I hear is the
25 glass break. And then, I hear Darlie screaming, I
mean

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1 screaming so loud you wouldn't believe it.

2 Q. All right. What did do you?

3 A. I jumped up, and I put on my
glasses,

4 and I put my pants on, and I ran down the stairs as
fast

5 as I could.

6 Q. Okay. What did you find when you
got

7 downstairs?

8 A. Darlie was at the bottom of the
9 stairs, and I ran into the room, and while I was
running

10 down the stairs, I was thinking that the coffee table
had

11 tipped over, and fallen on Devon, because she was
12 screaming, "Devon, Devon, Devon."

13 Q. Okay. What happened next?

14 A. I ran over to Devon, and I ran
over

15 around the back of him, and I looked down in his
chest,

16 and he had these great big, huge gashes in his chest,
and

17 I was looking for the glass, and I was like -- where
is

18 the glass? I mean, I knew where they were when I
went to
19 sleep. And, the blood -- the blood wasn't very -- I
20 mean, there wasn't very much blood. The blood didn't
21 bother me, he had these huge gashes in his chest.

Darlie

22 is screaming, and I'm screaming, and I mean, we're
just
23 freaking out.

24

25 THE COURT: Sir. Ma'am, if
anybody in

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1 the courtroom -- if this testimony is too emotional,
2 please leave.

3 Anybody care to leave? Let's not
have

4 any disturbance, please.

5 Thank you. You may continue.

6

7 BY MR. DOUGLAS D. MULDER:

8 Q. Yes, sir. What did do you when
you

9 saw Devon there, near the glass table?

10 A. Well, the first thing I did was, I
was

11 looking for any glass that could have been -- fallen,
or

12 broken, or went into him, and I couldn't see anything
and

13 I was --

14 Q. Where was the table?

15 A. The table was completely down. It
was

16 fallen. The flowers had completely fallen off of the
17 table.

18 Q. All right. The table wasn't
sitting

19 slightly askew, and on its base?

20 A. No, it wasn't on its base, it was
21 completely down to the ground.

22 Q. Okay. What, if anything, did you
do?

23 A. The very first thing I did was I
was
24 patting him on the face, and I remember when I looked
at
25 him, and he looked like he was 12 years old.

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1 Q. He looked like he had aged five
years?

2 Is that right?

3 A. Yes, sir.

4 Q. What, if anything, did you do?

5 A. The very first thing I did was,
try to

6 give him CPR. And the very first thing I did was, I
put

7 my hand over his nose, and I blew into his mouth, and

8 when I did, this blood just splattered all over my
face,

9 and was blowing air right through him.

10 Q. Where was Darlie?

11 A. Darlie was running back and forth,
12 from the kitchen, over to Damon, and then she came
over

13 to Devon. And she was going "Oh, my God, he is
dead."

14 Q. What was she doing in the
kitchen?

15 A. Getting towels.

16 Q. Wet towels?

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

19 Q. Brought them to you?

20 A. Yes, sir.

21 Q. Where -- how many times did you
blow

22 into Devon's mouth?

23 A. I blew into his mouth about --
at

24 least two or three times.

25 Q. Where was she when you were
blowing

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1 into his mouth?

2 A. Right over the top of him.

3 Q. What was she doing?

4 A. She was trying to stop the
bleeding.

5 She was trying to hold his chest together.

6 Q. Have you had courses in CPR?

7 A. I have had seven years.

8 Q. So, you know what you are doing?

9 A. Yes, sir. I knew not to blow
too

10 hard, and I kept blowing, and I kept trying to hold
his

11 chest closed, and then Darlie was holding one of
them

12 closed, and when I knew that I couldn't get air into
him,

13 I knew he had three minutes, I knew that he had just
14 died.

15 Q. Did you ever try to blow into the
16 holes in his chest?

17 A. I blew straight -- I blew
straight

18 into his chest, and when I did, blood came out of
his

19 mouth.

20 Q. Okay. What did you do next?

21 A. I knew that I couldn't do
anything for

22 him.

23 Q. Did y'all attend to Damon?

24 A. Yes, sir, we did.

25 Q. Okay.

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1 A. I went over to Damon, and I got
up
2 from Devon, and I looked up at Darlie, and I didn't
even
3 see the cuts on her neck. And I looked at her, and
it
4 was just this look, this contact that we had, just
this
5 immediate contact. She didn't have to ask me
nothing,
6 and I didn't have to ask her nothing.

7 Q. Was she on the phone?

8 A. Yes, sir, she had the phone in
her
9 hand.

10 Q. Was she talking to 911?

11 A. I suppose that is who she was
talking
12 to, yes, sir.

13 Q. Did she continue to get towels
from
14 the kitchen?

15 A. Yes, sir, she kept running back
and
16 forth, back and forth, screaming and hollering.

17 Q. Okay. Did you ever see a police
18 officer?

19 A. I did at one time.

20 Q. All right. Did you see one that
you
21 now know to be David Waddell?

22 A. Yes, sir.

23 Q. Okay. Darin --

24 A. When he walked into the room --

25 Q. Darin, I want you to get a hold
of

1 yourself, and I want you to tell the jury what
David

2 Waddell did when he walked into the room. Did he
take

3 over, and did he start issuing orders about how to
take

4 care of and attend to and render first aid to the
5 children?

6 A. As soon as he walked into the
room, he

7 went -- and he froze, and he did not move.

8 Q. Did he get his gun out?

9 A. No, sir. He didn't do anything.

I

10 kept screaming at him, telling him to help me, and
he

11 wouldn't help me.

12 Q. Was Darlie trying to get him to
go

13 back to the garage?

14 A. Yes, sir, he (sic) was.

15 Q. Did he finally go back into the
16 kitchen?

17 A. He stopped about half way into
the

18 kitchen, then he came back.

19 Q. Would he go back to the garage?

20 A. No, sir, he just stood there like

--

21 Q. Did he get his gun out?

22 A. No, sir.

23 Q. Okay.

24 A. I never saw a gun.

25 Q. Were all three of you in shock?

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1 A. Yes, sir.

2 Q. The police officer included?

3 A. Yes, sir.

4 Q. Did another police officer arrive
on

5 the scene?

6 A. People started piling into the
house

7 after that. I mean, it was chaotic, I mean, it was
8 crazy. I mean, it was flat out people just piling
in, on

9 top of each other, and everybody was screaming, and
10 hollering and yelling.

11 Q. Did you see the paramedics when
they

12 came in?

13 A. Yes, sir, I did.

14 Q. And how about the paramedic that
went

15 first to Devon. Can you tell the jury if he had
anything

16 in his hands?

17 A. Yes, one paramedic had two big
old

18 boxes, like an orange box, and then like a white

box, and

19 he went around the back of the house -- around the
back

20 of the couches, and he was knocking over everything
that

21 was in his sight.

22 Q. Okay. Do you know if he put that
top

23 back up on the --

24 A. Yes, sir, he did. I saw him. He
25 picked it up and got it away from Devon, and was
trying

1 to clear his face.

2 Q. Okay. To work on Devon?

3 A. Yes, sir.

4 Q. That is his job, isn't it?

5 A. That's right. It was a very
small

6 space between where he was laying, and the TV, which
is

7 the side that I was on, and then the side that the
8 paramedic was trying to get on, he was just trying
to

9 clear a space. I don't blame him for that.

10 Q. Okay.

11 A. Our object was to try to get
those

12 boys, and if they were alive, to get them help.

13 Q. Did you, at any time, while you
and

14 Waddell and Darlie were there, before the other
police

15 officers and the paramedics got there, did you ever
see

16 Darlie in close proximity to the vacuum cleaner?

17 A. Yes, sir, I did.

18 Q. And will you tell the jury where

she

19 was, and what she was doing, with respect to this
vacuum

20 cleaner?

21 A. She was standing right beside the

22 vacuum cleaner, and had it in her hand. She was

hanging

23 on to it, like a cane.

24 Q. For support?

25 A. Yes, sir.

1
2 (Whereupon, the following
3 mentioned item was
4 marked for
5 identification only as
6 Defendant's Exhibit No. 78,
7 after which time the
8 proceedings were
9 resumed on the record
10 in open court, as
11 follows:)

12

13 BY MR. DOUGLAS D. MULDER:

14 Q. Let me hand you what has been
marked

15 for identification and record purposes as
Defendant's

16 Exhibit No. 78. Do you recognize that exhibit?

17 A. Yes, sir.

18

19 MR. DOUGLAS D.

MULDER: All right. We

20 will offer into evidence what has
been marked and

21 identified as Defendant's Exhibit
No. 78.

22

23

MR. GREG DAVIS:

No objection.

24

THE COURT:

Defendant's Exhibit 78 is

25 admitted.

Sandra M. Halsey, CSR, Official
Court Reporter

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1
2 (Whereupon, the
items
3 Heretofore
mentioned
4 Were received in evidence as
5 Defendant's Exhibit No. 78
6 For all purposes,
7 After which time, the
8 Proceedings were resumed
9 As follows:)

10

11 BY MR. DOUGLAS D. MULDER:

12 Q. Will you tell the jury where
Darlie

13 was holding on to the vacuum cleaner?

14 A. She was hanging on to the
handle.

15 Q. All right. And, whereabouts in
the

16 room, in the den, or in the kitchen, or
whereabouts in

17 the room?

18 A. Actually right in between. Right
off

19 of the linoleum floor, right where that green rug

would

20 have been setting, if it was not messed up like it
is in

21 that picture.

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

23 marked for identification and record purposes as
State's

24 Exhibit No. 10. And I'll ask you to examine that,
and

25 orient yourself to that exhibit, and see if you can
show

1 the jury, in that diagram, where Darlie was
standing with

2 the vacuum cleaner?

3 A. She was standing right there.

4 Q. All right. Showing you what
has been

5 marked and admitted into evidence as Defendant's
Exhibit

6 No. 78, can you orient the jury with this
exhibit, and

7 tell them -- can y'all see that --

8

9 THE COURT: You might hold it
back a

10 little bit, Mr. Mulder, so that they can see it
at that

11 end.

12

13 BY MR. DOUGLAS D. MULDER:

14 Q. All right. If you would, can
you step

15 down, and show the jury.

16

17 (Whereupon, the witness

18 stepped down from the

19 witness box, and approached
20 the jury rail, for the
21 purpose of further describing
22 the exhibit to the jury.)

23

24 BY MR. DOUGLAS D. MULDER:

25 Q. First of all was the green rug
like

Reporter Sandra M. Halsey, CSR, Official Court

4301

1 that?

2 A. No, sir, the green rug would
go --

3 covered, you can see this green spot. The green
rug

4 would fit right over the top of that.

5

6 THE COURT: Please speak up
loudly,

7 Mr. Routier, Ms. Halsey has to take this down.

8

9 BY MR. DOUGLAS D. MULDER:

10 Q. You can see some discoloration in
this

11 carpet, can you?

12 A. I can see it, yes.

13 Q. Okay. What is that discoloration
14 from? I think you are blocking the jurors right
here.

15 There is discoloration in the
carpet

16 in this area?

17 A. From the dye on the rug.

18 Q. Okay. Has the rug bled through,
into

19 the white carpet?

20 A. (No response.)

21 Q. Darin, has the rug bled through,
into

22 the white carpet, so that you can see where that
carpet

23 was kept?

24 A. Yes, sir

25 Q. Okay. And was that carpet kept
there

1 to cover the green area that it had bled through and
2 discolored?

3 A. Yes, sir.

4 Q. All right. And that was
partially on

5 the carpet, and partially on the linoleum?

6 A. Yes, sir.

7

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

9 to that as being a leading question. Please let the
10 witness --

11 THE COURT: Rephrase your
question,

12 please.

13

14 BY MR. DOUGLAS D. MULDER:

15 Q. Show the jury -- tell jury how
that

16 green carpet was established there?

17 A. You mean here?

18 Q. Yes.

19 A. Well, the carpet would go right
here,

20 right where that green is, and kind of covered it

up,

21 half way between here and here, and laid out
straight.

22 Q. Okay. And where was Darlie
and the

23 vacuum cleaner?

24 A. Darlie was standing right
here, and

25 the vacuum cleaner was just on the other side of
that.

Sandra M. Halsey, CSR, Official Court
Reporter

4303

1 Q. Okay. Did you later on, see
that
2 vacuum cleaner, turned down, either this way, or
the
3 other way, but laying down?

4 A. Yes, sir, I did.

5 Q. Okay. And, did you ever see
the
6 vacuum cleaner off in the kitchen?

7 A. No, sir.

8 Q. Do you know how it got back in
the
9 kitchen?

10 A. I have no idea.

11 Q. Okay. There was a -- there was a
lamp
12 that was -- the lamp shade that was knocked askew.

How
13 did that happen, if you know?

14 A. Well, when the paramedic was
coming

15 through with all of his boxes, there was a small
space

16 between the couch, where that lamp was, and where
the cat

17 cage was. So, it was probably only a space of

about, I

18 don't know, two feet maybe. And he just went right
19 through it, and went right around.

20 Q. Okay. Do you know how many wet
towels

21 Darlie got from the kitchen or the sink area?

22 A. Just guessing about three or four
was

23 what I saw.

24 Q. Okay.
25

1 MR. DOUGLAS D. MULDER: Judge, I
need

2 to look through -- and to find a photograph.

3 THE COURT: Okay.

4

5 BY MR. DOUGLAS D. MULDER:

6 Q. Is there a photograph that shows
the

7 drawers in the kitchen where y'all kept your towels?

8 A. Yes, sir. I mean, I don't --

9 Q. Does it show blood on the --

10 A. Right, when we went back to the
house,

11 it was very obvious, you know, everybody that we
know,

12 knew where those towels were. There were kitchen
towels

13 in the kitchen.

14 Q. All right. Is it apparent where
those

15 towels were coming from?

16 A. No, sir. Oh, is it apparent?

17 Q. Yes.

18 A. Yes, sir.

19 Q. Okay. Is there blood on the towel
20 drawer -- we will find that photograph when we get a

21 break.

22 A. Yes, sir, that is where kitchen
towels

23 belong, is in the kitchen.

24 Q. All right. Do you know how many
trips

25 to and from the sink that Darlie made?

Sandra M. Halsey, CSR, Official Court Reporter

4305

1 A. Just guessing, probably about six
or
2 seven times.

3 Q. Do you know how many towels were
4 spread out there among the boys?

5 A. Oh, I know at least three or four.

6 Q. Okay.

7 A. There was a whole bunch dropped
out of

8 the drawer, and it looked like she had pulled them
out so

9 fast, that she just pushed them all over the kitchen
10 floor.

11 Q. Okay. Did you have occasion, once
the
12 police got there, and the paramedics got there, did
you
13 have occasion to go upstairs, and to check on Drake?

14 A. Yes, sir, I did. Darlie requested
me
15 to.

16 Q. And how was he doing?

17 A. He was doing fine. He was crying.
It

18 was the best thing that I had ever heard.

19 Q. Okay. And was, in your judgment,

was

20 Devon dead by the time the police got there?

21 A. Yes, sir. I checked his pulse, I
22 couldn't get a pulse.

23 Q. All right. And was Damon still
24 hanging on at that time.

25 A. Yes, sir. Damon was laying on his

Sandra M. Halsey, CSR, Official Court Reporter

4306

1 stomach, and he was laying along the wall.

2 Q. Why didn't you roll him over, and
3 start CPR on him?

4 A. Because I was always taught that
if
5 you have a back injury, you are not supposed to roll
them

6 over, because you could make the injuries worse.

7 Q. Okay.

8 A. I tried to see if I could get a
pulse,

9 but I couldn't get anything. But by that time,
people

10 were starting to pile into the house.

11 Q. Devon (sic), was it chaotic?

12 A. Very much so.

13 Q. I mean, is it even possible for
you to

14 express in words, and capture the scene that you were
a

15 witness to, at that time?

16 A. I think you would have to have
17 probably about 15 or 20 people in a room to make that
18 much noise, the way that it was that night.

19 Q. But I mean, are you capable of

20 relating to the jury the chaos that was going on at
that

21 time?

22 A. No, sir.

23 Q. With everybody doing what they

were

24 doing?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter

4307

1 Q. The paramedics came in, and they
are
2 in a hurry?

3 A. Everybody is in a hurry.

4 Q. A lot of people there?

5 A. But it seemed like everybody was
6 moving in slow motion.

7 Q. Did you have occasion to go across
the
8 street to the Neal's house?

9 A. Yes, sir, I did.

10 Q. What was your purpose in going to
the
11 Neal's house?

12 A. To get help. I knew when I saw
the
13 first look on Waddell's face, and I was asking him
to
14 help, I knew that I had to go get somebody to help
me.

15 Q. All right. Did you ultimately
get
16 Karen Neal?

17 A. Yes, sir, I did.

18 Q. She is a nurse, a registered

nurse?

19 A. Yes, sir.

20 Q. And you knew that?

21 A. Yes, sir.

22 Q. Okay.

23 A. She is kind of a neighborhood

mom,

24 like Darlie.

25 Q. Okay. Did Darlie get along well
with

1 the neighborhood children?

2 A. Yes, sir. We had the Nintendo
house.

3 Q. Okay.

4 A. She fed them all, she made sure
that
5 they were all -- we didn't know their parents, but -

-

6

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

8 to this as being non-responsive.

9 THE COURT: Sustained.

10 MR. GREG DAVIS: I don't believe
a

11 question has been asked.

12 THE COURT: Sustained.

13

14 BY MR. DOUGLAS D. MULDER:

15 Q. When you came back from the
Neal's,

16 had Darlie been moved to the front porch?

17 A. Yes, sir, they said that she had
18 passed out inside, and they wouldn't let me back in.

19 Q. All right. And where was she on
the

20 front porch?

21 A. She was right on the front porch.

22 Q. Right where?

23 A. Right in the door frame.

24 Q. All right. Were they attending

to her

25 throat?

Sandra M. Halsey, CSR, Official Court Reporter

4309

1 A. Yes, sir. Well, they were trying
to.

2 Q. Okay. Do you know if Damon had
been

3 removed from the house at that time?

4 A. Yes, sir, I was inside of the
house

5 when they did that.

6 Q. Okay. He was in an ambulance?

7 A. Yes, sir.

8 Q. Had the ambulance left yet for
the

9 hospital?

10 A. No, I think they were there for a
good

11 while.

12 Q. Okay.

13 A. Nobody could tell us where they
were

14 taking them.

15 Q. Okay. Did you help and assist
Darlie,

16 in placing Darlie on a stretcher?

17 A. Yes, I did.

18 Q. Okay. Did you notice, at that
time,

19 whether or not she still had underwear on?

20 A. She said something about her
panties,

21 but I didn't understand what she was talking about.

22 Q. Could you tell whether or not she
had

23 panties or underwear on at that time?

24 A. No.

25 Q. Did she have them on or not?

Sandra M. Halsey, CSR, Official Court Reporter

4310

1 A. No, she didn't have them on.

2 Q. Okay. Was she taken to an
ambulance?

3 A. Yes, sir, she was. She was
stretched
4 out.

5 Q. All right. And, did you get into
the
6 ambulance yourself?

7 A. I tried to, and they kicked me
out,
8 they told me that they had to work, because she was
9 bleeding really bad.

10 Q. And did -- was she subsequently
taken
11 away from there?

12 A. Yes, sir.

13 Q. In the ambulance?

14 A. Yes, sir.

15 Q. Okay.

16 A. She was there for -- it's seemed
like
17 forever, but, guessing, it was probably 10 or 12
minutes
18 or so.

19 Q. Did you go back into the Neal's

house?

20 A. Yes, sir, I did.

21 Q. Okay. And, what was your purpose

in

22 going back into the Neal's house?

23 A. Well, I needed a ride, first of

all,

24 to the hospital, and we didn't know where we were

going,

25 and --

1 Q. How were you dressed when you
went

2 back in the house?

3 A. All I had on was a pair of pants,
4 that's all the clothes I had on. My glasses and a
pair
5 of pants, and I was cold.

6 Q. All right. What did do you in
the

7 Neal's house?

8 A. Terry, he went and got me a T-
shirt,

9 and, I went into the bathroom, and I thought I was
going

10 to throw up.

11 Q. Why is that?

12 A. I guess, just nerves, I guess,
I don't

13 know.

14 Q. Once you were in the bathroom,
did you

15 get cleaned up?

16 A. Yes, sir, I did. I washed all
of the

17 blood off of my face, off of my hands and off of

my

18 mouth, and I had this real iron -- real dry taste
in my

19 mouth.

20 Q. Okay. And you got a towel or a
21 washcloth?

22 A. Yeah, I got a towel and I
washed it

23 off, and I even had some on my back, and on my
shoulder,

24 and on my chest.

25 Q. Okay. In your hair?

Sandra M. Halsey, CSR, Official Court
Reporter

4312

1 A. In my hair. On my glasses, and
on my
2 face.

3 Q. You put on his T-shirt?

4 A. Yes, sir.

5 Q. All right. When you left Terry
Neal's

6 house, did you go back into your residence?

7 A. I did go back into the
residence, but

8 I don't know exactly when I did it. I mean, a lot
of --

9 Q. Did you go back in before you
left for
10 the hospital?

11 A. I went in before I went -- I
went back

12 into the house, after I went and got Terry and
Karen.

13 Q. Okay.

14 A. When Darlie was being put on
the

15 stretcher, I went back through the house. The
police

16 officer was saying something about the screen,

they were

17 saying something about -- and so, I ran back
through the

18 house.

19 Q. How did you go into the house?

20 A. I went through the door.

21 Q. Did you go through the front
door or

22 the back door?

23 A. I went through the front door.

They

24 couldn't have kept me out.

25 Q. Where did you go once you were
in the

Sandra M. Halsey, CSR, Official Court
Reporter

4313

1 front door, where did you go?

2 A. I went around to the dining
room area,

3 I went to the garage, I looked, and I saw the
screen, I

4 turned around, and I walked all the way back
through the

5 house, through the kitchen.

6 Q. Did you go --

7 A. And back out again.

8 Q. Did you go through the den and
through

9 the kitchen, and to the garage?

10 A. Through the dining room,
through the

11 entrance way, around where the stairs were, I
walked on

12 this little space, that it's hardwood in between,
to the

13 kitchen, and I went through the kitchen, straight
to the

14 garage, and then I came back through the kitchen.

15 Q. Did you come back through the -
- past

16 the wine rack?

17 A. Yes, sir, I did.
18 Q. All right. Did you --
19 A. I went back out that way.
20 Q. Did you cut your feet?
21 A. No, sir, I saw glass.
22 Q. Were you barefoot?
23 A. Yes, sir.
24 Q. Okay. How long did you stay
there at
25 the house before you left for the hospital?

Sandra M. Halsey, CSR, Official Court
Reporter

4314

1 A. I don't know, it seemed like
time
2 stands still when you are in a situation like
that. I
3 just know that we were waiting for somebody to
tell us
4 which hospital to go to. One paramedic said that
they
5 were taking Damon to Baylor Hospital in Garland, and
that
6 they were taking Darlie to Baylor Hospital in Dallas,
7 which I couldn't understand, because that is 45
minutes
8 away.

9 Q. Okay.
10
11 (Whereupon, the following
12 mentioned item was
13 marked for
14 identification only as
15 Defendant's Exhibit No. 79,
16 after which time the
17 proceedings were
18 resumed on the record
19 in open court, as
20 follows:)

21

22 BY MR. DOUGLAS D. MULDER:

23 Q. Let me hand you what has been
marked

24 for identification and record purposes, as

Defendant's

25 Exhibit No. 79, and I'll ask you if you recognize
what is

Sandra M. Halsey, CSR, Official Court Reporter

4315

1 shown in that exhibit?

2 A. Yes, sir, that is the dish towel
3 drawer.

4

5 MR. DOUGLAS D. MULDER: Okay. We
will

6 offer into evidence what has been marked and
identified

7 as Defendant's Exhibit No. 79.

8 MR. GREG DAVIS: No objection.

9 THE COURT: Defendant's Exhibit 79
is
10 admitted.

11

12 (Whereupon, the items
13 Heretofore mentioned
14 Were received in evidence
15 As Defendant's Exhibit No. 79,
16 For all purposes,
17 After which time, the
18 Proceedings were resumed
19 As follows:)

20

21

22 BY MR. DOUGLAS D. MULDER:

23 Q. Can you show us, or tell the jury
24 where that -- where that drawer is?
25 A. Right here.

Sandra M. Halsey, CSR, Official Court Reporter

4316

1 Q. In the kitchen?

2 A. Yes, right here, actually it is
right
3 there.

4 Q. Okay. You see blood on it, do
you?

5 A. Yes, sir I do.

6 Q. All right. That would be the
drawer
7 where you kept the towels?

8 A. Yes, sir.

9 Q. Okay. Whose car did you take to
the
10 hospital?

11 A. My Pathfinder. Terry drove me.

12 Q. Do you have any idea what time you
got
13 to the hospital?

14 A. I have no idea.

15 Q. Do you know whether or not it was
16 still dark?

17 A. Oh, it was dark.

18 Q. Okay.

19

20 THE COURT: Mr. Mulder, we are
going

21 to take a 10 minute break now, please. Thank you.

22

23 (Whereupon, a short

24 Recess was taken,

25 After which time,

Sandra M. Halsey, CSR, Official Court Reporter

4317

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

6
7 THE COURT: All right. Are both
sides
8 ready to bring the jury back in and resume the trial?

9 MR. GREG DAVIS: Yes, sir, the
State
10 is ready.

11 MR. DOUGLAS D. MULDER: Yes, sir,
the
12 defense is ready.

13 THE COURT: All right. Bring the
jury
14 in, please.

15
16 (Whereupon, the jury
17 Was returned to
the
18 Courtroom, and
the
19 Proceedings
were

20 Resumed on the
record,
21 In open court, in
the
22 Presence and
hearing
23 Of the defendant,
24 As follows:)
25

Reporter Sandra M. Halsey, CSR, Official Court

4318

1 THE COURT: All right. Let the
record

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

3 jury is seated.

4 Mr. Mulder.

5 MR. DOUGLAS D. MULDER: Yes,
sir.

6

7

8 DIRECT EXAMINATION (Resumed)

9

10 BY MR. DOUGLAS D. MULDER:

11 Q. When you got to Baylor, did you
go

12 directly to see Darlie?

13 A. No, sir, she was in surgery,
and they

14 took me to a room.

15 Q. Okay. And did you remain in
that

16 room?

17 A. Yes, sir, I did.

18 Q. And, were you alone, or were
you with

19 someone?

20 A. Chris Frosch was coming in and
out,
21 and Terry came in and out, who had taken me up to
the
22 hospital, and then Patterson showed up later.

23 Q. Okay.

24 A. And he was going in and out.

25 Q. Okay. Were you -- did Chris
Frosch,

 Sandra M. Halsey, CSR, Official Court
Reporter

4319

1 Detective Chris Frosch, did he question you about
what
2 you knew?

3 A. Yes, sir, he did.

4 Q. All right. Did you cooperate
with
5 him?

6 A. Yes, sir.

7 Q. Did Patterson subsequently
question
8 you about the events of that evening?

9 A. Yes, sir, he did.

10 Q. And did you cooperate with him?

11 A. Yes, sir.

12 Q. Okay. Were you later on
permitted to

13 see Darlie?

14 A. Yes, sir, I was.

15 Q. And, do you recall about what
time

16 that was?

17 A. Sometime that early morning.

18 Q. All right. By that time, had he
19 photographed you?

20 A. Yes, sir, they did.

21 Q. Did they take your clothes?

22 A. Yes, sir.

23 Q. And photograph you naked, or
stripped

24 down, without your jeans on, and without your shirt
on?

25 A. Yes, sir, they did.

Sandra M. Halsey, CSR, Official Court Reporter

4320

1 Q. Okay. And, I guess you were
provided

2 with other clothes, were you?

3 A. Medical clothes.

4 Q. All right. When you saw Darlie,
would

5 you tell the jury her emotional state?

6 A. While she was sedated, she was
groggy,

7 but very hysterical and very emotional, ups and
downs.

8 Kept asking about the baby. Kept saying, "Why did
9 somebody kill my babies?"

10 Q. Darin, did you know, when the
11 ambulance taking Darlie left for the hospital, did
you

12 know that both of your sons were dead?

13 A. Yes, sir, I did.

14 Q. Did Darlie know that as well?

15 A. Yes, sir.

16 Q. Did you think, knowing her as you
knew

17 her, did you see anything phony, or inappropriate
about

18 the way she acted, when you saw her first there at

19 Baylor?

20 A. No, sir.

21 Q. Okay. Were you able to see her
the

22 following day?

23 A. Yes, sir, I saw her every day.

24 Q. Okay. And, was your son, Drake,
25 brought down there by someone --

Sandra M. Halsey, CSR, Official Court Reporter

4321

1 A. Terry and Karen Neal brought the
baby
2 up. She kept asking for him and wanting to see him,
so
3 they brought him up there.

4 And, we brought the baby into the
5 room, and we kind of lifted it up on top of Darlie.
Of
6 course, she was -- I don't know if y'all have seen
the
7 pictures, but, I mean, she was full of tubes, and she
had
8 this great big, huge, white thing on her neck, and
all of
9 these gauzes and everything, all over her. And the
baby
10 automatically wanted to go for her neck, and we were
all
11 kind of afraid that the baby would hurt her wounds,
12 because she wasn't -- you know, she wasn't capable
of
13 being able to hold him and use her arm strength to
be
14 able to hold him. He squirms really a lot.

15 Q. Did she ultimately hold the

baby on

16 her chest?

17 A. Yes, she held him by his
fingers.

18 Q. Okay.

19 A. She wanted all of the pictures
out of

20 the house that she could get of the boys. And when
she

21 did, we thought that was a good idea, and then when
we

22 got them to her, she just fell apart.

23 She just would go into hysterics.

24 Q. Okay. You saw her the next day?

25 A. Yes, sir.

1 Q. Did you notice any bruising begin
to
2 form on her arms?

3 A. I did, but I just assumed that it
was
4 from the cut on the top.

5 Q. Okay.

6 A. She looked like a whopped little
7 puppy.

8 Q. Okay.

9 A. I mean, we were more concerned
about
10 her neck and her arms, and whether or not she was
going
11 to be okay, or have any permanent damage. And we
were
12 worried about the boys, and worried about all the
13 arrangements and all of the family coming in from
14 Pennsylvania, and from all over the place.

15 I mean, it was just about as
16 hysterical at the hospital.

17 Q. Okay. You knew, at that time, the
18 extent of here injuries?

19 A. Yes, sir, I did.

20 Q. All right. And advised at that

time,

21 now back in June, that her injuries were serious?

22 A. Yes, sir, I understood they were
very

23 serious.

24 Q. Okay. It came within two
millimeters

25 of cutting into the carotid artery?

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1 A. Yes, sir, that's what I
understand.

2 Q. Did you continue to cooperate with
the
3 police?

4 A. Yes, sir, a hundred percent.

5 Q. Okay. On June the 8th, did you
6 accompany your wife to the police station, and write
out,
7 in your own handwriting, a statement?

8 A. Yes, sir, we did.

9 Q. Did you -- who was your contact
with
10 at that time?

11 A. Chris Frosch.

12 Q. Okay. And, I'll ask you, if you
made
13 any requests of him, that they tape record, or video
tape
14 your giving of the statement?

15 A. Yes, sir, I told him that I could
not
16 write as fast as I could think, and when you get to
17 thinking about something that terribly traumatic
has

18 happened to you, you cannot remember everything.

And,

19 every time I would go into talking about it, I

would

20 start crying, and getting very angry and just sad,

and

21 just all at the same time.

22 Q. All right. They had asked you

for

23 permission to occupy and search your house, hadn't

they?

24 A. Yes, sir, they did.

25 Q. And that was, I believe, on the

6th

1 and you had cooperated?

2 A. Yes, sir, I give them the keys to
the

3 house, to the boat, to the sheds, to the business,
4 everything. I had nothing to hide.

5 Q. Okay. You gave them keys to
6 everything?

7 A. Yes, sir.

8 Q. All right. When they would call
you,

9 would you go down to the police station, and drop
10 everything that you had, and go down there?

11 A. Yes, sir, whatever plans we had
made,

12 we dropped those plans and went to the police
station,

13 because we felt that the closer and the more
information

14 we got, the closer we would get to finding the
killer.

15 Q. Were you told that they had leads
16 that they were following, and that they were working
hard

17 on it, and --

18 A. Yes, sir. They said that they

were

19 working night and day, for days and days and days,

and

20 they were telling us the things that they were

missing

21 out on, as far as their kids' baseball practices,

and

22 games.

23 Q. But had a lot of leads that they

were

24 following?

25 A. Hundreds of leads, they said.

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1 Q. And, you believed them at that
time?

2 A. Yes, sir.

3 Q. Do you feel like you have been
4 betrayed?

5 A. Yes, sir, very much so.

6 Q. Do you feel like they lied to you?

7 A. Yes, sir.

8 Q. There is no question about that?

9 A. That is an understatement.

10 Q. But you continued to cooperate?

11 A. Yes, sir.

12 Q. Did you plan the boys' funeral?

13 A. Me and my mother did.

14 Q. Okay. And who selected the songs?

15 A. I did.

16 Q. Why did you select Gangsters
Paradise?

17 A. Well, whether or not somebody
thinks

18 that it's appropriate or not, it's not appropriate
that

19 my kids were killed either. So if somebody is
offended

20 about whether or not I played a song that was

21 inappropriate, that was their favorite song. Every
time

22 that song came on the radio, they would say, "Daddy,
23 crank it up."

24 That was the only song that they
ever

25 felt that way about. When you have children, you do

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1 things for your kids. Not for anybody else's
approval,

2 and if they didn't like it, that is too bad, because
this

3 was my two boys, and that was their favorite song,
and we

4 played their favorite song at the funeral.

5 Q. What were the other songs that
were

6 played at the funeral?

7 A. I Will Always Love You, by Celine
8 Dion. And Jesus Loves Me. Those are appropriate
songs.

9 Q. By Whitney Houston?

10 A. Yes, by Whitney Houston.

11 Q. Yes.

12 A. Darlie sang those to the boys.

She

13 has a beautiful voice. And they loved to listen to
their

14 Mommy sing.

15 Q. When they were buried there --
there

16 has been some testimony about some Swiss Army knives,
or

17 some knives that were put into the coffin?

18 A. Yes, sir, when --

19 Q. Were they buried together?

20 A. Yes, sir, they were buried in the
same

21 coffin. They died together, and they went to heaven
22 together. And they loved each other.

23 Q. Why were knives put in the coffin?

24 A. Because Devon kept asking me, "Can

I
25 have a Swiss Army knife for my birthday, Daddy?"

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17 five Aces, and with -- he did one for Devon, and
then
18 one for Damon, because they loved him so much,
they
19 called him Magic Mark, and that is what he goes by
now.

20 Q. So, they were the ones that named
him?

21 A. Yes, sir, they named him Magic
Mark,
22 because he wasn't an uncle yet.

23 Q. Those are cards that he had given
the
24 boys?

25 A. Yes, sir. He always carries a
package

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1 of cards inside of his pocket.

2 Q. And there were other mementos that
you

3 put in the casket?

4 A. Yes, sir.

5 Q. Things that were favorites of the
6 boys?

7 A. Yes, sir, and there were letters
from

8 all of the kids in the neighborhood, that came to the
9 funeral, and there were stuffed animals, and flowers,
and

10 Basia and David put silver coins in there.

11 Q. When the residence -- the
residence

12 was held by the police for a number of days?

13 A. Yes, 13 days.

14 Q. Thirteen days. All right. When
15 you -- when the residence was released back to you,
did

16 you have occasion to walk through the residence?

17 A. Yes, sir, we did.

18 Q. Okay. And --

19 A. There are a lot of things, when
you

20 are walking through there, that you don't realize
what

21 happened and --

22

23 MR. GREG DAVIS: I'm sorry, I've
got

24 to object. I didn't hear a question.

25 THE COURT: Sustained. Mr.
Routier,

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1 just answer the questions.

2 THE WITNESS: Yes, sir.

3

4 BY MR. DOUGLAS D. MULDER:

5 Q. All right. Did you see the wine
rack?

6 A. Yes, sir, I did.

7 Q. Okay. Do you recall, whether or
not

8 you saw glass on the shelf of the wine rack?

9 A. It was on the shelf, and then as
we

10 were getting the house ready to try to sell some of
the

11 stuff, there were shards of glass down inside of the
12 bucket.

13 Q. What bucket?

14 A. It was an ice bucket that was
sitting

15 right on top of the wine rack.

16 Q. Is that clearly visible in the
17 photographs?

18 A. Yes, sir.

19 Q. You say there were glass shards in
the

20 top of that ice bucket?

21 A. In the lid, yes, sir.

22 Q. Okay. Did you ever fail to
cooperate

23 with the police about anything?

24 A. No, sir. Every time they called
us,
25 we were there.

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1 Q. Okay. After you had gotten
possession

2 of house again, did you move back in?

3 A. No, sir, we --

4 Q. You never have moved back in?

5 A. No, sir, we couldn't move back
into

6 there.

7 Q. Why?

8 A. Because of a minute's worth of
9 something terrible happens, it just covers up four
years

10 of memories.

11 Q. So you never intended to move back
12 into the house?

13 A. No, sir, I just wanted to sell it.

14 Q. After you had gotten the house
back,

15 did they run a search warrant on the house, and kick
the

16 door down?

17 A. Yes, sir.

18 Q. Okay.

19 A. They had an emergency search
warrant

20 for the black cap.

21 Q. And they had the house for what,

13

22 days?

23 A. For 13 days, and then they came

and

24 kicked the back door in, and busted the whole frame,

and

25 busted the door all to pieces, pried it open with a

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1 crowbar.

2 Q. I mean, if they had just asked
you --

3 A. If they would have asked me, I
would

4 have given them the key, they didn't have to do any
more

5 damage.

6 Q. What did that door cost?

7 A. Probably five or six hundred
dollars.

8 Q. All in all, how much damage was
done

9 to that residence?

10 A. Between 15 to 17 thousand
dollars.

11 Q. Okay. What was done with
respect to

12 the ceilings, and the plumbing, and things of that
13 nature?

14 A. They took the sinks out, and all
of

15 the plumbing, and all of the traps had to be taken
out.

16 They put those in their custody. They didn't

replace

17 them. So, what they did -- it was a hundred and

18 something degrees, and so, all of the air

conditioning

19 traps were leaking into the ceilings, and all of

the

20 ceilings were soaked, and the sheet rock started to

fall

21 down.

22 Of course, all of the floors and

23 everything else was going to have to be replaced.

24 Q. You had insurance on that?

25 A. Yes, sir, I did.

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1 Q. But you never collected insurance,
did
2 you?

3 A. No, sir, they said because of the
4 nature of the --

5

6 MR. GREG DAVIS: I'm going to
object
7 to that as being hearsay. It is not relevant either.

8 THE COURT: Sustained.

9

10 BY MR. DOUGLAS D. MULDER:

11 Q. There was blood on one of the
boy's
12 comforters upstairs?

13 A. Yes, sir.

14 Q. Do you know how that got there?

15 A. I know exactly how it got
there.

16 Q. Tell the jury.

17 A. Well, those are bunk beds, and
the

18 bottom had a full size, and the top had a twin,
and

19 there's a little rail that goes across the top of

the

20 railing, so that the top person doesn't fall off.

21 Well, Damon always slept on the

top,

22 and Devon slept on the bottom. And, one night we

heard

23 this screech, and we ran in there, and Damon had

kicked

24 off that little guard, and it landed and hit Devon

right

25 here in the forehead.

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Reporter

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20 BY MR. GREG DAVIS:

21 Q. Mr. Routier, you and I have met
22 before, haven't we?

23 A. Yes, sir, we have.

24 Q. Actually, we have met twice
before,
25 haven't we?

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1 A. I believe so.

2 Q. On July 1st we met?

3 A. Yes, sir.

4 Q. In the courtroom; correct?

5 A. Yes, sir.

6 Q. And September the 12th, we met
again,
7 did we not?

8 A. Yes, sir.

9 Q. Okay. You didn't look quite the
same
10 in September, as you look now, did you?

11 A. Probably not.

12 Q. Sir?

13 A. Probably not, I don't know how I
14 looked.

15 Q. Well, I mean, you have changed
your
16 appearance dramatically today, as opposed to the way
you
17 look back in September, haven't you?

18 A. All I did was shave my beard.

19 Q. Well, shaved your beard, cut your
20 hair -- really, you don't look anything like you
used to

21 look, do you?

22 A. Mr. Davis, you know --

23 Q. Sir, would you please answer my

24 question?

25 A. Yes, sir, you are right.

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1 Q. All right. I guess that is just a
2 coincidence that have you changed your appearance,
before

3 you come before this jury today; is that correct?

4 A. Yes, sir.

5 Q. I don't suppose that you have
given

6 Mr. Mulder or Mr. Mosty, or any of these other
attorneys

7 a written statement, have you?

8 A. No, sir, I have not.

9 Q. So, as we have heard before, I
don't

10 have any way of knowing, whether or not the story you
are

11 telling this jury this afternoon, is the story that
you

12 came up with yesterday, or the day before, or the
first

13 day of trial. I don't have any way of knowing that,
do

14 I?

15

16 MR. DOUGLAS D. MULDER: Excuse me,
17 Judge. He gave a written statement to the police.

18

MR. GREG DAVIS: No, sir, I'm

talking

19 about one to Mr. Mulder, since the trial has begun.

20

THE COURT: I'll sustain the

21 objection. Answer the question.

22

23 BY MR. GREG DAVIS:

24

Q. So, the answer is, you have not

given

25 a written statement to Mr. Mulder, or Mr. Mosty, or
any

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1 other attorney representing your wife, have you?

2 A. No, sir.

3 Q. Okay. The sock that is in
evidence,

4 you know which one I'm talking about, don't you? The
one

5 that came from the alley?

6 A. Yes, sir.

7 Q. That sock is yours?

8 A. I don't know that.

9 Q. You don't?

10 A. I haven't seen it.

11 Q. Do you want me to show you that
sock?

12 A. If you would.

13 Q. I mean, we know which sock we're
14 talking about, don't we? I'm talking about the sock
that

15 the police found down the alley. Okay?

16 A. Yes, sir.

17 Q. If we're in agreement on that
sock,

18 that is the one I'm talking about. That is your
sock,

19 the one that the police found down the alley?

20 A. How do you know it's my sock.

21 Q. Well, because you told Corrine
Wells,

22 back on December the 3rd of 1996, it was yours,
didn't

23 you?

24 A. I said I wouldn't be surprised if
it
25 wasn't mine.

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1 Q. No. You remember Corrine
Wells, don't
2 you?

3 A. Who?

4 Q. Corrine Wells?

5 A. No, sir.

6 Q. Well, maybe -- let's take you
back.

7 You know the house that you lived in on Bond
Street,
8 don't you?

9 A. Yes, sir.

10 Q. Okay. Matter of fact, you went
there

11 on December the 3rd of '96, didn't you?

12 A. Yes, sir, I did.

13 Q. Yeah. She caught you out there
14 looking at the window screens at that house at
about 5:20

15 in the afternoon, didn't she?

16 A. Yes, sir, she did.

17 Q. And then, she started talking
with you

18 and you went inside and talked with her for, what,
about

19 an hour and a half to two hours, didn't you?

20 A. Yes, sir, we had a good talk.

21 Q. And among the other things that
you

22 said was, that that was your sock, that it had
come from

23 your utility room, inside of your house, correct?

24 A. Yes, sir.

25 Q. And you also told her that if
Darlie

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Reporter

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1 wanted to take that sock and put it down the
alley, it

2 would take her only 27 seconds to do that, didn't
you?

3 A. No, sir, I didn't say that.

4 Q. That is something you didn't tell
her?

5 A. No, sir.

6 Q. That screen that was out there in
the

7 garage, when you were out there on June the 5th of
'96

8 for the inventory for the garage sale, do you
remember

9 that time?

10 A. Yes, sir.

11 Q. That screen wasn't cut then, was
it?

12 A. No, it wasn't.

13 Q. Matter of fact the last time that
you

14 saw that screen that evening, everything was just
fine on

15 it, wasn't it?

16 A. Yes, sir.

17 Q. And yet, when you went over there
to
18 Corrine Wells on December the 3rd of 1996, you went
there
19 for the purpose of seeing whether you had cut screens
on
20 your old house there at Bond, didn't you?

21 A. Yes, sir, I did.

22 Q. So you were trying at that time,
23 weren't you, Mr. Routier, to come up with some
feasible
24 story to tell this jury, as to how that window screen
got
25 cut that evening, weren't you?

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1 A. No, sir, I was just very
interested.

2 Q. You were just curious?

3 A. I was very curious.

4 Q. Very curious about whether the
screens

5 were cut over there on Bond Street?

6 A. Yes, sir.

7 Q. The house that you haven't lived
in in

8 three years?

9 A. Yes, sir.

10 Q. Just a moment ago, when Mr. Mulder
was

11 questioning you, he started asking you about your
wife's

12 emotional state back in '95 and I wrote down that you

13 said that she had the blues a couple of days and
that

14 that didn't concern you; is that right?

15 A. Yes, sir, it didn't.

16 Q. Okay. Was that your testimony
just a

17 few minutes ago?

18 A. Yes, sir.

19 Q. Matter of fact, isn't it true, Mr.
20 Routier, that there were a lot of things that were
21 troubling your wife back then?

22 A. No.

23 Q. Do you know who Jamie Johnson is,
Mr.

24 Routier?

25 A. CPS.

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1 Q. Yes, sir, do you remember talking
with
2 Jamie Johnson?

3 A. Yeah, I do.

4 Q. You had to good, long conversation
5 with her, didn't you?

6 A. Too long.

7 Q. Do you remember that you and Jamie
8 Johnson discussed your wife's emotional state, and
among
9 other things that you told her, that your wife was
10 depressed, tired, and was not herself, do you
remember
11 making that statement to Jamie Johnson?

12 A. Yes, sir, on those two days.

13 Q. Just two days?

14 A. A few days.

15 Q. Okay. Well, two days or a few
days,

16 what do you mean by a few days? Three, four, five --
17 give me a number?

18 A. Two to three probably.

19 Q. Two to three. Okay. And do you
20 remember when you talked with Jamie Johnson, that
you

21 told her, that your wife said to you, "I'm sick of
22 everything. I'm having a hard time getting the
house
23 cleaned."

24 Do you remember that?
25 A. It's a big house.

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1 Q. Well, I didn't ask you how big
your
2 house was.

3 A. Did I say that?

4 Q. Yes, sir.

5 A. I don't know. I don't have that
in
6 front of me.

7 Q. So, you don't know whether you
said
8 that to her. And, do you remember also, when you
9 discussed this with Jamie Johnson that the kids
came up
10 during that discussion, didn't they?

11 A. Yes, sir, they did.

12 Q. The problems that the kids were
13 causing your wife back in that time period?

14 A. Those kids didn't cause us any
15 problems at all, Mr. Davis.

16 Q. Let me ask you again: Did the
kids
17 come up in your conversation that you had with
Jamie
18 Johnson?

19 A. Well, I don't have that

information.

20 I don't know what I said to Jamie Johnson.

21 Q. You just don't remember the
22 conversation then?

23 A. Sir, she was prying into my
business.

24 Q. I didn't ask you that. I said,
do you
25 remember the conversation that you had with the CPS

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1 worker?

2 A. Not all of it.

3 Q. Well, let me give you a
statement

4 then. Do you remember telling Jamie Johnson that
your

5 wife wanted everything perfect in that house. That
she

6 was a cleanaholic, it's -- "It's kind of an
obsession.

7 She will clean and clean, but the kids would be
right

8 behind her making bigger messes."

9 You made that statement to
Jamie

10 Johnson, didn't you?

11 A. I doubt it.

12 Q. You doubt it? Can I take that
as a no

13 then, Mr. Routier, that you didn't make that
statement?

14 A. I probably said some of it.

She is a

15 very clean person.

16 Q. Okay.

17 A. I don't think that is --

18 Q. All right. Well, let me just
take it

19 then -- what part of it did you say? Did you say
the

20 word cleanaholic?

21 A. Probably.

22 Q. Okay. Yes to cleanaholic.

Next

23 statement: "It's kind of an obsession." Did you
say

24 that?

25 A. No.

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Reporter

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1 Q. That is a no. "She will clean
and

2 clean." Did you say that?

3 A. Yes, sir.

4 Q. Yes. "But the kids would be
right

5 behind her making bigger messes." Did you say
that?

6 A. No, sir.

7 Q. Okay. So no to that. And, in
that

8 same discussion, do you remember discussing with
her the

9 disappointment that your wife felt, when Drake
turned out

10 to be a boy instead of a girl? Do you remember
that?

11 A. No.

12 Q. In fact, your wife was very
13 disappointed that she didn't have a girl when Drake
was

14 born, didn't she? She very disappointed?

15 A. No, she wasn't.

16 Q. Well, in that conversation with
Jamie

17 Johnson, y'all discussed that, didn't you? And
didn't

18 you make --

19 A. We were both disappointed a
little bit

20 whenever we had the sonogram. We knew way before
Drake

21 was born that he was going to be a boy, and we were
very

22 proud of having another boy.

23 Q. Okay. So the disappointment
didn't

24 come at the time he was born, it came when you
found out

25 that you were going to have a boy; is that right?

1 A. It was a one day -- "Gee, we
wish we

2 could have had a girl."

3 Q. Well, a blue period for one day
this

4 time?

5 A. That wasn't a blue period.

6 Q. Well, what shade would you call
it?

7 A. What can you do? God gave us a
boy.

8 Q. Would you say disappointed,
right?

9 A. Not disappointed.

10 Q. Because you told Jamie Johnson,
didn't

11 you: "Of course, we wanted a little girl. We still
do."

12 You told Jamie Johnson that,
during

13 that interview, didn't you?

14 A. I did?

15 Q. Well, that is my question to you.
Did

16 you or not?

17 A. I don't remember.

18 Q. So that is a maybe?

19 A. Mr. Davis, I don't
know exactly what
20 all happened in that conversation with
her.

21 Q. Okay. Would it be
fair to say that
22 you just don't remember whether or not
you said that,
23 right

24 A. Well, wouldn't that
information be
25 given in a civil case?

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1 Q. Sir, would you
please answer my
2 question? My question to you is: Do
you remember making
3 that statement to Jamie Johnson?

4 A. I don't remember,
no, sir.

5 Q. Okay. And in that
same conversation,
6 do you remember discussing with Jamie
Johnson how the two
7 boys, Devon and Damon, started to get
in the way of your
8 relationship with your wife; do you
remember that?

9 A. No, sir, that is
not true.

10 Q. That came up in
that conversation,
11 didn't it?

12 A. No, it didn't.

13 Q. And do you remember
what you told
14 Jamie Johnson when you started talking
about the two boys

15 and your relationship that you got
with your wife; do you

16 remember what you said to her?

17 A. No.

18 Q. Let me read

something: Do you

19 remember in that conversation with
Jamie Johnson, that

20 you said to her: "There was no time
for me and Mommy to

21 be sexy or run around in the house
naked"?

22 A. No, sir.

23 Q. Okay.

24 A. That is a false
statement.

25 Q. So, if that is made
by Jamie Johnson,

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1 that is either incorrect, or she is
lying?

2 A. She is lying.

3 Q. She is a liar?

4 A. No, lying, not a liar.

5 Q. Okay. Well, she is lying about
that

6 statement there?

7 A. Yes, sir.

8 Q. Okay. And you also remember,
don't

9 you, your wife really took a lot of pride in her
10 appearance, didn't she? She still does, doesn't
she?

11 A. It depends on how you look at
it.

12 Q. Well --

13 A. She likes to look nice.

14 Q. Okay.

15 A. She is a very beautiful girl.

16 Q. Okay. Matter of fact, when Drake
was

17 born, she had a lot of trouble losing weight, didn't
she?

18 A. Not a lot of trouble.

19 Q. Okay. She use to be a size 4 and

she

20 went to a size 8, didn't she?

21 A. Six.

22 Q. Okay. Do you remember telling
Jamie

23 Johnson about that, and you told Jamie Johnson that
she

24 went from a size 4 to a size 8, you said that to

her,

25 didn't you?

1 A. Well, I don't believe so.

2 Q. So, that is a no to that one.

3 And then, it is a fact, isn't it,
that

4 your wife was concerned enough about her appearance
that

5 she started taking diet pills, didn't she?

6 A. Yes, sir, she did.

7 Q. She really wanted to go back to
8 looking the way she had before Drake was born,
didn't

9 she?

10 A. She only had 10 or 12 pounds to
lose.

11 Q. I mean, after all, what two or
three

12 years earlier, y'all had spent five thousand dollars
for

13 breast implants, hadn't you?

14 A. Yes, sir, we did.

15 Q. So appearance was very, very
important

16 to your wife, wasn't it?

17 A. Do you want an explanation for
that?

18 Q. No, sir, I want you to answer my

19 question, please. Her appearance was very important
to

20 her, wasn't it?

21 A. Yes, it was.

22 Q. And it was very important to you
too,

23 sir?

24 A. Yes, sir, but it wasn't

everything.

25 Q. And as a result of the weight
gain

1 with the baby, do you remember telling Jamie Johnson
that

2 she went into postpartum depression, that was
somewhat

3 aggravated by her weight. That was part of her
problem,

4 wasn't it?

5 A. No, sir, that was not it.

6 Q. Okay. So, do I understand your
answer

7 to be, that you did not tell Jamie Johnson that your
wife

8 was suffering from postpartum depression, somewhat

9 aggravated by her weight. You didn't make that
statement

10 to her?

11 A. No, sir.

12 Q. Well, it was serious enough at
that

13 time, that she began taking diet pills, didn't she?

14 A. Serious, 10 to 12 pounds serious?

I

15 don't think so.

16 Q. Well, she was taking diet pills,

17 wasn't she?

18 A. Yes, sir, she was.

19 Q. So obviously, she thought it was
20 important enough to her at that time, to start
21 voluntarily taking medication to get her weight
down,
22 didn't she?

23 A. Yes, sir, just like her mother.

24 Q. What, does her mother take diet
pills
25 too?

1 A. And my mother.

2 Q. Okay.

3 A. And her sister and my sister.

4 Q. So you really weren't concerned,
when

5 she went to the doctor and started taking diet
pills,

6 even though she had 10 or 12 pounds, I don't guess
that

7 concerned you either, did it?

8 A. No, sir.

9 Q. And, when you came home that
10 afternoon, in May, on May the 3rd, and you found
your

11 wife upstairs on the bed, writing that suicide note
in

12 her journal, did I understand your testimony to be,
that

13 you just had a good cry with her, and you woke up the
14 next day, and everything was fine?

15 A. Yes, sir.

16 Q. So, when you went off to work that
17 next day, you left convinced, that even though your
wife

18 had been in the process of writing a suicide note the

day

19 before, that everything is hunky-dory, and Darin just
20 goes off to work, and Darlie is left there at home.

That

21 is what happened, isn't it?

22 A. Mr. Davis --

23 Q. Sir, did you go to work the next
day?

24 A. Yes, sir, I did.

25 Q. And Darlie stayed at home?

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1 A. Yes, sir.

2

3 MR. DOUGLAS D. MULDER: Excuse me,
4 Judge, if he will just do him the courtesy of letting
him
5 answer his questions.

6 THE COURT: Sustained. Just let
him
7 answer the question.

8 MR. GREG DAVIS: Yes, sir, if he
will
9 answer the question that I have asked him.

10 THE COURT: Okay.

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

12 THE COURT: Both side, just phrase
13 your questions properly, and answer just what he
asks
14 you. Please, sir.

15

16 BY MR. GREG DAVIS:

17 Q. Matter of fact, back when it
all
18 happened, you were a lot more concerned about it,
than

19 you let on now, weren't you?

20 A. No, sir.

21 Q. Matter of fact, back then, when it
all

22 happened, you really thought that your wife needed

23 professional help to deal with her problem, didn't
you?

24 A. That is not true. I would have
gotten

25 it for her.

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1 Q. Because when you talked with Jamie
2 Johnson again, do you remember you discussed the
problems
3 that your wife was having, and do you remember you
made
4 the statement: "A light went on in my head saying
she
5 needs help." That is what you told Jamie Johnson,
isn't
6 it?

7 A. No, sir. Now she is becoming a
liar.

8 Q. So this is the one that trips the
9 wire, and now Jamie Johnson is a liar; right?

10 A. Yes, sir.

11 Q. All right.

12 A. I wouldn't use that phrase.

13 Q. And, did I understand you to say,
that
14 even though your wife -- you understood what your
wife
15 was attempting to do when you came home that day,
didn't
16 you?

17 A. It was not an attempt.

18 Q. Well, you understood the
situation,

19 didn't you?

20 A. Contemplation is the word I would
like

21 to use.

22 Q. Contemplating what?

23 A. Contemplating on when to go to
sleep

24 and when to wake up.

25 Q. Suicide?

1 A. If you want to call it that.

2 Q. Well, when you take pills, and
you go

3 to sleep, and you don't wake up, wouldn't you call
that

4 suicide?

5 A. She didn't attempt it.

6 Q. Well, please answer my question.

7 Wouldn't you call that suicide, Mr. Routier?

8 A. Yes, sir, if she had done it, it
would

9 have been suicide.

10 Q. And you knew that on that day she
was

11 contemplating suicide, right?

12 A. But I was there, she called out
for

13 me.

14 Q. Sir, would you please answer my
15 question?

16 A. Yes, sir.

17 Q. And yet, you didn't even pick up
the

18 journal, read anything that was being written that
day?

19 I mean, this was --

20 A. No, sir, when I was there, I knew
what

21 was happening.

22 Q. Okay. You didn't need to read the
23 journal, did you, to know what the situation was?

24 A. No, sir.

25 Q. And during that time period, you
did

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1 real well in '95 in your business, didn't you?

2 A. Yes, sir.

3 Q. And you did gross over two hundred
and

4 sixty-four thousand dollars that year, didn't you?

5 A. Yes, sir.

6 Q. '96 was a little bit different
though,

7 wasn't it?

8 A. Oh, really? I did a hundred and

9 eleven thousand dollars in five and a half
months.

10 Q. And '96 was going to be a
little

11 slower, wasn't it?

12 A. Maybe by a couple thousand.

13 Q. And you had time periods -- really
you

14 had a couple of months that were a little bit slow
right

15 before the killings there in June, correct?

16 A. Sir, that had nothing to do with
this.

17 Q. Sir, did I take that to be a yes
then,

18 that you did have a couple of months that were a
little

19 slow?

20 A. If you would let me explain, sir.

21 Q. Sir, did you have a couple of

22 months --

23

24 MR. RICHARD MOSTY: Your Honor,

you

25 know, we fought this with the State's witness
forever.

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1 THE COURT: Gentlemen.

2 MR. RICHARD MOSTY: Your Honor, he
3 needs to be able to explain his answers.

4 THE COURT: All right. Just
answer

5 the question. Just go ahead. Ask the question, and
give

6 the answer, and explain your answer, if necessary.

7 MR. GREG DAVIS: Let me -- I'll
8 restate the question.

9 MR. RICHARD MOSTY: Let him
explain

10 it.

11 THE COURT: Gentlemen. Just a
minute.

12 Ask the question. He can explain his answer.

13 MR. GREG DAVIS: Yes, sir.

14 MR. DOUGLAS D. MULDER: Judge,
excuse

15 me. He has asked that question. Let's let him
explain

16 the answer.

17 THE COURT: I'll let him explain
the

18 answer. Please be seated.

19 MR. DOUGLAS D. MULDER: Thank you.

20

THE COURT: Thank you.

21

22 BY MR. GREG DAVIS:

23

Q. Mr. Routier, did you have a couple

of

24 months --

25

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1 THE COURT: Explain your answer to
the
2 last question. He is asking the same question again.
3 Answer it, and explain your answer. Okay?

4 THE WITNESS: Okay.

5

6 BY MR. GREG DAVIS:

7 Q. Did you have a couple of months
out
8 there at your business, that were a little slow,
before

9 the killings occurred in June of '96?

10 A. Mr. Davis, whenever it's slow in
our
11 business, we try to enjoy it. And knowing that the
--
12 that the hump is fixing to come back up, and we're
fixing
13 to get blasted with work.

14 Q. So, sir, I don't know that I
15 understood. Was that a yes?

16 A. Yes, it was slow.

17 Q. Thank you.

18 A. Comfortably slow.

19 Q. Comfortably slow?

20 A. Yes, sir.

21 Q. Well, when things got comfortably
slow
22 there at your business, Mr. Routier, things got a
little
23 bit uncomfortable with your personal finances, didn't
24 they?
25 A. Not really.

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1 Q. I just asked you, would you
consider

2 being two months in arrears on your mortgage,
comfortable

3 or uncomfortable?

4 A. Well, it would be uncomfortable if
it

5 was true, but it's not true.

6 Q. I'll show you, Mr. Routier, a
letter.

7 This is State's Exhibit 83-B. It's addressed to you
and

8 your wife from Mellon Mortgage Company. You remember
9 that letter, don't you?

10 A. I had already made that payment.

11 Q. Sir, do you recognize that?

12 A. I don't remember ever seeing it,
no.

13 Q. Addressed to you?

14 A. It's addressed to me.

15 Q. And your wife?

16 A. Yes, sir.

17 Q.

Correct?

18 A. Yes,

sir.

19 Q. Matter of fact, this came out of
your

20 Pathfinder, you know that, don't you?

21 A. No, I didn't know that is where
it

22 came from.

23 Q. So now your testimony is, that
even

24 though the letter is dated May the 8th of 1996, and
25 addressed to you at your home address of 5801 Eagle

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1 Drive, now you are saying that you don't recognize
this

2 letter?

3 A. It doesn't mean I opened it.

4 Q. So again, your answer is, you
don't

5 recognize it?

6 A. I don't recognize it, no.

7 Q. Well, let me show you another
letter

8 then. This will be State's Exhibit 83-A. This is
from

9 American Express, dated May the 9th about a balance
of

10 nine hundred and fifty-four dollars due. It's
addressed

11 to you, actually addressed to Darlie Routier at 5801
12 Eagle Drive. Do you recognize State's Exhibit 83-A?

13 A. Yes, sir, I do. Can I explain
that?

14 Q. No. Do you recognize that?

15 A. Yes, sir.

16 Q. Okay.

17

18 MR. GREG DAVIS: Your Honor, at

this

19 time, we will offer State's Exhibit 83-A.

20 MR. DOUGLAS D. MULDER: No

objection.

21 THE COURT: State's Exhibit 83-A

is

22 admitted.

23

24 (Whereupon, the items
25 Heretofore mentioned

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1 Were received in evidence
2 As State's Exhibit No. 83-A,
3 For all purposes,
4 After which time, the
5 Proceedings were resumed
6 As follows:)

7
8 MR. GREG DAVIS: Your Honor,
may I
9 briefly publish this to the jury?

10 THE COURT: You may.

11 MR. GREG DAVIS: Thank you.

This
12 letter is dated May the 9th, 1996, addressed to
Darlie
13 Routier. It has a total undisputed balance of
\$954.64.

14 "Dear Darlie Routier: Perhaps
in
15 these busy times you have forgotten to pay your
American
16 Express bill. Would you kindly take the time to
send us
17 payment for \$954.64. Please use the enclosed
envelope to
18 mail your payment for the balance due today. If

you have

19 already sent your payment, thank you."

20

21 BY MR. GREG DAVIS:

22 Q. How did you describe it on the
tape?

23 Living large?

24

25 MR. DOUGLAS D. MULDER: Excuse
me,

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1 Judge. He asked him a question about that, and he
has an

2 opportunity to explain it.

3 THE WITNESS: No, that's all
right.

4 MR. GREG DAVIS: Excuse me -- I
didn't

5 ask him this.

6 THE COURT: Just a minute,
gentlemen.

7 That question and answer was over.

8 Mr. Davis, ask another question.

9 MR. GREG DAVIS: Thank you.

10 MR. DOUGLAS D. MULDER: Thank
you,

11 your Honor.

12 THE COURT: Thank you.

13

14 BY MR. GREG DAVIS:

15 Q. Living large has its costs;
doesn't

16 it, Mr. Routier?

17 A. To some people.

18 Q. Well, you and the defendant were
19 living large out there in Rowlett, weren't you?

20 A. What is living large?

21 Q. Well, you tell me. Those are
the
22 words that you used on June the 14th of 1996 to Joe
Munoz
23 of Channel 5. What did "living large" mean to you
back
24 then?
25 A. Having a family that loves you.

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1 Having a house that could accommodate all of the
family

2 members. And having the ability to be able to go
on

3 trips and take them exactly where you want to go.

4 Q. Well, living large means having
what

5 you want, doesn't it?

6 A. And what you need.

7 Q. And having a lot of it. Right?

8 A. Yes, sir.

9 Q. A 28 foot boat. That is a nice
boat

10 out there on Lake Ray Hubbard; wasn't it?

11 A. It's a nice boat, yeah.

12 Q. A redwood spa, that was brand
new, put

13 in your back yard in '95.

14 A. Yes, sir.

15 Q. Okay. A new two-door Jaguar,
that was

16 a nice car to drive?

17 A. It was not new, '86.

18 Q. Sir, is that a two-door Jag that
y'all

19 got?

20 A. Yes, sir, it was.

21 Q. That is just part of living
large,

22 isn't it?

23 A. A 1986? No --

24 Q. Sir, is that part of living
large?

25

1 MR. RICHARD MOSTY: Your Honor,
let
2 him answer the question.

3 THE COURT: Mr. Mosty. Please.

4 MR. RICHARD MOSTY: He is
explaining

5 his answer.

6 THE COURT: I understand. He
can

7 explain it. The question was -- re-ask the question.

8 MR. GREG DAVIS: Yes, sir.

9 THE COURT: And you answer it, any
way

10 you want to answer it, but please answer his
question.

11 Thank you.

12

13 BY MR. GREG DAVIS:

14 Q. Is that part of living large?

15 A. Okay. Yes, that is part of living
16 large, I guess.

17 Q. Matter of fact, during that time
18 period, it would be fair to say, wouldn't it, Mr.
19 Routier, that you and your wife really got into kind
of a

20 situation where you got caught up in the material
side of

21 life, didn't you?

22 A. The materialistic part of life had
23 nothing to do with that. That was the fruits of your
24 labor. When you bust your butt and you make a good
25 living, that is what you deserve.

1 Q. Sir, did you and your wife get
caught

2 up on the material side of life during 1996?

3 A. Somewhat.

4 Q. Matter of fact, isn't it true,
that it

5 got to the situation where it was a little bit like a
6 materialistic tornado for the two of y'all out there
on

7 5801 Eagle Drive?

8 A. No, sir.

9 Q. You know that phrase, don't you?

10 A. No, sir, I don't.

11 Q. Do you remember speaking with a
Rick

12 Roberts of KRLD Radio, on November the 19th, 1996?

13 A. Yes, sir, I do.

14 Q. Do you remember stating to Rick

15 Roberts: "I think we're so wrapped up in our
careers,

16 we're wrapped up as human beings. Especially in a
large

17 city, that you get tied up in this materialistic
whirl

18 wind, this tornado." You remember saying that to

Rick

19 Roberts, don't you?

20 A. Yes, sir, and I was trying to
explain

21 to people, exactly how materialistic we all become,
and

22 how we need to really change our lives. That the
most

23 important thing in life is our children and our
family.

24 Q. That's right. That is something
that

25 you all forgot in '96, isn't it? You and the
defendant.

1 You got off the track, you got on the material side
of
2 life, and you lost sight of your two children for a
3 while, didn't you?

4 A. No, sir, we did not. Mr. Davis,
we
5 had everything we wanted.

6

7 MR. GREG DAVIS: Sir.

8 THE COURT: Just answer the
question.

9 Go ahead.

10 MR. GREG DAVIS: Thank you.

11

12 BY MR. GREG DAVIS:

13 Q. I mean, you had a lot of expenses
14 coming in that you had to deal with, didn't you?

15 A. And also I was making a lot of
money.

16 Q. Well, not enough to pay all of
your
17 taxes for '95, did you?

18 A. Well, I have always been behind
on my
19 taxes for the last four years.

20 Q. You were behind to the tune of
ten

21 thousand dollars in your '95 taxes; weren't you?

22 A. Yes, sir, I was.

23 Q. You had about twelve thousand
dollars

24 in credit card debt; correct?

25 A. I'll take your word for it.

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1 Q. Well, you don't have to take my
word

2 for it. Do you remember on July the 1st, that I
asked

3 you about your debt situation?

4 A. At the bond trial?

5 Q. And I asked you about your bills
and

6 you said the credit card debt of twelve thousand
dollars.

7 Do you remember that?

8 A. Mr. Davis, when you make a
thousand to

9 two thousand a --

10 Q. Sir.

11 A. Yes, sir.

12 Q. Okay. Thank you. The Jaguar,
that

13 Jaguar had been broken down, and then it would be
fixed,

14 and then it would be broken down, and you would have
to

15 fix it again. That was kind of a long-standing
problem

16 with the Jag, wasn't it?

17 A. Not really. It cost me three
dollars

18 to get it fixed.

19 Q. Okay.

20 A. I usually always fixed it myself.

21 Q. Okay. Do you remember July the
1st, I

22 asked you about that Jaguar. You said that your
Jaguar

23 was broken right now.

24 "How long has it been broken?"

25 "Off and on probably for the last
two

1 months."

2 Is that what you said --

3 A. Same hose.

4 Q. The three dollar hose just kept
5 breaking over and over again?

6 A. Yes, I kept burning it through,
it was

7 on the back of the transmission.

8 Q. Okay. In your business, Rhett
9 Williams, you know Rhett Williams, don't you?

10 A. Yes, sir, I do.

11 Q. He does some work on your
equipment,

12 doesn't he?

13 A. He did one time.

14 Q. What time did you call Rhett
Williams

15 on June the 5th, or was it June the 6th when you
called

16 him?

17 A. I don't know. I had a power
supply

18 that went out on one of my pieces of equipment.

19 Q. Right. He was working on that,
wasn't

20 he?

21 A. He was trying to fix it, yes.

22 Q. All right. That was an important
23 piece of equipment for you, wasn't it?

24 A. Yes, sir, and I had one of my
25 customers send me one of them for free.

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19 where were you when you called him?

20 A. Where?

21 Q. Yes, sir.

22 A. I don't know. I know Rhett

Williams

23 pretty well.

24 Q. Well, let me just ask you, after

7:00

25 P.M. on June the 5th, were you at home, from that
point

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1 on, making phone calls, if you made a phone call?

2 A. On what date?

3 Q. On the 5th, on that -- what is
going

4 to be on the night before the murders?

5 A. No, sir, I didn't make any phone
calls

6 that I believe.

7 Q. You didn't call Rhett William that
8 day?

9 A. Oh, I may have called him that
day,

10 but I don't know if I called him from home, or from
work.

11 Q. Let's talk about the insurance for
a

12 moment. You and the defendant had insurance
policies,

13 correct?

14 A. Yes, sir.

15 Q. Both of the boys had insurance on
them

16 for five thousand dollars as riders, correct?

17 A. Yes, sir, it's a family rider.

18 Q. How much insurance did have you on

19 baby Drake?

20 A. We haven't -- he would have been
added

21 on to the policy, automatically.

22 Q. Well, on June the 6th of '96, he
had

23 no insurance on him, did he?

24 A. I wouldn't know. I'm sure he
would

25 have been covered.

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1 Q. Well, I mean, he is your child --
let

2 me just ask you --

3 A. Have we called the insurance
company

4 to see?

5 Q. Sir. No, what I'm asking is, you
have

6 already told me on June the 6th, '96, that you had
life

7 insurance on the older boys, Devon and Damon, for
five

8 thousand each; correct?

9 A. Yes, sir.

10 Q. And I'm asking you, on June the
6th,

11 '96, how much life insurance did you have on baby
Drake?

12 A. He was only six months old, we
hadn't

13 taken care of that yet.

14 Q. Okay. So none?

15 A. None. Actually, I think our
insurance

16 company would have covered it. It's an automatic

family

17 rider.

18 Q. That evening, on June 5th of '96,

you

19 said that Dana came home from work with you, and she

20 stayed at your house for a period of time, and then

you

21 took her back home to Garland, right?

22 A. Yes, sir.

23 Q. She had been staying there over

night

24 at your house, hadn't she?

25 A. Off and on, yes, sir.

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1 Q. Okay. Actually she had been
staying
2 off and for about two weeks. Actually, that is the
first
3 night that your sister-in-law didn't stay over night
is
4 the night of these murders, isn't it?

5 A. I wouldn't know.

6 Q. Well, weren't you staying there?

7 A. I was staying there at the house,
but
8 I'm real bad with dates.

9 Q. And times?

10 A. A lot of times, yeah.

11 Q. Um-hum. (Attorney nodding head
12 affirmatively.) Just not very good on details?

13 A. No, I can remember details, I'm
just
14 not real good with dates.

15 Q. Well, I'm not asking for the
dates,

16 I'm just asking you, up to that time, had your
17 sister-in-law been staying over night at your house?

18 A. Off and on, yes, sir.

19 Q. She didn't stay over night that

night,

20 did she?

21 A. No, sir.

22 Q. And, when you talk about your wife

23 sleeping downstairs, I mean, the reason that she

was

24 sleeping downstairs is because she is a very light

25 sleeper; isn't she?

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1 A. No.

2 Q. Well, she woke up every time
that baby

3 moved in its crib, didn't she?

4 A. That is a mother's instinct.

5 Q. Well --

6 A. That is something that me and
you

7 don't understand.

8 Q. Well, I think I understand it.
Okay.

9 I'm asking you right now, wouldn't you consider
that to

10 be a light sleeper?

11 A. Someone that is a light sleeper
can't

12 sleep with a TV on.

13 Q. Yeah. I was getting to that
point.

14 Your wife was sleeping down there with the TV on
that

15 night, wasn't she?

16 A. Yes, sir, and that's how I sleep
too.

17 Q. Well, that didn't keep her from

18 sleeping; right?

19 A. Right.

20 Q. Slept down in the same room
where

21 Damon was sleeping, right next to her. That didn't
keep

22 her from sleeping either, did it?

23 A. Well, the boys had decided that
they

24 were going to sleep in that room that night, and
they had

25 already went and got their pillows and their
blankets.

1 Q. All right. Well, my question
again:

2 Did Damon keep her up that night, or was she able
to
3 sleep with him in the same room?

4 A. Damon?

5 Q. Damon. Your younger child.
Your

6 middle child, Damon?

7 A. Did he keep her awake?

8 Q. Yes, sir.

9 A. No.

10 Q. How about Devon? He was
sleeping in

11 the same room also, wasn't he?

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

14 Q. He didn't keep her up either?

15 A. Well, they don't root and grunt.

16 Q. And, apparently, wouldn't you
agree

17 with me, that your wife apparently was able to
sleep,

18 while your older child Devon was stabbed twice in
the

19 chest; she slept through that too, didn't she?

20 A. Yes, sir, she did.

21 Q. And then she slept through your
middle

22 child being stabbed four times in the back; correct?

23 A. Yes, sir.

24 Q. And then she actually slept
through

25 her own stabbing, didn't she?

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1 A. Mr. Davis, we don't know that
2 information.

3 Q. Oh, we do.

4 A. You do?

5 Q. Yes, sir. She has already told
you.

6 Remember she told you that she woke up, and a man was
7 walking away from her?

8 A. Could I ask you a question?

9 Q. No, sir, but you can answer my
10 questions. Hadn't she already told you, Mr. Routier,
11 that when she woke up, that Damon pushed on her, woke
her

12 up, and then she saw this man walking away; isn't
that
13 right?

14 A. She was obviously attacked.

15 Q. While she was sleeping; right?

16 A. That's what we did. That's all we
17 did, was go to sleep that night.

18 Q. Sir, wouldn't you agree with me,
that

19 your wife's story to you, means that she slept
through

20 her own stabbing, and didn't wake up until your

middle

21 child woke her up there on the couch?

22 A. Yes, sir.

23 Q. Let me talk to you about this

window

24 for a moment, out in the garage. How good is your

memory

25 of that window that night? Real good?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Pretty good.

2 Q. Has your memory gotten better over
the

3 last few months, or worse, or the same about this
event?

4 A. Some things, when you talk about
it

5 250 times, you start to remember things that you
didn't

6 remember before.

7 Q. Well, back on September the 12th
of

8 '96, Mr. Mulder was not your attorney yet, was he?

9 A. No, sir, he was not.

10 Q. Mr. Mosty wasn't on the case
either,

11 right?

12 A. No, sir.

13 Q. So you had not had an
opportunity to

14 talk with either of those two gentlemen; correct?

15 A. No, sir.

16 Q. Do you remember testifying just
a

17 moment ago, that the window, when you saw it out

there

18 that evening, was up six to eight inches, correct?

19 A. Before I went to bed, yes, sir.

20 Q. All right. And we're talking
about

21 the window that your later saw the screen cut on,
that is

22 the window that I'm talking about, just so we're
clear.

23 Is that the one that you are talking about too?

24 A. Yes, sir.

25 Q. And you are sure it was six to
eight

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Reporter

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1 inches up?

2 A. Um-hum. (Witness nodding head
3 affirmatively.) I'm very sure.

4 Q. Are you as sure of that, as you
are

5 about the rest of the things that you have
testified

6 about this afternoon?

7 A. No.

8 Q. Because, do you remember we
talked

9 about that window, back on September the 12th also;
10 didn't we?

11 A. I don't remember.

12 Q. You don't remember what you told
me

13 about the window and how open it was back then?

14 A. I know when I went back into the
15 house, and I saw, and I walked through there, it
was open

16 all the way up.

17 Q. Correct.

18 A. With a slit all the way across
from

19 one end to the other.

20 Q. That's right. Because remember
I
21 asked the question: "Was the window also raised
22 somewhat?"
23 And you said: "Yes, it was, it
had
24 been raised up about that much. Normally it was
raised
25 the full, you know, 36 inches, or however big that
window

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1 is"?

2 A. Sometimes it was raised up that
high.

3 Q. Well, remember you said: "It
was

4 normally -- it was raised the full, you know, 36
inches

5 or however big that window is"?

6 A. And I said that?

7 Q. Yes, sir, you did. Would you
like for

8 me to show you that?

9 A. If you would, please.

10 Q. Yes, sir I'll be happy to.

11

12 THE COURT: Ladies and
gentlemen, I

13 intend to continue with this witness. Thank you.

14 MR. GREG DAVIS: Thank you,
Judge.

15

16 BY MR. GREG DAVIS:

17 Q. My question was on line 17, of
page

18 168, and your answer began on line 19?

19 A. Look at this sentence?
20 Q. The answer is going to be,
"You"?
21 A. Yes.
22 Q. Do you see that now?
23 A. Yes, sir.
24 Q. Okay. That is what you said
back on
25 September the 12th, isn't it, Mr. Routier?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Yes, sir, but I didn't say that
that
2 is how far up it was that night, when I went to
bed.

3 Q. Okay. The garage door, you just
4 testified a few minutes ago, that when you were out
there
5 with the inventory for the garage sale, that the
6 window -- that the garage door was up; correct?

7 A. The garage door, it was up when I
was
8 out there, I had pulled it down before I went to
bed.

9 Q. All right. So before you ever
went
10 back inside that house, you closed it, and you
latched
11 it, didn't you?

12 A. Latched it from the inside.

13 Q. Matter of fact, you locked the
doors,
14 you locked both the front and the back doors of the
15 residence before you went to bed, didn't you?

16 A. No, sir, I didn't. I locked the
front

17 door and only the garage door. I never locked the
door

18 in between the garage and the utility room.

19 Q. Sir, on September the 12th of '96
do

20 you remember me asking you the question, after we
had

21 talked about the garage door: "And the other doors
in

22 the house were locked when you went to sleep also?"

23 Do you remember what your answer
was

24 back then, Mr. Routier?

25 A. That they were all locked.

1 Q. Would you like for me --

2 A. I would --

3 Q. Would you like for me to show you
your
4 answer?

5 A. If you would, yes, sir.

6 Q. I'll be happy to. My question
begins
7 on page 168 at line 3. Your answer was at line 5.
Do
8 you see your answer?

9 A. "The other doors in the house
they
10 were locked when you went to bed?"

11 Q. Yes, sir. And your answer was:
"Yes,
12 sir." Correct?

13 A. Yes, sir.

14 Q. Okay.

15 A. The garage door, and the front
door
16 were locked.

17 Q. You see, that is not the question
that
18 I asked back on September the 12th though, was it?

I

19 didn't say, "Did you lock the garage door, and the
front

20 door?" That is not the question that I asked, did
I?

21 A. You said all doors.

22 Q. I said the other doors in the
house.

23 You understood what I meant back then, didn't you?

24 A. Well, I'm not really sure if I

did or
25 not.

1 Q. Sir, that is your house. You
know how

2 many doors. You have a front door, and a door to
the

3 garage and you have a garage door, don't you?

4 A. And a sliding glass door, and 48
5 windows.

6 Q. That's right. Matter of fact,
the

7 sliding glass was also locked, wasn't it?

8 A. Yes, sir, it was.

9 Q. Okay.

10 A. All exterior doors were locked.

11 Q. And again, I understand your
testimony

12 to be that the window was not cut when you were out
there

13 on June the 5th; correct?

14 A. That's correct.

15 Q. Now, kids had come in and out of
that

16 window quite a bit in the past, hadn't they?

17 A. I didn't know that, I have never
seen

18 them do it before.

19 Q. Well, you had heard about the
kids
20 coming in to get popsicles, and other things out of
the
21 freezer in the garage, hadn't you?

22 A. I had some neighborhood kids tell
me
23 that.

24 Q. All right. And, as a matter of
fact,
25 the window frame itself is a little bent at the
bottom,

1 where they had pulled the window screen back, and
hopped

2 in the window, and then they would go across there,
and

3 get popsicles and come back out; correct?

4 A. I don't know.

5 Q. That big old stain there, between
the

6 freezer and the window, that was a bunch of
popsicles,

7 Kool-aid, and other things, wasn't it?

8 A. I don't know. I didn't examine
it.

9 Q. And that had been there for
sometime,

10 hadn't it?

11 A. Probably. It would have to be
washed

12 out, if it was in there.

13 Q. Okay. That evening, Mr.
Routier, when

14 you came down stairs, you never saw an intruder,
did you?

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

16 Q. You never heard an intruder?

17 A. No, sir.

18 Q. You never saw a vehicle leaving
your

19 residence; correct?

20 A. No, I didn't.

21 Q. And you never heard a vehicle
leaving

22 from your residence; did you?

23 A. No, sir. I didn't hear anything
but

24 screams.

25 Q. Now, I want to turn your
attention to

1 another area of your testimony with Mr. Mulder,
where

2 we -- where you started telling about what you did
with

3 Devon and with Damon, okay? And, as I understand
your

4 testimony, when you were over there with Devon, you
5 testified that your wife went and got some towels,
and

6 then brought them over there to you, while you were
7 actually blowing into his chest; right?

8 A. Yes, sir.

9 Q. Now, Mr. Routier, that is the
first

10 time that you have told that story to anyone; isn't
it?

11 A. Not into his chest. It was when I
was
12 blowing into his mouth.

13 Q. All right. Into his mouth. That
is

14 the first time you have ever told that, where your
wife

15 is over there next to you, while you are doing that,
16 isn't it?

17 A. Well, I guess so.

18 Q. Although we have talked about that
19 subject before; haven't we?

20 A. Yes, sir, we never got into
details.

21 Q. Well, let's check that out. Let
me --

22 let me go into some of that with you.

23 Matter of fact, we went into
pretty

24 good detail because I have asked you before, what
your

25 wife was doing while you were performing CPR on
Devon,

Sandra M. Halsey, CSR, Official Court Reporter

1 haven't I? Do you remember those?

2 A. I don't remember.

3 Q. Okay. September 12th again, do
you

4 remember I asked you this question: "When you came
into

5 this Roman room and you went to Devon, did your wife
6 follow you over to Devon?"

7 And you said: "No, not at that
point.

8 She went straight to the phone. She went straight to
the

9 sink to get towels." Do you remember that?

10 A. Yes, sir.

11 Q. Is that correct?

12 A. That's correct.

13 Q. Okay. Well, that phone that
we're

14 talking about, is on the wall in the kitchen;
correct?

15 Close to the family room?

16 A. It was a cordless phone.

17 Q. Right. But actually it's got a
little

18 cradle up on the wall; doesn't it?

19 A. Yes, sir.

20 Q. Is that where she went to get the
21 phone?

22 A. I guess. It could have been on
the
23 counter or anywhere. That is just the charger.

24 Q. And, how long did you stay over
with
25 Devon?

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1 A. In minutes?

2 Q. Yes, sir.

3 A. I don't know. It seemed like
forever.

4 Q. Well, do you know how long you
were
5 over there?

6 A. Probably two or three minutes.

7 Q. Okay. Back on September 12th, do
you
8 remember I asked you, and you said, "Probably 3 to 4
9 minutes." Does that sound about right?

10 A. I have no idea.

11 Q. Well, just in general, how good a
12 recall of this evening do you have?

13 A. Mr. Davis, I have thought about
this
14 for 265 days.

15 Q. Does that mean that you have a
good
16 recall?

17 A. I try to remember as much as I
can.

18 Q. All right. Well --

19 A. For this purpose.

20 Q. Your memory has got a lot better
about

21 a lot of things since September the 12th, hasn't it?

22 A. I'm a lot more emotionally strong,
23 too.

24 Q. Okay. Well, you know, I noticed
that
25 you were trying to cry up there in front of this
jury.

Sandra M. Halsey, CSR, Official Court Reporter

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1 When I talked to you on September the 12th --

2 A. Trying to cry?

3 Q. Yes, sir. That is exactly right.

You

4 didn't have any problems -- you didn't try to cry on
5 September the 12th with me, did you?

6 A. Well, sir, I was taking
7 antidepressants.

8 Q. You weren't crying back then, were
9 you?

10 A. Well, I don't remember. I just
11 remember being very scared.

12 Q. Do you remember back on September
the
13 12th, I asked you, "How much of this evening do you
14 really remember in great detail?"

15 And, do you remember what you said
to
16 me back on September the 12th?

17 A. Probably not very much.

18 Q. "I was in shock"?

19 A. Yeah.

20 Q. "Not very much."

21 A. Yeah.

22 Q. And yet today, you remember which

23 paramedic knocked over which lamp shade, and which
24 paramedic righted the coffee table.
25 A. I don't remember which one did
what,

Sandra M. Halsey, CSR, Official Court Reporter

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1 all I can tell you is, that they were paramedics. I
2 wouldn't know their faces if they were sitting right
here
3 in front of me.

4 Q. That is another thing. Back on
5 September the 12th, you didn't even recognize David
6 Waddell, did you?

7 A. No, sir, I didn't. And I looked
right
8 at him.

9 Q. You do now though, don't you?

10 A. Well, I wouldn't know him unless
he
11 was standing in here.

12 Q. Well, do you remember that we went
on
13 and we talked for a little bit more about your wife's
14 activities while you were with Devon. And, do you
15 remember: "All right. Where was your wife during
the
16 time that you were with Devon?"

17 And your answer: "She was in the
18 kitchen, getting kitchen towels out of the
thing. I

19 could hear the water running, and then she took

them

20 over -- she brought towels over to Damon."

21 Do you remember answering
that?

22 A. Over to Damon and over to Devon.

She

23 probably made six or seven trips back and forth to
the

24 sink.

25 Q. Well, let me direct your
attention

Sandra M. Halsey, CSR, Official Court Reporter

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1 back to your answer back on September the 12th. And
your

2 answer beginning at line 20: "Mr. Routier, did you
3 mention anything about her bringing towels over to
4 Devon?"

5 And that answer, sir?

6 A. Can I see that? Yes. That is a
true

7 statement. She was going back and forth from Devon
to

8 Damon.

9 Q. Well, you just read that answer
out to

10 this jury so they can see what your answer was back
on

11 September the 12th?

12 A. Okay. You said: "All right.

Where

13 was your wife during the time that you were with
Devon?"

14 "She was in the kitchen getting

15 kitchen towels out of the thing. I could hear the
water

16 running, and then she took him (sic) over, and
brought

17 towels over to Damon."

18 Q. All right. To Damon?

19 A. Yeah, to Damon.

20 Q. Not to Damon and Devon?

21 A. Well, I didn't finish my
sentence.

22 Q. Well, there is a period after
that.

23 You mean you just didn't think of it back then?

24 A. Well, back then, I was not
getting my
25 full statements out.

1 Q. Well, I didn't cut you off then,
did

2 I?

3 A. No, sir.

4 Q. Matter of fact, we have talked
about

5 it again. That is not the last time that we talked
about

6 that, back on September the 12th, is it? Do you
remember

7 other questions about that?

8 A. Which hearing was that?

9 Q. This was the no bond hearing.
Do you

10 remember that one?

11 A. Very well, yes, sir.

12 Q. All right. Matter of fact, do
you

13 remember you told me, that during the time that you
were

14 doing the CPR on Devon, that about all you could
see of

15 your wife was her head as she walked between the
kitchen

16 sink, and the wine rack, back and forth in the

kitchen?

17 A. Yeah, back and forth about six
or
18 seven times.

19 Q. Right, in the kitchen. She
wasn't
20 over there where you were?

21 A. No. She was from the kitchen to
22 Damon, over to Devon. How did these towels get to
me? I
23 didn't get them.

24 Q. Sir, you never did, in your
testimony
25 of September 12th ever mention your wife coming
over

1 there, and doing anything with Devon, did you?

2 A. I wasn't asked.

3 Q. Sir, I asked you a lot of times,
about

4 what your wife was doing; do you remember that?

5 A. A lot of things I don't
remember.

6 Q. Well, let me go to page 143.
Actually

7 page 142, I asked you again: "All right. So
whatever

8 you say then is directed toward Devon, who you were
9 attending to, is that correct?"

10 "Yes, um-hum. That, and then me
11 waiting for Darlie to get off the phone, so I could
find
12 out what happened."

13 I mean, your wife was on the
phone to

14 911 the entire time?

15 A. I heard what happened from what
Darlie

16 was saying to 911, she didn't have to repeat it to
me.

17 Q. Okay. And then I asked you:

"Well

18 then I take it, that during the entire time that
you were

19 with Devon, she is still on the phone?"

20 And your answer to that is:

"That is

21 probably about right."

22 Correct?

23 A. I wouldn't put it in those
words.

24 Q. All right.

25 A. It's not what you say, it's how
you

1 say it.

2 Q. Well, I want you to make sure
that I
3 have not misquoted you. If you will look at page
142,
4 line 16 through 17 or 18, those are my -- that is
my
5 question.

6 Your answer is: "That is
probably
7 about right." Have I correctly stated what you
answered
8 back on September the 12th?

9 A. Yes, sir. You just said it with
some
10 sarcasm.

11 Q. Oh. The truth of the matter is,
back
12 on September the 12th, your testimony -- during that
13 hearing, it was very important for you to put your
wife
14 by that kitchen sink, as much as you could, wasn't
it?

15 A. Not really, I wasn't even
discussed

16 about it.

17 Q. Sir?

18 A. I never even talked with anyone
about

19 it.

20 Q. Matter of fact, that is one of
the

21 very first things that you told me that you
remembered

22 about your wife that evening, wasn't it?

23 A. What?

24 Q. That she went directly to the
kitchen

25 sink?

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1 A. She grabbed the phone, she went to
the
2 kitchen sink, she was going from Devon and Damon,
back
3 and forth rendering aid.

4 Q. Matter of fact, when you talked
with
5 Jamie Johnson again, you never mentioned anything
about
6 your wife being there with you, while you were doing
CPR
7 on Devon, did you?

8 A. I didn't feel like I had to tell
9 anybody anything.

10 Q. Even though she is asking you
11 questions about the event, you didn't feel the need
to
12 answer those questions?

13 A. Matter of fact, I wish I hadn't.

14 Q. I bet you do. You just -- matter
of
15 fact, your wife, she didn't do CPR on Devon, did
she?

16 A. No, sir, she doesn't know how to
do

17 CPR, I did.

18 Q. That's correct. She didn't do
CPR on

19 Damon either, did she?

20 A. No, she did what she could. She
got

21 help there as fast as possible.

22 Q. What is it that she did with
Damon?

23 A. She put towels on his back. She
was

24 talking to him, trying to comfort him. She kept
yelling

25 that, "He was alive just a minute ago. He
was alive just

Sandra M. Halsey, CSR, Official Court
Reporter

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1 a minute ago."

2 Q. All right. So she laid a
towel on his

3 back; correct?

4 A. Yes, sir.

5 Q. Okay.

6 A. And when I went over, I
picked up that

7 towel.

8 Q. Okay. And she didn't move
Damon, is

9 that correct?

10 A. No, sir, I told her not
to.

11 Q. Matter of fact, you never
moved him

12 either; right?

13 A. No, sir, I was afraid to.

14 Q. You were afraid to touch
him, and you

15 didn't lift up his shirt either, did you?

16 A. Yes, I did.

17 Q. Are you sure about that?

18 A. Yes, sir, I saw the blood

--

19

THE COURT REPORTER:

Excuse me, you

20 saw what?

21

A. I saw the wound in the

center part of

22 his back.

23

Q. Do you remember on

September the 12th,

24 I asked you: "Was that room pretty dark?"

25

And your answer was:

"Well, once the

Sandra M. Halsey, CSR, Official Court
Reporter

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1 light is off it is, but I didn't see any
blood or

2 anything wrong with him" -- you are talking
about

3 Damon -- "I mean, I didn't visually see it because it
was

4 like Devon's wounds. But, I never lifted his shirt
up or

5 anything. I was afraid to touch him."

6 A. I wasn't afraid to touch him. He
was

7 my son. I lifted his shirt up. It was a black
shirt, so

8 blood was not as apparent as what it would be, if you
9 were exposed to, you know, an exposed open wound.

10 Q. Mr. Routier, back on September the
11 12th, do you remember the oath that you took, as a
12 witness, don't you?

13 A. Yes, sir.

14 Q. The very same oath that you took
this

15 afternoon when you hit that witness stand, wasn't it?

16 A. Yes, sir.

17 Q. And you took an oath back on
September

18 the 12th, to tell the truth, the whole truth and
nothing

19 but the truth, didn't you?

20 A. Yes, sir.

21 Q. Now, sir, when you said: "I
never

22 lifted his shirt up or anything, I was afraid to
touch

23 him," you were telling the truth back on September
the

24 12th, weren't you?

25 A. Just as I am telling the truth
now.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Well, I'm having a hard time
2 understanding how it could be true, that you never
lifted
3 his shirt up, and how it could be true that you did
lift
4 his shirt up?

5 A. Mr. Davis, I was there.

6 Q. Sir, did you lift it up, or did
you
7 not lift it up?

8 A. Yes, sir, I did lift it up.

9 Q. All right. So when you said:
"I
10 never lifted it up," on September the 12th, that
was not
11 true was it?

12 A. Not all true.

13 Q. Sir?

14 A. I don't remember doing it.

15 Q. Okay.

16 A. I checked his pulse and I
couldn't get
17 one.

18 Q. Okay.

19

20 THE COURT: Mr. Davis, will you
be

21 much longer --

22 MR. GREG DAVIS: No, sir.

23 Well, Judge, it could be --

24 THE COURT: Well, I think the

best

25 thing to do is -- the jury has been very patient
with us,

Sandra M. Halsey, CSR, Official Court Reporter

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1 and I appreciate that.

2 MR. GREG DAVIS: Yes, sir.

3 THE COURT: And we will continue
the

4 tomorrow morning at 9:00 o'clock.

5 Please be seated in the
courtroom,

6 please. The same instructions as yesterday: Do not
7 discuss this case among yourselves. Do no
investigation

8 of your own. Do not discuss this case with anybody,
9 outside of the jury. If someone tries to talk to you
10 about your testimony, tell the attorney for the side
who
11 called you.

12 And, if you see this or hear it,
or
13 read anything, or see any of this in the newspaper,
or on
14 TV, or on radio, please ignore it.

15 We will see everybody here
tomorrow

16 morning at 9:00 o'clock. The viewing audience will
17 remain seated please, until the jury clears the
18 courthouse. Thank you.

19 Oh, yes, and wear your jury badges

at

20 all times in the courthouse.

21

22 (Whereupon, the jury

23 Was excused from

the

24 Courtroom, and

the

25 Proceedings were

held

Sandra M. Halsey, CSR, Official
Court Reporter

1 In the presence of
the

2 Defendant, with
her

3 Attorney, but
outside

4 The presence of
jury

5 As follows:)

6

7 THE COURT: All right. You may
step

8 down now, Mr. Routier.

9 THE WITNESS: Thank you.

10 THE COURT: Can I see both sides
up

11 here a minute?

12 (Whereupon, a short

13 Discussion was

held

14 Off the record,

after

15 Which time the

16 Proceedings were resumed

17 As follows:

18

1 attorneys here at 8:30 in the morning. We are
having

2 that hearing, on that thing with Patterson.

3 MR. GREG DAVIS: Yes, sir, that
is

4 fine. All right.

5 THE COURT: If you will be here
at

6 8:30.

7 MR. GREG DAVIS: Yes, sir.

8 MR. DOUGLAS D. MULDER: Yes,
sir.

9 THE COURT: All right. We will
see

10 everybody then. Thank you.

11

12

13 (Whereupon, the

14 Proceedings were

15 Recessed for the day,

16 To return on the

17 Next day, January 28,

1997

18 at 8:30 a.m., at which

19 time the

proceedings

20

were resumed in

open

21

Court.)

22

23

(These proceedings are continued

to

24

the next volume in this cause.)

25

Sandra M. Halsey, CSR, Official Court Reporter

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CERTIFICATION PAGE

THE STATE OF TEXAS)
THE COUNTY OF DALLAS)

I, Sandra M. Halsey, was the Official Court
Reporter of Criminal District Court Number 3, of

Dallas

County, Texas, do hereby certify that I reported in
Stenograph notes the foregoing proceedings, and that

they

have been edited by me, or under my direction and the
foregoing transcript contains a full, true, complete

and

accurate transcript of the proceedings held in this
matter, to the best of my knowledge.

I further certify that this transcript of the
proceedings truly and correctly reflects the

exhibits, if

any, offered by the respective parties.

SUBSCRIBED AND SWORN TO, this ____ day of
_____, 1997.

Sandra M. Day Halsey, CSR
Official Court Reporter
363RD Judicial District

Court

Dallas County, Texas

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Phone, (214) 653-

5893

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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)

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JUDGES CERTIFICATE

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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.

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MARK TOLLE, JUDGE

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Criminal District Court Number 3

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Dallas County, Texas

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Sandra M. Halsey, CSR, Official Court Reporter

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Sandra M. Halsey, CSR, Official Court Reporter

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