

Testimony of Brian Koschak

DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13 Q. Would you please tell us your full
14 name.

15 A. Brian Leland Koschak.

16 Q. All right. And Mr. Koschak, how are
17 you employed?

18 A. Rowlett Fire Department.

19 Q. All right. How long have you been
20 with them?

21 A. Six years.

22 Q. All right. And before joining the
23 Rowlett Fire Department, had you worked in that capacity
24 with some other agencies?

25 A. Yes, sir, I was a paramedic with the
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1 Dallas Ambulance Service.

2 Q. All right. And for how long were you
3 a paramedic with them?

4 A. Three years.

5 Q. You've been with Rowlett for about six
6 years. How long have you been a paramedic in all?

7 A. Seven years.

8 Q. Now, is it true that you undergo
9 additional training to become a paramedic?

10 A. That's correct.

11 Q. Let me ask you if back on June the
12 5th, 1996, were you working with a group there at the
13 fire station including Jack Kolbye?

14 A. I was.

15 Q. And were you assigned to work in an
16 ambulance with him?

17 A. Yes, sir.

18 Q. Were you scheduled to work 7:00 in the
19 morning until 7:00 in the morning on June the 6th?

20 A. Yes, sir.

21 Q. I want to direct your attention to
22 about 2:30 in the morning on June the 6th, 1996 and ask
23 you whether or not a call came into the fire station.

24 A. It did.

25 Q. And what was the nature of the call?
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1 A. Medical emergency, I believe.
2 Q. All right. Did you and Jack Kolbye
3 then begin to respond to that call?
4 A. We did.
5 Q. And did you begin to drive the
6 ambulance over to the location?
7 A. That's correct.
8 Q. And what location were you going to?
9 A. I believe it was 5801 Eagle Drive.
10 Q. Were you driving or was Paramedic
11 Kolbye driving?
12 A. Paramedic Kolbye was.
13 Q. All right. At any time before you got
14 to the location there on Eagle, did you get anymore
15 information about what you were going to be facing when
16 you got out there?
17 A. Yes, sir. Additional information, it
18 was a possible stabbing.
19 Q. All right. Did you, in fact, get to
20 5801 Eagle Drive?
21 A. We did, sir.
22 Q. Could you tell who else was already at
23 the location when you got there?
24 A. There was one police car on the scene
25 when we arrived and one right behind us.
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1 Q. All right. And do you know the name
2 of the officer that was driving the second police car?
3 A. I believe it was Sergeant Walling.
4 Q. Okay. Did you and Paramedic Kolbye
5 immediately get out of the ambulance and go inside the
6 house?
7 A. Not immediately, no, sir.
8 Q. Did you wait for Sergeant Walling to
9 clear the house for you?
10 A. Yes, sir.
11 Q. Do you know about what -- how much
12 time it took for Sergeant Walling to clear the house
13 before you and Paramedic Kolbye would be allowed inside?
14 A. One to two minutes.
15 Q. Did he, in fact, come out and tell you
16 it was okay to go inside the house?
17 A. He did.
18 Q. Did he give you any more information
19 to work with?
20 A. Yes, sir, he stated, "We're going to
21 need more help."
22 Q. All right. Did you do anything in

23 response to him saying that to you?

24 A. I did.

25 Q. What did you do?

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1 A. I radioed dispatch to send another --

2 an additional engine, fire truck and ambulance.

3 Q. All right. While you were radioing

4 for additional help, did Paramedic Kolbye get out of the
5 ambulance and start to go inside the house?

6 A. He did.

7 Q. How far behind him were you when you

8 got out of the ambulance and started to go inside?

9 A. Footsteps, right on his heels.

10 Q. All right. And did you go in through

11 the front door?

12 A. We did.

13 Q. When you got inside, did you go to any

14 particular room inside the house?

15 A. Directly through the foyer to, I call

16 it the den.

17 Q. Okay. Down a hallway?

18 A. Yes, sir.

19 Q. And into a room that you call a den;

20 is that right?

21 A. That's correct.

22 Q. Let me just ask you briefly to look at

23 State's Exhibit No. 10, it's a floorplan of that

24 residence out there. You just tell me. On this diagram,

25 we have a room called the family room. Is that the room

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1 that you're referring to?

2 A. Yes, sir, it is.

3 Q. Okay. When you got in there, was

4 Paramedic Kolbye already attending to a patient?

5 A. Yes, sir.

6 Q. Okay. And where was his patient

7 located?

8 A. His patient was at the end of the

9 foyer, right behind the couch as we walked into the

10 family room.

11 Q. All right. So as you come into that

12 room, would he have been straight ahead, on the left, the

13 right, where would he have been then?

14 A. He would have been on my left.

15 Q. Could you see anyone else inside the

16 room?

17 A. Yes, sir.

18 Q. All right. Who could you see?

19 A. Directly ahead of me was my partner

20 Jack Kolbye, and near the bar area in the family room was

21 Officer Waddell and Mrs. Routier.

22 Q. All right. And they're standing there

23 by the kitchen bar; is that right?

24 A. Yes, sir.

25 Q. That separates the family room from

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1 the kitchen?

2 A. Yes, sir.

3 Q. All right. About how far away from

4 where Paramedic Kolbye and his patient, were the

5 defendant and Officer Waddell?

6 A. Could you rephrase the question?

7 Q. Yeah. How far away from Paramedic

8 Kolbye and the other child were Officer Waddell and the

9 defendant?

10 A. Five to six feet, I would guess.

11 Q. All right. And when we talk about

12 "the defendant," are we talking about the lady over here

13 with the notepad and pen?

14 A. Yes, sir.

15 Q. Over here in the green jacket -- the

16 green dress?

17 A. Yes.

18

19 MR. GREG DAVIS: Your Honor, may the

20 record please reflect this witness has identified the

21 defendant in open court?

22 THE COURT: Yes, sir.

23

24

25 BY MR. GREG DAVIS:

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1 Q. All right. So we've got Paramedic

2 Kolbye, we've got his patient, we've got the defendant,

3 we've got Officer Waddell. Was there anybody else inside

4 that room?

5 A. Yes, sir, there was two children.

6 Q. Okay. Was one of them Paramedic

7 Kolbye's patient?

8 A. Yes, sir.

9 Q. All right. Another child in addition

10 to that?

11 A. That's correct.

12 Q. Okay. Any other adults?

13 A. No, sir.

14 Q. Okay. Was there another male, the
15 defendant's husband?

16 A. Oh, yes, sir.

17 Q. Okay. Could you tell us, where was
18 the defendant's husband when you first saw him?

19 A. Walking towards me and my partner from
20 the child that was near the center of the room, or
21 thereabouts.

22 Q. Okay. The other child that's on the
23 other side of the room?

24 A. Yes, sir.

25 Q. And the defendant's husband is walking
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1 from the direction of that child over to where your
2 partner is working on the other child; is that right?

3 A. Yes, sir.

4 Q. Okay. Well, Paramedic Kolbye had the
5 one child he was working on, so what did you do?

6 A. I proceeded around him, he -- my
7 passage was blocked, and continued around past Officer
8 Waddell and Mrs. Routier to the second child.

9 Q. Okay. And, again, just looking at
10 State's Exhibit No. 10, let me just ask you: I'm
11 pointing to an area that says "second child." Does that
12 look like an accurate representation of where this second
13 child was right over here at this "X"?

14 A. Yes, sir.

15 Q. And do I understand you to say that
16 the defendant's husband was walking from that direction
17 toward the direction where your partner was working on
18 the other child?

19 A. That's correct.

20 Q. Okay. And, then did you take a direct
21 route from where you were over to this second child, or
22 did you have to go around to avoid Mr. Routier?

23 A. I had to go around to avoid Mr.
24 Routier.

25 Q. Okay. And if you don't mind, if you
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1 can just step down and just point for the members of the
2 jury the route that you took to get over to that second
3 child, please.

4 A. Okay.

5

6 (Whereupon, the witness

7 Stepped down from the

8 Witness stand, and

9 Approached the jury rail

10 And the proceedings were

11 Resumed as follows:)

12

13

14 BY MR. GREG DAVIS:

15 Q. And if you will, if you'll stand

16 around to the side so that all of the members of the jury

17 can see. Just point out for them where you were.

18 A. Okay. I came in this way.

19 Q. Okay. If you'll stand back just a

20 little more. Okay. Thank you.

21 A. Came around this way, around this

22 couch, into here.

23 Q. All right. Good enough. Thank you.

24

25 (Whereupon, the witness

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1 Resumed the witness

2 Stand, and the

3 Proceedings were resumed

4 On the record, as

5 Follows:)

6

7 BY MR. GREG DAVIS:

8 Q. And when you got over to this second

9 child, could you describe where he was? Was he laying

10 down, sitting up, what was he doing?

11 A. He was laying on his back.

12 Q. All right. So he's on his back. How

13 was he clothed?

14 A. His chest was bare. He did not -- I

15 didn't notice whether he had any bottoms on or not.

16 Q. All right. Did you note injuries to

17 him?

18 A. Yes, sir, I did.

19 Q. Okay. What sort of injuries did you

20 see?

21 A. I noted a large laceration or puncture

22 wound to the chest area. There were a few other puncture

23 wounds there and about the abdominal cavity.

24 Q. All right. Did you check him for

25 vital signs?

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1 A. I did, sir.
2 Q. And did he have any pulse that you
3 could detect?
4 A. No, sir, he had no pulse, no
5 respirations.
6 Q. Okay. No sign of life at that time;
7 is that right?
8 A. No, sir. That's correct.
9 Q. Okay. Did you notice, Paramedic
10 Koschak, while you were over there assessing him for
11 vital signs whether or not his eyes were still open?
12 A. They were.
13 Q. What sort of expression did he have on
14 his face?
15 A. One of -- I would have to say
16 surprise, or kind of like help me.
17 Q. Okay. Was there anything that you
18 could do for that child?
19 A. No, sir.
20 Q. Did you stay over there with him, or
21 did you go to someone else in that room?
22 A. I went to Mrs. Routier after that.
23 Q. Okay. And was she still over near the
24 kitchen bar with Officer Waddell?
25 A. Yes, sir.
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1 Q. If you would, when you got over to the
2 defendant, can you please describe her appearance?
3 A. She was covered in, I believe it was a
4 large T-shirt, with blood. The reason I had left the
5 other child, I didn't -- I mean, there was no vital
6 signs, and I had two patients, therefore I triaged the
7 smaller child. I had a viable patient to work on, so I
8 went to her injuries, due to the blood. I had two
9 patients and was by myself.
10 Q. So you took care of the -- you
11 assessed the child first, and then went to Ms. Routier.
12 Right?
13 A. That's correct.
14 Q. And when you got over there, was she
15 still was standing up, sitting down, what is she doing?
16 A. She's kneeling near Officer Waddell,
17 near the bar still.
18 Q. All right. Is she closer to the entry
19 hallway or closer to the sliding glass door?

20 A. Closer to the sliding glass door.
21 Q. Is there a lot of blood on the floor
22 over in that area?
23 A. I don't recall.
24 Q. Okay. And just how is she dressed?
25 A. I believe all she had on was a large
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1 nightgown or a large T-shirt.
2 Q. All right. Did you note some injuries
3 to her?
4 A. Yes, sir.
5 Q. What sort of injuries did you note
6 inside the house?
7 A. I noted -- I removed the rag and
8 noticed a large laceration to the neck area, and also a
9 laceration to the arm.
10 Q. So you've got a neck injury, and then
11 you've got a -- do you remember which arm you saw the
12 laceration?
13 A. If I had my report I could tell you.
14 I can't recall at this time.
15 Q. So one of the arms had an injury and
16 the neck had an injury also; right?
17 A. That's correct.
18 Q. Was she holding anything over either
19 of the two wounds when you saw her?
20 A. She was holding a rag to her neck.
21 Q. How about as far as her demeanor?
22 What was she doing? What was she saying? How did she
23 appear to be doing at that point?
24 A. She was -- she asked who could have
25 done this to her babies. She wasn't -- she was upset.
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1 She was upset.
2 Q. Okay. Crying? Screaming?
3 A. No.
4 Q. Now, did you stay inside the residence
5 with her or did you take her somewhere to treat her?
6 A. I asked her to come with me to the
7 front porch. I wanted to get out of the house and deemed
8 it being necessary for both of us -- be a good thing to
9 get out of the house.
10 Q. All right. And did she follow your
11 instructions, and did she go with you to the front porch?
12 A. She did.
13 Q. All right. Did she seem to have any

14 difficulties understanding what you wanted her to do at
15 that point?

16 A. No, sir.

17 Q. So you spent a short period of time

18 inside, and then you went out to the front porch and you

19 began assessing her injuries again; is that right?

20 A. That's correct.

21 Q. Now, again, when you're trying to

22 assess a patient for possible treatment, Paramedic, what

23 are you looking for? What types of things are you

24 looking for?

25 A. My initial assessment was that I was

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1 looking for excessive blood loss, due to her appearance,

2 and shock, due to the lacerations and the blood that she

3 had on her chest area. I was looking for hypovolemic

4 shock in this case.

5 Q. Okay. So you're looking -- I guess

6 you've looked at her injuries by this time; right?

7 A. Yes, sir.

8 Q. And you're looking for excessive

9 bleeding; is that right?

10 A. That's correct.

11 Q. And you're looking for shock?

12 A. That's correct.

13 Q. Okay. Now, why is it important for

14 you to make that assessment quickly on a patient?

15 A. Because that's a life threatening

16 injury.

17 Q. Okay. And, as a paramedic, had you

18 received training in assessing individuals for shock?

19 A. Yes, sir.

20 Q. All right. Let me just ask you, if

21 you will, how many hours does it take to become a

22 paramedic?

23 A. You have to be an EMT first, which is

24 about 200 hours, and then that's roughly 700 hours

25 clinical and didactic training after that to be a

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1 paramedic.

2 Q. When you're talking about -- what was

3 that didactic?

4 A. Didactic and also your clinical

5 rotations.

6 Q. What's the didactic part?

7 A. Actual classroom study.

8 Q. All right. What's the clinical part?

9 A. You actually perform in emergency

10 rooms, ICUs, surgery, and you ride along with other fire

11 departments and other paramedics.

12 Q. All right. And of the amount of

13 training that you received to become a paramedic, what

14 percentage of that training, would you say, is spent

15 dealing directly with the issue of shock?

16 A. About one-third.

17 Q. Which would mean about how many hours

18 do you receive training to deal with shock and the

19 assessment of shock?

20 A. It covers cardiovascular and

21 respiratory, roughly, I would say close to 300 hours,

22 maybe more.

23 Q. And by this time, you've been a

24 paramedic for how long?

25 A. Seven years.

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1 Q. Now you have said that shock can be a

2 life-threatening condition; is that right?

3 A. That's correct.

4 Q. And what can happen if an individual

5 has gone into shock, as far as threatening their life?

6 Can they actually lose enough blood where they're going

7 to die?

8 A. Yes, sir.

9 Q. Well, when you got out there to the

10 porch, did you, in fact, assess Mrs. Routier to determine

11 whether or not she was suffering from shock?

12 A. I did.

13 Q. Okay. And just describe for the

14 members of the jury what you did out there that morning

15 to determine whether or not she was suffering from shock

16 or not.

17 A. I noted her appearance, her color,

18 being pale, which could be significant blood loss. She

19 had a good skin color, good skin temperature. I touched

20 her arm.

21 I also performed a capillary regional

22 check, where you push down on the nail bed, and it was a

23 good blood return, that means she had an adequate blood

24 pressure at that time. Decreasing blood pressure could

25 be a sign, or is a sign of shock.

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1 Q. Okay. When you're assessing someone
2 for shock, are you looking for their actions and their
3 reactions to what's happening around them?
4 A. I am.
5 Q. What types of things are you looking
6 for?
7 A. Is she alert and oriented to where
8 she's at, what she's doing? Can she follow commands
9 well? That sort of questioning.
10 Q. All right. Inside you said that she
11 followed your instruction to go out to the front porch;
12 is that correct?
13 A. That's correct.
14 Q. Were you talking to her outside on the
15 porch also?
16 A. Briefly, yes, sir.
17 Q. All right. Did Mrs. Routier appear to
18 be oriented as to the time, place and person at that
19 time?
20 A. She did.
21 Q. Okay. Did she seem to understand what
22 information that you were trying to give to her?
23 A. Yes. She was alert and oriented.
24 Q. Okay. You were talking about -- I
25 think at one time you talked about a shock by the name of
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1 hypovolemic shock; is that right?
2 A. Yes, sir, that's correct.
3 Q. Is that where you lose enough blood
4 that you go into shock?
5 A. That's correct.
6 Q. Are there other types of shock besides
7 that?
8 A. There are.
9 Q. Okay. Let me just ask you: Have you
10 ever heard of cardiogenic shock?
11 A. Yes, sir.
12 Q. What kind of shock is that?
13 A. It's failure of the heart to pump
14 adequate blood to the vital organs and to the body.
15 Q. All right. Did it appear to you that
16 Mrs. Routier was having any heart problems that would
17 cause that type of shock?
18 A. No, sir.
19 Q. Have you ever heard of neurogenic
20 shock?
21 A. Yes, sir.
22 Q. Okay. What type of shock is

23 neurogenic shock?

24 A. The central nervous system of the body

25 is not performing correctly, therefore dilating blood

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1 vessels and arteries and inadequate blood profusion to

2 the brain and heart occurs.

3 Q. And what kind of symptoms will you see

4 for that kind of shock?

5 A. The same symptoms of almost all types

6 of shock, with the exception of septic, are pale skin

7 color, disorientation, sometimes fainting, sometimes

8 combative, decreasing blood pressure, falling decreasing

9 blood pressure, things of that nature.

10 Q. Were you seeing any of those items in

11 Mrs. Routier while you were out on the front porch with

12 her?

13 A. No, sir.

14 Q. Are you beginning to give her

15 treatment for her injuries at that time?

16 A. Yes, sir.

17 Q. Okay. What are you doing for her?

18 A. Begin bandaging up her neck and her

19 arm.

20 Q. All right. Did anyone at any time

21 come to the front porch to start helping you treat Mrs.

22 Routier?

23 A. Yes, sir.

24 Q. Who would that have been?

25 A. Paramedic Larry Byford.

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1 Q. Okay. Larry Byford?

2 A. That's correct.

3 Q. All right. And did he assist you in

4 actually putting bandages on the wounds that you noted to

5 her?

6 A. He did.

7 Q. Did you stay up there at the front

8 porch with the defendant or did you take her somewhere

9 for additional treatment?

10 A. I called for a stretcher. We placed

11 her on the stretcher and took her to the ambulance.

12 Q. Okay. Was the stretcher actually

13 brought to the front porch?

14 A. Yes, sir.

15 Q. Did you tell the defendant what you

16 were about to do?

17 A. Yes, sir. I asked her to please step
18 over here and sit on the stretcher.
19 Q. Okay. Did she seem to have any
20 problems understanding what you were asking her to do?
21 A. No, sir.
22 Q. Did she go over to the stretcher and
23 get on the stretcher for you?
24 A. Yes, sir.
25 Q. Was she then taken to the ambulance on
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1 the stretcher?
2 A. Yes, sir.
3 Q. And did you go out to the ambulance
4 with her?
5 A. I did.
6 Q. And once inside the ambulance, did you
7 provide any additional care for Mrs. Routier?
8 A. Yes, sir, I began to start an I.V.
9 Q. Okay. Now, had you taken her to your
10 ambulance or to another ambulance?
11 A. I took her to the ambulance that I had
12 requested, the next in ambulance.
13 Q. Okay. Had Paramedic Kolbye already
14 taken his patient to y'all's ambulance?
15 A. Yes, sir.
16 Q. So you're basically taking your
17 patient to the backup ambulance; is that right?
18 A. Yes, sir.
19 Q. Okay. And who was working that
20 ambulance? Who were the two people assigned to it, if
21 you remember?
22 A. Paramedic Eric Zimmerman and Paramedic
23 Larry Byford.
24 Q. Okay. And Larry Byford is the person
25 who came up to the porch to help you. Right?
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1 A. Yes, sir.
2 Q. Okay. When you got out there, what
3 sort of treatment -- what was done with Ms. Routier once
4 she was in the ambulance?
5 A. Larry began to disrobe her and I
6 started an I.V. of normal saline. EMT Higgins took her
7 blood pressure at this time.
8 Q. Okay. You had noted, I think, when
9 you went inside, I asked you about her clothing, and you
10 noted that she either had some sort of night shirt or

11 something on; is that right?
12 A. That's correct.
13 Q. Okay. When you got -- when she was
14 taken to the ambulance was she disrobed then?
15 A. Yes, she was.
16 Q. For further treatment?
17 A. Yes, sir.
18 Q. Besides this shirt, or this nightgown,
19 did she have any other clothing on?
20 A. No, sir.
21 Q. No undergarments?
22 A. No, sir.
23 Q. By this time had her neck already been
24 bandaged?
25 A. Yes, sir.
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1 Q. Okay. Byford and Zimmerman are out
2 there, what again, are you doing for her specifically?
3 A. I started an I.V. of normal saline.
4 Q. Okay. And what's the purpose of that?
5 A. It's a lifeline to induce fluids into
6 the body if she had had significant blood loss. I was
7 still under the assumption that she was either having
8 tremendous amount of bleeding at the time or had lost
9 some -- a lot of blood.
10 Q. Okay. And what was that based on,
11 where? The way she looked?
12 A. Just her outside appearance of her
13 shirt, it was covered in blood.
14 Q. When you get an I.V. solution, is that
15 medicine actually, is it pain medication or anything like
16 that, or is it just to replace fluid loss in the body?
17 A. It's just a -- a type of -- normal
18 saline is just a type of salt water solution, fluid
19 replacement.
20 Q. Okay. Are there times when you might
21 give a higher rate of flow for the saline than in other
22 cases?
23 A. Yes, sir.
24 Q. Okay. In this case, what rate of flow
25 of the I.V., how strong an I.V. did you give to the
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1 defendant out there in the ambulance?
2 A. Minimal drip rate.
3 Q. Minimal?
4 A. That's correct, minimal.

5 Q. Okay. And why did you choose to give
6 her a minimal rate flow of I.V. out there in the
7 ambulance?

8 A. I just secured the I.V. in her arm,
9 and was getting ready to set the flow when EMT Higgins
10 advised me of her blood pressure. It was 140 over 80.

11 Q. Okay. And 140 over 80, is that a good
12 blood pressure?

13 A. Yes, sir, it is.

14 Q. All right. And so, from the fact that
15 she had a good blood pressure out there, what did you
16 determine about the blood loss and the need for an I.V.
17 solution?

18 A. She had not had significant blood loss
19 to indicate a larger -- a faster flow rate.

20 Q. All right. Besides giving her the
21 minimum flow rate of the I.V. solution, did you render
22 any additional treatment to Mrs. Routier out there in the
23 ambulance?

24 A. No, sir.

25 Q. Okay. Did you travel with Mrs.
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1 Routier to the hospital?

2 A. No, sir.

3 Q. Okay. Would that have been the
4 responsibility of Eric Zimmerman and Larry Byford?

5 A. That's correct. It was their
6 ambulance.

7 Q. Okay. Did you immediately leave 5801
8 Eagle or did you remain there for some period of time?

9 A. I remained on the scene.

10 Q. Okay. What did you do -- what's the
11 next thing that you do after you finished treating Mrs.
12 Routier there in the ambulance, what do you do then?

13 A. Reported to my captain, ready for
14 assignment.

15 Q. Okay. Was that Dennis Vrana?

16 A. Yes, sir, it was.

17 Q. Okay. Did you get another assignment?

18 A. I did.

19 Q. What was your assignment?

20 A. To -- I received two assignments. I'm
21 not sure of the order in which I performed them. That
22 was to check on the youngest child that was -- the infant
23 that was found upstairs, who was at a neighbor's house,
24 and ascertain if he had any injuries.

25 Q. Okay. So this was an infant that had

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1 been found upstairs in the house?

2 A. That's correct.

3 Q. All right. Did you go over and check

4 the infant then?

5 A. I did.

6 Q. Did you find him to be in good

7 condition?

8 A. Yes, sir, asleep.

9 Q. No injuries on him. Right?

10 A. That's correct.

11 Q. When you finished with the infant

12 then, what's the next thing that you were instructed to

13 do?

14 A. He asked me to go in, back into the

15 residence to ascertain my patient, my first patient, if

16 there was anything further I could do.

17 Q. Okay. And we're talking about the

18 other child that's still in the family room; is that

19 right?

20 A. That's correct.

21 Q. If we look at State's Exhibit 9-B, of

22 Devon Routier. Does this appear to be a photograph of

23 the child that you were attempting to help in the family

24 room?

25 A. Yes, sir, it was.

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1 Q. Was he still in the same position as

2 he had been?

3 A. Yes, sir.

4 Q. Okay. And what, if anything, did you

5 do for Devon Routier the second time that you went in

6 there? Anything that you could do?

7 A. No, sir.

8 Q. His condition was unchanged. Right?

9 A. That's correct.

10 Q. Okay. All right. You finished the

11 first assignment with the infant. You've now assessed

12 Devon's condition, and you find it to be unchanged. What

13 else did you do out there?

14 A. I reported back to the captain. He

15 advised me to get on the cellular phone and get Assistant

16 Chief Cunningham in route and also get the pastor in

17 route, our chaplain, our fire department chaplain.

18 Q. Okay. And what was the purpose of

19 having the chaplain to come out?
20 A. To counsel any members of the scene,
21 the rescue fire department and police officers.
22 Q. Okay. Yourself included?
23 A. That's correct.
24 Q. Okay. Had you ever been out to a call
25 quite like this, Paramedic Koschak?
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1 A. No, not of this nature, no.
2 Q. Okay. Were you having a hard time
3 dealing with it out there yourself?
4 A. Yes, sir.
5 Q. Okay. After you made this call -- did
6 you stay in the house to make the call or did you leave
7 out of the house or what did you do?
8 A. Could you rephrase the question?
9 Q. Yeah. After you made this call, did
10 you remain inside the house or did you go ahead and exit
11 the house?
12 A. I exited the house.
13 Q. How long did it take you to go back
14 inside the house and assess Devon, Devon's condition, as
15 the captain had instructed you?
16 A. How long had it been?
17 Q. No, sir. How long did it take you
18 once you went back in there after attending to the
19 infant, how long did it take you to go back in there to
20 assess Devon?
21 A. Seconds.
22 Q. Okay. And once you finished up that
23 assessment, did you stay inside the house or did you
24 leave the house?
25 A. I left the house.
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1 Q. Okay. When you left the house, after
2 that second assessment of Devon, do you remember who was
3 still left inside the house when you left?
4 A. I don't believe there was anybody in
5 the house.
6 Q. It would be your recollection that you
7 were the last person out then?
8 A. That's correct.
9 Q. Do you remember whether or not you saw
10 anyone on the front door when you left the house?
11 A. I bumped into someone standing there
12 with a monitor. I believe somebody had been posted

13 there.

14 Q. Okay. Not sure who it was though?

15 A. No, sir. I was wanting out of the
16 house.

17 Q. All right. You just wanted out of
18 house?

19 A. Yes, sir.

20 Q. Okay. Why?

21 A. I just wanted out of the house.

22 Q. Okay. Let me ask you: When you first

23 saw -- when you first saw the defendant over there by
24 that kitchen bar, did you see any vacuum cleaner in the
25 vicinity of where she was?

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1 A. No, sir.

2 Q. While you were inside the family room
3 itself, did you ever see a vacuum cleaner inside the
4 family room?

5 A. Not that I can recall, no, sir.

6 Q. What rooms exactly did you, yourself,
7 go into at 5801? You told us that you went into the
8 hallway and you went into the family room. What other
9 rooms besides the hallway and the family room did you go
10 into?

11 A. That's all.

12 Q. Both times that you went in?

13 A. Yes, sir.

14 Q. Did you ever move a vacuum cleaner
15 inside the residence?

16 A. No, sir.

17 Q. Ever touch a vacuum cleaner inside the
18 residence?

19 A. No, sir.

20 Q. Okay. When you went in there, were
21 you the only paramedic that treated Mrs. Routier inside
22 the house?

23 A. Yes, sir.

24 Q. Okay. Larry Byford assisted you on
25 the front porch; is that right?

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1 A. That's correct.

2 Q. So he's helping with Mrs. Routier; is
3 that right?

4 A. Yes, sir.

5 Q. Did Larry Byford ever go inside the
6 house?

7 A. Not to my knowledge. I really don't
8 know.

9 Q. Okay. Well, did he come to the front
10 porch with you?

11 A. Yes, sir.

12 Q. Did he go to the ambulance with you?

13 A. Yes, sir.

14 Q. Okay. Did he leave in the ambulance
15 with the defendant?

16 A. He did.

17 Q. Okay. To your knowledge, did any
18 other paramedics actually treat Mrs. Routier?

19 A. No, sir.

20 Q. Let me ask you: Do you have an
21 estimate, Paramedic Koschak, of the amount of time that
22 were you actually with the defendant out there at the
23 scene, and I'm including here the time that you spent
24 with her inside the house, the time that you spent with
25 her on the front porch, the time that you spent with her
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1 transporting her to the ambulance, and I'm including here
2 the time that you spent with her in the ambulance itself?

3 A. Seven to eight minutes.

4 Q. Okay. And during that period of time,
5 did you ever -- first of all, did you ever hear the
6 defendant in your presence ever mention the baby or the
7 infant that was found upstairs in the house?

8 A. No, sir.

9 Q. During the seven or eight minutes that
10 you were with the defendant, did you ever hear her ask
11 about the condition of her two sons, the two children
12 that you and Paramedic Kolbye were attempting to treat
13 there in the family room?

14 A. No, sir.

15 Q. Did you ever hear her make any comment
16 about the children other than the one of why would
17 someone do this to my babies?

18 A. That's correct. That's the only one.

19 Q. That's the only one?

20 A. Yes, sir.

21 Q. Okay. Let me take you back to the
22 ambulance for just a moment. The defendant is in the
23 ambulance. How would you describe her demeanor or her
24 behavior out there in the ambulance? Is she screaming?
25 Is she loud? What's she acting like in the ambulance?

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1 A. She's quiet. She didn't say another
2 word in the ambulance.

3 Q. Okay.

4 A. Not while I was in there.

5 Q. Okay. One other question about what
6 you did inside. While you were inside the house, did you
7 ever see a female civilian come into that room, and I'm
8 not talking about the defendant, but any other female
9 come into that family room?

10 A. No.

11 Q. Ever see anyone come into the home
12 identified as Karen Neal?

13 A. No, sir.

14 Q. Okay. And I'm including both the
15 first time that you're inside the house and the second
16 time, either time, did you ever see a person, Karen Neal,
17 or just an unidentified civilian female come inside that
18 family room?

19 A. No, sir.

20 Q. Finally, is this the first time that
21 you've ever testified in front of a jury?

22 A. Yes.

23 Q. You've been down here in Kerrville
24 since, what, Monday night?

25 A. Yes, sir.

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1 Q. Before we came down here to Kerrville,
2 did I have an opportunity to talk with you about your
3 testimony, about what you did out there that morning?

4 A. Yes, sir.

5 Q. As far as the first time we met, did
6 we meet out at Rowlett Police Department?

7 A. Yes, sir.

8 Q. Did you have occasion to come to the
9 Dallas County Courthouse and speak with me also?

10 A. Yes, sir.

11 Q. At one point did we go down to a
12 courtroom where other police officers and paramedics were
13 there to discuss what they knew about the case, too?

14 A. Yes, sir.

15 Q. Did you inform me at some point you
16 had never testified before?

17 A. I did.

18 Q. Did I ask you at some point to get on
19 a witness stand and basically tell me what you did, just
20 like you've told this Jury over here?

21 A. I did.

22 Q. And since you've been in Kerrville,

23 how many times have you and I met to discuss your
24 testimony or what you're going to be doing here in this
25 courtroom today?

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1 A. Once.

2 Q. Okay. Paramedic Koschak, let me ask
3 you if you prepared a couple of reports concerning this
4 incident out there that morning.

5 Let me just ask you to look at State's
6 Exhibits 20-E and 20-F and tell me whether or not those
7 are the reports that you prepared in this case.

8 A. Yes, sir, they are.

9 Q. Okay. One of them dealing with an
10 unknown patient, and the other one dealing with Darin
11 Routier?

12 A. That's correct.

13 Q. Okay. You didn't find any injuries on
14 Darin Routier, did you?

15 A. No, sir.

16 Q. In addition to State's Exhibit 20-E
17 and 20-F. Let me just ask you whether or not you wrote
18 some notes about what you did out there that morning.

19 A. Yes, sir.

20 Q. Okay. And I'm showing you the last
21 three pages here of this group. Are those the notes that
22 you made?

23 A. Those are my notes.

24 Q. Okay. If you would, again, just speak
25 up so the Court Reporter can hear you.

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1 A. Yes, those are my notes.

2 Q. Okay. Thank you, sir. Did someone
3 ask you to make those notes?

4 A. Yes, sir, the police department.

5 Q. Okay. In addition to that, did you
6 also give the police department an affidavit concerning
7 what you had done out there and what you saw that
8 morning?

9 A. I did.

10 Q. Let me ask you also, sir, if back when
11 we were in Dallas, did you come to the courthouse one day
12 so that an attorney representing Mrs. Routier could
13 question you about this case?

14 A. I did.

15 Q. And was that testimony given under
16 oath?

17 A. Yes, it was.

18 Q. Did he have an opportunity to
19 cross-examine you that day?

20 A. He did.

21 Q. All right. Let me ask you: Do you
22 recognize the attorney over here, Mr. Hagler, as being
23 the person who questioned you that day?

24 A. No, sir.

25 Q. Okay. How about Mr. Mosty next to
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1 him?

2 A. No, sir.

3 Q. Mr. Mulder?

4 A. No, sir.

5 Q. How about Mr. Glover back here?

6 A. No, sir.

7 Q. In the kind of greenish or tan suit?

8 A. No, sir.

9 Q. How about Preston Douglass here, in
10 the dark suit?

11 A. No, sir, I don't recognize any of
12 them.

13 Q. Okay. So it's none of the five
14 attorneys here?

15 A. No, sir.

16 Q. Do you recognize the name Douglas
17 Parks? Does that sound familiar to you?

18 A. Yes, sir.

19 Q. Okay. So he's actually the person
20 that questioned you that day; is that right?

21 A. Yes, sir.

22

23

24 (Whereupon, the following
25 mentioned item was
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1 marked for

2 identification only

3 after which time the

4 proceedings were

5 resumed on the record

6 in open court, as

7 follows:)

8

9

10 MR. GREG DAVIS: Okay. Your Honor,

11 at this time we'll tender to counsel State's Exhibits
12 20-E and 20-F, which are the reports, and State's Exhibit
13 20-H, which is the affidavit and notes prepared by this
14 witness.

15 Pass this witness for
16 cross-examination.

17 MR. DOUGLAS MULDER: Judge, if I could
18 have just a minute.

19 THE COURT: You may. All right.

20 MR. DOUGLAS MULDER: Judge, we have
21 got a number of pages here. Do you want to take a
22 recess?

23 THE COURT: Well, let's go -- do you
24 think -- would 10 minutes be enough?

25 MR. DOUGLAS MULDER: Plenty, yes.
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1 THE COURT: Okay. Plenty. We will
2 adjourn for 10 minutes. That will be our final break of
3 the day. We will continue on after that.

4

5 (Whereupon, a short
6 Recess was taken,
7 After which time,
8 The proceedings were
9 Resumed on the record,
10 In the presence and
11 Hearing of the defendant,
12 But outside the presence
13 Of the jury, as follows:)

14

15

16 THE COURT: Okay. All right. Sir,
17 you may retake the stand.

18 THE COURT: Is everybody ready?

19 MR. GREG DAVIS: Yes, sir, the State
20 is ready.

21 MR. DOUGLAS MULDER: Defense is ready.

22 THE COURT: All right. Bring the jury
23 in, please.

24

25 (Whereupon, the jury
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1 Was returned to the
2 Courtroom, and the
3 Proceedings were
4 Resumed on the record,

5 In open court, in the
6 Presence and hearing
7 Of the defendant,
8 As follows:)

9
10 THE COURT: All right. Let the
11 record -- will reflect that all parties in the trial are
12 present and the jury is seated.

13 Mr. Mulder.

14 MR. DOUGLAS MULDER: Yes.

15

16

17 CROSS EXAMINATION

18

19 BY MR. DOUGLAS MULDER:

20 Q. Mr. Koschak, just a thing or two, and

21 I'll be reasonably brief.

22 I notice in your notes you have a

23 diagram; is that right?

24 A. Yes, sir.

25 Q. Let me hand you a portion of what has
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1 been marked for identification record purposes as 20-E,
2 and I'll ask you if that is the diagram that you have
3 authored?

4 A. Yes, sir, it is.

5 Q. Okay. That's not an accurate diagram,
6 is it?

7 A. Well, it's definitely not to scale.

8 Q. Well, and I'm not faulting you for it,
9 but the furniture is out of place, isn't it?

10 A. Yeah.

11 Q. Huh?

12 A. Yes, sir.

13 Q. Okay. And, so, needless to say, you
14 did that, I assume, after the fact?

15 A. Yes, sir.

16 Q. You didn't do it while you were in
17 there, did you?

18 A. No, sir.

19 Q. Okay. And memory on what was going on
20 in there, there was a lot going on, wasn't it?

21 A. Yes, sir.

22 Q. Okay. And both the male and female
23 were both screaming and excited and distraught. I

24 believe you described her as distraught, did you not?

25 A. It was extremely loud.

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1 Q. Chaotic?

2 A. Yes, sir.

3 Q. Okay. You moved her to the -- after

4 you had attempted to give aid to the child, and were

5 unsuccessful in doing anything with him, it was apparent

6 he was dead, wasn't it?

7 A. Yes, sir.

8 Q. Okay. And that would have been

9 apparent to a layman, would it not?

10 A. I don't know.

11 Q. But it was apparent to you, wasn't it?

12 A. Yes, sir.

13 Q. I mean, you could tell by looking that

14 there was nothing you could do?

15 A. That's correct.

16 Q. Okay. And could you tell whether or

17 not someone had attempted some sort of emergency

18 procedure on him?

19 A. No, sir.

20 Q. You couldn't tell one way or the other

21 or you could tell?

22 A. I couldn't tell.

23 Q. You couldn't tell. You couldn't tell

24 whether -- whether there had been efforts to resuscitate

25 him?

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1 A. I wasn't looking.

2 Q. You then said that Mrs. Routier was

3 crouched or kneeling over in the corner; is that right?

4 A. Yes, sir.

5 Q. And you took her out of there and took

6 her to the front porch?

7 A. Yes, sir.

8 Q. All right. And it was there that you

9 examined this, I believe you said a large gash to her

10 neck?

11 A. Laceration, yes, sir.

12 Q. Laceration. About how long was the

13 laceration?

14 A. Three to four inches.

15 Q. Okay. You describe it in your report

16 as four to five inches?

17 A. It could have been. I don't recall.

18 Q. I mean, I'll be happy to show it to

19 you.

20 A. That's fine.

21 Q. Okay. You take my word that you say

22 four to five inches in your report?

23 A. It was around four inches, yes, sir.

24 Q. It was a substantial laceration, was

25 it not?

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1 A. In length, yes, sir.

2 Q. Okay. And don't you say that it was

3 right over the jugular vein?

4 A. In that area, yes, sir.

5 Q. Okay. Now, you bandaged her neck; is

6 that correct?

7 A. That's correct.

8 Q. And you did that there in the -- on

9 the porch?

10 A. That's correct.

11 Q. Was she seated there?

12 A. I believe she was crouched.

13 Q. Okay. And do you recall whether or

14 not a nurse who lived nearby came up at that time?

15 A. No, sir.

16 Q. You don't remember?

17 A. No, sir. No one came up to me at that

18 time.

19 Q. Okay. Was there -- when you walked

20 out -- I take it you led her out of the house?

21 A. I did.

22 Q. And the only other police officer in

23 there at that time was Waddell?

24 A. I don't recall.

25 Q. You don't know whether he left or not?

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1 A. I don't believe there was anybody

2 behind me.

3 Q. Okay. Just you and Mrs. Routier left?

4 A. That's correct.

5 Q. Her husband had already gone?

6 A. Yes, sir.

7 Q. Okay. You examined him later, didn't

8 you?

9 A. I did.

10 Q. And he had blood on his hands, didn't

11 he?

12 A. I don't recall. It was -- I don't

13 recall. It was very brief. He didn't want my services

14 so --

15 Q. Let me hand you what's been marked for
16 identification record purposes as State's Exhibit 20-E.

17 A. Yes, sir.

18 Q. Did he, as you recall now, did he have
19 blood on his hands and on his arms?

20 A. If I wrote it there, yes, sir.

21 Q. You just read it?

22 A. Yes, sir.

23 Q. So he did?

24 A. Yes, sir.

25 Q. Okay. At any rate, you led her from
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1 the house to the front porch; is that right?

2 A. I led her, yes, sir.

3 Q. Okay. And she crouched there while
4 you tended to her neck?

5 A. That's correct.

6 Q. Okay. You say in your report that she
7 had a two-inch laceration on her right arm. Do you
8 remember that?

9 A. Yes, sir, I remember the laceration.

10 Q. Okay. And did you bandage that at
11 that time too?

12 A. I can't recall if either I did or
13 Larry Byford did. I believe -- we both were working on
14 her.

15 Q. All right. Was there anyone else
16 around you at that time?

17 A. No, sir, not that I recall.

18 Q. Okay. No nurse from across the
19 street?

20 A. No, sir.

21 Q. Okay. And no one had come up behind
22 you when you and Ms. Routier exited the residence through
23 the front door?

24 A. No, sir.

25 Q. So it was just you and Mrs. Routier
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1 and Officer or Paramedic Byford?

2 A. That's correct.

3 Q. Okay. And once you had bandaged her
4 neck, and either you or Paramedic Byford had bandaged her
5 arm, do you also recall a one inch stab wound to her
6 chest?

7 A. Yes, later.

8 Q. All right. And I take it that y'all
9 attended to that as well?
10 A. We did.
11 Q. All right. Was she then moved by you
12 and Paramedic Byford to the ambulance?
13 A. Yes, sir.
14 Q. Okay. Just the two of you moved her?
15 A. No, I believe it was -- well, there
16 was three of us.
17 Q. Who else?
18 A. The man who brought the stretcher.
19 Q. Who was that?
20 A. That was EMT Higgins.
21 Q. Okay. And the three of you then moved
22 her to the ambulance?
23 A. Yes, sir.
24 Q. No one else around you at that time?
25 A. No, sir.
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1 Q. You are sure?
2 A. Yes, sir.
3 Q. Okay. And she was placed in the
4 ambulance; is that right?
5 A. Yes, sir.
6 Q. And subsequently taken to Baylor
7 Hospital? She left the area?
8 A. Yes, sir.
9 Q. You know that?
10 A. Yes, sir.
11 Q. And I take it you were there when she
12 left?
13 A. I was.
14 Q. Okay. I mean, just kind of putting it
15 together in my mind. I see y'all taking her out on the
16 stretcher, putting her in the ambulance and you hook up
17 the I.V. and away they go?
18 A. Yes, sir.
19 Q. Is that right?
20 A. That's correct.
21 Q. All right. You said that Paramedic
22 Byford was disrobing her?
23 A. That's correct.
24 Q. And how did he do that? Do you know?
25 A. Taking a pair of trauma shears and
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1 cutting her T-shirt.

2 Q. Okay. Can you tell the jury -- were
3 you there and did you see how he cut it?

4 A. Yes, sir.

5 Q. Okay. Can you tell them how he cut
6 the T-shirt?

7 A. Just by taking a pair of trauma
8 shears. We call them trauma shears, they are meant to
9 cut seat belts in car accidents, things of that nature,
10 and clothing articles so we can find any additional
11 injuries to the body -- expose and examine.

12 Q. I'm sorry, I can't hear you.

13 A. I'm sorry. Expose and examine is what
14 we call it.

15 Q. Let me stand over here.

16 At any rate, how was the T-shirt cut?

17 I mean, did you cut it right up the middle? Did you cut
18 it on the sides. Did you cut the arms?

19 A. He was doing it right in front of me,
20 but I was starting the I.V. so my attention was not fully
21 focused on it. I was aware that he was cutting it off.
22 But, I couldn't tell you which direction he was cutting
23 it.

24 Q. Do you know what was done with it once
25 it was cut off?

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1 A. No, sir, I do not.

2 Q. She would have been, as I take it,
3 lying on a gurney or a stretcher or something of that
4 nature?

5 A. Stretcher.

6 Q. Okay. So she would still be on the
7 back, and I guess you would take the front off?

8 A. Well, I don't know how he did it.

9 Q. Okay. Do you remember if the TV set
10 was on or not?

11 A. I don't recall.

12 Q. Do you remember if there was a TV set
13 in the family room?

14 A. No, sir, I was too busy to notice.

15 Q. Okay. When you assisted Mrs. Routier
16 to the front porch, was the towel still on her neck?

17 A. Yes, sir.

18 Q. You are sure about that?

19 A. Yes, sir. I removed it on the front
20 porch.

21 Q. What did you do with it?

22 A. I believe I laid it on the front

23 porch.

24 Q. Just left it there on the front porch?

25 A. Yes, sir.

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1 Q. You would not have tossed it back into
2 the residence, would you?

3 A. No, sir.

4 Q. And you wouldn't have sent it with
5 her?

6 A. No, sir.

7 Q. Okay. So your best recollection, the
8 towel that she had on her neck was left there on the
9 front porch?

10 A. Yes, sir.

11 Q. What does triage black mean?

12 A. Triage black.

13 Q. Triage black.

14 A. It's a triage is --

15 Q. Is that a procedure that you go
16 through?

17 A. Yes, sir.

18 Q. To determine whether or not someone
19 has life signs?

20 A. It means to sort.

21 Q. Okay. And that's what it's used for
22 is a procedure to determine whether or not someone is, in
23 fact, alive?

24 A. No, sir.

25 Q. What's it used for?

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1 A. To sort patients.

2 Q. Decide who is going to take which
3 patient?

4 A. No, sir. At the time I was the only
5 paramedic. My partner had already left the house. I had
6 two patients I triaged the child black, meaning
7 non-salvageable.

8 Q. Okay.

9 A. At that time.

10 Q. This cloth or towel that was around
11 her neck, can you describe that for us?

12 A. I don't recall.

13 Q. Okay.

14 A. I know it was a rag of some sort. I
15 really don't recall.

16 Q. Do you have any idea what color it

17 was?

18 A. No, sir.

19 Q. I take it it was bloody?

20 A. I would assume. I don't recall.

21 Q. You don't remember whether it was

22 white or whether it was a color?

23 A. No.

24 Q. Nothing at all?

25 A. No.

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1 Q. Like you said, it was chaotic, wasn't

2 it?

3 A. Yes, sir.

4 Q. And the purpose in moving Mrs. Routier

5 outside was to attempt to calm her down, was it not?

6 A. Her and myself.

7 Q. Okay.

8 A. I wanted a place where I could work

9 undisturbed.

10 Q. Okay. And let me hand you again

11 what's been marked for identification record purposes as

12 State's Exhibit No. 20. That is your handwriting, isn't

13 it?

14 A. Yes, sir.

15 Q. You see the part that's highlighted by

16 your right thumb?

17 A. Yes, sir.

18 Q. And --

19 A. That's correct.

20 Q. Is it fair to say that you moved her

21 outside in an effort to calm her down?

22 A. Yes, sir.

23 Q. Mr. Koschak, did you see a necklace

24 around her neck?

25 A. I did not.

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1 Q. Do you remember whether or not --

2 A. I don't recall seeing one, no, sir.

3

4 MR. DOUGLAS D. MULDER: Okay. I

5 believe that's all. Thank you.

6 MR. GREG DAVIS: Mark this exhibit,

7 please.

8

9

10 (Whereupon, the following

11 mentioned item was
12 marked for
13 identification only
14 after which time the
15 proceedings were
16 resumed on the record
17 in open court, as
18 follows:)

19
20
21
22
23
24

25 REDIRECT EXAMINATION

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1

2 BY MR. GREG DAVIS:

3 Q. Mr. Koschak, let me ask you to look at
4 State's Exhibit No. 24, a photograph. And tell me
5 whether or not that photograph truly and accurately
6 depicts the front porch of 5801 Eagle Drive as it
7 appeared on June 6th, 1996?

8 A. It does.

9 Q. Okay.

10

11 MR. GREG DAVIS: Okay. Your Honor, at
12 this time we'll offer State's Exhibit No. 24.

13 MR. DOUGLAS MULDER: We have no
14 objection.

15 THE COURT: State's Exhibit No. 24 is
16 admitted.

17

18 (Whereupon, the item
19 Heretofore mentioned
20 Was received in evidence
21 As State's Exhibit No. 24
22 For all purposes,
23 After which time, the
24 Proceedings were resumed
25 As follows:)

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1

2 BY MR. GREG DAVIS:

3 Q. And again, as we're looking at this
4 photograph, sir, do we see certain items on the front

5 porch?

6 A. Yes, sir.

7 Q. Okay. Is there a square piece of

8 material of some sort?

9 A. Yes, sir, a four-by-four package, yes,

10 sir.

11 Q. Okay. Is that one of the gauze

12 bandages that you would have been using?

13 A. That's correct.

14 Q. I'm holding my finger on it at this

15 time; is that right?

16 A. Yes, sir.

17 Q. Would this have been in the area where

18 you're treating Mrs. Routier?

19 A. That's correct.

20 Q. Do we see another item out here on the

21 front porch, Mr. Koschak?

22 A. Yes, sir.

23 Q. A white object?

24 A. Yes, sir.

25 Q. Covered in blood?

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1 A. Yes, sir.

2 Q. Is that something that you were using

3 to treat her with?

4 A. Yes, sir. That was around her neck.

5 That's what I removed.

6 Q. Okay. That's the towel or the rag

7 that you have been testifying about?

8 A. Yes, sir.

9 Q. Okay. I am now holding my finger on

10 that one. Correct?

11 A. Yes.

12 Q. Again, is that an area where you were

13 treating Mrs. Routier?

14 A. It was.

15 Q. Okay. And again, as you indicated to

16 Mr. Mulder, you simply left those items out on the front

17 porch; is that right?

18 A. I did.

19 Q. Okay. One other question, sir. Let

20 me ask you whether or not as you came into the room for

21 the first time, your partner is already there, you're

22 coming into the room. Would you tell us whether or not

23 you remember the defendant making any statements at that

24 time, sir?

25 A. Yes. She said who could have done

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1 this to my babies. And somebody had asked her a
2 question, and she was replying about the description of
3 who she thought did it, I believe.

4 Q. Okay. Let me just show you a portion
5 of State's Exhibit 20-H, your report, and ask you just to
6 look at the last paragraph. Again, this is a report or
7 affidavit that you prepared on what date?

8 A. It was the 6th.

9 Q. June 6th?

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

11 Q. If you would, just read that.

12 A. Yes, sir.

13 Q. Okay.

14 A. He broke --

15 Q. Does that refresh your memory?

16 A. Yes, sir, it does.

17 Q. Okay. Let me just ask you again

18 whether you recall her making a statement, and what
19 statement that was.

20 A. "Who could have done this?" And he --

21 something about broke out a window with a baseball bat,
22 or had a black baseball cap on.

23 Q. All right. It reads, "He broke out a
24 window and had a baseball cap on"?

25 A. Yes, sir.

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1 Q. Broke out a window and had a baseball
2 cap?

3 A. That's correct.

4 Q. Who did this.

5 A. Yes, sir.

6 Q. And she's saying this as you're coming
7 into the room?

8 A. As I'm coming into the room.

9 Q. She's standing over there with Officer
10 Waddell?

11 A. That's correct.

12 Q. All right.

13

14 MR. GREG DAVIS: I'll pass the
15 witness.

16

17

18 RECROSS EXAMINATION

19

20 BY MR. DOUGLAS MULDER:

21 Q. You say now -- well, Officer Koschak,
22 you've been through this four times with the prosecutor,
23 haven't you?

24 A. Correct.

25 Q. And if I can count, this is the third
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1 time you've been on the witness stand and the second time
2 under oath; is that right?

3 A. Yes, sir.

4 Q. Okay. So you guys have talked about
5 this. You talked about it in Dallas. You talked about
6 it down here. It's not real complicated, is it?

7 A. It was the talking to before was more
8 trying to get me use to the courtroom experience.

9 Q. Oh, you're just bashful?

10 A. No, sir.

11 Q. Right?

12 A. No.

13 Q But now you're telling us that as
14 you -- now you recall that as you walked in, she said,
15 "He broke out a window with a baseball bat"?

16 A. I have it on my report there. I can't
17 recall exactly from memory. What she said, it's on my
18 report.

19 Q. And you don't remember whether the TV
20 set was on?

21 A. No, sir.

22 Q. You don't remember whether there were
23 towels or washcloths around?

24 A. No, sir.

25 Q. Okay. You're not -- you told us that
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1 there wasn't a washcloth on the youngster that you
2 attended to; is that right?

3 A. I didn't say one way or the other.

4 Q. You didn't say one way or the other?

5 A. No, sir.

6 Q. And you're still not saying one way or
7 the other?

8 A. No, sir. I don't believe there was
9 anything on there. I don't recall that.

10 Q. Do you recall if there was one to the
11 side, on either side of him?

12 A. I don't recall.

13 Q. So you're not saying there wasn't, and

14 you're not saying that somebody didn't make an effort to
15 resuscitate that child, are you?

16 A. I didn't say that. I couldn't tell

17 that.

18

19 MR. DOUGLAS MULDER: I believe that's

20 all. Thank you.

21 MR. GREG DAVIS: No further questions.

22 THE COURT: You may step down, sir.

23 MR. RICHARD C. MOSTY: May we have

24 just a second, please?

25 THE COURT: Oh, yes.

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1 MR. DOUGLAS MULDER: That's all,

2 thanks.

3 THE COURT: Thank you. You may step

4 down.