

**IN THE CRIMINAL DISTRICT COURT NO. 3
OF DALLAS COUNTY, TEXAS**

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EX PARTE)
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DARLIE LYNN ROUTIER)
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**Writ No. W96-39973-J
(Trial Court No. F96-39973-J)**

**APPLICANT DARLIE LYNN ROUTIER'S SUPPLEMENTAL MOTION FOR POST-
CONVICTION FORENSIC DNA TESTING**

Applicant Darlie Lynn Routier, through her undersigned counsel, respectfully files this supplemental motion for post-conviction forensic DNA testing pursuant to Chapter 64 of the Texas Code of Criminal Procedure. This motion supplements Applicant's original Motion for Forensic DNA Testing filed November 4, 2003 ("Original Motion"). As this Court is aware, Applicant seeks DNA testing on certain evidence in the State's possession in addition to those evidentiary items listed in Applicant's Original Motion.¹

Initially, Applicant notes that nothing in Chapter 64 prevents her from filing a supplemental DNA testing request. Indeed, the State acknowledged at the hearing before this Court on January 25, 2005 that other defendants have filed multiple requests for DNA testing in the past. Chapter 64 requires only that Applicant meet her statutory burden. There are no time

¹ In conjunction with this motion, Applicant is also filing a Motion for Discovery Regarding Pre-Trial DNA Testing Results. Although Applicant has identified the additional items for DNA testing set forth in this motion, Applicant believes that a thorough analysis of this issue cannot be conducted without access to the underlying testing data that is currently in the possession of SWIFS and Orchid/Cellmark.

restrictions placed on Chapter 64 motions, as long as the request for DNA testing is not made to unreasonably delay the execution of a sentence or the administration of justice. *See* Tex. Code Crim. P. art. 64.03(a)(2)(B).

Applicant seeks DNA testing of the following items of evidence, in addition to those items discussed in Applicant's Original Motion:

1. Blood stains from the tube sock found in the alley behind Applicant's residence on the morning of June 6, 1996;
2. Blood stains from the night shirt worn by Applicant on the morning of June 6, 1996;
3. The partial rape exam performed on Applicant at Baylor Hospital on the morning of June 6, 1996;
4. Blood stains and swabbings from the butcher knife found in Applicant's kitchen, believed to be the murder weapon; and
5. An unidentified facial hair that was tested for DNA and that did not match any of the Routier family members.

A. Blood Stains From the Tube Sock Found Behind Routier Household.

Applicant seeks testing of multiple blood stains on the tube sock found in the alley behind her household. Both the State and Applicant agree that this tube sock is somehow connected to the attacks on Devon and Damon Routier. Certain portions of the tube sock were tested by GeneScreen prior to trial, and the blood of both Devon and Damon Routier was found on this sock. *See* Exhibit 1, GeneScreen Report, December 2, 1996 at p. 2 (test results of Specimen No. 5013). The sock also yielded a faint result of DNA from Darlie Routier that was consistent with either her skin cells or saliva. C.R.R. Vol. 38, pp. 3144-46 (testimony of Gene Screen's Judith Floyd).

Through her Original Motion, Applicant also seeks testing of limb hairs and possible saliva on this sock. Applicant did not seek testing of the blood stains on the premise, based on

trial testimony, that the sock had already been subjected to DNA testing. Upon examination of the photographs of this sock, however, and consultation with DNA expert Dr. Elizabeth Johnson, it is evident that not all portions of the sock were tested. *See* Exhibit 2 (photos showing multiple bloodstains on the sock).

Additional testing of the blood stains on this sock is warranted for multiple reasons. First, not all of the blood on the sock was tested. Applicant is entitled to DNA testing of evidence that was not previously subjected to testing through no fault of her own. Tex. Code Crim. Proc. Ann. art. 64.01(b)(1)(B). Second, both the untested blood stains and the previously tested blood stains can be subjected to newer and more sophisticated testing techniques that are more likely to yield a probative result. *See* Second Affidavit of Dr. Elizabeth Johnson (“Johnson Affidavit”).² At least one stain on the sock yielded no result during original testing. *See* Exhibit 1 at Page 2, Specimen No. 5013-T6; *see also* C.R.R. Vol. 38, pp. 3127-28 (testimony of Judith Floyd). This blood stain, as well as the untested blood stains, can be isolated or “cleaned” using technology that was not available in 1996 at the time of Applicant’s trial. Applicant is entitled to DNA testing of evidence that, although previously subject to DNA testing, can be tested with newer techniques that provide a reasonable likelihood of more accurate results. Tex. Code Crim. Proc. Ann. art. 64.01(b)(2).

The DNA “map” of this tube sock provides a crucial link in Applicant’s case. Both Applicant and the State agree that this sock was used in the crime for which Applicant was convicted. Much like Applicant’s saliva,³ the presence of Applicant’s blood on this sock would severely undermine the State’s theory of the crime, enough to call Applicant’s conviction into

² In the interests of expedited briefing, this motion has been filed prior to the finalization of Dr. Elizabeth Johnson’s affidavit. Counsel anticipates that Dr. Johnson’s affidavit in support of this motion will be filed no later than Monday, January 31.

³ *See* Original Motion at 9-10.

doubt. The State contended at trial that Ms. Routier stabbed her two boys, ran outside to plant the sock in the alley, came back inside, then stabbed herself. If Ms. Routier's blood is found on this sock, this demonstrates that she was *already* bleeding when the sock was deposited – and there was no blood found between the house and the alley to suggest that Ms. Routier was bleeding outside. The presence of Applicant's blood on this sock would demonstrate that the sock was used in a crime against her, not one committed by her own hand.

B. Blood Stains from Applicant's Night Shirt.

Applicant seeks testing of multiple blood stains on the Victoria's Secret night shirt she wore on the night of the attacks. Exhibit 3 (photos of the night shirt, showing large numbers of individual blood stains that were not tested). As with the tube sock discussed above, Applicant did not seek testing of the night shirt on the premise that it had already been tested for DNA. Also like the tube sock, however, a DNA "map" of the night shirt is necessary in order to present a comprehensive picture – the seemingly random samples taken by GeneScreen are woefully incomplete. *See Johnson Affidavit.* Moreover, the limited DNA results produced by GeneScreen were used as critical evidence against Applicant during her trial. The State's expert, Tom Bevel, testified that a spot of blood on the back of the nightshirt identified as Damon Routier's was "cast off," and consistent with Ms. Routier having stabbed Damon. C.R.R. Vol. 39, pp. 3345-56. If this were true, however, one would expect to see numerous spots of Damon's blood in a spatter pattern – not just the one spot identified by GeneScreen. *See Johnson Affidavit.* The nightshirt was not tested extensively enough to verify the absence or presence of a spatter pattern.

In addition, it is possible that the perpetrator's DNA may be found on Applicant's night shirt. *See Johnson Affidavit.* It is common for attackers who use a knife to cut themselves in the

process, particularly when blunt force is used such as the force used against Damon and Devon Routier. *Id.* If the perpetrator of this crime were in fact bleeding, it would be possible that he deposited a small amount of his own blood when he came into contact with Ms. Routier. *Id.* But the nightshirt was never tested extensively enough to determine whether it contained an intruder's blood. Additional tests should be performed to isolate the DNA of an outside attacker. *Id.* Moreover, the t-shirt can now be subjected to Y-chromosome testing, which was not available at the time of Applicant's trial. *Id.* These tests can be used to isolate male DNA even when, as here, an overwhelming amount of Ms. Routier's DNA is present from her blood on the night shirt. *Id.*

C. Partial Rape Exam Performed on Applicant.

Applicant requests access to the partial rape kit performed on her at Baylor Hospital in order to test this evidence for DNA. The subject of a rape kit was raised at the January 25, 2005 hearing before this Court. Detective Patterson of the Rowlett Police Department was questioned by the State regarding the existence of a rape kit, and Patterson recollected that a rape kit had been discussed but not performed. A subsequent review of the trial testimony and Ms. Routier's medical records demonstrates, however, that a partial rape kit was performed. The following trial testimony is from Nurse Cotner, who tended to Ms. Routier following the attacks:

Q. Okay. Now, later on did you try to coordinate some type of rape exam?

A. Yes, sir. I did.

Q. Why was there a rape exam conducted...or going to be conducted?

A. I don't know why it was brought up. I don't know if it – I don't know who decided to do that. One of the residents asked me how do we set up a rape exam for someone in the intensive care unit. And I called the emergency department and found out who the OB/GYN that was on call for the day was, and set that up through Dr. Santos and Dr. Gogel.

Q. Okay. And, what did you say to her?

A. I tried to – I asked her if she understood what we were going to do. Did she understand what a rape exam was? I explained to her that we didn't do a full rape kit at Baylor Hospital, because those are done at Parkland, but did she understand that it would be like, just a normal GYN exam. What she okay with that. I had asked her, did she think she had been raped.

Q. What was her response when you asked her that?

A. She told me something like, "Well, when I woke up I felt pressure down there."

C.R.R. Vol. 31, pp. 1029-30. Detective Patterson also testified that Ms. Routier said she had felt "some pain," and Patterson asked her if she would submit to a rape test. C.R.R. Vol. 4 pp. 198-99. Patterson testified that the result of this test was negative. *Id.* Applicant's medical records from that OB/GYN exam show that "cultures" were taken and sent for testing, "including wet smear." Exhibit 4 (medical records reflecting OB/GYN exam).

Dr. Johnson, Applicant's DNA expert, recommends that the results of this OB/GYN exam be tested for DNA. Johnson Affidavit. Particularly with technology that has been developed since Applicant's trial – such as Y-chromosome testing -- these tests may yield DNA evidence even if a standard rape test is negative. *Id.* Sexual assault has long been suggested as a potential motive of an intruder in this case, and evidence of a sexual assault would fatally undermine Applicant's conviction.

D. Blood Stains and Swabbings from Knife Found in Applicant's Kitchen.

Like the tube sock and the night shirt discussed above, it appears that random blood samples were tested from the knife found in Applicant's kitchen, but not all blood deposits on the knife were tested. Furthermore, these samples can now be subjected to more sophisticated testing methods. *See* Johnson Affidavit.

This butcher knife is a critical piece of evidence in Applicant's case. Both the State and Applicant agree that this knife was used in the murder of Damon Routier and in the attacks on Ms. Routier.⁴ Several questions remain surrounding this knife, however. GeneScreen tested four blood samples from the knife, and found only Damon and Ms. Routier's blood. *See* Exhibit 5, January 7, 1997 GeneScreen Report (Specimen Nos. 5048-5051). Devon's blood was not found on the knife. If this knife was the only murder weapon in this case, one would expect to see – at a minimum – traces of Devon's blood. *See* Johnson Affidavit. In addition, if the perpetrator cut himself while wielding the knife, there may also be trace amounts of the perpetrator's blood on this weapon. *Id.*

Orchid/Cellmark (formerly GeneScreen) also possesses extracts from some of the DNA samples tested in this case. State's Response at 4, Exhibit D. It is possible that, in addition to the actual knife, extracts of the prior DNA samples exist and are subject to analysis and comparison with new DNA tests. Johnson Affidavit. Applicant requests access to the knife, any swabbings that still exist and are in a condition to be tested, and any extracts of these DNA tests that are in the possession of Orchid/Cellmark.

E. Unidentified Facial Hair Recovered from Routier Household.

Finally, Applicant seeks testing of an unidentified facial hair collected from the Routier household. Very little is known about this hair at this time, and Applicant concedes she needs more information. *See* Applicant Darlie Lynn Routier's Motion for Discovery Regarding Pre-Trial Testing Results (filed concurrently with this motion). It appears, however, that this hair could provide the critical link to establish the presence of an intruder in the Routier household on the night of June 6, 1996.

⁴ The State contended that Ms. Routier used this knife to inflict her own injuries as part of a staged crime scene; Ms. Routier claims that an intruder entered her house and stabbed her and the two boys.

Applicant's habeas counsel learned of the presence of this facial hair for the first time upon reviewing the January 7, 1997 GeneScreen report submitted with the State's Response. This hair was not on the list of evidence collected from the Routier's house by Rowlett Police Department. Yet, the GeneScreen report lists a "facial hair," Specimen No. 5035, that "yielded a 01S80 result of 18, 28 *which is not consistent with any of the Routier family members tested.*" Exhibit 5 at Pages 1, 2 (emphasis added). Nothing else is known about this hair. One can assume, however, that the State believed this evidence was of forensic value at one time, or it would not have been submitted for DNA testing.

Applicant seeks testing of several other items of biological evidence which may reveal the DNA of an as-yet unknown person in the Routier household – including limb hairs, pubic hairs, and DNA samples from an unidentified fingerprint left in blood. Applicant also seeks testing of the night shirt she wore on the night of the attacks and the bloody butcher's knife, which may contain trace amounts of the perpetrator's blood. If any two of these items contain the matching DNA of an unknown person, the presence of an intruder in the Routier household can be established.

It is unknown at this point whether the facial hair in question was destroyed during testing. *See Johnson Affidavit.* At a minimum, however, Orchid/Cellmark possesses extracts from these tests. The DNA extracts of the facial hair would be suitable for comparison with the other DNA samples. *Id.*

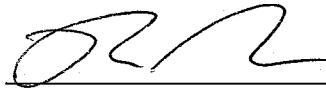
PRAYER

Applicant respectfully requests that this Court grant DNA testing of the above-referenced items of evidence in addition to that evidence discussed in Applicant's original Motion for

Forensic DNA Testing. Applicant further requests that this Court order testing at a neutral laboratory to be agreed upon by both parties.

DATED: January 28, 2005.

Respectfully submitted,



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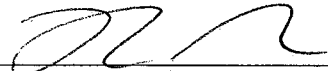
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of Applicant Darlie Lynn Routier's Supplemental Motion for Post-Conviction Forensic DNA Testing to be served by first-class U.S. mail, postage prepaid, and facsimile upon the following on January 28, 2005:

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Richard A. Smith

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(Trial Court No. F96-39973-J)**

PROPOSED ORDER

Upon consideration of Applicant Darlie Lynn Routier's Motion for Forensic DNA Testing, filed November 4, 2003, and Supplemental Motion for Post-Conviction Forensic DNA Testing, filed January 28, 2005, and for good cause shown, it is hereby

ORDERED that these motions be granted, and that the State deliver to the Court the following biological evidence recovered from 5801 Eagle Drive, Rowlett, Texas, on the morning of June 6, 1996, along with a description of the evidence:

1. The pair of blue jeans worn by Applicant's husband, Darin Routier, for testing of blood stains;
2. Limb hair(s) taken from a tube sock found in the alley behind Applicant's residence;
3. The tube sock found in the alley behind Applicant's residence, for testing of blood stains and possible saliva samples;
4. The night shirt worn by Applicant, for testing of blood stains;
5. The butcher knife found in Applicant's kitchen and corresponding blood swabbings, for testing of blood stains;

6. The lifts from an unidentified fingerprint left on Applicant's glass coffee table, introduced at trial as State's Exhibit 35(J);
7. Pubic hair(s) found in the vicinity of Applicant's living room; and
8. The unidentified facial hair tested by Orchid/Cellmark (formerly known as GeneScreen).

It is also ORDERED that the State produce all remaining biological samples and/or extracts in the possession of SWIFS and Orchid/Cellmark relating to the above evidence. Forensic DNA testing shall be conducted on this evidence at one or more laboratories to be agreed upon by both parties.

DATE

JUDGE PRESIDING

GeneScreen



LABORATORY REPORT - FORENSIC IDENTITY

Referring Agency: Dallas County District Attorney
 Agency Reference #: F96-39973-MJ
 Case Victim's Name: Damon and Devon Routier
 Case Suspect's Name: Darlie Lynn Routier
 GeneScreen Case #: FOR1879
 Report Date: December 2, 1996

SUMMARY OF RESULTS:

DNA from numerous evidence specimens was amplified and typed using the AmpliType[™] D1S80 Kit. The D1S80 genotypes observed were compared to D1S80 types obtained from known blood standards to determine the possible contributors of the unknown specimens. For a complete summary of all D1S80 types obtained, see the following table.

<u>D1S80 Results</u>			
Specimen No. FOR1879 -	Description	D1S80 Type	Possible Contributor
4934	Damon Routier - blood	24,29	-
4935	Devon Routier - blood	25,28	-
4936	Darlie Routier - blood	24,25	-
4937	Darin Routier - blood	28,29	-
4941-#2	Carpet - blood stain	N/R	-
4941-#4	Carpet - blood stain	N/R	-
4941-#2R	Carpet - blood stain	24,25	Darlie Routier
4941-#4R	Carpet - blood stain	24,25	Darlie Routier
4942-L2	T-shirt - blood stain	24,25	Darlie Routier
4942-L3	T-shirt - blood stain	24,25	Darlie Routier
4942-L4	T-shirt - blood stain	24,25	Darlie Routier
4942-L6	T-shirt - blood stain	24,25	Darlie Routier
4942-L10	T-shirt - blood stain	24,25	Darlie Routier
4972-T8	T-shirt - blood stain	24,25	Darlie Routier
4972-T9	T-shirt - blood stain	24,25(29)	Darlie Routier (Damon)
4972-T10	T-shirt - blood stain	24,25(28)	Darlie Routier (Devon)
4972-T11	T-shirt - blood stain	24,25	Darlie Routier
4972-T12	T-shirt - blood stain	24,25	Darlie Routier
4972-T13	T-shirt - blood stain	24,25	Darlie Routier
4972-T14	T-shirt - blood stain	24,25	Darlie Routier
4972-T15	T-shirt - blood stain	25,28	Devon Routier
4972-T8R	T-shirt - blood stain	(24,25)	Darlie Routier
4972-T9R	T-shirt - blood stain	24,25(29)	Darlie Routier (Damon)
4972-T10R	T-shirt - blood stain	N/R	-
4972-T11R	T-shirt - blood stain	24,25	Darlie Routier
4972-T10R	T-shirt - blood stain	24,25	Darlie Routier
4973-T5	Pillowcase - blood stain	24,29	Damon Routier
4973-T6	Pillowcase - blood stain	24,25	Darlie Routier
4973-T7	Pillowcase - blood stain	24,25	Darlie Routier
4974-Toe	Sock	(24,25)	Darlie Routier
4974-2 - Heel	Sock	N/R	-
4974-3 - Band	Sock	N/R	-
4974-2 - Toe	Sock	N/R	-
4974-2 - Toe	Sock	N/R	-
4974-4	Sock	N/R	-

FOR1879
Page 2D1S80 Results Con't.

Specimen No. FOR1879 -	Description	D1S80 Type	Possible Contributor
4975-R	Hair (root) - Window	18,33(24)	Sara Jones
4975-S	Hair (shaft) - Window	N/R	-
4988	Vacuum - blood stain	24,25	Darlie Routier
4989-C	Comforter - control	N/R	-
4989-T1	Comforter - blood stain	25,28	Devon Routier
4989-T2	Comforter - blood stain	25,28	Devon Routier
4989-T3	Comforter - blood stain	25,28	Devon Routier
4990-T1	Jeans - blood stain	24,25	Darlie Routier
4990-T2	Jeans - blood stain	24,25	Darlie Routier
4990-T3	Jeans - blood stain	24,25	Darlie Routier
4990-T4	Jeans - blood stain	N/R	-
4991-37	Banister - blood stain	25,28	Devon Routier
4991-39	Banister - blood stain	25,28(24,29)	Devon Routier (Damon)
4991-40	Banister - blood stain	25,28(24,29)	Devon Routier (Damon)
4992-sub	T-shirt - substrate	N/R	-
4993-sub	Jeans - substrate	N/R	-
5011-A	Reeboks - blood stain	24,25	Darlie Routier
5011-B	Reeboks - blood stain	24,25	Darlie Routier
5012-A	Beige pillow - blood stain	24,25	Darlie Routier
5012-B	Beige pillow - blood stain	24,25	Darlie Routier
5013-T1	Sock - blood stains	24,29(28)	Damon Routier
5013-T2	Sock - blood stains	25,28	Devon Routier
5013-T3	Sock - blood stains	25,28	Devon Routier
5013-T4	Sock - blood stains	24,29	Damon Routier
5013-T5	Sock - blood stains	25,28	Devon Routier
5013-T6	Sock - blood stains	N/R	-
5016 (5)	Sara Jones - saliva swab	18,33	-

EVIDENCE RECEIVED:

Accession #	Sample Description	Received as Follows
FOR1879-4934	Damon Routier - blood	Picked up by J. Floyd from Southwestern Institute of Forensic Sciences (SWIFS) on September 18, 1996
FOR1879-4935	Devon Routier - blood	
FOR1879-4936	Darlie Routier - blood	
FOR1879-4937	Darin Routier - blood	
FOR1879-4941	Carpet - blood stains	Hand delivered to J. Floyd by Charles Linch on September 24, 1996
FOR1879-4942	T-shirt - blood stains	
FOR1879-4972	T-shirt - blood stains	Hand delivered to J. Floyd by Carolyn VanWinkle on September 26, 1996
FOR1879-4973	Pillowcase - blood stains	
FOR1879-4974	Sock	
FOR1879-4975	Hair	

FOR1879
Page 3

EVIDENCE RECEIVED CONT.

Accession #	Sample Description	Received as Follows
FOR1879-4988	Vacuum - blood stain	Picked up by J. Floyd from SWIFS on October 7, 1996
FOR1879-4989	Comforter - blood stains	
FOR1879-4990	Jeans - blood stains	
FOR1879-4991	Banister (swabbings) - blood stain	
FOR1879-4992	T-shirt - Darlie Routier	
FOR1879-4993	Jeans - Darlie Routier	
FOR1879-5011	Reeboks - blood stain	Hand delivered to J. Floyd by Charles Linch on October 15, 1996
FOR1879-5012	Beige pillow - blood stain	Hand delivered to J. Floyd by Charles Linch on October 17, 1996
FOR1879-5013	Sock - blood stains	Hand delivered to J. Floyd by Carolyn VanWinkle on October 22, 1996
FOR1879-5016	Buccal swabs - Sara Jones	Hand delivered to J. Floyd by Charles Linch on October 28, 1996

SPECIMEN COMPARISON:

D1S80 types obtained from numerous evidence specimens were compared to known blood standards from each member of the Routier family. Items 4941-#2 and 4941-#4 (carpet - blood stains) are consistent with Darlie Routier. Items 4942-L2 - L10 and Items 4972-T8, T11, T12, T13, and T14 (T-shirt - blood stain) are all consistent with Darlie Routier. Item 4972-T9 appears to be a mixed specimen with the primary contributor being consistent with Darlie Routier and the minor component being consistent with Damon Routier. Likewise, item 4972-T10 (T-shirt - blood stain) appears to be a mixture with the primary contributor being consistent with Darlie Routier and the minor component with Devon Routier. Subsequent attempts to reproduce findings of a mixture on item T10 gave either no results or a D1S80 type consistent only with Darlie Routier. Specimen 4972-T15 (T-shirt - blood stain) produced a D1S80 type consistent with Devon Routier.

Item 4973-T5 (Pillowcase - blood stain) gave a type consistent with Damon Routier. Items 4973-T6 and T7 (Pillowcase - blood stains) produced D1S80 types consistent with Darlie Routier.

Item 4974-Toe (Sock) yielded a very faint result which was consistent with Darlie Routier. All other specimens from the sock (4974-2 - Heel, -3 - Band, -2 - Toe, and -4) gave no results.

Item 4988 (Vacuum - blood stain) typed as a 24,25 which is consistent with Darlie Routier.

Items 4989-T1, T2, and T3 (Comforter - blood stains) and 4991-37 (banister - blood stain) produced D1S80 types consistent with Devon Routier. Specimens 4991-39 and -40 (banister - blood stain) appear to be mixed specimens with the primary contributor being consistent with Devon Routier and the minor component being consistent with Damon Routier.

Items 4990-T1, T2 and T3 (Jeans - blood stains), 5011-A and B (Reeboks - blood stains), and 5012-A and B (Beige pillow - blood stains) all yielded D1S80 results consistent with Darlie Routier.

SPECIMEN COMPARISON CON'T.

Specimen 5013-T1 (Sock - blood stains) consists of a very strong major component with a 24,29 D1S80 type and a very weak minor component of 28. The major component is consistent with Damon Routier as the contributor. Due to the fact that a faint fragment at allele 25 might be obscured by the large amount of product present at allele 24, it is not possible to determine the potential contributor of the minor component (28). Items 5013-T2, T3, and T5 (Sock - blood stains) are all consistent with Devon Routier as the contributor. Item 5013-T4 (Sock - blood stains) types as 24,29 and therefore, is consistent with Damon Routier.

In addition, specimen 4975-R (Hair (root) - window) gave a major D1S80 type of 18,33 with a faint fragment present at the 24 allele as well. The major type is consistent with the D1S80 type obtained from Sara Jones (5016 - saliva swab).

STATISTICAL ANALYSIS:

The frequency of the D1S80 type of each individual tested in this case is given below:

Name	D1S80 Type	Frequency
Damon Routier	24,29	.0393 or 1 in 25
Devon Routier	25,28	.0058 or 1 in 172
Darlie Routier	24,25	.0348 or 1 in 29
Darin Routier	28,29	.0066 or 1 in 151
Sara Jones	18,33	.0014 or 1 in 714

The results and conclusions described in this report have been reviewed by the individuals below.

Judith I. Floyd
Forensic Laboratory Supervisor

Judith I. Floyd
Robert C. Giles

Robert C. Giles, Ph.D.
Scientific Director

Sworn and subscribed before me this 2nd day of December, 19 96.

Angela Marie Plata

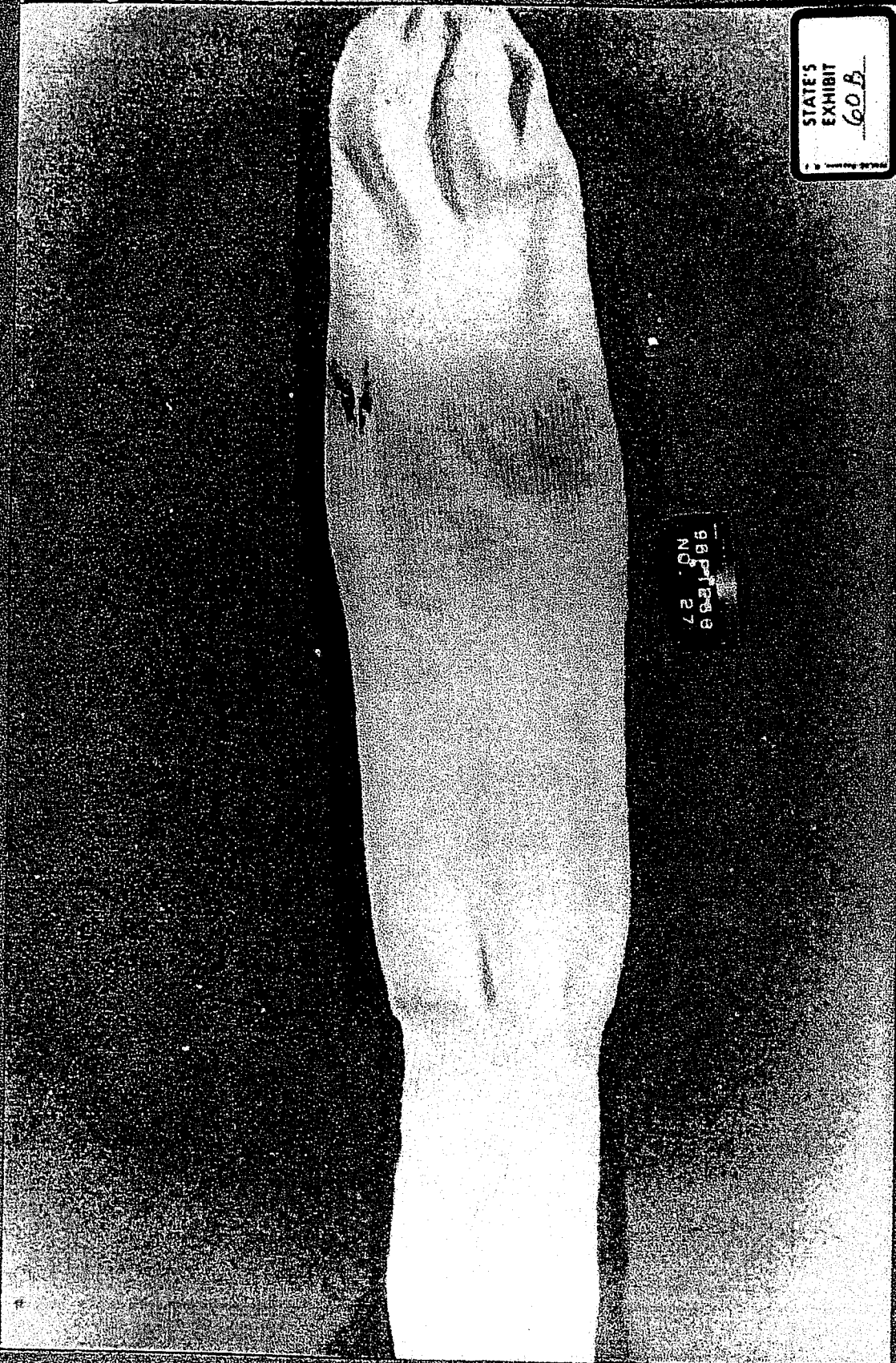


STATE'S EXHIBIT 60A

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AP. 27

STATE'S
EXHIBIT
60B

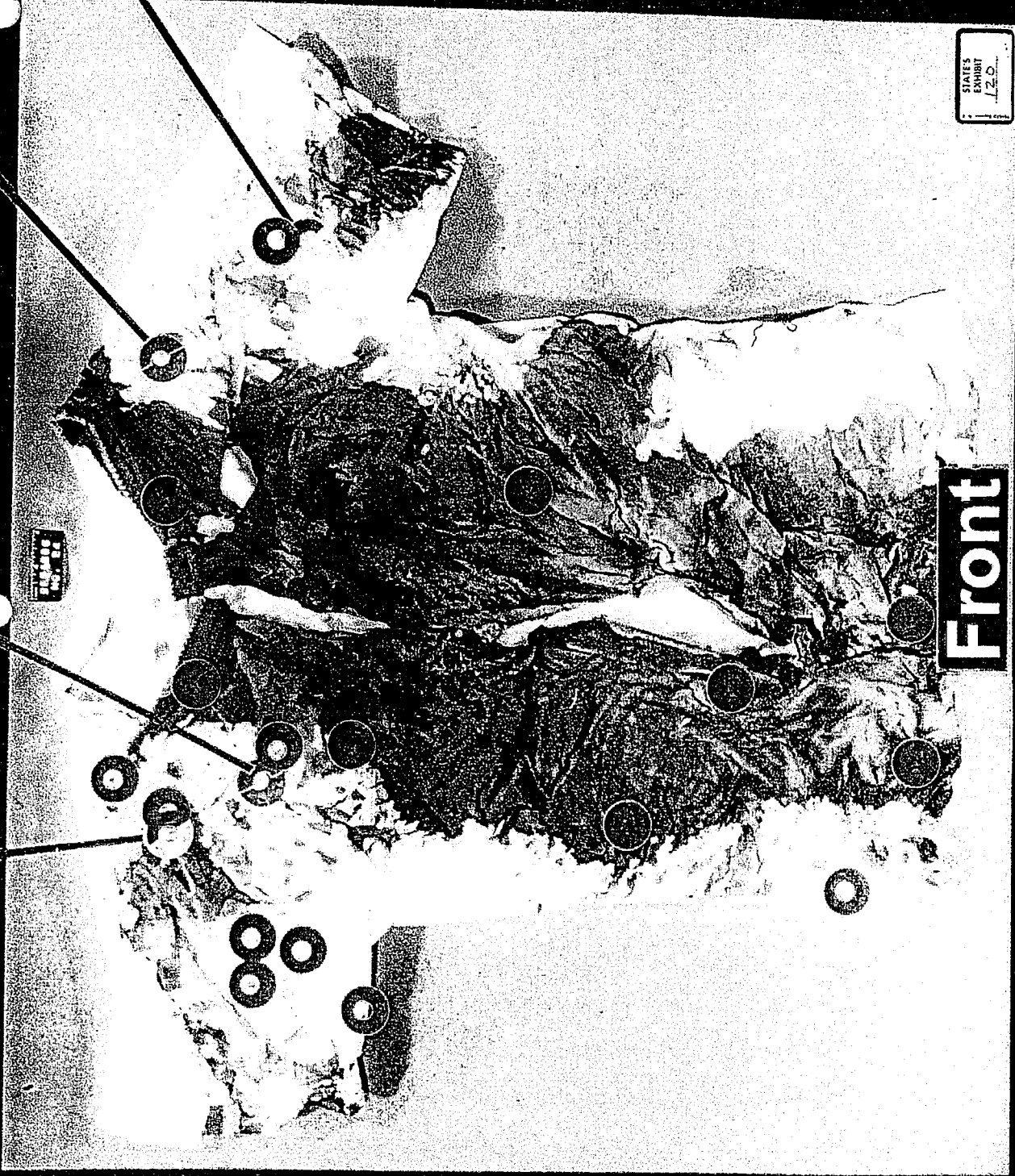
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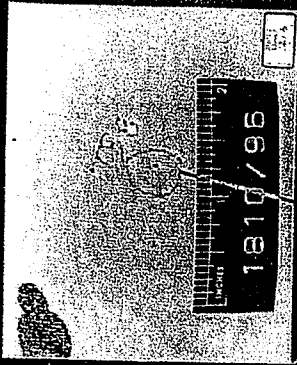


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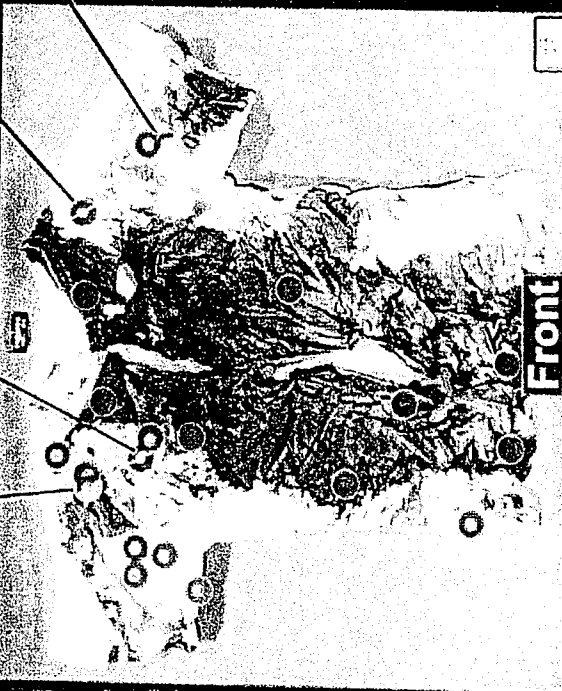
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STATE'S
EXHIBIT
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STATE'S
EXHIBIT
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PHYSICIAN PROGRESS RECORD

1/6/96 Trauma BR

'610

The trauma nurse was asked by investigator Jim Patterson to obtain a consultation from the OB/GYN room for a sexual assault examination. I discussed the nature of a sexual assault exam to the pt and she agreed to have the exam. Dr Miller (OB/GYN) was called @ 1600 + he feels that an exam of this nature would be an offense to attorney court. Dr Miller mentioned that he does not perform complete rape exams

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[Signature]

MED REC

433691-001 I/A 26 FW

PATIENT

X. ROTIERDARLIE
DR. SANTOS, ALEJANDRO
11498193

01/21/72

BAYLOR UNIVERSITY MEDICAL CENTER
DALLAS, TEXAS

PHYSICIAN PROGRESS RECORD

PHYSICIAN PROGRESS RECORD

1696 GYN-CONSULT

26 y/o G3P3 s/p ASSAULT & knife
and multiple stab wounds.

pt denies personal history of STDs (herpes,
GC, chlamydia, syphilis) states her husband
had herpetic outbreak but that she herself
has never had a herpetic lesion.

pt is not sure whether she was sexually
assaulted - she only remembers "pressure"
on her as she struggled & her attacker.

Exam: perineum - a gross lesion, pubic hair
shaved except for thin central line from
clitoris upward. a lateral or pinhead lacerations
vagina clear & small amount of white discharge
& lacerations or abrasions seen. cervix pale
and 5 lesions. cultures obtained including
wet smear. (GC, chlamydia) will also order
HIV and RPR, B-HCG

Imp: Assault - No evidence grossly or
extern for sexual assault - labs pending.
Examined & Dr. Miller.

Plan = Follow lab results. please call if
lab results are positive for further follow-up

James Amizguel
MD

BAYLOR UNIVERSITY MEDICAL CENTER
DALLAS, TEXAS

PHYSICIAN PROGRESS RECORD

MED REC NO

433691-001 I/A 26 FW

PAGE

X. ROTIERDARLIE
MD CENTES. ALBUQUERQUE



GeneScreen

2600 Stemmons Pkwy, Suite 1.13 Dallas, Texas 75207 214-631-8152 RFL DNA-TEST FAX 214-634-3322

LABORATORY REPORT - FORENSIC IDENTITY

Referring Agency: Dallas County District Attorney
 Agency Reference #: F98-39973-MJ
 Case Victim's Name: Damon and Devon Routier
 Case Suspect's Name: Darlie Lynn Routier
 GeneScreen Case #: FOR1879-Addendum
 Report Date: January 7, 1997

SUMMARY OF RESULTS:

DNA from numerous evidence specimens was amplified and typed using the AmpliType™ D1S80 Kit. The D1S80 genotypes observed were compared to D1S80 types obtained from known blood standards to determine the possible contributors of the unknown specimens. For a complete summary of all D1S80 types obtained, see the following table.

Specimen No. FOR1879 -	Description	D1S80 Results	
		D1S80 Type	Possible Contributor
4934	Damon Routier - blood	24,29	-
4935	Devon Routier - blood	25,28	-
4938	Darlie Routier - blood	24,25	-
4937	Darin Routier - blood	28,29	-
5033	Pubic hair - root	NR	-
5034	Pubic hair - shaft	NR	-
5035	Facial hair	18,28	-
5039	Kitchen - blood stain	24,25	Darlie Routier
5040	Kitchen - blood stain	24,25	Darlie Routier
5041	Wallpaper - blood stain	NR	-
5042	Wallpaper - blood stain	24,25	Darlie Routier
5043	Wallpaper - blood stain	24,25	Darlie Routier
5044	Wallpaper - blood stain	24,25	Darlie Routier
5045	Wallpaper - blood stain	24,25	Darlie Routier
5046	Wallpaper - blood stain	24,25	Darlie Routier
5047	Wallpaper - blood stain	NR	-
5048	Knife - blood stain	24,29	Damon Routier
5049	Knife - blood stain	24,25,29	Darlie, Damon Routier
5050	Knife - blood stain	24,25	Darlie Routier
5051	Knife - blood stain	24,25	Darlie Routier
5052	Halfway - blood stain	24,25	Darlie Routier
5053	Halfway - blood stain	(24,25)	Darlie Routier
5054	Halfway - blood stain	24,25	Darlie Routier
5055	Halfway - blood stain	NR	-
5056	T-shirt - blood stain	24,25	Darlie Routier
5057	T-shirt - blood stain	24,25,29	Darlie, Damon Routier
5058	T-shirt - blood stain	24,25	Darlie Routier
5059	T-shirt - blood stain	24,25(28)	Darlie Routier (Devon)
5060	T-shirt - blood stain	(25)	-
9010/D1-D14*	T-shirt - blood stain(s)	24,25	Darlie Routier

*all 14 items yielded the same D1S80 result.

Numbers in parenthesis indicate faint typings.

FOR1879

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EVIDENCE RECEIVED:

Accession #	Sample Description	Received as Follows
FOR1879-5033	Pubic Hair - root	Hand delivered to J. Floyd by Charles Linch on November 21, 1996
FOR1879-5034	Pubic Hair - shaft	
FOR1879-5035	Facial Hair	
FOR1879-5039	Blood stain from kitchen	Hand delivered to J. Floyd by Charles Linch on November 27, 1996
FOR1879-5040	Blood stain from kitchen	
FOR1879-5041	Wallpaper - blood stain	
FOR1879-5042	Wallpaper - blood stain	
FOR1879-5043	Wallpaper - blood stain	
FOR1879-5044	Wallpaper - blood stain	
FOR1879-5045	Wallpaper - blood stain	
FOR1879-5046	Wallpaper - blood stain	
FOR1879-5047	Wallpaper - blood stain	
FOR1879-5048	Knife - blood stain	
FOR1879-5049	Knife - blood stain	
FOR1879-5050	Knife - blood stain	
FOR1879-5051	Knife - blood stain	
FOR1879-5052	Blood stain from hallway	
FOR1879-5053	Blood stain from hallway	
FOR1879-5054	Blood stain from hallway	
FOR1879-5055	Blood stain from hallway	
FOR1879-5056	T-shirt - blood stain	
FOR1879-5057	T-shirt - blood stain	
FOR1879-5058	T-shirt - blood stain	
FOR1879-5059	T-shirt - blood stain	
FOR1879-5060	T-shirt - blood stain	
FOR1879-9010	T-shirt cuttings (D1 - D14)	Hand delivered to J. Floyd by Charles Linch on December 20, 1996

SPECIMEN COMPARISON:

D1S80 types obtained from numerous evidence specimens were compared to known blood standards from each member of the Routier family. Items 5039 and 5040 (Kitchen - blood stain), 5042-5046 (Wallpaper - blood stain), 5050 and 5051 (Knife - blood stain), 5052-5054 (Hallway - blood stain), 5056 and 5058 (T-shirt - blood stain) and 9010 (D1-D14/T-shirt - blood stains) all type as a D1S80 24,25 which is consistent with Darlie Routier.

Specimens 5049 (Knife - blood stain) and 5057 (T-shirt - blood stain) appear to be mixed specimens consistent with a mixture of DNA from Darlie and Damon Routier. Specimen 5059 (T-shirt - blood stain) consists of a major component with a 24,25 type and a fainter component with a 26 type. This mixture is consistent with DNA from both Darlie (major component) and Devon Routier (minor component).

Item 5048 (Knife - blood stain) gave a D1S80 type of 24,29 which is consistent with Damon Routier. Item 5060 (T-shirt blood stain) produced a very faint D1S80 type of 25. Other possible D1S80 fragments were too faint to call. The possible contributor of this specimen is therefore inconclusive.

Item 5035 (Facial hair) yielded a D1S80 result of 18,25 which is not consistent with any of the Routier family members tested.

FOR1879
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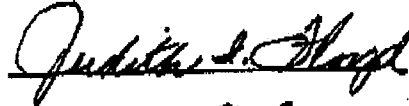
STATISTICAL ANALYSIS:

The frequency of the D1S80 type of each individual tested in this case is given below:

Name	D1S80 Type	Frequency
Damon Routier	24,29	.0393 or 1 in 25
Devon Routier	25,29	.0056 or 1 in 172
Dante Routier	24,26	.0348 or 1 in 29
Darin Routier	28,29	.0066 or 1 in 151

The results and conclusions described in this report have been reviewed by the individuals below.

Judith I. Floyd
Forensic Laboratory Supervisor



Robert C. Giles, Ph.D.
Scientific Director



Sworn and subscribed before me this 9th day of January, 19 97.

