

Volume 4

1 IN THE CRIMINAL DISTRICT COURT NO. 3
2 DALLAS COUNTY, TEXAS
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5
6 THE STATE OF TEXAS }
7 VS: } NO. F-96-39972-J
8 DARLIE LYNN ROUTIER } & F-96-39973-J 9
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13 STATEMENT OF FACTS
14 MOTION HEARING
15 TO HOLD DEFENDANT WITHOUT BOND
16 VOL. 4 OF 53 VOLS.
17 August 26, 1996
18 Monday
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22
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24
25

Sandra M. Halsey, CSR, Official Court Reporter 1

1 C A P T I O N

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4 BE IT REMEMBERED THAT, on Monday, the 26th day of
5 August, 1996, in the Criminal District Court Number 3 of
6 Dallas County, Texas, the above-styled cause came on for a
7 hearing before the Hon. Paul Banner, Judge Presiding, and
8 sitting for the Hon. Mark Tolle, Judge of the Criminal
9 District Court No. 3, of Dallas County, Texas, without a
10 jury, and the proceedings were held, in open court, as
11 follows:
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1 A P P E A R A N C E S

2

3

4 HON. JOHN VANCE,
5 Criminal District Attorney
6 Dallas County, Texas

7

8 BY: HON. GREG DAVIS
9 Assistant District Attorney
10 Dallas County, Texas

11

12 AND:

13 HON. JOHN GRAU
14 Assistant District Attorney
15 Dallas County, Texas

16

17 AND:

18 HON. SHERRI WALLACE
19 Assistant District Attorney
20 Dallas County, Texas

21

22 APPEARING FOR THE STATE OF TEXAS

23

24

25

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2 ADDITIONAL APPEARANCES:

3

4 HON. DOUGLAS PARKS
5 Attorney at Law
6 Dallas County, Texas

7

8 AND:

9 HON. WAYNE HUFF
10 Attorney at Law
11 Dallas County, Texas

12

13 Appearing for the Defendant
14 For the purpose of the trial

15 AND:
16
17 HON. BLAKE WITHROW
18 Attorney at Law
19 Dallas County, Texas
20
21 APPEARING FOR THE DEFENDANT
22 for the purpose of the appeal
23
24
25

Sandra M. Halsey, CSR, Official Court Reporter 4

1 P R O C E E D I N G S

2
3 August 26th, 1996
4 Monday
5 9:30 a.m.
6
7 (Whereupon, the following
8 proceedings were held in
9 Open court, in the presence
10 And hearing of the
11 Defendant, being
12 represented by her attorneys
13 and the representatives of
14 The State of Texas, but
15 without the presence of a
16 jury, as follows:)
17
18
19 THE COURT: Okay. This is Cause
20 Numbers F-96-39972 and 973, the State of Texas versus
21 Darlie Lynn Routier.
22 MR. GREG DAVIS: Yes, sir.
23 THE COURT: All right. Is the State
24 ready?
25 MR. GREG DAVIS: The State is ready,

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1 your Honor.
2 THE COURT: The Defense?
3 MR. DOUGLAS PARKS: The Defense is
4 ready, your Honor.
5 THE COURT: All right.
6 MR. DOUGLAS PARKS: If the Court
7 please, we will invoke the Rule. We also have several
8 other witnesses in the back that we would like to get

9 sworn in, and invoke the Rule.
10 THE COURT: All right. The Rule is
11 going to be invoked, so I guess we need to locate all of
12 the witnesses. Are these the four for the State?
13 MR. GREG DAVIS: Yes, sir.
14 THE COURT: Each of you raise your
15 right hand.
16
17 (Whereupon, the witnesses
18 were duly sworn by the
19 Court, to speak the truth,
20 the whole truth and
21 nothing but the truth,
22 after which, the
23 proceedings were
24 resumed as follows:)
25

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1 THE COURT: Start with the lady in the
2 blue and go to the left. I need your name.
3 THE WITNESS: Janice Townsend-Parchman.
4 THE WITNESS: Jim Patterson.
5 THE WITNESS: David Waddell.
6 THE WITNESS: Charles Linch,
7 L-I-N-C-H.
8 THE COURT: Are all of you peace
9 officers?
10 THE WITNESS: No, sir.
11 THE COURT: Okay.
12 MR. DOUGLAS PARKS: It turns out, your
13 Honor, that the witnesses that the defense have subpoenaed
14 seemed to have stepped away.
15 THE COURT: Okay. Well, the Rule of
16 witnesses has been invoked, which means, that until this
17 hearing is concluded that you are under the following
18 instructions: You may not discuss with another person
19 what another witness -- what your testimony has been or
20 will be, what some other witness's testimony has been or
21 will be. You can talk with any lawyer in the case about
22 what you know about the facts.
23 Also, you may not be present in the
24 courtroom while other witnesses are testifying and hear
25 their testimony. If you know each other, you can talk

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1 about whatever you want to talk about, but just do not
2 discuss anything about the facts of this case.

3 All other witnesses are under the same
4 instructions. I understand there may have been some sort
5 of gag order?
6 MR. GREG DAVIS: Yes, sir.
7 MR. DOUGLAS PARKS: Yes, sir.
8 THE COURT: Whatever the terms that any
9 of you might be subject to, you will need to comply with
10 that, in addition to the instruction that I am giving you.
11 Violation of the Rule can result in
12 your not being permitted to testify, therefore, whatever
13 you know about the matter would never be learned by the
14 Court.
15 You will have to -- I assume that there
16 is some sort of a waiting room that you folks can be at.
17 Do you know who you are going to call first?
18 MR. GREG DAVIS: Yes, sir, I'm going to
19 call Dr. Townsend-Parchman first.
20 THE COURT: All right. If you would
21 like to have a seat, Doctor. And, if you folks will just
22 have seat outside, we will get to you as quickly as we
23 can.
24
25 (Whereupon, the

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1 above mentioned
2 Exhibit was marked
3 as State's Exhibit
4 No. A, for identi-
5 fication purposes
6 only, after which
7 time the proceedings
8 were resumed as
9 follows:)
10
11 MR. GREG DAVIS: Your Honor, first I
12 would offer State's Exhibit No. A. This is going to be a
13 birth certificate of Damon Christian Routier.
14 THE COURT: All right.
15 MR. DOUGLAS PARKS: No objection.
16 THE COURT: Received. That is State's
17 1?
18 MR. GREG DAVIS: That's State's A, I'm
19 sorry.
20 THE COURT: A?
21 MR. GREG DAVIS: Yes, sir.
22 THE COURT: Okay. That is admitted.
23
24 (Whereupon, the documents

25 heretofore mentioned were

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1 marked and received in
2 evidence as State's
3 Exhibit No. A, after
4 which time, the
5 proceedings were resumed
6 as follows:)

7
8 THE COURT: Doctor, have a seat right
9 up there, please.
10 THE WITNESS: Thank you.
11 THE COURT: All right. Mr. Davis, you
12 may go ahead.

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1 Whereupon,
2
3 JANICE TOWNSEND-PARCHMAN,
4
5 was called as a witness, for the State of Texas, having
6 been first duly sworn to speak the truth, the whole truth,
7 and nothing but the truth, testified in open court, as
8 follows:

9
10 DIRECT EXAMINATION
11
12 BY MR. GREG DAVIS:
13 Q. Ma'am, would you please state your
14 name?
15 A. Janice Townsend-Parchman.
16 Q. And are you employed as a Medical
17 Examiner for Dallas County, Texas?
18 A. Yes, I am.

19 Q. How long have you been employed in that
20 capacity?

21 A. I have been working for Dallas County,
22 doing forensic pathology for five years.

23 Q. Dr. Townsend-Parchman, in the course of
24 your duties, do you perform autopsies?

25 A. Yes, I do.

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1 Q. And, do you recall performing an
2 autopsy on an individual identified to you as Damon
3 Christian Routier?

4 A. Yes, I do.

5 Q. And, was that performed on June the
6 6th, 1996?

7 A. Yes, it was.

8 Q. Okay. Would you please detail for us,
9 the injuries, if any, that you noted to Damon Routier?

10 A. Well, the most salient injuries were
11 the four stab wounds of his back, and two incised wounds
12 of his back.

13 Q. When you say incised wounds, what do
14 you mean?

15 A. An incised wound is a cut, which means
16 that it's longer on the surface of the skin than it is
17 deep within the body. Whereas a stab wound is just the
18 opposite. A stab wound is deeper within the body than it
19 is long on the surface of the body.

20 MR. GREG DAVIS: May I approach, your
21 Honor?

22 THE COURT: You may.

23

24 (Whereupon, the
25 above mentioned

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1 Exhibit was marked
2 as State's Exhibit
3 No. 25, for identi-
4 fication purposes
5 only, after which
6 time the proceedings
7 were resumed as
8 follows:)

9

10 BY MR. GREG DAVIS:

11 Q. Dr. Townsend-Parchman, if you would
12 please look at State's Exhibit No. 25. Does this appear

13 to be a true and correct copy of the autopsy report that
14 you prepared in this case concerning Damon Routier?

15 A. Yes, it does.

16

17 MR. GREG DAVIS: Your Honor, at this
18 time we would offer State's Exhibit No. 25.

19 MR. DOUGLAS PARKS: No objection.

20 THE COURT: Twenty-five is received.

21

22 (Whereupon, the documents

23 heretofore mentioned were

24 marked and received in

25 evidence as State's

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1 Exhibit No. 25, after

2 which time, the

3 proceedings were resumed

4 as follows:)

5

6 MR. GREG DAVIS: Mark this exhibit too,

7 please.

8

9 (Whereupon, the

10 above mentioned

11 Exhibit was marked

12 as State's Exhibit

13 No. B, for identi-

14 fication purposes

15 only, after which

16 time the proceedings

17 were resumed as

18 follows:)

19

20 BY MR. GREG DAVIS:

21 Q. Dr. Townsend-Parchman, if you would

22 look at the photograph that I have marked as State's

23 Exhibit B. Does this bear the same forensic science

24 number of 96-1810, as your autopsy report on Damon

25 Routier?

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1 A. Yes, it does.

2 Q. And, was this individual, in fact,

3 that was identified to you as Damon Routier?

4 A. Yes, it is.

5 MR. GREG DAVIS: Your Honor, at this

6 time for the record purposes only, we would offer State's

7 Exhibit No. B.
8 MR. DOUGLAS PARKS: No objection.
9 THE COURT: B is received.
10
11 (Whereupon, the documents
12 heretofore mentioned were
13 marked and received in
14 evidence as State's
15 Exhibit No. B, for
16 record purposes only,
17 after which time, the
18 proceedings were resumed
19 as follows:)
20
21 MR. GREG DAVIS: Would you mark this,
22 please.
23
24 (Whereupon, the
25 above mentioned

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1 Exhibits were marked
2 as State's Exhibit
3 Nos. 1 & 2, for identi-
4 fication purposes
5 only, after which
6 time the proceedings
7 were resumed as
8 follows:)
9
10 BY MR. GREG DAVIS::
11 Q. Doctor, if you would, please look at
12 the photographs marked as State's Exhibits 1 and 2. Were
13 these in fact the autopsy photographs that were taken of
14 Damon Routier, at or near the time of the autopsy?
15 A. These are some of the photos that were
16 taken during the course of the autopsy, yes.
17 Q. And, do these photographs show the
18 injuries that you have just noted to us, in your
19 testimony?
20 A. Yes, they do.
21
22 MR. GREG DAVIS: Your Honor at this
23 time we would offer State's Exhibits 1 and 2.
24 MR. DOUGLAS PARKS: No objection.
25 THE COURT: It's received.

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1 MR. GREG DAVIS: State's Exhibits 1 and
2 2.

3 THE COURT: One and 2?

4 MR. GREG DAVIS: Yes, sir.

5 THE COURT: Thank you. They are
6 received.

7

8 (Whereupon, the documents
9 heretofore mentioned were
10 marked and received in
11 evidence as State's
12 Exhibits No. 1 & 2, after
13 which time, the
14 proceedings were resumed
15 as follows:)

16

17 BY MR. GREG DAVIS:

18 Q. Doctor, if you would, if you could just
19 show us here, as we look at State's Exhibit 1, you have
20 noted in your testimony two incised wounds. Could you
21 please point to those for the Court?

22 A. This is, what I designated, arbitrarily
23 as incised wound number 1, and this is incised wound
24 number 2.

25 Q. Okay. The other four wounds that we

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1 have noted here are these, in fact, puncture wounds?

2 A. They are stab wounds, yes.

3 Q. All right. Are they consistent with
4 having been produced by an individual stabbing Damon
5 Routier with a knife?

6 A. Yes, a single edged instrument, such as
7 a knife.

8 Q. Okay. Single edged?

9 A. Yes.

10 Q. Okay. Why do you have that opinion?

11 A. All of these injuries had a single
12 blunt angle, and a single sharp angle, which is consistent
13 with a single edged, sharp instrument.

14 Q. Okay. Can you tell us about the depth
15 of these four puncture wounds, please?

16 A. Again, all of these designations are
17 arbitrary, so that we can talk about them more easily. I
18 call this stab wound number 1. It, as you see, enters in
19 the left mid-back. It went through the left 8th rib and
20 penetrated the left lung. The maximum depth of
21 penetration was one and three quarter inches.

22 This, I designated as stab wound number

23 2, entering, as you can see, in the right upper back. It
24 went through the right 8th rib and right lung.
25 And this, I call stab wound Number 3.

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1 It went through the right mid-back and penetrated the
2 right lung.
3 This I called stab wound number 4. And
4 it entered the right -- the lower right mid-back and went
5 through the right lung diaphragm and liver.
6 Q. Okay. If we look at stab wound number
7 1, what was the maximum depth of the penetration there?
8 A. This was one and three quarter inches.
9 Stab wound number 2 was four and three-eighths inches.
10 Stab wound number 3 was one and seven-eighths inches. And
11 stab wound number 4 was three inches.
12 Q. Okay. Thank you. Now, State's Exhibit
13 No. 2, does this in fact show the width or the length of
14 that stab wound, one of the stab wounds to his back?
15 A. Yes. To get a more accurate
16 measurement we re-approximate the margins, and that is
17 what is done here.
18 Q. And that is approximately how long?
19 A. Well, it's approximately --
20 approximately two inches long.
21 Q. Okay. Doctor, was an autopsy performed
22 by a Dr. McClain, of your office, on an individual
23 identified as Devon Routier?
24 A. Yes, it was.
25 Q. Okay. Did you have an opportunity to

Sandra M. Halsey, CSR, Official Court Reporter 19

1 review that autopsy, in the course of your duties out
2 there?
3 A. Yes.
4
5
6 (Whereupon, the
7 Following mentioned
8 Exhibit was marked
9 as State's Exhibit
10 No. 26, for identi-
11 fication purposes
12 only, after which
13 time the proceedings
14 were resumed as
15 follows:)
16

17 BY MR. GREG DAVIS:

18 Q. First of all, looking at State's

19 Exhibit No. 26, does that appear to be a true and correct

20 copy of the autopsy report prepared on the case involving

21 Devon Routier?

22 A. Yes, it does.

23 Q. Does it bear a number, an

24 identification number of 1811-96?

25 A. Yes.

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1

2 (Whereupon, the

3 following mentioned

4 exhibit was marked

5 as State's Exhibit

6 No. C, for identi-

7 fication purposes

8 only, after which

9 time the proceedings

10 were resumed as

11 follows:)

12

13 BY MR. GREG DAVIS:

14 Q. And looking at State's Exhibit C, is

15 this a photograph also bearing that same number of

16 96-1811, the individual identified to your office as Devon

17 Routier?

18 A. Yes.

19

20 (Whereupon, the

21 following mentioned

22 exhibits were marked

23 as State's Exhibit

24 No. 3, 4, & 5, for identi-

25 fication purposes

Sandra M. Halsey, CSR, Official Court Reporter 21

1 only, after which

2 time the proceedings

3 were resumed as

4 follows:)

5

6 BY MR. GREG DAVIS:

7 Q. Looking at State's Exhibits 3, 4, and

8 5, do these 3 photographs also bear the identification

9 number of 1811-96?

10 A. Yes, they do.

11 Q. Do they appear to be true and correct
12 photographs of the autopsy, of the body of Devon Routier,
13 taken at or near the time of his autopsy?
14 A. Yes.
15 Q. Okay.
16
17 MR. GREG DAVIS: Your Honor, at this
18 time we would offer State's Exhibits 26, 3, 4 and 5, and
19 for record purposes only State's Exhibit C.
20 MR. DOUGLAS PARKS: No objection.
21 THE COURT: Received.
22
23 (Whereupon, the items
24 heretofore mentioned
25 were received in evidence

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1 as State's Exhibits No. C,
2 for record purposes, and
3 3, 4, 5 and 26,
4 for all purposes,
5 after which time, the
6 proceedings were resumed
7 as follows:)
8

9 BY MR. GREG DAVIS:

10 Q. Doctor if you would if you would detail
11 for the Court the types of injuries that were noted during
12 the autopsy of Devon Routier?
13 A. Well, he had a stab wound in the left
14 side of the chest. This went through the left upper lobe
15 of the -- that is to say, the upper lobe of the left lung.
16 It went through the pulmonary artery, which is along with
17 the aorta, they are the two largest arteries in the body.
18 The pulmonary artery, I think most
19 people hear about the aorta from time to time, not so much
20 the pulmonary artery. The pulmonary artery is the artery
21 which in an adult is about an inch in diameter, which goes
22 from the right ventricle, one of the two main pumping
23 chambers of the heart, it goes from the right ventricle
24 and pumps the blood through the pulmonary artery to the
25 lungs, where the blood becomes oxygenated, and then is

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1 returned to the heart, so that it can then be pumped
2 through the entire rest of the body by the left ventricle
3 of the heart. At any rate, it's a very large artery, and
4 the stab wound also went through the lower lobe of the

5 right lung. The maximum depth of penetration was
6 estimated to be 5 inches.
7 There was also a stab wound of the left
8 side of the chest, which was lower down, and this stab
9 wound went through the left lobe of the liver, and it's
10 maximum depth of penetration was estimated to be two and a
11 half inches.
12 Q. Looking at State's Exhibit No. 3, is
13 this a photograph of the two wounds that you have just
14 noted for us?
15 A. Yes.
16 Q. With the wound number 1 being the
17 higher wound?
18 A. Yes.
19 Q. Is that correct?
20 A. Yes, it is.
21 Q. And the depth of penetration on this
22 particular wound that I am holding my finger to was what?
23 A. Five inches approximately.
24 Q. And the depth on the second wound was
25 what?

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1 A. Approximately two and a half inches.
2 Q. Okay. State's Exhibits 4 and 5, are
3 they close up photographs of those two wounds?
4 A. Yes, indeed.
5 Q. And, do they show the length to be
6 approximately 2 inches on each wound?
7 A. Yes, approximately.
8 Q. Okay. With regard to Devon's wounds,
9 do you have an opinion, as to whether those wounds were
10 made by an individual stabbing Devon Routier with a knife?
11 A. Well, again, they have the typical
12 characteristics of injuries inflicted by a single-edged
13 weapon, such as a knife, yes.
14 Q. All right. Let me also ask you, do you
15 have an opinion as to how quickly Devon Routier would have
16 bled, as a result of those two wounds?
17 A. Very quickly.
18 Q. When you say very quickly, can you
19 quantify that for us? Would it be a matter of seconds?
20 A. Well, a few minutes, would, in all
21 likelihood be sufficient time for him to become very
22 hypotensive, and sustain a large amount of blood loss, and
23 then in a few more minutes, very likely be dead.
24 Q. Okay. Now, Doctor, did you have an
25 opportunity sometime after you performed these autopsies

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1 to meet with a person identified to you as Darlie Routier?

2 A. Yes.

3 Q. Do you see her here in the courtroom

4 this morning?

5 A. Yes, I do.

6 Q. And is she the individual in the white

7 coveralls?

8 A. Yes.

9 Q. Okay.

10

11 MR. GREG DAVIS: Your Honor, may the

12 record please reflect that this witness has identified the

13 defendant in open court?

14 THE COURT: Yes.

15

16 BY MR. GREG DAVIS:

17 Q. Do you remember where you met Mrs.

18 Routier?

19 A. Yes, at Baylor University Medical

20 Center.

21 Q. Was she actually still in the hospital?

22 A. Yes, she was in a hospital bed.

23 Q. How was she dressed?

24 A. In a hospital gown.

25 Q. Did you go over there with someone?

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1 A. Yes, Betty Porter from our office.

2 Q. Anyone else present when you met her?

3 Any police officers?

4 A. Well, when we were taken upstairs by

5 one of the nurses there was a Rowlett police officer with

6 us, I don't recall his name. When I actually spoke with

7 Mrs. Routier, it was just myself talking with her.

8 Q. Okay. And what did you talk with her

9 about?

10 A. Well, her injuries.

11 Q. Okay. And, did have you an opportunity

12 to observe those injuries?

13 A. Well, as well as I could under the

14 circumstances, yes.

15 MR. GREG DAVIS: May I approach, your

16 Honor?

17 THE COURT: Yes.

18

19 (Whereupon, the

20 Following mentioned

21 Exhibits were marked
22 as State's Exhibit
23 No. 17, 18 & 19, for
24 identification purposes
25 only, after which

Sandra M. Halsey, CSR, Official Court Reporter 27

1 time the proceedings
2 were resumed as
3 follows:)

4

5 BY MR. GREG DAVIS:

6 Q. Doctor, if you would, please look at
7 these three photographs marked as State's Exhibits 17, 18
8 and 19. Do those truly and accurately depict the injuries
9 to Darlie Routier as they appeared to you, when you viewed
10 her at Baylor Hospital?

11 A. State's Exhibits 17 and 19 pretty
12 closely reflect what I saw.

13 Q. All right. Do you recognize the
14 injuries to the fingers that are shown in State's Exhibit
15 No. 18?

16 A. No, I didn't see her left hand.

17 Q. Okay.

18

19 MR. GREG DAVIS: Your Honor, at this
20 time, we will offer State's Exhibits 17 and 19.

21 MR. DOUGLAS PARKS: No objection, Your
22 Honor.

23 THE COURT: State's Exhibits 17 and 19
24 are received.

25

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1 (Whereupon, the documents
2 heretofore mentioned were
3 marked and received in
4 evidence as State's
5 Exhibit No. 17 & 19, after
6 which time, the
7 proceedings were resumed
8 as follows:)

9

10 BY MR. GREG DAVIS:

11 Q. If you would, will you please look at
12 State's Exhibit 17 first. Do we see an injury here which
13 is to the neck area of Mrs. Routier, and then another
14 injury over here, closer to her left shoulder. Are those

15 the two injuries that are shown here?
16 A. Yes, covered by steri strips.
17 Q. Okay. Steri strips being something
18 applied by the doctors, after they have done some
19 exploratory surgery there?
20 A. Yes, to hold the wound edges together.
21 Q. And, in State's Exhibit No. 19, do we
22 see a wound to Mrs. Routier's right forearm?
23 A. Actually there are two. One is sutured
24 closed and the other one is opened.
25 Q. The smaller one being the open one,

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1 right above that; is that right?
2 A. Yes, less than an inch long.
3 Q. Now, with regards to the injuries that
4 you noted to Mrs. Routier, in your opinion, would you say
5 that those are consistent or inconsistent with the
6 injuries that were noted to Devon and Damon Routier,
7 during the autopsies?
8 A. They don't have much in common with the
9 injuries to the boys --
10 Q. Okay.
11 A. Other than that they appear to be, and
12 by the description that I received by one of the surgeons,
13 are sharp force injuries.
14 Q. Okay. Produced by a knife, correct?
15 A. Perhaps, yes.
16 Q. Okay. In what ways are they
17 inconsistent with the injuries noted?
18 A. Well, the injuries to the boys were
19 largely trunk wounds and they were largely stab wounds,
20 and her injuries are -- well, there is one on the trunk,
21 but it is the shoulder, it is not the main portion of the
22 trunk. And the other one is neck. And the other one --
23 or the other two, are on an extremity, and they all
24 comparatively speaking to the boy's deep stab wounds,
25 appear to be somewhat superficial.

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1 Q. All right. So the locations are
2 inconsistent; correct?
3 A. Largely.
4 Q. All right. And you say that the nature
5 of the wounds, versus deep, puncture wounds, these are
6 relatively superficial; is that right?
7 A. Yes, based on what I saw, and what I
8 learned from talking with one of the surgeons.

9 Q. Okay. This wound to the right arm, for
10 instance, how deep a wound is this?

11 A. The surgeon I talked to said that it
12 went through and hit the bone, but if you look at that
13 portion of your forearm you realize the bone is less than
14 an inch away, so that doesn't actually mean that it's a
15 particularly deep wound. And, based on that, combined
16 with the appearance on the surface of the skin, it would
17 appear to be an incised wound, not a stab wound. The
18 smaller wound is really quite superficial.

19 Q. Are you familiar with the term
20 hesitation wound?

21 A. Yes.

22 Q. What is a hesitation wound?

23 A. Well a hesitation wound is usually, not
24 always, seen in suicide cases. For instance, if someone
25 decides to cut their own throat, often what will happen is

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1 they will take the knife or whatever the sharp instrument
2 is, and begin, and it hurts, basically, and they stop, and
3 they will do that multiple times, often leaving many
4 little superficial incised wounds on their neck before
5 they actually get the courage up, as it were, and go ahead
6 and do a deep slice, which actually does the deed.

7 Q. Looking at this smaller wound, the top
8 wound here in the photograph, is that wound consistent
9 with being a hesitation wound?

10 A. It could be a hesitation wound. It's
11 actually a little bit deeper than most of the hesitation
12 wounds I have seen, but they vary, so you can't say for
13 sure.

14 Q. All right. If you could now, let's
15 look at the two injuries here on State's Exhibit No. 17.
16 With regards to the one closer to the left shoulder, did
17 that wound, did the knife strike any sort of vital organs,
18 the plural cavity, the lungs, or anything of that nature?

19 A. No, but again based on what I have
20 learned, in talking with one of the surgeons on the case,
21 was that it went into muscle, and did not penetrate the
22 plural cavity or damage a lung, or hit any major blood
23 vessel.

24 Q. Okay. And, if you could, please
25 describe the wound that we see to the neck here in State's

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1 Exhibit 17.

2 A. Well, what I can see, again, it's

3 covered by steri strips, but it basically looked like a
4 horizontal, incised wound, at the base of the neck. And
5 again, based on talking to one of the surgeons, what I was
6 told was it went through platysma muscle. The platysma
7 muscle is a very thin, sheet like muscle, that is -- it's
8 applied to, and it's very densely applied to the deep
9 surface of your neck skin, and has a lot to do with the
10 tone of your neck, muscle tone that is. At any rate, it
11 went through that, but it did not invade any of the strap
12 muscles. You have got a lot of long, thin muscles, which
13 overlay the neck, running up and down. It did not involve
14 those muscles but it did get a few of the -- what we call,
15 little bleeders, minor blood vessels, right on top of the
16 thyroid, here at the base of the neck.

17 Q. Okay. Could you just approximate the
18 depth of that wound then, to the neck.

19 A. Well, certainly less than an inch. I
20 mean, I can't tell you for sure, but it is certainly less
21 than an inch, for it not to get into the strap muscles.
22 Possibly less than half an inch, but it is hard to say.

23 Q. In your opinion, Doctor, is it possible
24 for each of these wounds that we see in State's Exhibits
25 17 and 19 to have been self-inflicted by Darlie Routier?

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1 A. They could have been.

2 Q. Okay. At the time that you saw Mrs.
3 Routier, did you know whether or not she had had breast
4 implants?

5 A. I did not know.

6 Q. All right.

7

8 MR. GREG DAVIS: I'll pass the witness,
9 your Honor.

10

11 CROSS EXAMINATION

12

13 BY MR. DOUGLAS PARKS:

14 Q. Doctor, you certainly were not present
15 at the attack on Darlie Routier and her two children, were
16 you?

17 A. No, indeed.

18 Q. Now you have indicated that you went to
19 Baylor University Medical Center to visit with Mrs.
20 Routier. Why did you do that?

21 A. The police requested that one of the
22 medical examiners from our office do that, and it was the
23 decision of -- I don't recall if it was the chief medical
24 examiner or the deputy chief, but at any rate, one of them

25 decided that that would be a fine thing for us to do, and

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1 so, it turned out, that I got done with the autopsy on
2 Damon before Dr. McClain was going to be finished with the
3 autopsy on Devon, so I was the one who went.

4 Q. Did you tell Mrs. Routier that you were
5 there at the request of the police department?

6 A. I don't recall.

7 Q. Did you take any notes of that visit?

8 A. No, I did not.

9 Q. Anyone else present besides you and
10 Mrs. Routier during your examination?

11 A. The surgeon -- well, again, the surgeon
12 that I spoke with, came and lowered the hospital gown to
13 the level that I was able to see the two areas of steri
14 stripping, but after just doing that, he basically was off
15 to one side, and when I was actually looking at the
16 injuries, no, it was just her and myself.

17 Q. Would that be Dr. Santos?

18 A. No, I know Dr. Santos.

19 Q. Who was it?

20 A. I don't recall, but I can tell you it
21 was not Dr. Santos, since I happen to know him.

22 Q. Is this the person, upon whom you
23 relied, in forming whatever opinions you formed about how
24 these injuries -- or the extent of these injuries?

25 A. As I said, the resident that I talked

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1 to, is the person I got the information from, in terms of
2 the depths of the injuries. I, of course, was not there
3 during her exploratory surgery, or when her wounds were
4 stitched up, so, it was one of the surgery residents on
5 the team taking care of her with whom I spoke.

6 Q. Okay. So, did you talk to Dr. Santos
7 about this matter?

8 A. No, I did not talk with Dr. Santos. He
9 was not present.

10 Q. Is it your understanding that Dr.
11 Santos was the surgeon in this matter?

12 A. He is the attending physician.

13 Q. Okay.

14 A. That does not necessarily mean that he
15 is the one who sewed up the injuries.

16 Q. Okay. But you can't recall the name of
17 resident with whom you spoke?

18 A. No, I do not.

19 Q. Okay. In addition to talking with the
20 resident, Doctor, did you review any of the medical
21 records or the surgery reports?

22 A. No.

23 Q. Do you know, for instance, how close
24 the neck wound came to the carotid artery?

25 A. Based on the information given to me by

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1 that resident, combined with my knowledge of anatomy, I
2 can tell you that it didn't come all that close.

3 Q. What would be your best estimate of --
4 what does all that close mean?

5 A. Well --

6 Q. A half an inch?

7 A. In terms of a carotid artery, a half an
8 inch is as good as a mile. Yes. And it was certainly
9 further away than that.

10 Q. I'm sorry.

11 A. It was probably further away than half
12 an inch?

13 Q. Further away than half an inch. What
14 about the carotid sheath? What is the carotid sheath?

15 A. The carotid sheath is the fascia within
16 which the carotid artery and the internal jugular vein
17 run.

18 Q. Would it be fair to say that in general
19 terms, at least, that if it were half an inch or more away
20 from the carotid artery, it would be half an inch or more
21 away from the carotid sheath?

22 A. Well, no, the carotid sheath is bigger
23 than the carotid artery.

24 Q. How much bigger?

25 A. Well, it also encompasses the internal

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1 jugular vein, which in most adults is a quarter of an inch
2 in diameter.

3 Q. So, it could have been, as near as a
4 quarter of an inch, probably further than that, from the
5 carotid sheath?

6 A. Likely.

7 Q. With respect to the neck wound, as far
8 as you could tell, Doctor, were there any hesitation
9 wounds to the throat cutting?

10 A. I couldn't tell because it was covered
11 by steri strips.

12 Q. The bruising that you see on the right

13 forearm in the photographs that you have before you, do
14 you have any explanation of that bruising?

15 A. I don't have the photographs in front
16 of me, and no, I do not.

17 Q. Have you seen photographs that show
18 bruising of the right arm?

19 A. I don't think so.

20 Q. Okay. Well, let's just assume for the
21 purposes of this hearing, that Mrs. Routier's right inside
22 arm was bruised from the wrist to the armpit. This
23 shallow incised wound that you described on the right
24 forearm, would that account for that, do you think?

25 A. Well, first of all, you are not showing

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1 me anything to look at. Secondly, that would be very
2 unusual. Thirdly, I don't know what color bruises you are
3 talking about.

4 Q. Well, let's say, just for purposes of
5 this hearing. Let's just say they are dark bruises?

6 A. Dark.

7 Q. Yes.

8 A. What color?

9 Q. Almost --

10 A. Dark red, or dark purple?

11 Q. Almost purple.

12 A. And you are saying going all the way up
13 her upper extremity.

14 Q. Yes, ma'am.

15 A. That would be unusual.

16 Q. What could account for that, do you
17 think?

18 A. Contusions are bruises. Bruises are
19 caused by, as routinely, by blunt force injuries, and
20 unless they are patterned, you can't say by looking at
21 them what causes them.

22 Q. Could it have been caused by the fact
23 that she was forcibly stabbed in the right forearm, enough
24 that it went to the bone?

25 A. I'm not following your logic.

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1 Q. Well, I mean, it would just seem to me,
2 Doctor, that if you had a wound to the right forearm, as
3 you have described, that went to the bone, which I believe
4 you said the surgeon told you that it did, would a
5 forceful stabbing of the forearm possibly cause bruising
6 on the inside of the arm?

7 A. That extensively, that would be
8 unusual, very unusual.
9 Q. Well, let's just assume, and I
10 understand that you have not seen any pictures, but let's
11 just assume that she was bruised in that way, do you have
12 any way to account for that as a medical doctor?
13 A. You are trying to suggest that there
14 is sufficient blood extravasation from this incised wound,
15 that she has got blood all the way -- subcutaneous blood
16 all the way up to her axilla?
17 Q. Well, I'm really not trying to suggest
18 anything.
19 A. Well, it simply does not make any sense
20 to me.
21 Q. Okay. Now, the wounds to the left
22 shoulder. I believe you said that -- well, what did you
23 say about hesitation wounds in the left shoulder area?
24 Any hesitation wounds or not?
25 A. I didn't say anything about it.

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1 Q. Okay. Did you see any?
2 A. No. That again was covered by steri
3 strips.
4 Q. Okay. So, the only thing that you saw
5 that might have been, I believe was your words, a
6 hesitation wound, was the smaller wound beside the deeper
7 wound to the right forearm; is that correct?
8 A. It's possible.
9 Q. Now, the prosecutor asked you whether
10 or not these wounds could have possibly been
11 self-inflicted. Based upon your examination of Mrs.
12 Routier, and the photographs that you have seen, do you
13 have an opinion whether or not these wounds were
14 self-inflicted in reasonable, medical probability?
15 A. They could have been.
16 Q. I could win the lottery if I buy a
17 ticket, Doctor. If I ask you whether or not, in your
18 opinion, these wounds are consistent with being
19 self-inflicted, in all reasonable, medical, probability,
20 what is your answer?
21 A. You are not going to get one. All I'm
22 going to say is they could have been.
23 Q. Okay. Obviously then, they could not
24 have been self-inflicted?
25 A. They might not have been.

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1 Q. Doctor, I'm almost through. But, you
2 indicated earlier that in your experience, or I believe
3 you have indicated earlier, that in your experience with
4 seeing hesitation wounds, did I understand you correctly,
5 that more often than not, there are more than one
6 hesitation wound in self-inflicted wounds?
7 A. Often. In my experience.
8 Q. More often than not, or could you say?
9 A. Are you asking in a case that there are
10 hesitation wounds, do I usually see more than one versus
11 one?
12 Q. Yes.
13 A. Usually you see more than one.
14 Q. Okay.
15 A. If they are present.
16 Q. You did the autopsy on Damon; is that
17 correct?
18 A. Yes.
19 Q. And, Dr. McClain on Devon?
20 A. Yes.
21 Q. Okay.
22
23 MR. DOUGLAS PARKS: I'll pass the
24 witness.
25 MR. GREG DAVIS: No further questions.

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1 THE COURT: You may step down.
2 May this lady be excused?
3 MR. DOUGLAS PARKS: I have no
4 objection.
5 MR. GREG DAVIS: Yes, sir.
6 THE COURT: All right. Then you're
7 excused, Doctor. Thank you for being here. All right.
8
9
10
11 Whereupon,
12
13 DAVID WADDELL,
14
15 was called as a witness, for the State of Texas, having
16 been first duly sworn to speak the truth, the whole truth,
17 and nothing but the truth, testified in open court, as
18 follows:
19
20 DIRECT EXAMINATION
21
22 BY MR. GREG DAVIS:

23 Q. Would you please state your full name?

24 A. David Waddell.

25 Q. Are you a Rowlett police officer?

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1 A. Not at the time I'm not.

2 Q. Okay. Back on June the 6th of 1996

3 were you a Rowlett police officer?

4 A. Yes, sir.

5 Q. And, what hours were you working that

6 day?

7 A. I was working 10:00 P.M. to 6:00 A.M.

8 Q. Okay. Did you have any particular beat

9 or area of the town that you were patrolling?

10 A. I was working the east side of town,

11 which was 82 beat.

12 Q. Okay. Now, I'm going to take you back

13 to approximately 2:30, which would be the early morning

14 hours of June 6th of 1996. At about that time, Officer,

15 did you receive a call to go a location on Eagle Drive?

16 A. Yes, I did.

17 Q. And, do you recall where you were when

18 you got that call?

19 A. I was sitting on the side of Highway

20 66, I believe it was the Victory Baptist Church parking

21 lot.

22 Q. Okay. About how far away from 5801

23 Eagle were you?

24 A. About two miles, probably.

25 Q. Did you immediately go to that

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1 location?

2 A. Yes, I did.

3 Q. Approximately how long did it take you

4 to get from the Victory Baptist Church to the location on

5 Eagle Drive?

6 A. Approximately two to three minutes.

7 Q. Now, during the time that you were

8 going from your location to Eagle Drive, Officer, did you

9 see any suspicious automobiles speeding away from the

10 general area of Eagle Drive?

11 A. No, sir, I didn't.

12 Q. Were you by yourself that night?

13 A. Yes, sir.

14 Q. Were you in uniform?

15 A. Yes, sir.

16 Q. Were you in a marked patrol car?

17 A. Yes, I was.
18 Q. When you -- did you go to 5801 Eagle
19 Drive?
20 A. Yes, sir.
21 Q. Is that in Dallas County, Texas?
22 A. Yes, it is.
23 Q. Could you tell us what is the very
24 first thing that you noticed when you got to 5801 Eagle
25 Drive?

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1 A. When I first stopped the patrol car on
2 the north side of the house, I noticed Mr. Routier running
3 from the front door running out into the front yard.
4 Q. Okay. Do you recall how he was dressed
5 that evening or that morning?
6 A. He was wearing blue jeans and no shirt,
7 and no shoes.
8 Q. Okay. Was he saying anything as he
9 left the house?
10 A. He was hollering for help, telling me
11 to come help him because his kids had been stabbed, and
12 they were dying.
13 Q. When you say that you parked on the
14 north side of the house, would that be in front of the
15 house, or on the side?
16 A. It was on the side of the house.
17 Q. So, did you stop and talk with him
18 outside, or did you go inside then?
19 A. I met him in the front yard and asked
20 him what was going on, and as soon as I got up to him he
21 turned and went back into the house and I followed him
22 into the house.
23 Q. Now, when you went inside the house,
24 where did you go?
25 A. Straight -- there is an entrance way, I

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1 walked into the entrance way of the house and, I saw the
2 blood everywhere on the floor, and I kind of stopped to
3 see where I was going, and what I was getting into.
4 Q. All right. Was there actually blood in
5 the hall way, or the entry way, as you came into the
6 house?
7 A. Yes.
8 Q. Is that the blood that you are talking
9 about?
10 A. Yes, sir.

11 Q. Okay. Now, where did you go next?
12 A. I went into the living room.
13 Q. When you say the living room, as you go
14 in the house, if we can picture this, there is a hallway
15 that leads straight in; correct?
16 A. Yes, sir.
17 Q. Immediately to the left hand side as
18 you walk in the front door, isn't there kind of a formal
19 living room area?
20 A. Yes, sir, I believe there is.
21 Q. All right. Now, did you go into that
22 room, or did you go farther into the house?
23 A. I went straight into the house, into
24 the room which is adjacent to the kitchen.
25 Q. So, if we could, if we could talk about

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1 that as being either the den or the family room; okay?
2 A. Yes, sir.
3 Q. So, when you went into this family room
4 or the den, what did you see?
5 A. I saw a little boy laying on the left
6 side of the wall, and I saw Mrs. Routier standing beside
7 the bar talking on the telephone.
8 Q. When you say Mrs. Routier, are you
9 speaking about the defendant Darlie Routier?
10 A. Yes I am.
11 Q. Is she seated over here to my left in
12 the white coveralls?
13 A. Yes, she is.
14
15 MR. GREG DAVIS: Your Honor, may the
16 record please reflect that this witness has identified the
17 defendant in open court.
18 THE COURT: Noted.
19
20 BY MR. GREG DAVIS:
21 Q. How far -- you say that you saw a boy
22 laying on the floor to the left. How far away from that
23 boy was Mrs. Routier when you first saw her?
24 A. Maybe 3 feet, 4 feet.
25 Q. Okay. Was she -- did it appear that

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1 she was giving any sort of first aid or CPR, or any sort
2 of care to the boy?
3 A. No.
4 Q. Okay. Again, what was she doing?

5 A. She was talking on the telephone.
6 Q. Could you tell who she was talking to?
7 A. I didn't know. I assumed it was the
8 dispatcher.
9 Q. All right. Did you stop and look at
10 the boy that was on the floor.
11 A. Yes, I did.
12 Q. And, could you please describe his
13 physical condition to the Court?
14 A. He was laying on his stomach, I could
15 see he had blood all over his back, he was trying to move,
16 and, he was gasping for breath, and that is -- I stepped
17 over his feet, and went over to her to try to find out
18 where the suspect was.
19 Q. Could you tell whether his eyes were
20 open or not?
21 A. His eyes were open.
22 Q. In what direction would his face have
23 been turned, toward Mrs. Routier or away from Mrs.
24 Routier?
25 A. Towards.

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1 Q. Was there anything that you could see,
2 that stood between Mrs. Routier and the child that would
3 have prevented her from looking at this child's face, and
4 seeing that his eyes were open, and that he was gasping
5 for breath?
6 A. No, he was looking at us when I stepped
7 over him to get next to her, he was looking up at both of
8 us.
9 Q. Did you ever hear him say anything?
10 A. No words, no.
11 Q. Okay. Do you recall whether there was
12 a towel, or any other object on his -- on the top of his
13 back?
14 A. No, there was not.
15 Q. Describe Mrs. Routier's physical
16 condition or her appearance when she was on the telephone.
17 A. She was wearing a white T-shirt that
18 was soaked in blood. She was holding a towel over her
19 neck with one hand, and the telephone was in the other
20 hand.
21 Q. Where did Mr. Routier go to?
22 A. He went to a second child that was
23 farther into the family room.
24 Q. Did you see what he did with that
25 child?

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1 A. He was trying to administer first aid
2 to him.

3 Q. Okay. Did you have a conversation with
4 Mrs. Routier?

5 A. I talked to her briefly, yes.

6 Q. Okay. Could you tell us what that
7 conversation was?

8 A. I believe the first thing I asked her
9 was, who had done this. When I asked her that, she told
10 me that he was still -- somebody was still in the house.
11 And then I directed my attention -- she pointed to the
12 garage, and told me that somebody had ran out into the
13 garage. I stepped over, to look into the garage, just to
14 see if I could see anybody, and told her to apply some
15 pressure to the first child's wounds.

16 Q. Did she?

17 A. No.

18 Q. What did she do?

19 A. She sat down on the floor right where
20 she was standing.

21 Q. Well, after you told her to apply the
22 pressure, and she sat down. What happened next?

23 A. I walked back over to where she was,
24 and I asked her again who had done it, and if there had
25 been any problems in the house, or if they had had any

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1 problems with anybody that she might think would have done
2 it, and she told me no, and she kept telling me, that the
3 guy was still in the house.

4 She told me that she had fought with
5 somebody in the kitchen area, and that after she fought
6 with him he had ran out into the garage and dropped the
7 knife somewhere in the kitchen, between the kitchen and
8 the garage, and that she had went and picked up the knife,
9 and laid it on the counter, which was, she pointed to the
10 counter, and the knife was sitting there. And she told me
11 that she probably should not have done that, because she
12 messed up the fingerprints on the knife.

13 I told her not to worry about that. I
14 said, "Get down and help your little boy there, and I will
15 keep an eye on the garage."

16 Q. When you told her this second time to
17 go down there and to help her boy, did she?

18 A. No.

19 Q. What did she do?

20 A. She was sitting down at the time, and

21 when I told her that, she looked up at me and pulled the
22 towel off of her neck, and showed me the cut on her neck.
23 Q. This telephone that she was on
24 initially, was this a cordless telephone?
25 A. I believe it was.

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1 Q. So you had told her at this point
2 twice, to go tend to the boy; is that right?
3 A. Yes.
4 Q. And, she had not done that on either
5 occasion?
6 A. Right.
7 Q. The second time that you told her to go
8 over there and care for this child, could you see what his
9 condition was? Had it changed?
10 A. He was not moving any more.
11 Q. Could you see whether his eyes were
12 still open or not?
13 A. I don't know that his eyes were still
14 open or not at that time.
15 Q. Well, after you told her the second
16 time to go take care of the child, and she sat there, tell
17 us what happened next?
18 A. Well, Mr. Routier, Darin, was hollering
19 at me back and forth, to try to get me to do something.
20 He was still trying to help the second child. He told me
21 that he was unable to do it, he tried CPR, and he told me
22 that he was just blowing air through his chest, and then
23 he told me there was no use, that he was dead. He got up
24 and walked.
25 He walked over to where the first boy

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1 was, I don't know what he was doing, I had my attention
2 focused on the garage, until my back-up could get there,
3 and I just pretty much just waited there until Sergeant
4 Walling got there.
5 Q. When Mrs. Routier was telling you about
6 this person who had broken in, and attacked her and the
7 two children, did she give you a description of that
8 person?
9 A. I asked her what he looked like, and
10 she told me that -- I believe she told me that it was a
11 male, and she might have told me some type of clothing,
12 which I don't recall right off, but she didn't know if he
13 was black or white.
14 Q. And this fight that occurred between

15 her and this other person, again, what area was she
16 pointing to as being the site of the fight?

17 A. Just right at the end of the bar, just
18 inside the kitchen.

19 Q. So it would be the area of the kitchen
20 closest to the den, or the family room; is that right?

21 A. Yes, sir.

22 Q. At the time that you were talking with
23 her, when you first came in there, do you recall whether
24 she was crying or not?

25 A. She was screaming and yelling, and

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1 appeared to be hysterical to me. I couldn't say whether
2 she was crying tears or not. She appeared to be
3 hysterical.

4 Q. Okay. And, during this time period
5 though, is this the time when she told you about the
6 description of the intruder, the site of the fight, and
7 also where the knife had been dropped?

8 A. Yes, sir.

9 Q. And, this was -- was this also the
10 conversation or the time period in which she told you that
11 she had picked up the knife?

12 A. Yes, sir.

13 Q. Was this also the time period in which
14 she told you her concerns about fingerprints on the knife?

15 A. Yes, sir.

16 Q. Did you find that unusual at all?

17 A. Yes, I did.

18 Q. In what way?

19 A. Well, her -- she had a boy that was
20 laying beside both of us, looking up at us, and was trying
21 to breathe, and she didn't appear to be concerned about
22 him. She was more concerned about the actual crime scene,
23 which I thought was unusual.

24 Q. At some point, did Sergeant Walling
25 arrive at the scene?

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1 A. Yes, he did.

2 Q. And, at some point did you and Officer
3 Walling go back there to the garage?

4 A. Yes, sir.

5 Q. Did you see anyone inside the garage?

6 A. No, sir.

7 Q. Did you or Officer Walling, at some
8 point, make some sort of search of the outside of the lot

9 of the house?

10 A. Yes, we did.

11 Q. Was any intruder ever found on the
12 property?

13 A. No, sir.

14 Q. At some point, was a K-9 unit called
15 from the Garland Police Department to come to the scene?

16 A. Yes, sir, it was.

17 Q. And, did the K-9 Unit make a search of
18 that area surrounding that house?

19 A. Yes, sir.

20 Q. And, did you assist Officer Griffith of
21 the Garland Police Department in making that search?

22 A. Yes, I did.

23 Q. And, what were the results of that K-9
24 search?

25 A. Well, there were no results indicating

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1 that anybody was in the area.

2 Q. And, how long did that search take
3 place, approximately?

4 A. I think it was a little bit less than
5 an hour, probably 50 minutes.

6 Q. So the results were negative on the K-9
7 search also?

8 A. Yes, sir.

9 Q. Did the paramedics arrive there at the
10 scene while you were still there with Mrs. Routier?

11 A. Yes, they did.

12 Q. Did you do anything with Mr. and Mrs.
13 Routier in response to the paramedics being there with the
14 boys?

15 A. I had them -- I believe Mr. Routier was
16 trying to get with the paramedics, and I guess he was
17 trying to help them out. My concern was that he was going
18 to be in the way and I asked both of them to come sit down
19 beside the sliding glass door that goes into the back
20 yard.

21 Q. Okay. The boy that you saw initially,
22 when you went into the room, that was gasping for breath
23 initially, did the paramedics come in and tend to him?

24 A. Yes, sir, they did.

25 Q. And did the paramedics almost

Sandra M. Halsey, CSR, Official Court Reporter 57

1 immediately take him from the room?

2 A. Yes, they did.

3 Q. In your experience as a police officer,
4 were you expecting any sort of reaction from Mr. and Mrs.
5 Routier when that occurred?

6 A. I was expecting to have to physically
7 hold them back, when they were taking the kids out.

8 Q. Why is that?

9 A. Well, I have a seven year old daughter,
10 and I would have a hard time seeing my little girl being
11 carried off.

12 Q. Why did Mrs. Routier -- what did Mrs.
13 Routier do when the paramedics came in and attended to
14 this boy, and then took him out of the house?

15 A. She went and sat on the floor like I
16 asked her to.

17 Q. All right. Did she ever -- did you
18 ever hear her say anything to the effect of "Where are you
19 taking my boy?"

20 A. No, sir.

21 Q. Did you ever hear her say anything to
22 the effect of, "How is my boy doing?"

23 A. No, sir.

24 Q. Did you ever hear her say anything to
25 the effect of, "Is he alive still?"

Sandra M. Halsey, CSR, Official Court Reporter 58

1 A. No, sir.

2 Q. Did you ever hear her ask anything
3 about that boy's condition?

4 A. No, sir.

5 Q. Now, the child that was taken out, was
6 he taken to an ambulance there in front of the house?

7 A. Yes, he was.

8 Q. Did he die in that ambulance? Is that
9 your understanding?

10 A. It is my understanding that he did.

11 Q. The other child that was in the room,
12 was he left in the room for some period of time?

13 A. Yes, he was.

14 Q. Did you ever hear Mrs. Routier ever ask
15 about his condition?

16 A. No.

17 Q. Did you ever see Mrs. Routier make any
18 sort of an attempt to go over to him?

19 A. No, she didn't.

20 Q. Did you ever see Mrs. Routier ever
21 touch either of these boys, from the time that you got
22 there to that house?

23 A. No.

24

25 MR. GREG DAVIS: May I approach, your

Sandra M. Halsey, CSR, Official Court Reporter 59

1 Honor?

2 THE COURT: You may.

3 MR. GREG DAVIS: Mark these, please.

4

5 (Whereupon, the

6 above mentioned

7 Exhibits were marked

8 as State's Exhibit

9 No. 6, 7 & 8, for identi-

10 fication purposes

11 only, after which

12 time the proceedings

13 were resumed as

14 follows:)

15

16 BY MR. GREG DAVIS:

17 Q. Officer Waddell, if you would look

18 please at State's Exhibit No. 6 and No. 7 and No. 8, do

19 these photographs truly and accurately depict portions of

20 the scene there at 5801 Eagle, as it appeared on June 6th,

21 1996?

22 A. Yes.

23

24 MR. GREG DAVIS: Your Honor, at this

25 time, we will offer State's Exhibits 6, 7 and 8.

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1 MR. WAYNE HUFF: No objection for the

2 purposes of this hearing, your Honor.

3 THE COURT: Received.

4

5 (Whereupon, the documents

6 heretofore mentioned were

7 marked and received in

8 evidence as State's

9 Exhibit Nos. 6, 7 & 8,

10 after which time, the

11 proceedings were resumed

12 as follows:)

13

14 BY MR. GREG DAVIS:

15 Q. Officer Waddell, looking at State's

16 Exhibit No. 6. Is this a photograph of the boy that Mr.

17 Routier went over to tend to?

18 A. Yes.

19 Q. And you say that it appeared to you
20 that he was trying to give this boy CPR; is that right?
21 A. Yes, sir.
22 Q. Now, this is not the boy that you saw
23 initially lying on the floor gasping for breath, is it?
24 A. No.
25 Q. This boy was over in another portion of

Sandra M. Halsey, CSR, Official Court Reporter 61

1 the room; is that right?
2 A. Yes, sir.
3 Q. Okay. In fact, if we look at State's
4 Exhibit No. 7, is this a coffee table that is in that
5 room, in the family room?
6 A. Yes.
7 Q. And, is there a grouping, a love seat
8 and a couch that surround this?
9 A. Yes, there is.
10 Q. Okay. If we're looking -- is there a
11 big screen television over here on this portion of the
12 room?
13 A. Yes, there is.
14 Q. So the boy that we see here in State's
15 Exhibit No. 6, this boy was laying on the floor over here
16 closer to the area of the big screen television; is that
17 right?
18 A. Yes.
19 Q. The other boy that you saw initially
20 laying on the floor, would he have been in the front
21 portion of that family room, closer to the hallway that
22 leads out to the front of the house?
23 A. Yes, he was.
24 Q. So the boys were actually kind of
25 across the room from each other, correct?

Sandra M. Halsey, CSR, Official Court Reporter 62

1 A. Correct.
2 Q. And, in reference to this photograph,
3 would Mrs. Routier have been standing over somewhere
4 behind the love seat portion?
5 A. Yes.
6 Q. Closer to the kitchen; is that right?
7 A. Yes, sir.
8 Q. State's Exhibit No. 8, is this -- does
9 this show a counter or a bar that runs, it separates the
10 family area here on the left-hand portion of the
11 photograph from the kitchen on the right-hand portion?
12 A. Yes.

13 Q. And we see a plastic runner with some
14 blood on it, the boy that was face down, would he have
15 been closer to this area over here?

16 A. Yes, he was.

17 Q. Okay. Near the runner; is that right?

18 A. Right.

19 Q. Okay. Do we see a knife that is --
20 with a white handle, that is here on the bar separating
21 the kitchen and the family area?

22 A. Yes, sir.

23 Q. Is this where Mrs. Routier indicated
24 that she had placed the knife?

25 A. Yes.

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1 Q. Did you have an opportunity to look at
2 the knife?

3 A. I just glanced at it.

4 Q. Do you recall whether or not this is a
5 single-edged blade on the knife?

6 A. Yes, it was a single-edged blade.

7 Q. And, had she indicated that she had
8 actually picked this up from somewhere between the kitchen
9 and the garage and then placed it up here; is that right?

10 A. That's correct.

11 Q. Okay. Officer, did you notice whether
12 or not there were any valuables up there on this counter
13 top or this bar which separates the kitchen and the den?

14 A. I didn't notice if there was or not.

15 Q. Okay. Officer, in your duties as a
16 Rowlett police officer, have you seen individuals perhaps
17 involved in accidents or other trauma, that appeared to
18 you to be in shock?

19 A. Yes, I have.

20 Q. All right. And, from your experience
21 did it appear to you as though Darlie Routier was
22 suffering from shock at the time that you saw her, at 5801
23 Eagle Drive, on June 6th, 1996?

24 A. No, sir.

25 Q. Can you tell us why you have reached

Sandra M. Halsey, CSR, Official Court Reporter 64

1 that conclusion?

2 A. Well, people who I have dealt with that
3 are in shock, typically don't think -- are not capable of
4 thinking about what's going on around them. She was real
5 consistent on letting me know that she had moved the
6 knife, and that she had messed up the crime scene.

7 Typically, people won't worry about a crime
8 scene when there's people dying, especially their children
9 around them.

10 Q. Was she able to follow your
11 instructions?

12 A. Yes, she was.

13 Q. With the exception of going over and
14 tending to Damon, to the younger child?

15 A. Yes, that's correct.

16 Q. Did she follow every other instruction
17 that you gave her that evening, or that morning?

18 A. Yes, she did.

19 Q. How long did you remain there at the
20 scene?

21 A. I'm not sure, I think it was probably
22 until about 7:00 o'clock in the morning.

23 Q. And, how long did Mrs. Routier remain
24 at the scene before she was taken?

25 A. I'm not real sure on that, it was

Sandra M. Halsey, CSR, Official Court Reporter 65

1 probably less than 30 minutes.

2 Q. Did you ever hear her -- during the
3 course of your time with her, did you ever hear her ask
4 about the condition of her two children?

5 A. No, I did not.

6 Q. All of these events that you have just
7 told us about, did they occur on June 6th, 1996 in Dallas
8 County, Texas?

9 A. Yes, they did.

10

11 MR. GREG DAVIS: I'll pass the witness.

12

13

14 CROSS EXAMINATION

15

16 BY MR. WAYNE HUFF:

17 Q. Officer, did you prepare a written
18 report?

19 A. Yes, I did.

20 Q. About this matter?

21 A. Yes, I did.

22 Q. Okay.

23

24 MR. WAYNE HUFF: Your Honor, I would
25 ask that we be tendered that report for the purpose of

Sandra M. Halsey, CSR, Official Court Reporter 66

1 cross examination.

2

3 VOIR DIRE EXAMINATION

4

5 BY MR. GREG DAVIS:

6 Q. Officer Waddell, let me just show you

7 these copies that I have made, and tell me whether these

8 are the reports that you prepared or not?

9 A. Yes.

10

11 MR. GREG DAVIS: Okay. Your Honor, at

12 this time, we're tendering to Counsel the written reports

13 of Officer Waddell.

14 MR. WAYNE HUFF: May I have a moment,

15 your Honor?

16 THE COURT: You may, we are going to

17 recess until 11:10. That will give you about 5 or 6

18 minutes, maybe that will give you a chance to view that.

19 All right. You can step down if you

20 want to. We will start back up in about 6 minutes.

21 THE WITNESS: Yes, sir.

22

23 (Whereupon, a short

24 Recess was taken,

25 After which time,

Sandra M. Halsey, CSR, Official Court Reporter 67

1 The proceedings were

2 Resumed on the record,

3 In the presence and

4 Hearing of the defendant

5 As follows:)

6

7

8 THE COURT: All right. Mr. Davis, are

9 you ready to resume?

10 MR. GREG DAVIS: Yes, sir, I sure am.

11 THE COURT: All right. The defendant

12 is present and her counsel is present. All right. Go

13 ahead with your cross examination, Mr. Huff.

14

15

16 CROSS EXAMINATION

17

18 BY MR. WAYNE HUFF:

19 Q. Officer Waddell, how long have you been

20 a police officer out in Rowlett?

21 A. About four and a half years.

22 Q. And, is that the first police job you

23 have had?

24 A. No, sir.

25 Q. Where else have you worked?

Sandra M. Halsey, CSR, Official Court Reporter 68

1 A. I worked in Glenn Heights for about

2 nine months, and I reserved in Heath for probably about

3 nine months.

4 Q. Okay. How many murders have you worked

5 prior to this one?

6 A. Maybe one or two.

7 Q. All right. Was that when you were with

8 Rowlett?

9 A. One of them was with Rowlett, yes, sir.

10 Q. All right. How many murders have you

11 worked where a person's child has been killed?

12 A. None.

13 Q. All right. How many murders have you

14 worked involving stabbings?

15 A. None.

16 Q. This was first one?

17 A. Yes, sir.

18 Q. How many of these accidents have you

19 worked where you say people were in shock?

20 A. Countless. I don't know how many,

21 people go into shock on car accidents.

22 Q. Well, if a person is injured in a car

23 accident they will go into shock; is that right?

24 A. Yes, sir.

25 Q. Well, what do they act like?

Sandra M. Halsey, CSR, Official Court Reporter 69

1 A. Well, they just act like they are in a

2 daze, and they really don't know what is going on around

3 them.

4 Q. Do they ever act hysterical?

5 A. Sometimes, yes.

6 Q. Emotional?

7 A. Sometimes, yes.

8 Q. Irrational?

9 A. I guess they could.

10 Q. Okay. How many people have you

11 actually seen in shock?

12 A. I don't know, I couldn't put a number

13 on it.

14 Q. More than 10?

15 A. Probably.

16 Q. More than 20?

17 A. Probably not.

18 Q. All right. How many people had you

19 seen before this date that had their two children stabbed
20 in front of them?

21 A. None.

22 Q. How many people had you seen before

23 this date that had their two children stabbed in front of
24 them and had their throat slashed?

25 A. None.

Sandra M. Halsey, CSR, Official Court Reporter 70

1 Q. How many mothers had you dealt with

2 before that have just lost their children?

3 A. Maybe four or five.

4 Q. In some traffic accidents?

5 A. No, sir, just different things, no

6 traffic accidents.

7 Q. How many mothers had you dealt with

8 before whose children had been killed in their own

9 presence?

10 A. Maybe one.

11 Q. Before this?

12 A. Yes.

13 Q. Was that a murder?

14 A. No, sir, it was not a murder.

15 Q. Traffic accident?

16 A. It was a drowning.

17 Q. Drowning?

18 A. Yes.

19 Q. Can people go into shock from loss of

20 blood?

21 A. Well, I'm not a doctor, I don't know if

22 they can, I guess they can, I couldn't say for sure.

23 Q. Well, would you say that Mrs. Routier

24 was bleeding rather profusely?

25 A. She had blood all over her T-shirt.

Sandra M. Halsey, CSR, Official Court Reporter 71

1 Q. It was dripping on the floor too,

2 wasn't it?

3 A. There was blood on the floor, yes.

4 Q. Was she actually dripping blood on the

5 floor, in your presence?

6 A. I don't recall seeing -- paying

7 attention to whether it was dripping, but I know her shirt

8 was soaked in blood.

9 Q. By the time you arrived it was soaked

10 in blood?

11 A. Yes.
12 Q. Officer, were you the first officer on
13 the scene?
14 A. Yes, sir.
15 Q. Were you working alone?
16 A. Yes, sir.
17 Q. Who was the second officer on the
18 scene?
19 A. Sergeant Walling.
20 Q. How long were you there before he
21 arrived?
22 A. Maybe three or four minutes, I really
23 couldn't tell you. It wasn't real long.
24 Q. Now, you say that -- how long did it
25 take you to get to the house?

Sandra M. Halsey, CSR, Official Court Reporter 72

1 A. Two to three minutes.
2 Q. Now, you would have gone from 66 and
3 proceeded down Dalrock; is that correct?
4 A. Yes, sir.
5 Q. You would have taken a right on -- what
6 is that street?
7 A. Linda Vista.
8 Q. Okay. And, the house is how far away
9 from there?
10 A. From Linda Vista and Dalrock?
11 Q. Yes, sir.
12 A. Maybe a couple of blocks.
13 Q. Did you see any other cars on the road
14 that night?
15 A. I don't recall seeing any, no.
16 Q. No? So there could have been some on,
17 I guess, on Dalrock that you didn't notice?
18 A. There could have been.
19 Q. From Dalrock you turn into this housing
20 development, don't you, where the Routiers live?
21 A. Yes, sir.
22 Q. Numerous streets, aren't there?
23 A. Yes, sir.
24 Q. Did you see any other traffic on those
25 streets?

Sandra M. Halsey, CSR, Official Court Reporter 73

1 A. I didn't see any, no.
2 Q. Okay. Two to three minutes would be
3 plenty of time for somebody to drive out of that housing
4 development and get right back on Dalrock; is that

5 correct?
6 A. Yes, sir.
7 Q. Okay. Now, when you arrived, you said
8 that Mr. Routier was outside of the house?
9 A. He was running out the front door, yes.
10 Q. To where?
11 A. I don't know where he was going. I
12 assumed he was running across the street.
13 Q. Did he say he was running across the
14 street?
15 A. No.
16 Q. What was his condition?
17 A. He was -- he seemed excited and he was
18 emotional about what had taken place in the house.
19 Q. Okay. What did he say to you?
20 A. He told me that I needed to come in
21 there and help him because his kids were dying.
22 Q. Okay. Did he say anything else?
23 A. Not that I recall.
24 Q. All right. Now you went in the house;
25 is that right?

Sandra M. Halsey, CSR, Official Court Reporter 74

1 A. Yes, sir.
2 Q. Do you remember what the inside looked
3 like?
4 A. Pretty much.
5
6 MR. WAYNE HUFF: Would you mark this,
7 please.
8
9 (Whereupon, the
10 Exhibit was marked
11 for identification
12 only, as Defendant's
13 Exhibit No. 1, after
14 which time the
15 proceedings were resumed
16 as follows:)
17
18 BY MR. WAYNE HUFF:
19 Q. Let me show you what has been marked as
20 Defendant's Exhibit No. 1 and I will ask you if you can
21 identify that as a schematic of the downstairs of the
22 house in this case?
23 A. I thought the stairs were on this side.
24 Q. You thought the stairs were on the left
25 instead of the right as you walked in?

1 A. Yes.
2 Q. All right. What else on there looks
3 different than the way you remember it?
4 A. That's all I can tell from here.
5 Q. So the rest of it looks okay; is that
6 right?
7 A. Yes, sir.
8
9 MR. WAYNE HUFF: Your Honor, we will
10 offer Defendant's Exhibit No. 1.
11 MR. GREG DAVIS: No objection.
12 THE COURT: Received.
13
14 (Whereupon, the items
15 Heretofore mentioned
16 Were received in evidence
17 As Defendant's Exhibit. No. 1
18 For all purposes,
19 After which time, the
20 Proceedings were resumed
21 As follows:)
22
23 BY MR. WAYNE HUFF:
24 Q. Where were the boys laying when you
25 walked in?

1 A. One was right here against this wall,
2 and the other one was in the floor over here.
3 Q. All right. Now, in your report, you
4 referred to one of them as the second victim, is that
5 right?
6 A. Right.
7 Q. Where was the second victim?
8 A. The second one being over here.
9 Q. With this red pen, I want you to mark a
10 2 where the second victim was?
11 A. Okay. (Witness complies.)
12 Q. All right. With a 1, I want you to
13 mark where the first victim was?
14 A. Okay. (Witness complies.)
15 Q. Now, I want you to put a triangle where
16 you say Mrs. Routier was?
17 A. Okay. (Witness complies.)
18 Q. Now, when you went back in the house,
19 where was Mr. Routier? Where did he go?
20 A. I believe he went straight back over

21 here to the second child.
22 Q. To the second child?
23 A. Yes.
24 Q. Okay. Just put an F there for father.
25 A. Okay. (Witness complies.)

Sandra M. Halsey, CSR, Official Court Reporter 77

1 Q. What was he doing with the second child
2 when he went back over there?
3 A. He was on his hands and knees, trying
4 to give him some first aid.
5 Q. All right. Oh, did you go back to the
6 garage when you arrived?
7 A. When I first got there, no.
8 Q. All right. How long after you arrived
9 did you first go back to the garage?
10 A. I went to the garage when Sergeant
11 Walling arrived.
12 Q. And not before?
13 A. No, sir.
14 Q. You didn't try to secure the house, and
15 make sure that no one else was still in there?
16 A. I didn't go all the way around the
17 house, I secured the immediate area that we were in.
18 Q. All right. So, Mrs. Routier told you
19 the person was still in the house, and you didn't go
20 looking for them?
21 A. That's right. She told me he was in
22 the garage.
23 Q. All right. Did she point to where the
24 garage was?
25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter 78

1 Q. You talked about an island, do you see
2 the island in this diagram?
3 A. Yes, sir, is this the island?
4 Q. Yes, sir. Is that what you are talking
5 about?
6 A. Well, I don't know that I mentioned the
7 island.
8 Q. Okay. You mentioned the bar; is that
9 correct?
10 A. Yes, sir.
11 Q. That is where you drew the triangle
12 where Mrs. Routier was standing; is that correct?
13 A. Right.
14 Q. What route did you and Sergeant Walling

15 take to get back to the garage?
16 A. From here around this way.
17 Q. Just draw an arrow to indicate the
18 route that you and he took.
19 A. Okay. (Witness complies.)
20 Q. Okay. Did you actually enter the
21 garage?
22 A. Sergeant Walling did.
23 Q. Okay. Was the door to the garage --
24 okay, there is a door to the laundry room; right?
25 A. Right.

Sandra M. Halsey, CSR, Official Court Reporter 79

1 Q. Was it open or closed?
2 A. I believe they were open.
3 Q. And the laundry room, just for the
4 record, is what is marked as Room Number 3; is that
5 correct?
6 A. Yes.
7 Q. Okay. And is there a door to the
8 garage from the laundry room?
9 A. Yes.
10 Q. Was it open or closed?
11 A. I believe it was open.
12 Q. All right. So both the door to the
13 laundry room and the door to the garage were open?
14 A. Yes.
15 Q. Did you notice any blood in the laundry
16 room?
17 A. No.
18 Q. There was no blood?
19 A. I didn't notice any.
20 Q. Okay. There was no obvious blood to
21 you in the laundry room?
22 A. I'm saying I didn't see any in the
23 laundry room.
24 Q. Okay. Well, I mean, if there was blood
25 smeared on the door out here, you would have seen it;

Sandra M. Halsey, CSR, Official Court Reporter 80

1 right?
2 A. More than likely, but --
3 Q. Okay. And, if there was blood all over
4 the washing machine, you would have seen that too; right?
5 A. Well, not necessarily.
6 Q. Well, if there was blood on the floor
7 that you had to walk through to get back there, you are a
8 trained police officer, you would have noticed that,

9 wouldn't you?
10 A. More than likely, yes.
11 Q. Okay. You didn't see any, did you?
12 A. Not that I recall. There was some on
13 the floor in the kitchen area.
14 Q. All right. Where?
15 A. Just -- it was all over the kitchen
16 area there.
17 Q. Okay. You mean -- are you indicating
18 this entire area around the sink and the island there?
19 A. There was blood there, yes.
20 Q. Okay. What else was on the floor
21 there?
22 A. I'm not sure.
23 Q. Was there anything -- any large objects
24 laying on the floor?
25 A. I didn't see any.

Sandra M. Halsey, CSR, Official Court Reporter 81

1 Q. Nothing you could trip over if you were
2 walking to the sink?
3 A. I didn't see any.
4 Q. Let me point to -- do you see where the
5 number 2 is there?
6 A. Yes, sir.
7 Q. Were there any large objects laying in
8 that vicinity that you saw?
9 A. I didn't see any.
10 Q. Was there a wine rack in the kitchen
11 area?
12 A. I remember seeing a wine rack.
13 Q. Was there broken glass in the kitchen
14 area?
15 A. There was a broken glass.
16 Q. Okay. But no other large objects you
17 saw on the floor of the kitchen; is that correct?
18 A. That's correct.
19 Q. All right. Now let's talk about the
20 family room. How was the family room furnished when you
21 entered?
22 A. How was it furnished?
23 Q. Yes, sir.
24 A. There was 2 couches and a TV and a
25 coffee table is what I remember.

Sandra M. Halsey, CSR, Official Court Reporter 82

1 Q. Okay. Do you remember a chair that
2 resembled the couches?

3 A. Not that I recall.
4 Q. All right. Was there a coffee table in
5 front of the couches?
6 A. Yes.
7 Q. How were the couches positioned?
8 A. I think they were in a L shaped.
9 Q. Okay. Draw that for us, would you
10 please.
11 A. Okay. (Witness complies.)
12 Q. As you recall it.
13 A. Okay. I guess these would be the two
14 couches.
15 Q. Okay. And, where was the coffee table?
16 A. Right in the middle of them.
17 Q. Draw that in too, just draw a little
18 square there for that.
19 A. Okay. (Witness complies.)
20 Q. Was there a table between the two
21 couches?
22 A. I don't know.
23 Q. Okay. Was there anything on the coffee
24 table?
25 A. There might have been some flowers.

Sandra M. Halsey, CSR, Official Court Reporter 83

1 Q. Okay. Were they turned over, sitting
2 upright, or what position were they?
3 A. I believe they were knocked over.
4 Q. They were knocked over?
5 A. Yes.
6 Q. Okay. Where was the -- was there a
7 television?
8 A. There was a television.
9 Q. Where was that?
10 A. I think it was right here.
11 Q. Okay. Just draw that in, as best you
12 can, and we will mark that.
13 A. Okay. (Witness complies.)
14 Q. Okay. Just put TV in there, if you
15 would.
16 A. Okay.
17 Q. Was the television on or off?
18 A. It was on.
19 Q. Volume turned on or off?
20 A. I don't remember hearing it.
21 Q. Okay. You didn't hear anything on the
22 television, you just saw the screen?
23 A. Right.
24 Q. Okay. Were the lights on or off when

25 you went into the room?

Sandra M. Halsey, CSR, Official Court Reporter 84

1 A. I believe they were on.

2 Q. All right. Okay. Did you see the
3 knife that Mrs. Routier directed you towards?

4 A. Yes, I did.

5 Q. Where was it?

6 A. It was on the end of the bar.

7 Q. Draw that. Just put a K where the
8 knife was.

9 A. Okay. (Witness complies.)

10 Q. Was the -- which way was the point of
11 the knife?

12 A. It was facing toward the kitchen.

13 Q. All right. That little arrow indicates
14 that direction; is that correct?

15 A. Yes, sir.

16 Q. Okay. All right. Now, how many times
17 did you go through the kitchen to the garage?

18 A. One time.

19 Q. All right. How many times did you
20 actually go in the kitchen?

21 A. Twice.

22 Q. Now, you went there once to look in the
23 garage with Sergeant Walling, when was the other time you
24 went in there?

25 A. I went half way, whenever she told me

Sandra M. Halsey, CSR, Official Court Reporter 85

1 that he was still in the garage, I walked half way and
2 tried to peek into the garage area.

3 Q. All right. Was there blood on that
4 floor you were walking on?

5 A. I believe there was.

6 Q. Okay. Did you step in the blood?

7 A. I might have, I didn't think I did.

8 Q. Okay.

9 A. I don't know.

10 Q. All right. Well, when you and Sergeant
11 Walling went out to look in the garage, did either one of
12 you step in any of the blood?

13 A. I don't know if we did or not.

14 Q. Did you check your shoes after you left
15 the scene to see if you had blood on them?

16 A. Yes, I did.

17 Q. Did you?

18 A. No.

19 Q. Okay. When did you check your shoes?
20 A. After we went outside and looked
21 through the back yard.
22 Q. Um-hum. (Attorney nodding head
23 affirmatively.) Now, you and Officer -- you were there
24 first, Officer Walling arrived in about three or four
25 minutes; is that correct?

Sandra M. Halsey, CSR, Official Court Reporter 86

1 A. I guess, I'm not sure on how long it
2 took him.
3 Q. Okay.
4 A. I assumed it was two to three or four
5 minutes, somewhere in that area.
6 Q. Now, was this during the time that you
7 said that you wanted Mrs. Routier to administer first aid.
8 A. Yes.
9 Q. Okay. And this is the time when you
10 told her to do that?
11 A. Yes.
12 Q. Okay. Did you ever tell her to do that
13 after Sergeant Walling arrived?
14 A. I don't think so.
15 Q. Okay. Did Sergeant Walling ever tell
16 her to administer first aid?
17 A. I don't know what he told her.
18 Q. Well, were you there with him in her
19 presence before the paramedics arrived?
20 A. Yes.
21 Q. What do you remember Sergeant Walling
22 telling either of the Routiers?
23 A. I don't know what Sergeant Walling told
24 either one of them.
25 Q. Okay. Did he tell them anything?

Sandra M. Halsey, CSR, Official Court Reporter 87

1 A. He could have.
2 Q. But you don't remember that part; is
3 that right?
4 A. Right.
5 Q. Okay. You remember practically every
6 word that Mrs. Routier said to you, but not much that
7 Sergeant Walling said; is that right?
8 A. I didn't say that either.
9 Q. Well --
10 A. I remember some things that she told
11 me.
12 Q. Did -- everything she told you, did she

13 tell you that before Sergeant Walling arrived?
14 A. Yes, sir.
15 Q. Okay. So nothing you have testified to
16 here today, about what she said to you, happened after
17 Sergeant Walling arrived?
18 A. The best I can remember, no.
19 Q. Did anyone go upstairs before Sergeant
20 Walling arrived?
21 A. No.
22 Q. How about after he arrived?
23 A. After he arrived, yes.
24 Q. Who went upstairs?
25 A. I believe two of the paramedics went

Sandra M. Halsey, CSR, Official Court Reporter 88

1 upstairs, myself and Sergeant Walling went upstairs.
2 Q. All right. When did y'all go upstairs?
3 A. After the paramedics came in and
4 started taking care of the injuries.
5 Q. Did Mr. Routier ever go upstairs?
6 A. Not that I'm aware of.
7 Q. He never went up there to check on the
8 baby?
9 A. Not that I -- I didn't see him go up
10 there, I mean, he could have, I don't know if he did or
11 not.
12 Q. Did anyone inquire about the baby
13 upstairs? Either of the Routiers, in your presence?
14 A. Neither one of them asked me, no.
15 Q. Did they say anything about the baby?
16 A. No.
17 Q. Drake?
18 A. No.
19 Q. Did you notice a window open and a
20 screen that was cut in the garage?
21 A. Yes.
22 Q. When did you notice that?
23 A. When we went around to the back yard.
24 Q. How did you notice it? Was it pointed
25 out to you?

Sandra M. Halsey, CSR, Official Court Reporter 89

1 A. Yes.
2 Q. Who pointed it out?
3 A. Sergeant Walling told me that it was
4 cut when we first went into the garage.
5 Q. All right.
6 A. I didn't go in to look at it at that

7 time, we went around to the back.
8 Q. So he looked over there and saw the
9 window was cut when he first walked into the garage; is
10 that correct?
11 A. Right.
12 Q. So I guess he could see right over to
13 the window, from inside garage; is that correct?
14 A. He stepped all the way into the garage
15 and looked around, and I was behind him.
16 Q. Was there anything obstructing someone
17 from getting to that window to enter or exit the house?
18 A. I believe there was a small little
19 trail going to the window.
20 Q. Small little trail of what?
21 A. There was lot of stuff in the garage.
22 Q. All right. But there was a trail
23 leading directly to the window?
24 A. A narrow path way if you want to call
25 it that.

Sandra M. Halsey, CSR, Official Court Reporter 90

1 Q. That someone could have walked through;
2 is that right?
3 A. Yes.
4 Q. Okay. Would you draw in where that
5 window was where the screen was cut?
6 A. Yes. (Witness complies.)
7 Q. Okay. That is this red mark that you
8 put in the garage; is that correct?
9 A. Right.
10 Q. Was the garage door opened or closed?
11 A. The big door?
12 Q. Yes, sir.
13 A. The big door was closed.
14 Q. Was it locked?
15 A. I believe so, I'm not sure.
16 Q. Did you check it?
17 A. I didn't check it, no.
18 Q. Okay. You wrote a written report in
19 this case, Officer?
20 A. Yes, sir.
21
22 MR. WAYNE HUFF: Would you mark this,
23 please.
24
25

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1 (Whereupon, the
2 Exhibit was marked
3 for identification
4 only, as Defense
5 Exhibit No. 2,
6 after which time,
7 the proceedings were
8 resumed as follows:)
9

10 BY MR. WAYNE HUFF:

11 Q. Let me show you what has been marked as
12 Defendant's Exhibit No. 2, and ask you to look through it
13 and ask you if that is the total of your written report?

14 A. It looks like one of the three written
15 reports that I did for that night.

16 Q. Three written reports?

17 A. Yes, sir.

18 Q. Well, let's see. We have one that is
19 dated the 6th; is that correct? That was the day of the
20 incident; is that right?

21 A. Yes, sir.

22 Q. Okay. And that is a 2-page narrative;
23 is that right?

24 A. Yes, sir.

25 Q. Then we have a supplement report dated

Sandra M. Halsey, CSR, Official Court Reporter 92

1 the 6th?

2 A. Yes, sir.

3 Q. Is that the second report?

4 A. There is one for each injury, one for
5 both of the boys and one for the defendant.

6 Q. Okay.

7 A. But they are all the same narrative.

8 Q. All right. There is also a supplement
9 report with an additional narrative, done on the 7th; is
10 that correct?

11 A. Yes, sir.

12 Q. Now, is this all of your reports?

13 A. Yes, sir.

14 Q. You have indicated to the Court that
15 the younger child who you have identified as victim 1, was
16 laying in the floor; is that correct?

17 A. That's correct.

18 Q. Face down?

19 A. Yes, sir.

20 Q. Face pointed in which direction?

21 A. It would have been toward the sliding
22 glass door toward the back yard.

23 Q. All right. So his face was turned over
24 to one side, facing the sliding glass door?
25 A. Right.

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1 Q. Gasping for breath?
2 A. Right.
3 Q. The prosecutor asked you if he said
4 anything, and you said, not in words, what did you mean by
5 that?
6 A. I said he didn't say any words.
7 Q. Okay. Did he try to communicate with
8 you in any way?
9 A. I didn't think that he was trying to
10 communicate with me, I just thought he was trying to
11 breathe.
12 Q. All right. So he was gasping for
13 breath; is that right?
14 A. Right.
15 Q. Okay. Now, it took you two or three
16 minutes to get there; is that correct?
17 A. Yes, sir.
18 Q. Had any first aid been administered to
19 either of the children prior to your arrival?
20 A. Not that I'm aware of.
21 Q. Okay. So, if the father was over
22 giving CPR to one of the children, who you have identified
23 as victim 2, you wouldn't know one way or the other
24 whether that happened, would you?
25 A. I know that he did it while I was

Sandra M. Halsey, CSR, Official Court Reporter 94

1 there.
2 Q. Okay. But you don't know whether he
3 did it before or not, do you?
4 A. Right.
5 Q. Other than give the child CPR, did the
6 father administer any other first aid to him?
7 A. I'm not really sure what all he did to
8 him.
9 Q. Well, let's see, you told him to apply
10 pressure to him, didn't you?
11 A. That is what I told him to do, yes,
12 sir.
13 Q. Did he?
14 A. I guess he did, I didn't watch to see
15 what he was doing as I told him.
16 Q. Let's see here, "I instructed the

17 father to apply pressure to the second child's injuries
18 which he did, for approximately one minute, and then
19 stated, "It's too late, he is already dead."
20 Is that what you put in your report,
21 Officer?
22 A. That is what's in my report, yes, sir.
23 Q. Well, was your memory a little fresher
24 back then?
25 A. He must have put pressure on them.

Sandra M. Halsey, CSR, Official Court Reporter 95

1 Q. Okay. And you saw that, didn't you?
2 A. I saw him over there with him, yes.
3 Q. Okay. And let's see, "At the same
4 time, the mother, Darlie, told me that she thought the
5 suspect might be still be in the garage." Is that
6 correct?
7 A. Yes.
8 Q. Let's see. You then say, "I advised
9 her to apply pressure to the complainant's injuries while
10 I secured the immediate area we were in." This is your
11 report on the 6th, the first report; is that correct?
12 A. Right.
13 Q. All right. Where does it say in this
14 report that she didn't do that?
15 A. It's right here on this page, sir.
16 Q. Oh, you mean the one that you did on
17 the 7th?
18 A. Yes, sir.
19 Q. No, I'm talking about the one on the
20 6th, Officer. We well get to the one on the 7th in a
21 minute.
22 A. Oh. Well, I don't know that it says
23 that on the one on the 6th.
24 Q. Well, it doesn't say it, does it?
25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 96

1 Q. Does it?
2 A. No, sir.
3 Q. It doesn't say you asked her three
4 times either, does it?
5 A. Well, I don't know if it says 2 or 3.
6 Q. In fact, it only says once, doesn't it?
7 A. Yes.
8 Q. All right. Let's see, when you arrived

9 and got in the house, you saw Mrs. Routier still talking
10 on the 911 call; is that correct?

11 A. She was still on the phone, yes, sir.

12 Q. "She had one hand on the phone, she had
13 one hand on a towel over her neck," right?

14 A. Yes, sir.

15 Q. Her shirt was -- and these are your
16 words, Officer, "Soaked in blood."

17 A. Yes, sir.

18 Q. And she was extremely upset. Is that
19 right?

20 A. Yes, sir.

21 Q. And I believe your words were, Officer,
22 that you told the Court, that she appeared to be
23 hysterical?

24 A. Yes, sir.

25 Q. Is that right?

Sandra M. Halsey, CSR, Official Court Reporter 97

1 A. I believe so, yes.

2 Q. She was screaming and yelling; is that
3 right?

4 A. Yes, sir.

5 Q. What was she screaming and yelling?

6 A. For me to get help.

7 Q. For you to get help?

8 A. Yes, sir.

9 Q. Is that what you would expect from a
10 mother whose children had been injured?

11 A. That is part of what I would expect,
12 yes.

13 Q. Right. So did that part of what she
14 said meet up to your expectations?

15 A. Yes.

16 Q. Okay. Well, tell us, Officer, in your
17 vast experience in cases just like this --

18

19 MR. GREG DAVIS: I'm sorry, I have got
20 to object to the argumentative nature. You know, there is
21 no reason to insult this officer through cross
22 examination. If we could just have question and answer,
23 please?

24 THE COURT: Try again.

25

Sandra M. Halsey, CSR, Official Court Reporter 98

1 BY MR. WAYNE HUFF:

2 Q. What did she do that you didn't think

3 was right, Officer?
4 A. She didn't help her dying boy.
5 Q. Okay. Although you asked her to 3
6 times; is that right?
7 A. Yes, sir.
8 Q. Now, Officer, who is the first Rowlett
9 police officer that you told about this version of events?
10 Who and when?
11 A. The whole incident? I guess it would
12 have been the crime scene officer that was out there,
13 Sergeant Nabors.
14 Q. All right. And when was that?
15 A. It might have been a couple of hours
16 after the whole thing was over.
17 Q. When did you write your first written
18 report?
19 A. Probably about 7:00 or 8:00 o'clock
20 that morning.
21 Q. All right. And, who did you give that
22 report to?
23 A. I believe Sergeant Walling.
24 Q. All right. Did you ever talk to --
25 after you talked to the crime scene officer, did you talk

Sandra M. Halsey, CSR, Official Court Reporter 99

1 to any other officer prior to doing your first written
2 report?
3 A. I believe I talked with Detective
4 Frosch.
5 Q. Okay. When did you talk to him?
6 A. When I was at the police station doing
7 the report.
8 Q. All right. That was 7:00 A.M., in the
9 morning?
10 A. Yes, sir.
11 Q. Who else interviewed you?
12 A. Nobody interviewed me.
13 Q. Okay. Did Detective Patterson ever
14 interview you?
15 A. No.
16 Q. Okay.
17 A. I might have talked to Officer Needham
18 at the police station, he was never at the scene.
19 Q. All right. When did you first learn
20 that Mrs. Routier was a suspect in this case?
21 A. Probably while we was at the scene
22 still.
23 Q. While you were still at the scene?
24 A. Yes.

25 Q. Who told you that?

Sandra M. Halsey, CSR, Official Court Reporter 100

1 A. I thought it was a possibility myself.

2 Q. Well, who else thought it was a
3 possibility?

4 A. Well, I don't know who else thought it
5 was a possibility.

6 Q. Did anyone say it was a possibility?

7 A. No, everybody thought that anybody
8 could have done it at that time.

9 Q. All right. Well, when did people first
10 direct their major part of their attention to the
11 defendant in this case?

12 A. I don't know. After I left the scene I
13 had my own opinion, and they did there thing and I did
14 mine.

15 Q. All right. Well, what was your
16 opinion?

17 A. My opinion was that it was somebody in
18 the house, either her, the defendant, or the husband.

19 Q. Okay. So you already had an opinion
20 about it; is that right?

21 A. That was my opinion.

22 Q. All right. Now, when did you write
23 your second report, the one on June the 7th?

24 A. What time? I'm not sure what time, it
25 was on the 7th.

Sandra M. Halsey, CSR, Official Court Reporter 101

1 Q. Well, morning, afternoon, evening?

2 A. Well, probably when I came to work that
3 night.

4 Q. Okay. So how many hours had passed
5 from the time you wrote your first report until the time
6 you wrote your second supplement?

7 A. At least -- well, close to 20 or 24
8 hours.

9 Q. Okay. And what caused you to write the
10 second report?

11 A. I just started thinking back on what
12 all that I saw.

13 Q. Did anyone ask you to write a
14 supplement?

15 A. No, sir, they didn't.

16 Q. This is just something you decided to
17 do on your own?

18 A. Yes, sir.

19 Q. Officer, from what you saw of the
20 children, did it appear to you that they were dying?

21 A. Yes.

22 Q. Did it appear to you that the oldest
23 one was already dead?

24 A. Yes.

25 Q. Did it appear to you that youngest one

Sandra M. Halsey, CSR, Official Court Reporter 102

1 could not be saved?

2 A. It appeared that way.

3 Q. While you were there with the mother,
4 what did you do to aid the youngest child?

5 A. I gave instructions for the parents to
6 take care of them while I tried to take care of everybody
7 that was there, thinking the suspect was still in the
8 house at that time.

9 Q. Did you administer first aid to the
10 youngest child?

11 A. No, sir.

12 Q. Have you had training in first aid?

13 A. Yes, sir.

14 Q. Do you know whether the defendant has
15 had training in first aid?

16 A. I don't know if they did or not. That
17 is why I instructed them on what to do.

18 Q. Okay. Now, let's talk about your
19 report on the 7th. This is when you first said "I told
20 her 2 or 3 times --"

21

22 MR. GREG DAVIS: I'm sorry. I'm sorry.

23 I'm going to object to Counsel reading from a document
24 that is not in evidence. It's hearsay.

25 MR. WAYNE HUFF: Then I'll offer it,

Sandra M. Halsey, CSR, Official Court Reporter 103

1 your Honor.

2 MR. GREG DAVIS: I'll object to it as
3 being hearsay. It's not used by this witness in his
4 testimony, and not reviewed by this witness for his
5 testimony. I know of no exception to hearsay for a police
6 report to be put in at this point. It's improper
7 impeachment.

8

9 BY MR. WAYNE HUFF:

10 Q. Well, Officer, the first time you wrote
11 a report saying that you asked her two or three times, to
12 administer first aid was on the 7th; is that correct?

13 A. Yes.

14 Q. Okay. And the first time you wrote

15 anything in your report about her not doing that was on

16 the 7th, not the 6th; is that correct?

17 A. Right.

18 Q. And the first time you wrote anything

19 in your report about her showing you the wound and saying,

20 "I have been cut, look what he did to me," was on the 7th;

21 is that correct?

22 A. Yes.

23 Q. By the way, in your report on the 6th

24 you didn't put anything about her actions that night being

25 suspicious, did you?

Sandra M. Halsey, CSR, Official Court Reporter 104

1 A. No.

2

3 MR. WAYNE HUFF: Mark this as our next

4 exhibit, please.

5

6 (Whereupon, the

7 above mentioned

8 Exhibit was marked

9 as Defendant's Exhibit

10 No. 2, for identi-

11 fication purposes

12 only, after which

13 time the proceedings

14 were resumed as

15 follows:)

16

17 MR. WAYNE HUFF: Your Honor, we will

18 offer the report at this time for record purposes.

19 MR. GREG DAVIS: No objection for the

20 record.

21 THE COURT: Received.

22

23 (Whereupon, the documents

24 heretofore mentioned were

25 marked and received in

Sandra M. Halsey, CSR, Official Court Reporter 105

1 evidence as Defendant's

2 Exhibit No. 2, after

3 which time, the

4 proceedings were resumed

5 as follows:)

6

7 BY MR. WAYNE HUFF:

8 Q. When did a police officer, any police
9 officer, first indicate to you that Mrs. Routier was a
10 suspect in this case? When did that first occur?

11 A. I couldn't tell you. It might have
12 been several days after it, when they completed the crime
13 scene.

14 Q. When did you first ever tell a police
15 officer that you thought Mrs. Routier should be a suspect
16 in this case?

17 A. I don't know that I told anybody she
18 should be a suspect.

19 Q. But it was your opinion from the very
20 first that she should be?

21 A. Not from the very first. After I went
22 to the station, after I had been there, that is when I
23 made my opinion.

24 Q. All right.

25

Sandra M. Halsey, CSR, Official Court Reporter 106

1 THE COURT: Excuse me for interrupting.

2 We're about to have a recess. I understand that this
3 motion is heard because the State has filed for relief.

4 MR. GREG DAVIS: Yes, that's correct.

5 THE COURT: The file jacket in neither
6 case shows a copy of the State's motion. I would
7 appreciate it if I could have one.

8 MR. GREG DAVIS: Well, I know the
9 motion was made and was filed on August the 8th.

10 THE COURT: Have you guys got a copy of
11 it?

12 MR. WAYNE HUFF: I think Mr. Parks
13 might have one.

14 THE COURT: Well, when we resume at
15 1:30, I would appreciate it if I could have a copy of it,
16 just so I could see what relief is sought in the motion.

17 MR. GREG DAVIS: Yes, sir.

18 MR. WAYNE HUFF: Yes, sir.

19 THE COURT: All right. I don't doubt
20 that -- you may step down, sir. If you will let your
21 witnesses know that we are going to resume at 1:30.

22 MR. GREG DAVIS: Yes, sir.

23 THE COURT: Thank you.

24

25

Sandra M. Halsey, CSR, Official Court Reporter 107

1 (Whereupon, a short
2 Recess was taken,
3 After which time,

4 The proceedings were
5 Resumed on the record,
6 In the presence and
7 Hearing of the defendant
8 And the jury, as follows:)
9

10 THE COURT: All right. Are both sides
11 ready to go back on the record?

12 MR. GREG DAVIS: Yes, sir, the State is
13 ready.

14 MR. DOUGLAS PARKS: Yes, sir, the
15 Defense is ready.

16 THE COURT: All right. Are you ready
17 to proceed?

18 MR. WAYNE HUFF: I'm ready to resume,
19 your Honor.

20 THE COURT: All right.

21
22
23
24
25

Sandra M. Halsey, CSR, Official Court Reporter 108

1 Whereupon,
2
3

4 OFFICER DAVID WADDELL,
5

6 Resumed the witness stand, having been previously duly
7 sworn by the Court to speak the truth, the whole truth,
8 and nothing but the truth, testified further in open
9 court, as follows:

10

11 CROSS EXAMINATION (Resumed)

12

13 BY MR. WAYNE HUFF:

14 Q. Officer, when you arrived at the scene,
15 what did Mrs. Routier tell you about where the assailant
16 was?

17 A. She told me that she thought he was
18 still in the garage.

19 Q. Okay. Did she tell you that he had

20 gone out through the utility room and into the garage?

21 A. She did point in that direction, saying

22 that he went that way into the garage.

23 Q. Did she ever tell you that he had gone

24 out of the house?

25 A. No.

Sandra M. Halsey, CSR, Official Court Reporter 109

1 Q. You said that she thought that he was

2 still in the house?

3 A. Yes.

4 Q. Did she tell you anything about the

5 attack upon her?

6 A. She just told me that she fought with

7 him.

8 Q. All right. Did she tell you where he

9 was when she first saw him?

10 A. No.

11 Q. Did she tell you that he was standing

12 over her with a knife in his hand?

13 A. No, she didn't tell me that.

14 Q. Did she tell you that she struggled

15 with him?

16 A. She told me that she fought with him.

17 Q. All right. Did she tell you where that

18 occurred?

19 A. We were standing at the end of the bar,

20 and she was telling me that it happened right there.

21 Q. That the struggle happened at the bar?

22 A. At the end of the bar.

23 Q. All right. Did she tell you how he

24 exited the house? Did he walk, run, trot, or how did he

25 get out of the house?

Sandra M. Halsey, CSR, Official Court Reporter 110

1 A. She said she chased him.

2 Q. She chased him out of the house?

3 A. She chased him out of the house.

4 Q. I guess that means they ran; is that

5 right?

6 A. Well, that's the way I understood it,

7 yes, sir.

8 Q. Okay. Did she tell you when it was

9 that she realized that she had been stabbed?

10 A. No, she didn't tell me that.

11 Q. All right. So she didn't say whether

12 she had been stabbed on the couch, or at the end of the

13 bar or somewhere else; is that right?

14 A. Not to me, sir, no.
15 Q. All right. Did she give you any
16 clothing description of the assailant?
17 A. I believe she told me that he was
18 wearing dark pants and a black T-shirt and possibly a
19 black cap.
20 Q. Okay. All right. Did she describe his
21 height?
22 A. She just said he was -- I think she
23 said a little tall, she didn't go into any details.
24 Q. She said he could have either been
25 white or black?

Sandra M. Halsey, CSR, Official Court Reporter 111

1 A. Yes, sir.
2 Q. Did she give you a weight description?
3 A. No, not that I recall.
4 Q. How about facial hair? Did she give
5 you a description of facial hair?
6 A. Not that I recall.
7 Q. Did you ask for one?
8 A. I asked for a general description.
9 Q. Did she ever tell you -- talk to you
10 about getting a towel from the kitchen sink?
11 A. No, sir.
12 Q. Did she have a towel wrapped around
13 her?
14 A. She had a towel that she was pressing
15 on her neck.
16 Q. Was it wet or dry?
17 A. I'm not sure. It had blood on it.
18 Q. Officer, how many -- at any one time,
19 while you were there, how many police officers were inside
20 this house?
21 A. Just two.
22 Q. You and Waddell?
23 A. I am Waddell. Myself and Sergeant
24 Walling.
25 Q. You and Walling?

Sandra M. Halsey, CSR, Official Court Reporter 112

1 A. Yes, sir.
2 Q. Okay. And, you and Walling were the
3 only two police officers that were in there while you were
4 there?
5 A. That's correct.
6 Q. How many paramedics came into the house
7 while you were there?

8 A. Probably five, four or five.

9 Q. All right. So there were a total of
10 seven people in the house, plus the Routiers, and plus the
11 two children; is that right?

12 A. Yes, sir.

13 Q. Now, was anyone moving furniture, in
14 order to get to the children, or moving any objects that
15 you recall?

16 A. Not that I recall, no.

17 Q. Okay. Were you in the family room the
18 entire time the paramedics were there?

19 A. No, sir.

20 Q. All right. Where were you the other
21 part of that time?

22 A. When the paramedics got there and
23 started treating the injuries, after they had taken the
24 first child out to the ambulance, myself and Sergeant
25 Walling went upstairs.

Sandra M. Halsey, CSR, Official Court Reporter 113

1 Q. Okay. So, what they did in the family
2 room, you weren't there for all of that; is that correct?

3 A. Right.

4 Q. Okay. So, if they had to move some
5 objects to treat the children, you may not have seen it;
6 is that correct?

7 A. Right.

8 Q. All right. Now, were you still there
9 when the paramedics left?

10 A. Yes, I was.

11 Q. Were you there when the last paramedic
12 left?

13 A. Yes, I was.

14 Q. How long after you were called to the
15 scene did the last paramedic leave?

16 A. I'm not even sure. It was all within
17 20 or 30 minutes. I'm not really for sure.

18 Q. Okay. So all that you saw and heard,
19 happened within 20 to 30 minutes, or thereabouts?

20 A. I would think that is a maximum amount
21 of time.

22 Q. All right. And all of the conversation
23 you had with Mrs. Routier was within three or four minutes
24 of your arrival?

25 A. For the most part, yes.

Sandra M. Halsey, CSR, Official Court Reporter 114

1 Q. All right. Now, other than the

2 situation with not putting the towel on the child, is
3 there anything else that you requested Mrs. Routier to do
4 that she did not do?

5 A. No, sir.

6 Q. All right. So when you asked her to
7 sit over there by the patio, was that by the patio door?

8 A. It was by the sliding glass door, yes,
9 sir.

10 Q. All right. When you asked she and her
11 husband to do that, they did that; is that correct?

12 A. Yes.

13 Q. Is that so the paramedics could work
14 with the children?

15 A. Yes, sir.

16 Q. All right. Did you ever see any of the
17 paramedics go into the kitchen area?

18 A. No, sir.

19 Q. All right. Where were the Routiers
20 seated? Where did you have them sit on the patio door
21 (sic)?

22 A. Probably right beside these two doors,
23 and behind this couch.

24 Q. Okay. And they were just seated on the
25 floor back there; is that correct?

Sandra M. Halsey, CSR, Official Court Reporter 115

1 A. Yes, sir.

2 Q. Okay. But right in front of those
3 glass doors?

4 A. Yes, sir.

5 Q. Is that right?

6 A. Yes, sir.

7 Q. Okay. How long did they sit there?

8 A. Maybe a few minutes, not -- it was not
9 very long. I think Mr. Routier got up, and went outside.

10 Q. All right. Well, was Mrs. Routier
11 still hysterical at that point?

12 A. No, sir.

13 Q. Was she still very upset, extremely
14 upset?

15 A. She was not yelling or screaming, no.

16 Q. Okay. And she should have been doing
17 that, right?

18 A. I don't know that she should have been
19 or not.

20 Q. Okay. Well, you told Mr. Davis that
21 you thought it was suspicious that you didn't have to
22 restrain her when they were taking her child to the
23 hospital. Do you apparently think that should have

24 happened?

25 A. I think a normal reaction would have

Sandra M. Halsey, CSR, Official Court Reporter 116

1 been to try to be with your children.

2 Q. Wouldn't a normal reaction to be to

3 want to get your child to the hospital?

4 A. Yes, sir.

5 Q. Officer, when you left the residence,

6 did you stay outside the residence for any period of time?

7 A. Yes, sir, I did.

8 Q. Okay. How long?

9 A. Until about 7:00 o'clock that morning.

10 Q. Okay. Did any other police officers go

11 in or out of the residence during that time?

12 A. Not until the crime scene. The crime

13 scene was the next officers that went into the house.

14 Q. Did any other paramedics or civilians

15 go in the house?

16 A. No.

17 Q. Okay. Did any firemen go in there?

18 A. They were there initially, they were

19 probably within the four or five people that were in

20 there, besides myself and Sergeant Walling.

21 Q. Okay. So there were some firemen in

22 there in addition to the paramedics?

23 A. Yes, sir.

24 Q. Did a neighbor lady ever come into the

25 house while you were there?

Sandra M. Halsey, CSR, Official Court Reporter 117

1 A. A neighbor lady came across the street,

2 but she wasn't allowed in the house.

3 Q. She didn't actually walk into the

4 house?

5 A. No, sir.

6 Q. All right. Now, as I understand it,

7 Officer Walling was the one that first noticed the split

8 screen; is that correct?

9 A. Yes, sir.

10 Q. And no one else had pointed that out to

11 you; is that correct.

12 A. That's right.

13 Q. And Mrs. Routier told you that she

14 thought the suspect was still in the house; is that

15 correct?

16 A. Yes, sir, in the garage.

17 Q. Okay.

18
19 MR. WAYNE HUFF: I'll pass the witness,
20 your Honor.
21
22
23
24
25

Sandra M. Halsey, CSR, Official Court Reporter 118

1 REDIRECT EXAMINATION

2
3 BY MR. GREG DAVIS:
4 Q. Officer Waddell, did the defendant
5 appear to be under the influence of alcohol when you were
6 talking with her?
7 A. No, sir.
8 Q. Did she appear to be under the
9 influence of any sort of a drug?
10 A. No, sir, didn't appear that way, no.
11 Q. Was she barefoot?
12 A. Yes, sir.
13 Q. Did she at any time ever mention the
14 kitchen sink to you?
15 A. No, sir.

16
17 MR. GREG DAVIS: I'll pass the witness,
18 your Honor.
19 THE COURT: All right.

20
21
22 RECROSS EXAMINATION

23
24 BY MR. WAYNE HUFF:
25 Q. Did you ever ask her if she was

Sandra M. Halsey, CSR, Official Court Reporter 119

1 standing at the kitchen sink?
2 A. No, sir.
3 Q. Okay.
4
5 MR. WAYNE HUFF: I believe that's all.
6 MR. GREG DAVIS: The State has no
7 further questions, your Honor.
8 THE COURT: You may step down. Thank
9 you, sir.
10 MR. GREG DAVIS: Your Honor, the State
11 at this time will call Darin Routier.

12 He is in the audience, he has not been
13 sworn, your Honor.
14 THE COURT: All right. Mr. Routier.
15 Raise your right hand, sir.
16 THE WITNESS: Yes, sir.
17 THE COURT: Do you solemnly swear or
18 affirm that the testimony you are about to give in this
19 proceeding will be the truth, the whole truth, and nothing
20 but the truth?
21 THE WITNESS: I do.
22
23 (Whereupon, the witness
24 was duly sworn by the
25 Court, to speak the truth,

Sandra M. Halsey, CSR, Official Court Reporter 120

1 the whole truth and
2 nothing but the truth,
3 after which, the
4 proceedings were
5 resumed as follows:)
6
7
8
9
10
11 Whereupon,
12
13 DARIN EUGENE ROUTIER,
14
15 was called as a witness, for the State of Texas, having
16 been first duly sworn by the Court to speak the truth, the
17 whole truth, and nothing but the truth, testified in open
18 court, as follows:
19
20 DIRECT EXAMINATION
21
22 BY MR. GREG DAVIS:
23 Q. Sir, would you please state your full
24 name?
25 A. Darin Eugene Routier.

Sandra M. Halsey, CSR, Official Court Reporter 121

1 Q. Okay. Mr. Routier, are you the husband
2 of the defendant Darlie Routier?
3 A. Yes, sir.
4 Q. Okay. On June the 6th, 1996 were y'all
5 living at 5801 Eagle Drive in Rowlett, Texas?

6 A. Yes, sir.

7 Q. Mr. Routier, that evening, or in the
8 early morning hours of June 6th of 1996, what time did go
9 to bed?

10 A. About 1:00 o'clock.

11 Q. And at the time that you went to bed,

12 where was your wife?

13 A. She was downstairs on the couch.

14 Q. Okay. Were your two sons, Damon an

15 Devon also down there?

16 A. Yes, they were.

17 Q. Sir, at the time that you went to bed,

18 was there any blood on the kitchen floor downstairs that
19 you noticed?

20 A. No.

21 Q. How about in your utility room?

22 A. No.

23 Q. How about in your -- what I have been

24 calling the family room, or did y'all have another name

25 for that room?

Sandra M. Halsey, CSR, Official Court Reporter 122

1 A. The Roman room.

2 Q. Okay. The Roman room. Did you notice
3 any blood on the carpet when you went to bed?

4 A. No.

5 Q. Was there any broken glass on the
6 kitchen floor when you went to bed?

7 A. No.

8 Q. Was there any blood in the kitchen sink
9 when you went to bed?

10 A. No.

11 Q. Was there any blood on the cabinet work
12 in front of the kitchen sink?

13 A. No.

14 Q. Do you recall a vacuum cleaner being
15 turned over in the kitchen at the time that you went to
16 sleep?

17 A. No.

18 Q. Mr. Routier, what is the first thing
19 that woke you up?

20 A. Glass breaking and Darlie screaming.

21 Q. All right. And you were sleeping up in
22 the master bedroom, correct?

23 A. That's correct, with my little son.

24 Q. All right. And, how long had you been

25 asleep when you heard the glass break and Darlie

Sandra M. Halsey, CSR, Official Court Reporter 123

1 screaming?

2 A. Probably an hour or hour and 15
3 minutes.

4 Q. Now you wear glasses; correct?

5 A. Yes.

6 Q. What did you do when you heard the
7 glass break and Darlie scream?

8 A. The first thing I did was grab my
9 glasses.

10 Q. How were you clothed when you were
11 sleeping?

12 A. I was nude.

13 Q. All right. Did you clothe yourself in
14 any way before you went downstairs?

15 A. I put my pants on.

16 Q. All right. And then did you proceed
17 straight downstairs?

18 A. As fast as I could.

19 Q. Did you go into the Roman room?

20 A. Yes, sir.

21 Q. What did you see when you went into the
22 Roman room?

23 A. Devon laying on the floor.

24 Q. Okay. Now we have seen certain

25 photographs where Devon's body is over across the Roman

Sandra M. Halsey, CSR, Official Court Reporter 124

1 room, close to the big screen television, is that where
2 you saw his body?

3 A. Yes, sir.

4 Q. Was he still face up when you were over
5 there to look at him?

6 A. Yes, sir.

7 Q. What was his condition when you saw
8 him?

9 A. Lifeless, two wounds in his chest, eyes
10 open, looking up at me, no movement.

11 Q. So his eyes were open?

12 A. Yes, sir.

13 Q. When you first came into the Roman
14 room, where was your wife?

15 A. She was following behind me. When I
16 ran down the stairs I went past the -- into the entrance
17 way, down the hallway, and went straight over to Damon --
18 I mean, over to Devon.

19 Q. Well, where was she -- when you first
20 saw her, after you came downstairs, where was your wife

21 when you first saw her?
22 A. She followed behind me and she went to
23 the phone.
24 Q. All right. Well, maybe I'm not making
25 it clear.

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1 A. Oh, was she in the kitchen? Or which
2 room?
3 Q. Which room was she in when you first
4 saw her?
5 A. Pretty much in the middle of the -- all
6 of the two rooms, you know, right by the bar, at the end
7 of the bar, she grabbed the phone and then she was by the
8 sink.
9 Q. So --
10 A. Kind of right in the hallway, where the
11 Roman room, the hallway and the kitchen is all -- she was
12 in that area, in between the kitchen.
13 Q. Okay.
14
15 MR. GREG DAVIS: Could I approach, your
16 Honor?
17 THE COURT: You may.
18
19 BY MR. GREG DAVIS:
20 Q. Mr. Routier, let me show you
21 Defendant's Exhibit No. 1. Do you recognize that as a
22 floorplan of your house?
23 A. Yes, sir.
24 Q. If you could, if you could put a D-1 on
25 this diagram where your wife was when your first saw her?

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1 A. When I first saw her?
2 Q. When you first saw her when you came
3 downstairs.
4 A. I ran down the stairs, and came all the
5 way up the hallway, she was here at the bottom of
6 stairs --
7 Q. All right.
8 A. Until I went --
9 Q. Okay. If you would then, just put a
10 D-1 then wherever she first was when you saw her?
11 A. Okay. That is where I saw her when I
12 was at the top the stairs.
13 Q. All right. And then, did you say that
14 you came downstairs and then your wife followed you into

15 the Roman room; is that correct?
16 A. Right, that's correct.
17 Q. Did you go straight over to Devon?
18 A. I went straight over to Devon.
19 Q. Where was Damon?
20 A. Damon was laying right here where this
21 slash is.
22 Q. All right. If you would, if you will
23 just write Damon?
24 A. Okay. (Witness complies.)
25 Q. And then, if you will write Devon where

Sandra M. Halsey, CSR, Official Court Reporter 127

1 Devon was.
2 A. (Witness complies.)
3 Q. When you came into the room, could you
4 see Damon also?
5 A. I didn't see him. I ran right past
6 him. Darlie was screaming Devon, Devon, Devon, while I
7 was running down the stairs, so I ran straight over to
8 Devon.
9 Q. When you came into this Roman room and
10 you went to Devon, did your wife follow you over to Devon?
11 A. Not at that point.
12 Q. Okay. What did she --
13 A. She went straight to the phone -- she
14 went straight to the sink to get towels.
15 Q. Okay. Where was the telephone?
16 A. The telephone is right here on this
17 wall.
18 Q. And is this a cordless telephone?
19 A. Yes, sir, it is.
20 Q. And so, you went to Devon, and then at
21 that time she went over and picked up the telephone; is
22 that right?
23 A. That's right.
24 Q. Could you hear her making a telephone
25 call?

Sandra M. Halsey, CSR, Official Court Reporter 128

1 A. Yes, I could.
2 Q. And, who was she calling?
3 A. 911.
4 Q. How long did you stay over here with
5 Devon?
6 A. Probably three to four minutes.
7 Q. All right. Where was your wife during
8 the time that you were with Devon?

9 A. She was in the kitchen getting kitchen
10 towels out of the thing. I could hear the water running,
11 and then she took him over -- and brought towels over to
12 Damon.
13 Q. So, you actually -- is it your
14 testimony today, that you actually saw her go to the
15 kitchen sink?
16 A. Yeah.
17 Q. How many times have you met with the
18 Rowlett Police Department about this case?
19 A. Four to five times.
20 Q. Okay. When is the first time that you
21 told them that your wife went over to that kitchen sink?
22 A. Probably the second or third time.
23 Q. Isn't the truth is that you never have
24 mentioned that to the police, have you?
25 A. Well, I remember seeing it.

Sandra M. Halsey, CSR, Official Court Reporter 129

1 Q. Okay. But you never did tell the
2 police, did you?
3 A. I don't recall.
4 Q. Okay.
5 A. I was busy.
6 Q. Um-hum.
7 A. I was giving CPR, pumping his chest.
8
9 THE COURT: Pardon me, sir, you are
10 going to need to speak up a little bit. I know you are
11 answering his --
12 THE WITNESS: Okay, I'm sorry.
13 THE COURT: -- questions, but I need to
14 get your answers.
15 THE WITNESS: Okay. I'm sorry.
16 THE COURT: Thank you.
17
18 BY MR. GREG DAVIS:
19 Q. Well, let's take your testimony today.
20 After you saw your wife get on this telephone, was she on
21 the telephone still while she was over here at the kitchen
22 sink?
23 A. I think about at the same time, I mean,
24 like I said, I was concerned about Devon. I didn't even
25 know that she was hurt, I didn't even know that Damon was

Sandra M. Halsey, CSR, Official Court Reporter 130

1 laying down.
2 Q. Well, did I understand you to say that

3 when you came into this Roman room, you went to Devon;
4 correct?
5 A. I went to Devon straight.
6 Q. The very first thing your wife did, is
7 she went to this telephone and started to make a telephone
8 call that you presumed to be to 911; correct?
9 A. I just presumed that, yes.
10 Q. All right. And then the next thing
11 that you recall her doing, after she picks up the
12 telephone and starts making this telephone call, is she
13 goes to where, to a drawer, or to a kitchen sink or where
14 does she go to first?
15 A. I don't really recall. I don't know.
16 I wasn't on the other side of the bar to see. I could see
17 her head.
18 Q. Well, where was her head?
19 A. Her head was right around in this area,
20 walking from here to here, and on the way is the drawer to
21 the sink.
22 Q. All right. So she still had the
23 telephone in her hand?
24 A. Probably on her shoulder.
25 Q. Okay. So she has got the telephone on

Sandra M. Halsey, CSR, Official Court Reporter 131

1 her shoulder during the time period that she was walking,
2 what you say, between the kitchen sink and the end of the
3 bar; correct?
4 A. Right.
5 Q. Can you hear her talking?
6 A. I can hear her screaming.
7 Q. Okay. So she is screaming?
8 A. That is the first I hear about a
9 protruder (sic).
10 Q. All right. About an intruder?
11 A. An intruder, I'm sorry, not a
12 protruder, an intruder.
13 Q. All right. And, when you are over
14 there with Devon, you say that you stayed there what,
15 three to four minutes?
16 A. About three to four minutes. Just
17 guessing, everything was in slow motion.
18 Q. All right. And during this entire time
19 period, is this the time period where you wife is still
20 walking between that kitchen -- the end of the kitchen bar
21 and the kitchen sink?
22 A. At the very beginning.
23 Q. Well, at what point did she start to do
24 something different?

25 A. Well, I don't really know. I mean

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1 everything I was seeing was when I was coming up, after I
2 was giving, you know, trying to give CPR to Devon.

3 Q. Well, you just told me that in the
4 beginning that she was walking between the end of the
5 kitchen bar and the kitchen sink, and I'm trying to
6 understand at what point did that activity end?

7 A. Probably about the time that she came
8 over to Damon and gave him -- you know, put a towel on
9 him, she was pretty much at his feet, of me looking up and
10 seeing him -- you know, seeing her, seeing Damon laying on
11 the floor, and me trying to work on Devon, you can't
12 really put it all in perspective, it's just a lot of
13 different things happening all at the same time.

14 Q. Well, is it your testimony that she
15 went over to Damon, and actually put a towel on his back?

16 A. She laid a towel on his back.

17 Q. Did she leave that towel on his back?

18 A. I would assume so, yes, sir.

19 Q. What did you do after you finished with
20 Devon?

21 A. Well, I couldn't do anything. I went
22 over to Damon, I didn't know -- his wounds weren't
23 exposed, I didn't see any blood on him. I reached down
24 and I touched his neck, and I felt his pulse, and I didn't
25 feel anything.

Sandra M. Halsey, CSR, Official Court Reporter 133

1 Q. You didn't feel a pulse?

2 A. I didn't feel a pulse.

3 Q. Were the police officers present there
4 in the room, at the time that you did that?

5 A. It was right about the time -- it was
6 right about the time that they were starting to get there,
7 that Darlie went to the front door.

8 Q. Well, had the officers entered your
9 house at the time that you went over and felt for a pulse
10 on Damon?

11 A. No.

12 Q. Okay. So they were not in the house
13 yet; correct?

14 A. Not in the house yet.

15 Q. So all of this stuff that you have told
16 me about, occurred before the police officers ever got
17 there; is that right?

18 A. That's right.

19 Q. Where is your wife during the time that
20 you are putting -- that you are feeling for a pulse on
21 Damon?

22 A. She is right in that hallway right at
23 the end of the bar.

24 Q. Was your front door locked?

25 A. It was when I went to bed.

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1 Q. Well, was it locked at the time that
2 the police officers came to the front door?

3 A. I don't know, I didn't go to the front
4 door. I didn't answer the door, Darlie did.

5 Q. Well, is it your testimony that Darlie
6 actually went to the front door and greeted the officers,
7 or met the officers at the front door?

8 A. I believe so.

9 Q. Well, you heard a police officer
10 testify that as he came up, and he got out of his squad
11 car, that he saw you running towards the other side of the
12 street; is that correct or incorrect?

13 A. That is what he had said.

14 Q. Well, did do you that?

15 A. Well, I don't remember unlocking the
16 door. I don't remember when he -- it seemed like he was
17 there when I was still in the house with the boys.

18 Q. Okay. Well, I'm just trying to
19 understand. Were you outside the house when Officer
20 Waddell arrived, or were you inside the house?

21 A. Well, I didn't even recognize the
22 officer that was here today.

23 Q. Well, let's forget about his name or
24 his description. When the first police officer came to
25 your house, were you inside the house or were you outside

Sandra M. Halsey, CSR, Official Court Reporter 135

1 the house?

2 A. I was inside the house.

3 Q. So you were not running across the
4 front yard when the first officer got there; is that
5 right?

6 A. I don't believe so.

7 Q. How much of this evening do you really
8 remember in great detail?

9 A. I was in shock.

10 Q. Okay.

11 A. In great detail, you remember bits and

12 pieces of it. You try to remember the best you can, and
13 you try to keep the facts straight in your mind, but you
14 are talking about a very traumatized state. Shock.

15 Q. Okay.

16 A. I remember screaming and running across
17 the street.

18 Q. Why did you run across the street?

19 A. Because there is a friend of ours that
20 is an RN that works in the emergency room at Doctors
21 Hospital and I needed help.

22 Q. Did you ever tell the police that
23 Darlie attempted CPR, or tried to care for Damon before
24 they got there?

25 A. I did not.

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1 Q. You didn't tell them that, did you?

2 A. I didn't tell them that she did
3 CPR, she doesn't know how to do CPR.

4 Q. Well, did you ever tell the police that
5 she went over there and put a towel on Damon's back before
6 they got there?

7 A. Well, the choice of words of rendering
8 aid, and putting a towel and applying pressure are two
9 different things.

10 Q. Sir, do you recall being present at the
11 Rowlett Police Department on June the 8th of 1996?

12 A. Yes, I do.

13 Q. Do you recall giving the Rowlett Police
14 Department what appears to be a 6-page written statement?

15 A. I did write a statement.

16 Q. Okay. And, were you still in shock
17 when you gave this statement on June the 8th, 1996?

18 A. I think I am still in shock.

19 Q. Well, could you comprehend what you
20 were saying to the police, and could you comprehend what
21 they were asking you on June the 8th of 1996?

22 A. They pretty much told me to sit down
23 and to generally give them a description of what happened
24 that night.

25 Q. All right. And at that time, were

Sandra M. Halsey, CSR, Official Court Reporter 137

1 you -- did you try to make your very best effort to give
2 the most complete, accurate statement that you could to
3 the police?

4 A. I told them that they really needed to
5 videotape me, or micro-record me, because there was too

6 many details of too many things that happened in a small
7 amount of time that you could possibly write down.
8 Q. Well, let me ask the question again.
9 Did you try to make the very best effort that you could,
10 to give them the most complete statement that you could on
11 June the 8th of 1996?
12 A. I'm sure it could have been massaged a
13 little bit more.
14 Q. Well, I didn't ask about massages, let
15 me ask you one more time. Sir, did you make an attempt on
16 June the 8th of 1996, to give the best, most complete
17 statement that you could to these police officers
18 concerning the brutal killing of your two children?
19 A. I made a general statement.
20 Q. Is that a yes, that you did try to do
21 that?
22 A. I tried.
23 Q. Have you seen your statement lately?
24 A. No, sir.
25

Sandra M. Halsey, CSR, Official Court Reporter 138

1 MR. GREG DAVIS: If I could approach,
2 your Honor.
3 THE COURT: Yes, sir.
4
5 BY MR. GREG DAVIS:
6 Q. Mr. Routier, if you will please look at
7 those six pages and let me know when you have finished.
8 A. Okay. (Witness complies.)
9 Q. Do you recognize that as a true and
10 correct copy of the statement you gave to the police on
11 June the 8th of 1996?
12 A. Yes.
13 Q. Sir, anywhere -- was there anything in
14 that statement at all about your wife going to the kitchen
15 sink?
16 A. No.
17 Q. Is there anything in that statement
18 about your wife placing a towel on the back of Damon?
19 A. No.
20 Q. Let me go back to when you were over at
21 Devon. Your best estimate is that you stayed with him
22 approximately three to four minutes; is that right?
23 A. That's right.
24 Q. And during that time period, tell me
25 what you are doing; are you focused on Devon?

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1 A. I am very focused on Devon, but I am
2 trying to listen to what Darlie is saying. I'm trying
3 to -- I'm looking over at Damon and I see him on the
4 floor, I don't remember any movement of Damon either. I
5 kept thinking, you know, I am just -- I am really focused
6 on Devon more than anything.

7 Q. Okay. So, you don't move; correct?

8 You stay with Devon?

9 A. Yes, I stayed right down there with
10 Devon. I got on the opposite side so I could pretty much
11 see the room from me coming up, in between air --
12 breathing air, and --

13 Q. All right. And during that time period
14 then, you're listening more than you are talking; is that
15 right?

16 A. That's true.

17 Q. Are you saying anything at all?

18 A. I'm sure I am talking to Devon,
19 slapping him on the face, trying to get him to come to.

20 Q. All right. So, whatever you say then,
21 is directed toward Devon, who you are tending to, correct?

22 A. Um-hum. (Witness nodding head
23 affirmatively.) That, and then me waiting for Darlie to
24 get off the phone so I can find out what happened.

25 Q. All right. Let me ask you, when is it

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1 that she got off the telephone?

2 A. I believe sometime around when the
3 police showed up.

4 Q. Well, then I take it that during the
5 entire time that you were with Devon, she is still on the
6 telephone?

7 A. That's probably about right.

8 Q. Okay. Because, had the police arrived
9 during the time that you were with Devon?

10 A. Um-hum. (Witness nodding head
11 affirmatively.) While I was with Devon?

12 Q. Yes.

13 A. Well, actually when I came up from
14 Devon and had went over to Damon is when I remembered the
15 first police officer right in front of me.

16 Q. All right. About how long had you been
17 with Damon when the first police officer arrived?

18 A. Probably just a minute to check his
19 pulse.

20 Q. All right. And, during the entire time

21 that you are with Devon then, is your wife Darlie still on
22 the telephone then?
23 A. I believe so, yes.
24 Q. Okay. Is she with -- is she still on
25 the telephone at the time that the police officers get to

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1 your home?
2 A. I believe so.
3 Q. How did you first become aware that a
4 police officer was at your home?
5 A. How was I first aware?
6 Q. Yes.
7 A. He walked into the room.
8 Q. And, well did you hear any knocking on
9 the door?
10 A. I don't remember. I don't remember
11 almost any -- well, I hardly remember any noises.
12 Q. Okay. Do you remember Darlie going to
13 the front door, and coming back with a police officer?
14 A. No.
15 Q. All right. Is your recollection then,
16 that Darlie stayed there close to that kitchen bar, and
17 was there at the time that the police officer came into
18 your house?
19 A. It's possible, except for that somebody
20 would have had to have went and opened the door to let
21 them in.
22 Q. Okay. Did you go to the door and open
23 it and let them in?
24 A. I didn't.
25 Q. Okay. Was there any other adult in the

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1 house that could have done that, besides you and your
2 wife?
3 A. No.
4 Q. So, do you know whether your wife left
5 that kitchen area and went to the front door and let them
6 in or not?
7 A. I believe she did.
8 Q. Okay. Why do you think that?
9 A. Just because of the fact that I knew,
10 that when I -- before I went to bed I knew that the door
11 was locked, and the fact that, you know, somebody had to
12 have let the police officers in, then she had to have done
13 it.
14 Q. Okay. Did you ever see your wife go to

15 the front door and yell out the front door?

16 A. I didn't see her, no.

17 Q. Okay. Did you ever hear her yell out

18 the front door?

19 A. No.

20 Q. Did you ever go to the front door and

21 yell out?

22 A. Just when I was running across the

23 street and running back.

24 Q. Okay. But you never actually just

25 stood at the front door and yelled?

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1 A. No.

2 Q. Are you sure that your wife did not

3 yell out the front door?

4 A. Am I sure that she didn't?

5 Q. Yes.

6 A. I believe she did.

7 Q. That she did what?

8 A. But I didn't hear her.

9 Q. I'm sorry.

10 A. You are asking me --

11 Q. I'm asking you whether your wife ever

12 stood at the front door and opened the front door, and

13 yelled out that front door?

14 A. I wouldn't know, I wasn't there.

15 Q. Well --

16 A. I didn't hear her yell out the front

17 door.

18 Q. Okay.

19 A. It's very possible that she could have.

20 Q. Well, did you ever see her walk toward

21 the front door?

22 A. Yes.

23 Q. And after you saw her do this, was that

24 when the police officer came back with her?

25 A. That is what I remember.

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1 Q. And, do you ever recall her going to

2 that front door on any other occasion besides the one that

3 you have just told me about where she went to the front

4 door and the police officer came in to help you?

5 A. No. Not besides the time that she was

6 in the hallway when I first saw her when I came down.

7 Q. Okay. Did you ever get any towels or

8 wash cloths out of any drawers yourself?

9 A. I did not.
10 Q. Was Damon still gasping for breath at
11 the time that the police officer came into the house?
12 A. I never saw him move.
13 Q. Well, I'm not talking about movement,
14 did you ever see your son Damon gasping for breath?
15 A. No, I didn't.
16 Q. Were his eyes open at the time that you
17 went over to tend to him?
18 A. They were open.
19 Q. Was he dressed in a black T-shirt, a
20 black Treasure Island T-shirt that you all might have
21 gotten for him?
22 A. I believe so.
23 Q. You couldn't see any injuries to him,
24 could you?
25 A. No.

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1 Q. Was that room pretty dark?
2 A. Well, once the light is put on it is,
3 but I didn't he see any blood or anything wrong with him,
4 I mean, I didn't visually see it because it wasn't like
5 Devon's wounds, but, I never lifted his shirt up or
6 anything. I was afraid to touch him.
7 Q. And so, from --
8 A. I was afraid about touching him. And
9 him being in a different position than what he was in, if
10 I would have lifted him up, or picked him up, then he
11 would -- you know, I might hurt him worse than what he is.
12 Q. Did ever see your wife move him?
13 A. Move him? No.
14 Q. Okay. Did she move him, to your
15 knowledge?
16 A. Not that I know of.
17 Q. When you came downstairs, Mr. Routier,
18 did you ever see a stranger in your house?
19 A. I did not.
20 Q. Did you ever hear a stranger in your
21 house?
22 A. No.
23 Q. Did you ever hear a vehicle leaving
24 your residence?
25 A. No, sir.

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1 Q. Did you ever see a vehicle leaving your
2 residence?

3 A. No, sir.
4 Q. So that I understand, were you and your
5 wife the only two adults in the house at the time that you
6 went to sleep?
7 A. Yes, sir.
8 Q. And you and your wife were still the
9 only two adults in the house when you woke up; is that
10 right?
11 A. That's right.
12 Q. Your baby was, at that time, only about
13 8 months old, wasn't he?
14 A. Yes, sir.
15 Q. Does your wife have breast implants?
16 A. Yes, sir.
17 Q. And, when did she have that operation
18 done?
19 A. Four years ago.
20 Q. Okay.
21 A. Three or four years ago.
22 Q. Who was the doctor that performed that
23 operation?
24 A. I don't really remember his name.
25 Q. Where is he?

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1 A. He is in Dallas.
2 Q. A plastic surgeon?
3 A. Yes, sir.
4 Q. How much did that operation cost?
5 A. About five thousand dollars.
6 Q. Do you remember -- was this a procedure
7 that was done in a hospital?
8 A. It was out-patient.
9 Q. At the doctor's office or at a
10 hospital?
11 A. It was at a hospital.
12 Q. Which hospital was that done at?
13 A. Community, over in Garland.
14 Q. Why did your wife have the breast
15 implants done?
16
17 MR. DOUGLAS PARKS: It calls for a
18 conclusion.
19 THE COURT: Sustained.
20
21 BY MR. GREG DAVIS:
22 Q. Did you have a conversation with your
23 wife about having breast implants?
24 A. Did I have a conversation?

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- 1 MR. DOUGLAS PARKS: Object to
2 relevance, your Honor.
3 MR. GREG DAVIS: It goes to the
4 relevance of the location of the wounds, and why we have
5 no wounds around the breast area or the torso to this
6 defendant, as opposed to the wounds to these children. I
7 think it goes to the relevance as to why she would not
8 want to injure herself in the breast area.
9 I think if we have a chance to ask a
10 question about who wanted this breast implant done, I
11 think it is going to become very relevant.
12 THE COURT: Overruled.
13
14 BY MR. GREG DAVIS:
15 Q. Who wanted the breast implant done?
16 A. We both did.
17 Q. Your wife also; correct?
18 A. Yes.
19 Q. It was something she wanted?
20 A. Sure.
21 Q. Okay.
22 A. It was probably me more than her.
23 Q. Are you sure about that?
24 A. (Laughing) Yeah.
25 Q. You and your wife had had an argument

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- 1 that night before you went to bed; is that right?
2 A. No, sir.
3 Q. Did you have any conversations before
4 you went to bed with your wife?
5 A. Yes, sir.
6 Q. In fact, you had an argument, or you
7 had a discussion about a lot of troubles in your home;
8 didn't you?
9 A. No, not in our home.
10 Q. About troubles that your wife was
11 experiencing?
12 A. What kind of troubles?
13 Q. Well, just tell me, what was the
14 conversation about? What did you discuss?
15 A. The conversation before we went to bed?
16 Q. Yes, sir.
17 A. From 11:00 until 1:00 o'clock?
18 Q. Do you recall having a discussion where

19 your wife mentioned that Jaguar that you couldn't afford
20 to get fixed for her; do you remember that? I'm talking
21 about that discussion.

22 A. No, that is my Jaguar.

23 Q. Oh.

24 A. It was not a matter of whether or not

25 we could get it fixed or not.

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1 Q. Do you drive it?

2 A. I drive it, she never drives it.

3 Q. Does your wife just walk around town, or
4 does she have a vehicle that she gets to drive?

5 A. She has a Nissan Pathfinder.

6 Q. I thought that was the vehicle that
7 your company rented for you?

8 A. Well, it is. It gets less use than --

9 Q. What company -- does that company rent
10 that Jaguar?

11 A. No, sir, it is paid for.

12 Q. Buy the Jaguar?

13 A. Didn't buy it, no.

14 Q. It was just a personal vehicle, but you
15 use that for work; right?

16 A. Yes, sir.

17 Q. Well, what did you and your wife
18 discuss that night before you went to bed, and I am not
19 asking about everything that you discussed, but did you
20 have any discussion of any sort, that dealt with problems
21 that either one of you were having?

22 A. Just general information about what was
23 going on at work, who needed to pay us, we talked about
24 the boys a lot, talked about her trip to Jamaica or I mean
25 to Cancun, our future trips that we were having for my

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1 class reunion, my sister was getting married, we were
2 talking about that trip, we were talking about our trip to
3 Pennsylvania. We had a lot of future plans.

4 Q. Did your wife strike you as being
5 suicidal that night?

6 A. No, sir.

7 Q. Had you noted her to be depressed in
8 any way recently?

9 A. Not recently.

10 Q. Matter of fact, you have never known
11 her to suffer from any sort of mental disorder, have you?

12 A. Well, I wouldn't know, I'm not a

13 doctor.

14 Q. Well, haven't you answered previously

15 at other hearings that you have never seen or known her to

16 suffer from mental disorders? Hasn't that been your

17 testimony before?

18 A. She has never had any mental disorders.

19 Q. Matter of fact, that evening didn't

20 y'all discuss the problems that you were having with the

21 Jaguar?

22 A. Actually, it was not even really that

23 much of a conversation. It was just that she would have

24 liked for me to have gotten it fixed, so that she could

25 have her Pathfinder back.

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1 Q. Didn't y'all discuss the problems that

2 you were having with your boat also?

3 A. No, I didn't discuss very much about

4 that.

5 Q. Well, did you discuss the boat that

6 night or not?

7 A. No.

8 Q. Did you discuss the problems that you

9 were having with your business?

10 A. Not problems, just getting paid.

11 Q. Isn't that a problem, getting paid for

12 work that you have already done?

13 A. Well, it can be.

14 Q. When they don't pay you, right?

15 A. Right, it hurts.

16 Q. Anything else that you remember talking

17 about that night?

18 A. Oh, not really very much, just, you

19 know --

20 Q. Had anybody else, any other adult been

21 over to your house that evening before you went to sleep?

22 A. Darlie's sister Dana.

23 Q. Okay. What time did she leave?

24 A. About 9:00 o'clock I took her home.

25 Q. Why do you say it was 9:00 o'clock?

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1 A. It was about 9:00 o'clock, that is

2 usually about what time we take her home.

3 Q. Why did you take her home?

4 A. Because she doesn't have a car.

5 Q. Well, was there any -- there is no one

6 else to take her home?

7 A. Darlie could have, if she wanted to
8 pack up all the kids and we could have all went, it's only
9 a 20 minute drive, or a 30 minute drive over there.
10 Q. What time did you get back from taking
11 Dana home?
12 A. About 9:40, somewhere in there.
13 Q. How sure are you that it was 9:40?
14 A. I know it was before the news.
15 Q. Okay. How do you remember that?
16 A. How do I remember that it was before
17 the news?
18 Q. Yes, sir.
19 A. Because I remember watching the news
20 that night.
21 Q. Had you and Darlie had discussions
22 about you and Dana in the past?
23 A. No.
24 Q. You have not had discussions about
25 Darlie being angry with your activities with Dana?

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1 A. With Dana?
2 Q. Yes, sir.
3 A. Her sister?
4 Q. Dana your sister-in-law?
5 A. No.
6 Q. Never have?
7 A. No.
8 Q. Did you ever become aware that Dana and
9 Darlie may have spoken about what you and Dana had been
10 doing in the past?
11 A. No.
12 Q. That just never came to your attention?
13 A. No. I have known Dana since she was
14 three years old.
15 Q. You have flirted with Dana in the past,
16 haven't you?
17 A. Flirted? No.
18 Q. Okay. Well, had you done something
19 with Dana that maybe others might call flirting?
20 A. I wouldn't think so. That is my
21 sister-in-law.
22 Q. All right.
23
24 MR. GREG DAVIS: May I approach, your
25 Honor?

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1 THE COURT: Sure.

2

3 BY MR. GREG DAVIS:

4 Q. Mr. Routier, if you would, please look

5 at State's Exhibits A, B and C, and tell me if B is, in

6 fact, your son Damon Routier, and C is your son Devon

7 Routier?

8 A. Yes, it is.

9 Q. At the time of this offense, on June

10 the 6th, 1996, how old was Damon?

11 A. Damon was 5.

12 Q. This towel that was on the back of

13 Damon, was it still on his back when the police officers

14 came in?

15 A. I believe it was.

16 Q. You didn't remove it, did you?

17 A. No.

18 Q. What kind of towel was it?

19 A. Kitchen towel.

20 Q. What color was it?

21 A. Probably either white and black

22 checkered or green and white checkered. There was one of

23 each.

24 Q. Well, let me just ask you, which one of

25 those was on his back?

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1 A. Probably the green and white checkered

2 one.

3 Q. Well, why do you say that color? Is

4 that what you remember seeing?

5 A. Yeah.

6 Q. So it was green and white?

7 A. I believe it was green and white, yeah.

8 Q. What color did Darlie have?

9 A. On her neck?

10 Q. Um-hum. (Nodding head affirmatively.)

11 A. I never knew that Darlie was even cut

12 up to this point, until the paramedics had brought her to

13 the front door.

14 Q. Well, did you see Darlie with any towel

15 around her neck at any time?

16 A. No.

17 Q. Do you recall ever sitting down with

18 Darlie in the Roman room while the police or the

19 paramedics were there?

20 A. No, that never happened.

21 Q. Well, all right. Let's take it then --

22 the first police officer comes in the door. Okay?

23 Whatever his name was.
24 A. Um-hum. (Witness nodding head
25 affirmatively.)

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1 Q. Where were you?
2 A. I'm coming from -- I'm right by Damon,
3 probably standing right beside Damon when he comes into
4 the walk way, it seemed like he was standing there for a
5 little bit while I was working on Devon.
6 Q. Well, so it's possible that the first
7 police officer --
8 A. I looked up, I get up and I walk across
9 the room, and it seems like there he is.
10 Q. All right. So, you had not actually
11 started tending to Damon when he came in the room?
12 A. Not tending.
13 Q. All right. Had you knelt down, or are
14 you still standing up?
15 A. I was kneeling down when I remembered
16 seeing him, then I went down to Damon.
17 Q. All right. Had you touched Damon?
18 A. At that point? No.
19 Q. Yes, sir.
20 A. I was focused on Devon the whole time.
21 Q. Where is your wife and what is she
22 doing when this first police officer comes in the Roman
23 room?
24 A. She is somewhere back behind the bar,
25 in the kitchen area.

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1 Q. Okay. Is she actually in the kitchen?
2 A. Yeah, it would be considered in the
3 kitchen.
4 Q. Well, when you say that she is behind
5 the bar?
6 A. Well, but it would be on the kitchen
7 side.
8 Q. Okay. So she is actually all the way
9 around, on the far side of that kitchen bar; right?
10 A. Over by the sink.
11 Q. She is by the sink?
12 A. Yes. The island is in the middle,
13 there is an island in the middle, and she was by the sink,
14 between the sink and that bar area, all down there along
15 that area.
16 Q. Okay. What is she doing?

17 A. Running around like crazy.
18 Q. Was she on the telephone?
19 A. At that point, no.
20 Q. Had she already -- well, all right.
21 How long before the officer came in there had she stopped
22 talking on the telephone?
23 A. By the time the officer got there, how
24 much was she on the phone?
25 Q. No, you say that she stopped talking on

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1 the phone by the time that officer came in the room;
2 right?
3 A. I didn't say that.
4 Q. Well, was she on the telephone or was
5 she not on the telephone when the first officer came in?
6 A. I don't really remember.
7 Q. Do you remember your wife actually
8 getting off the telephone?
9 A. I don't remember where she put the
10 phone, where she set it, nothing.
11 Q. Well, what was she doing when the first
12 officer came into the room?
13 A. Screaming.
14 Q. And she is in the kitchen by the
15 kitchen sink; is that right?
16 A. Around the sink and the bar area, yeah.
17 Q. What is the first thing that you
18 remember the police officer doing when he came in there?
19 A. The first expression I saw when I saw
20 him the first time, his eyes were this big. (Witness
21 indicating with his hands.)
22 Q. Then what happened?
23 A. He just pretty much stood there, like
24 he was in as much shock as we were.
25 Q. Then what happened?

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1 A. He never said anything to me, and I am
2 screaming and telling them that they need to go, you know,
3 that they need to go and get this guy. They need to, you
4 know, call everybody. They need to call Rockwall and
5 Garland, and everybody that they can possibly get here,
6 that we needed help.
7 Q. Well, did you -- where was your wife
8 during the time that this officer was standing there with
9 his eyes bugged out, immovable?
10 A. Back behind him.

11 Q. Behind where?

12 A. He is standing right at the end of the
13 bar, and Darlie is in the kitchen, the bar area, back
14 behind him, moving back and forth.

15 Q. Okay. Well --

16 A. I mean, she is -- I'm telling you --

17 Q. Did the officer ever say anything, or
18 did he just stand there?

19 A. He just stood there, and actually it
20 seemed like he stood there for a long time.

21 Q. How long did he just stand there
22 without staying a word?

23 A. I don't know, when you are in shock,
24 the time seems to be going by really, really slow. He may
25 have stood there for a minute or two, without moving at

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1 all.

2 Q. Did he ever say a word?

3 A. Not to me, I never heard a word.

4 Q. How about to Darlie, did he ever say a
5 word?

6 A. I never heard a word.

7 Q. Did she ever talk to him?

8 A. Not that I saw.

9 Q. Well, were you in a position where you
10 would have been able to see her talk to that officer?

11 A. Well, he was pretty much facing the
12 Roman room and she was back behind him, so he was not
13 talking directly to her.

14 Q. Well, did you see her talking to him?

15 A. No.

16 Q. Did you hear her talking to him?

17 A. No.

18 Q. And are you talking to anybody?

19 A. No.

20 Q. So, as I understand it, we have a
21 situation where your wife is standing there mute, you are
22 standing there mute and a police officer is standing there
23 mute; is that right?

24 A. Well, me and Darlie are screaming, but
25 not communicating, we're just dramatically screaming.

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1 Q. She is not talking about somebody being
2 in the garage?

3 A. I heard that on the phone, I heard that
4 when she was on the 911, whenever I was taking care of

5 Devon, that is the first I heard about it.

6 Q. I'm talking about when the officer is
7 there, things that she may have screamed or yelled at the
8 police officer, did you hear her yell anything to the
9 effect that the man might be in the garage?

10 A. Well, it seemed like we both did, as
11 soon as they walked in.

12 Q. How about the knife being picked up,
13 did you hear your wife say something to the police officer
14 about obscuring fingerprints on the knife blade?

15 A. No, I didn't hear that.

16 Q. Did you say anything to him about that?

17 A. To the police officer?

18 Q. Did you say that to the police officer
19 about fingerprints being obscured on the knife blade?

20 A. No.

21 Q. Well, this police officer, did he ever
22 say anything before a second officer got there?

23 A. Can you be more clear?

24 Q. Well, I'm just saying, did he utter a
25 word before --

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1 A. No. He never rendered aid to my sons,
2 he never tried to calm Darlie down, he didn't keep me from
3 running across the street, nobody tried to calm us down,
4 they didn't try to do anything. He pretty much just stood
5 there, eyes bugged out and was just as shocked as what we
6 were, and no matter what we said to him, he would not
7 move.

8 Q. So the answer to my question is, no, he
9 never did say anything to you?

10 A. No, he didn't say anything to me.

11 Q. Okay. And then a second police officer
12 gets there. Do you remember any other officer being
13 there?

14 A. Then it seemed like they ran through to
15 the garage.

16 Q. Who is they?

17 A. The two officers.

18 Q. When did that other officer get there?

19 A. He just showed up. The front door was
20 wide open, they come in and everybody starts running in,
21 and before you know it, you've got -- everybody is just
22 running around.

23 Q. Had you already run across the street
24 before this second officer got there?

25 A. I probably did.

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1 Q. So you have run across the street and
2 then was the second officer already in your house when you
3 got back?

4 A. I never saw the second -- I saw the
5 second officer in the house, but I can't recall at what
6 time, in between whether or not it was a couple minutes
7 before the second officer got there, and me running across
8 the street and then running back, or if it was after that.

9 Q. Tell me everything that you remember
10 your wife saying to the 911 operator?

11 A. Only that there was an intruder that
12 was in the house, that he had gone through the garage and
13 he had killed our babies. That's all I know.

14 Q. That's all that you remember?

15 A. That's all that I remember listening
16 to.

17 Q. Did you ever walk into the kitchen
18 while those two officers were there?

19 A. Actually, I did. I did see the screen
20 and I did see the knife at the end of the bar.

21 Q. What did you think when you saw that
22 screen?

23 A. That I had failed my boys, to not
24 secure the house as well as I should have.

25 Q. Well --

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1 A. Even though I had locked the doors and
2 checked the garage door and made sure everything was down.

3 Q. Well, so --

4 A. I felt like that that was the entrance
5 of the, you know, the entrance and the exit was, you know,
6 that is what we pretty much thought at the beginning was
7 that was the entrance and the exit of the person.

8 Q. Why did you think that?

9 A. Just because of the fact that the
10 garage door was down.

11 Q. Okay. And it latches; correct?

12 A. It latches and locks from both sides.

13 Q. And it was latched that evening, right?

14 A. It was latched before I went to bed.

15 It's the normal father thing to do.

16 Q. And the other doors in the house, they
17 were locked when you went to sleep also?

18 A. Yes, sir.

19 Q. Were there other windows in the house
20 also locked, I take it?

21 A. The windows I never worried, you know,
22 I never worried about it too much. I mean, normally when
23 you lock a window, you think it's going to stay locked.
24 Q. Well, you said that you thought that
25 that was both the exit and the entrance; correct?

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1 A. Yes.
2 Q. Why did you think that again?
3 A. Just because the screen was slashed
4 from one side to the other.
5 Q. Was the window also raised up
6 somewhat?
7 A. Yes, it was. It had been raised up
8 about that much. Normally, it was raised the full, you
9 know, "36 inches or however big that window is.
10 Q. When is the last time that you checked
11 your garage before this thing happened?
12 A. Before I went to bed.
13 Q. Okay.
14 A. 12:30 or 1:00 o'clock.
15 Q. Everything was fine in the garage at
16 that time, wasn't it?
17 A. Right.
18 Q. The screen was not slashed?
19 A. Well, I didn't really go in -- what I
20 do when I check the back door is, I just, you know, open
21 the door up, and I just look to see that the garage door
22 is latched across. I never walked out there to see, you
23 know, to secure any windows, or anything like that. I
24 just didn't even think about it.
25 Q. Well, had you ever seen that particular

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1 window screen slashed before that evening?
2 A. No.
3 Q. And were you in your back yard sometime
4 the evening of June 5th, I mean, you have got a patio, you
5 are out there frequently, aren't you?
6 A. Right.
7 Q. And you didn't see the screen slashed,
8 did you?
9 A. No, I had not seen it slashed.
10 Q. So that really was the key, as to why
11 you thought this was the exit and the entrance, correct?
12 A. Right. And, I had to see it.
13 Q. Your wife was barefoot, wasn't she?
14 A. We both were.

15 Q. What size shoe do you wear?

16 A. It varies, 11 and a half or 12.

17 Q. Your wife, just generally?

18 A. Probably a 7.

19 Q. All right.

20

21 MR. GREG DAVIS: I'll pass the witness,

22 your Honor.

23 MR. DOUGLAS PARKS: May I approach,

24 your Honor?

25 THE COURT: You may.

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1 MR. DOUGLAS PARKS: Mark this, please.

2

3 (Whereupon, the above

4 mentioned item was

5 marked for

6 identification only

7 as Defendant's Exhibit No. 3,

8 after which time the

9 proceedings were

10 resumed on the record

11 in open court, as

12 follows:)

13

14

15 CROSS EXAMINATION

16

17 BY MR. DOUGLAS PARKS:

18 Q. Mr. Routier, is this the statement that

19 you have previously identified as being your statement to

20 the Rowlett Police Department on June 8th of 1996?

21 A. Yes, sir.

22

23 MR. DOUGLAS PARKS: Your Honor, we

24 would offer Defendant's Exhibit No. 3 for purposes of the

25 record, with the understanding that a copy will be

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1 substituted.

2 MR. GREG DAVIS: No objection.

3 THE COURT: Received.

4

5 (Whereupon, the above

6 mentioned item was

7 received in evidence

8 as Defendant's Exhibit

9 No. 3, for all purposes,
10 after which time, the
11 proceedings were
12 resumed as follows:)
13
14 MR. DOUGLAS PARKS: No further
15 questions.
16 MR. GREG DAVIS: No further questions.
17 THE COURT: All right. You may step
18 down. Would this be a good time to take a 10 minute
19 break?
20 MR. GREG DAVIS: Yes, sir, I believe it
21 would.
22 THE COURT: All right. Come back at
23 2:40.
24 Will both sides approach the bench for
25 just a minute?

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1 MR. GREG DAVIS: Yes, sir.
2 MR. DOUG PARKS: Yes, sir.
3
4 (Whereupon, a short
5 discussion was held
6 at the side of the
7 bench, between the Court,
8 and the attorneys for
9 both sides in the case,
10 off the record, and outside
11 of the hearing of the
12 Defendant, after which
13 the proceedings were
14 resumed on the record,
15 outside the hearing of
16 the defendant as follows:)
17
18 THE COURT: All right. Let's go back
19 on the record. The objection earlier made by the defense,
20 on the implant question is sustained, and the answers with
21 regard to that are struck.
22 MR. GREG DAVIS: Yes, sir.
23 THE COURT: All right.
24
25

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1 (Whereupon, a short
2 Recess was taken,

3 After which time,
4 The proceedings were
5 Resumed on the record,
6 In the presence and
7 Hearing of the defendant
8 And the jury, as follows:
9
10
11 THE COURT: Let's go back on the
12 record.
13 MR. GREG DAVIS: Judge, I want to
14 recall Darin Routier for just a question, please.
15 THE COURT: Okay. Yes, sir, and if you
16 would, try to keep your voice up. I'm having trouble
17 making out everything you are saying.
18 Go ahead, please, gentlemen.
19 MR. GREG DAVIS: Thank you.
20
21
22
23
24
25

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1 Whereupon,
2
3
4 DARIN ROUTIER,
5
6 was recalled as a witness, having been previously duly
7 sworn by the Court to speak the truth, the whole truth,
8 and nothing but the truth, testified in open court, as
9 follows:
10
11 DIRECT EXAMINATION
12
13 BY MR. GREG DAVIS:
14 Q. Your name is Darin Routier, correct?
15 A. Yes, sir.
16 Q. The same Darin Routier that just
17 previously testified in this case?
18 A. Yes, sir.
19 Q. Mr. Routier, you previously testified
20 about the point of entry and exit and you said that at the
21 time you thought that was the point of entry and exit;
22 correct?
23 A. I thought so just from looking at it.
24 Q. All right. Have your thoughts changed?

25 A. Yes, sir.

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1 Q. Okay. What do you now believe to be

2 the point of exit or entry?

3 Well, first of all, what do you believe to be

4 the point of entry now?

5 A. Based on the information.

6

7 MR. DOUGLAS PARKS: Objection, that is

8 speculation, your Honor.

9 THE COURT: Well, please explain why it

10 is not speculation.

11 MR. GREG DAVIS: Well, he has expressed

12 an opinion concerning his observations and I'm -- let me

13 just ask you this: Have you observed something since that

14 event that has changed your feelings about the point of

15 entry, sir?

16 THE WITNESS: No, not on entry.

17

18 BY MR. GREG DAVIS:

19 Q. All right. So you still, at this

20 point, your testimony would be that you still believe that

21 the window that you saw that evening was the point of

22 entry, correct?

23 A. It just seemed to be that way.

24 Q. Well, is your opinion --

25 A. Well, I'm not an expert, I couldn't

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1 say.

2 Q. I'm not asking that. Has your opinion

3 changed on the point of entry?

4 A. No, sir.

5 Q. Has your opinion changed about the

6 point of exit?

7 A. Yes, sir.

8 Q. And, have you observed something that

9 has changed your opinion on that?

10 A. Not really, from a forensic standpoint.

11 Q. Well, I'm just saying, have you seen

12 something that has changed your opinion?

13 A. No, sir.

14 Q. Have you heard something that has

15 changed your opinion?

16 A. No, sir, I just speculated it. I just

17 assumed.

18 Q. So right now, you are just guessing

19 that there was a different point of exit?
20 A. I'm just guessing.
21 Q. Is there any reason in particular why
22 you are guessing a little differently today on that?
23 A. Just because of the fact that there is
24 no blood or hair on the screen.
25 Q. Okay.

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1
2 MR. GREG DAVIS: No further questions.
3 MR. DOUGLAS PARKS: No questions.
4 THE COURT: All right. You may step
5 down. I will take it by agreement you folks have excused
6 this witness from the Rule?
7 MR. GREG DAVIS: No, sir, I may need
8 him later.
9 THE COURT: I'm saying from the Rule.
10 MR. GREG DAVIS: Yes, sir, I don't have
11 a problem with that.
12 THE COURT: Since he was here during
13 earlier testimony?
14 MR. GREG DAVIS: Yes, sir.
15 THE COURT: All right.
16
17
18
19
20
21
22
23
24
25

Sandra M. Halsey, CSR, Official Court Reporter 176

1 Whereupon,
2
3
4 JIMMY RAY PATTERSON,
5
6 was called as a witness, for the State of Texas, having
7 been first duly sworn to speak the truth, the whole truth,
8 and nothing but the truth, testified in open court, as
9 follows:
10
11 DIRECT EXAMINATION
12

13 BY MR. GREG DAVIS:

14 Q. Sir, would you please state your full
15 name?

16 A. Jimmy Ray Patterson.

17 Q. How are you employed?

18 A. I'm a police officer for the City of

19 Rowlett Police Department.

20 Q. How long have you been a Rowlett police
21 officer?

22 A. Almost 13 years.

23 Q. And what rank do you hold at this time?

24 A. I'm a detective.

25 Q. How long have you been a detective?

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1 A. Seven and a half years.

2 Q. Let me direct your attention back to

3 June 6th, 1996, sometime in the early morning hours, did

4 you go to 5801 Eagle Drive in Rowlett, Texas?

5 A. Yes, sir.

6 Q. Did you go there as part of the

7 investigation concerning the deaths of Damon and Devon

8 Routier?

9 A. Yes, sir, I did.

10 Q. Did you have an opportunity to speak

11 with patrol officers out there?

12 A. Yes, sir.

13 Q. At the time that you first got there,

14 had anyone done a crime scene search?

15 A. No, sir.

16 Q. Who actually performed the crime scene

17 in this case?

18 A. A Sergeant David Nabors, and some

19 people that works with him.

20 Q. Did you have an opportunity during the

21 course of your investigation to walk through that house at

22 5801 Eagle Drive?

23 A. Yes, sir.

24

25 MR. GREG DAVIS: May I approach, your

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1 Honor?

2 THE COURT: You may.

3 MR. GREG DAVIS: Mark these, please.

4

5 (Whereupon, the above

6 mentioned items were

7 marked for
8 identification only
9 as State's Exhibits No. 9
10 through 16, after which
11 time the proceedings were
12 resumed on the record
13 in open court, as
14 follows:)
15
16 BY MR. GREG DAVIS:
17 Q. Detective Patterson, if you would look
18 through the photographs that I have marked as State's
19 Exhibits 9, 10, 11, 12, 13, 14, 15 and 16 and tell me
20 whether or not those are true and accurate photographs of
21 the scene as you found it at 5801 Eagle Drive?
22 A. Yes, sir, it is.
23 Q. Okay.
24
25 MR. GREG DAVIS: Your Honor, at this

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1 time we will offer State's Exhibits 9 through 16.
2 MR. WAYNE HUFF: No objection to 9
3 through 16, your Honor.
4 THE COURT: State's Exhibits 9 through
5 16 are received.
6
7 (Whereupon, the items
8 Heretofore mentioned
9 Were received in evidence
10 as State's Exhibits No. 9
11 through 16 for all purposes,
12 after which time, the
13 proceedings were resumed
14 as follows:)
15
16
17 BY MR. GREG DAVIS:
18 Q. Mr. Patterson, first of all, let me
19 show you State's Exhibit No. 9, in this photograph, do we
20 see a butcher block with 8 knives contained in that
21 butcher block, sir?
22 A. Yes, sir.
23 Q. And, where was this butcher block
24 located in the house?
25 A. It was on the kitchen cabinet, in the

Sandra M. Halsey, CSR, Official Court Reporter 180

1 kitchen.

2 Q. All right. This one empty slot here,
3 did you ever attempt to determine whether the knife
4 portrayed here in State's Exhibit No. 8, would fit into
5 the slot of the butcher block shown on State's Exhibit No.
6 9?

7 A. No, sir, I didn't.

8 Q. Okay. To your knowledge, did perhaps
9 Charlie Linch of Southwestern Institute of Forensic
10 Science do that?

11 A. My understanding is he did. Yes, sir.

12 Q. State's Exhibit No. 10. What is shown
13 here?

14 A. Basically the back yard and the garage
15 area of this address at 5801.

16 Q. These windows here to the left portion
17 of this photograph, are those windows that actually are
18 inside the garage?

19 A. Yes, sir.

20 Q. This window closest to the house over
21 here, does this show a window that has been raised up with
22 a screen that has a T-cut to it?

23 A. Yes, sir.

24 Q. Looking here at State's Exhibit No. 11,
25 is this a close up of that window closest to the house

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1 that is shown in State's Exhibit No. 10?

2 A. Yes, sir, it is.

3 Q. And it shows a cut to the bottom
4 portion of the window folded back; is that correct?

5 A. Yes, sir.

6 Q. Is the fold toward the inside or toward
7 the outside?

8 A. Outside.

9 Q. Well, does the screen itself, does that
10 fold inward toward the garage, or outward toward the patio
11 area?

12 A. Well, what I remember is that it's
13 outward towards to patio -- well, no, I think it was
14 inward towards the inside of the garage.

15 Q. Okay. Did you -- first of all, let's
16 talk about this window. Did you go into that garage and
17 look at this window ledge, here on State's Exhibit No. 11?

18 A. Yes, sir.

19 Q. Could you see any blood on that window
20 ledge, sir?

21 A. No, sir.

22 Q. Could you see any blood on the screen

23 itself?

24 A. I didn't see any, no.

25 Q. Could you see any blood on the window

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1 frame portion of that window?

2 A. No, sir.

3 Q. Did you go into the garage to determine

4 whether you could see any blood on the floor of the
5 garage?

6 A. Yes, sir.

7 Q. And what was the result of your
8 observation?

9 A. There wasn't any blood.

10 Q. How about the back yard portion of that

11 house. Did you look for blood drops either in the flower
12 beds, or on the walkways of the back yard?

13 A. Yes, sir.

14 Q. Did you see any?

15 A. No, sir.

16 Q. Did you see any blood on the driveway?

17 A. No, sir.

18 Q. Did you see any blood on the garage

19 door that was there at that residence at 5801 Eagle Drive?

20 A. No, sir, I did not.

21 Q. Was the garage door down and latched at
22 the time that you saw it?

23 A. I know it was down. As far as it being
24 latched, I'm not sure.

25 Q. Okay. Take a look here at State's

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1 Exhibit No. 12. Is this a portion of the carpet that is
2 going to be basically between the couch and the love seat
3 in the family room area?

4 A. Yes, sir.

5 Q. And this large red area, is that blood
6 on the carpet?

7 A. I believe so, yes, sir.

8 Q. Okay. Do we see a hand print on that
9 carpet, sir?

10 A. Yes, sir.

11 Q. Can you tell the Court about the size,
12 did you have an opportunity to look that?

13 A. Yes, sir.

14 Q. The size of that?

15 A. Yes, sir.

16 Q. Did it appear to be an adult's hand?

17 A. No, sir.
18 Q. What did it appear to you to be?
19 A. A child's hand, a real small child.
20 Q. Okay. State's Exhibit No. 13, is this
21 a portion of the linoleum floor in the kitchen, sir?
22 A. Yes, sir.
23 Q. If we could look at Defendant's Exhibit
24 No. 1, and if we are looking at the kitchen area here,
25 Detective Patterson, when we look at State's Exhibit No.

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1 13, do you see a wine rack in that photograph, sir?
2 A. Yes, sir.
3 Q. And, if you could, if you could just
4 point to the area of the kitchen where the wine rack would
5 have been located?
6 A. Right in here. (Witness pointing on
7 diagram.)
8 Q. Is that close to where someone has
9 written telephone?
10 A. Yes, sir.
11 Q. The portion of the floor that we're
12 looking at, would that be the portion that is basically
13 between the telephone and this kitchen bar?
14 A. Yes, sir, it is.
15 Q. And does it look -- is it looking into
16 the kitchen -- we're basically looking, are we not, in
17 this direction, toward the kitchen sink area; is that
18 right?
19 A. Yes, sir.
20 Q. We see on this photograph, do we see
21 any broken glass on the floor?
22 A. Yes, sir, there is.
23 Q. Do we see blood droplets also?
24 A. Yes, sir.
25 Q. Officer, did you have an opportunity to

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1 look at this, at the kitchen floor for blood evidence?
2 A. Yes, sir.
3 Q. Sir, is there any -- were there any
4 bloody footprints that would lead from the end of the
5 kitchen bar on -- you see this area where the red line has
6 been drawn?
7 A. Yes, sir.
8 Q. Was there any bloody footprints at all
9 found that would have taken from, say, the end of the
10 kitchen bar, toward the utility room?

11 A. No, sir.
12 Q. Are there any bloody footprints from
13 the area from the utility room, back to the area, let's
14 say before you get to the kitchen sink, are there any
15 bloody footprints?
16 A. No, sir.
17 Q. Are there any bloody footprints in the
18 utility room?
19 A. No, sir.
20 Q. Again, I think you said that there was
21 no blood at all found in the garage?
22 A. None in the garage, no.
23 Q. So, how about the area between the
24 kitchen leading back into the family room?
25 A. We did see some footprints there, yes,

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1 sir.
2 Q. Okay. Bloody footprints?
3 A. In the blood, yes, sir.
4 Q. Okay. The broken glass again that
5 we're looking at, would that be between the kitchen bar
6 and where the telephone, or the wine rack would have been
7 located?
8 A. Yes, sir.
9 Q. State's Exhibit No. 14, are we now
10 looking at some of the bloody footprints that you found,
11 and if we're looking here, are we looking -- this would be
12 the kitchen sink area, or a rug in front of the kitchen
13 sink, and as I move the pen, this would lead you back
14 around that kitchen bar to the den; is that right?
15 A. That's right.
16 Q. State's Exhibit No. 15, is this a
17 photograph of the kitchen sink?
18 A. Yes, sir.
19 Q. And do we see a large amount of red
20 material here on the front portion of that counter top?
21 A. Yes, sir.
22 Q. Do you also see red material,
23 length-wise on this cabinet, sir?
24 A. Yes, sir.
25 Q. And looking at State's Exhibit No. 16,

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1 are we looking at blood droplets inside the utility room
2 also?
3 A. Yes, sir.
4 Q. Detective Patterson, did you have an

5 opportunity to observe Darlie Routier at Baylor Hospital
6 sometime on June the 6th, 1996?

7 A. Yes, sir.

8 Q. About what time did you get over there
9 to see her?

10 A. I believe it was sometime a little
11 after 6:00 was the first time that I saw her.

12 Q. 6:00 A.M. or 6:00 P.M.?

13 A. 6:00 A.M.

14 Q. All right. So, we're talking
15 approximately three and a half hours after the first call
16 had been made?

17 A. Yes, sir.

18 Q. Okay. And, where was she when you
19 first saw her?

20 A. She was in -- I believe they called it
21 a recovery room, in one of the -- at the hospital, at
22 Baylor Hospital.

23 Q. All right. Did someone go over there
24 with you from the Rowlett Police Department?

25 A. Yes, sir.

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1 Q. Who was that?

2 A. Detective Chris Frosch.

3 Q. Did you have an opportunity to actually
4 talk with Darlie Routier at that time?

5 A. Yes, sir.

6 Q. And, who was present at the time that
7 you talked with her?

8 A. Detective Frosch, and then there was a
9 male nurse that was pretty close in the room with us.

10 Q. All right. How would you describe
11 Darlie Routier's demeanor at the time that you met her at
12 Baylor Hospital?

13 A. Well, I feel that she understood what
14 we were talking about.

15

16 MR. DOUGLAS PARKS: Your Honor, we
17 object to that as being non-responsive.

18 THE COURT: Sustained.

19

20 BY MR. GREG DAVIS:

21 Q. How would you describe her demeanor?

22 A. That she understood what we were
23 talking about.

24

25 MR. DOUGLAS PARKS: Same objection.

1 THE COURT: Sustained.

2

3 BY MR. GREG DAVIS:

4 Q. I mean by that, was she excited, was

5 she crying, or what was she doing?

6 A. Well, she was not crying at the time

7 when we first met with her.

8 Q. What was she doing? How would you

9 describe the way she looked?

10 A. Well, she was just laying there, and I

11 think she had just come out of surgery.

12 Q. Okay.

13 A. She -- and we just started questioning

14 her.

15 Q. So, did you actually have a

16 conversation with her about what had occurred at her home?

17 A. Yes, sir.

18 Q. During the time that you were speaking

19 with her, did you believe that she understood what you

20 were saying to her?

21 A. Yes, sir.

22 Q. Did her responses to you, from your

23 view point, did they appear to be appropriate for what you

24 were asking?

25 A. Yes, sir.

1 Q. How long a conversation did you have

2 with her at Baylor Hospital?

3 A. About 40 or 50 minutes to an hour, I

4 guess.

5 Q. Okay. And, during that time period,

6 did you ask her what had happened to her and her two

7 children at her home?

8 A. Yes, sir.

9 Q. And, what did she say to you?

10 A. Well, she described an intruder coming

11 in, and stabbing her kids and then her chasing the

12 intruder back towards the utility room where she realized

13 she had been stabbed.

14 Q. And what else did she say?

15 A. She gave us a description of the

16 intruder and --

17 Q. What description did she give you?

18 A. Well, we let her give us a description,

19 and she was trying to tell us that she thought it was a

20 white male, giving us a clothing description, and then I

21 stopped her and I asked her to start from the very top of
22 the head and let's work down. And she described a ball
23 cap, a black ball cap, no lettering or nothing on the
24 front of it. It was wore frontwards, where the bill was
25 towards the front of the face.

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1 She was able to describe a somewhat
2 middle length hair in the back, she couldn't describe any
3 face at all. She thought that he was a white male with a
4 black T-shirt and blue jeans.

5 Q. And, did she tell you whether or not
6 there had been a struggle between her and the intruder?

7 A. She had told us that there was a
8 struggle. One time she said that she doesn't recall, and
9 then one time she tells us that there was a struggle.

10 Q. Well, at what point did she say that
11 she didn't recall?

12 A. When she first tried to describe the
13 incident, at the first time we talked to her, was when she
14 described that she remembers seeing the suspect laying
15 over her, or leaning over her, and she didn't realize that
16 she had been cut. The suspect -- she was struggling with
17 her arms, he backs off and then runs, or walks off towards
18 the utility room, and she chases him, and he goes into the
19 garage area, and in the utility room is where she sees a
20 knife on the floor.

21 Q. All right. Now, that first account was
22 that the account that she gave to you at Baylor Hospital?

23 A. Yes, sir.

24 Q. So, as I understand it, she says that
25 she woke up and the man is leaning over her; is that

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1 right?

2 A. Yes, sir.

3 Q. Where did you understand that the
4 struggle occurred between her and the intruder? What
5 location in the room?

6 A. Oh, when she was laying on the couch.

7 Q. All right. Why did you get that
8 impression?

9 A. Well, she told us she was laying on the
10 couch, she had been laying on the couch asleep.

11 Q. And then she woke up and the man is
12 leaning over here; correct?

13 A. Yes, sir.

14 Q. Then the struggle took place?

15 A. Yes, sir.

16 Q. And then the man did what?

17 A. He turns and walked towards -- and

18 there is somewhere in there that he either walks back

19 towards the utility room, then there is a time where she

20 says he ran towards the utility room and she chases after

21 him, and gets to the utility room, and realizes that there

22 is a knife on the floor, and she realizes that she has

23 been cut, and she is bleeding.

24 Q. Did she tell you how she was laying on

25 the couch?

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1 A. Yes, sir.

2 Q. And how did she say she was laying on

3 the couch?

4 A. She described it as she was laying on

5 her back with her head towards the south end of the sofa.

6 Q. Okay. Would that be towards the

7 television in the room, or away from the television?

8 A. Well, towards -- well, closest to the

9 TV.

10 Q. So her head is on the portion of the

11 couch closest to the big screen television; right?

12 A. Yes, sir.

13 Q. And she is laying on her back during

14 this time?

15 A. Yes, sir.

16 Q. During that first conversation at

17 Baylor, did she tell you when she was stabbed, or when she

18 was injured by this intruder?

19 A. She told us that she didn't realize she

20 was injured until she got to the utility room.

21 Q. Okay. You said that she -- that during

22 this account she said that the struggle occurred on the

23 couch; right?

24 A. Yes, sir.

25 Q. Okay. Do you remember anything

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1 specific that she said about the knife? Any comments that

2 she made regarding the knife at that time?

3 A. Well, she told us that she had picked

4 the knife up and placed it on the bar top and that her

5 fingerprints would be on it.

6 Q. Did you -- based on your experience as

7 a police officer, did that strike you as funny?

8 A. No.

9 Q. Or unusual?

10 A. Well, you know at the time, it just --

11 I was not sure at the time.

12 Q. Um-hum. (Nodding head affirmatively.)

13 Did you find any of her actions or reactions to be unusual
14 at that time?

15 A. Not at that time, I guess, I didn't.

16 It was, I guess, later in the investigation, you know,
17 when it just didn't seem like things were adding up.

18 Q. During that conversation that you had
19 with her at Baylor, do you recall her ever asking about
20 the condition of her two children?

21 A. No, sir.

22 Q. Do you recall her ever saying anything
23 about the two kids, other than the fact that they were
24 stabbed?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 195

1 Q. Did you ever talk with her about any of
2 the valuables that may have been in the house at the time
3 that she went to sleep?

4 A. Yes, sir. She said that she taken her
5 jewelry off and placed it on top of the bar top, which is
6 going to be at the north end of the sofa, and we just
7 asked her to describe the jewelry, and she described --

8 Q. What --

9 A. She described the jewelry in great
10 detail.

11 Q. Okay. During the time that you were
12 with her at Baylor Hospital, did you feel that she was in
13 shock at that time?

14 A. No, sir.

15 Q. Did you feel that she was mentally
16 capable of answering your questions?

17 A. Yes, sir.

18 Q. Did you think that she was physically
19 capable of answering your questions?

20 A. Yes, sir.

21 Q. When you finished this conversation
22 with her, did you have an opportunity to go through the
23 house?

24 A. Yes, sir, a couple of hours later.

25 Q. All right. The jewelry that she

Sandra M. Halsey, CSR, Official Court Reporter 196

1 described to you at Baylor Hospital, were you able to
2 confirm that?

3 A. Yes, sir.
4 Q. What jewelry did you find and where did
5 you find it?
6 A. Exactly where she told us. There was
7 several rings, a watch, and one or two bracelets.
8 Q. Okay. And where were those items
9 located in the house?
10 A. On top of the bar top where she said
11 they would be.
12 Q. Okay. And that is the bar that
13 separates the kitchen from the living room, and part of
14 the den?
15 A. Yes, sir.
16 Q. Did you find any other jewelry in the
17 kitchen besides those items?
18 A. Yes, sir, there was some jewelry on
19 the -- that little counter top that is in the middle of
20 the kitchen.
21 Q. Would that have been closer back toward
22 the utility room?
23 A. Yes, sir.
24 Q. Was there a watch back there?
25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter 197

1 Q. Did you ever find her billfold or her
2 purse?
3 A. Yes, sir.
4 Q. Where was it?
5 A. On top of that same counter top.
6 Q. Did it appear to you that the purse or
7 the billfold had been disturbed in any way?
8 A. No, sir.
9 Q. Did you ever find any items that had
10 been taken from that house?
11 A. No, sir.
12 Q. Did either Mr. or Mrs. Routier ever
13 tell you that they found items that had been taken from
14 their house?
15 A. No, sir.
16 Q. Did you have a conversation with Mrs.
17 Routier about a possible sexual assault?
18 A. Yes, sir.
19 Q. Can you please tell us how that
20 conversation took place?
21 A. Well, we just asked her if she thought
22 she had been sexually assaulted, I'm not quite sure how,
23 but, you know, I asked her, and she said that she had felt
24 some pain, but she didn't think she had been, and so I

25 asked her if she would go ahead and submit to a rape test

Sandra M. Halsey, CSR, Official Court Reporter 198

1 just to make sure, and she agreed to it.

2 Q. Okay. And the results of that test

3 were negative?

4 A. Yes, sir.

5 Q. During that first meeting did Mrs.

6 Routier ever mention anything about the kitchen sink?

7 A. No, sir.

8 Q. Did she ever tell you that she went

9 over and washed a washcloth in the sink?

10 A. No, sir.

11 Q. When is next time you saw Mrs. Routier?

12 A. Friday afternoon, Friday night.

13 Q. That would have been now, what, June

14 the 7th?

15 A. Yes, sir.

16 Q. Where did you see her?

17 A. At the hospital.

18 Q. Anything unusual occur during that

19 visit?

20 A. Well, we really didn't go into detail

21 about, you know, what happened, we were just basically

22 there just to see how she was doing.

23 Q. What was her demeanor at this time?

24 How was she acting?

25 A. Well, she was -- again, she was acting

Sandra M. Halsey, CSR, Official Court Reporter 199

1 okay. She was coherent and she understood, you know, what

2 was going on. She was not - she wasn't crying like I

3 would think she would have been.

4 Q. Did you ever see her cry on June the

5 6th?

6 A. No, sir.

7 Q. How about on June the 7th?

8 A. No, sir.

9 Q. How long did you stay with her that

10 time?

11 A. On June the 7th?

12 Q. Yes.

13 A. Oh, we weren't in there but about 10

14 minutes, 15 minutes.

15 Q. Who is we?

16 A. Detective Frosch.

17 Q. At some point, were you shown a tattoo?

18 A. Yes, sir.

19 Q. When did that occur?
20 A. It was at the police station, in the
21 one of the interview rooms, but I'm not sure of the date.
22 Q. So that is going to be after she got
23 out of the Baylor Hospital?
24 A. Yes, sir.
25 Q. So you saw her on the 6th, you saw her

Sandra M. Halsey, CSR, Official Court Reporter 200

1 on the 7th, did you see her on the 8th of June?

2 A. I'm not sure without looking at my
3 notes.

4 Q. Okay.

5

6 MR. GREG DAVIS: May I approach, your
7 Honor?

8 THE COURT: Sure.

9

10 (Whereupon, the above

11 mentioned item was

12 marked for

13 identification only

14 as State's Exhibit No. 20,

15 after which time the

16 proceedings were

17 resumed on the record

18 in open court, as

19 follows:)

20

21

22 BY MR. GREG DAVIS:

23 Q. Detective Patterson, let me show you

24 State's Exhibit No. 20. Does this appear to be a true and

25 correct copy of the voluntary statement that you took from

Sandra M. Halsey, CSR, Official Court Reporter 201

1 Darlie Routier on June the 8th, 1996?

2 A. Yes, sir.

3 Q. Okay. Prior to taking the voluntary

4 statement from Darlie Routier, did you advise her of her

5 Miranda rights?

6 A. Yes, sir.

7 Q. Are those rights contained on the top

8 portion of that voluntary statement?

9 A. Yes, sir.

10 Q. Did you read those rights to her before

11 she gave you that statement?

12 A. Yes, sir.

13 Q. Okay. Let me just ask you in general,
14 how did you advise her of her rights on that day? When
15 did you first advise her of her Miranda warnings on June
16 the 8th?

17 A. Well, when we first went into the
18 interview room, I just told her that I was going to
19 explain her rights to her, which I did.

20 Q. How did you do that?

21 A. Just reading it off to her.

22 Q. Did you read it off a card that you
23 keep?

24 A. Yes, sir.

25 Q. All right. And, do you have that card

Sandra M. Halsey, CSR, Official Court Reporter 202

1 with you today?

2 A. No, sir.

3 Q. Okay. Do you recall -- well, are the
4 same rights contained there on the voluntary statement?

5 A. Yes, sir.

6 Q. Okay. How many times did you read Mrs.
7 Routier her Miranda warnings prior to her actually giving
8 the voluntary statement?

9 A. This day, just one time.

10 Q. All right. Can you please read to us
11 the Miranda warnings that you gave to her on June the 8th
12 of 1996?

13 A. Well, this one here says that, because
14 we want them to read it along with what we say, but this
15 one here says that, "I have the right to have a lawyer
16 present to advise me, prior to and during any
17 questioning." There is a little line, and she initials
18 that, saying that she understands what her rights are.
19 And then it's got, Number 2, and it
20 says "If I am unable to employ a lawyer, I have the right
21 to have a lawyer appointed to me, to advise me, prior to
22 and during any questioning." Again, it has a line, she
23 initials the line.

24 And, number 3, "I have the right to
25 remain silent, and not make any statements at all, and

Sandra M. Halsey, CSR, Official Court Reporter 203

1 that any statements that I make, may be used in evidence
2 against me at my trial." There is a line and she initials
3 it.

4 Number 4, "I have the right to
5 terminate the interview at any time". There is another
6 line, and she initials it.

7 Number 5, "Any statement that I make
8 may be used in evidence against me in court -- or used
9 against me in court." And there is another line and she
10 initials it.

11 Q. Okay. So, those are the warnings that
12 you read to her; is that right?

13 A. Yes, sir.

14 Q. And she initialed that for each one of
15 those warnings that was read to her; is that right?

16 A. Yes, sir.

17 Q. Did she also read those warnings prior
18 to the time that she gave you the voluntary statement?

19 A. She has this to read off of.

20 Q. All right. Let me ask you, did you
21 threaten Darlie Routier in any way in order to have her to
22 give you a voluntary statement?

23 A. No, sir.

24 Q. Did you promise her anything in order
25 to give a voluntary statement to you?

Sandra M. Halsey, CSR, Official Court Reporter 204

1 A. No, sir.

2 Q. Coerce her in any way?

3 A. No, sir.

4 Q. Did she agree to voluntarily and freely
5 give you the statement that is contained in State's
6 Exhibit No. 20?

7 A. Yes, sir.

8 Q. Okay.

9

10 MR. GREG DAVIS: Your Honor, at this
11 time we will offer State's Exhibit No. 20.

12 MR. WAYNE HUFF: For purposes of this
13 hearing, we don't have any objections, your Honor.

14 THE COURT: Received.

15

16 (Whereupon, the above

17 mentioned item was

18 received in evidence

19 as State's Exhibit 20,

20 for all purposes, after

21 which time, the

22 proceedings were

23 resumed as follows:)

24

25

Sandra M. Halsey, CSR, Official Court Reporter 205

1 BY MR. GREG DAVIS:

2 Q. Was this statement given in Darlie
3 Routier's own handwriting?

4 A. Yes, sir.

5 Q. This statement itself, is what, 10
6 pages long; is that right?

7 A. Yes, sir.

8 Q. If you could, we're going to go to page
9 5, and if you would, if you will read aloud, beginning
10 where it says, "I started to get sleepy," and continue --
11 if you will, go through where I have shown you on page 9,
12 please.

13 A. Okay.

14 Q. If you will read it out loud.

15 A. "I started to get sleepy. The next
16 thing I woke up and felt a pressure on me. I felt Damon
17 press on my right shoulder and heard him cry. This made
18 me really come awake and realize there was a man standing
19 down at my feet, walking away from me. I walked after
20 him, and heard glass breaking. I got halfway through the
21 kitchen and I turned back around and ran and turned on the
22 light. I ran back towards the utility room and realized
23 there was a big white handled knife laying on the floor.
24 It was then I realized that I had blood all over me, and I
25 grabbed the knife thinking he was in the garage. I looked

Sandra M. Halsey, CSR, Official Court Reporter 206

1 over and saw the door shut to the garage, and I thought he
2 might still be in there, and I --" I'm not sure what this
3 is, "to Darin." Maybe it's hollered. "I hollered to
4 Darin."

5 "I ran back through the kitchen and realized
6 the entire living area had blood all over everything. I
7 put the knife on the counter and ran into the entrance,
8 turned on the light and started screaming for Darin.
9 "I think I screamed twice and he ran out of
10 the bedroom with his jeans on and no glasses and was
11 yelling, 'What is it? What is it?'
12 "I remember saying, 'He cut them, and he
13 tried to kill me. See --" I'm not sure what that is,
14 "...neck. He ran down the stairs and into the room where
15 the boys were. I grabbed the phone and called 911. Darin
16 started giving Devon CPR, while I put a towel on my neck
17 and a towel over Damon's back. I remember telling Darin
18 to hang on -- I remember telling Damon to hang on, Mommy
19 was there. And I looked over at Darin and saw the glass
20 table --" I'm not sure what that is. "...Knocked halfway
21 off and the flower arrangement pulled back," I'm not sure
22 what that is. "...Been knocked over. I then stood up and

23 turn around and saw glass all over the kitchen floor.
24 "I tried to glance over to see if
25 anything was out of place, or if anything was missing. I

Sandra M. Halsey, CSR, Official Court Reporter 207

1 took a few steps and opened the door and screamed for
2 Karen. I was still on the phone with 911 and I don't
3 recall what all was said, because everything was happening
4 so fast. I went back to Damon, and by then he had stopped
5 moving and the police --" something through the door.
6 "Walked through the door."

7 Q. All right. Now, Detective Patterson,
8 the first time that you spoke with her she talked to you
9 about a struggle. On June the 8th did she say anything to
10 you about a struggle occurring between her and the
11 intruder?

12 A. Not in that report she doesn't.

13 Q. Did she during the conversations with
14 you on June the 8th?

15 A. I honestly don't remember if she did or
16 not.

17 Q. Well, what she said to you here, about
18 a person standing at her feet, walking away from her, was
19 that consistent with what she told you at Baylor Hospital?

20 A. No, sir.

21 Q. In this statement she says that she got
22 halfway through the kitchen, and turned back around, to
23 run, and turned on the light, then back toward the utility
24 room, and then came back to the living area. So she is
25 going through that kitchen, how many times? Three times?

Sandra M. Halsey, CSR, Official Court Reporter 208

1 A. Yes, sir.

2 Q. You saw the glass on the floor there in
3 the kitchen, did you not?

4 A. Yes, sir.

5 Q. Would you say there was a lot of glass
6 out there?

7 A. Yes, sir.

8 Q. Did you have an opportunity on June the
9 8th to look at the bottom of Mrs. Routier's feet to see
10 whether she had any cuts to the bottom of her feet?

11 A. I don't think it was June the 8th that

12 I did, no, sir.

13 Q. All right. On some date did you?

14 A. Yes, sir.

15 Q. Did she have any cuts on the bottom of
16 her feet?

17 A. No, sir.

18 Q. Was that a pretty tight squeeze between
19 the kitchen bar and that wine rack?

20 A. Yes, sir.

21 Q. Did you have a meeting with her at any

22 other time -- you had one on June 6th, June 7th and June

23 8th, how many other meetings did you have with Mrs.

24 Routier?

25 A. There was another one, and I believe it

Sandra M. Halsey, CSR, Official Court Reporter 209

1 was June the 10th, maybe the 11th. I think the 10th.

2 Q. Let me just ask you, at any meeting

3 that you had with Mrs. Routier, did she ever mention using

4 the sink, either before or after the police officers

5 arrived in that house?

6 A. No, sir.

7 Q. What is the best description of the

8 intruder that she ever gave you?

9 A. It was a white male wearing a black

10 cap, no face, a black T-shirt and blue jeans.

11 Q. Okay.

12 A. She gave us, I can't remember the

13 height and the weight. She did give us the height and the

14 weight. But when she gave us that description, when she

15 said height and weight, she look at Frosch and said about

16 Frosch's size.

17 Q. How tall is Chris Frosch?

18 A. About 6'2" or 3.

19 Q. Okay. Now, besides the written

20 statement that you took on June the 8th, did you ever take

21 any other written statements from Darlie Routier?

22 A. No, sir, I don't think so.

23 Q. Let me talk to you about the back yard

24 at the Routiers' home there. Is it fenced?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter 210

1 Q. And what color is the fence?

2 A. White.

3 Q. White wooden fence; correct?

4 A. Yes, sir.

5 Q. Did you examine the wooden fence to

6 determine whether or not you could see any blood on the

7 fence?

8 A. Yes, sir.

9 Q. What was the results?

10 A. None.

11 Q. Did you look to see whether you could
12 see any scuff marks, like someone had climbed over or
13 jumped over that fence?

14 A. Yes, sir.

15 Q. What were the results?

16 A. We didn't find any.

17 Q. Would it be fair to say that you found
18 blood inside this house, but you found none outside; is
19 that right?

20 A. That's correct.

21 Q. The knives that are shown there in the
22 butcher block, as well as the other knife that was found
23 on the kitchen bar, were those submitted by the Rowlett
24 Police Department to the Southwestern Institute of
25 Forensic Sciences for further examination?

Sandra M. Halsey, CSR, Official Court Reporter 211

1 A. Yes, sir.

2 Q. The window that is shown, that leads
3 into the garage along with the window screen, were those
4 also taken by the Rowlett Police Department out to the
5 Southwestern Institute of Forensic Sciences?

6 A. Yes, sir.

7 Q. For further examination?

8 A. Yes, sir.

9 Q. The black cap that is shown on the
10 floor of the utility room, to your knowledge, was that
11 taken by the investigator of the district attorney's
12 office out to the Southwestern Institute of Forensic
13 Sciences for further investigation?

14 A. I know they took it in their
15 possession.

16 Q. In this statement, looking on page 6 of
17 this statement, does it not say, "I looked over and saw
18 the door shut to the garage, and so I thought they might
19 still be in there, and I needed to get Darin."

20 A. Yes, sir.

21 Q. The door that she is referring to
22 there, which door did you take that to be?

23 A. The door leading from the utility room
24 into the garage.

25 Q. Okay.

Sandra M. Halsey, CSR, Official Court Reporter 212

1

2 MR. GREG DAVIS: I'll pass the witness,
3 your Honor. Let me just ask --

4

5 BY MR. GREG DAVIS:

6 Q. Detective Patterson, let me just show
7 you a five page report entitled, "prosecution case
8 report." Is this the report that you prepared in this
9 case, sir?

10 A. Yes, sir.

11 Q. Okay. Did you prepare any other
12 written reports?

13 A. Yes, sir -- well, no -- well, yes, I
14 did.

15 Q. What other reports did you prepare?

16 A. An affidavit for the warrant.

17 Q. Okay. So the affidavit that is
18 attached to the arrest warrant?

19 A. Yes, sir.

20 Q. Okay. So actually the only written
21 report is the prosecution report, in addition to an
22 affidavit that you prepared, correct?

23 A. Yes, sir.

24 Q. All right.

25

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1 MR. GREG DAVIS: Your Honor, at this
2 time we will tender to Counsel a 5-page report entitled
3 "Prosecution case report," and we will pass the witness.

4 MR. WAYNE HUFF: May I have a few
5 minutes, your Honor?

6 THE COURT: What do you need, five or
7 six minutes?

8 MR. WAYNE HUFF: It's pretty long, I
9 may need about 10, Judge.

10 THE COURT: Well, okay. Let's recess
11 until 3:35 that will give you 12 and a half minutes.

12 You may step down.

13

14 (Whereupon, a short

15 Recess was taken,

16 After which time,

17 The proceedings were

18 Resumed on the record,

19 In the presence and

20 Hearing of the defendant

21 And the jury, as follows:

22

23

24 THE COURT: All right. Are both sides
25 ready to go back on the record?

Sandra M. Halsey, CSR, Official Court Reporter 214

1 MR. GREG DAVIS: Yes, sir, the State is
2 ready.

3 MR. DOUGLAS PARKS: Yes, sir, the
4 Defense is ready.

5
6

7 CROSS EXAMINATION

8

9 BY MR. WAYNE HUFF:

10 Q. Officer Patterson, when were you first
11 notified about this offense?

12 A. I believe it was about 3:30.

13 Q. Were you already on duty?

14 A. No, sir.

15 Q. Did you have to come on duty especially
16 for this?

17 A. Yes, sir.

18 Q. Who notified you about it?

19 A. Dispatch.

20 Q. Okay. Who was the next person you
21 talked to about this case?

22 A. I believe it was Sergeant Walling.

23 Q. All right. Where did that conversation
24 take place?

25 A. In front of 5801 Eagle Drive.

Sandra M. Halsey, CSR, Official Court Reporter 215

1 Q. All right. What time was that?

2 A. I'm not quite sure, without looking at
3 my notes. It might have been that I was notified at 3:00,
4 and I arrived at about 3:30.

5 Q. Okay.

6 A. It was sometime right in there.

7 Q. You talked about you don't remember
8 without looking at your notes. Do you have your notes?

9 A. No, sir.

10 Q. Are those notes still in existence?

11 A. Yes, sir.

12 Q. You just don't have them down her
13 today?

14 A. No, sir.

15 Q. Now, how long did you and Detective --
16 is it Officer Walling?

17 A. Yes, sir, he is patrol sergeant.

18 Q. Okay. How long did you and Sergeant
19 Walling talk?

20 A. Just a brief few minutes.

21 Q. What did he tell you?

22 A. Something about two children had been

23 stabbed, the children's mother had been stabbed, and that

24 the intruder had left the residence through the garage,

25 and that they had some patrol units looking for the

Sandra M. Halsey, CSR, Official Court Reporter 216

1 intruder along with the Garland K-9 Unit was looking.

2 Q. All right. Is that all you remember

3 him telling you?

4 A. At this time, without looking at my

5 notes, yes, sir.

6 Q. All right. Who is the next person that

7 you talked to about this case?

8 A. I'm not sure.

9 Q. Was it a police officer, a fireman?

10 A. I just don't remember.

11 Q. Well, what is the next thing you did,

12 with regard to this case, after you talked to Officer

13 Walling?

14 A. Well, I remember that Sergeant Walling

15 and Lieutenant Jack had come to me and asked me to go to

16 the hospital and talk to Darlie Routier.

17 Q. What time did they request that you do

18 this?

19 A. It was sometime before 4:00, around

20 4:00 o'clock A.M.

21 Q. All right. Now, when did you go to the

22 hospital?

23 A. Right after they asked me to.

24 Q. Did you talk to anyone else in between

25 the time, about this case, or did you do any further

Sandra M. Halsey, CSR, Official Court Reporter 217

1 investigation on this case, prior to the time you went and

2 talked to Darlie Routier?

3 A. Well, I had talked to a lady across the

4 street from 5801 Eagle Drive.

5 Q. What was her name?

6 A. I don't remember.

7 Q. What did she tell you?

8 A. That she had saw a car parked in the

9 cul de sac right there -- well, actually it's not a cul de

10 sac, it's a little curb there in front of this address,

11 and she thought that she remembered seeing a car there

12 earlier, and that it had left sometime around when the

13 fire department arrived.

14 Q. Did she tell you anything else?

15 A. Not that I recall.
16 Q. Did you talk to anyone else before you
17 went to the hospital?
18 A. Well, I know I talked to a fireman, but
19 I don't remember what was said about that.
20 Q. Okay. You don't remember anything that
21 the fireman said to you?
22 A. No, sir.
23 Q. You don't remember anything you said to
24 him?
25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 218

1 Q. Did you make any notes about it?
2 A. No, sir.
3 Q. Anyone else that you talked to before
4 you went to the hospital?
5 A. No, I don't remember, I don't remember
6 talking to -- I don't remember.
7 Q. All right. Who did you go to the
8 hospital with?
9 A. I left and went by myself.
10 Q. All right. Who was the first person
11 you met when you got to the hospital?
12 A. Detective Frosch.
13 Q. Had he already arrived, I guess?
14 A. Yes.
15 Q. How long had he been there?
16 A. He might have been there 30 or 40
17 minutes.
18 Q. Did the two of you talk?
19 A. Yes, sir.
20 Q. What was discussed between you?
21 A. And I did talk to him at the scene, in
22 front of 5801 Eagle Drive too.
23 Q. Okay. Let's go back to the scene.
24 What did you and Detective Frosch talk about at the scene?
25 A. Well, I explained to him what Sergeant

Sandra M. Halsey, CSR, Official Court Reporter 219

1 Walling had told me, and then I just asked -- and then I
2 found out that Darin Routier was on his way to the
3 hospital, so I just asked Detective Frosch to go to the
4 hospital and go ahead and get with Darin Routier and see
5 if he could tell us what happened.
6 Q. All right. That's all you talked about
7 with Detective Frosch at the scene?
8 A. Yes, sir.

9 Q. Now, let's go to the hospital. What
10 did you and Detective Frosch discuss at the hospital?
11 A. Well, he had already talked to Darin a
12 little bit, and he explained to me what Darin did or
13 didn't do.
14 Q. What did he tell you Darin did or
15 didn't do?
16 A. Well, I don't remember exactly what he
17 said now, something about Darin remembers waking up and
18 hearing Darlie screaming for him, and he comes running
19 down the stairs, you know, asking what happened, and he
20 runs into the den, and he sees the oldest boy over by the
21 coffee table with blood on him.
22 Q. That is what Detective Frosch told you?
23 A. Well, I can't remember exactly, but
24 that is what we were talking about, yes, sir.
25 Q. All right. Did you and Detective

Sandra M. Halsey, CSR, Official Court Reporter 220

1 Frosch discuss anything else, other than Darin?
2 A. Not that I recall, no, sir.
3 Q. Did you talk to anyone else at the
4 hospital prior to talking with Darlie Routier?
5 A. We had talked to some nurses.
6 Q. All right. Which nurses?
7 A. I don't remember their names.
8 Q. Did you write them down?
9 A. Yes, sir.
10 Q. They are in your notes?
11 A. Yes, sir.
12 Q. How many were there?
13 A. I know one in particular that night.
14 Q. What did you talk to them about?
15 A. I just asked her if Darlie had said
16 anything when she came into the hospital.
17 Q. What did she tell you?
18 A. I don't remember.
19 Q. Well, did she tell you that Darlie had
20 said anything important or noteworthy?
21 A. Well, she told me, but I can't remember
22 exactly what she said without looking at my notes.
23 Q. Okay. What is the next thing -- who
24 was the next person that you talked to, about this case?
25 A. There was a couple of Baylor police

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1 officers there that we talked to.
2 Q. All right. What did they tell you

3 about this case?

4 A. I don't know that they told us anything
5 about the case, other than them just coming in.

6 Q. Well, they were not at the scene, were
7 they?

8 A. No, sir.

9 Q. All right. So they couldn't give you
10 any information on the case; is that correct?

11 A. No, sir.

12 Q. Had they talked to Darin or Darlie, or
13 any of the witnesses in the case?

14 A. They had not talked to Darlie, they
15 placed Darin into one of the family rooms.

16 Q. All right. Alone or with the family?

17 A. There was a neighbor that had taken
18 Darin to the hospital and I believe -- I know he was in
19 the room sometimes and he was out of the room sometimes.

20 Q. All right. So after you talked to the
21 Baylor police about this, who is the next person or
22 persons that you talked to about this case?

23 A. Detective Frosch and myself went in
24 there and talk to Darin for a little while.

25

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1 MR. WAYNE HUFF: Could I have one
2 second, Judge?

3 THE COURT: Sure.

4

5 BY MR. WAYNE HUFF:

6 Q. You talked to Darin a while?

7 A. Yes, sir.

8 Q. All right. How long did you talk to
9 Darin?

10 A. I'm not sure, probably 30 minutes.

11 Q. What time did you start talking to
12 Darin?

13 A. It was before 6:00 o'clock.

14 Q. Who else was present when you talked to
15 Darin?

16 A. Detective Frosch.

17 Q. Did you ask him questions or did he
18 simply provide you with a narrative?

19 A. No, we asked him a few questions.

20 Q. All right. Tell me what your
21 questions -- what is the first question you asked him?

22 A. Well, I don't remember the first
23 question.

24 Q. Well, what is the first question that

25 you do remember asking him?

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1 A. Well, I remember us asking him again,
2 you know, what had happened, and he explained that, you
3 know, he heard Darlie screaming, and he comes running down
4 the stairs, he said he had been upstairs asleep in his
5 bedroom along with the baby.
6 Darlie and the boys went to sleep, they
7 stayed downstairs and went to sleep watching TV. And he
8 went upstairs sometime, a little after 1:00 or 1:30. And
9 I asked him about the clothes that he was wearing, because
10 the blue jeans had blood on them, and there was also a cut
11 on his jeans, and he explained that he got the cut, the
12 tore place on his jeans at work, and that the blood was
13 when he was kneeling down, trying to help the oldest boy.
14 We asked him if he -- he had on a white
15 T-shirt, but he said that a neighbor had furnished the
16 T-shirt. He had some blood on his stomach, and we took
17 photographs of him. We asked him if we couldn't take his
18 blue jeans along with his underwear and he gave us
19 permission to have them. And we had called a crime scene
20 officer to take possession of those, and to take
21 photographs of him -- or no, I took photographs of him.
22 And, he was not wearing any shoes or
23 socks. He had blood on his feet. At first he thought
24 that he had been cut, but then we realized -- he realized
25 that he was not cut on the foot.

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1 Q. What else did he tell you? Did he tell
2 you anything else?
3 A. I don't remember what else was said.
4 Q. What was his emotional state?
5 A. Well, he was crying a little bit, then
6 he would stop crying, and he was calm for a little bit,
7 and he laughed a couple of times.
8 Q. Anything else you remember about his
9 emotional state?
10 A. No, sir.
11 Q. Did his emotional state seem
12 appropriate to you for the occasion?
13 A. Yes, sir.
14 Q. Now, after you got through talking to
15 Darin -- by the way, did you record this interview with
16 Darin?
17 A. No, sir.
18 Q. You just took notes about it?

19 A. Frosch took notes.
20 Q. You didn't?
21 A. No, sir.
22 Q. After you got through talking to Darin,
23 and taking his clothes, what is the next thing that you
24 did in regard to investigating this case?
25 A. Well, we learned that Darlie had been

Sandra M. Halsey, CSR, Official Court Reporter 225

1 moved to a room, and they had given us permission to go to
2 the room to talk to her.
3 Q. Now, had anyone else talked to her
4 prior to you talking to her?
5 A. As in who? I mean, the nurses,
6 doctors?
7 Q. Relatives, nurses, doctors?
8 A. Well, nurses and doctors.
9 Q. All right. Do you know whether or not
10 anyone had told her that both of her children were, in
11 fact, dead?
12 A. I do not know.
13 Q. You said that she never asked you about
14 her two children at this time?
15 A. I don't remember her asking me, no,
16 sir.
17 Q. But for all you know, she may have
18 already been told that they were dead; is that correct?
19 A. Yes, sir.
20 Q. What was her demeanor?
21 A. Well, she wasn't crying.
22 Q. At all?
23 A. Not with tears.
24 Q. Well --
25 A. I mean, she seemed upset somewhat, but

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1 she didn't have a problem answering our questions.
2 Q. All right. Now, was she sedated at all
3 at this time?
4 A. I'm sure she was given something to
5 help with the pain.
6 Q. Had she been under anesthetic at the
7 time of her surgery?
8 A. I don't know.
9 Q. Did you ask anyone?
10 A. No, sir.
11 Q. Well, if she had just come out of
12 anesthetic, Officer, wouldn't that be important for you to

13 know at that point?

14 A. Well, not the way -- I mean, she was
15 answering our questions, and that is what we were
16 interested in at the time.

17 Q. Well, would it be fair to say that a
18 person with a clear head is going to give you a better
19 description of what she is talking about, than someone
20 that has just come out of surgery?

21 A. Well, to us, and us asking her the
22 questions, she seemed to be answering our questions okay.

23 Q. All right. Did it seem strange to you
24 that she was not crying?

25 A. At the time -- no, at the time, we

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1 didn't think about it.

2 Q. You didn't think that was unusual at
3 that time?

4 A. Well, not at the time, because I didn't
5 know -- I don't remember if -- I don't remember if she
6 knew about the babies or not.

7 Q. Okay. Well, at the time, it didn't
8 seem unusual to you?

9 A. No.

10 Q. When did this demeanor of hers start
11 seeming unusual to you, Detective?

12 A. Throughout the investigation.

13 Q. Well, you said, it didn't seem unusual
14 at this time, when in the investigation, did it start
15 seeming unusual to you?

16 A. During the investigation, I can't tell
17 you, you know, one minute when it started, it was just
18 during the investigation.

19 Q. All right. Well, when it finally
20 struck you, that her demeanor at the hospital had been
21 unusual, what did you think at that point? How should she
22 have acted that would have satisfied you, as to her
23 demeanor under the circumstances?

24 A. Well, I'm not sure how to answer that
25 question.

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1 Q. Well, would you have been happier, if
2 she had gone into hysterics, would that have satisfied
3 you?

4 A. Well, you are asking me if I would have
5 been happy, that is -- I don't think that is right.

6 Q. Well, maybe happy is the wrong word.

7 Would you have been satisfied if she had gone into
8 hysterics?

9 A. No, sir, that is not what I mean, no,
10 sir.

11 Q. Well, would you have been satisfied if
12 she had been incoherent?

13 A. No, sir.

14 Q. Okay. Well, what should she have done,
15 how should she have acted differently that would have made
16 her look less suspicious to you in hindsight?

17 A. I don't know.

18 Q. Detective, prior to this date, how long
19 had you been a police officer?

20 A. Seventeen years.

21 Q. How many murder cases have you worked
22 in that time?

23 A. I have been involved in four or five
24 murder cases.

25 Q. Were those all in Rowlett?

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1 A. Yes, sir.

2 Q. How many cases have you been involved
3 in where children have been murdered prior to this date?

4 A. None.

5 Q. How many cases have you been involved
6 in where two children were murdered in their own home in
7 the presence of their mother?

8 A. None.

9 Q. How many cases -- murder cases have you
10 worked where a stabbing is involved, prior to this date?

11 A. None.

12 Q. How many times prior to this date had
13 you talked to a woman who had just had her two children
14 murdered?

15 A. None.

16 Q. Had she been given any medication prior
17 to your talking to her at the hospital?

18 A. I'm sure she had.

19 Q. Did you bother to ask what it was?

20 A. No, sir.

21 Q. Did you ever ask what it was in this
22 investigation?

23 A. No, sir.

24 Q. You didn't think that was important to
25 know?

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1 A. Well, at the time, when she was giving
2 us the information, she was giving the information to us
3 clearly enough that we thought that it was okay. So no,
4 at the time I guess I didn't think that it was important.
5 Q. Okay. Now, you talked to her for 40 or
6 50 minutes?
7 A. Yes, sir.
8 Q. At the hospital?
9 A. Well, I'm only guessing about how long.
10 Q. Okay. You asked her questions; is that
11 correct?
12 A. Yes, sir.
13 Q. All right. Now, since you can't
14 remember exactly the questions that you asked her, could
15 you tell us the information that you remember her relating
16 to you at that time?
17 A. Well, she had explained to us about the
18 intruder, and we asked her for a description, and she gave
19 us a description of the intruder, and what she recalled
20 doing.
21 Q. What did she say she recalled doing?
22 A. Well, that she had woke up and she
23 finds this person, you know, leaning over her and she
24 doesn't realize that she had been stabbed at that point
25 and she -- the intruder starts running or walking towards

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1 the garage, and goes into the --
2 Q. Excuse me, let me stop you there. Did
3 she say running or walking?
4 A. Well, at that particular time I don't
5 remember if she said running or walking.
6 Q. Okay. Go ahead.
7 A. And, he goes towards the utility room,
8 and she follows him going towards the utility room. He
9 goes into the garage, she sees a knife on the utility
10 floor, and picks up the knife, and at this time she
11 realizes that she had been cut, and she is bleeding, and
12 takes the knife and puts it on the -- or places the knife
13 on the bar top, in the kitchen area.
14 Q. All right. What does she tell you
15 happens next?
16 A. She is screaming for -- or she gets on
17 the phone, she is screaming for Darin, she calls 911, and
18 explains to the dispatch, you know, what had happened, and
19 they send the police and fire.
20 Q. Okay. What did she tell you happened
21 next?
22 A. She gives us a description of the

23 intruder, she says that the intruder is wearing -- well,
24 she tries to give it to us and I stopped her and asked her
25 to start from the very top of the head, and she says that

Sandra M. Halsey, CSR, Official Court Reporter 232

1 the intruder is wearing a black ball cap, she doesn't --
2 there wasn't anything on the front of it.

3 Q. Now, let me stop you there.

4 Did she say there wasn't anything on
5 the front of it, or that she didn't see anything?

6 A. She didn't see anything on the front of
7 it. The bill was towards the front, towards the face. He
8 was not wearing it backwards. She could see -- she didn't
9 have any face to this intruder. She saw his hair, coming
10 out from under the ball cap, a black pull-over T-shirt,
11 nothing on the T-shirt, no writing on it or nothing, and
12 blue jeans. She doesn't remember a belt or shoes and
13 socks.

14 Q. That was the complete description she
15 gave you?

16 A. How tall, his weight and she described
17 that part as being about the same height and weight as
18 Detective Frosch.

19 Q. Did that differ in any manner from the
20 description that she gave to Officer Waddell?

21 A. I'm not sure what she gave Officer
22 Waddell.

23 Q. Did you ever talk to Officer Waddell?

24 A. Not that morning, no, sir.

25 Q. When was the first time you talked to

Sandra M. Halsey, CSR, Official Court Reporter 233

1 Officer Waddell?

2 A. I don't think I talked to Officer
3 Waddell for a few days, I just read the report that he
4 wrote out.

5 Q. Which one?

6 A. The offense report.

7 Q. The one that he wrote on the 6th or the
8 one that he wrote on the 7th?

9 A. I would have to look at the dates. I
10 mean, I know he wrote an offense report and then his
11 supplement.

12

13 MR. WAYNE HUFF: Mark this, please.

14

15 (Whereupon, the above
16 mentioned item was

17 marked for
18 identification only
19 as Defendant's Exhibit No. 2,
20 after which time the
21 proceedings were
22 resumed on the record
23 in open court, as
24 follows:)
25

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1 BY MR. WAYNE HUFF:

2 Q. Okay. Let me show you what has been
3 marked as Defendant's Exhibit No. 2, and I will ask you to
4 look at that and see if you can identify that report?

5 A. Okay. It looks like a copy of the
6 offense report, or parts of the offense report that
7 Officer Waddell had wrote or typed out.

8 Q. Is that the complete report that you
9 read?

10 A. No, sir.

11 Q. All right. There is some more of
12 Officer Waddell's report that is not included in there?

13 A. Well, yes, sir.

14 Q. Could you tell us what that is?

15 A. Well, it is the front page of the
16 offense report.

17 Q. So there should be more to this report
18 than is there?

19 A. Yes, sir.

20 Q. Okay.

21

22 MR. WAYNE HUFF: Your Honor, we would
23 ask to be provided with that report. We thought this was
24 the complete report.

25 MR. GREG DAVIS: Well, I believe that

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1 to be the complete report. I have no further reports from
2 Officer Waddell, so if they are in existence, I don't have
3 them.

4 MR. WAYNE HUFF: Okay.

5

6 BY MR. WAYNE HUFF:

7 Q. Well, what would the missing front page
8 say?

9 A. Well, it just gives you the date, the

10 time, the offense number, it gives you the complainant or

11 the victim's name, address, business name, phone numbers,
12 offense title, and then it's got another -- well, about
13 pretty close to half the page on there is about stolen
14 property or recovered property.
15 Q. Okay. Now, when you reviewed Officer
16 Waddell's report, other than the missing first page, was
17 it just like it is now?
18 A. I believe so.
19 Q. All right. What date did you review
20 that report on?
21 A. Either the -- let's see, either later
22 on Thursday afternoon on the 6th or on Friday.
23 Q. Okay. How are reports generated out
24 there, those kind of reports?
25 A. Well, the uniformed officer will take

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1 the initial report, which is placed in a box or a tray
2 that is in the patrol room. The sergeant reviews the
3 report, he checks it off, and then it's stuck into another
4 tray for when the sergeant that is over CID, the Criminal
5 Investigation Division comes in the next morning, and he
6 reviews the report and then he assigns it to the
7 investigator.
8 Q. All right. So, does the officer
9 dictate the report?
10 A. No, sir.
11 Q. Is it typed for him?
12 A. No, sir.
13 Q. He types it himself?
14 A. He types it himself.
15 Q. All right. So if the report was typed
16 by the officer on the 7th, when would you see it? When
17 would it get past the sergeant?
18 A. Well, if he did it on the 7th, I
19 probably wouldn't see it until the 8th.
20 Q. All right. So the report you read, you
21 either read it on the 6th or the 7th; is that correct?
22 A. Yes, sir.
23 Q. Okay. Well, how would you have had the
24 last page of that report, if it wasn't typed until the
25 7th?

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1 A. What do you mean the last page?
2 Q. Well, if you will look at the last two
3 pages, you will find that there is a supplement there,
4 indicating that the last two pages of that report were

5 done on June the 7th?

6 A. Well, this report here was separate
7 from the offense report.

8 Q. All right.

9 A. This came in later.

10 Q. All right. So you didn't have access
11 to that part of the report?

12 A. Well, I mean, sometimes -- yeah,
13 sometime after the 7th I did.

14 Q. Okay. Sometime after the 7th?

15 A. Right.

16 Q. But not when you first looked at
17 Waddell's report; is that correct?

18 A. Well, if I looked at this report on the
19 6th, then no. If I looked at it sometime on the 7th, then
20 yes.

21 Q. You might have had it?

22 A. Right.

23 Q. Okay.

24 A. These two reports came in separately.

25 Q. All right.

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1 A. They are attached now, but they came in
2 separate.

3 Q. Okay. Between the time that you saw
4 the first report from Waddell, and you received the second
5 of Waddell's reports, did you personally talk to Waddell?

6 A. No, sir.

7 Q. To your knowledge --

8 A. I know --

9 Q. Go ahead, I'm sorry.

10 A. I know what the deal is on this. I
11 took the offense report.

12 Q. Okay.

13 A. That is why that there is not a front
14 sheet to this report.

15 Q. Okay. Fine. Okay.

16 A. He just done this as a supplement. I
17 took the initial report instead of Officer Waddell.

18 Q. Okay. Now, that wouldn't be the
19 prosecution report; is that correct?

20 A. No, sir.

21 Q. Okay. But you did the actual offense
22 report?

23 A. Yes, sir.

24

25 MR. WAYNE HUFF: Your Honor, may we be

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1 provided with that if the State has it?

2 MR. GREG DAVIS: Well, during the
3 course of questioning I will look again, but I don't
4 recall seeing that, but I will begin looking, at this
5 time.

6

7 BY MR. WAYNE HUFF:

8 Q. Just as a matter of procedure, Officer,
9 when a report is done by an officer, is it given to
10 someone to review before it goes to the detective?

11

12 MR. GREG DAVIS: I'm going to object to
13 this. There is no relevance shown as to procedures for
14 the reports.

15 MR. WAYNE HUFF: Well, this certainly
16 is --

17 THE COURT: Overruled.

18

19 BY MR. WAYNE HUFF:

20 Q. As a matter of procedure, what is the
21 procedure for the report getting to you, after the officer
22 typed it up?

23 A. The officer places it in a tray, in the
24 patrol room, the sergeant picks it up, at the end of the
25 shift, reviews all of the reports, places it into another

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1 tray where a supervisor over the investigation division
2 picks it up, and reviews it and assigns it to a detective
3 or an investigator.

4 Q. Okay. So that all that would have
5 happened before you got the report; right?

6 A. Well, it would have, yes, but I took
7 the offense report.

8 Q. Okay. Now, I believe we were back at
9 the hospital and we were on a description of the
10 individual. We were talking about him running or walking
11 away from the scene. What did Mrs. Routier tell you
12 happened after the man was running or walking from the
13 scene?

14 A. That he ran towards the utility room,
15 into the utility room, into the garage; she chases or
16 follows after him, she sees the knife on the floor and
17 picks up the knife, and then she realizes that she is cut.

18 Q. Again, did she use the words running?

19 A. During one of those stories, and I will
20 have to go back and look at my notes, but during one of

21 those stories, she does say that he is running.

22 Q. You don't know whether it was this

23 story, or another one?

24 A. Well, not for sure, no.

25 Q. All right. So, she goes and picks up

Sandra M. Halsey, CSR, Official Court Reporter 241

1 the knife. Did she say that she touched anything in the
2 utility room?

3 A. No, other than the knife.

4 Q. Did you ask her if she touched anything

5 in the utility room?

6 A. I don't think so, no, I don't think so.

7 Q. Okay. But you hadn't been to the scene

8 at this point; is that correct?

9 A. No, sir.

10 Q. All right. Now, after she gets the

11 knife, what did she tell you happened next?

12 A. Well, she realized that she has been

13 cut, she takes the knife and places it on the bar top,

14 which divides the kitchen and this den.

15 Q. Okay. What does she tell you happened

16 next?

17 A. She gives us a description of her

18 jewelry.

19 Q. Okay. What does she tell you next?

20 A. I don't remember after that, I don't

21 remember if she told us anything after that.

22 Q. All right. So she stopped there?

23 A. Well, I don't remember. I don't

24 remember what else was said, right after that.

25 Q. All right. So, did she tell you

Sandra M. Halsey, CSR, Official Court Reporter 242

1 anything else at the hospital after she gave you a

2 description of her jewelry?

3 A. I'm not sure.

4 Q. Did she talk to you about calling 911?

5 A. She told us that she called 911.

6 Q. When did she tell you that?

7 A. When she was describing about how

8 she -- after she picks up the knife, and places it back on

9 the counter top, then that is when she picked up the phone

10 and called 911.

11 Q. Did she talk to you about screaming for

12 Darin?

13 A. Yes.

14 Q. So she told you that?

15 A. Yes.

16 Q. Did she talk to you about Darin
17 administering first aid to either of the children?

18 A. Darin told us that he had.

19 Q. Okay. Did Darlie tell you that?

20 A. I believe she did, but she said that he
21 was administering first aid to the oldest boy, over by the
22 coffee table.

23 Q. All right. So she told you about that.

24 What did she tell you that she did, as far as first aid,
25 if anything?

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1 A. Well, I'm not sure. It seems like, at
2 that time, that she said that she had placed a rag on the
3 youngest boy, but I am not sure if that is when she told
4 us that or not.

5 Q. You mean she might have told you that
6 at some other time?

7 A. Yes, sir.

8 Q. Okay. Did she tell you anything about
9 what she told the police officers?

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

11 Q. Okay. Did she tell you anything about
12 standing next to the sink and getting towels?

13 A. No, sir.

14 Q. Did you ask her if she stood at the
15 sink?

16 A. No, sir.

17 Q. Did you ask her to describe what she
18 and her husband had done the evening prior to this
19 incident?

20 A. Yes, sir.

21 Q. What did she tell you?

22 A. She had said that they had had an
23 argument, and that, she said it was not that bad of an
24 argument, and that they had had an argument earlier in the
25 evening. And, they had sat down, and this is when the two

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1 boys were laying on the floor, and had already gone to
2 sleep, and they sat down in the den, and talked about it,
3 for a few minutes, about their finances, and that they
4 finally kissed, told each other that they loved each
5 other, and then Darin takes the youngest, the infant child
6 upstairs and goes to bed, and she stays on the couch, or
7 the sofa.

8 Q. Did you ask her if the television was

9 on that night?

10 A. I don't remember if I asked -- well, I

11 don't remember. It seemed like she said that they had

12 been watching TV earlier, but I don't know if they were at

13 that time or not.

14 Q. Okay. Did you ask her if she had been

15 taking any medication this evening that this happened?

16 A. I don't remember asking her about any

17 medication at that particular time, no.

18 Q. Did she tell you about any medication

19 she had been taking?

20 A. I don't remember.

21 Q. Okay.

22 A. I know there was a time that we had

23 talked about medication that she had been taking, but I

24 don't remember if it was right then or not.

25 Q. Now, is there anything else that you

Sandra M. Halsey, CSR, Official Court Reporter 245

1 remember her telling you that evening, that you later

2 found was inconsistent with the physical evidence or

3 inconsistent with what she told you later?

4 A. Not that I recall right now.

5 Q. After you got through with your

6 conversation with Mrs. Routier, what is the next thing you

7 did in this investigation?

8 A. Detective Frosch and I had went back to

9 the scene at 5801 Eagle Drive.

10 Q. What time did you arrive?

11 A. I'm not sure.

12 Q. Morning?

13 A. Yes, sir.

14 Q. Late morning? Mid morning?

15 A. I'm not sure. It wasn't late in the

16 morning.

17 Q. What did you do when you got back to

18 the scene?

19 A. I met with Sergeant David Nabors. He

20 is the sergeant that is over crime scene.

21 Q. Had he already been into the crime

22 scene?

23 A. Yes, sir.

24 Q. What did you all talk about?

25 A. He was just kind of describing to me

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1 what was inside of the crime scene.

2 Q. What did he describe to you?

3 A. Well, he described how that -- of
4 course, the medical examiners had already been there and
5 left with the oldest child, and we went in there and he
6 just kind of pointed out some things inside the crime
7 scene, I'm not sure exactly what, without looking at the
8 notes, what we did first.

9 Q. Okay. Well, without going into
10 specific order, what did you do? What did he show you?
11 What did he point out?

12 A. Well, he was showing me some blood that
13 was found in the area, when you first walk in the
14 residence, and then there was a large --

15 Q. Where was this blood located? On the
16 floor, or on the door?

17 A. Oh, it was on the floor.

18 Q. On the floor. Okay. Was it on a rug
19 there in front of the front door?

20 A. There was some on a rug, and then some
21 on the floor.

22 Q. Was there any on the door?

23 A. Yes, sir, on the doorknob.

24 Q. Okay. What is the next thing you
25 remember him showing you?

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1 A. Showing me there is a plastic mat that
2 leads into the hallway, and there was blood on it, blood
3 on the carpet in the den. There was blood on -- some
4 blood on the coffee table, some blood on the sofas, there
5 was drops of blood in the kitchen area. He showed me the
6 knife on the bar top. Then we talked, I guess, a little
7 bit about the screen and the window going out of the -- or
8 that is in the garage, leading into the back yard.

9 Q. Anything else that you remember him
10 showing you or talking to you about?

11 A. Well, I mean, he showed me a lot, but
12 this was over a period of time too.

13 Q. I'm talking about that morning now?

14 A. Well, I don't remember what else we did
15 at that time.

16 Q. All right. Now, after you had seen the
17 crime scene, what did you do next?

18 A. Without looking at my notes, I'm not
19 sure.

20 Q. Where did you go next?

21 A. Probably back to the office, and then I
22 know it was late in the evening, we had discussed what we
23 were going to do at the house, and we talked about, you
24 know, maintaining the house.

25 Q. Did you ever talk to any of the

Sandra M. Halsey, CSR, Official Court Reporter 248

1 paramedics or firemen that were at the scene?

2 A. Well, I had talked to one, but not

3 about, you know, exactly what happened, other than I

4 remember him saying, you know, it was just -- it was bad.

5 He didn't describe anything. But, no, I did not. There

6 was -- they already had written reports and I just looked

7 over the reports.

8 Q. The firemen had written reports?

9 A. Yes, sir.

10 Q. And the paramedics had written reports?

11 A. Yes, sir.

12 Q. During your entire investigation, prior

13 to your arrest of Mrs. Routier, did you ever personally

14 interview the firemen or paramedics?

15 A. No, sir.

16 Q. Did anyone at the Rowlett Police

17 Department do that?

18 A. Someone had told them to write out the

19 statements.

20 Q. Okay. But no one, to your knowledge,

21 personally interviewed them?

22 A. No, sir.

23 Q. Well --

24 A. I mean, I'm sure that someone may have

25 talked to them -- well, I don't know.

Sandra M. Halsey, CSR, Official Court Reporter 249

1 Q. I'm sorry?

2 A. I mean, I don't know of anybody that

3 just personally interviewed them, no.

4 Q. Who else besides you was investigating

5 this case?

6 A. Detective Frosch.

7 Q. Did you work together with him at all

8 times, or was he interviewing people while you were

9 interviewing people, or how did it work?

10 A. Well, we worked together, but, yes,

11 sir, he would interview someone, and I would interview

12 someone.

13 Q. All right.

14 A. Sometimes it was together, and

15 sometimes it wasn't.

16 Q. Were you the lead investigator?

17 A. I was assigned the case.

18 Q. Okay. Well, that means that you were

19 in charge; right?

20 A. Well, I would say Sergeant Evans was in
21 charge.

22 Q. Okay. Did you review all of the
23 reports that were generated but all of the other officers?

24 A. Yes, sir.

25 Q. Including Detective Frosch?

Sandra M. Halsey, CSR, Official Court Reporter 250

1 A. Yes, sir.

2 Q. And, was there anything in your
3 investigation that indicated that anyone personally
4 interviewed the paramedics?

5 A. No, sir.

6 Q. Or the firemen?

7 A. No, sir.

8 Q. Other than the defendant and Mr.
9 Routier, what witnesses did you personally interview?

10 A. I would have to look at my notes to
11 see. At this time, I don't recall anybody else.

12 Q. You mean the only people you personally
13 interviewed were the defendant and her husband, to your
14 knowledge?

15 A. Yes, sir.

16 Q. Is that correct?

17 A. Yes, sir.

18 Q. Did you receive leads during your
19 investigation on other suspects?

20 A. Well, we received some information, but
21 there was two other detectives that looked into that.

22 Q. Who were they, please?

23 A. Keith Needham and James Latham.

24 Q. Now, was this just information or

25 actual suspects you came up on?

Sandra M. Halsey, CSR, Official Court Reporter 251

1 A. It was just information. Call-in
2 information.

3 Q. Now, the next time that you interviewed
4 anyone personally, I guess it would have been on the 8th,
5 when you took the statement from Mrs. Routier; is that
6 correct?

7 A. Yes, sir.

8 Q. All right. Now, did you request that
9 they come to the station at that time, on the 8th?

10 A. Yes, sir.

11 Q. Okay. But you had also talked to her on
12 the 7th; is that correct?

13 A. Yes, sir.

14 Q. All right. Now, let's talk about that

15 meeting on the 7th. Did you go -- who was with you at
16 that time?

17 A. Detective Frosch.

18 Q. All right. Was there anyone else

19 present in the room, when you talked to Mrs. Routier?

20 A. I'm not sure -- I mean, at some point

21 there was, but I'm not sure during the whole conversation
22 or not.

23 Q. All right. How long did this

24 conversation last?

25 A. Ten or 15 minutes.

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1 Q. What did you discuss with her?

2 A. Well, I don't remember exactly what,

3 because we really didn't want to get too much into the
4 case, we were just wanting to see how she was doing.

5 Q. Okay. Is this any particular reason

6 that you didn't want to get into the case at this time?

7 A. No.

8 Q. Well, would you say that she was -- she

9 appeared to be feeling better on the 7th than she was on
10 the 6th?

11 A. Well, she seemed to be okay with what

12 had happened, I mean --

13 Q. She seemed to be okay with what had

14 happened?

15 A. Well, I'm not sure exactly how to

16 describe it. She was -- I mean, she was not just broken
17 down crying or anything about it.

18 Q. Is that what you expected?

19 A. Yes, sir.

20 Q. I'm sorry?

21 A. Yes, sir.

22 Q. It is?

23 A. Yes, sir.

24 Q. Okay. Well, how was she acting?

25 A. Well, I mean she was not crying. I

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1 mean, she was upset, but she was not just broken down

2 crying, and I remember her saying something about, you
3 know, how could anybody do this to her children.

4 Q. Did that seem like an appropriate

5 statement to you?

6 A. Yes, sir.

7 Q. Okay. But you expected her to be
8 broken down crying; is that right?
9 A. Yes, sir.
10 Q. Okay. Did that seem suspicious to you
11 at that time?
12 A. Well, I think it was just all of it
13 together, when you start looking at it, yes, sir.
14 Q. Okay. Did you consider her a suspect
15 at this time?
16 A. I know -- I mean, I'm sure that we were
17 looking at her, you know, at that time we were looking at
18 her and Darin as a suspect, and any -- if we didn't have a
19 suspect, or have anybody else, yes, sir.
20 Q. Okay. Well, you didn't have any other
21 suspects, did you?
22 A. No, sir.
23 Q. Okay. You never developed any other
24 suspects in this case?
25 A. No, sir.

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1 Q. Okay. So, she wasn't broken down
2 crying, and that later seemed strange to you?
3 A. Yes, sir.
4 Q. She did ask how someone could do
5 something like this to her children, and what else did
6 y'all talk about?
7 A. I don't remember.
8 Q. Did you take notes of it?
9 A. No, sir.
10 Q. Did you record this conversation in any
11 way?
12 A. No, sir.
13 Q. So that is all you remember about this
14 particular conversation; is that right?
15 A. Yes, sir.
16 Q. Now, when did you ask she and her
17 husband to come down to the Rowlett Police Department?
18 A. It was sometime Saturday --
19 Q. By the way, did you talk --
20 A. -- it might have been Detective Frosch
21 talking to Darin and asking about them coming in.
22 Q. By the way, when you talked to Darlie
23 the day before, did you talk to Darin that day too?
24 A. That Friday?
25 Q. Yes, sir.

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1 A. On the 7th?
2 Q. Yes, sir.
3 A. I'm not sure now if he was at the
4 hospital or not.
5 Q. So you don't recall talking to him?
6 A. No, sir.
7 Q. Now on the 8th, when they gave their
8 statement, you had them come down to the police
9 department; is that correct?
10 A. Yes, sir.
11 Q. Is it true that that is the day that
12 they were having the viewing of their children at the
13 funeral home?
14 A. Yes, sir.
15 Q. Okay. Did you know about that?
16 A. Yes, sir.
17 Q. Okay. Did they ever request that this
18 be postponed so that they could go to the viewing of their
19 children?
20 A. Yes, sir.
21 Q. They did?
22 A. We just asked them if they would mind
23 coming in, it wouldn't take very long.
24 Q. Okay. Well, how long did it take?
25 A. A couple of hours.

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1 Q. Well actually, they were about an hour
2 and a half late getting over to view their own children,
3 weren't they, as a result of coming to talk to you all?
4 A. Well, it seemed like they were a little
5 late, yes, sir.
6 Q. Okay. Well, did you record by video or
7 audio tape, anything either one of them said?
8 A. No, sir.
9 Q. Did either one of them request that you
10 do so?
11 A. No, sir.
12 Q. Darin didn't request that?
13 A. Not to me, no, sir.
14 Q. I take it you all do have audio
15 recorders out there; is that correct?
16 A. Yes, sir.
17 Q. And tapes; is that correct?
18 A. Yes, sir.
19 Q. You all have video recorders out at
20 Rowlett?
21 A. Yes, sir.
22 Q. Is that a yes?

23 A. Yes, sir.
24 Q. Okay. You didn't use any of them on
25 this case?

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1 A. No, sir.
2 Q. Did you -- who wrote the statement, you
3 or Ms. Routier?
4 A. Ms. Routier.
5 Q. Okay. Did you ask her questions as she
6 was writing, or did she just write it out long hand?
7 A. Well, we had talked a little bit right
8 before -- or prior to that, and then she wrote it out.
9 Q. All right. What did y'all talk about?
10 A. Same thing, I just asked her what
11 happened.
12 Q. Okay. Did she tell you anything
13 different, giving this rendition to you orally than she
14 told you in the written statement?
15 A. No. When we went into the interview
16 room I explained to her that I was -- that I needed to
17 explain her rights to her, and she said okay, and so I
18 did. And I asked her to make sure that she read her
19 rights again, and then if she would put her initials by
20 the marks, as long as she understood it, and she did, and
21 she wrote it out.
22 Q. All right.
23
24 THE COURT: Mr. Huff, I'm going
25 interrupt you. We are about to adjourn for the evening.

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1 You may step down.
2 What is it you wanted this witness to
3 look for?
4 MR. WAYNE HUFF: Well --
5 THE COURT: Something that he didn't --
6 you inquired about, that he didn't physically have here.
7 MR. WAYNE HUFF: Well, his notes, your
8 Honor. We do have a subpoena duces tecum prepared for
9 those.
10 THE COURT: Well, I just thought if you
11 wanted to tell him whatever it is you wanted him to have
12 down here. Is 9:30 in the morning okay?
13 MR. WAYNE HUFF: That is fine, your
14 Honor.
15 THE COURT: We will recess until 9:30.
16 I assume we will be done by noon?

17 MR. GREG DAVIS: Yes, sir.
18 MR. WAYNE HUFF: I don't wish to lie to
19 the Court, your Honor.
20 THE COURT: All right.
21
22
23
24
25

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1 (Whereupon, the parties were
2 thereby excused for the
3 day, to return on the
4 next day, August 27, 1996,
5 at 9:30 A.M. at which
6 time the proceedings
7 were resumed in open
8 court, in the
9 presence of the
10 defendant, with her
11 attorney, and the State
12 being represented by the
13 D.A., as follows:)
14
15
16 (These proceedings are continued to the
17 next volume in this cause.)
18
19
20
21
22
23
24
25

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1 CERTIFICATION PAGE
2 THE STATE OF TEXAS)
3 THE COUNTY OF DALLAS)
4 I, Sandra M. Halsey, Official Court Reporter of
5 Criminal District Court Number 3, of Dallas County, Texas,
6 do hereby certify that I reported in Stenograph notes the
7 foregoing proceedings, and that they have been edited by
8 me, or under my direction and the foregoing transcript
9 contains a full, true, complete and accurate transcript of
10 the proceedings held in this matter, to the best of my

11 knowledge.
12 I further certify that this transcript of the
13 proceedings truly and correctly reflects the exhibits, if
14 any, offered by the respective parties.
15 SUBSCRIBED AND SWORN TO, this _____ day of
16 _____, 1996.
17 _____
18 Sandra M. Day Halsey, CSR
19 Official Court Reporter
20 Criminal District Court No. 3
21 Dallas County, Texas
22 Phone, (214) 653-5923
23 Cert. No. 308
24 Exp 12-31-96
25

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1 STATE OF TEXAS)
2 COUNTY OF DALLAS)
3
4 JUDGES CERTIFICATE
5
6
7

8 The above and foregoing transcript, as certified by
9 the Official Court Reporter, having been presented to me,
10 has been examined and is approved as a true and correct
11 transcript of the proceedings had in the foregoing styled
12 cause, and aforementioned cause number of this case.

13
14
15
16
17 _____
18 PAUL BANNER, JUDGE PRESIDING
19 Criminal District Court Number 3
20 Dallas County, Texas
21
22
23
24
25

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