

Testimony of Okie Williams

DIRECT EXAMINATION

2

3 BY MS. SHERRI WALLACE:

4 Q. Tell us your name, please.

5 A. My name is Okie Williams.

6 Q. How do you spell your first name?

7 A. O-k-i-e.

8 Q. Are you married?

9 A. Yes.

10 Q. Do you have any kids?

11 A. I have two children.

12 Q. Where do you work, Mrs. Williams?

13 A. I work at Bank One in Rowlett.

14 Q. How long have you worked at the Bank

15 One in Rowlett?

16 A. About seven and a half years.

17 Q. Okay. What job do you have now?

18 A. I work as a personal banker.

19 Q. Okay. Before --

20

21 THE COURT: Can everybody hear this

22 witness? All right.

23 MS. SHERRI WALLACE: Ms. Williams,

24 have you ever testified before?

25 THE WITNESS: No.

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1 BY MS. SHERRI WALLACE:

2 Q. Before you started working as a

3 personal banker in Rowlett at Bank One, what did you do

4 there at the bank?

5 A. I worked as a teller about five and a

6 half years and as a customer service rep about a year.

7 Q. When were you promoted to personal

8 banker?

9 A. January 1st of 1996.

10 Q. Let me ask you, Mrs. Williams, did you

11 have a customer who you knew to be Darin Routier?

12 A. Yes.

13 Q. Okay. How did you know him?

14 A. As a customer.

15 Q. Just know him there through the bank?

16 A. Yes.

17 Q. How long have you known Mr. Routier?

18 A. Quite a while. I remember when I

19 worked as a teller, I knew him.

20

21 MS. SHERRI WALLACE: May I approach
22 the witness, your Honor?
23 THE COURT: You may.
24
25
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1 BY MS. SHERRI WALLACE:
2 Q. Mrs. Williams, let me show you what
3 has been admitted into evidence as State's Exhibit 54.
4 Do you recognize that?
5 A. Yes.
6 Q. Who is that a picture of?
7 A. Darin Routier.
8 Q. Okay. On -- directing your attention
9 back to June 1st of 1996. Were you working at Bank One
10 in Rowlett then?
11 A. Yes.
12 Q. Do you remember what day of the week
13 that was, June the 1st?
14 A. I believe that was Saturday.
15 Q. I'm sorry?
16 A. Saturday.
17 Q. Okay. Are you-all open on Saturday
18 there at the bank?
19 A. Yes, from 9 to 1.
20 Q. Okay. Did Mr. Routier come in the
21 bank that day?
22 A. No.
23 Q. Okay. Did you talk to him about a
24 loan application on that day?
25 A. Yes.
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1 Q. Okay. Where did you do that?
2 A. Pardon?
3 Q. Where did you-all discuss the loan
4 application on this, of June the 1st?
5 A. Bank One in Rowlett.
6 Q. Okay.
7
8 MR. JOHN HAGLER: Your Honor.
9 THE COURT: You are going to have to
10 speak up, ma'am. People cannot hear you.
11 MR. DOUGLAS MULDER: Judge, apparently
12 this is a loan or some sort of commercial transaction
13 between the husband and this bank?
14 THE COURT: Are we going to get

15 relevant on this? What are we doing?

16 MS. SHERRI WALLACE: Yes, your Honor.

17 Since this is a community property state, then this will

18 go to show the defendant's state of mind just days before

19 the offense.

20 MR. DOUGLAS MULDER: Judge, that is

21 kind of stretching things just a little bit. They are

22 going to go into some, I take it, some transaction that

23 the husband was attempting with this bank; is that right?

24 MS. SHERRI WALLACE: Judge, the

25 records will also show --

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1 THE COURT: Just a minute. All right.

2 Just a minute. Can the jury step outside, please?

3 THE COURT: All right.

4

5 (Whereupon, the jury

6 Was excused from the

7 Courtroom, and the

8 Proceedings were held

9 In the presence of the

10 Defendant, with his

11 Attorney, but outside

12 The presence of jury

13 As follows:)

14

15 THE COURT: Let the record reflect

16 that these proceedings are being held outside the

17 presence of the jury. All parties at trial are present.

18 Now, let's get right to the point.

19 MS. SHERRI WALLACE: Your Honor, the

20 defense counsel saw a copy of this loan at the same time

21 they were given State's Exhibit 50.

22 THE COURT: All right.

23 MS. SHERRI WALLACE: This loan is a

24 loan for a vacation that the husband of the defendant

25 attempted to get days before the offense and was turned

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1 down.

2 MR. DOUGLAS MULDER: Well, big deal.

3 THE COURT: All right. Thank you.

4 Then that is what the testimony is going to be?

5 MS. SHERRI WALLACE: It will.

6 THE COURT: All right. Any questions?

7 MR. DOUGLAS MULDER: Well, any

8 questions of her?

9 THE COURT: Yes, I mean, any
10 objections to make?

11 MR. JOHN HAGLER: Yes, your Honor, our
12 objection, your Honor, is that it's not relevant under
13 Rule 401 and it would be confusing and misleading to the
14 jury. Furthermore, it applies to the defendant's husband
15 and not herself.

16 THE COURT: All right. Overruled. I
17 will let the testimony in. You can have a running
18 objection to it.

19 MR. JOHN HAGLER: Okay. Including a
20 403 ruling, too, your Honor?

21 THE COURT: Yes. I think the
22 probative value outweighs any prejudicial effect. And I
23 want you to stay on that point, Ms. Wallace.

24 MS. SHERRI WALLACE: I intend to, your
25 Honor.

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1 MR. DOUGLAS MULDER: Judge, this was
2 so quick, I may have missed the probative value. Could
3 you tell me what the probative value is?

4 THE COURT: I think it's going to be
5 more probative value than it is going to be prejudicial
6 to your client. You are going to have a running
7 objection to this testimony.

8 MR. DOUGLAS MULDER: Well, I still
9 didn't understand what the probative value was.

10 THE COURT: Well, the probative value
11 was stated by Ms. Wallace out there. So we are going to
12 go forward right now.

13 You can have a running objection.

14 Let's bring the jury back in.

15

16 (Whereupon, the jury

17 Was returned to the

18 Courtroom, and the

19 Proceedings were

20 Resumed on the record,

21 In open court, in the

22 Presence and hearing

23 Of the defendant,

24 As follows:).

25

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1 THE COURT: All right. Let the record

2 reflect that all parties in the trial are present and the

3 jury is seated. Continue.

4

5 BY MS. SHERRI WALLACE:

6 Q. Let's see, Miss Williams, where were
7 we?

8 On June the 1st, I think you said it
9 was a Saturday and your bank is open that day. Did Darin
10 Routier come to the bank to fill out a loan application
11 on Saturday, June the 1st of 1996?

12 A. Yes.

13 Q. Okay. Who did he speak with?

14 A. Myself.

15 Q. Okay. Did you fill out the loan
16 application?

17 A. I wrote it down as he was giving me
18 the information.

19 Q. Tell the members, if you would --
20 members of the jury, if you would, if I came in, or if
21 Mr. Routier came in and got a loan application, what
22 happens then?

23 A. We fax it to our data entry and they
24 will input all of the information in the system. And
25 then, our -- one of our underwriters will determine
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1 whether they are going to approve the loan or not.

2 Q. So do you make the decision about the
3 loan right there at the bank, or does someone else do it?

4 A. Someone else. Um-hum. (Witness
5 nodding head affirmatively). Our central underwriting
6 does it.

7 Q. Okay. So after you prepared the
8 application with Mr. Routier, in this case, what did you
9 do?

10 A. The loan was turned down. So, I left
11 a message for him to give me a call. And, I think I
12 called him -- I don't know when, exactly. But Monday I
13 talked to him and we tried to resubmit with collateral.

14 Q. And, did you try -- you did resubmit
15 the loan there on Monday?

16 A. Yeah.

17 Q. To go back to the central underwriter
18 people?

19 A. Yes, the same underwriters.

20 Q. What happened on Monday the 3rd?

21 A. We couldn't use the -- we couldn't --
22 they denied the loan, because --

23 Q. I'm sorry. They did or did not deny
24 the loan?

25 A. They denied the loan.
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1 Q. Okay. And that was on Monday the 3rd
2 for the second time?

3 A. Yes.

4 Q. What was the amount of that loan?

5 A. It was \$5,000 even.

6

7 MS. SHERRI WALLACE: May I approach
8 the witness?

9 THE COURT: You may.

10

11 (Whereupon, the following

12 mentioned item was

13 marked for

14 identification only

15 after which time the

16 proceedings were

17 resumed on the record

18 in open court, as

19 follows:)

20

21 BY MS. SHERRI WALLACE:

22 Q. Miss Williams, let me show you what's

23 been marked for identification as State's Exhibit No. 51.

24 And ask you if you recognize that?

25 A. Yes.

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1 Q. What is it?

2 A. It's a loan application along with the
3 worksheet, whether it's been approved or not.

4 Q. Are these, is State's Exhibit 51 the
5 record for Darin Routier's loan, or attempted loan in
6 June of '96?

7 A. Yes.

8 Q. Okay. And, do you -- you, as an
9 employee of the bank, are these records kept in the
10 normal course of business?

11 A. Yes.

12 Q. Okay. Are they kept on a day-to-day,
13 week-to-week, and month-to-month basis?

14 A. Yes.

15 Q. Okay. And, do you have care, custody
16 and control of these documents?

17 A. Yes.

18

19 MS. WALLACE: We will offer State's
20 Exhibit No. 51 into evidence, and tender a copy to the
21 defense counsel, they have one but here is the original.
22 MR. MULDER: We just have a copy of
23 it. It's not real clear.
24 MR. RICHARD C. MOSTY: I understand,
25 the Court has already ruled on this?
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1 THE COURT: Yes, we already have.
2 Thank you.
3 MR. DOUGLAS MULDER: Judge, we have
4 already voiced our objection.
5 THE COURT: All right. Thank you.
6 State's Exhibit No. 51 is admitted.

7
8 (Whereupon, the item
9 Heretofore mentioned
10 Was received in evidence
11 As State's Exhibit No. 51
12 For all purposes,
13 After which time, the
14 Proceedings were resumed
15 As follows:)

16
17 BY MS. SHERRI WALLACE:
18 Q. Miss Williams, using this document to
19 refresh your recollection, you can take it. What's the
20 reason for the \$5,000 loan?
21 A. When he first came in, he mentioned
22 that --
23
24 MR. JOHN HAGLER: Excuse me. I would
25 object to any hearsay statements by Darin Routier.
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1 THE COURT: All right. Let's rephrase
2 the question. Let's phrase our questions properly,
3 please.

4
5 BY MS. SHERRI WALLACE:
6 Q. You can't get into what he said. Just
7 what did you put down as the reason for the \$5,000 loan
8 on the application?
9 A. Vacation.
10 Q. Okay. And, do you remember about what
11 time he came in, Miss Williams, that day?
12 A. It was before noon.

13 Q. Okay.

14 A. Yeah. Before noon.

15 Q. Okay. On the second sheet of State's

16 Exhibit No. 1 (sic), do you have indicated on there what

17 time that loan was turned down that day?

18 A. It looks like about 11:47, but I'm not

19 quite certain exactly what time.

20 Q. Did Mr. Routier wait in the bank to

21 see if he got the loan or not?

22 A. No. He left after he signed the loan

23 application.

24 Q. Did you speak to him that day, that

25 Saturday?

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1 A. No.

2 Q. What did you do after you received

3 that fax that he was turned down?

4 A. I'm not quite certain if I left a

5 message on Saturday or Monday. I'm not quite certain

6 about that.

7 Q. But did you talk to him on Monday?

8 A. Yes.

9 Q. Okay. What did you tell him at that

10 point?

11 A. I told him I was sorry but the loan

12 was turned down.

13 Q. Miss Williams, you cannot get into

14 what he said, but what was his tone with you?

15

16 MR. RICHARD C. MOSTY: That is

17 speculation, your Honor.

18 THE COURT: I'll sustain the

19 objection.

20 THE WITNESS: His voice.

21 THE COURT: Just a minute, ma'am. The

22 way we do it down here, when I sustain an objection, you

23 have to wait for the next question.

24 THE WITNESS: Oh, I'm sorry.

25 THE COURT: Don't worry about a thing.

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1 Now, they will ask you another question, and then they

2 are going to ask you some questions.

3 THE WITNESS: Okay.

4 THE COURT: All right. Go ahead.

5

6 BY MS. SHERRI WALLACE:

7 Q. Miss Williams, was he happy about
8 being turned down?

9

10 MR. RICHARD C. MOSTY: Speculation.

11 THE COURT: I'll sustain the

12 objection.

13 MS. SHERRI WALLACE: Your Honor, she

14 talked --

15 MR. RICHARD C. MOSTY: Your Honor, are

16 we going to argue this out in front of the Court?

17 THE COURT: We're not going to argue

18 it. We are just going to -- just ask the next question.

19

20 BY MS. SHERRI WALLACE:

21 Q. Miss Williams, did you tell him the

22 reason he was turned down?

23 A. Yes.

24 Q. Okay. And, were those -- is that

25 contained on State's Exhibit No. 51?

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1 A. Yes.

2 Q. Okay.

3

4 (Whereupon, the following

5 mentioned item was

6 marked for

7 identification only

8 after which time the

9 proceedings were

10 resumed on the record

11 in open court, as

12 follows:)

13

14 BY MS. SHERRI WALLACE:

15 Q. Let me show you what's been marked for

16 identification as State's Exhibit No. 51-A. Is this a

17 code from your bank of those reasons?

18 A. Yes.

19 Q. Okay. If you could look at State's

20 Exhibit 51-A to refresh your recollection. Tell the

21 members of the jury the reason Mr. Routier was turned

22 down for his loan.

23

24 MR. RICHARD C. MOSTY: Your Honor,

25 before we start referring to documents, we need to see

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1 the document.

2 THE COURT: All right. If you could
3 show that to the defense, please.

4 MS. SHERRI WALLACE: Yes, sir.

5 MR. RICHARD C. MOSTY: Thank you.

6 MS. SHERRI WALLACE: May I proceed,
7 your Honor?

8 THE COURT: You may.

9

10 BY MS. SHERRI WALLACE:

11 Q. Miss Williams, referring to 51-A,

12 could you tell the jury why Mr. Routier was turned down
13 for this \$5,000 loan?

14 A. All four of them?

15 Q. Please.

16 A. Okay. Excessive obligation in

17 relation to income; an excessive amount owed on revolving
18 accounts; and too many new accounts; and delinquent, past
19 or present credit obligations with others.

20 Q. Miss Routier (sic), after you gave him

21 that information -- excuse me.

22 Miss Williams, after you gave Mr.

23 Routier that information, you said that he wanted to try

24 additional collateral and resubmit the loan; is that

25 correct?

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1 A. Yes.

2 Q. From his request, did you resubmit the
3 loan with the underwriters?

4 A. Yes.

5 Q. And, what happened that time?

6 A. It was turned down and they -- oh.

7 Q. What were you going to say, Miss

8 Williams?

9 A. The only way that they will approve

10 the loan was if it was CD secured.

11 Q. Okay. And he didn't have that CD or

12 money available? Or he didn't offer that to you, did he?

13 A. No.

14 Q. Okay. When did you give him this

15 information about it being turned down for the second
16 time?

17 A. I'm not quite certain, but it could

18 have been Monday or Tuesday.

19 Q. Tuesday being June the 4th of 1996?

20 A. Yes. Um-hum. (Witness nodding head

21 affirmatively).

22 Q. Okay.

23

24 MS. SHERRI WALLACE: We will pass the

25 witness.

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1 THE COURT: Mr. Mulder.

2

3 CROSS EXAMINATION

4

5 BY MR. DOUGLAS MULDER:

6 Q. Miss Williams, you have some code up

7 there or something?

8 A. Yes, sir.

9 Q. Okay. That you are referring to?

10 A. Yes.

11 Q. And this is a -- I guess you can just

12 put the number on someone's loan application so you don't

13 have to put out the whole reason. Is that the way it

14 works?

15 A. The underwriters will put the code in,

16 to let us know why they are denying the loan.

17 Q. Okay. When you say "underwriters"

18 this isn't a Texas -- Bank One is -- in fact, none of the

19 banks up in Dallas are Texas owned, are they?

20 A. Pardon?

21 Q. North Carolina and we've got, I think

22 Bank One is up in Ohio, isn't it? Folks up in Ohio own

23 Bank One?

24 A. Yes, sir.

25 Q. Okay. And this looks to me like this

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1 is a codified deal where you have got 40 reasons that you

2 turn down loans, but you are able to -- is this it? Am I

3 reading that right?

4 A. Yes, sir.

5 Q. Insufficient real estate equity,

6 customer withdrew application, excessive credit bureau

7 inquiries, but they are listed, all the reasons that you

8 turn down loans are listed from 1 to 40, are they not?

9 A. Yes, sir.

10 Q. Okay. And, I guess, you-all finally

11 decided that if you wanted to loan him \$5,000 for a

12 vacation, he would have to put up a certificate of

13 deposit; is that right?

14 A. No, sir, not necessarily. If they

15 have a good credit history. I do not approve the loan,

16 but normally if they have a good credit history, they
17 will determine whether they are going to approve the loan
18 or not.

19 We don't have control over that.

20 Q. Well, I know you obviously recommended
21 it, or you wouldn't have sent it on; is that right?

22 A. I don't recommend anything.

23 Q. Okay.

24 A. If the customer comes in, we cannot
25 deny any customers. If that is what they want to do, we
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1 have to do it.

2 Q. If they fill out an application, you
3 have got to send it on?

4 A. Exactly.

5 Q. Okay. And you send it up to the
6 people up in Ohio?

7 A. No, sir.

8 Q. Okay.

9 A. They have a centralized location in
10 the Dallas area. I don't know exactly where.

11 Q. Okay.

12 A. But we fax it to the certain fax
13 number, which is data entry.

14 Q. So you don't where the people are that
15 are making the comments?

16 A. In Dallas.

17 Q. All right. Okay. You fax it over to
18 them, the application?

19 A. Yes, sir.

20 Q. And they fax you back an answer?

21 A. No, they don't. They input the
22 information as it is written on the loan application, and
23 then one of our central underwriters, they will review
24 them. And then they will let us know whether it's been
25 approved or not, and they will fax us the worksheet.

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1 Q. Okay. So they faxed you back a
2 worksheet and showed you that this was not -- had not
3 been approved?

4 A. Denied.

5 Q. Denied? Okay. And suggested that if
6 he wanted a loan, he would have to put up some CD's.

7 Isn't that what it says?

8 A. No. Normally, we tell the customer
9 that it's denied. At that time, they will try to get a

10 loan using their collateral as a -- I mean, using their
11 vehicle or whatever as a collateral. But, in this case,
12 they denied the loan.

13 Q. Okay. On the copy I have got, it
14 says: "Attention: Okie. Customer does not qualify for
15 loan at Bank One unless it is CD secured."

16 A. That is the second time. When I
17 resubmitted it at that time, that same underwriter said,
18 "Okie, this is the only way we can approve the loan."

19 Q. He would have to put up a \$5,000 CD,
20 and in effect, borrow his own money back from you-all.
21 Is that the way it works?

22 A. Well, that depends on his credit
23 history, yes.

24 Q. Okay. But in this case, what you
25 wanted him to do was put up a \$5,000 CD, and then borrow
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1 that money back from you-all?

2 A. Yeah.

3 Q. Okay. That is -- what -- if he did
4 that, what would you charge him? Probably 5 or 6 percent
5 interest?

6

7 MS. SHERRI WALLACE: I will object to
8 relevance.

9 THE COURT: Overruled.

10

11 BY MR. DOUGLAS MULDER:

12 Q. What would you charge him on a little
13 old --

14 A. If it's a \$5,000 it would be 10
15 percent, at the time it was 10 percent -- I'm not quite
16 sure, but I think it was 10 percent.

17 Q. What does that mean? (Pointing to
18 exhibit).

19 A. Oh, that doesn't mean a thing.

20 Q. 16 percent doesn't mean anything?

21 A. No, sir. This is a denied loan, so
22 always there is 16 percent, but when the loan is
23 approved, using \$5,000 CD as a collateral, then the loan
24 rate will be changed to 10 percent at that time, if I am
25 not mistaken.

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1 Q. Okay. So if he -- what you were
2 telling -- what the folks from Ohio, what their policy

3 is --

4 A. Not Ohio.

5 Q. Well, that's where it's owned, isn't
6 it?

7 A. I understand that, but I'm dealing
8 with Dallas, so --

9 Q. I understand.

10 A. So, we'll leave them out.

11 Q. But, they answer to the folks up in
12 Ohio, don't they?

13 A. In my understanding, I think, directly
14 in the Dallas area.

15 Q. All right. But at any rate, the
16 chairman of the board, or whoever is running Bank One,
17 his policy was, that in this case, if he wanted to borrow
18 five thousand, he could bring in a \$5,000 certificate of
19 deposit, and the bank would loan him that five thousand,
20 and they would reduce the rate from 16 percent down to 10
21 percent; is that right?

22 A. Because it's secured.

23 Q. Well, yes.

24 A. If it's unsecured, the rate will be a
25 little bit higher. That is just common sense.

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1 Q. Well, no, I understand that. So that
2 is kind of a can't lose. That's the kind of a deal that
3 we all like, isn't it? Except the guy who is borrowing
4 it.

5 A. If they have a past credit history,
6 there is no reason to put up a CD as a collateral.

7 Q. Okay. Thank you.

8 A. But if it's necessary then, they want
9 some kind of collateral.

10 Q. What were you paying on your CDs, just
11 out of curiosity, back then, was it less than 3 percent?
12

13 MS. SHERRI WALLACE: I'll object to
14 relevance.

15 THE COURT: Overruled. If she knows,
16 I'll let her answer.

17 THE WITNESS: Well, at the time, it
18 depends on the terms. It depends on the terms. It's
19 different.
20

21 BY MR. DOUGLAS MULDER:
22 Q. Okay.

23 A. So I don't know what kind of term that
24 you want to know.

25 Q. Say a 12 month CD.
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1 A. One year CD? Okay. About, I'm not
2 quite certain, but I'm just guessing, about 4.500, 4.7.
3 If it was a promotion, it would have been higher, about 5
4 percent.

5 Q. Okay. So you-all make 5 percent on a
6 deal like that without any risks, right?

7 A. I don't make any.

8 Q. No, I understand.

9 MR. DOUGLAS MULDER: That's all we
10 have got. Thank you.

11 THE COURT: All right. Any further
12 questions?

13 MR. DOUGLAS MULDER: One last thing.
14

15 BY MR. DOUGLAS MULDER:

16 Q. You never talked to Darlie, did you?

17 A. Well --

18 Q. About this particular transaction?

19 A. No, sir.

20 Q. You don't even know that she knew
21 anything about it, do you?

22 A. I only saw Darin and I have not seen
23 Darlie at that time.

24 Q. Okay.

25

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1 MR. DOUGLAS MULDER: Thanks. That's
2 all.

3 MS. SHERRI WALLACE: Nothing further.

4 THE COURT: All right. Ma'am, you are
5 under what is called the Rule of Evidence. What that
6 means is, when you are not testifying, you have to stay
7 outside of the courtroom. Don't talk about your
8 testimony with anybody who has testified. In other
9 words, don't compare it.

10 You may talk to the attorneys for
11 either side. If someone tries to talk to you about your
12 testimony, tell the attorney for the side who called you.

13 You will be free to return to Dallas
14 now, and subject to recall. Thank you for coming.

15 THE WITNESS: Thank you.

16 THE COURT: You bet. Now, watch your
17 step getting down there. There is a big step down.

18 Thank you.

19 Your next witness.