

## Testimony of Cara Byford

### DIRECT EXAMINATION

7

8 BY MR. S. PRESTON DOUGLASS:

9 Q. Do you go by a nickname?

10 A. Yes.

11 Q. What is that?

12 A. Jeanie.

13 Q. Jean or Jeanie?

14 A. Jeanie.

15 Q. Okay. Where do you live?

16 A. In Plano.

17 Q. How long have you lived in Plano?

18 A. About four years.

19 Q. How old are you?

20 A. Twenty-seven.

21 Q. Are you married?

22 A. Yes.

23 Q. Do you have children?

24 A. Yes.

25 Q. How many children do you have?

Sandra M. Halsey, CSR, Official Court Reporter  
3887

1 A. I have one.

2 Q. What is your child's name?

3 A. Kaylie.

4 Q. How old is your child?

5 A. Three.

6 Q. What do you do for a living?

7 A. I am an administrator.

8 Q. And what company do you work at?

9 A. Erickson.

10 Q. Okay. And, have you met Darlie

11 Routier?

12 A. Yes.

13 Q. And can you tell the ladies and

14 gentlemen of the jury how you met Darlie?

15 A. I met her through her mother, Darlie

16 Kee, when we were going to school together in '89.

17 Q. Okay. Now Darlie Kee works for the

18 same employer that you do; is that right?

19 A. Yes.

20 Q. All right. And how was it that if

21 you -- you met the mother, how did you come to meet the

22 daughter?

23 A. Just studying together at her home.

24 Q. At whose home?

25 A. Darlie Kee's.  
Sandra M. Halsey, CSR, Official Court Reporter  
3888

1 Q. And, then, during visits Darlie  
2 Routier would come by?  
3 A. Yes.  
4 Q. And did you get to know Darlie? Did  
5 you come to know her?  
6 A. Yes.  
7 Q. Now, I'm talking about Darlie Routier?  
8 A. Yes.  
9 Q. Can you describe -- well, first: What  
10 year would that be when you first met Darlie Routier?  
11 A. In 1989.  
12 Q. And since 1989, have you had occasion  
13 to see Darlie Routier frequently during that time?  
14 A. Yes.  
15 Q. Have you socialized with Darlie?  
16 A. Yes.  
17 Q. Have you been on a trip with Darlie?  
18 A. Yes.  
19 Q. Do you believe that you can  
20 characterize yourself as a good friend?  
21 A. Yeah.  
22 Q. All right. If you would, please  
23 describe for the jury your impression of Darlie Routier.  
24 How would you describe her to the jury?  
25 A. Kind-hearted. One of the nicest  
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3889

1 people I have met. She would do pretty much anything for  
2 you.  
3 Q. Is she a generous person?  
4 A. Yes.  
5 Q. Was she generous to you?  
6 A. As a friend.  
7 Q. Was she a happy person?  
8 A. Yes.  
9 Q. Did she seem to be upbeat the majority  
10 of the time you were around her?  
11 A. Yes.  
12 Q. Now, I want to ask you a little bit  
13 about grief. And, for background, you have had a child  
14 that died?  
15 A. Yes.  
16 Q. How old was your child when -- was it  
17 a boy?  
18 A. It was a boy, yes.

19 Q. How old was your boy when he died?  
20 A. He was four months old.  
21 Q. And, he aspirated; is that right?  
22 A. Yes.  
23 Q. And, Darlie, of course, knew that?  
24 A. Yes.  
25 Q. And, after her boys were killed, did  
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3890

1 she seek you out for help?  
2 A. Yes.  
3 Q. Why did she seek you out for help?  
4 A. She thought I would understand. That  
5 I could give her support because I had lost my child.  
6 Q. I have not been in that situation,  
7 thankfully. But I want to ask you a question: Does the  
8 process of grieving, when you have lost a child as you  
9 have, do you think there is any way that a person can  
10 have the right to say how someone ought to grieve when  
11 they have lost a child?  
12 A. No.  
13 Q. Do you think anybody has a right to  
14 judge that?  
15 A. No.  
16 Q. I want to ask you if you can describe,  
17 for the jury -- or let me start back. Do you believe  
18 that you saw Darlie Routier exhibit any inappropriate  
19 actions or behavior after her children were killed?  
20 A. No.  
21 Q. Can you describe what you saw when you  
22 observed Darlie?  
23 A. She was very hurt, painful. She  
24 missed her boys.  
25 Q. Did she show outwardly signs of  
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3891

1 emotion?  
2 A. Yes.  
3 Q. What kind?  
4 A. She cried.  
5 Q. Now, were these fake tears?  
6 A. No.  
7 Q. Did she have some time that she was  
8 just quiet?  
9 A. Yes.  
10 Q. Did you see her at times where she  
11 would hold pictures of the boys in her arms?  
12 A. Yes.

13 Q. And did she look at that picture?

14 A. Yes.

15 Q. And did you see times when she would  
16 smile?

17 A. Yes.

18 Q. Now, did that seem inappropriate to  
19 you?

20 A. No.

21 Q. Did you visit with her at the  
22 hospital?

23 A. Yes.

24 Q. Do you recall what day it was you  
25 visited her?

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3892

1 A. I visited her on the 6th and on the  
2 7th.

3 Q. At any -- on either the 6th or the  
4 7th, while she was still in the hospital, did you have an  
5 opportunity to look at her right arm?

6 A. Yes.

7 Q. Did you see any bruising on her right  
8 arm?

9 A. Yes.

10 Q. Now, is there any question in your  
11 mind about that?

12 A. No.

13 Q. Did the bruising seem to be a slight  
14 bruise or a significant bruise?

15 A. Significant.

16 Q. How did it affect you?

17 A. I got real upset and had to walk out  
18 of the room.

19 Q. Because of the bruise?

20 A. Yes.

21 Q. Now, I got a suspicion that you are  
22 going to be asked if you ever ran to a nurse.

23

24 MR. GREG DAVIS: I'm going to object  
25 to that as being leading here.

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3893

1 THE COURT: Sustained. I'll sustain  
2 the objection.

3

4 BY MR. S. PRESTON DOUGLASS:

5 Q. Did you ever feel the need -- let me  
6 ask you this: Did you think those bruises were obvious?

7 A. Yes, sir.

8 Q. Did you ever feel like you had the  
9 need to go tell a nurse that she was bruised, when she is  
10 in a hospital?

11 A. No.

12 Q. Now, after Darlie was discharged from  
13 the hospital, did you have an occasion to go to what has  
14 been called -- well, did you go to the funeral?

15 A. Yes.

16 Q. Did you go to the viewing?

17 A. Yes.

18 Q. And throughout that time, did Darlie  
19 Routier appear to exhibit what you thought was  
20 appropriate displays of grief?

21 A. Yes.

22 Q. Did she talk to you about it?

23 A. Yes.

24 Q. Did she express to you dismay?

25 A. Yes.

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3894

1 Q. Did she express to you that she felt  
2 helpless?

3 A. Yes.

4 Q. How did that go?

5 A. I think she didn't know what to do. I  
6 know she felt alone, although she wasn't going through  
7 this alone. It's -- I think that is the way anybody  
8 would feel.

9 Q. And, over a period of time, have you  
10 continued to talk to her on the phone and try to help  
11 her?

12 A. Yes.

13 Q. And, throughout all of this, have you  
14 observed a great deal of support for Darlie through her  
15 family?

16 A. Yes.

17 Q. Did you go to the -- what has been  
18 called the prayer service at the grave site?

19 A. On Devon's birthday, yes.

20 Q. Did you -- were you aware that certain  
21 items were being placed grave side as mementos or  
22 memorializing, or placed at the grave for the children?

23 A. Yes.

24 Q. Did you do that?

25 A. Yes.

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3895

1

2 MR. S. PRESTON DOUGLASS: May I  
3 approach the witness, your Honor?

4 THE COURT: You may.

5

6 (Whereupon, the following

7 mentioned item was

8 marked for

9 identification only

10 after which time the

11 proceedings were

12 resumed on the record

13 in open court, as

14 follows:)

15

16 BY MR. S. PRESTON DOUGLASS:

17 Q. Ms. Byford, I want to hand you what I

18 have marked as Defendant's Exhibit No. 71, and ask you if

19 you can identify that exhibit?

20 A. Yes, the poem I gave to Darlie.

21 Q. You gave that to Darlie?

22 A. Yes.

23 Q. Okay. Now, I have folded the paper,

24 is the poem that's on the underside, was that given to

25 Darlie also?

Sandra M. Halsey, CSR, Official Court Reporter

3896

1 A. Yes.

2 Q. So both of them were?

3 A. Yes.

4 Q. And does that correctly reflect the

5 poem that you gave Darlie before the memorial service?

6 A. Yes.

7

8 MR. S. PRESTON DOUGLASS: I'll offer

9 Defendant's Exhibit No. 71.

10 MR. GREG DAVIS: Object to it as it's

11 irrelevant as to what this witness gave to the defendant.

12 It's hearsay also.

13 THE COURT: Well --

14 MR. GREG DAVIS: What relevance is a

15 poem given by this witness to the defendant?

16 MR. DOUGLAS MULDER: Judge, it's every

17 bit as relevant as the knife.

18 THE COURT: Gentlemen, please. Just a

19 minute. If you have an objection, Mr. Douglass is

20 handling this part of the examination for the defense.

21 All the other attorneys will kindly

22 remain silent over there. Let me have this, let me see

23 that.

24 MR. RICHARD C. MOSTY: Your Honor, may

25 I respond? Can we confer with Mr. Douglass? Is that

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3897

1 okay with the Court?

2 THE COURT: I don't think that is

3 necessary. Thank you.

4 MR. RICHARD C. MOSTY: We can't?

5 THE COURT: Objection overruled. I'll

6 admit it. Go ahead.

7

8 (Whereupon, the above

9 Mentioned item was

10 Received in evidence

11 As Defendant's Exhibit

12 No. 71, for all purposes,

13 After which time, the

14 Proceedings were

15 Resumed on the record,

16 In open court,

17 As follows:)

18

19 BY MR. S. PRESTON DOUGLASS:

20 Q. Why did you give this poem to Darlie

21 Routier?

22 A. It was given to me after my son died,

23 even though it's sad, I found it comforting.

24 Q. Did you give it to Darlie to help

25 comfort her?

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3898

1 A. Yes.

2 Q. Would you read that poem for us,

3 please?

4 A. Yes. "Oh, Lord I cried, my heart will

5 break. Nothing can ever stop the ache. Oh, Lord our

6 loved one is gone. 'Gone,' God said, 'No, your loved one

7 is not gone, because as long as you have memories in your

8 heart, they live on. My child, don't you know I care. I

9 won't give you more than you can bear. Life and death

10 are my choice. Trust my wisdom and rejoice. Wipe away

11 the tear from your eye, for there is no longer a need to

12 cry. My son died so your loved one could have eternal

13 life. Now they are with me in paradise. I am the King,

14 for each life I have a plan. I hold your future in the

15 palm my hand. I am the Good Shepherd and I know my own.

16 You are never forsaken or left alone. I know you loved

17 them but I loved them more. I held their hand and gently  
18 led them through the door. They are more alive now than  
19 they were before. They are happier now than they have  
20 ever been in this perfect world without hurt or sin.'  
21 Asleep? No. We walk together today, and they watched  
22 you as you knelt to pray. They smiled and said, 'They  
23 miss me,' you know. Do they understand why I had to go?  
24 I love them and I know they love me. Tell them I'm  
25 happy. Tell them I'm free. Loved one, it is wonderful  
Sandra M. Halsey, CSR, Official Court Reporter  
3899

1 here, don't weep for me. We will soon be together again  
2 for eternity."

3 Q. Now, along with bracelets and cards  
4 and things, there were poems like what you just read to  
5 the jury and placed at the grave side?

6 A. Yes.

7 Q. Thank you.

8

9 MR. S. PRESTON DOUGLASS: Pass the  
10 witness.

11

12

13 CROSS EXAMINATION

14

15 BY MR. GREG DAVIS:

16 Q. Ms. Byford, how long have you been

17 good friends with the defendant's mother, Darlie Kee?

18 A. Since '89.

19 Q. You all were both coworkers and then

20 obviously good enough friends that you went over and

21 visited at her house several times?

22 A. Yes.

23 Q. Okay. And you've talked with her

24 since you have been down here in Kerrville, I take it?

25 A. Yes.

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3900

1 Q. You have described the defendant as  
2 being kind-hearted, upbeat. Would you agree with me that  
3 even kind-hearted people can have problems that may seem  
4 overwhelming in their life?

5 A. Yes.

6 Q. Would you agree with me also that even

7 kind-hearted people may reach a point in their life where

8 they just cannot seem to cope with those problems?

9 A. No.

10 Q. You don't believe that is possible?



11 A. Well, not in this case.

12 Q. The bruises that you saw on the  
13 defendant's right arm?

14 A. Yes.

15 Q. Okay. Describe those bruises for me.

16 A. Very dark purple, covered a large part  
17 of her arm.

18 Q. Okay. So very, dark purple. And if  
19 you can let me --

20

21 MR. GREG DAVIS: Judge, if I may  
22 approach the witness, your Honor?

23 THE COURT: You may.

24

25

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3901

1 BY MR. GREG DAVIS:

2 Q. Ms. Byford, if you will just indicate  
3 on my arm where you saw the bruising to the defendant  
4 that you saw at the hospital. Was it outside, inside,  
5 up, down, what part of the arm was the bruising?

6 A. Right through here.

7 Q. Okay. You are indicating on the --

8 A. To the inside.

9 Q. The inside. Okay. How long?

10 A. Well --

11 Q. What's the length?

12 A. About to here.

13 Q. Okay. You have indicated above my  
14 elbow. Okay. How far down did it extend?

15 A. About right to here.

16 Q. Right above the wrist all the way up  
17 to the elbow, right?

18 A. Yes, from what I remember.

19 Q. Okay.

20

21 MR. S. PRESTON DOUGLASS: Your Honor,  
22 that is a misstatement. He said above the elbow.

23 MR. GREG DAVIS: That is where she  
24 indicated.

25 THE COURT: Well, let the record  
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3902

1 reflect that she indicated approximately one inch above  
2 the left elbow to about one inch above -- or excuse me --  
3 right elbow, to the right wrist.

4

5 BY MR. GREG DAVIS:

6 Q. And, when was it that you first saw  
7 this bruise on her right arm, Ms. Byford?

8 A. The 7th.

9 Q. What time on the 7th?

10 A. I don't know what time. I went to the  
11 hospital. I believe it was -- I know it was after she  
12 was transferred into the private room.

13 Q. Okay. Well, okay. Morning, noon,  
14 afternoon, evening?

15 A. I believe it was in the afternoon.

16 Q. About what time in the afternoon?

17 A. Maybe, 2:00 or 3:00.

18 Q. Okay. How long did you stay at the  
19 hospital at that time?

20 A. Not very long, about an hour.

21 Q. What was the appearance of her left  
22 arm?

23 A. I don't remember.

24 Q. You don't remember?

25 A. No.

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3903

1 Q. What about her right hand?

2 A. I don't remember the right hand.

3 Q. How about the left hand?

4 A. No.

5 Q. And, Mr. Douglass has been kind enough  
6 to indicate that I'm not going to ask you about going and  
7 asking the nurses about any of this. But surely when you  
8 saw the bruising you asked the defendant how she got that  
9 bad bruise on her right arm, didn't you?

10 A. No.

11 Q. You didn't?

12 A. I just assumed.

13 Q. Assumed what?

14 A. That she got it from the stab or from  
15 a struggle. I didn't want to ask her details.

16 Q. And she didn't volunteer as to how she  
17 got that bruise?

18 A. No.

19 Q. Well, when you went up to talk with  
20 her when she was in the hospital, didn't she tell you  
21 what had happened to her there in the house?

22 A. Yes.

23 Q. Okay. What did she say to you?

24 A. She said --

25 Q. What version did she give you?

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3904

1 A. She just told me that someone had come  
2 into the house and killed her boys and attacked her.  
3 Q. Okay. And you just gave that in the  
4 order that that man killed her boys and then attacked  
5 her. Is that the way she told you?

6 A. Yes.

7 Q. No more detail than that?

8 A. No.

9 Q. All right. Let me move forward just a  
10 bit here. Since the defendant has been out of the  
11 hospital, you have continued to talk with her; is that  
12 right?

13 A. Yes.

14 Q. Counsel with her about what's  
15 happened; is that right?

16 A. Yes.

17 Q. And, surely in those conversations she  
18 has gone over this incident in greater detail with you,  
19 hasn't she?

20 A. No.

21 Q. So in all of the conversations --  
22 about how many conversations have you had with her since  
23 she was discharged from the hospital?

24 A. Well, maybe 15.

25 Q. So, in none of those 15 conversations  
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3905

1 that you have had with her, has she ever told you what  
2 happened to her in that house?

3 A. No, other people have.

4 Q. Well, right now I'm just talking about  
5 the defendant, and the conversations you have had with  
6 her. She has never told you, since the hospital any  
7 other details about what happened to her; is that right?

8 A. No.

9

10 MR. GREG DAVIS: No further questions.

11 MR. S. PRESTON DOUGLASS: I don't have  
12 any other questions, your Honor.

13 THE COURT: You may step down, ma'am.

14 Ladies and gentlemen of the jury, in  
15 view of the hour and the length of time that a witness  
16 would take, we will adjourn until 9:00 o'clock tomorrow  
17 morning.

18 Same instructions as always. Do no

19 investigation on your own. You will decide this case on

20 the testimony you hear and the evidence you receive in  
21 this courtroom.

22 This probably will be in the newspaper  
23 or on TV or on the radio, please ignore it. Do not talk  
24 about the case among yourselves yet, because it's not  
25 over yet. When the case is over, you may talk or not  
Sandra M. Halsey, CSR, Official Court Reporter  
3906

1 talk, as you see fit.  
2 Please wear your juror badges at all  
3 times around the courthouse. We'll see everybody here  
4 tomorrow morning at 9:00 o'clock.  
5 Thank you.  
6 All right. If the viewing audience  
7 will remain seated until the jury clears the courthouse.  
8 Thank you.  
9 All right.

10  
11 (Whereupon, the jury  
12 Was excused from the  
13 Courtroom, and the  
14 Proceedings were held  
15 In the presence of the  
16 Defendant, with his  
17 Attorney, but outside  
18 The presence of jury  
19 As follows:)

20  
21 THE COURT: Let the record reflect  
22 these proceedings are being held outside of the presence  
23 of the jury, and all parties of the trial are present.  
24 Mr. Mosty?  
25 MR. RICHARD C. MOSTY: The exhibit is  
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3907

1 No. 70, which was identified earlier for the record  
2 purposes as FBI Agent Brantley notes that he identified  
3 from his file.  
4 THE COURT: For the record purposes.  
5 MR. RICHARD C. MOSTY: It includes all  
6 of the notes he had except for the photographs which we  
7 have not copied.  
8 THE COURT: Any objection to the  
9 records?  
10 MR. TOBY L. SHOOK: No objection.  
11 THE COURT: All right. Defendant's  
12 Exhibit 70 is admitted into the record.  
13

14 (Whereupon, the above  
15 Mentioned items were  
16 Received in evidence  
17 As Defendant's Exhibit  
18 No. 70, for all purposes,  
19 After which time, the  
20 Proceedings were  
21 Resumed on the record,  
22 In open court,  
23 As follows:)  
24  
25 THE COURT: All right. Can I see the  
Sandra M. Halsey, CSR, Official Court Reporter  
3908

1 young lady up here and that gentlemen on the record? All  
2 right.  
3 Come on up here. Okay. We're already  
4 on the record now. Your name, ma'am, is?  
5 THE WITNESS: Peggy Rogers.  
6 THE COURT: And your name?  
7 THE WITNESS: Sandy Aitken,  
8 A-I-T-K-E-N.  
9 THE COURT: All right, ma'am. And  
10 your name?  
11 THE WITNESS: Pamela King, K-I-N-G.  
12 THE COURT: Your name?  
13 THE WITNESS: Ted King, K-I-N-G.  
14 THE COURT: And your name?  
15 THE WITNESS: LuAnn Brown.  
16 THE COURT: Are any of you planning on  
17 being a witness?  
18 THE WITNESSES: No.  
19 THE COURT: All right.  
20 Ladies, please do not communicate with  
21 those who will testify, anyone who is going to testify.  
22 Is that clear?  
23 THE WITNESSES: Yes, sir.  
24 THE COURT: Okay. Thank you.  
25 That's all. See everybody in the morning at 9:00 A.M.