

## Closing Argument In Guilt Or Innocence

**MR. RICHARD C. MOSTY:** May it please  
15 the Court? Counsel.  
16 Ladies and gentlemen of the jury, I  
17 will just very briefly echo the thanks that you have been  
18 given by the other counsel and, well, you know that we're  
19 thankful for your service.  
20 And, I will apologize to you, if at  
21 any time you think that I have wasted your time. If you  
22 think I have wasted the Court's time, I apologize to the  
23 Court. If you think I have wasted the State's time, I  
24 apologize to the State.  
25 But I'm going to expend every ounce of  
Sandra M. Halsey, CSR, Official Court Reporter  
5259

1 my energy to defend a principle I believe in, and someone  
2 I believe in. And I will never apologize for my faith  
3 and my belief in those principles.  
4 But if I have done that too much, in  
5 time-wise, I apologize. I'm sorry.  
6 I want to -- there is no way that you  
7 can cover everything, but I want to focus back on a  
8 couple of things. My opening comments, do you remember I  
9 said, and this is the phrase that I used: "By all  
10 accounts this is an attentive, doting mother whose focus  
11 is her children." And ladies and gentlemen, you have not  
12 heard one word contrary to that."  
13 Even Basia, the one who comes down  
14 here says, she is faithful, they have a faithful  
15 marriage, they have a good marriage. She is attentive to  
16 her children. She is interested in her house. She is  
17 caring about her physical appearance. She wants her  
18 house clean. She had lots of kids in the house. All of  
19 these things is (sic) undisputed. They could not produce  
20 one person from Rowlett, Texas who said to the contrary.  
21 Not one.  
22 And yet, then they say that there is a  
23 psychotic killer on the loose. Claimed to be psychotic.  
24 And how many times did Mr. Shook say, "It doesn't make  
25 sense. Why did this happen?"  
Sandra M. Halsey, CSR, Official Court Reporter  
5260

1 You know, that is the State's  
2 obligation. They can not give you an explanation of what  
3 happened. They can not tell you what happened. They  
4 don't know. And it's not our obligation to prove that.  
5 It seems to me like when you go back,

6 in this kind of case, and me not being able to cover  
7 everything I wish I could, but I know I'm going to  
8 forget, and there are some things I'm going to cover, and  
9 I'm going to sit down, and I'm going to remember things I  
10 should have.

11 But it seems to me that a jury in this  
12 case would sit down and very carefully and deliberately  
13 go through the evidence, and look at some of these  
14 things. Some of these things have been pointed out to  
15 you quickly. And you need to get these pictures up and  
16 look at them, and I will point out a couple of things as  
17 we go through.

18 I said in opening statement that  
19 Darlie Routier was in the cross hairs immediately. You  
20 know that is true. Within 20 minutes.

21 You know, I want to get Mr. Cron in a  
22 room quietly, and I want to say to him, "Who do you think  
23 you are? Almighty judge, jury and executioner? Who do  
24 you think you are? That you walk in within 20 minutes,  
25 and determine that this scene, that you know who is  
Sandra M. Halsey, CSR, Official Court Reporter  
5261

1 guilty. You don't know what the condition of anything  
2 is. You don't know what the story is. You don't know  
3 what the things were like when it happened. You don't  
4 know about fingerprints. You don't know about DNA. Who  
5 do you think you are?"

6 And from that moment, this case and  
7 the Rowlett Police Department was irretrievably,  
8 irreversibly, irrevocably focused in the cross hairs on  
9 Darlie Routier. And Cron said, incredibly I thought, "I  
10 didn't need to pick up the glass. I didn't need to go to  
11 the FBI and see how much force it would take to break.  
12 Maybe we could have determined how it broke. I didn't  
13 need to do that. I didn't need to check officers feet  
14 for glass, because I knew there wasn't an intruder. I  
15 didn't need to pick up rags by the children's body  
16 because I knew that there wasn't an intruder."

17 It seems to me like the first thing  
18 that you would do, if you walked on a scene, and you  
19 said, "This scene is not like another scene I have been  
20 to." What would you do? I would say, "Wait a minute,  
21 boys. This is the case we better be careful about. This  
22 one is unusual. This one is different. This one doesn't  
23 fit the pattern."

24 And you know, that in the mind of a  
25 crazed criminal, in the mind of a drug crazed lunatic,  
Sandra M. Halsey, CSR, Official Court Reporter  
5262

1 what is going to make sense? And so, why don't you back  
2 up and say, "This is a case in which we need to leave no  
3 stone unturned. Let's do this one carefully. Let's  
4 don't decide in twenty minutes that we know what  
5 happened." But they did.  
6 And then, what does the State do? The  
7 State, rather than bringing you hard facts, rather than  
8 bringing you hard facts, brings you opinions that cannot  
9 be tested. I'm not talking about medical opinions, based  
10 on medical testimony, I'm not talking about scientific  
11 opinions based on scientific testimony, I'm talking about  
12 opinions that can not and will never be tested.  
13 How much of the State's case is  
14 opinion? Cron's opinion? Well, we have got to back that  
15 up, so let's get Mr. Bevel in.  
16 Before I leave Cron, what is the one  
17 word that never, never came out of his lips? Sock. In  
18 the entire time he testified, he never said the word  
19 sock. Do you know why? Because he can't explain it. He  
20 can not possibly explain the sock, so he didn't even  
21 mention it. It's like the glass, the wine glass, if it  
22 doesn't fit with my conclusion, I'm pushing it away. I'm  
23 never going to bring it to a jury.  
24 So we bring in Bevel. And Bevel is  
25 the blood guy. And do you remember when I was down here  
Sandra M. Halsey, CSR, Official Court Reporter  
5263

1 (Demonstrating on the floor), and I said -- well, first,  
2 he draws his opinion. And then he comes up with this  
3 video, and I encourage you to look at that video, because  
4 contrary to what Mr. Shook says, in that video, where he  
5 is doing like this (Demonstrating), those blood spatters  
6 are long, and there is clear directionality to them. As  
7 bad as that video is, you can see that.  
8 And remember, he says that Devon's  
9 stain, he can't tell if it's going up or down. So what  
10 conclusion do you draw? But think about it. I'm down  
11 like this, and you remember I had my pen, I actually had  
12 the court reporter's pen, this green one, and I had like  
13 this, and I said, "This one is going this way and that is  
14 consistent with that?"  
15 "Well, yeah, that's okay."  
16 "And this one is going like this, and  
17 that is consistent with that?"  
18 "Well, yeah, that's okay".  
19 "And this one is over here, as to --  
20 like that?"  
21 "Yeah, that's okay."  
22 They are all consistent. There is

23 nothing that he said that wasn't consistent, except in  
24 his judgment, in his opinion.

25 And remember what consistent means.

Sandra M. Halsey, CSR, Official Court Reporter  
5264

1 It means I cannot exclude it as a possibility in his  
2 judgment. He can't explain how a bleeding person could  
3 get to that wine rack without getting blood on it. He  
4 can't explain it.

5 He can't explain how a bleeding person  
6 can get to the vacuum cleaner without getting blood on  
7 it. He can't explain how someone picks up the vacuum  
8 cleaner three times, a woman, three times, and doesn't  
9 have blood over here, where he picked it up. He didn't  
10 want to admit that, do you remember? He didn't want to  
11 admit where he picked it up. He can't explain that.

12 But then, he can explain a knife being  
13 laid down. Now think about that for a minute. Get the  
14 pictures out. You will see that that stain has a bend to  
15 it that goes with the knife. And he described laying it  
16 down. He described it as laying it down and leaving a  
17 trail, and then laying it down.

18 Ladies and gentlemen, if that is true,  
19 this trail goes straight. It does not go with the  
20 curvature of the knife.

21 The other thing is, it was laid down  
22 left-handed. There -- look at the photographs. It's  
23 right next to a chair. A right-handed person couldn't  
24 have gotten there to do that. It was laid down  
25 left-handed. And he goes and he tells you -- remember  
Sandra M. Halsey, CSR, Official Court Reporter  
5265

1 back, the State says, there is no -- that this scene is  
2 not disrupted.

3 Bevel describes for you blood runs.

4 Do you remember? Gravity blood runs.

5 Ladies and gentlemen, take State's

6 Exhibit 11. And I'm just going to demonstrate this for  
7 you, but do it for me. Over here on this coffee table,  
8 there is a blood run. There is a place where the blood  
9 has run. You see what I am talking about? I may get in  
10 trouble for breaking this. It's on the coffee table

11 right there. There is a blood run. That coffee table is  
12 askew, there is a blood run there. I'm not going to be  
13 able to get it back to you. It's number 11.

14 How does that blood run? If Darlie

15 Routier is standing there, there is going to be a drop.

16 However, if she bleeds there, or someone bleeds there, I

17 don't think that blood was identified, and that coffee  
18 table is laid over, then the blood is going to run.  
19 That evidence shows you, that at one  
20 point, that glass top table was off of the pedestal.  
21 That is how the blood ran. And it gets back up sometime.  
22 But the State, and Mr. Bevel don't  
23 want to talk about that, because that doesn't fit with  
24 their theory. Bevel, you know, and you can give them  
25 credit for this sock stuff, Bevel said that the sock,  
Sandra M. Halsey, CSR, Official Court Reporter  
5266

1 that is disconnected or disassociated evidence, I can't  
2 remember what he called it. They said, "Mr. Bevel, if  
3 you were going to disassociate something, would you  
4 disassociate a sock?"  
5 Of course not. You would disassociate  
6 a murder weapon. But that is how the State -- when  
7 something doesn't quite go right, we wiggle it, to try to  
8 make it meet our preconceived answer.  
9 And Charlie Linch -- and again, to  
10 some extent I have got to include Charlie Linch in this  
11 question of opinions, where I say opinion that is  
12 unfounded.  
13 I don't quarrel with what Charlie  
14 Linch said his job was. You remember. He said, "My job  
15 is to tell you what I see, and to leave it to you  
16 lawyers," -- he told me this -- "to leave it to you  
17 lawyers to figure out what it means."  
18 That is what he said. You all  
19 remember it. Sort of a humorous moment. And, of course,  
20 he was describing, in some of that, the fiberglass. And  
21 remember, that his fiberglass experiments in all of his  
22 experiments, he got three to four times more glass rods  
23 than he found on this knife. He said, "I can't marry  
24 those two. I can't bond them together. There could be  
25 any number of other things."  
Sandra M. Halsey, CSR, Official Court Reporter  
5267

1 He looked at one circuit board. He  
2 didn't test any circuit boards, he said he picked up one.  
3 He didn't test it.  
4 But then, what Charlie Linch said is  
5 fall in lock step with the State. He comes up with an  
6 opinion, that is not verifiable, that is not  
7 scientifically or medically recreatable (sic), he comes  
8 up with a theory that this must be posed.  
9 Well, when did Charlie stop being an  
10 observer of details, and start being an advocate for the

11 State? When did he stop? And that is where you get into  
12 these opinions.  
13 And then, to cap it off, the State  
14 brings a bureaucrat from Washington, who has been to one  
15 murder scene in his life.  
16 First, the State sends him what they  
17 want. Their reports of these officers, who are not under  
18 cross examination, these officers who didn't make a  
19 report sometimes, who made supplemental reports. The  
20 only person in this courtroom who has got to have a  
21 perfect story is Darlie Routier.  
22 All of these officers can make  
23 supplemental reports, and they can forget who picked up  
24 the sock, they can do all of this stuff, and it's simply  
25 a mistake. I mean, you know, memories are like that.  
Sandra M. Halsey, CSR, Official Court Reporter  
5268

1 But Brantley comes down and gives you  
2 a mail-in verdict. The State has mailed him what they  
3 want in Washington, they know the lady is indicted, he  
4 knows that Cron has said she is guilty. They send him  
5 the tests that they want to send. They send Dallas  
6 Morning News articles along with it, and he mails back a  
7 verdict.  
8 That is the antithesis of the jury  
9 system. He comes down here and he says, based on what I  
10 have looked at, all he did was get under oath and deliver  
11 the State's final argument for them. That's all he did.  
12 He -- could I hire that guy? No. He works for the  
13 FBI. Can you challenge that? No, not based on reason.  
14 He thinks the room is not askew enough  
15 for him. Well, he didn't no this coffee table had been  
16 knocked over. The trash cans are knocked over, but not  
17 enough to suit him.  
18 And again, saying why did something  
19 happen? Or is this -- I wonder why? What is the reason?  
20 That is not proving facts beyond a reasonable doubt.  
21 It's an untested opinion.  
22 Judge Barton who was the judge before  
23 Judge Ables. I don't know how many cases I have tried in  
24 this courtroom, but I will never forget this: When a  
25 jury was let go, no matter what time of night it was, and  
Sandra M. Halsey, CSR, Official Court Reporter  
5269

1 Judge Barton worked long hours. We had lots of verdicts  
2 at midnight. And he would invariably bring the jury in,  
3 and they were tired and they were worn out, and the  
4 lawyers were tired, and the lawyers were worn out, and

5 Judge Barton would invariably tell them this story that I  
6 thought was silly, and I thought, "Judge, come on."  
7 And he would say, "Ladies and  
8 gentlemen, in this country you have the right to  
9 participate in the jury system. People, ordinary  
10 citizens have the right to participate in the jury  
11 system. And so long as that happens," he would tell  
12 them, "there are going to be fallibilities, because  
13 people are fallible. And the system is not perfect  
14 because people work in it. Juries work in the system."  
15 But he said, "The only perfect system  
16 is one in which the people are not allowed to  
17 participate. In which the government chooses to decide  
18 who is charged, and what evidence, and who is guilty, and  
19 the people are not allowed to participate." And so he  
20 would say, "Be thankful that you live in a system where  
21 the people can participate."  
22 And I say, thanks to Judge Barton. It  
23 took me a long time to learn the importance of that, but  
24 I know it.  
25 You know what Brantley didn't talk  
Sandra M. Halsey, CSR, Official Court Reporter  
5270

1 about? That black car. Is there one lick of evidence in  
2 the record that anybody ever looked for that black car?  
3 None.  
4 It's described by Basia, it's  
5 described by Halina, it's described by the Neals, and  
6 Nelda Watts described it to Mr. Patterson. Four times  
7 that black car shows, sitting in the driveway, watching  
8 the house, and there is not one lick of evidence about  
9 it.  
10 The State wants to disconnect that,  
11 like they want to disconnect the sock, because they can't  
12 explain it. They can't explain a pubic hair, they can't  
13 explain a fingerprint. They can't explain those things,  
14 so they want to say, this is a confusing situation. It  
15 doesn't make sense. It's their obligation to make it  
16 make sense.  
17 Like Mr. Shook said about motive,  
18 people want to know why. Do you know why people want to  
19 know why? Because some things don't make sense. It  
20 makes no sense that this lady would change from a good  
21 mother, a doting mother to a psychotic killer.  
22 So that lack of motive, that lack of  
23 reason creates hesitation. That is what reasonable doubt  
24 is described as, hesitation when you are acting on the  
25 most important things in life.

Sandra M. Halsey, CSR, Official Court Reporter  
5271

1 The State tries to bring in, for  
2 instance, these records. Again, go look. Mr. Davis --  
3 the State has tried to mislead you on some times, and  
4 call them on it.  
5 Mr. Davis offered the May through --  
6 or the January through May bank statements and said, "You  
7 are three thousand dollars less in deposits than in your  
8 withdrawals." Well, of course, in June, that situation  
9 reversed itself.  
10 But you know what they forgot to tell  
11 you? You know what he forgot to point out to you? Is  
12 how much money the Routiers took out of that business,  
13 for their own uses. More than five thousand dollars a  
14 month in draws from the Routiers.  
15 Look at it if you want to. That is  
16 the average. Fifty-two hundred dollars. Plus, another  
17 thousand. They paid for the Nissan, four hundred dollars  
18 out of there. They paid for the boat, \$344, their  
19 insurance was \$272. Over that period of time they were  
20 taking sixty-seven hundred, forty-one hundred,  
21 fifty-three hundred dollars out. And do you know the  
22 month of May, the month of the May, draws of seven  
23 thousand dollars. Do you know why? Do you know why  
24 these things were in the trash can? Because they have  
25 been taken care of. The draws are seven thousand dollars  
Sandra M. Halsey, CSR, Official Court Reporter  
5272

1 a month, plus another thousand on cars and payments like  
2 that.  
3 The reasons -- add it up. I can't  
4 remember what it is, it's something like thirty-five  
5 thousand dollars that the Routiers took out of that  
6 business, and the State misleads you about these records.  
7 That, you know, someone contemplating  
8 an important event. Like someone who is going to kill  
9 their children is going to get these records out. Well,  
10 they didn't even get them out. They are dog and cat  
11 records, there are life insurance papers, there's old  
12 notes, there's a letter from a lawyer months before about  
13 a will. Those are all of what is sitting up there, and  
14 that is what is sitting here. The State doesn't want to  
15 talk about those, because they can't, they don't get  
16 anywhere, they are innuendo.  
17 Did you hear some of the innuendo  
18 about, "Do you take your children to the pawn shop?"  
19 "Gangsters paradise."

20 What do you think Mr. Davis would say  
21 if Mrs. Routier played her favorite song at her  
22 children's funeral? What do you think he would say? He  
23 would say, "You care so little about your children, you  
24 won't even play their favorite song." Who do you think  
25 you are?

Sandra M. Halsey, CSR, Official Court Reporter  
5273

1 The State -- another thing the State  
2 doesn't want to talk about. The towels. The State  
3 doesn't want Darlie Routier over there by the children.  
4 Well, ladies and gentlemen, look at Exhibit 56. It's got  
5 blood by Devon's body. Blood drops. Whose blood is  
6 that? It's Darlie Routier's. If she didn't go to help  
7 Damon -- Devon, how did that blood get there?  
8 The State doesn't want her bringing  
9 towels. Look at Exhibit 79. It's the towel drawer.  
10 It's open. You see the kind of towels that are in  
11 evidence. There is blood on the drawer. Whose blood is  
12 it? It's Darlie Routier's. If she didn't get towels to  
13 help the children, how did the blood get there? If she  
14 didn't take the towels, do you think she stood in the  
15 kitchen and threw them to Darin? How did the white  
16 towel, this isn't it -- they didn't pick up the one by  
17 Devon. How did the white towel get over there? How did  
18 those towels get to Devon, by his hand?

19 THE COURT: You have used 25 minutes,  
20 Mr. Mosty.

21 MR. RICHARD C. MOSTY: I'm going to  
22 talk briefly about -- and Mr. Mulder will cover this  
23 more, the knife wound, and I'm going to relate this to  
24 Mr. Brantley.

25 Did you notice how Doctor DiMaio  
Sandra M. Halsey, CSR, Official Court Reporter  
5274

1 described those wounds? And how they came down, and then  
2 in a continuation. And common sense tells you, and  
3 anybody who describes these, sees how you would do that.  
4 And the length of the knife, think  
5 about that. How could someone cut, in the manner that  
6 Darlie is cut, up, a right-handed person? Look where the  
7 knife has to be. And how do you get this wound over  
8 here? It doesn't make sense. It doesn't make common  
9 sense and that is medical, that is a medical opinion.  
10 It's not some witchcraft opinion from the FBI  
11 headquarters, it's medical. How do we get these bruises?  
12 The State -- if Darlie Routier was out  
13 in a long black veil at the grave site, they would say

14 she is faking it. If she had a perfect story, they would  
15 say that is too good. There is no way that it can fit.  
16 There is no way this knife wound can fit logically.  
17 There is no way the sequence of events can fit logically.  
18 And what did the State do through all of this? I cannot  
19 imagine someone being more under a microscope than Darlie  
20 Routier has been.  
21 She started at 6:00 A.M. when they go  
22 down there, and she is on a disinhibiting drug. I submit  
23 they knew that, and they thought they are going to go  
24 down there to the hospital and they are going to find out  
25 what went on. And then to be good guys they go and visit  
Sandra M. Halsey, CSR, Official Court Reporter  
5275

1 her on the 7th. And then, on the 8th they come and they  
2 get another statement, 10 pages.  
3 Remember, ladies and gentlemen, when  
4 you talk about these bruises, how did she leave the  
5 hospital? In the escort of the Rowlett P.D. She goes --  
6 and all of these bruises are described by any number of  
7 people.  
8 And then after that, they see her  
9 again on the 10th, take pictures again, talk to her again  
10 and then: Who do you think you are? To go out and put a  
11 bug on a grave site in hopes that you will get a  
12 confession. Who do you think you are?  
13 You know the only person who needed a  
14 lawyer, who needed to claim a lawyer in this case, you  
15 heard him, was Officer Patterson.  
16 If you are going to ask me about that,  
17 I'm going to talk to a lawyer. The audacity to do that  
18 at a funeral service, at a prayer service for children.  
19 And then, to bring in the closer, Mr.  
20 Parker. Three hours, close the deal for us. Close the  
21 deal.  
22 Mr. Parker says, "Well," -- in that  
23 deep voice -- don't you know how he came across to Darlie  
24 Routier. He says, "She didn't deny it."  
25 "Well, Mr. Parker, she told you  
Sandra M. Halsey, CSR, Official Court Reporter  
5276

1 somebody else did it, didn't she?"  
2 That is denial. And after three hours  
3 in there, you know, can't you see her saying, "Man, leave  
4 me alone. You accused me, you told me you thought you  
5 (sic) were guilty, you told me you looked at all the  
6 evidence, you told me all that, leave me alone."  
7 Now, then beyond that, they copy all

8 of her jailhouse mail. And through all of that, through  
9 everything, microscopically that they have done to Darlie  
10 Routier, what is the one thing that they have failed so  
11 miserably to do? Get the confession that they wanted.  
12 Get the confession that they bugged graves for. Get the  
13 confession that they brought the closer in for. Get the  
14 confession that they read the jail mail for. They didn't  
15 get any of it.  
16 You know, and here is a lady sitting  
17 in jail, whose investigators and lawyers are out there  
18 and they are trying to say, "You know, gosh, we've got a  
19 lead." And she gets beat up over that? Good night.  
20 But they never, ever, got what they  
21 wanted. And they never, ever have brought you an  
22 explanation.  
23 Mr. Brantley, Mr. Mulder said, "Mr.  
24 Brantley, from all the way from Washington, here is your  
25 chance. Tell me what happened."  
Sandra M. Halsey, CSR, Official Court Reporter  
5277

1 He couldn't do it.  
2 "Tell me how it happened."  
3 He couldn't do it. He didn't know.  
4 There are things he said he didn't know. He didn't know  
5 DNA results for one thing. He didn't know when the  
6 children died, or how long they died, even though the  
7 autopsy report was available to him.  
8 He didn't want to know. He was  
9 afforded the opportunity to set it out, and through this  
10 trial, no one has done it. And I submit to you that they  
11 never will.  
12 There is no way I can cover what I  
13 would like to cover. But, it is so important that you go  
14 back and you look at the evidence, at the hard facts, at  
15 the verifiable medical evidence, at the verifiable  
16 scientific evidence. You know, all of the State's case  
17 of opinions, of maybe's, of could be's, of could have  
18 been, should have been, would have been. That is not  
19 proof beyond a reasonable doubt.  
20 This is not a could have, should have,  
21 would have. This is not a case where you say, "Well, if  
22 she didn't do it, who did?"  
23 This isn't a multiple choice test, or  
24 as we used to call them multiple guess. This isn't  
25 multiple guess. This isn't a question of you solving the  
Sandra M. Halsey, CSR, Official Court Reporter  
5278

1 case. I think we talked to every one of you on the jury  
2 about that. You are not here to solve the case.  
3 This is a question of, has the State  
4 brought you hard evidence, verifiable evidence that would  
5 cause you not to hesitate in your life. That is the  
6 definition of reasonable doubt. Not to hesitate to make  
7 that decision. If you hesitate, then you have got a  
8 doubt based on reason. Not opinions, not just, "Oh, I  
9 think this, or that is consistent with this, or this is  
10 consistent with blood going that way, this blood drop  
11 could be going up or down, that table is not messed up  
12 enough." Proof beyond a reasonable doubt.  
13 And I say to you, that when you are  
14 back there and you are debating this thing, and you move  
15 from subject to subject, remind yourself, remind your  
16 fellow jurors. We have to test this piece of evidence  
17 against the presumption of innocence. Every piece of  
18 evidence, test it against the presumption of innocence.  
19 Every time you are in a conversation  
20 with your fellow juror, you seem to hesitate about that.  
21 You seem to have reasonable doubt about that. Work  
22 through it, and think about it.  
23 There is no explanation, the State has  
24 failed miserably, as Mr. Davis said in the beginning,  
25 "We're going to tell you why this happened." They didn't  
Sandra M. Halsey, CSR, Official Court Reporter  
5279

1 do that. They proved it's just the contrary.  
2 A mother, that there is no explanation  
3 and they will never give you one, and they will never  
4 give you an explanation of what happened that night. You  
5 know, and I bet the officers who walked on the scene when  
6 Charles Manson had butchered those people said, "I have  
7 never seen anything like this."  
8 And as Cron said, the FBI, who  
9 fingered Richard Jewell, I bet there are a few places  
10 they would say, "I have never seen anything like this."  
11 In closing, I'm going to -- I want to  
12 quote two things.  
13 Justice Brandeis was one of the  
14 eminent Supreme Court Justices for many years, and he  
15 wrote, in 1928, nearly 70 years ago, in a case called  
16 Olmstead\_versus\_The\_United\_States, "They, the makers of  
17 the Constitution, conferred as against the government,  
18 the right to be let alone. The most comprehensive of  
19 rights, and the right most valued by civilized men. The  
20 greatest dangers to liberty lurk in insidious  
21 encroachment by men of zeal, well meaning, but without  
22 understanding."

23 They don't like Darlie Routier. They  
24 don't like the lifestyle she led. They have to try to  
25 trash her with breast implants.  
Sandra M. Halsey, CSR, Official Court Reporter  
5280

1 Why did they do that? They want to  
2 trash her, because they can't explain it.  
3 THE COURT: You have used 35 minutes  
4 Mr. Mosty.  
5 MR. RICHARD C. MOSTY: She had the  
6 audacity -- she had the audacity to express herself the  
7 way she really is, and the audacity to not fit what the  
8 State -- what the government wanted her to do, and to be  
9 the victim of a crime that doesn't fit what somebody in  
10 Washington thinks it ought to look like.  
11 Learned Hand was a Justice of the  
12 Supreme Court for many years, and he made a statement  
13 that I have adopted as my own. It was first written --  
14 the quote was first written by Oliver Cromwell to the  
15 Church of Scotland in 1650.  
16 And he is writing to the Church of  
17 Scotland over, at that time a religious issue, and he  
18 says: "I beseech ye, in the name of God, that ye may be  
19 mistaken." And Learned Hand, in his articles, Life and  
20 Morals and Ethics in Public Life, made this quote: He  
21 said, "I beseech ye, in the name of God, that ye may be  
22 mistaken."  
23 I should like to have every school  
24 begin, I should like to have every legislative body  
25 begin, and yes, I should like to have every court begin  
Sandra M. Halsey, CSR, Official Court Reporter  
5281

1 with this statement, "I beseech ye, in the name of God,  
2 that ye may be mistaken."  
3 And I should like for every jury, when  
4 you are weighing reasonable doubt. When you are laying  
5 the evidence against the presumption of innocence. When  
6 you are seeing if you hesitate and if your fellow jurors  
7 hesitate in the most important of life's events.  
8 "I beseech ye, in the name of God,  
9 that ye may be mistaken." Thank you.  
10 THE COURT: Thank you Mr. Mosty. Mr.  
11 Mulder.  
12 MR. DOUGLAS MULDER: Judge, if we  
13 could have just a minute to organize the evidence.  
14 THE COURT: All right. If you will  
15 step back in the jury room for a brief, five minute  
16 break, please.

17  
18 (Whereupon, the jury  
19 Was excused from the  
20 Courtroom, and the  
21 Proceedings were held  
22 In the presence of the  
23 Defendant, with his  
24 Attorney, but outside  
25 The presence of jury  
Sandra M. Halsey, CSR, Official Court Reporter  
5282

1 As follows:)

2

3 THE COURT: All right. Are both sides  
4 ready to bring the jury back in and resume the arguments?

5 MR. DOUGLAS MULDER: Yes, sir, we are  
6 ready.

7 MR. GREG DAVIS: Yes, sir.

8 THE COURT: All right. Bring the jury  
9 back in, please.