

## Testimony of Luann Black

DIRECT EXAMINATION

12

13 BY MR. S. PRESTON DOUGLASS:

14 Q. Ms. Black, would you please tell the

15 ladies and gentlemen of the jury where you live and what

16 you do for a living.

17 A. Okay. I live in Altoona,

18 Pennsylvania, and I am a loan operations --

19

20 THE COURT: You are going to have to

21 bring your voice up, because neither one of them can hear

22 you.

23 THE WITNESS: Okay.

24 THE COURT: I know this is your first

25 time testifying, and you will hear your voice echo.

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1 Don't be worried about it. Just bring it up. Okay.

2

3 BY MR. S. PRESTON DOUGLASS:

4 Q. Are you nervous, Ms. Black?

5 A. Yes.

6 Q. There's more people here than was in

7 my wedding, so I understand your feelings.

8 Let me ask you this: You work at a

9 bank; is that right?

10 A. Yes.

11 Q. What does your husband do for a

12 living?

13 A. He works for Bell Atlantic.

14 Q. And, do you have children?

15 A. One daughter.

16 Q. All right. And, do you know Darlie

17 Routier, obviously?

18 A. Yes, very well.

19 Q. You are her aunt?

20 A. Yes.

21 Q. Okay. Explain that relationship. You

22 are sisters of?

23 A. Darlie Kee.

24 Q. Okay. Darlie was born in

25 Pennsylvania?

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1 A. Yes.

2 Q. And, do you recall what age it was

3 that she left Pennsylvania?

4 A. I think it was about 13 or 14.

5

6 THE COURT: Ma'am, we still can't hear  
7 you. You have to get your voice way up. Okay.

8 Let's ask the question again, please,

9 Mr. Douglass.

10

11 BY MR. S. PRESTON DOUGLASS:

12 Q. Would you tell the ladies and

13 gentlemen of the jury what age you recall Darlie leaving  
14 Pennsylvania.

15 A. To the best of my knowledge, of what I  
16 can remember, I think it was like 13 or 14.

17 Q. Okay. And over the years when Darlie

18 became a mother, would she come to visit you in

19 Pennsylvania and would sometimes you go down to visit her  
20 family?

21 A. Yes. A lot of times they would come  
22 up for the holidays.

23 Q. All right. Can you describe Darlie  
24 for the members of the jury?

25 A. She was just -- she's a sweet person,  
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1 caring, thoughtful.

2 Q. Was she a generous person?

3 A. Yes, very much.

4 Q. Do you remember a trip in which Darlie

5 and Devon and Damon came to Altoona in March of 1995?

6 A. Yes, I do.

7 Q. They spent some time at your house  
8 during that time?

9 A. Yes, and at my sister, Sherry's house,  
10 also.

11 Q. Did Darlie care about the children and  
12 interact well with the children?

13 A. Yes, she loved her children, very,  
14 very, much.

15 Q. Was she protective of the children?

16 A. Yes.

17 Q. Do you remember any instances that

18 stick out in your mind where she would watch over the  
19 children?

20 A. Yes. There was one time when we were

21 going to my sister Sherry's home for supper, and the boys  
22 were wanting to play down in her basement with Sherry's

23 son, Brett. He is the same age. There's 10 days between

24 him and Devon. And they wanted to play in the basement

25 and Darlie Lynn was saying she wanted to know if there  
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1 was an adult down there because she didn't want them down  
2 there unless there was an adult there to watch what they  
3 were doing.

4 Q. And was that fairly typical of how  
5 Darlie reacted and took care of her kids?

6 A. Oh, yes, yes.

7 Q. Would you describe Darlie as a  
8 selfish, materialistic person?

9 A. Never, never.

10 Q. I want to move ahead to June of 1996.

11 And in June, did you travel down to Texas after the  
12 children had died?

13 A. Yes, I did.

14 Q. And did you have an opportunity during  
15 that trip to go to the hospital upon your arrival?

16 A. Yes.

17 Q. Okay. Do you recall how soon it was  
18 that you went to the hospital?

19 A. It was -- we got in on Friday evening,  
20 the 7th, and we had taken our luggage back to my sister,  
21 Darlie Kee's home, and then we went straight to the  
22 hospital.

23 Q. Do you recall at any time when you  
24 went to the hospital, or let's go to your first visit, do  
25 you recall seeing bruises on Darlie's right arm?

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1 A. Yes, I do.

2 Q. Okay. Can you tell the ladies and  
3 gentlemen of the jury, how that happened? What brought  
4 those bruises such that you noticed them?

5 A. Well, when we went in to see her, she  
6 was sitting up in the bed, and she was like -- she was  
7 pulling her hair back, and just like wiping her mouth and  
8 her face, and when she was pulling her hair back is when  
9 I noticed the bruising, but I noticed it a lot more on  
10 Saturday at the viewing, it was darker and it was very  
11 noticeable.

12 Q. Okay. So if I understand what you are  
13 saying, are you saying that you began to notice a bruise  
14 when you first arrived?

15 A. Yes.

16 Q. Okay. And then that bruise continued.

17 You noticed it was very obvious to you in the hospital?

18 A. Yes.

19 Q. And then that bruise got worse as time  
20 went by?  
21 A. Darker, yes. Um-hum. (Witness  
22 nodding head affirmatively.)  
23 Q. Okay. Now, I'll jump a little bit  
24 ahead again. Were you present for the viewing and the  
25 funeral?  
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1 A. Yes.  
2 Q. Did you also go to the prayer service  
3 and the birthday party?  
4 A. Not the birthday party, but the prayer  
5 service in the afternoon at 2:00 o'clock, we were there.  
6 But we had to leave at 5:00 to catch our plane back,  
7 so --.  
8 Q. Can you describe the prayer service  
9 for the jury?  
10 A. It was very beautiful. You know,  
11 Pastor David had a beautiful prayer, and the other pastor  
12 that was there, I don't recall his name, I'm sorry. But,  
13 we were just -- we were just there and --  
14 Q. Do you recall how many people were  
15 there?  
16 A. A lot. I don't remember exactly how  
17 many.  
18 Q. Did it appear to you that Darlie had a  
19 great deal of support during that time?  
20 A. Yes.  
21 Q. When you were with Darlie, did you see  
22 anything inappropriate about how she acted after the  
23 death of the children?  
24 A. No, never.  
25 Q. Did she appear to be -- at times to  
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1 have cried in your presence?  
2 A. Yes.  
3 Q. Did it appear that there were times  
4 that she was quiet in your presence?  
5 A. Yes.  
6 Q. And did it appear that there were  
7 times when she smiled or even laughed in your presence?  
8 A. She would smile. She has a very sweet  
9 smile, and she would just smile at us, you know, when we  
10 told her that we loved her and she just smiled and she  
11 said, "I know."  
12 Q. Did you take part in any, making any

13 of the arrangements for the birthday party? Did you get  
14 any of the balloons or anything?  
15 A. Yes. I rode in the car with Darin,  
16 and Darlie Lynn, myself and Shana, that is my sister  
17 Sherry's daughter, Shana and Danielle, Darlie Kee's other  
18 daughter. We all went to Michaels to get the balloons  
19 and different -- we made these -- everyone had made these  
20 necklaces, they were like with beads that -- one said  
21 Happy Birthday, Devon; and one said Damon.  
22 And we went over to where we were  
23 getting special balloons made up, and I remember Darlie  
24 Lynn had the one balloon that said, Happy Birthday,  
25 Devon. And she just, before they had put the air in it,  
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1 she, you know, it was laying there and she just touched  
2 it, and she started crying, and Darin came over and  
3 hugged her.

4 Q. Were there times like that that she  
5 would see something that reminded her of one of her  
6 children and she would cry?

7 A. Yes.

8 Q. Did you see her frequently clutch a  
9 photograph or a portrait of the children?

10 A. I don't recall.

11 Q. Okay. And this balloon, what was she  
12 doing to the balloon, before it was blown up in the  
13 store, what was she doing?

14 A. She was just touching where it said,  
15 Devon on it, it said happy birthday, Devon, and she just  
16 cried.

17

18 MR. S. PRESTON DOUGLASS: Pass the  
19 witness.

20

21

22 CROSS EXAMINATION

23

24 BY MR. GREG DAVIS:

25 Q. Ms. Black, my name is Greg Davis, and  
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1 I have a few questions for you. Again, if you need to  
2 take a break at any time during the questioning, you just  
3 let me know. Okay?

4 A. Okay.

5 Q. Ms. Black, you have been in Kerrville  
6 since when?

7 A. The 11th, we got in.  
8 Q. Okay. And you say, "We got in." Who  
9 all got in on the 11th?  
10 A. My sister, Sherry, and her daughter,  
11 Shana, and myself.  
12 Q. Okay. How about your other sister,  
13 Darlie Kee?  
14 A. Well, she was already down here in  
15 Kerrville.  
16 Q. Okay. And, you all have been staying  
17 together at the Inn of the Hills since that time?  
18 A. Yes, that's correct.  
19 Q. Okay. Would it be fair to say that  
20 you have been keeping up with everything that's been  
21 going on in this courtroom since the 11th?  
22 A. Yes.  
23 Q. Okay. Basically, reports come back to  
24 you every day about what transpired, about what the  
25 testimony was, and really, what all of the jurors have  
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1 been hearing, right?  
2 A. Just, you know, I don't know  
3 everything that goes on, but just some --  
4 Q. Well, as much as the notes would show  
5 you anyway?  
6 A. No, I have not read Sandy's -- I know  
7 she's keeping notes, but I haven't read them.  
8 Q. You're certainly aware that there has  
9 been testimony about a bruise on the defendant's right  
10 arm?  
11 A. Yes.  
12 Q. Okay. Do you know what the nurses  
13 said, don't you?  
14 A. What the nurses said?  
15 Q. Medical people, what they said?  
16 A. No, because I didn't talk to any  
17 nurses when I was at the hospital.  
18 Q. And, you're certainly aware that  
19 photographs have been admitted and shown to the jury,  
20 that show those bruises, right?  
21 A. I assume that they would have taken  
22 pictures. I didn't see the pictures.  
23 Q. Describe the bruise for me. Where was  
24 it?  
25 A. It went from the bottom of her arm  
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1 clear up to the top of her arm.

2 Q. Okay. And if you will, tell me if I

3 am indicating correctly. You started, what, about two

4 inches above your right wrist? Would that be fair?

5 A. I just remember, what I remember is

6 seeing it because my father had held her arm up, too, and

7 said, "Look at this".

8 Q. Okay. Well, can you just show me

9 again, and show the members of the jury the length of

10 that bruise, please?

11 A. It was just the whole arm. It was the

12 worst bruise that I have ever seen.

13 Q. Okay. Again, you have indicated all

14 the way, the length of arm, right?

15 A. I remember it being on this part of

16 her arm that there was lot. I didn't measure it but it

17 was a lot there, it covered her whole arm.

18 Q. Right.

19 A. It was terrible.

20 Q. What shape was it?

21 A. What do you mean, what shape?

22 Q. I mean, you have indicated the inside

23 part of your arm. Did it extend to the outside?

24 A. No, I didn't see a bruise. I just saw

25 that she had a wound there with bandages on it, the

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1 bruise was underneath.

2 Q. Okay. What color was it when you

3 first saw it on the 7th?

4 A. On the 7th, it was like, it wasn't as

5 dark. It was lighter, on the 8th at the viewing, it was

6 a lot darker.

7 Q. Okay. Well, right now I'm interested

8 in the color. I know that you say that it got darker,

9 but it started out what color?

10 A. Just like a purple blue, you know,

11 just a bruise.

12 Q. Okay. Purple and blue on the 7th.

13 Any green or yellow?

14 A. No.

15 Q. Any red?

16 A. I don't remember every color that was

17 on her arm.

18 Q. Well, I'm just trying to get a

19 description of the bruise.

20 A. I mean, it was just bruise. I mean it

21 was very evident that it was a bruise.

22 Q. Okay. Just a bruise. On the 8th?

23 A. Not just a bruise, a bad bruise.  
24 Q. On the 8th, describe -- the same  
25 location for the bruise? Had it increased in size,  
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1 decreased in size?  
2 A. It was darker, that's all I remember.  
3 It was more visible. You could notice it more because --  
4 I remember the dress she was wearing because my sister,  
5 Darlie Kee and I went shopping that day and bought her a  
6 dress to wear.  
7 And I know exactly what the dress  
8 looked like. It was black, like an A-line with short  
9 sleeves. And so there was plenty of people at that  
10 viewing that would have seen that bruise.  
11 Q. Well, I think my question was: Was it  
12 the same size and shape as it had been on the day before?  
13 A. I didn't measure it. I just knew it  
14 was there.  
15 Q. And you said it was darker. Describe  
16 the coloring that you saw on the 8th now?  
17 A. It was darker and more noticeable. I  
18 don't know what else to say.  
19 Q. Well, any green in it by that time?  
20 A. I don't recall.  
21 Q. Any yellow?  
22 A. I don't know.  
23 Q. Well, it was a very noticeable bruise  
24 from the get-go there on the 7th.  
25 When you asked the defendant how she  
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1 got that bruise, what did she tell you?  
2 A. I didn't ask her how she got it. I  
3 just assumed from the wound or from the attack. I didn't  
4 ask her.  
5 Q. So you never asked and she never told  
6 you, correct?  
7 A. Correct.  
8 Q. Well --  
9 A. At the hospital she didn't.  
10 Q. Okay. Well, when did she tell you how  
11 she got it?  
12 A. Well, she didn't -- she just -- we --  
13 she didn't have to tell us, we knew by -- we knew what  
14 had happened.  
15 Q. You knew what had happened?  
16 A. We knew that she was attacked.

17 Q. When you were up there at the  
18 hospital, what was her description of this attack?

19 A. She didn't give us a description.

20 Q. Well, just --

21 A. It was a time of mourning. We were  
22 all in just -- in shock over all of this. We just wanted  
23 to be there to hold her, and to tell her that we were  
24 there for her. We weren't asking her about what this  
25 came from or that.

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1 Q. Well --

2 A. We just wanted to hold her and hug her  
3 and tell her that we loved her and that we were sorry  
4 about what had happened.

5 Q. Well, let me just rephrase the  
6 question. At any time that she was in the hospital, Ms.  
7 Black, did she tell you about the events of the attack?

8 A. I just remember her saying that Damon  
9 actually saved her life, because he had woke her up and  
10 leaned against her.

11 Q. Okay. So Damon is the one that woke  
12 her up and saved her life by doing what?

13 A. She just said that he had leaned  
14 against her.

15 Q. Leaned against her?

16 A. Yes.

17 Q. Okay. Were those the only facts or  
18 details that she gave you while she was in the hospital?

19 A. Yes.

20 Q. And since her stay in the hospital, I  
21 assume, you have had occasion to speak with her, have you  
22 not?

23 A. Since her stay at the hospital?

24 Q. Yes, ma'am.

25 A. Yes.

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1 Q. Okay. I'm now talking about, have you  
2 had occasions before you went back to Pennsylvania to  
3 speak with her?

4 Certainly you were at the funeral and  
5 the prayer service, right?

6 A. Yes.

7 Q. Okay. During that time period did she  
8 give you any further description of what happened to her  
9 and the two boys there in the house on June 6th?

10 A. No. I didn't want her to have to

11 relive it over and over, so I didn't want to keep asking  
12 her about it. I just wanted to be there to love her.

13 Q. The funeral that occurred on the 9th,  
14 did you think everything that went on there was  
15 appropriate?

16 A. Yes.

17 Q. Okay. You were there for the first  
18 song that was played, I take it?

19 A. Yes.

20 Q. Gangster's Paradise?

21 A. Yes.

22 Q. You thought that was a very  
23 appropriate song for these two children who had been  
24 murdered?

25 A. Yes, it was one of their -- a favorite  
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1 song of theirs and that is why she played it.

2 Q. You mean that she let her five and six  
3 year old children listen to Gangster's Paradise by  
4 Coolio?

5 A. Yes.

6 Q. Have you had a chance to listen to  
7 that song, ma'am?

8 A. I listened to it at the funeral.

9 Q. And, are you familiar with some of the  
10 lyrics in that song, what that song is about?

11 A. No, I'm not.

12 Q. So you are not aware that it is about  
13 violent crimes?

14 A. No.

15

16 MR. GREG DAVIS: I'll pass the  
17 witness.

18 THE COURT: Mr. Douglass.

19

20

21 REDIRECT EXAMINATION

22

23 BY MR. S. PRESTON DOUGLASS:

24 Q. Let me ask you one thing. You had --  
25 you came down on plane tickets that were transferred to  
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1 you; is that right?

2 A. That's right.

3 Q. Can you explain that to the members of  
4 the jury?

5

6 MR. GREG DAVIS: Excuse me. I'm going  
7 to object to that. What is the relevance of how she got  
8 down here on plane tickets?

9 THE COURT: Oh, I'll let it in.

10 MR. GREG DAVIS: I believe it's also  
11 cumulative, I think we already know that the defendant's  
12 family --

13 THE COURT: I'll let Mr. Douglass,  
14 continue. Go ahead. I'm sure he will explain the  
15 relevancy quickly.

16 MR. S. PRESTON DOUGLASS: I appreciate  
17 the confidence.

18

19 BY MR. S. PRESTON DOUGLASS:

20 Q. Judge -- I mean, Ma'am, if you would  
21 go ahead with why you got those tickets and what the  
22 plans were, that had been made with those tickets?

23 A. Yes. Well, we had been planning a  
24 50th wedding anniversary for my parents. It was to be on  
25 the 15th of June.

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1 And, they were all planning to come  
2 up, my sister, Darlie Kee and her husband, Darlie Lynn  
3 and Darin and the boys, and I was going to pick them up  
4 at the airport in Pittsburg, and have one other car  
5 because I didn't have enough room.

6 They were going to rent a car at the  
7 airport, and I had a car seat already in my car for baby  
8 Drake. And, I was to meet them, you know, I had  
9 scheduled that day off of work to be there to meet them  
10 at the airport and to drive them back home.

11 Q. These plans had been long standing; is  
12 that right?

13 A. Yes, we had started planning for that  
14 since January that year.

15 Q. Okay. To your knowledge, was it an  
16 event that Darlie was very much wanting to attend?

17 A. Yes.

18

19 MR. S. PRESTON DOUGLASS: Pass the  
20 witness.

21

22 RECROSS EXAMINATION

23

24 BY MR. GREG DAVIS:

25 Q. Ms. Black, just one question. When

1 you met with Investigator Bosillo in Pennsylvania, you  
2 remember him, don't you?

3 A. Yes.

4 Q. Okay. Isn't it true, ma'am, that you  
5 told Investigator Bosillo that Darlie Lynn had told you  
6 that she could identify the person who came into that  
7 house and did this to her and her two children?

8 A. No, we never said that.

9

10 MR. GREG DAVIS: No further questions.

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

13 THE COURT: All right. Ma'am, you are  
14 going to be excused now.

15 You are under what we call the Rule of  
16 Evidence. That simply means that you have to remain  
17 outside the courtroom when you're not testifying. Don't  
18 talk about your testimony with anyone who has testified.

19 You can talk to any attorney for  
20 either side. If someone tries to talk to you about your  
21 testimony, please tell the attorney for the side who  
22 called you. Okay?

23 THE WITNESS: Okay.

24 THE COURT: Please step down.

25 Your next witness, please.