

Closing Arguments in Punishment

Prosecution – Sherri Wallace

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
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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.
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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 your 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.
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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.