

Closing Argument In Guilt Or Innocence

- Summation

THE COURT: Let the record reflect
4 that all parties in the trial are present, and the jury
5 is seated.
6 Ladies and gentlemen of the jury, the
7 defense has requested an additional five minutes to make
8 one more point. I'm going to grant that request with the
9 understanding that Mr. Davis will also have an additional
10 five minutes in his summation.

11 Mr. Mosty.

12 **MR. RICHARD C. MOSTY:** Ladies and
13 gentlemen, I have to be a little sheepish as I come up
14 here and say that there is something that we didn't
15 cover, and as Mr. Mulder would say, "Just a thing or
16 two." But it is going to be just a thing or two.
17 And I want to pick up with this time
18 line that Mr. Mulder started on and lay into that.
19 You know, that from the end of the 911
20 tape at 2:37 or 2:36.44, let me call it 2:37, there is
21 another minute or so after that to 2:38, that before the
22 paramedics are in and then there's some period of time
23 after that in the 2:38 or the 2:39 range when Damon is
24 said to be dead. So that leaves that eight to nine
25 minutes of a window, from 2:29 or 2:38 to 2:39 before
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1 Damon is dead.
2 And what I want to lay for you is what
3 has to happen there. And I'm going to describe some of
4 these things.
5 Now, for the State's theory to be
6 true -- now, you know that Mrs. Routier is not stabbing
7 any children by the time the 2:31 call comes in. That is
8 when she is on the 911 and her husband is almost
9 immediately heard on the tape within 30 seconds, I
10 believe it's maybe 38 seconds. So you know that all of
11 this has to happen then in a two or maybe three minute
12 span. And here is what has to happen.
13 Mrs. Routier has to stab the children
14 two times. Each of them multiple times, in all of this,
15 and what the State has described as, "How could anyone
16 sleep through it?"
17 And then, she has to get a smidgen of
18 blood off of each, not one, off each. And then she has
19 to go out the window, and she has got to run around

20 behind on Eagle Drive.
21 Now, you know that if somebody is
22 going to do that, they aren't going to just bolt down
23 these three houses, they are going to have to come around
24 and look in the alley.
25 Now, she has got to go out that gate,
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1 that is so hard to kick, but she had to kick it. I guess
2 she kicked it barefooted. She has to have the sock in
3 her hand and not leave any blood on the gate. She has to
4 kick it barefooted, she has to run down the alley all the
5 way down there, three houses down. More than 75 yards,
6 you know, an olympic-sprinter type. And then she has to
7 come back, and then she has to come back in the house.
8 She hasn't been wounded at this time.
9 Now, I'm saying -- I'm giving them the
10 screen, I'm not even putting this in any part of this.
11 She has to come back in, come back in the house, and get
12 the knife again.
13 Now, we know that the knife has not
14 been laid down on the carpet because she is not wounded.
15 So she has to -- she has to then take that knife, and she
16 has to cut herself five times. Somewhere. And then she
17 has got to be bleeding profusely by that time. Sometime.
18 Now, at some point she has got to go
19 over and lay the knife down carefully, carefully. By
20 there. Wait a minute. I forgot something. You have got
21 this maroon pillow in evidence. You know about blood
22 spatter now. You see this blood. You see that blood
23 run. That is Mrs. Routier's blood. She has to lay down
24 on the pillow at some point. Bleed and let that run
25 down. Maybe she cut her knife on the pillow.
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1 She has to do that. Now she has got
2 to lay a blood trail. She has got to lay lots of blood
3 trails. She has got to lay one to the utility room.
4 Slowly, the State says, slowly, lay a blood trail to the
5 utility room.
6 Then she has got to come back. Now
7 she has got to go to the sink and she has got to lay a
8 lot of blood. She has got to lay a lot of blood. She
9 has got to go over to the children. She has got to lay
10 blood over by the children, because we know those blood
11 drops are there.
12 She has to knock off the coffee table,
13 slightly askew. She has got to do all of that because

14 there is blood there. She has got to knock down the
15 lamp. What else does she have to do? She is running --
16 no, no, she is not running, she is walking, she is
17 walking through the house doing this because the blood is
18 slow, the State told you that.
19 She has got to pick up the knife off
20 of the carpet. She has got to pick up the knife off of
21 the carpet. She has got to lay more blood trails. She
22 has got to get the vacuum -- I guess she puts the knife
23 up there. Then she has got to get the vacuum cleaner.
24 She has got to do it three times. How many times?
25 Three. Up, down, then she has got to throw it over.
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1 Then, she has got to stand over it, so
2 she could bleed on it.
3 THE COURT: You have one minute left,
4 Mr. Mosty, please.
5 MR. RICHARD C. MOSTY: And all of
6 that, that is what she has got to do in all of this time
7 frame. And quite frankly, wait, she cut her shirt.
8 Don't you remember? She cut her shirt somewhere in
9 there.
10 Now, with all of that, in all of that,
11 you know, those are the things that DiMaio says are usual
12 in a statement. And all of that, what she has had. And
13 this is after Dr. Coons has described that traumatic
14 event where she wouldn't have any memory.
15 And all of this has to happen, in
16 about two minutes.
17 Thank you.
18 THE COURT: Thank you, Mr. Mosty.