

Affidavit of Douglas H. Parks

In the Criminal District Court No.3

Dallas County, Texas

DARLIE LYNN ROUTIER

No. F96-39973-MJ

IN THE CRIMINAL DISTRICT COURT

NO. 3 OF

DALLAS COUNTY, TEXAS

AFFIDAVIT OF DOUGLAS H. PARKS

STATE OF TEXAS

COUNTY OF DALLAS

Before me, the undersigned notary, on this day, personally appeared Douglas H. Parks, a person whose identity is known to me. After I administered an oath to him, upon his oath, he said:

1. My name is Douglas H. Parks. I am over twenty-one years old and I reside in Dallas, Texas. I have never been convicted of a crime, and I am capable and fully competent to make this Affidavit. I have personal knowledge of the facts stated in this Affidavit, and those facts are all true and correct.
2. I am a practicing attorney duly licensed and in good standing in the State of Texas, Dallas County. My State Bar No. is 15520000. My practice is located at 3300 Oak Lawn Avenue, Suite 600, Dallas, Texas 75219-4269. My telephone number is (214) 521-2670.
3. On June 28, 1996, I was appointed counsel for the defendant Darlie Lynn Routier in the case of Texas v. Routier, No. F-96-39973-J and A96-253 (Kerr County), in which Ms. Routier was alleged to have caused the death of her son, Damon Routier. I continued to serve in that capacity until the substitution of counsel on October 21, 1996.
4. It is my professional opinion - and was at the time that I represented Ms. Routier - that a zealous defense of Ms. Routier necessarily involves implicating her husband, Darin Eugene Routier, in the death of Damon. At the time I represented Ms. Routier, I fully intended to introduce evidence that would implicate Darin Routier at trial, such as, for example, a pair of Mr. Routier's undergarments stained with blood on the elastic waistband.

5. On October 21, 1995, Attorney Douglas Mulder was substituted as counsel for Ms. Routier. One month earlier, on September 20, 1996, Mr. Mulder had represented Darin Routier in a contempt-of-court hearing involving the possible violation of a court order restricting publicity.

6. I had learned that Douglas Mulder was considering whether to accept employment as counsel for Darlie Routier several weeks before October 21, 1996. Upon learning of this possible employment by Darlie Routier and Mr. Mulder's representation of Darin Routier, I became concerned that Mr. Mulder would be unable to represent both Darlie and Darin Routier without breaching his duty of loyalty to one or both clients.

7. I communicated my concern orally to Mr. Mulder several weeks before his employment on October 21, 1996. I explained to Mr. Mulder that Darin Routier was a viable suspect in the murder of Damon and that Darlie Routier had not waived any conflict of interest between herself and her husband. Mr. Mulder indicated that he did not believe that Darin was involved in Damon's death, despite the fact that Mr. Mulder had not, at that time, had an opportunity to review the results of defense counsel's investigation.

8. I reiterated my concern to Mr. Mulder in writing on October 24, 1996, after the motion of substitution of counsel had been granted. I explained to Mr. Mulder that I continued to believe that Darin Routier was a possible perpetrator of the offense, and the the court had not addressed the possible conflict of interest generated by simultaneous representation of Darlie and Darin Routier. I sent the letter, in part, because Mr. Mulder had suggested in chambers of the trial court on October 21, 1996, that he was not yet fully familiar with all aspects of the case at that time.

[signed]

Douglas H. Parks

STATE OF TEXAS

COUNTY OF DALLAS