

Reporter Sandra M. Halsey, CSR, Official Court

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C A P T I O N

BE IT REMEMBERED THAT, on Tuesday, the 4th day
of
February, 1997, in the Criminal District Court
Number 3
of Dallas County, Texas, the above-styled cause
came on
for a jury trial before the Hon.
Mark Tolle, Judge of 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 Kerrville,
Kerr County Courthouse,
Kerr County, Texas, and the
proceedings were had as
follows:

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A P P E A R

A N C E S

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HON. JOHN VANCE

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Criminal District Attorney

7

Dallas County, Texas

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BY: HON. GREG DAVIS

10

Assistant

District Attorney

11

Dallas County,

Texas

12

13

AND:

14

HON. TOBY SHOOK

15

Assistant

District Attorney

16

Dallas County,

Texas

17

18

AND:

19

HON. SHERRI

WALLACE

20

Assistant

District Attorney

21 Dallas County,

Texas

22

23

APPEARING FOR THE STATE OF TEXAS

24

25

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1 ADDITIONAL APPEARANCES:

2

3 HON. DOUGLAS D.

MULDER

4 Attorney at Law

5 2650 Maxus Energy

Tower

6 717 N. Harwood

7 Dallas, TX 75201

8

9 AND: HON. CURTIS GLOVER

10 Attorney at Law

11 2650 Maxus Energy

Tower

12 717 N. Harwood

13 Dallas, TX

75201

14

15 AND: HON. RICHARD

C. MOSTY

16 Attorney at

Law

17 Wallace,

Mosty, Machann, Jackson &

Williams

18 820 Main

Street, Suite 200

19 Kerrville,

TX 78028

20

21 AND: HON. S.

PRESTON DOUGLASS, JR.

22 Attorney at

Law

23 Wallace,

Mosty, Machann, Jackson &

Williams

24 820 Main

Street, Suite 200

25 Kerrville,

TX 78028

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1

2 AND: HON. JOHN

HAGLER

3 Attorney at

Law

4 901 Main Street, Suite 3601

5 Dallas, TX 75202

6 ALL ATTORNEYS REPRESENTING

THE

7 DEFENDANT: DARLIE ROUTIER

8 MR. HAGLER HANDLING THE

APPEAL

9 AND:

10 HON. ALBERT D. PATILLO, III

11 Attorney at Law

12 820 Main Street, Suite 211

13 Kerrville, TX 78028

14 APPEARING FOR: Witness-

15 Detective Jimmy

Patterson

16 only on one date in

trial

17 AND:

18 HON. STEVEN J. PICKELL

19 Attorney at Law

20 620 Earl Garrett Street

21

Kerrville, TX 78028

22

APPEARING FOR: Witness

23

Officer Chris Frosch

24

only on one date in

trial

25

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P R O C E E D I N

February 4th, 1997
Tuesday
9:00 a.m.

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

the record

20 reflect that these proceedings are being held
outside the

21 presence of the jury and all parties of the
trial are

22 present.

23 Have both sides read the
Charge of the

24 Court?

25 MS. SHERRI WALLACE: Yes,
sir.

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1 MR. S. PRESTON DOUGLASS:
Yes, your

2 Honor.

3 THE COURT: Okay. I believe
the

4 defense wishes the failure to testify portion
removed; is

5 that correct?

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

7 THE COURT: Does the State
have any

8 objection?

9 MS. SHERRI WALLACE: No, we
don't,

10 your Honor. But we would request that you
inquire of the

11 defendant if that is her desire as well.

12 THE COURT: Is that your
desire, Mrs.

13 Routier?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: All right.

16 MS. SHERRI WALLACE: Thank
you, your

17 Honor.

18 THE COURT: Will the State
still

19 object to my removing that from the Charge?

20 MS. SHERRI WALLACE: No.
Provided the

21 defense doesn't want it in, and they've
objected. We

22 just heard them, we will concur in that.

23 THE COURT: All right. Fine
then.

24 The motion is granted, by the Court. The

defense's

25 motion is granted. We will remove that portion
of the

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1 Charge as to the failure to testify.

2 The rest of the Charge is
satisfactory

3 to both sides?

4 MR. S. PRESTON DOUGLASS: No,
your

5 Honor. If I might respond.

6 THE COURT: Oh, I'm sorry.

7 MR. S. PRESTON DOUGLASS: The
8 defendant objects to the anti-sympathy charge as
written

9 in, as in total presented in the Charge. I
would provide

10 McFarland_v._State, which references the charge,
and it

11 _____
also cites Wheatfall_versus_State, in regards to
an

12 _____
anti-sympathy charge.

13 And in Wheatfall, which is a
Court of

14 _____
Criminal Appeals case, 1994, it says that the
giving of

15 that charge may not be error, but the Court
specifically

16 said that it does not pass on whether there is
any

17 statutory authority to give that charge. And I
believe,

18 as the Court knows, there is no statutory
authority for

19 giving that charge.

20 Thus, giving that charge is
purely

21 discretionary with the Court, and in that regard
I would

22 submit it should not be presented.

23 Let me expound on it a little
bit. If

24 you have a charge as required by Penry, which
says that

25 you are to consider mitigating circumstances.
And in the

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1 Charge you say, "And as the Court has instructed
the

2 jury," you're going to say that they shall
consider

3 mitigating circumstances, which I think is
appropriate.

4 And if you say, on one hand you
want

5 them to consider mitigation, and in that Charge you
say

6 that mitigation includes anything about the
defendant's

7 background, character, or anything personal about
the

8 defendant, and then on the other hand you say, "Well,
you

9 cannot consider sympathy," then you are contradicting
the

10 Penry charge and you're contradicting the mitigating

11 evidence charge.

12 And because there's no statutory
13 authority for being in the Charge, I believe it's
14 improper to give it.

15 It's discretionary, and there is
no

16 statutory basis for giving it. And, we object on
that

17 basis.

18 THE COURT: Okay. Objection
19 overruled.

20 Anything other than that?

21 MR. RICHARD C. MOSTY: Let me
say one

22 thing to that. I disagree with Mr. Douglass
putting it

23 in the discretionary part. What the Court held in
that

24 case was there was not an abuse of discretion, but
the
25 statutory objection I don't believe was raised in
that

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1 case. And that's the thrust of our objection is no
2 statutory authority.

3 MR. S. PRESTON DOUGLASS: If I
might

4 just add one thing to be clear. The Court
specifically

5 said nobody raised, in that case, the fact that
there's

6 no statutory authority, as if it was willing to say
we'll

7 revisit that issue, because there was no authority to
8 give that charge.

9 THE COURT: All right. Thank you.

10 MS. SHERRI WALLACE: And Judge --

11 THE COURT: Other than that --

yes,

12 Ms. Wallace.

13 MS. SHERRI WALLACE: I said the
State

14 concurred in the request to remove the failure to
15 testify. We're not asking for it to be removed, but
16 understand that the defense is. And we're satisfied
with

17 it in, but if they want it out, we understand your
18 ruling.

19 THE COURT: Thank you. Other than

20 that, does the defense have any objection?

21 MR. RICHARD C. MOSTY: Yes. We
object

22 to the instruction on parole. That it is an
inaccurate

23 statement of the law that she would have to serve 40
24 years. It also contradicts with the second full
25 paragraph of the Charge which says that the sentence
is

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1 mandatory death or confinement in the penitentiary
for
2 life. And all it does -- all the Charge does is
suggest
3 that, in fact, there is some parole law applicable to
the
4 case, and we object to including it in there.

5 THE COURT: Overruled. Other than
6 that is there any defense objection to the Charge?

7 MR. DOUGLAS MULDER: I just want
to
8 reurge all of the arguments made.

9 THE COURT: Is the rest
10 satisfactory -- other than that, is the Charge
11 satisfactory to the defense?

12 MR. S. PRESTON DOUGLASS: Yes,
sir.

13 THE COURT: All right. And so,
Ms.

14 Halsey, if you will be kind enough to mark this as
the
15 next Court Exhibit, Court's Exhibit D. All right.
Make
16 this Exhibit D.

17

18

(Whereupon, the

19 Exhibit was
20 Marked for
21 Identification
22 Only, as Court's
23 Exhibit D.)

24
25 THE COURT: All right. So, we're

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1 going to bring the jury in. I'll read the Charge of
the

2 Court, then we will have arguments now.

3 So we get everyone in a row here,
so

4 to speak. Who will argue for the defense -- who is
going

5 to open for the State? Mr. Shook?

6 MS. SHERRI WALLACE: I will, your
7 Honor.

8 THE COURT: Ms. Wallace. All
right.

9 And by agreement, 90 minutes a side.

10 What warnings do you want, Ms.
11 Wallace?

12 MS. SHERRI WALLACE: If you could
let

13 me know when I've used 30 minutes, and 15 minutes
14 thereafter.

15 THE COURT: Okay. And who will
argue

16 for the defense? What order?

17 MR. CURTIS GLOVER: Doug, are you
18 going to open?

19 MR. DOUGLAS MULDER: Yeah, I'll
open,

20 Judge.

21 MR. CURTIS GLOVER: I'm following
him,

22 Judge.

23 THE COURT: Pardon?

24 MR. CURTIS GLOVER: I'll follow
him,

25 Judge.

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1 THE COURT: Okay. How long do you
2 want, Mr. Mulder?

3 MR. DOUGLAS MULDER: I don't need
4 to
5 be called. I don't know how long I'm going to use,
6 maybe
7 half an hour, maybe 45 minutes.

8 THE COURT: Well, do you want me
9 to
10 let you know when you have used certain time limits,
11 or
12 gone past a certain time?

13 MR. DOUGLAS MULDER: No, that's
14 quite
15 all right. Thanks.

16 THE COURT: All right. Well,
17 then,
18 who will follow that?

19 MR. S. PRESTON DOUGLASS: After
20 Mr.
21 Glover, then I will. I just need 10 minutes.

22 Well, Mr. Mulder, I will warn you
23 at
24 the end of each 30 minute segment; is that clear?
25 So
26 everybody will know the time they're using.

1 determine when we break.

2 MR. DOUGLAS MULDER: Well, Judge,
3 listen, that's fine with me, but I just don't want to
be
4 interrupted in the middle of my argument.

5 THE COURT: Well, we hope that
you're
6 not.

7 MR. DOUGLAS MULDER: Well, I want
that
8 understood, Judge.

9 THE COURT: Thank you. All right.

10 MR. DOUGLAS MULDER: I want that
11 understood, Judge. I don't want to be interrupted in
the
12 middle of my argument. Now, if you want to recess
prior
13 to the time that she reaches -- at the conclusion of
her
14 argument, that's fine and dandy. I don't want to be
15 interrupted in the middle of my argument.

16 THE COURT: If the jury wants to
17 break, Mr. Mulder, we will break. And we'll have
plenty
18 of time.

19 MR. RICHARD C. MOSTY: You know, I

20 don't think that that's an unfair request, that Mr.
21 Mulder's argument not be interrupted.

22 THE COURT: Gentlemen, let's don't
23 get -- I normally don't interrupt people in the
middle of

24 their argument.

25 MR. DOUGLAS MULDER: Well, if I
argue

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1 for 45 minutes that's going to take it to an hour and
2 half.

3 THE COURT: Well, all right. If I
see

4 a juror with their hand up, we're going to be
breaking.

5 I just want to warn you of that.

6 MR. DOUGLAS MULDER: Well, Judge,
I

7 suggest you take that up with the jury before I get
up to

8 argue, it's real simple.

9 THE COURT: I have. Thank you.
10 And we understand that there will
be a

11 total of 90 minutes per side. Total.

12 With that understanding, let's
bring

13 the jury in, please.

14 MR. RICHARD C. MOSTY: Could we
wait a

15 minute, your Honor? Could I check on something?

16 THE COURT: Yes. All right.

17 MR. RICHARD C. MOSTY: Will that
be

18 okay?

19 THE COURT: All right.

20 MR. RICHARD C. MOSTY: Your Honor,

we

21 object to starting until Mr. Routier gets here. I

think

22 that's not an unreasonable request after a five week

23 trial.

24 THE COURT: Thank you. Overruled.

25 Let's bring the jury in, please.

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1 Well, when do you think he will be
2 here?

3 MR. RICHARD C. MOSTY: If the
Court

4 will give me a few minutes, I can go check.

5 THE COURT: All right. Go ahead
and

6 check and see where he is.

7 Just hold the jury a minute to see
8 where Mr. Routier is.

9
10 (Whereupon, a short pause
11 in the proceedings was had,
12 after which time, the
13 proceedings were resumed
14 as follows:)

15
16 THE COURT: All right. Are they
here?

17 I thought they were coming up the stairs.

18 Let the record reflect these
19 proceedings are being held outside the presence of
the
20 jury and all parties of trial are present.

21 These proceedings today began at
9:00

22 A.M. sharp. It's now 14 minutes after 9:00. We have
23 recessed for five minutes.

24 And Mr. Mosty, what is the result
of
25 your search for the Routier family?

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1 MR. RICHARD C. MOSTY: I have
someone
2 going to check on him. The place where he is staying
3 does not have a phone.

4 THE COURT: Well, it's 9:15 now.

5 MR. RICHARD C. MOSTY: His brother
is
6 going, on his way there.

7 THE COURT: All right. Thank you.

8 Well, it's 9:15 now. The Court feels that we have
waited

9 long enough. We have a jury in the jury room ready
to
10 go. We have three hours of argument ahead of us.
So,

11 the Court is now going to proceed.

12 If you will bring the jury in,
please.

13

14 (Whereupon, the jury

15 Was returned to

the

16 Courtroom, and

the

17 Proceedings

were

18

Resumed on the

record,

19

In open court, in

the

20

Presence and

hearing

21

Of the defendant,

22

As follows:)

23

24

THE COURT: All right. Be seated,

25

please. Let the record reflect that all parties in
the

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1 trial are present and the jury is seated.

2 Ladies and gentlemen of the jury,
what

3 is going to happen now is, I am going read to you the
4 Charge of the Court. That's the law in the case.

Then

5 you will hear arguments for both sides. Then the
case

6 will be yours to decide.

7 The Charge of the Court: Ladies
and

8 gentlemen of the jury: By your verdict returned in
this

9 case you have found the defendant, Darlie Lynn
Routier,

10 guilty of the offense of capital murder. It is
necessary

11 now for you to determine, from all of the evidence in
the

12 case, the answers to certain questions called Special
13 Issues in this charge.

14 The mandatory punishment for
capital

15 murder is death or confinement in the penitentiary
for

16 life. You are instructed that in answering the

special

17 issues you may take into consideration all of the
facts

18 shown by the evidence admitted before you in the
full

19 trial of this case and the law as submitted to you
in

20 this Charge.

21 During your deliberations in
this

22 phase of the trial you must not consider,
discuss or

23 relate any matters not in evidence before you.

You

24 should not consider or mention any personal

knowledge or

25 information you may have about any fact or person

16 are not to be swayed by mere sentiment, conjecture,
17 sympathy, passion, prejudice, public opinion or
public

18 feeling in considering all the evidence before you
in
19 answering the Special Issues.

20 The burden of proof in Special
Issue

21 Number 1 rests upon the State, and it must prove
the

22 affirmative of such issue beyond a reasonable doubt.

23 A reasonable doubt is a doubt
based on

24 reason and common sense after a careful and impartial
25 consideration of all of the evidence in the case. It
is

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1 the kind of doubt that would make a reasonable person
2 hesitate to act in the most important of his own
affairs.

3 Proof beyond a reasonable doubt,
4 therefore, must be proof of such a convincing
character

5 that you would be willing to rely and act upon it
without

6 hesitation in the most important of your own affairs.

7 In the event you have a
reasonable

8 doubt as to the answer to Special Issue Number 1,
after

9 considering all of the evidence before you, and
these

10 instructions, you will answer the Special Issue,
"no."

11 In deliberating on Special Issue
12 Number 1, you shall consider all evidence admitted at
the

13 guilt or innocence stage and the punishment stage
14 including evidence of the defendant's
background or

15 character, or the circumstances of the offense
that

16 militates for or mitigates against the imposition of
the

17 death penalty.

18 You are instructed that you may
not

19 answer Special Issue Number 1, "yes," unless all
jurors

20 unanimously agree to such answer. Further you may
not

21 answer this Special Issue, "no," unless 10 or more
jurors

22 agree. It is not necessary that members of the jury

23 agree on what particular evidence supports a negative

24 answer, that is, an answer of "no" to Special Issue

25 Number 1.

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1 You are further instructed that if
the

2 jury makes an affirmative finding to Special Issue
Number

3 1, that is, an answer of "yes," then the jury shall
4 answer Special Issue Number 2.

5 You will answer Special Issue
Number 2

6 yes or no. You may not answer Special Issue Number 2

7 "no" unless all jurors unanimously agree to such
answer.

8 And you may not answer such issue "yes" unless 10 or
more

9 jurors agree to such answer. The jury, however, need
not

10 agree on what particular evidence supports an
affirmative

11 finding on Special Issue Number 2.

12 In answering Special Issue Number
2,

13 you are instructed that you shall consider mitigating

14 evidence as evidence that a juror might
regard as

15 reducing the defendant's moral blame
worthiness.

16 And then we have the two Special
17 Issues, which I will read now. Special Issue Number
18 1:

18 Is there a probability that the defendant would
commit

19 criminal acts of violence that would constitute a
20 continuing threat to society?

21 If the jury returns an affirmative
22 finding on the issues submitted above, then you shall
23 answer the following Special Issue:

24 Special Issue Number 2: Taking
into
25 consideration all of the evidence, including the

1 circumstances of the offense, the defendant's
character
2 and background, and the personal moral culpability of
the
3 defendant, is there a sufficient mitigating
circumstance
4 or circumstances to warrant that a sentence of life
5 imprisonment, rather than a death sentence be
imposed?

6 You are further instructed that
your
7 verdict shall be arrived at by due deliberation and
not
8 by drawing lots or any other method of chance.

9 The answers to the Special Issues
10 shall be signed by the presiding juror.

11 You are the exclusive judges of
the
12 facts proved, the credibility of the witnesses, and
of
13 the weight to be given to their testimony. But you
are
14 bound to receive the law from the Court, which is
herein
15 given you, and to be governed thereby.

16 And that is signed by me, Mark
Tolle,
17 Presiding Judge.
18 Now, the next two pages contain
the
19 Special Issues. And depending upon your answer, the
20 presiding juror will sign, of course, the bottom of
the
21 issue, assuming it's answered, and depending upon
the
22 instructions, you will answer one or both of these
23 issues, depending upon the answers thereto. And Mr.
24 Wilson (sic) will sign the ones that you decide
upon, and
25 if he will print his name, please.

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1 CLOSING ARGUMENTS IN PUNISHMENT:

2

3 THE COURT: And now argument, by
4 agreement, 90 minutes a side. And who will open for
the

5 State? Ms. Wallace?

6 MS. SHERRI WALLACE: I will, your
7 Honor.

8 THE COURT: Thank you.

9 MS. SHERRI WALLACE: May it
please the

10 Court?

11 THE COURT: Yes, ma'am.

12 MS. SHERRI WALLACE: On June the
6th,

13 of 1996 two precious children were forever silenced
by

14 their killer. Devon and Damon Routier, were forever
15 silenced by their mother.

16 On their behalf, and on behalf of
the

17 people of this great State, I want to thank you for
your

18 wisdom and your common sense, in sifting through
four

19 weeks of testimony and telling us the truth.

20

I know this case has been

difficult.

21 It's been difficult on all of us. You don't want to

22 believe that a mother would kill her children. You

fight

23 in yourself, and say it is not so. But in this

case, as

24 you saw, the evidence is overwhelming. This woman

over

25 here, murdered her children in cold blood.

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1 And then that family comes in
here and
2 tries to make you feel guilty for their loss. Tries
to
3 blame you for their pain? She is to blame. It's
her
4 fault they're hurting. It's her fault we're here.
5 So don't you feel bad for one minute for holding on
to
6 your oath. And for sifting through all of that
horrible
7 evidence. And for reaching a just verdict. For
that we
8 thank you.

9 Sarilda Routier said, the
defendant's
10 own mother-in-law, "If she did this, she should
die."

11 We know that she did this.
12 Now, it's up to you to decide if
she
13 lives or dies.

14 Now, you remember from voir dire,
from
15 the jury selection we did, it seems so long ago,
it's not

16 that clear. Instead of saying life or death, the
Court
17 has asked you to answer two questions. But in this
case,
18 the answers are so easy, because the answers are in
the
19 evidence. The answers are contained in the
defendant's
20 crime.

21 The first question: "Is there a
22 probability that she would commit further continuing
acts
23 of violence, that she would be a continuing threat?"

24 I want you to think about the
crime
25 when you answer that question. You see, folks, this

1 isn't some crime where she snapped. This isn't a
case
2 where we have got an automatic weapon and a mom just
3 freaked out. She planned this thing. She thought
about
4 it for a week. She had been sleeping downstairs for
a
5 week.

6 She told the nurse in the
hospital
7 that she had been leaving that window open in the
garage
8 for a week. And then that night, what did she do?
She
9 sat there, and she waited until her babies fell
asleep.

10 And she walks into the kitchen.

11 Can you imagine what is going
through
12 her mind? She stands there, and looks at that
butcher
13 block and thinks, what knife? What weapon am I
going to
14 use to kill my children? How did she select it?
Was it

15 the biggest one? I don't know.
16 But she pulled it out, and you
know
17 what? She could have stopped right then. She could
have
18 said, "Oh my God, what am I doing?" But she didn't.
19 She goes over to her child, and
the
20 sequence of events I'm going to tell you is a
reasonable
21 deduction from the evidence. I don't know exactly
how
22 she did this crime, but I'll tell you what I think,
what
23 I think the evidence shows.
24 She went over to Devon, her
oldest
25 child. He's laying there sleeping.

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1 You know, is there anything more
2 precious than a sleeping child? Anything? You know
how
3 they get when they fall asleep and they start
breathing
4 heavily, just that deep sleep because they are
exhausted
5 from playing all day. That's how Devon was.
6 She walks up to him and looks at
him.
7 He is face up. Sleeping. He is dreaming. I don't
know
8 what he is dreaming about, riding bikes, licking
9 popsicles. I don't know what he's dreaming about,
but
10 it's nothing like the nightmare that awoke him. She
11 awoke him. She did it by taking that knife and
slamming
12 it into his chest. She plunged it into his chest.
And
13 she could have stopped then.
14 And if you are asked this
question,
15 would she probably be a future danger? Would she
16 probably commit criminal acts of violence? Right

then,

17 what would you say? Surely not. Not a mother.

That

18 would snap her.

19 Surely she realizes her wrong?

20 But no, she does it again, until

she

21 is sure he is dead.

22 And then she walks over to her

five

23 year old child, Damon. Look at those eyes, those

24 precious eyes.

25 He is face down. He is sleeping
too.

1 And she has a chance at this
point to

2 stop, to say, "Oh my God. I have made the most
horrible

3 mistake of my life. I can't do it to another
child."

4 But she doesn't. She is that cold. These kids
are in

5 her way. And she has got a mission and a goal and
she

6 carries it out.

7 And she goes over and she stabs
Damon.

8 Do you know what it is like to
stab

9 something? Have you ever stabbed a chicken? It's
hard.

10 She had to go through bone. And pull it out and do
it

11 again. And I don't know what happened then. Maybe
she

12 thought she had done it with two times. But do you

13 remember what Barbara Jovell said about this little
boy?

14 He was stubborn. He was a fighter. He didn't want

to

15 die.

16 So she goes off and does whatever

she

17 does. You know, flipping stuff around, taking that

--

18 just turning that flower arrangement over, putting

that

19 vacuum cleaner there, cutting herself, you know,

20 whatever she does. Okay? And she stages that crime

21 scene, and then you know what happened next.

Because we

22 know from the blood trail that that little boy

left, he's

23 trying to get out of there. He crawls away. And

she

24 goes after him and hunts him down like an animal.

And

25 she finishes him off.

1 Those big eyes as he is dying
are
2 looking up at her. You heard the paramedic talk
about
3 it. He was choked up. It's hard to watch a little
boy
4 die. And what did their mother do? Not one dadgum
5 thing. Not even then did she stop.
6 All she did was hold that towel on
her
7 neck and ask when the heck the ambulance was going to
be
8 there for herself.
9 You know, have any of y'all ever
lost
10 anybody you really loved? You know what it's like to
11 have something suddenly taken away from you? You
don't
12 ever want to believe it. You live in denial.
13 You know you remember when she
14 testified in the guilt or innocence phase of this
trial,
15 and she told you, when she got in the ambulance she
knew
16 her babies were dead. Well, they hadn't even

declared

17 Damon dead.

18 She knew they were dead because

she

19 knew she had stabbed him hard enough. She knew she

had

20 finished him off.

21 So you have got to answer that

first

22 question, and this crime gives you everything you

need to

23 answer that first question.

24 You see, the law doesn't require -

- we

25 talked about this in jury selection. The law doesn't

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1 require anything else.

2 There are some crimes that are so
bad,

3 that are so distasteful, that are so horrible, that
4 that's all you need to hear. If we had asked this
5 question after Devon's death, maybe we would still
have

6 Damon.

7 How long are we going to wait?

You

8 all know she is a continuing threat. She is a threat
to
9 anything that gets in her way.

10 As long as you don't cross her,
11 everything is fine. But if you get in her way, God
help
12 you.

13 Now, I want you, if you will, to
think
14 about this woman. Because that is really what this
15 second question is all about.

16 Is there something here
sufficient,

17 after that crime, to warrant y'all changing your
mind

18 and giving her life, even though she deserves
death?

19 That's what it's all about.

20 Well, what evidence have you
heard?

21 Well, the family doesn't want to believe it's true.

The

22 truth is too ugly for them to face. But you have sat

23 here for four, now almost -- well, four and a half
weeks,

24 and you know the truth. They have not been in this
25 courtroom. They don't know all you have heard. And
they

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1 don't want to believe it. Who does? But that's the
2 case.

3 So think about this woman. Are
you

4 not going to kill her because she is a woman? Does
that

5 make those kids one bit less dead? All of you were
asked

6 on your questionnaire, could you execute a woman if
the

7 crime called for it? And every single one of you

8 answered yes.

9 So I ask you, if a stranger had
broken

10 into this home, and done this -- look at it. Done
this.

11 Done this to two little boys, what would you do to
that

12 stranger? Well, I have talked to you all. I have
heard

13 from you. I know what you would do. You would kill
him

14 in a heartbeat.

15 Don't you know that their mother
doing

16 this is so much worse?

17 So take the fact that she is a
woman

18 out of the equation.

19 So, is there anything sufficiently
20 mitigating? Any reason for you to change the
right

21 verdict?

22 Well, think about what she
said.

23 You-all have seen that, you know, we call it the
Silly

24 String tape. You have seen it. It's the 14th,
it's

25 eight days after these babies are slaughtered. And
she

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1 stands before that camera, and has the gall to say
that

2 these children have had such rich and full lives.

3 You tell me. How does somebody
that

4 hasn't even gotten to kindergarten yet have the
chance to

5 have a rich and full life?

6 Her mother asked you to have
7 compassion. I ask you to have as much compassion for
her

8 as she had for her children.

9 You have heard evidence in this
phase

10 of the trial about this woman. You have heard -- you
11 know, it doesn't matter if she doesn't wear a bra.

I

12 don't care if she doesn't wear a bra. That's not
the

13 point.

14 The point is, that what you see
here

15 in this courtroom is a sham. She is out there in
our

16 communities. She is rude. She is not this -- you

know,

17 all you heard was what a doting mother she was.

How kind

18 and gentle she was.

19 Well, excuse my language, but,

"Get

20 the fuck over here," to a three and four year old?

21 That's who you're asked to

sentence.

22 She didn't care about these kids.

23 You know, they want you to think

there

24 is something mitigating about she bought them a lot

of

25 stuff. Well, yeah, that's the easy way. Buy them
stuff,

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1 maybe they will shut up. Maybe they will go
outside and

2 play.

3 You know that's how you know if
the

4 Routiers are home. Kids are running wild outside.
Mama

5 doesn't want them in the house. She doesn't have
time

6 for them.

7 She took care of that, didn't
she?

8 You know, some of you may be
thinking,

9 maybe she ought to get a life sentence. Maybe that
would

10 be worse. That would be a greater form of hell,
because

11 she would have to think about her crime for the
rest of

12 her life. That's a mistake. And I'll tell you
why.

13 Because she is not like we are.
She

14 is different. Very different. The only concern

she's

15 got, the only time you saw real tears is when she
is

16 worried about her own hide. And she doesn't give a
flip

17 about anybody else.

18 A life sentence isn't going to
work

19 for her, people. She doesn't have the guilt.

20 Knowing her life is about to end
is

21 the only thing that will affect her.

22 I think the most scary thing is
that

23 she looks like us. She looks like a human being,
but she

24 is not. She is not one bit like us.

25 We couldn't do this. We don't
even

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1 know somebody that could do this. This is one of
those

2 crimes that is unthinkable.

3 You may be wondering, but why?

Why

4 would she do it? You know, we don't have to prove
5 motive, but you want to know why.

6 You have heard some of the
evidence

7 about what she was going through. But there's not
a good

8 reason to stab a five and six year old boy. There
is

9 nothing I could say to you, where you would go:

"Oh, I

10 understand now. I understand why she stabbed her
11 children."

12 Senseless crimes. That's what
they

13 are called. You know why they are called senseless
14 crimes? Because they don't make sense. But they
happen.

15 And the people that do them are so evil. We
reserve the

16 death penalty for those people. We reserve the

death

17 penalty for people like Darlie Routier.

18 If she did it, she should die.

You

19 know she did it.

20 You-all have got a tremendous

21 opportunity. There are juries today all around the
State

22 that are called on to make decisions. And people
often

23 times don't hear about them. But people are going
to

24 hear about your verdict. People are paying
attention to
25 this case.

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1 All of those people are press.
2 There's camera people in here and writers and TV
people
3 and book people. And they are all waiting to see
what
4 you do with this case.
5 They are your messengers.
6 I ask you to tell this nation,
in
7 Texas, we protect our children. If you harm our
8 children, you will get the full extent of our laws.
9 I know this decision isn't easy.
It
10 shouldn't be. But if you look at this evidence, and
you
11 think about this crime, you think about the fact that
all
12 of the time that she had where she could have
stopped,
13 where she could have changed her mind. But she
kept
14 plowing on through because that is what she
wanted.
15 You think about those things.
You

16 think about these babies.

17 Think about the last few minutes
of

18 their life. What did they say to her, "Mommy, it
hurts.

19 Mommy, why?" I don't know. But it hurt. And it
wasn't

20 instant. And she didn't care.

21 In order for the defendant to die,
you

22 must answer the first question "yes." And you must
23 answer the second question "no." If you answer them
any

24 differently, she receives a life sentence. You must
all

25 be in agreement that the first question is answered

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1 "yes," and the second question is answered "no."

Every

2 single one of you has to agree to that verdict.

3 I ask you to tell this nation, to
tell

4 this world, "Darlie Routier, we are not going to
tolerate

5 what you have done to our children. You will die."

6 THE COURT: Thank you, Ms.
Wallace.

7 Ladies and gentlemen of the jury,
to

8 give both sides equal opportunity in explaining this
case

9 to you, we will now take a 10 minute break.

10 Thank you.

11

12 (Whereupon, the jury

13 Was excused from

the

14 Courtroom, and

the

15 Proceedings were

held

16 In the presence of

the

17 Defendant, with

his

18 Attorney, but

outside

19 The presence of

jury

20 As follows:)

21

22 THE COURT: All right. These

23 proceedings are being held outside the presence of

the

24 jury, and all the parties in trial are present. The

25 Court's Charge was read to the jury commencing at

9:15

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1 A.M., and Ms. Wallace argued for the State. And she
2 began her argument at 9:23 A.M. and ending at 9:50
A.M.

3 Mr. Darin Routier appeared in Court at 9:40 A.M.

4 All right. Thank you.

5 Are both sides ready to bring in
the
6 jury?

7 MR. GREG DAVIS: Yes, sir, we are
8 ready.

9 MR. DOUGLAS MULDER: Yes, sir,
we're
10 ready.

11 THE COURT: All right. Bring the
jury
12 in, please.

13

14

15 (Whereupon, the jury
16 was returned to

the

17 courtroom, and

the

18 proceedings were

held

19 in the presence of
the
20 Defendant, with
her
21 Attorney, and in
the
22 Presence and
hearing of
23 the jury as
follows:)
24
25

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1 THE COURT: Let the record reflect
2 that all parties in the trial are present and the
jury is
3 seated.

4 Mr. Mulder.

5 MR. DOUGLAS MULDER: Yes, sir.
May it

6 please the Court?

7 THE COURT: Yes, sir.

8 MR. DOUGLAS MULDER: Ladies and
9 gentlemen, I'll be the first to visit with you on
behalf

10 of the defendant. And I think it would be less than
11 candid of me not to tell you that I am extremely
12 disappointed in your verdict.

13 But I believe in the system. And,
you

14 are good people and you went through this evidence
15 sincerely, and you did your dead-level best, and for
that

16 I certainly appreciate it. And it's not my position,
or

17 anyone else's position to quarrel with your verdict.

18 The State's position is, at what
we

19 call the punishment hearing, to bring you evidence

upon

20 which they will later contend that you are to base
your

21 verdict that Darlie should die. And I want to
discuss

22 with you a little bit that testimony that they
brought,

23 and then I want to answer Ms. Wallace's argument,
if I

24 can, and then I want to point out some things that
I

25 think are important and should be considered by
you in

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1 arriving at a proper verdict in this case.

2 The first witness they called
was a

3 young lady by the name of Allison Hennessey. And,
she

4 basically told you that she is a friend, or up
until

5 January of 1995, was a friend of Rene Stanley's, the
6 little girl who lived down the street. And Rene
Stanley

7 would babysit for the Routiers from time to time,
and

8 that she would go over there to the Routiers' house,
and

9 she told you basically three things. She said that
10 Darlie bought cigarettes for Rene. This is a 16 year
11 old. That one time she gave her a Zima, and another
time

12 she gave her a small quantity of marijuana.

13 But you know, it's curious to me,
that

14 if the thrust of their proof is to show that these
things

15 actually happened. And I would caution you that this
16 young lady is kind of kin to the case through Glenn
Mize.

17 She is the stepdaughter of Glenn Mize, who has this
18 circuitous relationship with Basia, who is woven
19 throughout this whole mystery.

20 But if, in fact, the object is to
21 prove that these things occurred, why don't they
bring

22 Rene Stanley? I mean, doesn't that make sense?

Where is

23 Rene Stanley? I'll tell you where she is. They know

--

24 and neither one of them are going to get up here with

a

25 straight face and deny it. They know that Rene
Stanley

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1 denies those allegations, you see.

2 Now, the next lady to come in here
and

3 testify was Eileen Schirmer.

4 Remember, she is the one that
lives

5 some two blocks away and quarrels with the way the
little

6 bike riders are supervised. She didn't like the fact
7 that they didn't wear life preservers on the dock,
and

8 that has, you know, the birthday party with the cake
in

9 the face and the water gun and that.

10 She is what we call a volunteer.

You

11 see? She is somebody who wants to get into the act.

She

12 doesn't really have anything to bring to the party.

But

13 you know, when you call and you volunteer, it doesn't

14 take long to figure out something that you can

testify

15 to, and you can get into the act, and you can

become a

16 star.

17 There is no way on God's green
earth
18 that they found her during some neighborhood canvas.
She
19 simply volunteered.
20 Now the next witness was Nelda
Watts.
21 And you know the interesting thing about her, she's
the
22 lady who heard the scream and saw the little black
car
23 out in front, at her mailbox. And then when she
heard
24 the sirens and the emergency vehicles, she looked
out
25 there and it was gone. And nobody knows, to this
day,

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1 what became of -- or how that black car fit into
this
2 mystery.

3 I don't know why they weren't
asking

4 her about that. You know, she has been there some
three

5 years, and she has never spoken to Darlie, and
obviously

6 doesn't even know what she looks like to be able to
7 identify her at a distance. I mean, this is an
obvious

8 case of mistaken identity.

9 But I wonder why she wasn't asked
10 about the little black car, instead of this other
11 business that doesn't make a whole heck of a lot of
12 sense.

13 At any rate, the next witness
called

14 was also a volunteer. Kay Norris. And basically,
she

15 said she is trashy, and she is rude, and she
doesn't

16 approve of the language that she used to correct her
17 children.

18 I mean, I don't either. If, in
fact,
19 she used that language. But I suggest to you that
if, in
20 fact, that is what they set out to prove, they could
21 bring somebody who doesn't have an obvious ax to
grind.
22 And I think Ms. Norris does.
23 But enough said about her.
Halina,
24 Halina is traceable back to Basia, and I think
Rebecca
25 sufficiently rebutted anything that she had to say.

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1 I think that -- of course, I'm a
2 little bit curious that the only time she has ever in
her
3 time here in the United States needed an interpreter
was
4 when she comes down here to testify in Court, and
that
5 strikes me as somewhat unusual.

6 I think you know from your common
7 experiences that by using an interpreter it's, of
course,
8 to her advantage, and she can find out where Mr.
Mosty is
9 going when he asks the questions.

10 She is Basia's mother, and you
have
11 seen Basia, and I suggest to you that the apple
doesn't
12 fall far from the tree. But, be that as it may. If
they
13 were intent and wanted to bring you information of
how
14 she acted, and how she treated those children, they
have
15 that information from the canvas that they did of

that

16 neighborhood.

17

You know they talked to the

fellow

18 behind the house who saw Darin working on the fence

that

19 night.

20

They have talked to everybody in

that

21 neighborhood. They can pay ten grand to have some

guy do

22 that business on the 911 tape, and you know they

have

23 canvassed that neighborhood, and this is the best

that

24 they can come up with, that she has not been a good

25 mother. And, I'll tell you, it's absurd. If this

is all

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1 they can come up with, and they have had her under
a
2 microscope for some seven months.

3 I think basically when you
analyze a
4 capital murder case with the idea of punishment,
and what
5 should be, or ought to be the proper punishment.

And I

6 would remind you again in this case that the law
says
7 that your decision should be the decision of twelve
8 jurors, not 6 or 8 or 10 or 11, but it must be
unanimous.

9 So each of you is one hundred percent responsible
for the
10 verdict, and that's the way it's supposed to be
under our
11 law.

12 The law says that with respect
to this
13 first issue, it must be proven to you beyond all
14 reasonable doubt. And that means simply this:
That if

15 you have any reasonable doubt, the law says that

you

16 resolve that doubt in favor of Darlie. Each and
every

17 time. It doesn't make any difference whether it's
once

18 or 10 times or 21 times or 101 times. Each time
you have

19 a reasonable doubt, the law says you give her the
benefit

20 of that reasonable doubt.

21 Now let's see if this makes
sense: I

22 suggest to you that there are three considerations
in

23 determining whether or not you've got a capital
murder

24 case that warrants the death penalty.

25 The first one is, is the
consideration

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1 of the victim. Who is the victim in this case?

2 The second consideration
should be

3 the proof. Okay?

4 And the third consideration
should be

5 the defendant.

6 To have a capital murder case
that

7 warrants death you have got to have an innocent
victim,

8 who did not provoke the killing. Does that make
sense?

9 You have got that here, no question about that.
Nothing

10 more innocent than a five year old child, and I
dare say

11 there is absolutely nothing that a five year old
child

12 could ever do, under any circumstances, to provoke
his

13 death.

14 Now what about proof? Well, you

15 should want the proof to be so clear, so
convincing,

16 evidence that is so compelling, evidence that
satisfies

17 you in your heart of hearts that the defendant, to
the

18 exclusion of all other people, is solely
responsible for

19 the death of the victim. Does that make sense to
y'all?

20 Absolute proof. You know it in
your

21 heart of hearts, the evidence is so clear and
convincing

22 that you are convinced of her guilt to the
exclusion of

23 all others.

24 Now, I think the third
consideration

25 should be the defendant. Is the defendant beyond

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1 redemption?

2 Okay. Let's talk a little bit
about

3 the proof in this case. And I think if Mr. Davis,
and

4 you know he talked last last time, so I didn't have
an

5 opportunity to get up and answer him, and I would
have

6 liked to have answered him on a number of things.
But

7 again, I believe in the system, and that is the way
the

8 system operates.

9 But if Mr. Davis is going to get
up

10 here with a straight face and ask you to set her
11 punishment at death, then you are entitled to some
12 answers and some explanations.

13 I suggest to you that right now
you

14 don't have a clear picture on what exactly happened,
how

15 it happened, why it happened, or the timeframe in
which

1 but they won't do it. They want you to guess what
2 happened.

3 Let's talk about the blood, for
4 example.

5 Let's talk about the blood.

6 That may have been important in
your

7 decision. You had the blood spatter man that came
down

8 from Oklahoma City. Tom Bevel. The blood may have
been

9 important. But I'll tell you what is missing in the
10 blood is the chain of custody.

11 You remember they got the
clothing

12 worn by Damon to the hospital, just like they got
the

13 T-shirt worn by Darlie, to the hospital. But
then it

14 jumps from the hospital to the fire station number 2
over

15 here, where Mayne picks it up. You see.

16 You don't have Zimmerman. We
objected

17 and the judge overruled our objection. I still don't

1 gathered, it was soaking wet in blood. And what we
don't

2 know, and what they haven't brought us, is Paramedic

3 Zimmerman, who picked up the clothing. Y'all
remember

4 Paramedic Zimmerman? He is the one that picked up
the

5 clothing at the hospital, put it all together and
took it

6 to Station 2, you see.

7 Was the clothing of Damon
permitted to

8 contaminate the T-shirt of Darlie and the T-shirt of

9 Darlie to contaminate the clothing of Damon? I
suspect

10 it was. It was all soaked in blood. But you don't
know.

11 They haven't called Paramedic Zimmerman.

12 And I suggest to you the reason
they

13 haven't called him, was because he will tell you, "I
put

14 it all in a sack, you know." Kind of like Mayne out

15 there, "If I found it together, I put it all
together."

16 But they haven't brought Paramedic Zimmerman. They
have
17 not explained those fingerprints that we talked about
18 with consultant Cron, as coincidental.

19 If they have been compared with
Glenn

20 Mize, he never told me. I don't know whether they
have

21 or not. If they have been compared with Gary Austin
down

22 the way, they have never told me.

23 If they were compared with the man
who

24 was turned in or phoned in by the used car lot, some,
he
25 said that afternoon, I thought it was that morning of
the

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1 6th, but I'll give him the afternoon. Wearing the
same
2 clothes that Darlie had described, you know, I don't
know
3 anything about it. And I would think that as part of
his
4 proof when he comes to you and asks for death, that
he
5 would cover that.

6 We don't know anything about the
black

7 car, we don't know anything about Angelia Rickels.

8 No follow-up on that. They don't
tell

9 us about it until November. Well, what can we do in
10 November? Thank you, but, you know. And then when I
go

11 out there, they tell them, "Don't talk to anybody.

Don't

12 talk to anybody."

13 What about Dr. DiMaio, who says
these

14 are defensive wounds? And again, any doubts that you
15 have must be resolved in favor of Darlie. Again, I'm
not

16 fussing with your verdict, but I am saying that if
they
17 expect you to answer the ultimate question, then you
are
18 entitled to some answers and some explanations.

19 Lisa Clayton told you that she has
20 looked at her for some 12 and a half hours. And she
is
21 inconsistent with a mother who would harm or kill her
22 children. She has none of the psychiatric make-up
that
23 she would expect to find in a mother who had killed
her
24 children.

25 Dr. Townsend-Parchman says that
that

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1 youngster would have lasted five or six minutes,
maybe
2 eight or nine minutes. And I noticed that Mr. Davis,
in
3 some hour that he had to answer our arguments back on
4 Friday, totally ignored that time line. Because
there is
5 no answer to that. If she is accurate, you know that
6 it's inconceivable that she had the time and the
ability
7 to do those things. And again, you must resolve
those
8 doubts in her favor.
9 She has no history of abuse.
There is
10 no motive. There is absolutely no reason. And we
know
11 at this stage that this wasn't a money type of deal.
12 You know, it's curious to me, and
I
13 have never for a minute doubted the innocence of
Darin
14 Routier. But, you know, he of all people, had the
most
15 to gain here. She had a couple of hundred thousand

16 dollars worth of insurance on her.

17 She doesn't gain anything
monetarily.

18 Five thousand a piece for those children, you know.

But

19 they cleared him like that. What did they clear him
on?

20 They cleared him on what she said. They can pick
and

21 choose what she says. They can believe part of what
she

22 says and just discount, for no rhyme or reason, the
other

23 things that she says.

24 But there is no -- there is no
reason

25 or motive that has been demonstrated. And we all
know

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1 that people don't do things without a reason or
motive.

2 Under Bevel's account, and Ms.
Wallace

3 takes the position that the children were killed
first.

4 But again, we have got these spots of blood and if
it's a

5 spot on a spot, and they're about one millimeter in
6 diameter, so the chances of those being spots on top
of a

7 spot, three times would be about the same as your
chance

8 of hitting the lottery.

9 But either way. If the blood is
10 mixed, that knife had to be wet with her blood for
her to

11 get those blood stains on her T-shirt. Either she
cut

12 her throat first and then attacked the boys. And
that

13 doesn't make sense, because how is she going to get
the

14 sock down the alley? That won't work.

15 I mean, how she is going to get

the

16 sock down the alley without bleeding all over
everything?

17 That will not work. But it doesn't make sense that
she

18 stabbed them both first, and then stabbed herself,
and

19 then go back and stab them again either. I mean,
that

20 doesn't make sense. I mean, that won't work
either.

21 It doesn't make sense that she
would

22 cut her throat, and then go over and lay down on the
sofa

23 and get blood on this pillow. That doesn't make
sense.

24 Or at least to me. And you resolve those doubts,
when

25 you think about the proof in this case, and think
about

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1 whether or not you have got death penalty proof here,
you
2 resolve those doubts in Darlie's behalf.

3 The third consideration is the
4 defendant herself in this case.

5 She must be beyond redemption. I
6 mean, what easier way, or what better way to prove
this

7 than to show that she has a history, you know, a
track

8 record of anti-social behavior. But you don't have
that

9 in this case. You have no anti-social behavior on
the
10 part of Darlie Routier. In fact, the evidence is to
the
11 contrary.

12 She has no police record of any
sort

13 whatsoever. And there is absolutely no basis to
believe

14 from what you have heard that she would be capable
of

15 violence in the future.

16 You know, why else -- and in all

my

17 years of doing this, and I have been doing it a
long,

18 long time. And I feel like it too. But I have
never, in

19 all of the capital murder cases that I have tried,
that I

20 have prosecuted and defended, I have never seen a
21 situation where all of the victims' relatives have
22 rallied around the defendant.

23 Obviously, they think they know
her

24 better than any of us do. I mean, I don't know her
much

25 better than you-all do.

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1 But they have rallied around her
2 because they believe that she is incapable of any
act of
3 violence of this magnitude.

4 And as we think back and reflect
on
5 this, you know, the people that we have known, or
the
6 people that we have read about who have committed
an
7 unthinkable act of violence, such as this, have had
that
8 common thread, where they have had a history of
violence.

9 They have had difficulties with
the
10 police. They have had problems at work, and
problems at
11 home, and problems in their family relationships.

12 And you don't have that here.
You
13 don't have anything that suggests some maniacal,
devious
14 Darlie in this particular case.

15 In his closing argument to you,

Mr.

16 Davis told you that this is simply another Susan
Smith

17 case. Do you remember that? Do you remember that?

On

18 Friday?

19 He said this is simply another
Susan

20 Smith case. Susan Smith, if you don't remember, is
the

21 mother from South Carolina who was sentenced to life

22 imprisonment for drowning her two children. And

let's

23 compare this case with Susan Smith's.

24 Susan Smith didn't have a

stable

25 marriage. In fact, the evidence was that she --

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1

2

MR. GREG DAVIS: Excuse me,

I'll

3

object, that's outside the record.

4

THE COURT: Gentlemen --

5

MR. DOUGLAS MULDER: Judge, he

brought

6

it up.

7

MR. GREG DAVIS: No, I didn't.

8

THE COURT: Gentlemen, both

sides are

9

instructed to stay within the record. The jury is

10

instructed to remember the testimony as they heard

it,

11

and be guided by the Charge of the Court.

12

Mr. Mulder, you may continue.

13

MR. DOUGLAS MULDER: Darlie has

a

14

stable marriage. She does not have a history of

15

separation and divorce.

16

Darlie has a record that is not

--

17

that she does not have a record of anti-social

behavior.

18

She has not had problems with coworkers. She has

not had

19 problems with family and friends.

20 Her family supports her. I

would

21 suggest to you that many of the positions that Mr.

Davis

22 and the prosecution have taken are either flawed

or

23 faulty. I would suggest to you that at this time

you

24 still don't know how it happened, or why it

happened, or

25 the time restraints that were involved here.

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1 Simply put, I guess, their
proof is
2 just not so positive as to be infallible. And I
would
3 urge you not to make a decision based on this type
of
4 proof that is so final, that it can't be undone.

5 Tradition has it that the
Indians
6 believed, that before they sat in judgment of one,
that
7 they would first walk in their moccasins. And as
one
8 last request, I would ask you that before you begin
your
9 deliberations on this most, most important issue,
that
10 you first read aloud in the jury room Darlie's
journal, a
11 very private documentary that reflects her very
private,
12 inner-most thoughts.

13 You have been most attentive,
and I
14 thank you for your time and for your attention.

15 Thank you, Judge.

16 THE COURT: Thank you, Mr.
Mulder.

17 Mr. Glover.

18 MR. CURTIS GLOVER: May it
please the
19 Court?

20 THE COURT: Yes, sir.

21 MR. CURTIS GLOVER: Judge,
would you
22 give me a fifteen minute warning?

23 THE COURT: Yes, sir.

24 MR. CURTIS GLOVER: Ladies and
25 gentlemen of the jury, my thanks to you once
again, and I

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1 am going to talk with you very briefly.

2 You know, there is a common
thread

3 that runs through all humanity, and that common
thread

4 that we have is that we are all fallible. And, you
know,

5 I have noted throughout my life that we don't use the
6 term fallible. Doug just used it and he said
infallible.

7 We like the word infallible. And
if

8 we want to go contrary to infallible, we don't say
9 fallible, we say not infallible. You say, what is he
10 talking about?

11 Well, we are all fallible, you
will

12 agree to that. Anybody with an ounce of common
sense

13 buys into that. But, you know, in connection with
that

14 fallibility, we demand infallibility of certain
persons

15 in our society. We demand that they be infallible,
16 though we know in common sense they really are

not.

17

We look at the president of

our

18 country, and we say we want him to be infallible.

We

19 want our Secretary of State to be infallible

because he

20 represents us overseas. We want our governor to be

21 infallible, because he is in charge of our money.

We

22 want our local folks to be infallible because we

look to

23 them for leadership. We look to all of our elected

24 officials. We look to our appointed police

officers. We

25 say: "We want you to be infallible." And there's a

1 presumption of infallibility that goes along with
them,

2 simply because we want them to be infallible.

3 We want our District Attorney to
be

4 infallible. We want our elected district attorney
to be

5 infallible. We want his deputies to be infallible.

And

6 along with that want and that need, we presume that
they

7 are infallible.

8 Now, how does that jade one's
9 thinking? The fact that we engage and buy into that
bit

10 of human behavior? And I am as guilty as you of
that.

11 But how does it affect our
thinking?

12 How might it have affected your thinking in this
case?

13 You know, we told you at the
onset of

14 this case that all persons charged with a crime are
15 presumed to be innocent. And we ask you to indulge

in

16 that, and we ask every jury to indulge in that.

17 But we as lawyers, we all know

that is

18 not indeed the case. We go in down, because they

have

19 this presumption of infallibility, and you buy into

their

20 position easier, than you might buy into a

defendant's

21 position.

22 Let's look and see whether or not

23 perhaps that might have occurred in this case, to

some

24 degree. It occurs in every case, because of that

25 presumed infallibility and your need to rely on them.

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blood.

17 The evidence of the ambience. All extremely
confusing.

18 You said, let's dismiss that. Let's go to the
emotional

19 aspects of this case and adopt that which they
have asked

20 us to do.

21 Folks, when the conclusion was
made in

22 this case, and this has been said to you a dozen
times,

23 and I have got to say it again, when the
conclusion was

24 made in this case, twenty minutes after it was
25 investigated, the die was cast, and it could not
be

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1 turned around.

2 They went out and sought every
way

3 that they possibly could, to find anything that
would

4 indicate that her attitude was improper, or that
her

5 behavior was improper. They said she didn't
grieve

6 properly. She was too stoic.

7 Did you see her mother on that
witness

8 stand? That lady is stoic. We have those traits
among

9 us. We get them from our parents. Perhaps she is a
10 stoic person, you will never know, because you don't
know

11 Darlie Routier.

12 All you know is her friends who
have

13 told you that she is a sincere and loving and good
14 person. Nobody has said that she is not.

15 Yet again, you had to buy into
this

16 infallibility that they enjoy and this position that

they

17 have. And you say, "We have got to solve this
matter."

18 And we told you when you were on
the

19 selection as jurors, and I think each of you were
told

20 that it is not your position here to solve this
crime.

21 Though you indeed have. That was not your
position.

22 It was whether or not they had
proven

23 this case beyond a reasonable doubt.

24 And I think, and I don't know, I
25 simply have to conjecture about this, but I think you
sat

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1 and you looked at the Silly String business, you
looked

2 at the birthday party, and you said that is
inappropriate

3 behavior. She must be guilty. We deduce she is
guilty,

4 because they have not brought us any other
possibility

5 other than her guilt, because she was there.

6 We look at the 911 tape. And we
don't

7 like some of the things that we hear. Because they
are

8 infallible and they pointed it out to us, and you
will

9 buy into it, because of its infallibility.

10 You know, folks, in every crime, I

11 don't care whether it's a theft, or a simple
burglary, or

12 something simple on the street. Somebody needs to be

13 vindicated. The law doesn't say that it is the
purpose

14 of your sentencing someone, that you are to
vindicate

15 someone, but we feel that in our minds.

16 The victim of a theft wants to
be
17 vindicated. He wants to know that the perpetrator
of the
18 crime against him has been punished. Therefore,
he has
19 been vindicated. The victim of the burglary wants
to
20 know that the person that burglarized his house,
or his
21 car has been punished. Thus he has been
vindicated.
22 It's an important part of our system and the way
we feel
23 about law and order.
24 Folks, there is nobody in this
case to
25 be vindicated by what you do here. Quite the
contrary.

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1 These people have taken the witness stand. The
people

2 that know her best. The man that was there that
night

3 with her, her husband, who was in a better
position to

4 judge this than anybody on God's green earth, and he
says

5 she is innocent.

6 There is nobody to be vindicated
in

7 this case. It's just like Doug said, in all matters
like

8 this, in every death penalty case he has ever seen,
there

9 was always somebody to be vindicated. Somebody to
come

10 into the courtroom, and say, "This was an evil
person,

11 now punish them." Nobody could do that in this
case.

12 There is nobody to be
vindicated.

13 There are only a large group of people, friends those
the

14 closest, the family, to be further wounded by
destroying

15 this woman. Don't do it. Do not do that. Don't
further

16 wound these people than they already have been
wounded.

17 If there had been anybody who
could

18 mount that witness stand, with any kind of sincerity,
and

19 say that this is the way it should be, then perhaps
you

20 would have something to hang your hat on. But it's
not

21 here, folks.

22 And you know Greg is going to get
up

23 here, he or Toby one, and they are going to say,
"Well,

24 Glover says there is nobody to be vindicated in this
25 case, but he is going to say that society needs to be

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1 vindicated." And he can argue that.

2 But you and I know, and all of us
have

3 lost loved ones, and the only people that truly feel
the

4 terror and the awfulness of this situation, are the
close

5 friends and family and the loved ones of the Devons
and

6 the Darins (sic) of this world.

7 And, it's hollow words to say that

8 society needs to be vindicated in this case.

Society

9 does not need to be vindicated in this case. There
is

10 nobody that can be vindicated. These people can
only be

11 further wounded if you decide to do that to Darlie.

12 Think about this evidence, folks.

13 Reexamine it, and see whether in your heart of
hearts,

14 that indeed you can vote to destroy this woman,
based on

15 this kind of evidence.

16 We're all fallible human beings.

Do

17 not do that. Thank you.

18 Thank you, Judge.

19 THE COURT: Thank you, Mr.

Glover.

20 Mr. Douglass?

21 MR. S. PRESTON DOUGLASS: Yes,

sir.

22 Thank you, Judge.

23 May it please the Court?

24 Ladies and gentlemen of the jury,

I

25 can assure you I will be brief. All four of us
wanted to

1 come and speak with you about something that we
believe

2 in. And I wanted to come and I wanted to speak with
you

3 about something that I believe in. And that is the
life

4 of Darlie Routier.

5 You see, I thought about this case
for

6 a while, and what they asked me to do, was talk about
the

7 Charge, and I'm going to get to that in a minute, and

8 talk about the Special Issues and the questions that
are

9 facing you.

10 But when I started thinking about
this

11 case, I thought about the fact that I have not had
the

12 opportunity to speak with you since last year,
since

13 October, when we all sat, and there wasn't all of
these

14 people here, and we all conversed with you and we

15 discussed the issues in this case.

16 If you will remember, all of you
17 talked about this case, and all of you sat there
for
18 about 40 minutes, and you were very patient, and
you
19 answered our questions. What struck me, is that in
many
20 ways, this case has come a full circle. Because if
you
21 will remember, the first thing y'all did when you
started
22 this case is that you sat in those chairs and you
filled
23 out a questionnaire.
24 And you will remember that when
you
25 filled out that questionnaire, that many of those

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1 questions dealt with the death penalty. And when you
2 filled out those questionnaires, it was just you. It
was

3 just your conscience, it was just your heart, it was
just

4 your thoughts. Nobody telling you what to write.

Nobody

5 telling you what to do. Nobody screaming at you.

6 You people have been yelled at,

7 screamed at, but when you filled out that
questionnaire,

8 all you did was write down what you thought. And,
you

9 know, we have come a full circle. Because the way
this

10 case is going to end is with each one of you
examining

11 your heart and your soul and your conscience about a
very

12 important question. I can't imagine a more important
13 question.

14 You see, this trial is going to
end.

15 Nobody is more happy about that than y'all, I'm sure.

16 And our neighbors who have watched this trial are
all

17 going to go about their normal lives. The media
people
18 who have covered this trial are all going to go on
to
19 other stories. And time will pass. And I'll bet
that
20 you are going to forget the name of the lawyers
involved
21 in this case. And I bet you may even forget the
name of
22 our judge.

23 But I can assure you that not
one of
24 you, years after this will ever forget the day
that you
25 passed judgment on the life of Darlie Routier. I
can't

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could

16 ever imagine. They have been through more adversity
than

17 I could ever imagine. Yet those people stood
together.

18 They came up here and got on the stand and cried in
front

19 of you. They got asked questions. They have been
20 humiliated outside, but they stood together. And
why did

21 they stand together? They stood together because
they

22 believed in, they had faith in, and they had
confidence

23 in a lady they love. And that love represents hope.
And

24 that hope represents life. And I submit to you that
life

25 is worthwhile.

1 Now, as to this verdict form and
this

2 Charge, I want to talk about it a little bit.
Because

3 when we picked the jury, I think I was there for
almost

4 all of you being picked. There was a few I don't
think I

5 was there, but most I was.

6 And I want to talk to you about
this

7 Charge for just a minute. But before I begin, I want
to

8 point out one thing. That each of you, I'm sure you
will

9 agree with me on, and that is, that when we started
10 talking about the Charge, every one of you made a
pledge.

11 Each and every one of you made a pledge that if we
got to

12 this stage of the trial, that you would keep an open
13 mind.

14 And you will remember, that if it
was

15 sitting on that chair, or over there at the jail,
that

16 right in front of you was a copy of the State's
17 indictment. And I can remember that some of you had
to
18 get out your glasses to read it. Some of you had to
look
19 through it, and it was legal language, it was a
little
20 difficult, but every one of you read that Charge and
knew
21 what was involved in this case. You knew just how
22 serious the charges were, and you knew what it meant.
23
Even though you knew what the
charges
24 were about, even though you knew what this case
involved,
25 you said that if you found the defendant guilty, each
one

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1 of you have said that you would keep an open mind.
Each
2 one of you said that your common sense would not be
3 stamped by the charges and each of you said that
you
4 would re-examine the evidence.

5 We asked for that pledge from you,
and
6 we believed you when you gave us that pledge last
year,
7 and we believe it today.

8 Now, as to these Special Issues.
Doug

9 hit on it briefly, but the most important part is
that
10 Special Issue Number 1 still requires that you
resolve
11 that question beyond a reasonable doubt. All of
you
12 agree that that is the most highest standard we have
in
13 our law, and all of you agreed to apply it.

14 And you remember that the burden
does
15 not shift from this table to prove that to you.

1 is not maybe. It's not -- well, she might do something.

2 It's not, well, she could maybe do something. It's
3 probable. More likely than not.

4 So if you put this sentence together,

5 and if you take away the wailing and the screaming and

6 you just look at the question you're suppose to answer,

7 in black and white, it requires you to find beyond a
8 reasonable doubt that it is more likely than not that
a

9 lady, who throughout her whole adult life and to this
10 event, by your verdict they have not brought you one
11 person to say that this person ever committed a
violent

12 act.

13 And then once you say that it is more

14 likely than not, that it is probable that she will
commit

15 more violent acts. But they don't have any proof of
16 that, ladies and gentlemen.

17 Now, one issue that was brought

up,

18 and I want to clarify something. It was talked about

a

19 unanimous verdict. The law recognizes the importance

of

20 a "no" answer to the future dangerousness.

21 Because the law recognizes that

22 importance, the law does not require a unanimous

verdict

23 for a "no" answer. The law only requires that ten of

you

24 agree to a "no" answer. It does not have to be

25 unanimous. Yes, it does have to be unanimous if you
find

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1 that she is a future danger. But the law, as it
should,

2 only requires 10 to say she is not a future danger.

3 Now, with respect to Special Issue
4 Number 2, you remember we talked about that as the
5 mitigation question. And mitigation was a hard word
and

6 we talked about it, and we fought around with it, but
by

7 and large it's the evidence that screams out and
8 convinces you that life is appropriate.

9 And all of us agreed that
mitigation

10 does not have to be one particular thing. Mitigation
can

11 be a loving character. Mitigation can be a prior
life

12 with no criminal history. Mitigation can take every
13 shape and form imaginable. But what is very
important is

14 we talked about, that what Linda may believe is
15 mitigation, does not have to be what Caroline
believes is

16 mitigation. Or what Jimmy believes is mitigation.

17 You all can have different facts

that

18 you believe mitigates, but at long as you believe

that

19 something mitigates, it doesn't have to be the

same

20 thing, but you just -- that you believe it

mitigates.

21 And again, I want to point out to

you

22 that it takes 10 votes for "yes." That there is

23 mitigation, that there is a reason for life. Not

24 unanimous. Ten votes. If you believe there is no

reason

25 for life, that does have to be unanimous. But again,
the

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1 law in it's wisdom says it only takes ten votes for
life.

2 Now, the last thing I want to say
3 before I leave the Charge, is that in the jury
selection

4 process, that every one of you absolutely pledged
that

5 you would vote your own individual conscience. You
6 pledged that if you found yourself in the minority.
You

7 pledged that if you found yourself against the wall
on

8 something you believed in very much, that you would
not

9 waiver in your belief. That you would stand by
very

10 firm. And I ask that you continue in that pledge.

11 You know, I have been lucky in my
12 life. I have sat in that chair as a prosecutor in
this

13 courtroom. I was proud to do it, and I was humbled.

I

14 have talked in front of juries about people's money,
and

15 people's children, and I was proud and I was humbled

to

16 do it also.

17 But there has never been a day in

my

18 life that I have been more proud than today. And I

am

19 humbled, and I am scared. Because y'all have an

awesome

20 power. More power than I could ever imagine any

human

21 being ought to ever have. I am proud to be here,

and I

22 am proud to tell you that I believe that that life

is

23 worthwhile. I believe that that life is worth being

24 spared.

25

not a Death, ladies and gentlemen, is

1 solution in this case. The law provides enough
2 punishment in this case. Life imprisonment. That's
not
3 freedom, ladies and gentlemen. That is life
4 imprisonment.

5 Life imprisonment, ladies and
6 gentlemen, is the least and it's the most you can
do.

7 And I appreciate it very much.

8 Thank you.

9 THE COURT: Thank you Mr.

Douglass.

10 Ladies and gentlemen, we will
take a
11 brief 10 minute break. Thank you.

12

13

14 (Whereupon, a short

15 Recess was

taken,

16 After which

time,

17 The proceedings

were

18 Resumed on the

record,

19 In the presence

and

20 Hearing of the

defendant

21 And the jury, as

follows:)

22

23 THE COURT: All right.

24 Are both sides ready to bring the

jury

25 in and resume the arguments?

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

18 please. Let the record reflect that all parties in
the

19 trial are present and the jury is seated.

20 Mr. Mosty, you have 45 minutes.

21 MR. RICHARD C. MOSTY: May it
please

22 the Court?

23 THE COURT: Mr. Mosty.

24 MR. RICHARD C. MOSTY: Counsel,

and

25 ladies and gentlemen of the jury, this is the last
place

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1 that I want to be today. If I could choose any
place in

2 the world that I don't want to be, it's right here.

3 But this is the only place I can
be.

4 It's the only place I would ever choose to be, no
matter

5 how much I don't want to. Because I am going to
stand up

6 for Darlie Routier. And I'm going to continue to
stand

7 up for her, and I am going to stand beside her.

8 And I'm going to stand beside her
no

9 matter what. I don't know what to say. And I don't
know

10 how to say it to you, and I don't know want to
convey to

11 you. Because obviously, so far, I have not been
able to

12 convey that to you.

13 If you have already decided what
you

14 are going to do, then probably it doesn't matter
what I

15 say. If you have already decided what you are going

to

16 do, then you have forgotten the oath that you gave.

17 You said that no matter what the

18 evidence was, that before you sentenced someone to
death,

19 that you would go back out and think about it.

Don't you

20 remember that nearly all of you said that just
because

21 you found someone guilty of murdering their
children,

22 would you automatically go out and give a death
sentence?

23 I suspect that every one of you
was

24 asked that question. I suspect that every one of
you

25 remembers that question.

1 And if you have decided already,
then
2 you are violating that oath.

3 I pray that that is not the case.

4 By your verdict, you have said
that
5 something beyond our understanding has happened.

You

6 have said that something beyond my ability to
understand

7 has certainly happened. You have said that some set
of

8 circumstances came together, that some course of
events

9 came about, where this young girl here, did
something

10 that was contrary to everything that she had ever
done in

11 her life.

12 That on that night something
happened

13 that no one can explain. That no one can
understand.

14 That no one can define. That something happened
that is

15 completely different than this young girl that is
sitting

16 in front of me.

17 I can't understand that. I can't
18 understand how that would happen. But it does tell
you

19 this: If that circumstance, if you sentence this
lady to

20 life in prison, that set of circumstances, that set
of

21 events, that chain of actions, could never possibly
22 happen again.

23 That there is no probability
24 whatsoever that Darlie Routier would become a
continuing

25 threat to society. Because what you have found
happened

1 defies all probability. It defies all probability.
And
2 that is the only, even inkling of violence in this
3 record. And it defies explanation. It defies
4 probability. So there is no probability whatsoever,
5 certainly not any beyond a reasonable doubt, that any
6 even remotely similar thing might happen.

7 It's been said several times that
this
8 lady's life has been put under a microscope, and you
know
9 that is true. You know that with unlimited funds,
the
10 State has gone out and searched for volunteers and
they
11 come back and say that someone said a curse word in
a
12 store.

13 I'm not going to dwell much on
people
14 like Halina. If you place credence -- if you place
15 credibility in what that lady described walking
in a
16 house that she had been to four times, without
even
17 knocking at the door. If you place credibility in

that,

18 then I have failed as a lawyer. And nothing I say
can

19 make any difference.

20 You know that if a person is
going to

21 have a pattern of violence to them, the continuing
22 pattern of violence, you know that you are going to
see

23 that. You know you are going to have evidence of
it.

24 You know it's going to come forward. You know that
the

25 State of Texas could bring in a psychiatrist in here
that

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1 that tell you about the people who know her, and know
her

2 well? What does that tell you about this human
being?

3 Do you think that you could fill up a courtroom of
4 supporters of your family? Your cousins from
5 Pennsylvania. Your aunts? Do you have those kinds
of

6 people who believe in you? Those kinds of people
who

7 support you? Those kinds of people who are
expressing

8 their love across this room? They can't touch
Darlie,

9 and only I can do that for them.

10 Do you believe that you could
put

11 those kind of people in a courtroom? I hope you
could.

12 I pray you could. Because you know what it would
say

13 about you? It would say about you that there are a
lot

14 of people out there, who say: "You are a good
person.

15 You are a worthwhile person. Whether or not you
have
16 been convicted of a crime, you are a human being, a
17 worthwhile person, and I have faith in you."

18 And who else, who more could you
ever

19 bring than your family? Those are the people who
know

20 you the best. And most likely the ones who would
abandon

21 you the quickest.

22 One of the witnesses yesterday
said

23 "The only kind of person who could do this was
24 heartless" -- I can't remember the words. I'm sure

Mr.

25 Davis will remind you of them. And that's not what
you

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1 have seen in this young girl throughout all of her
life.

2 I'm not going to quarrel with your
3 verdict. What I'm talking about is the other part of
her
4 life.

5 I have said my piece on the
verdict

6 before, and now I'm talking about the other part of
her
7 life. The other 27 years of her life.

8 Those people who know her have
faith

9 in her. What greater testament? What greater
tribute

10 could someone have? Who is in a position to judge
better

11 than that family?

12 You know, Mr. Davis said
13 philosophically, correctly, I think, that these are
our

14 children. Philosophically that is true. But by
blood,

15 they are that family's children. And that blood, and
16 that flesh runs deeper than any emotion that anyone

can

17 have.

18 If there is anything that we
learned

19 from the New Testament, it's a story of
forgiveness. A

20 story of understanding, and a story that every
human

21 being has value. And every human being has worth.

22 That is what is known in the law
as

23 mitigation, I suppose.

24 The value of a human being.

People

25 who have come in and testified about her value, about
her

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1 worth, that there is something in this life to Darlie
2 Routier.

3 One of the things that I did last
4 night, I woke up in the night, and I said to myself,
what

5 if? I have said it to myself a number of times.
What if

6 I had done something different in this trial? What
if I

7 had made this decision differently? What if I made
some

8 mistakes? And I am going to live with those what ifs
9 forever. I don't want to, but I have got to.

10 Sometimes, when you wonder what
if,

11 you have made an irreversible and irretrievable
decision.

12 And I suspect that every one of you, every one of
you,

13 will wake up some nights saying what if.

14 I submit to you that the evidence
and

15 the understanding that perhaps you have, tells you
that

16 this lady will not be a continuing threat to society.

17 The evidence tells you that this
lady
18 has value, has mitigation. There is a reason, there
are
19 reasons for, in this case, that I -- that are
certainly
20 beyond my understanding, and maybe some day I'll come
to
21 a better understanding of it.

22 I feel like there is hardly
anything
23 left inside of me. I have left it here. I have left
it
24 with you. Somehow or another I tried to get across
that
25 we're talking about someone that I know. That I have
my

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1 hands on. That I can feel the flesh and blood and
the
2 warmth of their body. And the State will undoubtedly
get
3 up and talk and display the hatred toward this young
4 girl.

5 I'm telling you, there is a lot
more
6 to her than all of the hatred that the State can
muster.

7 Those people out there know it. That is why they
love
8 her. That is why they have faith in her. That is
why I
9 am standing where I am standing.

10 Mr. Davis said in his argument
that --
11 he said that only God and Darlie know. They have
never
12 tried to offer you any explanation of what happened,
how
13 it happened, why it happened, the time line.

14 We talked about reasonable doubt.
If
15 God only knows, then I say leave the judgment to God.

16 Let the tragedies end.

17 I beseech ye, in the name of God,
that

18 ye may be mistaken. In the name of God, think that
ye

19 may be mistaken.

20 THE COURT: Thank you, Mr. Mosty.

21 Mr. Davis.

22 MR. GREG DAVIS: Thank you.

23 May it please the Court?

24 THE COURT: Mr. Davis.

25 MR. GREG DAVIS: Ladies and
gentlemen,

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1 you know, as I stand here before you this morning, I
can

2 honestly tell you that if there was no evil in the
world,

3 there would be no need for a death penalty.

4 But there is evil in the world
5 unfortunately. We all know that. We have all sat
6 through four and a half weeks seeing the evil
displayed

7 before us, and today that evil goes by the name of
Darlie

8 Lynn Routier. She sits here crying before you, as
she

9 did on Saturday. We know what she is all about at
this

10 point in this trial. Don't we?

11 And as we near the end of this
very

12 long and terrible road, and indeed it's been a long
and

13 terrible road, filled with blood and horror that we
14 couldn't imagine before we began this. And I have
got

15 the privilege of standing before you once again and
16 speaking with you, and once again, I have the

privilege

17 of speaking on behalf of these two precious
children,

18 that we have heard precious little about for the
last

19 hour and a half.

20 But I do have that privilege.

21 And as I begin, let me comment on
some

22 of the comments that you just heard for the last
hour and

23 a half. The last comment about being mistaken. You

24 weren't mistaken. Each of you took your time, you
looked

25 at the evidence and that evidence told you the one
true

15 through your verdict. None of that is true. None of
16 it.

17 If this poor family back here has
18 been

19 wounded, there is only one person that has inflicted

20 those wounds, as she inflicted them on those two
21 boys,

22 and that is Darlie Lynn Routier over here.

23 You know, our hearts can go out
24 to

25 those people. They are innocent victims just like
26 these

27 two young boys out here. But you are not to blame
28 for

29 those injuries, and neither am I. The defendant
30 is. And

31 the defendant alone.

32 Mr. Douglass says that because
33 we

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1 bring this woman to justice, somehow that we, at
this
2 table, are full of hatred toward this family. And
Mr.
3 Mosty echoed that again. The hatred that we feel
for the
4 defendant. The hatred that we have shown towards
this
5 family.

6 What hatred has been displayed in
this
7 courtroom? You know, I hardly asked a question of
any
8 one of these family members. Because it's evident
the
9 hurt that they have already been through. Why
compound
10 it by asking questions that really don't have
anything to
11 do with this case? We have not done that.

12 We don't hate Darlie Lynn
Routier, but
13 at the same time, we hate what she did to these two
14 children. And we have every right, as you do, to
seek

15 justice on their behalf. That is not hatred. That
is

16 justice.

17 Now, let me ask you this
question:

18 Because I have been waiting for an answer for an
hour and

19 a half and I still have not heard one from any of
the

20 four attorneys that talked to you so eloquently this
21 morning.

22 What is it about this case that
calls

23 for the minimum sentence? Just what is it about
this

24 case that calls for a minimum sentence of life?

25 You know, I thought Mr. Mulder,
Mr.

1 Glover, Mr. Douglass or Mr. Mosty, I thought one of
them

2 would tell us the reason that we could hang our hat
on

3 and say that the proper sentence is life. But I
didn't

4 hear it. I didn't hear it from them.

5 You know, when we began, when you
got

6 that jury summons down here in October, and you
found out

7 you were going to come up here to serve on a jury,
could

8 any of you have imagined that you would be serving
on

9 this case?

10 Could any of you have imagined a
crime

11 as horrible as this crime? Where two children,
sleeping

12 in their own home, could be stabbed four times in
the

13 back as they slept. Could be stabbed twice in the
chest,

14 as he slept.

15 I mean, could any of us, in our
worst
16 nightmare have imagined that this is the kind of
case
17 that you're going to be asked to hear? And yet, we
now
18 know that that is exactly what happened on June the
6th
19 of 1996.

20 We know that now. And because we
know
21 that, we know that this case, on the facts alone,
call
22 out and cry out for death. That is what the facts
tell
23 us. That that is the one true verdict to be
rendered in
24 this case.
25 I think Darin said it best on
that

1 video tape on June the 14th, when he categorized and
2 classified this case as being that where a wolf came
in,

3 and took the lives of two helpless sheep. And in
this

4 case, the one who did that, the wolf, paraded
around as

5 the shepherd. That's what happened in this case.

6 And it does cry out for death.

Darin

7 Routier tells you: Whoever did this should die.

Sarilda

8 Routier tells you: If this woman did it, she
should die.

9 It's not hard to see. Even the family
understands.

10 Whoever would come out and take the life of these
two

11 children, that person should die.

12 And we don't need some
psychiatrist

13 from Austin or Dallas to tell us what is obvious.

14 Because the facts in this case tell us what needs
to be

15 done. And that is the awful truth here. This

case calls

16 out for death.

17 Now, you have to ask

yourselves, you

18 know, as we, here in 1997, I mean, what kind of
society

19 do we live in now? I mean, it's a sad commentary
on this

20 society that our children can't be safe. I guess
it's

21 understandable that our kids can't roam around at
night

22 on the streets and expect to be safe at all
times. But

23 surely to God, have we gotten down to the point
that our

24 kids can't even sleep in their own homes and be
safe from

25 their own mother? But that is where we are in
this

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1 society, apparently. Because Darlie Lynn Routier
has
2 taken us to those depths in this case. That is
what
3 we're facing here in this case.

4 And I just want to ask you, you
know,
5 this is a nice, warm, sterile courtroom, with a
defendant
6 over here, dabbing the tears away, but if you had
been
7 there that night. If you had been there at 2:30 in
the
8 morning that night, and you had seen this woman come
9 after these two children with a knife, is there a one
of
10 us who wouldn't have risked our own lives to save the
11 lives of these two children? And of course the
answer is
12 no. We all would have done that to prevent these
deaths
13 if possible.
14 But barring that, if we had been
15 unable to do that, is there a one of us who could
have

16 watched as this woman took that knife, from that
butcher
17 block, and came over here to Devon Routier, as he
slept
18 on that floor with his eyes closed, and as she
rammed
19 that knife into him, five inches deep, two inches
deep.
20 And as she came over here to Damon Routier, asleep on
his
21 stomach, and as she rammed that knife into him four
22 times, is there a one of us, back there on June the
6th,
23 that would have been saying to ourselves, this is a
case
24 that deserves the minimum?
25 Is there a one of us who would
have

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1 been thinking, "I need to give this woman what she
wants.

2 I need to give this cold-blooded, evil-hearted killer
who

3 would take the lives of these two children what she
4 wants. I want to give her the minimum of life."

5 Is there any one of us who would
have

6 been saying that then? Of course not?

7 None of us would have, because we
see

8 the kind of barbarism and the cruelty that was played
out

9 on those two children. And as you look at this
10 defendant -- you know, Ms. Wallace is right. She
looks

11 just like us. She looks like us. You know, she
cries

12 like we do. She cries for herself, but she cries.
But

13 she is not like us.

14 You see, this is the kind of woman
who

15 is capable of the barbaric. She is capable of the
16 unspeakable in her own home. You see, this is a

woman

17 who is fully capable of turning this into this, and
when

18 she completes doing this, she is capable of turning
a

19 five year old boy from this to this.

20 A woman capable of doing that,
and

21 then fully capable of trying to hide her tracks, is
22 thinking about herself, and trying to deceive the
police

23 officers is sure as she can out there on June the
6th of

24 1996. That is the kind of woman that we're dealing
with.

25 You know, we're not like that,
because

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1 sentence? The sentence was death, and it was to be
2 carried out immediately. For it was. And was it
carried

3 out in a merciful way like lethal injection?

Absolutely

4 not. With no mercy whatsoever, a knife plunged
into

5 their bodies, the execution carried out
immediately.

6 That's what occurred on June the 6th. And now we
hear

7 about this mercy.

8 Mr. Mosty said what she did was

9 totally different from everything else that she had
been.

10 And I guess if you listen to the family, you might
11 believe some of that. But we know from the
witnesses

12 that took the stand yesterday, that that is not the
case.

13 We now know the kind of attitude
that

14 she displayed toward these two boys before, the
anger and

15 the hatred that she had displayed toward them, a
face

16 crammed into a cake. The cussing at them in a
public

17 place, as she did.

18 Leaving them out there on the streets
19 unsupervised at the age of three and four. Was it
really

20 all that different? I submit to you that it
wasn't. It

21 came to a head on that day, but it really wasn't
that

22 different than what it had been all along.

23 You ask yourselves this: What
kind of

24 person does this to these children? I submit to
you it

25 is a person that is beyond redemption. It is a
person

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1 without a conscience. For no person with a
conscience

2 could even think of this. But she did, and she
carried

3 it out.

4 I think Ken Waits, as Mr. Mosty
5 alluded to, said it best when he said, "Only an
evil,

6 heartless person does this," and I couldn't agree
more.

7 That is exactly the kind of
person

8 that did this. An evil, heartless person.

9 As Mr. Mosty told you in
alluding to

10 the New Testament, we do know that at times we are
11 dealing with the principalities of evil in this
world.

12 And a delegate sits among us right now of that evil,
and

13 her name is Darlie Lynn Routier. She has no
excuses.

14 Mr. Mulder very frankly told you,
this

15 isn't a woman that came from the ghetto some place.
This

16 isn't a woman who was alone in life. This isn't a
woman
17 with a history of mental illness to fall back on.
This
18 isn't a woman who has got some other problems. This
19 isn't a woman who has got a drug addiction problem
where
20 she just couldn't control herself, is it? No, in
fact,
21 it is just the opposite.
22 This is a woman that came from a
23 loving family. You know, a family that is so
supportive
24 that they are still down here today. You know, I
would
25 submit to you that if she had had any problems

1 whatsoever, all of these people would have rushed to
her

2 assistance and said: "Can I do something for you?"

3 She had a great support system.

She

4 had a beautiful home. She had as much money as
anyone

5 could hope for. She was able to acquire whatever her

6 heart desired. And I say to you, this is a woman who
has

7 no excuses. There is no mitigating circumstance
here.

8 If mitigating circumstances were
like

9 drops of water, this carpet would be as dry as it is
here

10 this morning, for there are no excuses. There are no

11 mitigating circumstances. The answers to these
questions

12 are "yes" and "no." It's as simple as that.

13 Now, you know I am going to ask
you to

14 do something in this case. I am going to ask you
through

15 your verdict to send a signal. A very clear,

16 unmistakable signal to the defendant and to those
like
17 her who would think about injuring our children.
18 You make that signal clear, and
you
19 say, "You cannot have our children. If you kill
our
20 children, we will come after you. You won't be
able to
21 hide from us. You can't fool us. You can't shame
us.
22 You can't intimidate us. It's just that simple.
You
23 cannot hide. We will come after you, because these
24 children do deserve peace and happiness," as is
written
25 here in this journal.

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15 You know, the time for talking
16 is
17 over. I'm about to sit down in just a moment. You
18 have
19 heard all the talk that you need in the case. As I
20 alluded to, it has been a long, terrible road for
21 some of
22 us that began back in June. For y'all it started
23 in
24 October, and it's continued on through this year.
25 It's a bit like, it's been a
 long race
 for some of us. It's been like a marathon, if you
 will.
 And when it began the Rowlett police had that baton
 in
 their hand, and they carried it, and then at some
 point
 they handed it off to us. They said it's your

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15 you answer number 2 "no," then you
will have crossed that

16 finish line the way it needs to be
done.

17 May God be with
you.

18 THE COURT: Thank
you, Mr. Davis.

19 All right. Ladies
and gentlemen, the

20 case is now yours to decide. You
will retire to the jury

21 room, and when you have reached a
verdict, please knock

22 on the door and Ms. Biggerstaff will
come get you. Mr.

23 Wilson (sic), of course, remains the
presiding juror. We

24 will clear the Courtroom if you

desire to deliberate in

25 here.

1 All right. Thank
you.

2
3 (Whereupon, the
jury
4 was excused from the
5 courtroom, at 12:30
P.M.,

6 to begin their
deliberations
7 on the issue of
punishment

8 and the proceedings were
9 in recess, during
10 which time, the
11 proceedings were
resumed,

12 in the presence of the
13 Defendant, with her
14 Attorneys, but outside
15 the presence of jury
16 as follows:)

17
18 THE COURT: Let's go on the record
19 again. Let the record reflect that these proceedings
are

20 being held outside the presence of the jury and all
21 parties in the trial are present.

22 Mr. Mulder, you and Mr. Mosty and
Mr.

23 Glover and Mr. Douglass and Mr. Hagler have been
retained

24 only for the case-in-chief, and not for any appeal;

is

25 that correct?

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1 MR. DOUGLAS MULDER: Yes, sir,
that's

2 correct.

3 THE COURT: And Mrs. Routier, just
for

4 this purpose, could you raise your right hand,
please.

5

6 (Whereupon, the defendant
7 Was duly sworn by the
8 Court, to speak the truth,
9 The whole truth and
10 Nothing but the
truth,

11 After which, the
12 Proceedings were
13 Resumed as follows:)

14

15 THE COURT: Do you solemnly swear
or

16 affirm, that the testimony you are about to give,
will be

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

18 help you God?

19 THE DEFENDANT: Yes, sir.

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

21 indigent and this case will be appealed?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: But you're indigent
and do

24 not have sufficient money to pay for an appellate
25 attorney; is that correct?

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Fine.

The

3 State agrees with that?

4 MR. GREG DAVIS: The State
agrees.

5 THE COURT: All right. Fine. I
will

6 appoint one for you at the appropriate time.

7 All right. Thank you.

8

9 (Whereupon, a short
10 recess was taken,
11 after which time,
12 the proceedings
were
13 resumed on the
record,
14 in the presence
and
15 hearing of the
16 defendant but not
the
17 jury, as follows:)

18

19 THE COURT: All right.

1 the jury and all parties of trial are present.

2 Ladies and gentlemen, this has
been a

3 lengthy and vigorously contested trial. The jury
has

4 reached a verdict, and now they're coming in with
their

5 verdict in punishment. And this could be an
emotional

6 time.

7 And if there is anybody in the
8 courtroom now who feels they would not be able to
stand

9 this verdict, now is the time for them to leave. No
one

10 will think the lesser of you for doing so. Because
I

11 will not permit emotional outbursts and disruption of
the

12 courtroom.

13 If there is anyone who wishes to
14 leave, feel free to do so now.

15 All right. Let's bring the jury
in,

16 please.

17

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

1 As follows:)

2

3 THE COURT: All right. Please be
4 seated, ladies and gentlemen.

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

7 Mr. Walker, has the jury reached
a
8 verdict in this phase of the trial?

9 THE FOREMAN: Yes, we have, your
10 Honor.

11 THE COURT: Special Issue Number
1:

12 Do you find from the evidence beyond a reasonable
doubt,

13 that there is a probability that the defendant,
Darlie

14 Lynn Routier, would commit criminal acts of violence
that

15 would constitute a continuing threat to society?

16 In your verdict you will answer
either

17 yes or no. And the answer is "yes."

18 If that is your verdict, please so
19 signify by raising your right hands.

20

21

(Whereupon, each juror

22

raised their hand that

23

the verdict read by

the

24

Court was their

verdict,

25

after which time, the

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

4
5 THE COURT: Let the record reflect
6 that all hands are raised.

7 Special Issue Number 2: Taking
into
8 consideration all of the evidence, including the
9 circumstances of the offense, the defendant's
character
10 and background, and the personal moral culpability of
the
11 defendant, is there a sufficient mitigating
circumstance
12 or circumstances to warrant that a sentence of life
13 imprisonment, rather than a death sentence be
imposed.

14 In your verdict, you will answer
15 either yes or no. And the answer is "no." That is
16 signed by Frank S. Walker, Presiding Juror.

17 If that is your verdict, please
so
18 signify by raising your right hands.

19

20
juror
21
that
22
the
23
verdict,
24
the
25
resumed

(Whereupon, each
raised their hand
the verdict read by
Court was their
after which time,
proceedings were

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1 on the record, in
open
2 court, as follows:)
3
4 THE COURT: Let the record reflect
5 that all hands were raised.
6 Ms. Routier, if you would stand,
7 please.
8 MR. RICHARD C. MOSTY: Your Honor,
may
9 we have the jury polled?
10 THE COURT: You may.
11 I'm going to ask each individual
12 member of the jury if the verdict as stated by the
Court
13 to each Special Issue is their verdict.
14 Mr. Evans, if it is, raise your
right
15 hand.
16 (Whereupon, the juror
17 raised his hand
that
18 the verdict read by
the
19 Court was his
verdict,

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

24
25 THE COURT: Let the record
reflect

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1 that Mr. Evan's right hand was raised.

2 Mr. Monroy?

3

4 (Whereupon, the
juror

5 raised his hand
that

6 the verdict read by
the

7 Court was his
verdict,

8 after which time,
the

9 proceedings were
resumed

10 on the record, in
open

11 court, as follows:)

12

13 THE COURT: Let the record reflect
14 that Mr. Monroy's right hand was raised.

15 Ms. Huth?

16 (Whereupon, the juror
17 raised her hand

that

18 the verdict read by

the

19

Court was her

verdict,

20

after which time,

the

21

proceedings were

resumed

22

on the record,

in open

23

court, as

follows:)

24

25

THE COURT: Let the record

reflect

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1 that Ms. Huth's right hand was raised.

2 Ms. Corkill?

3

4 (Whereupon, the
juror

5 raised her hand
that

6 the verdict read by
the

7 Court was her
verdict,

8 after which time,
the

9 proceedings were
resumed

10 on the record, in
open

11 court, as follows:)

12

13 THE COURT: Let the record reflect
Ms.

14 Corkill's right hand was raised.

15 Mr. Jimmie Samford?

16

17 (Whereupon, the juror
18 raised his hand

that

19

the verdict read by

the

20

Court was his

verdict,

21

after which time,

the

22

proceedings were

resumed

23

on the record, in

open

24

court, as follows:)

25

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1 THE COURT: Let the record reflect
Mr.

2 Jimmie Samford's right hand was raised.

3 Mr. Charles Samford?

4

5 (Whereupon, the
juror

6 raised his hand

that

7 the verdict read by

the

8 Court was his

verdict,

9 after which time,

the

10 proceedings were

resumed

11 on the record, in

open

12 court, as follows:)

13

14 THE COURT: Let the record reflect

Mr.

15 Charles Samford's right hand was raised.

16 Ms. Reynolds?

17

18 (Whereupon, the juror
19 raised her hand
that
20 the verdict read by
the
21 Court was her
verdict,
22 after which time,
the
23 proceedings were
resumed
24 on the record, in
open
25 court, as follows:)

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1

2

THE COURT: Let the record reflect

Ms.

3

Reynold's right hand was raised.

4

Ms. Franklin?

5

6

(Whereupon, the

juror

7

raised her hand

that

8

the verdict read by

the

9

Court was her

verdict,

10

after which time,

the

11

proceedings were

resumed

12

on the record, in

open

13

court, as follows:)

14

15

THE COURT: Let the record reflect

Ms.

16

Franklin's right hand was raised.

17

Mr. Walker?

18

19

(Whereupon, the juror

20

raised his hand

that

21

the verdict read by

the

22

Court was his

verdict,

23

after which time,

the

24

proceedings were

resumed

25

on the record, in

open

Sandra M. Halsey, CSR, Official Court Reporter

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1 court, as follows:)

2

3 THE COURT: Let the record reflect

Mr.

4 Walker's right hand was raised.

5 Ms. Way?

6

7 (Whereupon, the juror

8 raised her hand

that

9 the verdict read by

the

10 Court was her

verdict,

11 after which time,

the

12 proceedings were

resumed

13 on the record, in

open

14 court, as follows:)

15

16 THE COURT: Let the record reflect

17 that Ms. Way's right hand was raised.

18 Ms. Wagoner?

19

20

(Whereupon, the juror

21

raised her hand

that

22

the verdict read by

the

23

Court was her

verdict,

24

after which time,

the

25

proceedings were

resumed

Reporter Sandra M. Halsey, CSR, Official Court

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1 on the record, in
open
2 court, as
follows:)
3
4 THE COURT: Let the record
reflect
5 that Ms. Wagoner's right hand was raised.
6 And Ms. Gibson?
7
8 (Whereupon, the
juror
9 raised her hand
that
10 the verdict read by
the
11 Court was her
verdict,
12 after which time,
the
13 proceedings were
resumed
14 on the record, in
open
15 court, as
follows:)

16

17

THE COURT: Let the record

reflect Ms.

18 Gibson's right hand was raised.

19

Mrs. Routier, would you stand.

20

And that's all 12 jurors right

hands

21 were raised when polled.

22

Darlie Lynn Routier, the jury,

having

23 found you guilty of the offense of capital murder,

and

24 having returned an affirmative finding on the

first

25 Special Issue submitted to them at the punishment
stage

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Reporter

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1 of this trial, and a negative finding on the issue
of

2 mitigation, it is now the duty of this Court to
assess

3 your punishment at death.

4 Is there any lawful reason why
5 sentence should not be pronounced at this time?

There

6 being none, it is the Order, Judgment and Decree of
the

7 Court in this cause, styled the State of Texas
versus

8 Darlie Lynn Routier, Dallas County Number F-96-
39973-MJ,

9 and Kerr County Cause Number A-96-253. That you
shall be

10 taken by the Sheriff of Kerr County, Texas, and shall
11 immediately thereafter be delivered to the director
of

12 the Institutional Division of the Texas Department
of

13 Criminal Justice, or other person legally
authorized to

14 receive such prisoners, and shall be confined in
said

15 Institutional Division, in accordance with the laws

16 governing the said Institutional Division, until such
17 day, to be determined by this Court, and some time
after
18 the hour of 6:00 P.M., in a room arranged for the
purpose
19 of execution, the said director, acting by and
through
20 the executioner designated by the said director, as
21 provided by law, is commanded, ordered and directed,
by
22 this Court to carry out this sentence of death by the
23 intravenous injection of a substance or substances in
a
24 lethal quantity sufficient to cause your death until
you
25 are dead.

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1 Your are hereby remanded to jail
until

2 the Sheriff can obey the directions of this sentence.

3 You maybe seated, please.

4 Ladies and gentlemen of the jury,
I

5 want to thank you for your jury service. This is a
very

6 difficult trial, and a very difficult decision, but
you

7 conducted yourselves very well. Now you may talk or
not

8 talk as you see fit about this case to anyone.

9 If you will now step back to the
jury

10 room, please.

11

12 (Whereupon, the jury

13 Was excused from

the

14 Courtroom, and

the

15 Proceedings were

held

16 In the presence of

the

17 Defendant, with
his
18 Attorney, but
outside
19 The presence of
jury
20 As follows:)
21
22 THE COURT: Does either side
have
23 anything further?
24 Anything from the defense?
25 From the State?

Reporter Sandra M. Halsey, CSR, Official Court

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1 MR. GREG DAVIS: Nothing, your
Honor.

2 MR. DOUGLAS MULDER: No, sir.

3 THE COURT: These proceedings
are now

4 concluded. Thank you.

5 If you will vacate the
courtroom,

6 please.

7

8 (Whereupon, the
jury

9 panel was excused
from

10 the courtroom,
after

11 which time the
12 proceedings were

resumed

13 on the record as
14 follows:)

15

16 THE COURT: Let the record
reflect

17 that all parties in the trial are present and these

18 proceedings are being held outside the presence of

the

19 jury.

20

Mrs. Routier, I intend to

appoint Mr.

21 John Hagler, who has been present here for most of

this

22 trial to handle your direct appeal. Is that

satisfactory

23 with you?

24

THE DEFENDANT: Yes, sir.

25

THE COURT: Likewise, the habeas

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1 corpus appeal become necessary, I intend to appoint
him

2 on that also. Is that satisfactory with you?

3 THE DEFENDANT: Yes, sir.

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

5 would like for Mr. Nation to be appointed on the
habeas.

6 We think that we should have separate lawyers.

7 THE COURT: Well, I'm not
appointing

8 any -- well, I will certainly take that into

9 consideration if that is necessary.

10 MR. RICHARD C. MOSTY: Okay.

11 THE COURT: I'm happy to --

12 MR. RICHARD. C. MOSTY: Right now
13 we're just dealing with the direct appeal.

14 THE COURT: I am very familiar --

I

15 just want to know, should that become necessary, and
I'm

16 very familiar with Mr. Nation, and I understand who
they

17 are.

18 MR. RICHARD C. MOSTY:

I think -- does

19 the Court of Criminal Appeals make that
appointment

20 anyway?

21 THE COURT: Yes, they
probably will

22 make that appointment anyway.

23 All right. Thank you.

That is it.

24 Thank you very much.

25 These proceedings are
now concluded.

Sandra M. Halsey, CSR, Official
Court Reporter

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1
2
3
concluded
4
on,
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24

Thank you.

(Whereupon, this

the proceedings held

this day, and the proceedings

were recessed for the day.)

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

22

Phone, (214) 653-

5893

23

24 Cert. No. 308

25 Exp 12-31-98

Sandra

M. Halsey, CSR,

Official Court

Reporter

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1 STATE OF
TEXAS)
2 COUNTY OF
DALLAS)

3
4
5
6
7

JUDGES CERTIFICATE

8 The above and foregoing transcript, as
certified

9 by the Official Court Reporter, having been presented
to
10 me, has been examined and is approved as a true and
11 correct transcript of the proceedings had in the
12 foregoing styled cause, and aforementioned cause
number
13 of this case.

14
15
16
17
18

MARK TOLLE, JUDGE

19
20 Criminal District Court Number 3

21

Dallas County, Texas

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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