

MR. RICHARD C. MOSTY: May it please  
25 the Court, ladies and gentlemen of the jury. I think that  
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1 when we talked to all of y'all, that at some point, one of  
2 the defense lawyers, Mr. Mulder, or myself, or one of us,  
3 probably said to every one of you, that one of the things  
4 that we hate about a criminal case is, that the State  
5 always gets to go first. And that, we think first  
6 impressions are important, and that we would like to go  
7 first, and we would like to tell you our story. But we're  
8 not allowed to do that because of the rules.  
9 The State -- and the indictment was  
10 read to you, and you were all told that the indictment is  
11 no evidence of guilt. It means nothing. And the  
12 presumption of innocence, and the burden of proof that the  
13 State has to prove beyond a reasonable doubt that Darlie  
14 is guilty. And so, we don't get to go first. And, I just  
15 say that, to remind you again of that, as I talk about  
16 what the evidence is going to show, and what Mr. Davis did  
17 not tell you, about what the evidence is going to show.  
18 Always remember that we're going to get  
19 our chance, it's just not going to be the first chance.  
20 Now, what the State has said, is that a  
21 person who has witnessed their two children being stabbed  
22 to death in their own home, and their own knife, their own  
23 throat slashed, that that person's account, given right  
24 then, and under the terror of that moment, that that  
25 account is by itself, and that they will take that by  
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1 itself, and prove beyond a reasonable doubt, that Darlie  
2 is guilty. That's what the State's theory is. Is, that  
3 this person who was traumatized by her children being  
4 killed in front of them, made statements that prove her  
5 own guilt beyond a reasonable doubt.  
6 And I submit to you, when we -- when I  
7 talk about the evidence here, and when you see the  
8 evidence, you will see that that isn't what happened.  
9 Darin and Darlie Routier are a young  
10 couple. It struck me, that Mr. Davis talked about them  
11 not having a savings account. I hope I never get tried  
12 over how much money --  
13 MR. GREG DAVIS: I'm sorry. Your  
14 Honor, I'm going to have to object to the personal  
15 comments of Mr. Mosty. If we could just stick with what  
16 the evidence will show, please.  
17 THE COURT: Sustained. Just stay on

18 the evidence, please.

19 MR. RICHARD C. MOSTY: Darin and Darlie  
20 are a couple that met in West Texas, in Lubbock. And the  
21 evidence will show, that they eventually settled, and they  
22 were trying to get ahead. They're in their mid 20's.  
23 Trying to get ahead, and ended up moving to Rowlett, which  
24 is just northeast, you would say, in Dallas. And they did  
25 find some success, and they wanted to get ahead. And  
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1 Darin started a little business, and it gained some  
2 success. And they bought a nice house. And they had two  
3 beautiful children when they moved in the house, and later  
4 a third. And you will see, that house will be brought to  
5 you.  
6 And you will see a description of that  
7 house. And you will go upstairs, and you will see  
8 bedrooms decorated with Mickey Mouse wallpaper, with  
9 children's stuff, Mickey Mouse bedspreads, another bedroom  
10 that is decorated very neatly with the other child's stuff  
11 in it.  
12 You will see a house that is a family,  
13 in a fairly up-scale, I would call it, neighborhood, a  
14 neighborhood unlike you will find one in Kerrville. And  
15 you will see this attention to children. That you will  
16 see that this lady's life, focused around her children.  
17 She helped her husband at the store some, at the business  
18 some. But her life focused around the children. And you  
19 will see, by all accounts, from friends, neighbors,  
20 family, that she devoted everything to those children.  
21 That that's what she lived around.  
22 In fact, as Mr. Davis pointed out, she  
23 was a light sleeper. So concerned, as a mother, about an  
24 infant baby that if the baby just moved, she was worried  
25 about her baby.

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1 And that's the life that you'll see.  
2 And then the State suggests, that in a blink of an eye,  
3 this lady changes from a doting mother of three babies to  
4 a psychotic killer. And not only a psychotic killer, but  
5 a forensic expert, an expert in crime scenes, such that  
6 she could stage this whole crime scene.  
7 You will see from the evidence the type  
8 of wounds that Darlie Routier had. You will see a stab  
9 wound, defensive in nature, to her right shoulder. And  
10 the State will suggest to you, that that's self inflicted,  
11 or that it's staging.

12 One of the facts that you did not hear  
13 from Mr. Davis is that there is a bloody sock found 75  
14 yards down an alleyway that has these boys' blood on it.  
15 And that somehow this doting mother, turned psychotic  
16 killer, went and dipped, just ever so slightly, an amount  
17 of her children's blood in that sock and then ran 75 yards  
18 down the alleyway, and planted it, while her husband is  
19 upstairs asleep. And the children have been stabbed and  
20 are dying in the living room.  
21 The State -- what happened, at 6:00  
22 o'clock, or by 6:00 o'clock, and I submit the evidence is  
23 going to show you earlier than that. By 6:00 a.m., on  
24 June 6th, the Rowlett Police Department had decided that  
25 Darlie Routier was guilty, and they never ever blinked  
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1 from that. They never turned back. They never looked any  
2 other direction. They developed tunnel vision. And the  
3 only thing they could take -- maybe it's more like a rifle  
4 scope. That they had focused the cross hairs on Darlie  
5 Routier, and they were never going to take them off of  
6 her.

7 Now, I don't quarrel with police  
8 officers going out and doing a good job and finding a  
9 suspect, and focusing on that suspect. But I do quarrel,  
10 when they only focus on that suspect.

11 MR. GREG DAVIS: I'm sorry, I have got  
12 to object to this as being argument. It's not what the  
13 evidence is going to show.

14 THE COURT: Sustained.

15 MR. RICHARD C. MOSTY: It is, Judge.

16 THE COURT: Sustained.

17 MR. RICHARD C. MOSTY: I'll tell you  
18 exactly what I'm talking about. There's a description  
19 given that night by a neighbor, of a black car, that is at  
20 the scene at the time of the screams. And, by the time  
21 the sirens start going off is gone. That car is gone.  
22 And there will be no indication in the evidence that the  
23 Rowlett Police Department ever did anything to find that  
24 car. And that black car is a mystery to this day.

25 By 6:00 a.m., the Rowlett Police  
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1 Department had focused on Darlie Routier, and that was it.  
2 All of the investigation, the evidence that you'll see  
3 from then on, talks about, focuses on Darlie Routier.  
4 And one of the things that you will  
5 see, as they have pointed that rifle scope at Darlie, is

6 that the State's evidence, and the State's theory has  
7 changed, and it changes.  
8 The State's case that Mr. Davis has  
9 described, and will present, is not what the evidence will  
10 show they were focusing on back in June, because the June  
11 investigation has fallen apart. And let me just go  
12 through a few of them, because I won't be able to remember  
13 them all.  
14 This business -- and some of these Mr.  
15 Davis didn't mention. The mulch. He said one of the  
16 reasons they knew Darlie was guilty was because the mulch  
17 outside of this window had been undisturbed. Well, the  
18 evidence will show you, in fact, there is no mulch outside  
19 of this window. The mulch is over there. So of course it  
20 wasn't disturbed.  
21 The evidence the State relied upon, in  
22 June, this is in June, was that, for instance, there's no  
23 blood from the assailant, from the true murderer, that  
24 goes out the kitchen and through the garage, as they  
25 decide there should have been.  
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1 Well, the State's own evidence -- the  
2 State's own witnesses will testify that they would not  
3 expect this assailant, this murderer, who is still on the  
4 streets, to have much blood on him. So the fact that he  
5 didn't leave a blood trail through the garage means  
6 nothing. It means absolutely nothing.  
7 The State says that she didn't try to  
8 help her children. You will see that's false. And one of  
9 the things that's very interesting is, that you will see  
10 this Officer Waddell who came in, and he's the one who's  
11 going to say, "I came to the scene --". This is a  
12 trained, police officer, trained in first aid. "I came to  
13 the scene, and I told her to help her child but she  
14 didn't."  
15 And we're going to ask him, "Officer  
16 Waddell, while you were there, why didn't you go help the  
17 child?" He's criticizing the mother, who has had her  
18 children butchered, and he doesn't go and help the  
19 children. But that's somehow evidence of Darlie's guilt.  
20 There's some of these things that are  
21 fairly incredible. One of them is, that the officer says  
22 that one of the reasons he knows that Darlie is guilty  
23 very early on, is that there is no high velocity blood in  
24 the kitchen. High velocity refers to the, -- and you will  
25 hear some of this, how fast the blood is moving when it  
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1 hits an object. And he says he knows Darlie's guilty  
2 because there's no high velocity blood in the kitchen.  
3 Ladies and gentlemen, you will not find  
4 any person who testifies in this case, who will say that  
5 there should have been high velocity blood in the kitchen.  
6 They will say there would never have been high velocity  
7 blood in the kitchen, because high velocity blood relates  
8 to gunshots. And everybody knows there weren't any  
9 gunshots that went off in this house.  
10 So, this high velocity blood, which  
11 they know, proves Darlie is guilty, is nothing. It means  
12 nothing. It is nothing.  
13 One of the kingpins of the State's case  
14 came in. That in this window, which is cut -- and you've  
15 got to remember, ladies and gentlemen, when you see this,  
16 this window is maybe this high off the ground. It's not  
17 as high as my boots. I could step over it like that. But  
18 this window that was cut, didn't have any dust disturbed  
19 on the windowsill.  
20 Ladies and gentlemen, you will see it.  
21 And if someone is down, and they step like that, they can  
22 step over that windowsill. It's right down on the ground.  
23 So the fact that dust is undisturbed means nothing.  
24 But they have more than that, they had  
25 a hair in the window. And as you climb through, the  
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1 State's theory being, that she climbed through, and a  
2 piece of hair was pulled. And it was tested, and it was  
3 shown to be pulled out of someone's hair. And it was  
4 blonde. And it was bleached. And the State concluded  
5 that it belonged to Darlie Routier. The State's witness  
6 testified previously that that hair was consistent with  
7 Darlie Routier.  
8 Well, that was a great theory back in  
9 June. However, now, when the hair is tested by DNA, and  
10 you will hear this evidence, that hair belonged to a  
11 Rowlett police officer. So, it's a blonde hair that  
12 proves Darlie is guilty in June, and it's a blonde hair  
13 that means nothing now. But that's the change of the  
14 theory. And the State's theory has evolved like that. It  
15 has changed over and over.  
16 It's gone so far, that after -- the  
17 evidence will show you, that even after you were selected  
18 on this Jury, the State has continued to go back, and  
19 continued to go back, to try to find some tests, to try to  
20 find something, to try to pull up something, to prove that  
21 Darlie Routier is guilty, because she is the only person  
22 in their cross hairs. And, that these tests have been

23 done, up as late as last Friday. Continuing to do tests  
24 to keep the rifle scope pointed on Darlie.

25 And you will see, through all of this,  
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1 that things have changed. And the State's theory has  
2 changed. And the reason is, that when the blonde hair  
3 falls through, then they have got to do something else.  
4 When something falls through, they have to move to  
5 something else. And you will see, we will bring you that  
6 pattern.

7 And I don't think the evidence will  
8 ever show you, I think we told all of you this: That your  
9 job is not to solve this case. Because I don't think the  
10 evidence will tell you what really happened. That the  
11 evidence here will ever tell you what really happened at  
12 5801 Eagle Drive. And that's a shame. But the evidence  
13 will leave those gaps in it. It will leave those holes in  
14 it.

15 And we submit, we know, that when you  
16 have heard it all, you will understand, that this lady is  
17 an American mother, just like any other number of American  
18 mothers. She's not perfect. Never said she was. Nobody  
19 is ever going to say she was. But the description of  
20 becoming a psychotic killer, will not be borne out in the  
21 evidence. It will show, that she is an American mother,  
22 just like any other mother.

23 And when you have heard all of that,  
24 although you won't know what happened fully, at 5801  
25 Eagle, you will know that the evidence does not prove,  
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1 that Darlie Routier committed this crime.  
2 Thank you.  
3 THE COURT: All right. Thank you, Mr.  
4 Mosty.