

Testimony of Jack Kolbye

DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. All right. Please tell us your full
15 name.

16 A. Jack Kolbye, K-O-L-B-Y-E.

17 Q. All right. Mr. Kolbye, how are you
18 employed?

19 A. By the Rowlett Fire Department.

20 Q. All right. And, how long have you
21 been with the Rowlett Fire Department?

22 A. Seven and a half years.

23 Q. Okay. So you're a firefighter;
24 correct?

25 A. I'm a firefighter/paramedic.

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1 Q. All right. A paramedic also?

2 A. Yes, sir.

3 Q. How long have you been a paramedic?

4 A. Since 1983.

5 Q. So that's 13 years as a paramedic; is
6 that correct?

7 A. That's correct.

8 Q. Okay. Have you ever testified before
9 a jury before, Mr. Kolbye?

10 A. No, I have not.

11 Q. All right. If you would if you'll

12 just keep your voice up so that the last jurors down here
13 can hear you, I would appreciate it. Okay?

14 A. Okay.

15 Q. Okay. How much training do you go
16 through to become a firefighter?

17 A. The firefighter training was about

18 three months long, various activities. I'm not sure what
19 the hours are on that.

20 Q. All right. Is there additional

21 training that you need to undergo to become a paramedic?

22 A. Yes, there is.

23 Q. All right. Can you tell us the type

24 of training that you go through to become a paramedic?

25 A. A prerequisite would be to be an

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1 emergency medical technician. That's 160 hours of

2 advanced first aid training. And paramedic training is

3 built off of that, it's 300 hours of classroom training,
4 followed by 160 hours of clinical hospital rotations, 240
5 hours of ride-outs on an ambulance with another
6 paramedic.

7 Q. Okay. The folks that teach you there
8 to become a paramedic, are some of them doctors?

9 A. Yes, they are.

10 Q. How about nurses?

11 A. The coordinator of the class that I
12 took was a registered nurse that had a lot of experience
13 in intensive care.

14 Q. Okay. How about other paramedics as
15 instructors?

16 A. Yes, there are.

17 Q. Mr. Kolbye, let me direct your
18 attention back to June the 5th of 1996, and ask you
19 whether or not you were scheduled to work on June the
20 5th.

21 A. Yes, I was. On June 5th I reported at
22 7:00 o'clock in the morning.

23 Q. Okay. And, when you work as a
24 firefighter, what kinds of shifts do you work?

25 A. 24 hours on at the station and 48
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1 hours off.

2 Q. All right. So you were scheduled to
3 work from 7:00 in the morning on June the 5th to 7:00 in
4 the morning on June 6th; is that correct?

5 A. That's correct.

6 Q. And where was your fire station
7 located out there in Rowlett?

8 A. 5100 Dalrock.

9 Q. Would that be just south of 66?

10 A. That's correct.

11 Q. Who else was on duty with you at that
12 fire station? Do you recall the names?

13 A. Paramedic Brian Koschak was on the
14 ambulance with me. Our captain was Dennis Vrana, it was
15 Rick Coleman, Mike Youngblood. I can't recall anybody
16 else, I think that was the shift.

17 Q. And you mentioned Brian Koschak. He
18 was working the ambulance with you that day, or that
19 morning?

20 A. Yes, he was.

21 Q. Now, let's go forward a little bit to
22 June the 6th, 1996, about 2:30 in the morning. Were all
23 of y'all at the station at that time?

24 A. Yes, sir, we were.

25 Q. Were you sleeping?
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1 A. Yes.

2 Q. Sometime near 2:30 in the morning did
3 a call come in to the fire station out there?

4 A. Yes, it did.

5 Q. All right. And what was the nature of
6 the call?

7 A. The nature of the call that came in as
8 a medical emergency.

9 Q. All right. And what could that mean?

10 Does that encompass a lot of different possibilities?

11 A. That's just a generic call for the
12 fact that somebody is going to need some medical help.

13 Q. All right. Did you and Brian Koschak
14 then get into the ambulance and start to leave the
15 station?

16 A. That's correct.

17 Q. Did you have a destination that you
18 were heading to?

19 A. 5801 Eagle.

20 Q. All right. Before you got to Eagle
21 Drive, did the call change a little bit, from just a
22 medical emergency to something else?

23 A. Yes. The dispatcher came on later and
24 said that this would be a possible stabbing.

25 Q. All right. And did it take you long
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1 to get to 5801 Eagle?

2 A. From the time the call came in it was
3 within five minutes.

4 Q. Okay. When you got there to the
5 house, did you see any other emergency personnel, and by
6 that I mean fire engines, ambulances or police cars?

7 A. Yes. There was a police car already
8 there when we arrived and there was another one behind
9 us.

10 Q. All right. And were y'all the first
11 ambulance though to arrive at the scene?

12 A. That's correct.

13 Q. This other car that was coming in with
14 you, do you know who was driving that car?

15 A. That would have been Officer Matt
16 Walling.

17 Q. And when you and Koschak actually
18 parked there at the residence, did y'all immediately get

19 out and go into the house?

20 A. No, we didn't. We stayed inside

21 because it was a possible stabbing waiting for the police

22 to let us know that the scene would be clear.

23 Q. Okay. So you were going to wait on

24 some police officer to actually come out and tell you it

25 was okay to come in. Right?

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1 A. That or the dispatcher, yes, sir.

2 Q. All right. Do you know how long that

3 you and Koschak waited out in the ambulance before

4 someone actually gave you the word it was okay to go in

5 and start treating?

6 A. Less than two minutes.

7 Q. All right. And who was it that

8 actually told you it was okay for y'all to go on in?

9 A. Officer Walling.

10 Q. All right. And did both you and Brian

11 Koschak get out of the ambulance at that point and start

12 to go into the house?

13 A. Brian got on the radio and called for

14 additional help, and I grabbed the medical kit and I

15 proceeded in. After he made the call for additional

16 help, he followed me in.

17 Q. So you say that you had a medical kit

18 with you. Do you have a lot of equipment in that kit?

19 A. It's just basic stuff. It's stuff

20 that will just get us by inside the house until we get

21 somebody back outside into the ambulance.

22 Q. Okay. And, did you go in the front

23 door of the house?

24 A. Yes, I did.

25 Q. And, did you go to anywhere in

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1 particular, once you got inside the house?

2 A. I walked through the front door

3 through an entryway and into a living area, a living/den

4 area, I suppose you would call it.

5 Q. Okay. Let me just show you State's

6 Exhibit No. 10, which is a floor plan of the house. Are

7 you familiar with the layout of the house?

8 A. Yes, I am.

9 Q. This being the front door right here?

10 A. Yes, sir.

11 Q. When you talk about the family room,

12 are you talking about the family room labeled on the

13 diagram there?

14 A. That is correct.

15 Q. Okay. And when you came into that

16 room, Mr. Kolbye, can you tell us whether or not anyone

17 else was in there at that time?

18 A. When I walked in I noticed Police

19 Officer Waddell, a female and another male.

20 Q. All right. So you noticed the police

21 officer; is that right?

22 A. I'm sorry?

23 Q. Did you notice a police officer?

24 A. Yes, sir, I did.

25 Q. Do you know what his name was?

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1 A. That would be Officer Waddell.

2 Q. Okay. So you've got Officer Waddell,

3 then you've got a female and you've got a male; is that

4 right?

5 A. That's correct.

6 Q. Do you recall where in that family

7 room that Officer Waddell was?

8 A. He was standing between or near where

9 the living room and the kitchen would meet.

10 Q. Okay. Is there a -- some sort of a

11 bar or counter that separates the kitchen and the living

12 area?

13 A. Yes, there was. He was standing in

14 front of that.

15 Q. Okay. On the kitchen side or on the

16 family side?

17 A. On the family side.

18 Q. All right. How about the female?

19 Where was she when you came into the room?

20 A. She standing next to him.

21 Q. All right. And do you recall whether

22 or not she was standing up or sitting down, or what in

23 particular that she was doing at that time?

24 A. She was standing up.

25 Q. All right. By Officer Waddell?

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1 A. Yes, sir.

2 Q. Okay. How about the other male that

3 you saw in the room? Where was he?

4 A. He was in the -- I suppose you call it

5 the middle of the living area.

6 Q. All right. Middle of the room then.

7 Right?

8 A. That's correct.

9 Q. He's not over with Officer Waddell and
10 the female?

11 A. No, he's not.

12 Q. The female that you saw that morning,
13 do you see her here in the courtroom today?

14 A. Yes, sir, I do.

15 Q. Okay. Is she the lady down here with
16 the pen and the notepad in front of her?

17 A. Yes, sir.

18

19 MR. GREG DAVIS: Your Honor, may the
20 record please reflect that this witness has identified
21 the defendant in open court?

22 THE COURT: Yes, sir.

23

24 BY MR. GREG DAVIS:

25 Q. Now, did you come to know the female
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1 to be Darlie Routier?

2 A. Yes, sir, that's correct.

3 Q. Tell us, what was the defendant doing
4 when you first saw her?

5 A. She was standing next to Officer
6 Waddell. She was holding a towel on her neck.

7 Q. All right. Where did you go in the
8 room?

9 A. As soon as I entered the room, I
10 looked at Officer Waddell, he gave me a nod indicating a
11 direction that I looked in, and there I saw a small child
12 laying on the floor.

13 Q. Okay. Where was he in the room?

14 A. Just to my left as I walked in.

15 Q. Okay. So you just go into the family
16 room and he's right there on your left; is that right?

17 A. That's correct.

18 Q. How was he positioned? Was he on the
19 floor?

20 A. He was lying face down on the floor.

21 Q. And what did you do?

22 A. I walked over to the child and
23 examined his back side briefly for any injuries, and I
24 rolled him over.

25 Q. Do you recall how he was clothed?
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1 A. He had on a dark T-shirt and blue
2 jeans.
3 Q. You say then that you examined his
4 back. Let me ask you: Was there any kind of a rag or
5 towel or anything else on top of that child?
6 A. No, there was not.
7 Q. Are you sure about that?
8 A. I'm absolutely sure about that.
9 Q. Okay. He's got on blue jeans and he's
10 got on a black shirt. Right?
11 A. That's correct.
12 Q. You say that you turned him over; is
13 that right?
14 A. I rolled him over, yes, sir.
15 Q. Okay. And what, if anything, occurred
16 when you rolled the child over?
17 A. He gasped for a gasp of air, and that
18 was the final time that he breathed.
19 Q. When he gasped did you notice whether
20 or not his eyes were open?
21 A. Yes, sir, his eyes were open and there
22 were still a light of life in those eyes.
23 Q. Did you ever see that light go out of
24 his eyes?
25 A. Yes, sir, as I was with the child it
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1 slowly faded.
2 Q. All right. How long did you remain
3 inside the residence with the child?
4 A. About two minutes.
5 Q. Okay. And, at some point then, did
6 you move him out to your ambulance?
7 A. Yes, sir. I picked him up and carried
8 him out to the ambulance.
9 Q. What was the purpose of moving him out
10 to the ambulance?
11 A. I looked up and could tell that my
12 partner was going to be busy, that he wasn't going to be
13 able to assist me. There was some commotion and chaos in
14 the house. But more than anything, that's where the
15 advanced life support that I would need would be in the
16 ambulance. I really wanted to get him hooked up to an
17 EKG monitor as soon as possible.
18 Q. Okay. This photograph that's out
19 here, State's Exhibit 9-A, do you recognize this to be
20 the child that you found inside, face down, that you
21 moved to the ambulance?
22 A. Yes, sir, that's him.

23 Q. Okay. What was his condition, at the
24 time that you started to move him out to the ambulance?

25 A. He was not breathing. There was no
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1 pulse.

2 Q. Okay. I'm interested in the actual
3 movement of him. How did you take him out to the
4 ambulance?

5 A. I carried him in my arms. His back --
6 he was face up in my arms.

7 Q. Okay. Was he bleeding as you took him
8 out?

9 A. No, he was not.

10 Q. Okay. Were you getting a lot of blood
11 on you as you carried him out?

12 A. No, I was not. Actually, when I
13 stopped and opened the back of the ambulance I had to
14 prop him up on my chest with my knee to free an arm to
15 open it. And I had very little blood on me, what would
16 have rubbed off of his clothes on to me.

17 Q. And once you took him out to your
18 ambulance, what did you do with him?

19 A. I continued CPR, which I had started
20 in the house before I carried him out. Shortly after
21 that time, the engine company arrived, Paramedic Coleman
22 I could see was available, so I asked him to come and
23 assist me.

24 Q. And did he?

25 A. Yes, he did.

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1 Q. Okay. Did you and Paramedic Coleman
2 continue working on Damon there in the ambulance?

3 A. Yes, we did. I continued to do chest
4 compressions for the CPR. Coleman took over the
5 respiratory efforts and made preparations to intubate the
6 child.

7 Q. When you talk about intubate, are you
8 talking about putting a tube down him, to help him
9 breathe?

10 A. Yes, sir. There's various sized tubes
11 that we call endotracheal tubes and they go past the
12 mouth into the trachea, or the windpipe, and it gives us
13 a better seal for making respiratory efforts.

14 Q. Okay. All right. At some point did
15 you transport Damon to the hospital?

16 A. Yes, we did. We stayed in the back of

17 the ambulance probably 15 minutes continuing on with the
18 advanced life support before we transported him.

19 Q. Let me ask you a question: You were
20 in the house a very short period of time with him; is
21 that right?

22 A. That's correct.

23 Q. You then were in the ambulance with
24 him for, what, about 15 minutes before you started going
25 to the hospital. Right?

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1 A. That's correct.

2 Q. And how long did it take you to get to
3 the hospital with him?

4 A. It would have been maybe another 15
5 minutes.

6 Q. Okay. What hospital did you take him
7 to?

8 A. Baylor of Dallas.

9 Q. In route to the hospital, did you and
10 Paramedic Coleman continue working on the child?

11 A. That's correct. In route to the
12 hospital I actually started an IV in the jugular vein
13 that we had not been able to accomplish before. And we
14 pushed a drug, epinephrine, which is a cardiac drug, and
15 continued CPR.

16 Q. Okay. Did Damon show any response to
17 your treatment?

18 A. No, he did not.

19 Q. By the time you got down to Baylor
20 with him, what was his condition?

21 A. It had not changed any.

22 Q. Still no pulse?

23 A. Still no pulse, no respiration.

24 Q. And I assume that once you got down
25 there, that the Baylor personnel then took over the
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1 treatment, or attempted treatment of Damon; is that
2 right?

3 A. Yes, sir. We took him into one of the
4 rooms, their larger room, their trauma room, and turned
5 him over to the staff there.

6 Q. Okay. How long did you and Paramedic
7 Coleman remain there at the hospital? Any idea?

8 A. It took us a little while to regroup,
9 probably about an hour.

10 Q. Okay. Had you ever dealt with a

11 situation quite like this before?

12 A. No, sir, nothing like this.

13 Q. While you were in the house there at

14 5801 Eagle Drive, did you ever have occasion to go up to

15 the defendant to talk with her, to look at her, to do

16 anything with her?

17 A. No, sir, I did not.

18 Q. You ever have any occasion to attempt

19 to treat her, assess her wounds, touch her clothing,

20 anything of that order?

21 A. No, sir, I did not.

22 Q. Would it be fair to say that your

23 entire focus was on Damon?

24 A. Yes, it was.

25 Q. Was -- were there other paramedics who

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1 began attending to the defendant while you tried to

2 assist Damon?

3 A. Yes, there was. Brian Koschak, the

4 partner that I rode in on, had been left behind in the

5 room, and he, as I understood it, took care of her from

6 that point on.

7 Q. Okay. Let me ask you a little bit

8 about the CPR. You've been performing CPR how long now?

9 A. I took my first class in probably

10 1977. I've been a CPR instructor for the past five

11 years. I have been doing CPR as a paramedic 13 or 14

12 years.

13 Q. Okay. Paramedic Kolbye, this child

14 was face down on the floor. Right?

15 A. That is correct.

16 Q. Do you know of any way to perform CPR

17 on a child or any other person who is face down?

18 A. No, there is no way.

19 Q. Okay. What would you need to do to

20 that child in order to perform CPR?

21 A. You would have to roll him over on his

22 back.

23 Q. Okay. Like you did?

24 A. Yes, sir.

25 Q. Now, if -- let's assume that a child

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1 such as Damon is face down and is bleeding from the back.

2 Okay?

3 A. Yes, sir.

4 Q. And, let's assume that a person who is

5 not a paramedic, not trained in the medical field like
6 you are, is instructed to assist that person or render
7 first aid of some order to that person, what would be the
8 proper instruction to give to that individual in your
9 opinion?

10 A. For somebody that is not trained in
11 CPR?

12 Q. Right. What's the thing they ought to
13 do for that child?

14 A. They should find something that is
15 going to be absorbent, apply pressure to those wounds to
16 stop the bleeding.

17 Q. Like go look for a rag and place a rag
18 on the boy's back and apply pressure to stop the
19 bleeding?

20 A. That would be correct.

21 Q. I have one additional question about
22 your activities out there that morning. I know you're
23 not in the house very long, are you?

24 A. No, sir.

25 Q. Okay. Did you ever see a civilian
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1 female come into the house to that family room while you
2 were there?

3 A. No, I did not.

4 Q. Anybody identified as Karen Neal ever
5 come into that room while you were inside the residence
6 attending to Damon?

7 A. No.

8 Q. Let me ask you: Prior to your
9 testimony today, you and I have talked about your
10 testimony, haven't we?

11 A. Yes, we have.

12 Q. Okay. And we have talked before we
13 came to Kerrville; is that right?

14 A. That's correct.

15 Q. Do you remember about the number of
16 times that you and I have talked about what you did out
17 there that morning while we were in Dallas?

18 A. Four times.

19 Q. Okay. Did you come down to the
20 Courthouse at one point?

21 A. In Dallas?

22 Q. Yes.

23 A. Yes, sir, I did.

24 Q. Did you come to the courtroom where
25 other police officers and paramedics were?

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1 A. Yes, sir.

2 Q. All right. And did I ask you to get
3 up on the witness stand and tell me what you just told
4 this Jury?

5 A. Yes, sir, you did.

6 Q. Did I also come out to the -- I
7 believe it was the Rowlett Police Department, wasn't it,
8 where we met for the first time?

9 A. The first time, yes, sir.

10 Q. Okay. And we may have met other times
11 in Dallas in addition to that. Correct?

12 A. Correct.

13 Q. Okay. And you've been in Kerrville
14 now since, what, Monday night?

15 A. I came in Monday night.

16 Q. All right. And did I ask you to come
17 over -- I'm losing track. Was it either Tuesday or
18 Wednesday night, did I ask you to come to my room for a
19 few minutes so we could go over your testimony again?

20 A. I believe it was Tuesday night.

21 Q. Okay. Is that the only meeting we've
22 had while we're here in Kerrville to discuss your
23 testimony?

24 A. Yes, sir.

25 Q. Let me ask you whether you prepared
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1 any reports concerning your activities out there, run
2 sheets or any other items?

3 A. Yes, sir, I did.

4

5

6 (Whereupon, the following
7 mentioned item was
8 marked for
9 identification only
10 after which time the
11 proceedings were
12 resumed on the record
13 in open court, as
14 follows:)

15

16 BY MR. GREG DAVIS:

17 Q. All right. Paramedic Kolbye, let me
18 ask you, if you would, to look at State's Exhibit 20-D.
19 Is that a report that you prepared?

20 A. That's --

21 Q. Or did someone else prepare that?

22 A. This is the report for my run that I

23 made. The report was actually filled out by Rick

24 Coleman, I discussed it with him what needed to be put on

25 here. He's the one that actually filled it out.

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1 Q. Okay. So you gave him the information

2 and he actually made the writing; is that right?

3 A. That's correct.

4 Q. Okay. In addition to the report,

5 State's Exhibit 20-D, did you also, at the request of the

6 Rowlett Police Department, give an affidavit concerning

7 what occurred out there at the residence that night?

8 A. Yes, I did.

9 Q. And did they also ask you to make a

10 drawing about where people were at the time that you came

11 into the house?

12 A. Yes, they did.

13 Q. The children?

14 A. Yes, they did.

15

16

17

18 (Whereupon, the following

19 mentioned item was

20 marked for

21 identification only

22 after which time the

23 proceedings were

24 resumed on the record

25 in open court, as

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1 follows:)

2

3 BY MR. GREG DAVIS:

4 Q. All right. And that's State's Exhibit

5 20-G; is that right?

6 A. Yes, sir.

7 Q. All right. Let me ask you also,

8 Paramedic Kolbye, if you've already, at some point, last

9 year, I believe it was in September, already been

10 cross-examined, by an attorney representing the

11 defendant?

12 A. Yes, sir.

13 Q. Okay. And did you answer his

14 questions that day?

15 A. Yes, I did.

16 Q. Okay. And there was a transcript made

17 of that; is that right?

18 A. That's correct.

19 Q. And that attorney's name was -- well,

20 let me just ask you: Was it one of the five attorneys

21 sitting over here with Mrs. Routier today?

22 A. I do not recognize any of them.

23 Q. All right. Do you recognize the

24 attorney's name, Douglas Parks?

25 A. Yes, sir, I do.

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1 Q. Okay. And so he's the one that's

2 already questioned you and cross-examined you; is that

3 right?

4 A. That's correct.

5

6 MR. GREG DAVIS: Your Honor, at this

7 time, I will tender State's Exhibits 20-G and 20-D to

8 counsel, and I'll pass this witness for

9 cross-examination.

10 THE COURT: Mr. Mosty.

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

12 THE COURT: All right, sir.

13 MR. RICHARD C. MOSTY: May I have a

14 moment?

15 THE COURT: You may indeed. Ten

16 minute break?

17 MR. RICHARD C. MOSTY: Sure.

18 THE COURT: Okay. Ten minute break.

19

20 (Whereupon, a short

21 Recess was taken,

22 After which time,

23 The proceedings were

24 Resumed on the record,

25 In the presence and

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1 Hearing of the defendant

2 but outside the presence of

3 the jury, as follows:)

4

5

6 THE COURT: Are both sides ready to

7 bring the jury back in and continue?

8 MR. GREG DAVIS: Yes, sir, the State
9 is ready.

10 MR. RICHARD C. MOSTY: Yes, sir, the
11 defense is ready.

12 THE COURT: All right. Bring the jury
13 in, please.

14

15 (Whereupon, the jury
16 was returned to the
17 courtroom, and the
18 proceedings were
19 resumed on the record,
20 in open court, in the
21 presence and hearing
22 of the defendant,
23 as follows:)

24

25 THE COURT: All right. Let the record
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1 reflect that all parties of trial are present and the
2 jury is seated.

3 Mr. Mosty.

4

5

6 CROSS EXAMINATION

7

8 BY MR. RICHARD C. MOSTY:

9 Q. Mr. Kolbye, I just want to cover a few
10 things with you.

11 Do you know, just through your
12 dealings with -- do you know the Rowlett Police
13 Department Officers?

14 A. Just as a course through work.

15 Q. Through work, I mean?

16 A. Yes.

17 Q. I mean, for instance, you know who
18 Walling is, or when you saw him you knew who that was?

19 A. Yes, sir.

20 Q. And Waddell as well?

21 A. That's correct.

22 Q. If I understand, you are in route --
23 how far is the station from this house?

24 A. Two to three miles.

25 Q. Okay.

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1 A. It's very close.
2 Q. All right. And you were there within
3 just a few minutes?
4 A. That's correct.
5 Q. Okay. And, as a matter of fact, you
6 were there in front of Walling?
7 A. That is correct.
8 Q. You weren't driving, were you?
9 A. Yes, sir, I was.
10 Q. You were driving. Did you notice at
11 some point, that Walling was behind you with his lights
12 on?
13 A. Yes, sir.
14 Q. Okay. And then, of course, you
15 noticed when he pulled up behind you?
16 A. Actually he pulled up and around --
17 around me.
18 Q. Where did you park?
19 A. I parked on the north side of the
20 house.
21 Q. Okay. As close as you could quickly
22 determine was the front of the house?
23 A. That's correct.
24 Q. Okay. And he came around you?
25 A. Yes, sir, he did.
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1 Q. I'm saying to my right; is that right?
2 A. Yes, sir, that's correct.
3 Q. To the right?
4 A. Yes, sir.
5 Q. You parked on the wrong side of the
6 street then?
7 A. That's what I did, yes, sir.
8 Q. All right. Then did Walling say
9 anything to you when he exited the vehicle?
10 A. No, he did not.
11 Q. Did he make any motions to you or
12 anything?
13 A. No, he did not. None that I saw.
14 Q. Okay. Where did Walling park?
15 A. It would have been in an alley just
16 off the street the best that I remember.
17 Q. So are you pretty much directly in
18 front of the house?
19 A. No, sir, I'm not. If you were
20 standing in front of the house, I'm to the right.
21 Q. Okay.
22 A. Standing in front of the house,

23 looking at the house.

24 Q. Okay.

25 A. I would be on your right.

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1 Q. And had you come from -- if I were

2 standing facing the house, had you come from the left?

3 A. That's correct.

4 Q. That was your point?

5 A. Yes, sir.

6 Q. And so you sort of went past the front

7 of the house?

8 A. Yes, sir.

9 Q. Toward the right if we were all

10 looking at that house?

11 A. Yes, sir.

12 Q. Okay. And then Walling came around

13 you and farther on?

14 A. That's correct.

15 Q. To the alley?

16 A. Yes, sir.

17 Q. More or less?

18 A. Yes, sir.

19 Q. Which side of the street did he park

20 on?

21 A. I don't recall.

22 Q. Was there another car at the scene?

23 A. Yes, sir, there was.

24 Q. Where was it located?

25 A. I know that I had passed it before I

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1 parked, but I couldn't tell you its exact location.

2 Q. It was farther back toward the front

3 of the house?

4 A. That's correct.

5 Q. And I guess that it's standard

6 procedure in that situation that you wait for an officer

7 to give you the go-ahead to go in?

8 A. Yes, that's correct.

9 Q. And you were able to observe Walling

10 go in the residence?

11 A. Yes, sir, I did.

12 Q. Did you exit the ambulance, you and

13 your partner -- who's your partner, Koschak?

14 A. Yes, sir, Brian Koschak.

15 Q. Did y'all exit your ambulance?

16 A. At some point, yes, sir.

17 Q. Before Walling came back out?

18 A. No, sir.

19 Q. Did you -- was there some stuff you

20 needed to do, for instance, equipment that you needed to

21 be picking up while you are sitting in the ambulance?

22 A. No, sir. We were sitting in the cab

23 of the ambulance waiting for a clear to come to us to go

24 inside the residence.

25 Q. And you had, either on you or in your

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1 hands, all of the tools or supplies that you needed?

2 A. No, they are in compartments on the

3 side of the ambulance. They are very quick and easy --

4 it's very quick and easy just to open the compartment on

5 the side of the ambulance and to grab the kit that you

6 need.

7 Q. Okay. And from the time -- did you

8 see Officer Walling head across and actually go in the

9 house -- head across the yard?

10 A. I saw him go across the yard. I

11 didn't actually see him go in the house, no.

12 Q. Okay. Did you see any other

13 individuals out in the yard?

14 A. No, I did not.

15 Q. Did Walling stop or do anything after

16 he exited his vehicle?

17 A. I wasn't really paying that much

18 attention to him.

19 Q. What were you doing?

20 A. I was sitting in the driver's seat.

21 Q. And I guess you -- but you had a clear

22 view of the front of the house, didn't you?

23 A. It was an angle view of the front of

24 the house.

25 Q. So you're sort of looking -- were you

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1 sort of looking straight ahead at Walling's car and sort

2 of to your left at the front door?

3 A. I couldn't actually see the front

4 door.

5 Q. You could not?

6 A. No. I could see the front of the

7 house, but it wasn't a clear view of the front door.

8 Q. Okay. Was it sort of dark in front of

9 the house?

10 A. I don't recall it as being dark.

11 Q. Do you remember any lights?

12 A. I don't remember what the lighting
13 situation was like.

14 Q. Okay. Well, how long do you think
15 Walling was in the house?

16 A. A minute and a half.

17 Q. Okay. And he came out. Did he say
18 something to you or signal to you, or what did he do?

19 A. He came to the driver's side door. I
20 rolled the window down, and he said, "You have two
21 children inside. You're going to need some more help.
22 Go on in."

23 Q. He said "You may have two children"?

24 A. I don't recall what his exact words
25 were.

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1 Q. Okay. The gist of that was "call for
2 more help"?

3 A. Yes, sir.

4 Q. Okay. And, did you do that? Or your
5 partner?

6 A. Yes, my partner did.

7 Q. Okay. And where did Walling go?

8 A. I do not know.

9 Q. And what did you do?

10 A. That's when I got out of the
11 ambulance, and grabbed the medical kit, and proceeded to
12 go inside.

13 Q. Did you run to the front door?

14 A. No, sir, I did not.

15 Q. You walked?

16 A. Yes, sir.

17 Q. Probably --

18 A. At a pace, yes, sir.

19 Q. At a brisk pace? And was Koschak
20 right behind you?

21 A. Yes, he was.

22 Q. Okay. And there wasn't any delay in
23 him calling? He didn't stay behind to call?

24 A. No, he didn't.

25 Q. He was coming in right behind you?

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1 A. That's correct.

2 Q. Okay. And when you came in you
3 observed Mrs. Routier?

4 A. Yes, sir, I did.

5 Q. As you walked in the house?
6 A. Well, once I entered into the living
7 area, I observed her, yes, sir.
8 Q. Okay. And instantaneously you could
9 tell that she was very distraught?
10 A. Yes, sir.
11 Q. And you knew that, didn't you?
12 A. She was holding a towel on her neck
13 and there appeared to be quite a bit of blood there, yes,
14 sir.
15 Q. She was distraught? That was your
16 word, wasn't it?
17 A. Yes, sir, it was.
18 Q. Okay. Now, then you immediately
19 turned your attention to the child -- to the first child?
20 A. Yes, I did.
21 Q. Okay. And who nodded in the direction
22 of the child?
23 A. Officer Waddell.
24 Q. How far was Waddell from that child?
25 A. Ten or 12 feet.
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1 Q. That far?
2 A. That is my guess.
3 Q. Was he at the end of the bar or
4 whereabouts?
5 A. He was at the end of the bar, yes,
6 sir.
7 Q. Okay. Let me show you --
8 A. Away from the child.
9 Q. Let me show you this exhibit, which is
10 a floorplan of the house. And I know that it wasn't
11 your -- you weren't focusing on the floorplan, but does
12 that seem about like the floorplan of the part that you
13 came in, the entry hall?
14 A. Yes, sir.
15 Q. And a bar?
16 A. That's correct.
17 Q. And was Waddell here at the end of
18 this bar?
19 A. No, sir, he was at the other end.
20 Q. At this far end?
21 A. Yes, sir.
22 Q. Okay. Near the back wall?
23 A. Yes, sir.
24 Q. Okay. And he nodded in what
25 direction?

1 A. Toward the direction of the child that
2 was laying on the floor.

3 Q. Okay. To that point, had you seen the
4 child?

5 A. No, I had not.

6 Q. And as you got around that corner,
7 could you clearly see the child?

8 A. Yes, I could.

9 Q. And did you immediately go down to
10 your knees, I guess, or how?

11 A. Yes, sir, I did.

12 Q. Okay. Did you take out any bandages
13 or equipment out of your kit?

14 A. I removed what we call an Ambu bag to
15 do mouth to mouth resuscitation. It has a mouthpiece on
16 it and a bag reservoir that we use to put mouth to mouth
17 resuscitation, as opposed to doing mouth to mouth
18 resuscitation.

19 Q. And it comes, I guess, in a -- some
20 kind of sterile packaging?

21 A. Yes, it does.

22 Q. You tore that packaging open and cast
23 it aside?

24 A. Yes, sir, I did.

25 Q. Okay. And you also saw Mr. Routier,
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1 but as I understood it, you weren't clear -- he wasn't
2 beside Waddell or Mrs. Routier?

3 A. No, he was not.

4 Q. He was off -- did you say sort of in
5 the middle of the living room? Is that how you said
6 that?

7 A. Yes, sir.

8 Q. Okay. And did you see anything else
9 over in the middle of the living room in the area where
10 Mr. Routier was?

11 A. No, I couldn't see anything else.

12 Q. You did not see another child in
13 there?

14 A. No, I did not.

15 Q. Never saw another child?

16 A. No, sir, I did not.

17 Q. Did you ever see what -- did you ever
18 see what Koschak did?

19 A. No, sir, I did not.

20 Q. Okay. You weren't paying attention to
21 what he was doing?

22 A. No, sir.

23 Q. I guess it's fair to say that once you
24 went down beside your -- the person you were treating,
25 that everything you did was focused on that child?

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1 A. Yes, sir.

2 Q. And how long would you say you were in
3 that -- there in the house with the child?

4 A. About two minutes.

5 Q. Okay. And Mr. Routier, when you saw
6 him, how would you describe him? He was excited?

7 A. He was excited, yes, sir.

8 Q. Okay. Was he distraught too?

9 A. No, sir, I would describe him as being
10 excited.

11 Q. Excited?

12 A. Yes, sir.

13 Q. All right. And as you were there, and
14 these children were both being attended to, there was a
15 lot of screaming going on, wasn't there?

16 A. There was.

17 Q. Okay. And crying?

18 A. There was some screaming.

19 Q. Okay. And, as a matter of fact, there
20 was so much screaming, and so much anguish, that that was
21 one of the reasons that you wanted to pick that child up
22 and get him out of there, wasn't it?

23 A. That was one of the reasons, yes, sir.

24 Q. So, with everything, with all of the
25 commotion going on, and the screaming and the anguish,

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1 you thought that you could do better for the child and do
2 your job better, if you picked the child up and got him
3 out to the ambulance?

4 A. Yes, sir.

5 Q. And for the people that were doing --
6 I guess Waddell wasn't screaming, was he?

7 A. No, sir, he was not.

8 Q. And Koschak wasn't screaming?

9 A. No, sir.

10 Q. Was it Mrs. Routier doing the
11 screaming?

12 A. I don't recall her screaming.

13 Q. Who was screaming?

14 A. Mr. Routier.

15 Q. And you don't recall Mrs. Routier

16 screaming?

17 A. Not a scream, no, sir.

18 Q. Okay. What did you think -- what did

19 you characterize what Mrs. Routier was doing, the words

20 she was saying and the actions, if you didn't

21 characterize it as screaming, how would you characterize

22 it?

23 A. She answered loudly.

24 Q. Is it your regular practice to write

25 handwritten reports as quickly as you reasonably can?

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1 A. Yes, sir.

2 Q. And you did in this case on June 6th,

3 did you not?

4 A. That's correct.

5 Q. That same day?

6 A. Yes, sir.

7 Q. And, of course, that was your best

8 recollection --

9 A. Yes, sir.

10 Q. -- of what had happened?

11 A. That's correct.

12 Q. And it was very fresh on your mind at

13 that point, wasn't it?

14 A. That's correct.

15 Q. I mean, it was standing out?

16 A. Yes, sir.

17 Q. But I guess when you go in a situation

18 like that, there are some things that you just don't

19 remember, or that you just don't pay attention to?

20 A. Yes, sir.

21 Q. And some things that you pay attention

22 to, and so those are vivid in your memory. And other

23 things, you might miss?

24 A. That's correct.

25 Q. But on June 6th, 1996, when your

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1 memory was very fresh, you said that both the male and

2 female, it seemed, were screaming, didn't you?

3 A. Well, I don't remember.

4 Q. You don't recall that? You'll be able

5 to recognize your own handwriting, won't you?

6 A. Certainly.

7 Q. Let me show State's -- what's been

8 marked for record purposes as State's Exhibit 206,(sic)
9 and if you would, is that your handwriting?

10 A. Yes, sir.

11 Q. And does it bear your signature at the
12 bottom?

13 A. Yes, it does.

14 Q. And is it so that it was subscribed
15 and sworn to on the 6th day of June, 1996?

16 A. Yes, sir, that's correct.

17 Q. Same day as this incident? When this
18 was freshest on your mind?

19 A. That's correct.

20 Q. And, isn't it true, that in this
21 statement you -- that the way you described Mr. -- Mrs.
22 Routier and Mr. Routier is as follows: "With both the
23 male and -- male and female at the scene screaming, I
24 decided to move the child to" -- is that MICU?

25 A. Yes, sir.

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1 Q. And that, when your memory was the
2 best, was how you described what Mrs. Routier was doing?

3 A. That's what it says on that report,
4 yes, sir.

5 Q. And so then that's accurate, isn't it?

6 A. Yes, sir.

7 Q. She was screaming, wasn't she?

8 A. Well, yes, sir.

9 Q. There is nothing that has happened
10 between June 6th of 1996 and today that would change your
11 mind about what you saw out there and what you heard out
12 there, is there?

13 A. No, sir, there is not.

14 Q. And, however many meetings you had
15 with the DA, was it four?

16 A. Yes, sir.

17 Q. That doesn't change what you knew to
18 be the truth on June 6th, 1996, does it?

19 A. No, it doesn't.

20 Q. Okay. And your best depiction then,
21 of what Mrs. Routier was doing, was that she was
22 screaming?

23 A. The way you initially asked me the
24 question, he was screaming louder than she was.

25 Q. Okay. Okay. So, all right. I think
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1 I understand.

2

3 MR. RICHARD C. MOSTY: That's all I
4 have. Pass the witness.

5 MR. GREG DAVIS: No further questions.

6 THE COURT: You may step down, sir.