

Closing Arguments in Punishment

Defense – Curtis Glover

THE COURT: Thank you, Mr. Mulder.

17 Mr. Glover.

18 MR. CURTIS GLOVER: May it please the
19 Court?

20 THE COURT: Yes, sir.

21 MR. CURTIS GLOVER: Judge, would you
22 give me a fifteen minute warning?

23 THE COURT: Yes, sir.

24 **MR. CURTIS GLOVER:** Ladies and
25 gentlemen of the jury, my thanks to you once again, and I
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1 am going to talk with you very briefly.

2 You know, there is a common thread

3 that runs through all humanity, and that common thread

4 that we have is that we are all fallible. And, you know,

5 I have noted throughout my life that we don't use the

6 term fallible. Doug just used it and he said infallible.

7 We like the word infallible. And if

8 we want to go contrary to infallible, we don't say

9 fallible, we say not infallible. You say, what is he

10 talking about?

11 Well, we are all fallible, you will

12 agree to that. Anybody with an ounce of common sense

13 buys into that. But, you know, in connection with that

14 fallibility, we demand infallibility of certain persons

15 in our society. We demand that they be infallible,

16 though we know in common sense they really are not.

17 We look at the president of our

18 country, and we say we want him to be infallible. We

19 want our Secretary of State to be infallible because he

20 represents us overseas. We want our governor to be

21 infallible, because he is in charge of our money. We

22 want our local folks to be infallible because we look to

23 them for leadership. We look to all of our elected

24 officials. We look to our appointed police officers. We

25 say: "We want you to be infallible." And there's a

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1 presumption of infallibility that goes along with them,

2 simply because we want them to be infallible.

3 We want our District Attorney to be

4 infallible. We want our elected district attorney to be

5 infallible. We want his deputies to be infallible. And

6 along with that want and that need, we presume that they
7 are infallible.

8 Now, how does that jade one's
9 thinking? The fact that we engage and buy into that bit
10 of human behavior? And I am as guilty as you of that.
11 But how does it affect our thinking?
12 How might it have affected your thinking in this case?
13 You know, we told you at the onset of
14 this case that all persons charged with a crime are
15 presumed to be innocent. And we ask you to indulge in
16 that, and we ask every jury to indulge in that.
17 But we as lawyers, we all know that is
18 not indeed the case. We go in down, because they have
19 this presumption of infallibility, and you buy into their
20 position easier, than you might buy into a defendant's
21 position.
22 Let's look and see whether or not
23 perhaps that might have occurred in this case, to some
24 degree. It occurs in every case, because of that
25 presumed infallibility and your need to rely on them.
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1 Now, in examining and trying to get
2 into your minds as to what your deliberations concerned,
3 I think that the most important evidence in this case was
4 not that 911 call, nor was it that birthday party at the
5 grave site, but that was the most emotional thing in this
6 case that you heard.
7 The rest of the evidence that you
8 heard in case was extremely -- an attempt at being
9 scientific, or some bureaucrat coming down from
10 Washington and attempting to give you his leadership.
11 And I think that the scientific, or so-called scientific
12 evidence in this case, the time line, irrefutable time
13 line was confusing. And you said: "Well, let's dismiss
14 that. Let's rely on their infallibility and buy into
15 their position."
16 Perhaps the evidence of the blood.
17 The evidence of the ambience. All extremely confusing.
18 You said, let's dismiss that. Let's go to the emotional
19 aspects of this case and adopt that which they have asked
20 us to do.
21 Folks, when the conclusion was made in
22 this case, and this has been said to you a dozen times,
23 and I have got to say it again, when the conclusion was
24 made in this case, twenty minutes after it was
25 investigated, the die was cast, and it could not be
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1 turned around.
2 They went out and sought every way
3 that they possibly could, to find anything that would
4 indicate that her attitude was improper, or that her
5 behavior was improper. They said she didn't grieve
6 properly. She was too stoic.
7 Did you see her mother on that witness
8 stand? That lady is stoic. We have those traits among
9 us. We get them from our parents. Perhaps she is a
10 stoic person, you will never know, because you don't know
11 Darlie Routier.
12 All you know is her friends who have
13 told you that she is a sincere and loving and good
14 person. Nobody has said that she is not.
15 Yet again, you had to buy into this
16 infallibility that they enjoy and this position that they
17 have. And you say, "We have got to solve this matter."
18 And we told you when you were on the
19 selection as jurors, and I think each of you were told
20 that it is not your position here to solve this crime.
21 Though you indeed have. That was not your position.
22 It was whether or not they had proven
23 this case beyond a reasonable doubt.
24 And I think, and I don't know, I
25 simply have to conjecture about this, but I think you sat
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1 and you looked at the Silly String business, you looked
2 at the birthday party, and you said that is inappropriate
3 behavior. She must be guilty. We deduce she is guilty,
4 because they have not brought us any other possibility
5 other than her guilt, because she was there.
6 We look at the 911 tape. And we don't
7 like some of the things that we hear. Because they are
8 infallible and they pointed it out to us, and you will
9 buy into it, because of its infallibility.
10 You know, folks, in every crime, I
11 don't care whether it's a theft, or a simple burglary, or
12 something simple on the street. Somebody needs to be
13 vindicated. The law doesn't say that it is the purpose
14 of your sentencing someone, that you are to vindicate
15 someone, but we feel that in our minds.
16 The victim of a theft wants to be
17 vindicated. He wants to know that the perpetrator of the
18 crime against him has been punished. Therefore, he has
19 been vindicated. The victim of the burglary wants to
20 know that the person that burglarized his house, or his
21 car has been punished. Thus he has been vindicated.
22 It's an important part of our system and the way we feel

23 about law and order.
24 Folks, there is nobody in this case to
25 be vindicated by what you do here. Quite the contrary.
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1 These people have taken the witness stand. The people
2 that know her best. The man that was there that night
3 with her, her husband, who was in a better position to
4 judge this than anybody on God's green earth, and he says
5 she is innocent.
6 There is nobody to be vindicated in
7 this case. It's just like Doug said, in all matters like
8 this, in every death penalty case he has ever seen, there
9 was always somebody to be vindicated. Somebody to come
10 into the courtroom, and say, "This was an evil person,
11 now punish them." Nobody could do that in this case.
12 There is nobody to be vindicated.
13 There are only a large group of people, friends those the
14 closest, the family, to be further wounded by destroying
15 this woman. Don't do it. Do not do that. Don't further
16 wound these people than they already have been wounded.
17 If there had been anybody who could
18 mount that witness stand, with any kind of sincerity, and
19 say that this is the way it should be, then perhaps you
20 would have something to hang your hat on. But it's not
21 here, folks.
22 And you know Greg is going to get up
23 here, he or Toby one, and they are going to say, "Well,
24 Glover says there is nobody to be vindicated in this
25 case, but he is going to say that society needs to be
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1 vindicated." And he can argue that.
2 But you and I know, and all of us have
3 lost loved ones, and the only people that truly feel the
4 terror and the awfulness of this situation, are the close
5 friends and family and the loved ones of the Devons and
6 the Darins (sic) of this world.
7 And, it's hollow words to say that
8 society needs to be vindicated in this case. Society
9 does not need to be vindicated in this case. There is
10 nobody that can be vindicated. These people can only be
11 further wounded if you decide to do that to Darlie.
12 Think about this evidence, folks.
13 Reexamine it, and see whether in your heart of hearts,
14 that indeed you can vote to destroy this woman, based on
15 this kind of evidence.
16 We're all fallible human beings. Do

17 not do that. Thank you.

18 Thank you, Judge.

19 THE COURT: Thank you, Mr. Glover.

20 Mr. Douglass?