

# Volume 10

1 IN THE CRIMINAL DISTRICT COURT NO. 3  
2 DALLAS COUNTY, TEXAS  
3  
4  
5  
6 THE STATE OF TEXAS } NO. F-96-39973-J  
7 VS: } & A-96-253  
8 DARLIE LYNN ROUTIER } Kerr Co. Number  
9  
10  
11  
12  
13 STATEMENT OF FACTS  
14 JURY VOIR DIRE  
15 QUALIFICATION HEARING  
16 VOL. 10 OF 53 VOLS.  
17 October 21, 1996  
18 Monday  
19  
20  
21  
22  
23  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 1

## 1 C A P T I O N

2  
3  
4 BE IT REMEMBERED THAT, on Monday, the 21st day of  
5 October, 1996, in the Criminal District Court Number 3 of  
6 Dallas County, Texas, the above-styled cause came on for  
7 a hearing before the Hon. Mark Tolle, Judge of the  
8 Criminal District Court No. 3, of Dallas County, Texas,  
9 without a jury, and the proceedings were held, in open  
10 court, in the City of Kerrville, Kerr County Courthouse,  
11 Kerr County, Texas, and the proceedings were had as  
12 follows:  
13  
14  
15  
16  
17  
18  
19

20  
21  
22  
23  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 2

1 A P P E A R A N C E S

2

3

4 HON. JOHN VANCE

5 Criminal District Attorney

6 Dallas County, Texas

7

8 BY: HON. GREG DAVIS

9 Assistant District Attorney

10 Dallas County, Texas

11

12 AND:

13 HON. TOBY SHOOK

14 Assistant District Attorney

15 Dallas County, Texas

16

17 AND:

18 HON. SHERRI WALLACE

19 Assistant District Attorney

20 Dallas County, Texas

21

22 APPEARING FOR THE STATE OF TEXAS

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter 3

1 ADDITIONAL APPEARANCES:

2

3 HON. DOUGLAS PARKS

4 Attorney at Law

5 Dallas County, Texas

6

7 AND:

8 HON. WAYNE HUFF

9 Attorney at Law

10 Dallas County, Texas

11

12 Appearing for the Defendant

13 For the purpose of the trial

14 AND:  
15  
16 HON. BLAKE WITHROW  
17 Attorney at Law  
18 Dallas County, Texas  
19  
20 APPEARING FOR THE DEFENDANT  
21 for the purpose of the appeal  
22  
23  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 4

1 ADDITIONAL APPEARANCES:  
2 HON. DOUGLAS D. MULDER  
3 Attorney at Law  
4 2650 Maxus Energy Tower  
5 717 N. Harwood  
6 Dallas, TX 75201  
7  
8 AND: HON. CURTIS GLOVER  
9 Attorney at Law  
10 2650 Maxus Energy Tower  
11 717 N. Harwood  
12 Dallas, TX 75201  
13  
14 AND: HON. RICHARD C. MOSTY  
15 Attorney at Law  
16 Wallace, Mosty, Machann, Jackson & Williams  
17 820 Main Street, Suite 200  
18 Kerrville, TX 78028  
19  
20 AND: HON. S. PRESTON DOUGLASS, JR.  
21 Attorney at Law  
22 Wallace, Mosty, Machann, Jackson & Williams  
23 820 Main Street, Suite 200  
24 Kerrville, TX 78028  
25

Sandra M. Halsey, CSR, Official Court Reporter 5

1 AND: HON. JOHN HAGLER  
2 Attorney at Law  
3 901 Main Street, Suite 3601  
4 Dallas, TX 75202  
5  
6 ALL ATTORNEYS REPRESENTING THE  
7 DEFENDANT: DARLIE ROUTIER

8 MR. HAGLER HANDLING THE APPEAL

9 AND:

10 HON. ALBERT D. PATILLO, III

11 Attorney at Law

12 820 Main Street, Suite 211

13 Kerrville, TX 78028

14 APPEARING FOR: Witness-

15 Detective Jimmy Patterson

16

17 AND:

18 HON. STEVEN J. PICKELL

19 Attorney at Law

20 620 Earl Garrett Street

21 Kerrville, TX 78028

22 APPEARING FOR: Witness

23 Officer Chris Frosch

24

25

Sandra M. Halsey, CSR, Official Court Reporter 6

1 P R O C E E D I N G S

2

3 October 21st 1996

4 Monday

5 9:30 a.m.

6

7 (Whereupon, the following

8 proceedings were held in

9 Open court, in the presence

10 And hearing of the

11 Defendant, being

12 Represented by her attorneys

13 and the representatives of

14 The State of Texas, but

15 Outside the presence of the

16 jury panel, as follows:)

17

18

19 THE COURT: All right. On the record

20 in Causes in Dallas County F-96-39972, which is now Kerr

21 County Cause A-96252 and Dallas County F-96-39973, which

22 is now Kerr County Cause A-96253, both styled the State

23 of Texas versus Darlie Lynn Routier, who is present in

24 court, with her attorneys Mr. Doug Parks and Wayne Huff.

25 The State being represented by Mr.

Sandra M. Halsey, CSR, Official Court Reporter 7

1 Greg Davis, and Mr. Toby Shook and Ms. Sherri Wallace.

2 And the purposes of this hearing today we have before the  
3 Court a Motion for Substitution of Counsel filed by Mr.  
4 Douglas Mulder. And so, it is your motion Mr. Mulder.  
5 Go ahead, please.  
6 MR. DOUGLAS MULDER: Judge, I have  
7 filed the motion and I would ask the Court to rule on it.  
8 The motion speaks for itself.  
9 THE COURT: The motion states that  
10 Mrs. Routier -- you have been retained by the defendant  
11 in connection with this cause; is that correct?  
12 MR. DOUGLAS MULDER: By the  
13 defendant's family.  
14 THE COURT: Well, I understand that  
15 you have been retained to represent Mrs. Routier in this  
16 case?  
17 MR. DOUGLAS MULDER: Yes, sir, with  
18 your permission.  
19 THE COURT: And you will represent her  
20 for all purposes?  
21 MR. DOUGLAS MULDER: For all trial  
22 purposes.  
23 THE COURT: I understand, for all  
24 trial purposes.  
25 You are prepared to come into the

Sandra M. Halsey, CSR, Official Court Reporter 8

1 trial right now, with no delays or anything like that; is  
2 that correct?  
3 MR. DOUGLAS MULDER: Judge, no  
4 foreseeable delays.  
5 THE COURT: We understand what you are  
6 saying. In other words, we're picking a jury, we're  
7 starting our jury selection today, so you are prepared to  
8 go forward with that; is that correct?  
9 MR. DOUGLAS MULDER: Yes, sir, at this  
10 time we are.  
11 THE COURT: All right.  
12 MR. DOUGLAS MULDER: I understand the  
13 actual jury selection is to begin the 28th.  
14 THE COURT: Well, this is orientation,  
15 you will have to be here for that. Do you understand  
16 that?  
17 MR. DOUGLAS MULDER: Yes, I am here.  
18 THE COURT: If you are not here, we  
19 will have Mr. Curtis Glover, Mr. Richard Mosty, or Mr.  
20 Preston Douglass, Jr. One of those attorneys will be  
21 here representing Mrs. Routier.  
22 MR. DOUGLAS MULDER: Yes, sir, one  
23 will be here at all times.

24 THE COURT: Okay. That is all we're  
25 saying.

Sandra M. Halsey, CSR, Official Court Reporter 9

1 All right. Do you in any way -- so  
2 your arrangement as a consultant with Ms. Kee is  
3 terminated; is that correct?  
4 MR. DOUGLAS D. MULDER: Well, I think  
5 it's expanded, Judge.  
6 THE COURT: All right. But you are --  
7 I understand what you are saying, but you are going to  
8 represent Mrs. Routier for all purposes?  
9 MR. DOUGLAS D. MULDER: Yes, sir, for  
10 the trial.  
11 THE COURT: All right. Well, let me  
12 ask the defendant, Mrs. Routier, you must state whom you  
13 want to be your counsel. Have you had a chance to  
14 discuss that?  
15 THE DEFENDANT: Yes, I have.  
16 THE COURT: All right. Do you want  
17 Mr. Parks and Mr. Huff to remain as your counsel, or do  
18 you want Mr. Mulder to come in as your counsel?  
19 THE DEFENDANT: I have decided that  
20 Mr. Mulder is to represent me.  
21 THE COURT: All right. If there is  
22 any potential conflict with Mr. Mulder representing you  
23 and being a consultant to Ms. Kee, do you waive any  
24 potential conflict that might exist?  
25 THE DEFENDANT: I'm not sure if I

Sandra M. Halsey, CSR, Official Court Reporter 10

1 understand.  
2 MR. DOUGLAS D. MULDER: He wants to  
3 know if you give up any claim to a conflict, in so far as  
4 I represent your mother as a consultant.  
5 THE DEFENDANT: No, there is no  
6 conflict.  
7 THE COURT: So, you will waive any  
8 conflict that might exist; is that correct?  
9 THE DEFENDANT: Yes, sir.  
10 THE COURT: You want Mr. Mulder to  
11 come into the case right now; is that correct?  
12 THE DEFENDANT: Yes, sir.  
13 THE COURT: All right. Does the  
14 defense have anything?  
15 MR. DOUGLAS PARKS: Nothing.  
16 MR. WAYNE HUFF: No, sir. Not at all,  
17 Your Honor.

18 THE COURT: All right. Now, you are  
19 stating unequivocally, ma'am, you want Mr. Mulder to  
20 represent you in this trial for all purposes, from here  
21 on, without -- with the other attorneys he has with him.  
22 THE DEFENDANT: Yes, sir.  
23 THE COURT: All right. Well, the  
24 Motion for Substitution of Counsel will be granted and we  
25 will proceed right now.

Sandra M. Halsey, CSR, Official Court Reporter 11

1 May I see both sides up here just a  
2 minute here. Who is going to stay?  
3 Off the record.  
4 (Whereupon, a short  
5 Discussion was held  
6 Off the record, after  
7 Which time the  
8 Proceedings were resumed  
9 As follows:)  
10 MR. DOUGLAS PARKS: May we be excused,  
11 Your Honor?  
12 THE COURT: Yes, you may. All right.  
13 That is fine. Is that satisfactory?  
14 MR. DOUGLAS PARKS: Sure.  
15 MR. WAYNE HUFF: Yes, sir, sure.  
16 THE COURT: All right. And, Mrs.  
17 Routier, one last thing. I also appointed Mr. Blake  
18 Withrow to represent you for appellate matters. Do you  
19 wish him to be discharged too; is that correct?  
20 THE DEFENDANT: Yes, sir.  
21 THE COURT: All right. Fine. All  
22 right. That is fine. All right.  
23 (Whereupon, a short  
24 Discussion was held  
25 Off the record, after

Sandra M. Halsey, CSR, Official Court Reporter 12

1 Which time the  
2 Proceedings were resumed  
3 As follows:)  
4 THE COURT: All right. Well, what is  
5 going to happen now is, we're waiting for the jury to  
6 come in from downstairs and we will get them up here.  
7 When they get here we will orient them, everyone is  
8 welcome to stay, but if we load this room up with people,  
9 that might be possibly a little crowded.  
10 So, that is where we are.  
11 All right. But what is going to

12 happen this morning is this: They are merely going to be  
13 oriented and told what jurors do, and then they are going  
14 to be brought back and we will start next Monday for  
15 individual examination of each juror.

16 MR. RICHARD MOSTY: Your Honor, is  
17 there a questionnaire?

18 THE COURT: There is a questionnaire,  
19 we will give them today. We have two of you that are  
20 more familiar with this procedure down here than I am,  
21 but we have two sections of jurors coming in today. They  
22 will get juror questionnaires filled out, and Ms. Uecker  
23 has informed me they will get them done today.

24 MR. RICHARD MOSTY: Then she will  
25 reshuffle them.

Sandra M. Halsey, CSR, Official Court Reporter 13

1 THE COURT: Right. And then, with  
2 regards to any kind of excuses or anything, we will rule  
3 on them at the time.

4 All right.

5 (Whereupon, a short  
6 Discussion was held  
7 Off record, after which  
8 Proceedings were resumed  
9 As follows:)

10 THE COURT: Why don't we go ahead and  
11 arraign her at this time.

12 Let's go on the record in the Darlie Lynn  
13 Routier matter. These proceedings are being held outside  
14 the presence of any potential jurors. All of the parties  
15 in the trial are present.

16 Cause F-96-39973, Dallas County which is  
17 Kerr County number A-96-253, styled The State of Texas  
18 versus Darlie Lynn Routier in which you are charged with  
19 the offense of capital murder. The penalty range being  
20 life confinement in the state penitentiary or death by  
21 lethal injection depending on which set of the  
22 circumstances the jury might find to be true in this  
23 case.

24 Do you understand what you are charged with  
25 and the possible penalty ranges in this case?

Sandra M. Halsey, CSR, Official Court Reporter 14

1 THE DEFENDANT: Yes, sir.

2 THE COURT: If you would be kind enough to  
3 read the indictment, Mr. Shook.

4 MR. TOBY SHOOK: Yes, sir.

5 MR. DOUGLAS MULDER: We would, Your Honor,

6 waive formal reading of the indictment.

7 THE COURT: Well, I understand, but we want  
8 to go ahead and read it to make sure we are all on the  
9 same track.

10 MR. DOUGLAS MULDER: Yes, sir.

11 MR. TOBY SHOOK: True bill of indictment,  
12 "In the name and by the authority of the State of Texas,  
13 the Grand Jury of Dallas County, State of Texas, duly  
14 organized at the January term, A.D. 1996, in the 194th  
15 Judicial District Court of Dallas County, in said court  
16 at said term, do present that one Darlie Lynn Routier --"  
17 is that your name?

18 THE DEFENDANT: Yes, sir.

19 MR. TOBY SHOOK: "The defendant, on or about  
20 the 6th day of June, A.D. 1996, in the County of Dallas  
21 in said State, did unlawfully, intentionally and  
22 knowingly cause the death of Damon Christian Routier, an  
23 individual, hereinafter called deceased, by stabbing said  
24 Damon Christian Routier with a knife, and the deceased  
25 was at the time of the offense under six years of age,

Sandra M. Halsey, CSR, Official Court Reporter 15

1 against the peace and dignity of the State." Signed by  
2 John Vance, Criminal District Attorney of Dallas County,  
3 Texas, and by the foreman of the grand jury.

4 THE COURT: To the indictment, Mr. Mulder,  
5 how does your client plead?

6 MR. DOUGLAS MULDER: Not guilty.

7 THE COURT: Fine. All right. We will start  
8 bringing the jury in for orientation.

9

10 (Whereupon, a short recess  
11 was taken, after which, the  
12 proceedings were resumed in  
13 the presence of the defendant  
14 and her attorneys as follows:)

15

16 THE COURT: All right. This is back  
17 on the record after the arraignment of Darlie Lynn  
18 Routier. We are waiting on the jury panel to be brought  
19 into the courtroom.

20 What I intend to do is this: Tell the  
21 jurors why we're here, tell them something about the  
22 case, and read the indictment and make sure they  
23 understand why they are here, and tell them about the  
24 things that I have to tell them about, tell them about  
25 reasonable doubt, presumption of innocence, and burden of

Sandra M. Halsey, CSR, Official Court Reporter 16

1 proof.

2 MR. RICHARD C. MOSTY: When you do  
3 them in Dallas, do you qualify the panel, and then send  
4 the panel to the courtroom?

5 THE COURT: Yes.

6 MR. RICHARD C. MOSTY: The defendant  
7 is not present when you qualify the panel?

8 THE COURT: Oh, yes.

9 MR. GREG DAVIS: Oh, yes.

10 THE COURT: All right. But what we're  
11 doing is, I will swear them in, but we will just go right  
12 down the list here and I will introduce everybody here,  
13 and then the last thing I will do is take up the  
14 exemptions and the qualifications and tell them the  
15 difference, and we have -- most of them have already been  
16 weeded out, so we should not have too many of those.  
17 But I will just go through what I have  
18 to tell them.

19 MR. DOUGLAS MULDER: Are you going to  
20 tell them the timeframe of the case?

21 THE COURT: Oh, yes, I'll tell them  
22 all that, sure.

23 MR. DOUGLAS MULDER: What about not  
24 introducing the defendant?

25 THE COURT: I will have her stand up.

Sandra M. Halsey, CSR, Official Court Reporter 17

1 I have already told them, Mr. Mulder,  
2 I don't think this will be a significant thing, what  
3 color hair the defendant has. I really don't -- but at  
4 any rate, that is what we're going to be doing.

5 MR. DOUGLAS MULDER: Well, Judge, you  
6 told me you would see to it that she --

7 THE COURT: Well, I didn't tell you I  
8 would do it, I said I would not object to it. I said  
9 whatever the Sheriff can do to get her hair fixed with is  
10 fine with me. Whenever they can do it is fine with me.

11 MR. DOUGLAS MULDER: I didn't mean  
12 that you would do it yourself.

13 THE COURT: Well, believe me, I know  
14 that.

15 MR. DOUGLAS MULDER: Yes, sir.

16 THE COURT: Nor would I order anyone  
17 to do it. Whatever they call that business, if they want  
18 to get it done, is fine with me.

19 All right. I will sign the Order.

20 MR. DOUGLAS MULDER: Who is to prepare

21 the order, Your Honor?  
22 THE COURT: I have no idea. Whoever  
23 wants to prepare it, may prepare it. I will sign it, and  
24 whatever we call it, they will get it done.  
25 MR. DOUGLAS MULDER: I will call it --

Sandra M. Halsey, CSR, Official Court Reporter 18

1 I will call it the Order to Prepare Hair.  
2 THE COURT: Well, my daughter calls it  
3 getting her roots dyed.  
4 MR. RICHARD C. MOSTY: All right. Is  
5 this in the 198th or 216th?  
6 THE COURT: This is the 216th.  
7 MR. RICHARD C. MOSTY: All right.  
8 THE COURT: All right. Let's put this  
9 on the record.  
10 I am informing all members of the  
11 defense team that you are under the gag order, and that  
12 will include Mr. Mulder, who I know will abide by this  
13 order, and I know Mr. Glover will, and I know Mr. Mosty  
14 and Mr. Douglass will as well.  
15 MR. DOUGLAS MULDER: Yes, sir.  
16 MR. RICHARD MOSTY: Yes, sir.  
17 MR. PRESTON DOUGLASS: Yes, sir.  
18 THE COURT: All right. So, let's all  
19 observe the gag order.  
20 MR. DOUGLAS D. MULDER: Yes, sir.  
21 THE COURT: All right. Let's bring  
22 the jury in.  
23 (Whereupon, the jury  
24 panel was seated  
25 in the courtroom, and

Sandra M. Halsey, CSR, Official Court Reporter 19

1 the proceedings were  
2 resumed on the record,  
3 in the presence of the  
4 defendant, and in open  
5 court, as follows:)  
6 THE COURT: All right. Let's go on  
7 the record.  
8 Good morning, ladies and gentlemen,  
9 and welcome to the Kerr County Courthouse. You have been  
10 called here today as prospective jurors in a capital  
11 murder case transferred here from Dallas County on a  
12 change of venue.  
13 My name is Mark Tolle, I am a district  
14 judge in Dallas sitting by assignment in this case.

15 You are going to be asked some  
16 questions today, so the first thing I am going to do is  
17 ask you to raise your right hand and swear you in.  
18  
19 (Whereupon, the jury panel  
20 was sworn to true answers  
21 give to questions propounded  
22 to them, after which the  
23 proceedings were resumed  
24 on the record as follows:)  
25

Sandra M. Halsey, CSR, Official Court Reporter 20

1 THE COURT: Do you and each of you  
2 solemnly swear or affirm that you will true answers make  
3 to all questions propounded to you concerning your  
4 qualifications as jurors in this courtroom, or any  
5 courtroom, or room to which you may be sent, so help you  
6 God?  
7 THE JURORS: I do.  
8 THE COURT: All right. Thank you.  
9 You may be seated.  
10 Did everybody turn in their jury  
11 questionnaires?  
12 THE JURORS: Yes.  
13 THE COURT: All right. Good. Fine.  
14 Thank you.  
15 Did anybody not turn in their  
16 questionnaire?  
17 Okay. We got one more down there. If  
18 you will hold up your hand, Officer Zumwalt will get it  
19 from you.  
20 DEPUTY ZUMWALT: All right.  
21 THE COURT: Okay. The name of today's  
22 case is the State of Texas versus Darlie Lynn Routier,  
23 that is spelled: D-A-R-L-I-E, L-Y-N-N, R-O-U-T-I-E-R.  
24 Will you stand up please, Mrs. Routier.  
25 This is Darlie Lynn Routier, the

Sandra M. Halsey, CSR, Official Court Reporter 21

1 defendant in today's case, the citizen accused, the  
2 individual who is on trial. Thank you very much, ma'am,  
3 you may be seated.  
4 Let me introduce the other  
5 participants in today's proceedings: The State of Texas  
6 is represented by Greg Davis, Mr. Toby Shook and Ms.  
7 Sherri Wallace.  
8 They are assistant district attorneys

9 from the Dallas County District Attorney's Office. They  
10 will be representing the State of Texas in this case.  
11 The defense was represented by Mr.  
12 Douglas Parks and Mr. Wayne Huff and Mr. Blake Withrow,  
13 but at the defense's request they have been substituted  
14 this morning, and the lawyers representing Mrs. Routier  
15 now are, Mr. Douglas Mulder; Mr. Curtis Glover, Mr.  
16 Richard Mosty, Mr. Preston Douglass and Mr. John Hagler.  
17 Mr. Hagler is not present at the  
18 present time, but he will be joining us later in this  
19 case.  
20 You are going to see some bailiffs in  
21 the courtroom: Ms. Jan Biggerstaff right there; Mr.  
22 Keith Birdsong and Mr. Marion Biggerstaff in the back.  
23 They are deputy sheriff's from Dallas County and they  
24 will be the bailiffs for this trial. Those of you  
25 selected to serve on this jury will be under their care

Sandra M. Halsey, CSR, Official Court Reporter 22

1 during this trial.  
2 The young lady in the front is Mrs.  
3 Sandra Halsey. She is my official court reporter, so we  
4 will ask you to raise your voice so we can hear  
5 everything you are saying, if we should ask you some  
6 questions.  
7 And, of course, we all know Ms. Uecker  
8 on my left who is the District Clerk and, Carrie Whitt  
9 from the District Clerk's office.  
10 All right. Darlie Lynn Routier is  
11 charged with the offense of capital murder. The penalty  
12 range for capital murder depends upon what set of  
13 circumstances the jury might find to be true.  
14 If the jury finds one set of  
15 circumstances to be true, the penalty range would be life  
16 confinement in the state penitentiary. If the jury finds  
17 a second set of circumstances to be true, the penalty  
18 range will be death by lethal injection. The State in  
19 this case is seeking the death penalty.  
20 Now, the true bill of indictment in  
21 this case reads as follows: "In the name and by the  
22 authority of the State of Texas, the Grand Jury of Dallas  
23 County, State of Texas, duly organized at the January  
24 term, A.D. 1996, of the 194th Judicial District Court of  
25 Dallas County, in said court, at said term, do present

Sandra M. Halsey, CSR, Official Court Reporter 23

1 that one Darlie Lynn Routier, the defendant, on or about  
2 the 6th day of June of 1996, in the County of Dallas and

3 said state, did unlawfully, then and there, intentionally  
4 and knowingly cause the death of Damon Christian Routier,  
5 an individual, hereinafter called the deceased, by  
6 stabbing the said Damon Christian Routier with a knife,  
7 and the deceased was, at the time of the offense, under  
8 six years of age. Against the peace and dignity of the  
9 State."

10 And that is signed by John Vance,  
11 Criminal District Attorney of Dallas County, Texas and  
12 Ray Paul, Sr., the foreman of the Grand Jury.

13 Now, when a trial starts, the Code of  
14 Criminal Procedure requires that the trial judge tell the  
15 prospective jury as to what the defendant is charged  
16 with, and the possible penalty range in the case. That  
17 is in no way to infer any guilt or imply any guilt on the  
18 part of Mrs. Routier as she sits there right now.

19 As she sits there now, she is presumed  
20 to be innocent, not guilty. That is a presumption which  
21 attaches to any defendant in an American courtroom. If  
22 we were to take the first 12 of you ladies and gentlemen  
23 and put you in the jury box over there, and I asked the  
24 State if they had any testimony or evidence and they  
25 said, "No, sir, we don't." And I asked the defense what

Sandra M. Halsey, CSR, Official Court Reporter 24

1 they had and they said, "We don't have anything either,  
2 Judge."

3 Then if we asked you how you would  
4 vote, you have to vote not guilty, because you have not  
5 heard anything, and presumption of innocence alone is  
6 sufficient to acquit a defendant.

7 Now, we call that the presumption of  
8 innocence. A presumption which may be removed by the  
9 State introducing evidence. We call that the burden of  
10 proof. The burden of proof in Texas is beyond a  
11 reasonable doubt. It is always on the State and never  
12 shifts to the defendant. I repeat, the burden of proof  
13 is always on the State and never shifts to the defendant.

14 Reasonable doubt means, that is a  
15 doubt based on common sense, after careful, impartial  
16 consideration of all of the evidence in the case. It is  
17 the kind of doubt that would make a reasonable person  
18 hesitate to act in the most important of his own affairs.  
19 Proof of reasonable doubt must be  
20 proof of such a convincing character that you would rely  
21 to act upon it without hesitation. The prosecutor has  
22 the burden of proving each and every element charged in  
23 the indictment, beyond a reasonable doubt. They are not  
24 required to prove the allegations beyond all doubt, but

25 their proof must exclude all reasonable doubt concerning

Sandra M. Halsey, CSR, Official Court Reporter 25

1 the defendant's guilt.  
2 Now, as I said, the burden of proof  
3 never shifts to the defendant. For our purpose now --  
4 you will get a detailed definition of the other  
5 terminology later on in our proceedings. But for our  
6 purposes now, you must state that you will listen to the  
7 testimony and review the evidence, and if you feel that  
8 the State has proven its case, then you will be able to  
9 find the defendant guilty; and if you find that they  
10 haven't proven the case, then you will find the defendant  
11 not guilty.  
12 If you find the defendant not guilty,  
13 everyone goes home. If you find the defendant guilty,  
14 then it's incumbent upon you to set the punishment  
15 somewhere within the range provided for by law, which I  
16 have just explained to you.  
17 Now, trials in Texas have two phases,  
18 a guilt or innocence phase and a punishment phase, if  
19 necessary. We're in the jury selection portion of the  
20 guilt or innocence phase.  
21 What is going to happen this morning  
22 is, I am going to ask you some questions, and then you  
23 are going to be asked to fill out a questionnaire. And  
24 as soon as you fill out the questionnaire, you will be  
25 able to leave. Then you will be called up individually

Sandra M. Halsey, CSR, Official Court Reporter 26

1 to come in and set a time for the attorneys to ask  
2 individual questions of you, in this particular case, to  
3 see your qualifications as jurors, and whether you will  
4 be selected as one or not.  
5 Now, the first thing I'm going to ask  
6 is: Does anybody in this courtroom know anybody here?  
7 Does anybody? Well, I mean, I assume we are going to see  
8 the two attorneys from Kerrville. Well, let's get on the  
9 people from Dallas first. Does anybody know the original  
10 attorneys for Mrs. Routier, Mr. Douglas Parks, Mr. Wayne  
11 Huff or Mr. Blake Withrow?  
12 Let the record reflect that no hands  
13 were raised. Does anybody know Mr. Douglas Mulder or Mr.  
14 Curtis Glover from Dallas, the defense attorneys for Mrs.  
15 Routier now? And now, we will ask for Mr. Richard Mosty  
16 and Mr. Preston Douglass. I assume we will have a lot of  
17 hands. How many know these two gentlemen?  
18 All right. Thank you. Let the record

19 reflect that several hands were raised.  
20 All right. Very well. And nobody --  
21 I am not acquainted with anybody here. Nobody knows me  
22 or Ms. Halsey or any of our bailiffs, or anyone like  
23 that? Does anybody know any of the State's attorneys  
24 from Dallas?  
25 Let the record reflect that no hands

Sandra M. Halsey, CSR, Official Court Reporter 27

1 were raised. Anybody know Mr. John Hagler, who is an  
2 attorney for the defense and may be coming down here  
3 later?  
4 Let the record reflect that no hands  
5 were raised.  
6 So, the only hands raised were on Mr.  
7 Mosty and Mr. Douglass, the two local attorneys.  
8 Is there anything about that  
9 knowledge, about knowing Mr. Mosty or Mr. Douglass, which  
10 you think would make you an unfair juror in any way?  
11 Let the record reflect that no hands  
12 were raised.  
13 Now, there are certain things that I  
14 have to speak to you about. We have gone over the  
15 presumption of innocence, and that is that this defendant  
16 is presumed innocent and is not guilty until proven  
17 guilty beyond a reasonable doubt.  
18 We have gone over the burden of proof.  
19 The burden of proof in Texas is beyond a reasonable  
20 doubt. And it never shifts -- and the fact is that it  
21 never shifts from the State to the defense. All Mrs.  
22 Routier has to do is show up when this trial starts, and  
23 she has done that.  
24 The next thing we have to do, is  
25 that -- is that Mrs. Routier has been indicted by a

Sandra M. Halsey, CSR, Official Court Reporter 28

1 Dallas County jury. I have already read that to you.  
2 You are going to receive an instruction that the  
3 indictment is no evidence of guilt. Why is a grand jury  
4 indictment no evidence of guilt?  
5 In Dallas County, the grand jury in  
6 Dallas County issues right at twenty-five thousand felony  
7 indictments a year. Any one of us sitting in this  
8 courtroom, any one of us can be indicted by a Grand Jury,  
9 state or federal, and perhaps never know that we are  
10 under investigation. How many were not aware of that?  
11 Yes?  
12 All right.

13 We may know when we are under  
14 investigation and want to tell our story to the grand  
15 jury. The grand jury does not have to listen to us.  
16 We may tell our story to the grand  
17 jury, and the grand jury says there is nothing to it. We  
18 will throw that out. We call it a no bill.  
19 Is that the end of the case? Not  
20 necessarily. It may be taken back to another grand jury  
21 and then an indictment issued at that time.  
22 Grand jury indictments are neutral.  
23 All they do is tell the State what they have to prove and  
24 tell the defendant what the defense is charged with.  
25 Grand jury -- if grand jury

Sandra M. Halsey, CSR, Official Court Reporter 29

1 indictments were evidence of anything, we wouldn't need  
2 the system, so I am instructing you that a grand jury  
3 indictment is no evidence of guilt.  
4 The next thing we want to talk about  
5 is opinion testimony. May I see a show of hands in here  
6 about how many of you have heard of this case?  
7 All right.  
8  
9 (Whereupon, several hands  
10 were raised in open court.)  
11  
12  
13 THE COURT: All right. Is there  
14 anyone here who has formed an opinion as to the guilt or  
15 innocence of this defendant as a result of what they have  
16 heard?  
17 All right. Well let's go -- we can't  
18 get them all at one time. All right. So, if we could  
19 start in the first row, anybody there?  
20 All right. If you can, if you have  
21 done that we can save time this morning. If you would  
22 just note that individually in the questionnaire when you  
23 fill them out.  
24 Can I see a show of those hands that  
25 they have an opinion? Okay. Of you ladies and

Sandra M. Halsey, CSR, Official Court Reporter 30

1 gentlemen, if you will just note that on your  
2 questionnaire when you fill that out. Fair enough.  
3 Okay. That will save some time this  
4 morning. Is that satisfactory with both sides?  
5 MR. GREG DAVIS: Yes, sir  
6 MR. RICHARD C. MOSTY: Yes, sir.

7 THE COURT: All right.  
8 Now, I want to talk a minute about the  
9 defendant's Fifth Amendment right. Let's go back to high  
10 school civics. We have the Constitution of the United  
11 States. The first ten amendments are the Bill of Rights.  
12 The Fifth Amendment states that no defendant in an  
13 American courtroom can be required to be a witness  
14 against himself or herself.  
15 In other words, Mrs. Routier may or  
16 may not testify in this case. That is not just her  
17 right, that is all of our rights, if we were sitting  
18 where she is.  
19 The State has done the accusing and  
20 the State has to do the proving. I have no earthly idea  
21 what Mrs. Routier will do. If she elects to testify, or  
22 if she wants to testify no one can stop her. If she  
23 elects not to testify, no one can make her. If she  
24 testifies, she is to be considered like any other  
25 witness. What is her demeanor on the witness stand?

Sandra M. Halsey, CSR, Official Court Reporter 31

1 Does it look like she is telling the truth? What does  
2 she have to gain or lose by testifying the way she is  
3 testifying? Because as a juror, you can believe all of  
4 what one witness says, part of what a second witness  
5 says, and none of what a third witness says.  
6 Some people still say that, they say,  
7 well, I know if I were charged with capital murder, I  
8 would get up and say something. Well, that is fine.  
9 That is a right that you have, and you can if you want  
10 to. But she does not have to, and she may or may not, I  
11 don't know. But the important thing is, you cannot hold  
12 it against her for any reason whatsoever, if she elects  
13 not to testify.  
14 Now, some people may hold it against  
15 her if she elects not to testify. Can I see a show of  
16 hands of anybody who would hold it against her if she  
17 elects not to testify? No hands were raised. If you  
18 would, please note that on your questionnaire also.  
19 Now, the timeframe of this case is  
20 this: We're starting the jury selection next Monday.  
21 You will be given an individual time to appear. And if  
22 you will be on time, we will be here on time and we will  
23 get you out as soon as possible.  
24 When the jury is selected, we  
25 anticipate the trial itself starting on the first Monday

Sandra M. Halsey, CSR, Official Court Reporter 32

1 in January, which I believe is -- the first full Monday  
2 is -- which I believe is January 6th, whatever it is. I  
3 think my calendar is right, and I think that I remember  
4 that date correctly.  
5 January 6th. It will be tried at that  
6 time. So, if you have some place to go over Christmas  
7 and you are selected as jurors, you will get to go. If  
8 you want to see the ballgames or anything, just so you  
9 are back in time for January 6th. We are happy to do it,  
10 no problem there.  
11 Now, we're going to go over some  
12 qualifications and exemptions. Now, the qualifications  
13 and exemptions work like this: Exemptions are what you  
14 may claim if you want to. If you are disqualified, you  
15 cannot sit for any reason whatsoever. Because, if you  
16 are disqualified, that simply means that you are -- you  
17 don't sit. If you are disqualified from sitting, and you  
18 somehow get on the jury, then that requires the entire  
19 case to be done all over again.  
20 Now, we don't want that to happen.  
21 So, to be a qualified juror, you must be at least 18  
22 years of age. Is there anybody here that is not 18 years  
23 old? No hands were raised.  
24 You must be a citizen of Kerr County.  
25 Anybody who does not live in Kerr County? Let the record

Sandra M. Halsey, CSR, Official Court Reporter 33

1 reflect that no hands were raised before.  
2 You must be a United States citizen.  
3 Any prospective jurors here who is not a United States  
4 citizen?  
5 Your name please, sir?  
6 THE JUROR: Saul Ramos.  
7 THE COURT: Saul Ramos. That is  
8 R-A-M-O-S; is that correct?  
9 THE JUROR: Yes.  
10 THE DISTRICT CLERK: He is juror  
11 number 222.  
12 THE COURT: Thank you. All right.  
13 You are a citizen of --  
14 THE JUROR: Mexico  
15 THE COURT: Mexico?  
16 THE JUROR: Yes.  
17 THE COURT: All right. Thank you.  
18 All right.  
19 Thank you, sir. That will excuse you.  
20 Now, the man on the back row? Your  
21 name, sir?  
22 THE JUROR: Rosalio.

23 THE DISTRICT CLERK: Juror number 313.  
24 THE COURT: R-O-S-A-L-I-O, and last  
25 name is, S-A-R-I-N-A-N-A-S.

Sandra M. Halsey, CSR, Official Court Reporter 34

1 You are a citizen of --  
2 THE JUROR: Mexico.  
3 THE COURT: All right. All right.  
4 Way in the back I think I saw a hand. Please project  
5 your voice so we can all hear you.  
6 THE JUROR: Yes, V-I-L-A-V-O-N-G.  
7 THE COURT: That is your name, your  
8 last name?  
9 THE JUROR: First name.  
10 THE COURT: What is your last name,  
11 sir?  
12 THE JUROR: K-I-K-H-A-M-S-O-U-K.  
13 THE COURT: K-I-K --  
14 THE JUROR: K-I-K-H-A-M-S-O-U-K.  
15 THE COURT: You are from what country?  
16 THE DISTRICT CLERK: If he has his  
17 card -- what is that number? You have your number on  
18 your juror card there.  
19 THE JUROR: Number 204.  
20 THE COURT: All right. Juror number  
21 204. Thank you.  
22 All right. Anybody else who is not a  
23 citizen?  
24 Thank you, sir. You may be seated.  
25 Now, the next question usually gets

Sandra M. Halsey, CSR, Official Court Reporter 35

1 some chuckles. You must be of sound mind and good moral  
2 character. Anybody want to raise your hand on that one?  
3 Either one? Either one? We take sound minds first and  
4 moral characters later.  
5 All right. Thank you very much. No  
6 hands were raised on that one.  
7 All right. You must be able to read  
8 and write. That does not mean you have to have a Ph.D.  
9 in English literature, it simply means that you have read  
10 your summons to get here, and can sign your name, you can  
11 read and write for our purposes. Anybody here who is not  
12 able to read or write? Let the record reflect that no  
13 hands were raised.  
14 Now, you must not have served more  
15 than five days in a county court jury during this last  
16 three months, or in a district court during the last six

17 months. Is there anybody here who would fall under that  
18 disqualification?  
19 Let the record reflect that no hands  
20 were raised.  
21 You must never have been convicted of  
22 a felony. A felony is an offense which is punishable by  
23 imprisonment in the state penitentiary as opposed to a  
24 misdemeanor which gets jail time. Is there anybody who  
25 has been convicted of a felony?

Sandra M. Halsey, CSR, Official Court Reporter 36

1 All right. Let's go up here. First  
2 name, sir?  
3 THE JUROR: Daniel Wolfe.  
4 THE COURT: Daniel Wolfe.  
5 THE JUROR: Yes, sir.  
6 THE COURT: You are juror number 214.  
7 All right. Thank you, sir.  
8 All right, the next one. We will  
9 start -- I saw a hand right here. Yes, ma'am.  
10 THE JUROR: Juror 99, Delgadillo.  
11 THE COURT: All right.  
12 Thank you, ma'am. I saw a hand way  
13 back in the back. Yes, sir. Can you give us your name?  
14 THE JUROR: Yes, sir, I have been  
15 convicted of a felony; Homero.  
16 THE COURT: Your last name?  
17 THE JUROR: Caldarone.  
18 THE COURT: Would you spell that,  
19 please, sir?  
20 THE JUROR: C-A-L-D-A-R-O-N-E, and the  
21 first name is Homero.  
22 THE COURT: All right.  
23 THE JUROR: I am number 190.  
24 THE COURT: All right. Thank you,  
25 sir.

Sandra M. Halsey, CSR, Official Court Reporter 37

1 All right. All right. That is number  
2 99, Ms. Delgadillo; and number 214, Mr. Wolfe; and number  
3 190, Mr. Caldarone.  
4 All right. You must not be under  
5 legal accusation at the current time for any theft or  
6 felony. Anybody here under any legal accusation of theft  
7 or felony at the current time? Let the record reflect  
8 that no hands were raised.  
9 That takes care of disqualifications.  
10 Now, exemptions work this way: You

11 may claim an exemption if you want to, you don't have to  
12 do it. We're going to go over exemptions now,  
13 You may claim an exemption if you are  
14 over 65 years of age. I always ask people not to do that  
15 because you have the kind of life experience that is  
16 necessary to try cases like this, that we're going to be  
17 trying, and we urge you to stay on. None the less, you  
18 may claim an exemption if you are over 65 years of age.  
19 Is there anybody here who is over 65 years of age?  
20 All right. Sir, do you wish to claim  
21 an exemption?  
22 THE JUROR: No.  
23 THE COURT: Was there another hand  
24 there?  
25 THE JUROR: Yes, but no, no.

Sandra M. Halsey, CSR, Official Court Reporter 38

1 THE COURT: All right. You sir?  
2 THE JUROR: No.  
3 THE COURT: All right. All right.  
4 Thank you. We have three ladies and gentlemen who are  
5 over 65 and neither of them wish to claim their  
6 exemption. Thank you, sir.  
7 Now, you may claim an exemption if you  
8 have custody of a child under ten years of age and must  
9 leave the child without adequate care. Is there anybody  
10 who falls in that category?  
11 THE JUROR: This is kind of -- I am  
12 due to deliver December 27th.  
13 THE COURT: Well, you are almost  
14 there. Your name, ma'am?  
15 THE JUROR: Lori Werckle.  
16 THE COURT: Would you spell that,  
17 please?  
18 THE JUROR: W-E-R-C-K-L-E.  
19 THE DISTRICT CLERK: Number 41.  
20 THE COURT: W-E-R-C-K-L-E.  
21 Delivery, 12-27. We will take that up  
22 when we're through with this proceeding. Fair enough?  
23 THE JUROR: Sure.  
24 THE COURT: All right. Anybody else?  
25 All right. Okay. The one in the middle right there.

Sandra M. Halsey, CSR, Official Court Reporter 39

1 Speak up. Can you stand up please, ma'am?  
2 THE JUROR: My name is Daryl Schladoer  
3 and I have a ten year old son, and I don't have anyone to  
4 watch him in the afternoon.

5 THE COURT: We will take that up with  
6 you in a few minutes then. All right. And, the hand  
7 right over here?  
8 THE JUROR: I have got a handicapped,  
9 hearing-impaired child.  
10 THE COURT: What is your name?  
11 THE JUROR: Angela Valenzuela.  
12 THE COURT: Okay.  
13 THE DISTRICT CLERK: That was number  
14 114.  
15 THE COURT: And the last but not least  
16 back there.  
17 THE JUROR: I am number 129 and I have  
18 a little five and a ten year old that I have no care for  
19 them after three o'clock.  
20 THE COURT: All right. Your name?  
21 THE JUROR: Yes, sir, Monica Valdez  
22 Martin.  
23 THE COURT: All right. Thank you.  
24 Anybody else?  
25 All right. If you are a high school

Sandra M. Halsey, CSR, Official Court Reporter 40

1 student or attending college you may claim an exemption.  
2 Any high school students? Anybody? No hands were  
3 raised. Anybody attending college? No hands were  
4 raised.  
5 If you are an officer or employee of a  
6 branch of the legislature or State government. Let the  
7 record reflect that no hands were raised.  
8 You are primary caretaker of an  
9 invalid.  
10 Your name, ma'am?  
11 THE JUROR: Connie Vasquez.  
12 THE COURT: V-A-S-Q-U-E-Z?  
13 THE JUROR: Correct.  
14 THE COURT: Connie Vasquez. What is  
15 your number, ma'am?  
16 THE JUROR: Number 20.  
17 THE COURT: All right. I will call  
18 those up later.  
19 All right. That takes care of  
20 qualifications and exemptions. Let me make sure we have  
21 covered everything. All right. Either side want  
22 anything else covered?  
23 MR. TOBY SHOOK: Not at this time,  
24 Judge.  
25 THE COURT: Do you want anything else

Sandra M. Halsey, CSR, Official Court Reporter 41

1 covered?

2 MR. RICHARD C. MOSTY: No, sir.

3 THE COURT: All right. Kerr County

4 is -- we're happy to be down here. You are much more

5 advanced than Dallas County. I have received a note not

6 to let anyone leave unless you get paid.

7 All right. The questionnaires, of

8 course, will be filed out first.

9 What is going to happen now is, I'm

10 going to have Ms. -- I'll have those jurors, the ones

11 that had exemptions and disqualifications, all of those

12 who answered affirmatively to the questions, if they will

13 come forward so we can talk about that individually,

14 and -- well, let's make a line over here at my right.

15 Now, we will give you some

16 questionnaires. I believe they are ready to hand out

17 now. Also, those of you who finish with your

18 questionnaires, you may go ahead and leave. Just be sure

19 to collect your money on the way out, is that right?

20 THE DISTRICT CLERK: Yes, sir.

21 THE COURT: Anybody else want to talk

22 about excuses? All right. Everybody does. Yes. All

23 right. Here is the thing, I cannot excuse anybody for

24 work, and I tell them this in Dallas all the time too,

25 but everybody still comes up.

Sandra M. Halsey, CSR, Official Court Reporter 42

1 So, if you have a work excuse, please

2 save yourself to last because unfortunately I cannot

3 excuse you for work. If you are going to be on a trip, I

4 think we will have ample time to work around that. I

5 don't see any problem with that. But we're happy to talk

6 to each one if they want to talk about that.

7 MR. RICHARD MOSTY: Judge, if they

8 have a conviction, they can note that on their

9 questionnaire.

10 THE COURT: If anyone has a

11 conviction, then you can note that on your questionnaire.

12 It will save a lot of time.

13 In fact, we can do all these others on

14 the questionnaires, too. All right. Why don't we do it

15 this way: To save everybody time, if everyone, including

16 jurors Werckle, Schladoer, and Valenzuela, and Vasquez

17 (sic) will merely note that on their questionnaire, they

18 can be taken up individually at that time, and it's going

19 to facilitate matters and I think it will move on a lot

20 quicker. And Ms. Werkle, you are okay until December,

21 right?  
22 THE JUROR: Yes, sir, as far as I  
23 know.  
24 THE COURT: All right. Good. All  
25 right. We're happy to hear that.

Sandra M. Halsey, CSR, Official Court Reporter 43

1 If you will note that on your  
2 questionnaire, I think that you might want to let them  
3 know about that.  
4 Now, work excuses are not going to  
5 fly. We cannot excuse anybody because they have to work.  
6 I am very sorry about that. That is just the law, and I  
7 cannot do it. Anybody else from either side?  
8 All right. We have two -- I am going  
9 to talk now to the people who have a child under ten  
10 years of age.  
11 THE JUROR: Yes, sir.  
12 THE COURT: Anyone that wants to be  
13 excused. All right. Ms. Martin. What was your name,  
14 sir?  
15 THE JUROR: Lynn Baxter.  
16 THE COURT: All right.  
17 THE JUROR: I have no one to leave my  
18 child with.  
19 THE COURT: All day?  
20 THE JUROR: Not after five o'clock.  
21 THE COURT: All right. All right.  
22 Five o'clock is okay.  
23 All right. There is a lady in the  
24 back row who says she doesn't have any supervision for  
25 her children. All right. Somebody says something in the

Sandra M. Halsey, CSR, Official Court Reporter 44

1 back row? This is for no supervision for a child under  
2 ten years of age.  
3 MR. RICHARD MOSTY: Juror number 20,  
4 Ms. Connie Vasquez.  
5 THE JUROR: Yes.  
6 THE COURT: And you say that you --  
7 your problem is that you have children or an invalid now?  
8 THE JUROR: I have a note.  
9 THE COURT: Well, just note that on  
10 your questionnaire, ma'am, and we can handle that then,  
11 please.  
12 THE JUROR: All right.  
13 THE COURT: All right. Ms. Martin,  
14 you have children under ten, also?

15 THE JUROR: Yes, I have a five and ten  
16 and a 23 year old.  
17 THE COURT: All right.  
18 THE JUROR: Yes, Martin. I have a  
19 five and a ten year old.  
20 THE COURT: All right.  
21 THE JUROR: No one after five o'clock  
22 to watch them.  
23 THE COURT: All right.  
24 THE JUROR: They would be left alone  
25 about an hour.

Sandra M. Halsey, CSR, Official Court Reporter 45

1 THE COURT: Well, if you will note  
2 that on your questionnaire also.  
3 All right. Normally we are gone by  
4 five o'clock, so you won't have any problems about that.  
5 All right. Anything else from either  
6 side? Have we covered everything? One lady is up with  
7 her hand up.  
8 THE JUROR: Yes. What about medical?  
9 THE COURT: If you will note that on  
10 your questionnaire, we're happy to do that, too.  
11 We have never really had any problem,  
12 but if you are scheduled for surgery or something like  
13 that, we're certainly cognizant of that fact.  
14 THE JUROR: All right.  
15 THE COURT: All right. Let me make  
16 sure I have it all done.  
17 All right. Good news. If you get a  
18 parking ticket around the courthouse today, and you are a  
19 juror, Ms. Uecker says that if you will be kind enough to  
20 bring the ticket to her, and let her know if you are a  
21 juror. Only if you are juror, that counts for today when  
22 you are down here.  
23 MR. GREG DAVIS: If you could explain,  
24 Judge, when they finish it, we will have piles for the  
25 numbers. So, we will have a table out there with the

Sandra M. Halsey, CSR, Official Court Reporter 46

1 number 1 through 50 or whatever they may be.  
2 THE COURT: When you finish your  
3 questionnaires, there will be a table outside that you  
4 can put your questionnaire in.  
5 MR. GREG DAVIS: Yes, sir. And if  
6 they will note that they need to put their juror number  
7 in the upper right hand corner, please.  
8 THE COURT: All right. If you will

9 put your juror number in the upper right hand corner on  
10 the questionnaire form. All right. Anything else?

11 MR. GREG DAVIS: No, sir.

12 THE COURT: All right. That about  
13 covers it. And if you will just hand the questionnaires  
14 out.

15 MR. GREG DAVIS: Yes, sir. Ms.

16 Wallace is going to go to the back, I think they are  
17 ready for the questionnaires.

18 THE COURT: All right. Ms. Wallace  
19 will get the questionnaires and bring them out, so if you  
20 will take some time to file them out now that will be  
21 fine, and we appreciate your patience in doing this.

22 MR. TOBY SHOOK: Judge, you might  
23 explain to them that the information they put in there is  
24 not going to be released.

25 THE COURT: Oh, yes. The information

Sandra M. Halsey, CSR, Official Court Reporter 47

1 you put in this questionnaire is confidential and will  
2 not be released to the press, and the questionnaires, in  
3 due course, will be destroyed.

4 All right. Anything else?

5 MR. GREG DAVIS: No, sir.

6 THE COURT: All right. The following  
7 jurors will be excused for non citizenship. That is an  
8 absolute disqualification. Mr. Saul Ramos, and Rosalio  
9 Sarinanas, and Vilavong Kikhamsouk.

10 All right. You ladies and gentlemen  
11 may leave.

12

13 (Whereupon, a short  
14 discussion was held  
15 off the record, after  
16 which time the  
17 proceedings were resumed  
18 as follows:)

19

20

21 THE COURT: All right. Ms. Vasquez?

22 If you will come on up, please.

23 THE JUROR: Yes, sir.

24 THE COURT: We could ask you to  
25 please -- do not speak to any one when you leave the

Sandra M. Halsey, CSR, Official Court Reporter 48

1 building. No one.

2 All right. And, likewise, if you will

3 leave most of your paraphernalia in the car, it won't set  
4 the metal detector off.  
5 All right. When you have finally  
6 finished those questionnaires, then you can leave.  
7 However, I must tell you that I have imposed a gag order  
8 in this case, which means, if you do speak about the  
9 trial, I can impose sanctions. So, you are all under  
10 this gag order, so please remember that.  
11 All right. Yes, sir?  
12 THE JUROR: I have a personal  
13 situation.  
14 THE COURT: All right. Okay. What is  
15 your situation?  
16 THE JUROR: My husband is an invalid,  
17 he is a disabled veteran.  
18 THE COURT: Will both sides agree?  
19 MR. GREG DAVIS: Um-hum. (Attorney  
20 nodding head affirmatively.)  
21 MR. DOUGLAS MULDER: Yes, sir.  
22 MR. GREG DAVIS: Yes, sir.  
23 MR. DOUGLAS MULDER: Um-hum.  
24 (Attorney nodding head affirmatively.) We agree.  
25 THE COURT: All right. If you will

Sandra M. Halsey, CSR, Official Court Reporter 49

1 leave that clipboard with me, I will take care of it.  
2 THE JUROR: All right.  
3 THE DISTRICT CLERK: Judge, that was  
4 number 20.  
5 THE COURT: You are number 20, ma'am?  
6 THE JUROR: Yes, sir.  
7 THE COURT: All right.  
8 THE JUROR: Yes, sir.  
9 THE COURT: All right. Okay. Now,  
10 the ladies and gentlemen who had a problem from five  
11 o'clock on, there is not a problem with those. But,  
12 those who have a problem during the day with children or  
13 invalids, anybody hold your hand up there.  
14 We have your number. Yes, ma'am.  
15 All right. Yes, ma'am. And the lady with the glasses in  
16 the back there. Your name, ma'am?  
17 THE JUROR: Ella Schilling.  
18 THE COURT: Your problem is what?  
19 THE JUROR: I have a ten year old son,  
20 I won't have anyone to take care of him after four  
21 o'clock.  
22 THE COURT: Okay.  
23 All right. We can excuse her.  
24 MR. GREG DAVIS: That is fine.

25 THE COURT: All right.

Sandra M. Halsey, CSR, Official Court Reporter 50

1 MR. DOUGLAS MULDER: All right. That  
2 will be fine.

3 THE COURT: All right. We have one  
4 woman who would have a problem taking care of her son  
5 after four o'clock. All right.

6 MR. GREG DAVIS: I don't have a  
7 problem with that.

8 MR. DOUGLAS MULDER: Okay. No  
9 problem.

10 THE COURT: All right.

11

12 (Whereupon, a short

13 Recess was taken,

14 After which time,

15 The proceedings were

16 Resumed on the record,

17 In the presence and

18 Hearing of the defendant

19 And the jury, as follows:

20

21

22 THE COURT: All right. Back on the

23 record now.

24 Juror number 190, Homero Caldarone, is

25 unable to read or write sufficiently to understand

Sandra M. Halsey, CSR, Official Court Reporter 51

1 matters, and also has a felony offense; is that correct,  
2 sir?

3 THE JUROR: Yes, sir.

4 THE COURT: All right. Both sides

5 agree to excuse him?

6 MR. GREG DAVIS: Yes, sir

7 MR. RICHARD C. MOSTY: Yes, sir.

8 THE COURT: All right. Thank you.

9 You may be excused, sir.

10 THE JUROR: Thank you.

11 THE COURT: All right. Ladies and

12 gentlemen, if you will come back here tomorrow morning,

13 you will be given your seating orders.

14 THE DISTRICT CLERK: We will have

15 numbers on the seats, so when you come in, sit in the

16 order that corresponds to your jury number.

17 THE JUROR: What time?

18 THE DISTRICT CLERK: Nine o'clock.

19 THE JUROR: All right. How long will  
20 that last?  
21 THE COURT: Well, it will last long  
22 enough, 20 or 30 minutes.  
23 THE DISTRICT CLERK: An hour at the  
24 most.  
25 THE COURT: All right. We will have a

Sandra M. Halsey, CSR, Official Court Reporter 52

1 schedule for everybody. All right. So, they will know,  
2 to take it with them.  
3 All Right. Okay. We will have all  
4 that done for you.  
5 THE DISTRICT CLERK: Right.  
6 THE COURT: Turn these in.  
7 Yes. All right. We will assign you  
8 your times tomorrow. Ms. Uecker, you will have them  
9 assigned to be here, so be back here tomorrow morning.  
10 THE DISTRICT CLERK: All right.  
11 THE COURT: All right. Do both sides  
12 agree that juror number 59, Margaret Burrier, may be  
13 excused?  
14 MR. GREG DAVIS: Yes, sir, no  
15 objection from the State.  
16 MR. DOUGLAS MULDER: No objection from  
17 the defense.  
18 THE COURT: All right.  
19 MR. RICHARD C. MOSTY: No objection  
20 from the defense.  
21 THE COURT: All right. Thank you.  
22 We have another juror her name is --  
23 MR. RICHARD MOSTY: Yes, sir.  
24 THE COURT: What was her name?  
25 THE DISTRICT CLERK: Elva Delgadillo.

Sandra M. Halsey, CSR, Official Court Reporter 53

1 THE COURT: Elva Delgadillo, juror  
2 number 99. She is an ex-felon.  
3 All right. Do both sides agree since  
4 she is an ex-felon that we can excuse her?  
5 MR. GREG DAVIS: Yes, sir, the State  
6 agrees.  
7 MR. RICHARD C. MOSTY: Yes, sir, we  
8 agree.  
9 THE COURT: All right. Thank you.  
10 Members of the family and members of  
11 the press, we are sitting here making sure jurors fill  
12 out their questionnaires. Nothing will happen until

13 1:30. All right. If you want to go get a bite of lunch  
14 or whatever, we will see you-all at 1:30.

15 All right. We will see everybody at

16 1:30.

17

18 (Whereupon, a short

19 recess was taken, after

20 which time, the

21 proceedings were

22 resumed in open court,

23 in the presence and

24 hearing of the

25 Defendant, being

Sandra M. Halsey, CSR, Official Court Reporter 54

1 represented by his

2 Attorney, but outside of

3 the presence of the jury

4 as follows:)

5

6

7 THE COURT: All right, if you will

8 bring the new jury panel in for the afternoon session,

9 and seat them in the courtroom.

10

11 (Whereupon, the jury

12 panel was seated in the

13 courtroom, by the

14 bailiffs, and the

15 proceedings were

16 resumed in open court

17 in the presence and

18 hearing of the

19 Defendant as follows:)

20

21

22 THE COURT: Good afternoon, ladies and

23 gentlemen, and welcome to the Kerr County Courthouse.

24 You have been called here today as

25 prospective jurors in a capital murder case transferred

Sandra M. Halsey, CSR, Official Court Reporter 55

1 here from Dallas County, on a change of venue.

2 My name is Mark Tolle and I am a

3 District Judge in Dallas, sitting by assignment on this

4 case, which is in the 216th Judicial District Court.

5 You are going to be asked some

6 questions today, so the first order of business is we

7 need to swear you in. If you will raise your right hands  
8 please.

9

10 (Whereupon, each juror  
11 was duly sworn to true  
12 answers make to the  
13 questions propounded,  
14 after which time, the  
15 proceedings were resumed  
16 as follows:)

17

18 THE COURT: You and each of you do  
19 solemnly swear or affirm you will true answers make to  
20 all questions propounded to you concerning your  
21 qualifications as a juror, in this courtroom, or to any  
22 room or courtroom to which you may be sent, so help you  
23 God?

24 THE JURORS: I do.

25 THE COURT: Thank you.

Sandra M. Halsey, CSR, Official Court Reporter 56

1 The name of today's case is, The State  
2 of Texas versus Darlie Lynn Routier. D-A-R-L-I-E, middle  
3 name, L-Y-N-N, last name, Routier, R-O-U-T-I-E-R.  
4 Would you stand, please, Mrs. Routier?  
5 This is Darlie Lynn Routier, the  
6 defendant in today's case, the citizen accused, the  
7 individual who is on trial. Thank you, ma'am. You may  
8 be seated.

9 Let me introduce the other

10 participants in today's proceedings.

11 The State of Texas is represented by  
12 Mr. Greg Davis, Mr. Toby Shook and Ms. Sherri Wallace.

13 MR. GREG DAVIS: Good afternoon,  
14 folks.

15 MR. TOBY SHOOK: Good afternoon.

16 MS. SHERRI WALLACE: Hello.

17 THE COURT: They are assistant  
18 district attorneys in the Dallas County District  
19 Attorney's Office, and they will be representing the  
20 State in this case.

21 The defendant will be represented by  
22 Mr. Douglass Mulder, Mr. Curtis Glover, Mr. Richard  
23 Mosty, Mr. Preston Douglass and Mr. John Hagler.  
24 Mr. Hagler is not present now, but  
25 will be joining us later. Mr. Mosty and Mr. Preston

Sandra M. Halsey, CSR, Official Court Reporter 57

1 Douglass, as you know, are local attorneys; and Mr.  
2 Mulder and Mr. Glover are from Dallas.  
3 The defendant was formerly represented  
4 by Mr. Douglas Parks, Mr. Wayne Huff, and Mr. Blake  
5 Withrow. They have been excused from further  
6 responsibility for their representation in this case, and  
7 now Mr. Mulder and his associates are representing the  
8 defendant.  
9 Before we go any further, let me  
10 introduce our bailiffs. We have Ms. Jan Biggerstaff, Mr.  
11 Keith Birdsong and Mr. Marion Biggerstaff in the rear  
12 back there, they're deputy sheriffs from Dallas. They  
13 will be acting as bailiffs in this case and those of you  
14 who are selected for jury service will be under their  
15 care during your jury service.  
16 The young lady right here in front  
17 with the beautiful smile taking all this down is Ms.  
18 Sandra Halsey, she's the official court reporter. And so  
19 we are going to ask that when you answer questions you  
20 would project your voice like I am doing now and  
21 particularly in the back, stand up so we can get the  
22 answers down, that would be most helpful.  
23 And, of course, on my left over here  
24 we have Ms. Linda Uecker and Ms. Carrie Whitt, whom you  
25 well know. Ms. Uecker is the District Clerk, and Ms.

Sandra M. Halsey, CSR, Official Court Reporter 58

1 Whitt is a top assistant.  
2 Darlie Lynn Routier stands charged by  
3 indictment -- first of all, before we go any further.  
4 Does anybody know any of the people  
5 involved -- with the exception of the two local  
6 attorneys, Mr. Mosty and Mr. Douglass, does anybody know  
7 the defendant in this case?  
8 Let the record reflect that no hands  
9 were raised.  
10 Does anybody know any of the State's  
11 attorneys whom I have just introduced you to?  
12 Let the record reflect that no hands  
13 were raised.  
14 Does anybody know any of the original  
15 defense lawyers in this case? Mr. Douglas Parks, Mr.  
16 Wayne Huff, or Mr. Blake Withrow?  
17 Let the record reflect that no hands  
18 were raised.  
19 Does anyone know Mr. Douglas Mulder,  
20 Mr. Curtis Glover or Mr. John Hagler?  
21 Let the record reflect no hands were  
22 raised.

23 And I'm sure many of you know Mr.  
24 Mosty and Mr. Preston Douglass, is that correct? Can we  
25 see a show of hands on that? All right. Thank you.

Sandra M. Halsey, CSR, Official Court Reporter 59

1 You might note that -- you will be  
2 given a questionnaire and so you might note that on your  
3 questionnaire.  
4 The defendant in today's case is  
5 charged with the felony offense of capital murder.  
6 Murder is the intentional killing of an individual.  
7 And, I will read to you now the true  
8 bill of indictment in this case: "In the name and by the  
9 authority of the State of Texas, the Grand Jury of Dallas  
10 County, State of Texas, duly organized at the January  
11 term A.D. 1996, in the 194th Judicial District Court of  
12 Dallas County, in said court at said term, do present  
13 that one Darlie Lynn Routier, on or about the 6th day of  
14 June, A.D. 1996, in the County of Dallas in said State,  
15 did unlawfully then and there intentionally and knowingly  
16 cause the death of Damon Christian Routier, an  
17 individual, hereinafter called deceased, by stabbing said  
18 Damon Christian Routier with a knife, and the deceased  
19 was, at the time of the offense, under six years of age,  
20 against the peace and dignity of the State."  
21 Signed by John Vance, Criminal  
22 District Attorney of Dallas County, Texas and by Ray  
23 Paul, Sr., the Foreman of the Grand Jury that issued this  
24 indictment.  
25 Now, the penalty range for this

Sandra M. Halsey, CSR, Official Court Reporter 60

1 offense will depend upon what set of circumstances the  
2 jury finds to be true.  
3 If the jury finds one set of  
4 circumstances to be true, the penalty range would be life  
5 confinement in the state penitentiary, which is called  
6 the Institutional Division of the Texas Department of  
7 Criminal Justice. If the jury were to find yet another  
8 set of circumstances to be true, the penalty range would  
9 be death by lethal injection.  
10 The State, in this case, is seeking  
11 the death penalty.  
12 Now, when a trial starts in Texas, a  
13 criminal trial starts in Texas, our rules require that  
14 the trial judge tell prospective jurors what the  
15 defendant is charged with and the possible penalty ranges  
16 in the case. That is in no way to infer any guilt on the

17 part of Mrs. Routier right now. As she sits there right  
18 now, she is presumed to be innocent, not guilty. That is  
19 a presumption which attaches to any defendant in an  
20 American courtroom.  
21 If we were to take the first 12 of you  
22 ladies and gentlemen, and we put you right over here in  
23 the jury box, and I said, "Mr. Davis, do you have  
24 anything?"  
25 And he said, "No, sir."

Sandra M. Halsey, CSR, Official Court Reporter 61

1 And I said, "What about you, Mr.  
2 Mulder?"  
3 And he says, "Well, I don't have  
4 anything either, Judge."  
5 And then we asked you how you would  
6 vote, you would have to vote not guilty, because you have  
7 not heard anything, and the presumption of innocence  
8 alone is sufficient to acquit a defendant.  
9 Now, we call that the presumption of  
10 innocence. It is a presumption which may be removed by  
11 the State introducing evidence. We call that the burden  
12 of proof. And the burden of proof in Texas is beyond a  
13 reasonable doubt.  
14 Now, if you watch a lot of TV, you're  
15 going to see "beyond any doubt, beyond the shadow of a  
16 doubt, beyond all doubt," that is not the burden in  
17 Texas. Here, it's beyond a reasonable doubt.  
18 Now, the State does the accusing, the  
19 State always has to do the proving. And the  
20 prosecution -- the State has the burden of proving each  
21 and every element of the offense charged in the  
22 indictment beyond a reasonable doubt.  
23 The prosecution is not required to  
24 prove the allegations beyond all possible doubt, but its  
25 proof must exclude all reasonable doubt concerning the

Sandra M. Halsey, CSR, Official Court Reporter 62

1 defendant's guilt.  
2 A reasonable doubt is a doubt based on  
3 reason and common sense after a careful and impartial  
4 consideration of all of the evidence in the case. It is  
5 the kind of doubt that would make a reasonable person  
6 hesitate to act in the most important of his own affairs.  
7 Proof beyond a reasonable doubt,  
8 therefore, must be proof of such a convincing character  
9 that you would be willing to rely and act upon it without  
10 hesitation in the most important of your own affairs.

11 Now, later on, you will get a detailed definition of  
12 reasonable doubt.  
13 For our purposes now, suffice it to  
14 say, that you will listen to the testimony, you will  
15 review the evidence, and if you feel that the State has  
16 proven their case, you'll be able to find the defendant  
17 guilty. If you feel the State has not proven their case,  
18 you will find the defendant not guilty.  
19 If you find the defendant not guilty,  
20 everyone goes home. If you find the defendant guilty,  
21 then it's going to be incumbent upon you to set the  
22 defendant's punishment, somewhere within the range  
23 provided for which I have just explained to you.  
24 Now, trials have two phases, the guilt  
25 or innocence phase and then the punishment phase, if

Sandra M. Halsey, CSR, Official Court Reporter 63

1 necessary. We're in the jury selection portion of the  
2 guilt/innocence phase. And what is going to happen is  
3 the mechanics are going to be these: I'm going to ask  
4 you some general questions this afternoon, then you are  
5 going to be asked to fill out a questionnaire.  
6 When you complete the questionnaire,  
7 you are going to be able to go. You will be asked to  
8 come back tomorrow and they will give you a specific time  
9 to come for an individual appointment, so that both sides  
10 can question you concerning your qualifications as a  
11 juror.  
12 Since this is a capital case and a  
13 death penalty is being sought, each side is allowed  
14 individual voir dire, which means, individual examination  
15 of the jurors.  
16 So, the first thing we're going to get  
17 into here, Number 1: The defendant has been indicted by  
18 a Dallas County Grand Jury. Now, you're going to receive  
19 an instruction later on that says that a Grand Jury  
20 indictment is no evidence of guilt.  
21 Why is a Grand Jury indictment no  
22 evidence of guilt? Well, in a county like Dallas, the  
23 Grand Juries up there issue right at 25,000 felony  
24 indictments a year. A person is indicted in a Grand Jury  
25 usually by an investigator reading off a report, many

Sandra M. Halsey, CSR, Official Court Reporter 64

1 times. Any one of us sitting in this courtroom, any one  
2 of us can be indicted by a Grand Jury, state or federal,  
3 and perhaps never know we're under investigation. How  
4 many were not aware of that? That's right.

5 We may know we're under investigation,  
6 and we want to tell our story to the Grand Jury. The  
7 Grand Jury does not have to listen to us. We may tell  
8 our story to the Grand Jury, and the Grand Jury says  
9 there is nothing to that, we will throw it out, we will  
10 no bill it. Is that the end of the case? Not  
11 necessarily, it may be taken back to another Grand Jury  
12 and perhaps an indictment might issue.  
13 Grand Jury indictments are neutral.  
14 They do two things: They tell the State what they have  
15 to prove, and they tell the defendant what he or she is  
16 charged with. It in no way infers any guilt on the part  
17 of a defendant.  
18 Now, some people feel, well, where  
19 there is smoke, there is fire. And if a person has been  
20 indicted, something must have happened. If that were  
21 true, then we would not need the jury trial system, we  
22 could just go to the Grand Jury, but that is not the  
23 case. That is why a Grand Jury indictment is no evidence  
24 of guilt. Some people still think, well, I am going to  
25 hold it against this defendant because she's been

Sandra M. Halsey, CSR, Official Court Reporter 65

1 indicted by a Grand Jury. And if you would do so, both  
2 sides have to know that, please note that on your  
3 questionnaire when you fill it out.  
4 Now, we're going to talk about  
5 opinion. How many people here have heard about this  
6 case? All right. A number of hands have been raised.  
7 How many have -- only those who have  
8 formed an opinion as to the defendant's guilt or  
9 innocence, would you please raise your hands?  
10 Many -- fewer hands were raised. If  
11 you have done so, please note that on your questionnaire.  
12 Please note that on your questionnaire.  
13 Now, let's go back to high school  
14 civics: We have the Constitution of the United States,  
15 the first ten amendments of the Bill of Rights. The  
16 Fifth Amendment states, that a defendant in a criminal  
17 case does not have to be a witness against himself or  
18 herself.  
19 That means, that Mrs. Routier may or  
20 may not testify. I have no idea what she is going to do.  
21 If she wants to testify, no one can stop her. If she  
22 does not want to testify, no one can make her.  
23 If she testifies, she is to be  
24 considered like any other witness. What is her demeanor  
25 on the witness stand? Does it look like she is telling

Sandra M. Halsey, CSR, Official Court Reporter 66

1 the truth? What does she have to gain or lose by the way  
2 she is testifying? Does her testimony comport with  
3 reality as you know it.

4 Because, as a juror you can believe  
5 part of what one witness says, all of what another  
6 witness says, none of what a third witness says. It's  
7 strictly up to you. You are going to be the finder of  
8 the facts there.

9 Some people still will say something  
10 like this: "Well, I know if I were hauled up on charges  
11 like this, I certainly would say something."

12 And that is fine, you have the right  
13 to do so, but you don't have to. And no one would hold  
14 it against you if you didn't, and you can't hold it  
15 against Mrs. Routier if she doesn't.

16 Some people still think, "Well, I'm  
17 still going to hold it against her because I know I would  
18 say something." And if you feel that way, that is fine  
19 too. It's just that both sides have to know that.

20 So, if you would hold it against Mrs.  
21 Routier, if she elects not to testify at the appropriate  
22 time, then please note that on your questionnaire, too.  
23 That will save some time in selecting this particular  
24 jury.

25 Let's see what else we have here. All

Sandra M. Halsey, CSR, Official Court Reporter 67

1 right. Just to recap, Mrs. Routier is presumed innocent;  
2 the State has the burden of proof in this case at all  
3 times beyond a reasonable doubt, which I've just  
4 explained to you. The indictment is no evidence of  
5 guilt, and if you have an opinion, or feel a Grand Jury  
6 indictment is evidence of guilt or would hold it against  
7 this defendant if she elects not to testify, please note  
8 that on your questionnaires that you're going to be  
9 filling out.

10 Now we are going to be getting into  
11 some disqualifications and exemptions. And the  
12 difference is this: An exemption you may claim. A  
13 disqualification is final.  
14 A disqualification means that you  
15 cannot serve. And if you do serve on the jury, that  
16 simply means the entire case has to be done all over  
17 again. So here are the disqualifications, the reasons  
18 you would be disqualified: You are under 18 years of  
19 age. I assume everybody here is over 18 years old.  
20 Anybody who isn't?

21 Let the record reflect no hands were  
22 raised.  
23 You must be a citizen of Kerr County.  
24 Is there anyone here who does not live in Kerr County?  
25 Let the record reflect no hands were

Sandra M. Halsey, CSR, Official Court Reporter 68

1 raised.  
2 You must be a citizen of the United  
3 States. Is there anybody here who is not a citizen, who  
4 is an alien?  
5 All right, fine, thank you, ma'am.  
6 Just a minute. Let's go down here. We will talk on this  
7 side. The young lady in the front row, what is your  
8 name, ma'am?  
9 THE JUROR: Araceli Maria Neal.  
10 THE COURT: Okay. What is your jury  
11 number?  
12 THE JUROR: 322.  
13 THE COURT: 322. How do you spell her  
14 last name? Just a minute, let's go through here and get  
15 that, 322. Bear with us just a moment.  
16 THE COURT REPORTER: Neal, N-E-A-L.  
17 THE COURT: Okay. Thank you. I got  
18 it here on the bottom. Okay.  
19 Maria Neal. Thank you. And of what  
20 country are you a citizen, ma'am?  
21 THE JUROR: Mexico.  
22 THE COURT: Thank you, ma'am.  
23 All right. Now going over here, let's go to the  
24 gentleman there.  
25 THE JUROR: My name is Edgar

Sandra M. Halsey, CSR, Official Court Reporter 69

1 Hernandez.  
2 THE COURT: What is your juror number,  
3 sir?  
4 THE JUROR: 405.  
5 THE COURT: 405. And is Mexico your  
6 citizenship, also?  
7 THE JUROR: Yes, I am from Mexico.  
8 THE COURT: Anybody else over here who  
9 is not a citizen? I thought I saw a hand way in the  
10 back. I guess I didn't. All right. Fine.  
11 So, Mr. Hernandez and Ms. Neal are the  
12 only two who are citizens of Mexico?  
13 All right. Now the next one usually  
14 gets a few chuckles. You must be of sound mind and good

15 moral character, or it says sound mind or good moral  
16 character. Anybody want to raise on that one? Let the  
17 record reflect no hands were raised.  
18 You must be able to read and write.  
19 Anybody who cannot read and write?  
20 Let the record reflect that no hands  
21 were raised. What? Where? I can't -- where's -- it's  
22 way in the back. All right. Can you stand up? What is  
23 your name, sir?  
24 THE JUROR: Miguel Rodriguez.  
25 THE COURT: What is your number, sir?

Sandra M. Halsey, CSR, Official Court Reporter 70

1 THE JUROR: 302.  
2 THE COURT: All right. We will talk  
3 to you about that in a few minutes, please.  
4 THE JUROR: All right.  
5 THE COURT: That doesn't mean a Ph.D.  
6 in English literature, it simply means that you can read  
7 or write, and since you knew your number, you filled out  
8 your jury card, you will probably be qualified. All  
9 right. Thank you.  
10 You must not have served more than  
11 five days as a juror in a county court during the last  
12 three months, or in a district court during the last six  
13 months.  
14 Does this apply to anybody here? All  
15 right. Your name, sir?  
16 THE JUROR: Thomas McComack.  
17 THE COURT: What is your number, sir?  
18 THE JUROR: 429.  
19 THE COURT: Okay. All right. Thank  
20 you, sir.  
21 You must not have been convicted of a  
22 felony. Now, a felony is an offense which is punished by  
23 imprisonment in the state penitentiary, as opposed to a  
24 misdemeanor which gets Dallas County jail time. Excuse  
25 me, Kerr County Jail time, Freudian slip there. You

Sandra M. Halsey, CSR, Official Court Reporter 71

1 would probably get it up there, too.  
2 For example, a DWI first offense is  
3 not a felony. DWI third offense is a felony. So, if you  
4 have been convicted of a felony, we need to know that.  
5 Is there anybody here who has been convicted of a felony  
6 offense for which they could go to the state  
7 penitentiary? Anybody? The same man -- we will talk to  
8 him about the same thing then.

9 You must not be under legal accusation  
10 for theft or of any felony. Anybody here who is under  
11 any legal accusation indictment or anything like that for  
12 theft or felony or any felony? Let the record reflect no  
13 hands were raised. Now so much for the  
14 disqualifications.  
15 I'm going to go over some exemptions  
16 now, exemptions you may claim, you do not have to claim  
17 an exemption unless you want to: If you are over 65  
18 years of age, you may claim an exemption. I always ask  
19 people not to do that, because they have the kind of life  
20 experience that is so necessary to try the cases that are  
21 tried in district courtrooms, particularly cases of this  
22 nature.  
23 Nonetheless, if you are over 65, and  
24 wish to claim the exemption, you are entitled to do so.  
25 So if you are over 65 and do not want to claim the

Sandra M. Halsey, CSR, Official Court Reporter 72

1 exemption, please do not raise your hand. But if you are  
2 over 65 years of age and wish to claim your exemption,  
3 please raise your hand.  
4 All right. Yes, ma'am, what is  
5 your --  
6 THE JUROR: Number 263.  
7 THE COURT: 263. All right, ma'am.  
8 Thank you very much. We will note that.  
9 If you have custody of a child ten  
10 years of age, under ten years of age and you must leave  
11 the child with adequate care, that does not mean that you  
12 are going to get home at five o'clock at night, if we  
13 keep you beyond that time, it means during the daytime.  
14 Anybody here who has a youngster under  
15 ten years old and can't leave them with any adequate  
16 care?  
17 What is your name, ma'am?  
18 THE JUROR: Linda Haynes.  
19 THE COURT: Your number?  
20 THE JUROR: 227.  
21 THE COURT: 227.  
22 THE JUROR: Yes, sir.  
23 THE COURT: All right. Anybody else?  
24 All right. If you are a high school student or enrolled  
25 and attending college, anybody here a high school

Sandra M. Halsey, CSR, Official Court Reporter 73

1 student? No hands raised.  
2 Anybody here enrolled in and actually

3 attending a university? I see no hands raised. Oh, we  
4 have you down for another one. All right.  
5 If you are an officer or employee of  
6 the legislative branch of state government? Anybody?  
7 Does that fit anybody? Let the record reflect that no  
8 hands were raised.  
9 If you are the primary caretaker of an  
10 invalid? Let the record reflect -- your name, sir?  
11 THE JUROR: Robert Howells.  
12 THE COURT: What is your number?  
13 THE JUROR: 400.  
14 THE COURT: Okay. All right.  
15 I have a couple of housekeeping  
16 matters now. If you are excused today, do not leave  
17 without getting your jury payment; number 1.  
18 And secondly, the best news of the day  
19 is, if you have parked outside doing your civic duty  
20 coming down to this jury selection, orientation, and you  
21 are given a traffic ticket for parking in the wrong  
22 place, do not worry.  
23 Because, if you will be kind enough to  
24 give that traffic ticket to Ms. Uecker, that traffic  
25 ticket will be taken care of for this day only, for that

Sandra M. Halsey, CSR, Official Court Reporter 74

1 time only. It won't count tomorrow, the next day, or  
2 Friday. But you go out there today and you have got a  
3 traffic ticket, if you'll just tell Ms. Uecker about it;  
4 and that's only for parking. If you run the red light  
5 trying to get out of here or something like that, it  
6 doesn't count. It's just for parking only, that's the  
7 deal right there.  
8 All right. What's going to happen is  
9 this, we're going to get a jury selected in this case.  
10 And we anticipate the trial starting on the first Monday  
11 in January, which is the 6th of January. So there will  
12 be no reason -- if you are going to someplace over the  
13 holidays, you will certainly be able to go. No problem  
14 there at all.  
15 And we should have this Jury picked in  
16 three, four, five weeks at the latest here. And then you  
17 will be recessed until such time as we actually start the  
18 trial.  
19 You're going to be given a  
20 questionnaire out now. That questionnaire is not going  
21 to be shown to anybody. The press will not get that  
22 questionnaire. Do not give your questionnaire -- or we  
23 will turn your questionnaire back in today. That will  
24 not be given to the press, that is work product of either

25 side, so it is not given to the press. At the

Sandra M. Halsey, CSR, Official Court Reporter 75

1 appropriate time, they will be destroyed. So what you  
2 put on there, we like factual -- actual comments as to  
3 how you feel, because the candid responses are going to  
4 enable us to go a lot quicker and the purpose of this  
5 exercise is to get a fair jury with at least two  
6 alternates who can hear this case in affair manner. That  
7 is what we're doing. So anything else that you need to  
8 ask from either side, Mr. Davis?

9 MR. GREG DAVIS: No, sir.

10 THE COURT: Okay. Anything else that  
11 the defense wants asked or anything? Did I cover  
12 everything?

13 MR. PRESTON DOUGLASS: Nothing, no,  
14 sir.

15 THE COURT: Well, we had a hand up way  
16 in the back, let's take that one first, then we will go  
17 to you.

18 THE JUROR: I am here with my mom.

19 THE COURT: Can you stand up, please,  
20 we can't hear you.

21 THE JUROR: I am here with my mom and  
22 she doesn't hear very good. She has a hearing aid and  
23 she cannot hear us.

24 THE COURT: What is her number, ma'am?

25 What is the name?

Sandra M. Halsey, CSR, Official Court Reporter 76

1 THE JUROR: Selma Bullis.

2 THE COURT: How do you spell the last  
3 name?

4 THE JUROR: B-U-L-L-I-S.

5 THE COURT: Number 284. Thank you.

6 We will look at that.

7 All right. And I believe the  
8 gentlemen up here in the first row.

9 THE JUROR: Yes, sir, what about  
10 medical health?

11 THE COURT: Well, do you have a  
12 problem? If you will just note that on your  
13 questionnaire, we will take that.

14 Now one thing you can note on your  
15 questionnaire that I am not allowed to excuse for and  
16 that is work or employment. It's costing everyone to be  
17 down here. I understand that. It will cost people if  
18 they serve on any kind of a jury.

19 However, that's one of the duties and  
20 responsibilities of citizenship. We get the kind of  
21 government we so richly deserve. Everybody wants to opt  
22 out and let somebody else do it, well, nobody's going to  
23 do it, these trials can't be held. This is a very, very,  
24 important trial to both sides. That's why we need 12  
25 responsible jurors, and at least two alternates to hear

Sandra M. Halsey, CSR, Official Court Reporter 77

1 this particular case. And that is part of the  
2 responsibilities, like I say, of being in a free country.  
3 We're the only country in the world where we have the  
4 safeguards like this if we're ever a defendant. We're  
5 not tried by military tribunal, we're not tried by a  
6 bunch of judges, who have been appointed by the dictator  
7 sitting up there; we're tried by citizens, our own peers.  
8 And so, if we want to keep the government, our system,  
9 going like it is, it's a responsibility of all of us to  
10 participate in it.  
11 And we know it's an inconvenience, but  
12 nonetheless, it's an important thing to do. So, we  
13 cannot excuse you for work. But anything else on the  
14 questionnaire you feel you need to put down, put down.  
15 Yes, ma'am.  
16 THE JUROR: What happens if you have a  
17 relative or a brother that is very ill?  
18 THE COURT: Well, ma'am, I think that  
19 happens in everybody's life. We certainly consider  
20 things like that -- put that down on your questionnaire,  
21 please.  
22 THE JUROR: I mean, could you get out  
23 if you were selected, can you get out for --  
24 THE COURT: Once you're selected on  
25 the jury, you're on it.

Sandra M. Halsey, CSR, Official Court Reporter 78

1 THE JUROR: You couldn't go to the  
2 funeral?  
3 THE COURT: Well, it would depend on  
4 the situation, but probably not.  
5 Yes, sir?  
6 THE JUROR: Since this is a capital  
7 murder case, will the jury be sequestered?  
8 THE COURT: Not until final arguments  
9 have been had, and only then if one side or the other  
10 wants it. So, you will not be sequestered.  
11 Yes, ma'am or sir, I can't see back  
12 that far.

13 THE JUROR: Me?  
14 THE COURT: Yes, ma'am. Yes, ma'am,  
15 good.  
16 THE JUROR: I really don't have -- is  
17 it going to go through the whole week. My daughter is  
18 getting married Saturday, and --  
19 THE COURT: Ma'am, we will not be here  
20 Saturday, I can guarantee you that. And what is going  
21 happen today is that you are going to fill out a  
22 questionnaire, and then you are going to come back  
23 tomorrow, and they are going to give you a time starting  
24 next week or the week after where you are going to come  
25 in for individual appointments. So, the answer to --

Sandra M. Halsey, CSR, Official Court Reporter 79

1 THE JUROR: So, we won't be here this  
2 Friday?  
3 THE COURT: Yes, ma'am.  
4 THE JUROR: Okay, good.  
5 THE COURT: You can have the shower  
6 and the bachelor party and all those other things. Have  
7 a good time.  
8 THE JUROR: It's in San Antonio.  
9 THE COURT: San Antonio, I see, well,  
10 better pass on that one and let's go on to something  
11 else. What else? Yes, sir? Ma'am, excuse me again.  
12 THE JUROR: I appreciate the fact that  
13 it is a privilege to live in this country and serve, but  
14 my 65th birthday is early next month.  
15 THE COURT: Well, you are just in  
16 under the wire.  
17 THE JUROR: But, the trial doesn't  
18 start until January?  
19 THE COURT: Yes, ma'am, when we are  
20 selecting you, they will certainly talk to you about  
21 that. I was 65 last March. Now, people that are 65 or  
22 over, we have a lot of sense, a lot of common sense.  
23 Let's face it; we need people with common sense to hear  
24 these cases. And that's why I asked those who are 65 or  
25 older who may claim the exemption, not to do it. Because

Sandra M. Halsey, CSR, Official Court Reporter 80

1 it's very, very important that people with life  
2 experience hear these cases. But we will talk to you  
3 about that.  
4 What's your number, ma'am?  
5 THE JUROR: 238.  
6 THE COURT: Your last name?

7 THE JUROR: Pritchard,  
8 P-R-I-T-C-H-A-R-D.  
9 THE COURT: Okay. If you will just  
10 note that on your jury card -- on your questionnaire.  
11 All right. Anything else?  
12 MR. GREG DAVIS: If you will remind  
13 them to put the number in the right hand corner.  
14 THE COURT: Oh, yeah. Put your juror  
15 number -- put your juror number in the upper right-hand  
16 corner of that questionnaire.  
17 They are going to pass these  
18 questionnaires out now and you can sit right here and do  
19 them. There will be some questions as you go along, and  
20 we will handle those.  
21 And when you go outside, we have a gag  
22 order in the case, don't talk about the case to anybody.  
23 We have a lot of good friends in the  
24 press out there, and I know they won't ask any questions.  
25 But if they do, just please tell them that you can't talk

Sandra M. Halsey, CSR, Official Court Reporter 81

1 about the case.  
2 MR. RICHARD MOSTY: Your Honor, would  
3 you please tell them not to read anything, to avoid  
4 publicity about the case, newspaper articles, television.  
5 THE COURT: Yes, likewise, I'm sure  
6 that this will be in the newspapers and on TV. If you  
7 will please ignore it, because you are going to decide  
8 this case on the testimony and evidence you receive in  
9 this courtroom.  
10 All right. Mr. Warman (phonetic  
11 spelling), Juror Warman, Juror Haynes, and Juror Howells,  
12 if you could come up please. All right.  
13 They are going to hand out these  
14 questionnaires now, if you will just fill them out, then  
15 you will be free to go. Then you will come back  
16 tomorrow, you will be given a time to come back and then  
17 you will be assigned a specific time to come in for  
18 individual. There will be a place outside to deliver  
19 your questionnaires to. Be back tomorrow at nine o'clock  
20 in the morning to get your individual times.  
21 THE JUROR: We have to come back at  
22 nine o'clock tomorrow morning to get our appointment  
23 time?  
24 THE COURT: Yes, ma'am. That won't  
25 last that long.

Sandra M. Halsey, CSR, Official Court Reporter 82

1 THE JUROR: Oh, that's fine.  
2 THE COURT: What was the reason for  
3 this again? This is the 65 --  
4 THE JUROR: Two reasons, one is over  
5 65.  
6 THE COURT: That's fine. Okay. And  
7 you are number 400?  
8 THE JUROR: 400.  
9 THE COURT: So tell me about this.  
10 THE JUROR: My wife has -- a couple of  
11 things, she has muscular dystrophy and has on some days  
12 difficulty taking care of herself. It isn't something --  
13 THE COURT: Who is taking care of her  
14 now?  
15 THE JUROR: She has good days when she  
16 can be alone, and others when not. At the moment,  
17 actually, her mother is with her, and she leaves on  
18 Thursday. Condition fluctuates from time to time, it's  
19 impossible to predict from one day to the next how she  
20 will be. Some days she drives herself to the store,  
21 other days she can't get the top off a Pepsi bottle.  
22 THE COURT: Why don't you just note  
23 that on your questionnaire when you fill it out.  
24 THE JUROR: At the moment at least,  
25 she is also undergoing some heavy oral surgery on top of

Sandra M. Halsey, CSR, Official Court Reporter 83

1 all this.  
2 THE COURT: How old is she?  
3 THE JUROR: 48.  
4 THE DISTRICT CLERK: Are you Mr.  
5 Howells?  
6 THE JUROR: Yes.  
7 THE COURT REPORTER: Mr. what? What  
8 was your name again?  
9 THE JUROR: Howells, H-O-W-E-L-L-S.  
10 THE COURT: How old is she?  
11 THE JUROR: 48.  
12 THE COURT: 48?  
13 THE JUROR: 48.  
14 THE COURT: Do you work?  
15 THE JUROR: Yes.  
16 THE COURT: Who takes care of her when  
17 you are working?  
18 THE JUROR: Well, generally, she is  
19 able to get by for those hours.  
20 THE COURT: I can't excuse you for  
21 that. I'm sorry. But I really just can't do it for  
22 that. Just fill out your questionnaire out and put that

23 down, one or the other side may want to, but I can't do  
24 that.  
25 THE JUROR: Okay.

Sandra M. Halsey, CSR, Official Court Reporter 84

1 THE COURT: Now, you speak enough  
2 English to get by. How much English do you speak?  
3 THE JUROR: I understand part, but not  
4 enough for this.  
5 THE COURT: Well, if I told you if you  
6 sat through this whole trial we would pay you \$10,000 a  
7 week, would you understand that?  
8 THE JUROR: I don't think so.  
9 THE COURT: You don't really  
10 understand what I said?  
11 THE JUROR: Yes, right now, yes.  
12 THE COURT: Okay. Thank you.  
13 THE JUROR: So, I have to stay?  
14 THE COURT: I would have a seat back  
15 there, yes.  
16 THE JUROR: Okay.  
17 THE COURT: I would have a seat back  
18 there. Your name?  
19 THE JUROR: Felipe Barrientes.  
20 THE COURT: I have a felony DWI in  
21 Kendall County. Would that --  
22 THE COURT: That was your third one or  
23 fourth one?  
24 THE JUROR: Third one.  
25 THE COURT: When did this happen?

Sandra M. Halsey, CSR, Official Court Reporter 85

1 THE JUROR: About a year and a half  
2 ago.  
3 THE COURT: Okay. Thank you, your  
4 number?  
5 THE JUROR: 331.  
6 THE COURT: Okay. Both sides  
7 understand this one, this is 331? All right. He is  
8 excused. Your next one.  
9 THE COURT: Your name, sir?  
10 THE JUROR: Miguel Rodriguez, number  
11 302.  
12 THE COURT: And your problem is?  
13 THE JUROR: Well, I am construction  
14 worker and I got --  
15 THE COURT: I can't excuse you for  
16 work.

17 THE JUROR: No, well, I got something  
18 tomorrow morning -- I got almost 200 yards of concrete  
19 coming.  
20 THE COURT: I understand all that, but  
21 I cannot excuse you for work. I'm sorry. You will have  
22 to have a seat.  
23 Yes, ma'am?  
24 THE JUROR: I am Number 327.  
25 THE COURT: No, he was not excused.

Sandra M. Halsey, CSR, Official Court Reporter 86

1 Yes, ma'am, I'm sorry. All right.  
2 THE JUROR: My husband is very, very,  
3 ill in a nursing home and I have to feed him in the  
4 morning and at night, and I am the only one that he will  
5 eat for.  
6 THE COURT: What time do you go in the  
7 morning?  
8 THE JUROR: I go about 9:00 in the  
9 morning, and then at night I go about 4:30.  
10 THE COURT: All right. What nursing  
11 home is he in?  
12 THE JUROR: Northhaven.  
13 THE COURT: That is local here, I  
14 assume?  
15 THE JUROR: Yes, sir.  
16 THE COURT: All right. Either side?  
17 MR. GREG DAVIS: We will agree.  
18 THE COURT: Does the defense agree?  
19 Your number, ma'am?  
20 THE JUROR: 327.  
21 MR. GREG DAVIS: Her husband is in a  
22 nursing home and she has to take care of him.  
23 MS. SHERRI WALLACE: What is your  
24 number?  
25 THE JUROR: 327.

Sandra M. Halsey, CSR, Official Court Reporter 87

1 THE COURT REPORTER: Excuse me, Mr.  
2 Glover, did you say something?  
3 MR. CURTIS GLOVER: We will agree.  
4 MS. SHERRI WALLACE: Agreed.  
5 THE COURT: All right. You can go.  
6 THE JUROR: I am excused?  
7 THE COURT: Yes.  
8 THE JUROR: Araceli Neal, I am citizen  
9 of Mexico.  
10 THE COURT: Yes.

11 THE JUROR: Neal.  
12 THE COURT REPORTER: Neal?  
13 THE COURT: Number 22, citizen of  
14 Mexico.  
15 THE COURT REPORTER: Number 22?  
16 THE COURT: 322, excuse me, 322.  
17 Okay. Where is Mr. Hernandez?  
18 THE JUROR: Right here.  
19 THE COURT: You are a citizen of  
20 Mexico, also. You have a green card or what?  
21 THE JUROR: No, I am in --  
22 THE COURT REPORTER: Excuse me?  
23 THE JUROR: My papers are on file over  
24 there.  
25 THE COURT: You are a resident alien?

Sandra M. Halsey, CSR, Official Court Reporter 88

1 THE DISTRICT CLERK: What is your  
2 number?  
3 THE JUROR: 405.  
4 THE COURT: 405. All right. Do you  
5 travel on a Mexican passport?  
6 THE JUROR: No, I don't have a  
7 passport.  
8 THE COURT: What is your status here  
9 then?  
10 THE JUROR: I am going to have an  
11 application soon over there. I have been living here for  
12 11 years, and I have to have money to put an application  
13 on file.  
14 THE COURT: So, have you ever applied  
15 for a passport?  
16 THE JUROR: No, I am going to go do it  
17 with my sister.  
18 THE COURT: Where were you born?  
19 THE JUROR: In Mexico.  
20 THE COURT: And you came here at what  
21 age?  
22 THE JUROR: I was nine.  
23 THE COURT: Are you legally here or  
24 illegally here?  
25 THE JUROR: Illegally.

Sandra M. Halsey, CSR, Official Court Reporter 89

1 THE COURT: Illegally?  
2 THE JUROR: Yeah, but I'm going to get  
3 an application in like in the next month.  
4 THE COURT: Well, all right. You may

5 be picked up by the immigration and naturalization  
6 services, you understand.  
7 THE JUROR: Okay.  
8 THE COURT: Well, it's a distinct  
9 possibility.  
10 THE JUROR: Okay.  
11 THE COURT: All right. He's excused.  
12 All right. Your name?  
13 THE JUROR: Selma Bullis. My husband  
14 is totally, 100 percent service connected, disabled  
15 veteran, he is in a wheelchair and he needs my help all  
16 the time.  
17 THE COURT: I know. Who is taking  
18 care of him now?  
19 THE JUROR: I can't hear and I don't  
20 have a driver's license, and I have never registered to  
21 vote.  
22 THE DISTRICT CLERK: She doesn't hear  
23 at all.  
24 THE COURT: Both sides agree? Okay.  
25 MR. GREG DAVIS: The State will agree.

Sandra M. Halsey, CSR, Official Court Reporter 90

1 MR. RICHARD MOSTY: She doesn't hear  
2 at all?  
3 THE COURT: Right.  
4 MR. GREG DAVIS: And she has a husband  
5 she has to take care of full time.  
6 THE COURT: Do you agree, Mr. Mosty?  
7 MR. RICHARD MOSTY: I agree.  
8 THE COURT REPORTER: What was that  
9 juror's number?  
10 THE DISTRICT CLERK: 284.  
11 THE COURT REPORTER: Number 284.  
12 THE COURT: All right. Your name,  
13 ma'am?  
14 THE JUROR: My name is Janiet Reither,  
15 and I have a doctor's note saying that I can not serve.  
16 THE DISTRICT CLERK: What's your  
17 number?  
18 THE JUROR: 258.  
19 THE COURT: Well, just have a seat.  
20 We never have any problem with this, because we will be  
21 getting up and down about every hour down here, that will  
22 not be any problem at all, so just have a seat.  
23 THE JUROR: Okay.  
24 THE COURT: All right.  
25 THE JUROR: Judge, Your Honor, I have

Sandra M. Halsey, CSR, Official Court Reporter 91

1 torn ligaments in my shoulder, and I am under medication  
2 for pain.  
3 THE COURT: Well, what I need to know,  
4 what's your number? The number is 359, and the name is  
5 William Strickley, S-T-R-I-C-K-L-E-Y. Now, this is not a  
6 permanent condition, is it?  
7 THE JUROR: Well, I hope not. They  
8 are talking about an operation though.  
9 THE COURT: Well, I would note that on  
10 your juror card, I mean, on your questionnaire. I don't  
11 think that would be quite disqualifying you now.  
12 THE JUROR: Okay.  
13 THE COURT: All right. If you are  
14 not -- how old are you, sir?  
15 THE JUROR: I'm 62.  
16 THE COURT: All right. Thank you,  
17 sir.  
18 (Whereupon, the jury panel was  
19 excused from the courtroom,  
20 after turning in their  
21 questionnaires, and the  
22 proceedings were resumed on  
23 the record, in open court, in  
24 the presence and hearing of  
25 the defendant and her attorneys

Sandra M. Halsey, CSR, Official Court Reporter 92

1 As follows:)  
2  
3 THE COURT: All right. We are back on  
4 the record in the Darlie Lynn Routier matter. Let the  
5 record reflect all parties in the trial are present, and  
6 these proceedings are being held outside the presence of  
7 any prospective juror, all of whom have finished their  
8 questionnaires and left for the day.  
9 The Court will now entertain the  
10 defendant's motion to return the venue of this case to  
11 Dallas County.  
12 The Court has received Mr. Mulder's  
13 motion, which was signed by Mr. Mulder, and all of the  
14 attorneys: Mr. Glover, Mr. Mosty, and Mr. Douglass, and  
15 also by Mrs. Routier. The Court has examined and read  
16 that motion thoroughly. The State has read it, too, I  
17 assume.  
18 MR. GREG DAVIS: Yes, Your Honor, we  
19 have.  
20 THE COURT: Any response?

21 MR. GREG DAVIS: No, your Honor.  
22 THE COURT: Motion denied.  
23 MR. DOUGLAS MULDER: See you at nine  
24 o'clock in the morning.  
25 THE COURT: Thank you.

Sandra M. Halsey, CSR, Official Court Reporter 93

1 MR. DOUGLAS MULDER: If you reconsider  
2 over night, we will be here in the morning.  
3 THE COURT: All right.

4  
5  
6 (Whereupon, this  
7 Concluded the  
8 Proceedings held,  
9 In this cause,  
10 On this date.)

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 94

1 CERTIFICATION PAGE  
2 THE STATE OF TEXAS )  
3 THE COUNTY OF DALLAS )  
4 I, Sandra M. Halsey, Official Court Reporter of  
5 Criminal District Court Number 3, of Dallas County,  
6 Texas, do hereby certify that I reported in Stenograph  
7 notes the foregoing proceedings, and that they have been  
8 edited by me, or under my direction and the foregoing  
9 transcript contains a full, true, complete and accurate  
10 transcript of the proceedings held in this matter, to the  
11 best of my knowledge.  
12 I further certify that this transcript of the  
13 proceedings truly and correctly reflects the exhibits, if  
14 any, offered by the respective parties.

15 SUBSCRIBED AND SWORN TO, this \_\_\_\_\_ day of  
16 \_\_\_\_\_, 1996.  
17 \_\_\_\_\_  
18 Sandra M. Day Halsey, CSR  
19 Official Court Reporter  
20 363rd Judicial District Court  
21 Dallas County, Texas  
22 Phone, (214) 653-5923  
23  
24 Cert. No. 308  
25 Exp 12-31-96

Sandra M. Halsey, CSR, Official Court Reporter 95

1 STATE OF TEXAS )  
2 COUNTY OF DALLAS)  
3  
4 JUDGES CERTIFICATE  
5  
6  
7

8 The above and foregoing transcript, as certified  
9 by the Official Court Reporter, having been presented to  
10 me, has been examined and is approved as a true and  
11 correct transcript of the proceedings had in the  
12 foregoing styled cause, and aforementioned cause number  
13 of this case.

14  
15  
16  
17  
18  
19  
20 \_\_\_\_\_

21 MARK TOLLE, JUDGE  
22 Criminal District Court Number 3  
23 Dallas County, Texas  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 96