

# Volume 5

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  
10  
11  
12  
13 STATEMENT OF FACTS  
14 MOTION HEARING  
15 TO HOLD DEFENDANT WITHOUT BOND  
16 VOL. 5 OF 53 VOLS.  
17 August 27, 1996  
18 Tuesday  
19  
20  
21  
22  
23  
24  
25

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## 1 C A P T I O N

2  
3  
4 BE IT REMEMBERED THAT, on Tuesday, the 27th 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 resumed, 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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1

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

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

2  
3 August 27th, 1996  
4 Tuesday  
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. Back on the record  
20 now. All counsel and the defendant are present. This is  
21 the second day of testimony in regard to F-96-39972 and  
22 73. Are both sides ready to resume?  
23 MR. GREG DAVIS: Yes, your Honor.  
24 Ms. Wallace has gone back to get Jimmy Patterson. He is  
25 back there in the work room.

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1 THE COURT: Okay.  
2 MR. GREG DAVIS: And while we are  
3 waiting for Detective Patterson; yesterday, Counsel  
4 inquired about an offense report that was purportedly  
5 prepared by Detective Patterson. I have looked through my  
6 records as has Detective Patterson. We can not find an  
7 offense report that was actually prepared by him.  
8 He has this morning given me certain

9 reports that he did prepare. One is entitled  
10 investigative supplement interviews, and I am tendering  
11 that 3-page document to Counsel at this time.  
12 He has also tendered to me several  
13 pages of personal notes. And I am now tendering those to  
14 Counsel, and he has also indicated that he has now given  
15 me two additional documents entitled "telephone  
16 memorandum" that he prepared, and I am now tendering those  
17 to Counsel, and those are the reports that he has  
18 prepared.

19 THE COURT: All right.

20 MR. WAYNE HUFF: Judge, I'm going to  
21 need to go through these. I can proceed with some more  
22 questions now.

23 THE COURT: Why don't you do that, then  
24 we will take a break when you need one.

25 MR. WAYNE HUFF: That will be fine.

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1 I'm prepared to proceed.

2 THE COURT: Thank you. Go ahead.

3

4

5 Whereupon,

6

7 DETECTIVE JIMMY PATTERSON,

8

9 Resumed the witness stand as a witness for the State of  
10 Texas, having been previously duly sworn by the Court, to  
11 speak the truth, the whole truth, and nothing but the  
12 truth, was examined and testified further in open court,  
13 as follows:

14

15

16 CROSS EXAMINATION (Resumed)

17

18 BY MR. WAYNE HUFF:

19 Q. Detective Patterson, I believe

20 yesterday we had reached the point where you had taken  
21 Mrs. Routier's written statement, and that we had gotten  
22 through the procedure for your having done that, and you  
23 again met with her on June the 10th; is that correct?

24 A. Yes, sir, I believe that is right, yes,

25 sir.

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1 Q. Did you ask that she came in -- that

2 she come in?

3 A. I'm not sure if we called and asked her  
4 to come in or not.  
5 Q. All right. Let me turn your attention  
6 to the top page of your investigative summary, page 4, and  
7 ask you if she was requested to come in?  
8 A. Yes, sir, she was.  
9 Q. And she did come in?  
10 A. Yes, sir.  
11 Q. Did she have her husband with her?  
12 A. Yes, sir.  
13 Q. Were they both interviewed or just her?  
14 A. Both of them.  
15 Q. All right. Who interviewed her  
16 husband?  
17 A. Detective Frosch.  
18 Q. Okay. And you interviewed Mrs.  
19 Routier; is that correct?  
20 A. Yes, sir.  
21 Q. You asked her to draw a diagram; is  
22 that correct?  
23 A. Yes, sir.  
24 Q. Where is that diagram?  
25 A. It's in the report.

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1 Q. In this report?  
2 A. No -- is that the affidavit?  
3 Q. No. Is it in the affidavit for arrest  
4 warrant?  
5 A. Yes, sir.  
6 Q. Okay. Is that what is referred to as  
7 Exhibit A?  
8 A. Yes, sir.  
9  
10 MR. WAYNE HUFF: Your Honor, our copy  
11 of the affidavit for arrest warrant never had that exhibit  
12 on it. We would ask that we be provided with that.  
13 MR. GREG DAVIS: If I could approach  
14 the witness for just a moment, your Honor?  
15 THE COURT: You may.  
16  
17  
18 VOIR DIRE EXAMINATION  
19  
20 BY MR. GREG DAVIS:  
21 Q. Detective Patterson, I am now showing  
22 you a document, and -- if you will, please mark that as  
23 State's Exhibit D.  
24

25 (Whereupon, the above

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1 mentioned item was  
2 marked for  
3 identification only,  
4 as State's Exhibit D,  
5 after which time the  
6 proceedings were  
7 resumed on the record  
8 in open court, as  
9 follows:)

10

11 BY MR. GREG DAVIS:

12 Q. Is that, in fact, the diagram that she  
13 drew for you on June the 10th, 1996?

14 A. Yes, sir.

15 Q. And that is the document that was  
16 attached to the affidavit as Exhibit A; is that correct?

17 A. Yes, sir.

18

19 MR. GREG DAVIS: Your Honor, at this  
20 time we will offer State's Exhibit D and tender that to  
21 Counsel.

22 MR. WAYNE HUFF: Thank you.

23

24

25

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1 CROSS EXAMINATION (Resumed)

2

3 BY MR. WAYNE HUFF:

4 Q. Is this a copy of the diagram that she  
5 drew for you?

6 A. Yes, sir.

7 Q. Is it a true and accurate copy of the  
8 original?

9 A. Yes, sir.

10

11 MR. WAYNE HUFF: Your Honor, we will  
12 offer this for purposes of this hearing.

13 MR. GREG DAVIS: No objection.

14 THE COURT: Received.

15

16

17 (Whereupon, the above

18 mentioned item was

19 received in evidence  
20 as State's Exhibit D,  
21 for all purposes, after  
22 which time, the  
23 proceedings were  
24 resumed as follows:)  
25

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1 BY MR. WAYNE HUFF:

2 Q. Was there a reason that you wanted Mrs.

3 Routier to draw you a diagram, Officer?

4 A. Yes, sir.

5 Q. What was that reason?

6 A. I just wanted her to show us exactly

7 where she was laying on the couch, where the suspect she

8 said was standing, the route that he took to the kitchen

9 or through the kitchen to the utility room.

10 Q. All right. And she did all that for

11 you did she?

12 A. Yes, sir.

13

14 MR. WAYNE HUFF: May I approach the

15 witness, your Honor?

16 THE COURT: Yes, sir.

17

18 BY MR. WAYNE HUFF:

19 Q. I'm showing you State's Exhibit D; is

20 that "X" the location where she said the suspect was?

21 A. Yes, sir.

22 Q. Okay. Which couch did she say that she

23 was on?

24 A. This couch right here.

25 Q. And, where was her head?

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1 A. In this direction here. (Indicating on  
2 diagram.)

3 Q. All right. So her head was down near  
4 the TV; is that correct?

5 A. Yes, sir.

6 Q. All right. What route did she say the  
7 suspect took as he left?

8 A. That he came between the couch and the  
9 coffee table this way, and then, this little table top  
10 that you call an island, he was on the east side of it,  
11 and then went into the utility room.

12 Q. All right. Take this red pen and draw

13 the route that she told you the suspect took, if you  
14 would.  
15 A. Okay. (Witness complies.)  
16 Q. All right. In other words, she said  
17 that he went around the couch, around the island, and back  
18 out the utility room; is that correct?  
19 A. Yes, sir.  
20 Q. All right. And past this wine rack  
21 here, where the wine glasses were; is that correct?  
22 A. Yes, sir.  
23 Q. One of the wine glasses you later found  
24 was broken; is that right?  
25 A. Yes, sir.

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1 Q. All right. Did you ask her any other  
2 questions on June 10th, other than to draw a diagram?  
3 A. No, sir, not that I can remember.  
4 Q. All right. Did you ask her any  
5 questions about when she saw the knife?  
6 A. Well, I'm sure I did.  
7 Q. What did she tell you?  
8 A. Well, again she tells me that it was on  
9 the floor in the utility room.  
10 Q. Okay. Did she tell you when she saw  
11 it?  
12 A. When she followed the suspect towards  
13 the utility room, she saw it on the floor.  
14 Q. Okay. Did she tell you when she saw  
15 it?  
16 A. Well, when she got to the utility room.  
17 Q. All right. Well actually, isn't it  
18 part of your report that she told you she saw it across  
19 the island?  
20 A. Yes, sir.  
21 Q. In fact, you went out and checked that  
22 out; is that correct?  
23 A. Yes, sir.  
24 Q. And she -- did you ever confront her  
25 with the fact that you couldn't see the knife over the

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1 island?  
2 A. No, sir, she came back at a later date  
3 and said that -- matter of fact, I think she even called  
4 in and said something to Sergeant Lamar Evans about that  
5 she didn't see the knife over the island, that she had to  
6 get to the utility room before she saw the knife.

7 Q. Okay. So, she called back the next day  
8 and told you she was mistaken about that; is that correct?  
9 A. I'm not sure if it was the next day.  
10 Q. All right. Well, let me see if this  
11 will refresh your memory.  
12  
13 (Showing document to  
14 witness.)  
15  
16 A. Okay. Yes, sir, it was the next day.  
17 Q. All right. Is there anything about  
18 that, that troubled you? Was that one of the things that  
19 you called an inconsistency?  
20 A. Yes, sir.  
21 Q. Why is that?  
22 A. Well, when she first told me that she  
23 saw the knife from the light switch, I couldn't see the  
24 knife from the light switch, then she changed it to where  
25 she saw the knife on the floor, from standing about mid

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1 way of that island.  
2 Q. All right. Well, in between the time  
3 she told you she saw it over the island, and she called  
4 Sergeant Evans, she had not been back out to the house,  
5 had she?  
6 A. No, sir.  
7 Q. So she would have had no way of knowing  
8 whether that was wrong or not; is that right?  
9 A. Well, I'm not sure I understand your  
10 question.  
11 Q. Well, she called you back the next day,  
12 without having gone out to the scene personally, and told  
13 you that she had made a mistake; is that right?  
14 A. Yes, sir.  
15 Q. So she gave you a supplemental report;  
16 is that right?  
17 A. Yes, sir.  
18 Q. Sort of like Officer Waddell gave you a  
19 supplemental report; is that right?  
20  
21 MR. GREG DAVIS: I'm going to object to  
22 that, it calls for conclusions on the part of this witness  
23 concerning what Officer Waddell did.  
24 THE COURT: Sustained.  
25

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1 BY MR. WAYNE HUFF:

2 Q. Well, let me just ask you this,  
3 Detective Patterson, is it quite often that police  
4 officers have to go back and correct mistakes in their  
5 reports, and supplement their reports?

6

7 MR. GREG DAVIS: I'm going to object to  
8 that, it's not relevant as to what officers do in other  
9 cases concerning supplemental reports. Again, trying to  
10 compare what this woman did to an officer's report, I  
11 think is improper and it's irrelevant here.

12 MR. WAYNE HUFF: Well, your Honor, the  
13 police are saying that it's okay for a trained  
14 professional to supplement his report, but when a suspect  
15 supplements a report, then there is something suspicious  
16 about it.

17 MR. GREG DAVIS: Well, this isn't a  
18 supplemental report. This is two inconsistent stories  
19 given on two days, back to back, and I would hardly call  
20 that a supplement to give a contradictory story to a  
21 police officer. So, again, I think that the comparison  
22 again, and calling this a supplemental report is improper  
23 to begin with.

24 THE COURT: Overruled.

25 BY MR. WAYNE HUFF:

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1 Q. But she basically did the same thing  
2 Officer Waddell did, didn't she?

3 A. What is that?

4 Q. She changed her mind about what she  
5 told you.

6

7 MR. GREG DAVIS: I'm going to object to  
8 that. That is an improper characterization of what  
9 Officer Waddell did. He didn't change his mind about what  
10 he saw, and I'm going to object to that comparison.

11 THE COURT: Try again.

12

13 BY MR. WAYNE HUFF:

14 Q. Well, Officer, let's move on to  
15 something else. Suffice it to say, before she called  
16 Sergeant Evans back, you didn't confront her and say,  
17 "Well, I can't see over that island into the other room."  
18 Did you?

19 A. No, sir, I did not.

20 Q. All right. Now, she came in  
21 voluntarily on June the 8th; is that right?

22 A. Yes, sir.

23 Q. She and her husband both; is that  
24 right?  
25 A. Yes, sir.

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1 Q. She came in without legal counsel; is  
2 that correct?

3

4 MR. GREG DAVIS: I'm going to object.

5 That has been asked and answered I think two or three  
6 times now, as to when she came in on June the 8th, prior  
7 to this date, so we're going back over old ground at this  
8 point.

9 THE COURT: Sustained.

10

11 BY MR. WAYNE HUFF:

12 Q. Well, did she come in with or without  
13 legal counsel?

14

15 MR. GREG DAVIS: I'm going to object

16 again. That has been asked and answered. He said that  
17 they came in together by themselves alone.

18

19 BY MR. WAYNE HUFF:

20 Q. All right, let's move on to something  
21 else, Officer.

22 Now, at the end of your report you

23 summarized your conclusions, Officer, one of them is:

24 "Darlie mentions she is a light sleeper. This is one

25 reason why she was staying downstairs and not upstairs."

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1

2 MR. GREG DAVIS: I'm going to object to  
3 him reading from a document that is not in evidence again.

4 And I'm going to object to offering the document, if he

5 does offer it because again, it's hearsay and it is

6 improper impeachment at this time.

7 THE COURT: Go ahead, sir.

8 MR. WAYNE HUFF: I'll do it this way,

9 Judge.

10

11 BY MR. WAYNE HUFF:

12 Q. Did Darlie tell you she was a light

13 sleeper?

14 A. Yes, sir.

15 Q. Did she tell you that was why she was

16 staying downstairs?

17 A. Yes, sir.

18 Q. And you thought that was strange,  
19 because she didn't hear her children being killed; is that  
20 correct?

21 A. Yes, sir.

22 Q. Had Mrs. Routier taken any medication  
23 that evening before she went to sleep?

24 A. Not that I'm aware of.

25 Q. Did you ask?

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1 A. Not that I recall.

2 Q. You never asked Mrs. Routier if she  
3 ever took any medication that night before she went to  
4 sleep?

5 A. I don't remember asking her.

6 Q. Was the TV on?

7 A. I was told the TV was on by one of the  
8 officers.

9 Q. Okay. Was the sound on?

10 A. The sound was on when I went in there  
11 that morning.

12 Q. Loud, soft, medium?

13 A. I don't -- I'm not sure.

14 Q. Did you ask Mrs. Routier if the sound  
15 was on that night?

16 A. No, sir.

17 Q. That wasn't important to you?

18 A. No, sir.

19 Q. What other sounds might have been in  
20 the room?

21 A. No, sir.

22 Q. You didn't figure that into your  
23 equation?

24 A. No, sir.

25 Q. Now, the next one is, you found it

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1 unusual that she said in one story that she was  
2 struggling with the suspect on the couch, and then in  
3 another story that she was not struggling with the  
4 suspect, and saw him at the foot of the couch; is that  
5 right?

6 A. Yes, sir.

7 Q. When did she tell you that she was  
8 struggling with the suspect?

9 A. The first time I met with her.

10 Q. In the hospital?

11 A. Yes, sir.  
12 Q. When she was under -- had just gotten  
13 out of surgery; is that right?  
14 A. Yes, sir.  
15 Q. Is that the only time she told you  
16 that?  
17 A. I'm not sure.  
18 Q. All right. You also found it strange  
19 that there was not any evidence of blood on the couch  
20 where she says her head was located when her throat was  
21 cut?  
22 A. Yes, sir.  
23 Q. Was there any blood on that couch at  
24 all?  
25 A. Yes, sir.

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1 Q. Where?  
2 A. Towards the -- what I would call the  
3 north end of the couch where her feet were.  
4 Q. All right. Was her head on a pillow?  
5 A. Yes, sir.  
6 Q. Did you-all retrieve the pillow?  
7 A. Yes, sir.  
8 Q. Was there blood on the pillow?  
9 A. I honestly can't say right now, I did  
10 not look at my notes to see. I don't think that there  
11 was, but I'm not sure.  
12 Q. There is nothing in this report about a  
13 pillow, is there?  
14 A. I have not read that report in the  
15 last -- well, over a month, I don't remember.  
16 Q. Now you can't remember whether you  
17 checked the pillow out or not?  
18 A. I know that we had taken several  
19 pillows, and I'm just not sure on that pillow.  
20 Q. Describe the pillow that she had her  
21 head on?  
22 A. Well, most of the pillows were like  
23 sofa pillows where they were just small and square, and  
24 this was a bed-sized pillow, and it had a maroon pillow  
25 case on it.

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1 Q. Okay. Was that the only bed-sized  
2 pillow downstairs?  
3 A. Yes, sir.  
4 Q. All right. Let's see. At one point

5 you say that she told you she saw the knife when the  
6 suspect dropped the knife in the utility room?

7 A. Correct.

8 Q. When did she tell you that?

9 A. I'm not sure which conversation it was  
10 when she told me that.

11 Q. Well, was it in a written statement?

12 A. In her written statement?

13 Q. Yes, sir.

14 A. I have not reviewed her written  
15 statement, so I don't remember.

16 Q. She has consistently told you she found  
17 the knife in the utility room; is that correct?

18 A. Yes, sir.

19 Q. So you know that she went into the  
20 utility room; is that correct?

21 A. Well, I know she told me that.

22 Q. Well, there was blood in there too,  
23 wasn't there?

24 A. Yes, sir.

25 Q. You say it is inconsistent with the

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1 physical evidence when Darlie says the knife was on the  
2 utility room floor; is that right?

3 A. Could you repeat that?

4 Q. You indicate that it is inconsistent,  
5 and one of the things you took into account, it is  
6 inconsistent that the knife was on the floor in the  
7 utility room; is that correct?

8 A. Well, that it's inconsistent that the  
9 knife was found on the utility floor?

10 Q. You said there was no evidence that it  
11 was ever on the floor?

12 A. Right. Yes, sir, that is correct.

13 Q. Was there blood on the utility floor?

14 A. It looks like drops of blood.

15 Q. Who told you that it looked like drops  
16 of blood?

17 A. Well, I saw, personally I saw drops of  
18 blood, and Sergeant Nabors, and James Cron.

19 Q. All right. Did they say the knife was  
20 never on the utility room floor?

21 A. Yes, sir.

22 Q. All right. How much blood did the  
23 knife have on it, at the time that it was laid on the  
24 utility floor?

25 A. Well, I don't believe that it was ever

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1 laid on the utility floor.

2 Q. How much blood was on the knife when  
3 you saw it on the counter?

4 A. It looked like quite a bit of blood.

5 Q. Well, how much had dripped on to the  
6 counter?

7 A. Well, I can't tell you in measurements.

8 I mean, you can tell that that knife was laying on that  
9 table top.

10 Q. Okay. You mean on the counter?

11 A. On the counter top, yes, sir.

12 Q. And it laid there for quite a while,  
13 didn't it?

14 A. Yes, sir.

15 Q. All right. The evidence would seem to  
16 suggest that it only laid on the utility room floor for  
17 just minutes, if it was there at all; is that right?

18 A. Well, I don't believe it was ever  
19 there.

20 Q. Okay. Well, if it was there, according  
21 to her statement, it was there for a very brief period of  
22 time; would that be correct?

23 A. Yes, sir.

24 Q. You indicated one of the things that  
25 you took into consideration is that Mrs. Routier never

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1 mentioned being on the west side of the island, between  
2 the island and the sink; is that something you took into  
3 account?

4 A. Yes, sir.

5 Q. Did you ever ask her if she was in that  
6 location?

7 A. Well, I didn't ask her in a way that,  
8 "Were you on that side?" But I did ask her -- can I look  
9 at that?

10 Q. Sure.

11 A. Because when she got through drawing  
12 this out, I asked her several times, "Did anyone ever go  
13 on the west side, between the island and the sink? Did  
14 anyone ever go that side, towards the utility room? Did  
15 anyone ever come back this way, between the island and the  
16 sink to get back into this room?" And she told me no.

17 Q. When did you ask her that?

18 A. When she got through doing this  
19 drawing.

20 Q. All right. Did you ever ask her, "Did

21 you go near the sink?"

22 A. I didn't ask her if she went near the

23 sink, I asked her if she or anyone had ever -- either went

24 this way, or went -- or came back this way.

25 Q. Well, anyone, did you ask her if she

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1 did?

2 A. Yes, I said, "Did you or anyone."

3 Q. All right. So you are saying now, that

4 you specifically asked her if she ever went over where the

5 sink was?

6 A. I didn't mention the sink.

7 Q. All right. You asked her if she ever

8 went into the utility room from that direction?

9 A. Yes, sir.

10 Q. And you say that she told you no?

11 A. Right.

12 Q. Did you ever ask her if she was

13 standing at the sink?

14 A. No, sir.

15 Q. You knew there was blood at the sink?

16 A. Yes, sir.

17 Q. But you never inquired of that?

18 A. No, sir.

19 Q. Were there some bloody towels seized?

20 A. Yes, sir.

21 Q. Did you ask her where those came from?

22 A. No, sir.

23 Q. Is there a drawer in the kitchen where

24 towels are kept?

25 A. Yes, sir.

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1 Q. Where is it located?

2 A. This part right here, yes, this part

3 right here. I mean, it's kind of a lower part, and then

4 there is a higher part right there, and then there's some

5 drawers right in here. (Witness indicating on diagram.)

6 Q. Which drawer has the towels?

7 A. I believe there was a set of 3 drawers

8 there, and it was the middle one.

9 Q. Did that drawer have blood on it?

10 A. I'm not sure without looking at the

11 pictures.

12 Q. Where are the footprints that you

13 talked about leading from the kitchen to the den?

14 A. Right in here. (Witness indicating on

15 diagram.)  
16 Q. All right.  
17 A. This island was actually a little more  
18 over here, but it is right in here.  
19 Q. All right. So the footprints are in  
20 front of that drawer?  
21 A. Yes, sir.  
22 Q. And you say there are no footprints  
23 going back into the utility room?  
24 A. No, sir.  
25 Q. But there was blood back there, isn't

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1 there?  
2 A. There are drops of blood, yes, sir.  
3 Q. So someone who was bleeding was back  
4 there, right?  
5 A. Yes, sir.  
6 Q. You indicate in here that a security  
7 light is activated when someone is in the back yard?  
8 A. Yes, sir.  
9 Q. Did y'all check that out?  
10 A. Sergeant Nabors and -- yes, sir,  
11 Sergeant Nabors did.  
12 Q. And you say that security light turns  
13 on for how long?  
14 A. I don't remember.  
15 Q. Why don't you take a look at your  
16 report?  
17 A. It indicates 18 minutes.  
18 Q. All right. How was that security light  
19 triggered? Is it a motion detector?  
20 A. Yes, sir.  
21 Q. Who first told you that the security  
22 light was not on when the police officers arrived?  
23 A. Sergeant Matt Walling.  
24 Q. Okay. When did he arrive at the scene?  
25 A. Four or five minutes after the call was

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1 made.  
2 Q. All right. Do you know the method they  
3 used to test how the security light comes on?  
4 A. No, sir.  
5 Q. You indicate that the injuries to Mrs.  
6 Routier are not consistent with the children's injuries;  
7 is that correct?  
8 A. Yes, sir.

9 Q. She was stabbed, wasn't she?  
10 A. Yes, sir.  
11 Q. She was cut, wasn't she?  
12 A. Yes, sir.  
13 Q. Do you believe that a person struggling  
14 with an assailant might receive different injuries than  
15 someone who is not?  
16 A. I honestly can't say.  
17 Q. Darlie's injuries were not life  
18 threatening. They were not life threatening at all?  
19 A. I don't believe so, no, sir.  
20 Q. You mean if they were left untreated,  
21 she would not have bled to death?  
22 A. I'm not sure.  
23 Q. There was blood found underneath the  
24 broken glass in the kitchen where Darlie says the suspect  
25 ran or walked through. There were not any cuts on the

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1 bottom of her feet; is that what you are saying?  
2 A. Yes, sir.  
3 Q. Where were -- I want you to put little  
4 "X's" in there where all the glass fragments were.  
5 A. Well, I wouldn't be able to show where  
6 all the glass fragments were.  
7 Q. There were hundreds of them, weren't  
8 there?  
9 A. There was a bunch, yes, sir.  
10 Q. Well, can you show us where the largest  
11 glass fragments were?  
12 A. Well, you know, if I was looking at a  
13 picture, I could show you where there was a bigger piece.  
14 Q. Okay. Let me show you what's been  
15 marked as State's Exhibit No. 13, and I'll ask if you can  
16 identify that?  
17 A. Yes, sir.  
18 Q. Is that part of the kitchen floor, next  
19 to the wine rack?  
20 A. Yes, sir.  
21 Q. Does the largest part of the glass  
22 fragments appear there?  
23 A. Yes, sir.  
24 Q. And would that be here?  
25 A. Yes, sir.

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1 Q. Are there any other glass fragments  
2 there?

3 A. Yes, sir.  
4 Q. Where?  
5 A. All over the floor, all in this area.  
6 Q. All in that particular area?  
7 A. Yes, sir.  
8 Q. Are there any of the glass fragments in  
9 State's Exhibit 14?  
10 A. I know that they are in this area right  
11 in here, and I'm not sure how far it goes back here,  
12 because this picture right here, is showing more where  
13 this vacuum cleaner was.  
14 Q. Okay. You can't see any there; is that  
15 correct?  
16 A. Well, no. No, sir, I can't.  
17 Q. All right. Now, you know that at least  
18 two police officers walked over this kitchen floor to go  
19 back and check out the garage, don't you?  
20 A. Yes, sir.  
21 Q. You know the paramedics were in the  
22 house; is that correct?  
23 A. Yes, sir.  
24 Q. Do you know if they were in the kitchen  
25 or not?

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1 A. No, sir.  
2 Q. You didn't ask them?  
3 A. I don't recall anyone -- any of the  
4 paramedics going into the kitchen.  
5 Q. Well, you weren't there, were you?  
6 A. No, sir.  
7 Q. And you didn't ask them, did you?  
8 A. No, sir.  
9 Q. And it wasn't in the report, was it?  
10 A. No, sir.  
11 Q. So you really don't know whether the  
12 position of the glass changed from the time it was broken,  
13 until the time the physical evidence people arrived, do  
14 you?  
15 A. No, sir.  
16 Q. You are not saying that every time you  
17 step on a piece of glass with bare feet you are going to  
18 cut your foot, are you?  
19 A. No, sir.  
20 Q. Let's see. On June the 18th, when did  
21 you decide to get an arrest warrant for Mrs. Routier?  
22 A. I believe we got the arrest warrant on  
23 June the 18th.  
24 Q. When was the decision made to get the

25 arrest warrant?

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1 A. June the 18th.

2 Q. All right. In the morning?

3 A. Yes, sir.

4 Q. All right. Was this as a result of a  
5 meeting or a conference with you and other detectives?

6 A. Yes, sir.

7 Q. Who was involved in that conference?

8 A. Sergeant Evans and Detective Frosch.

9 Q. So y'all went down and got an arrest  
10 warrant from Judge Warder; is that correct?

11 A. Yes, sir.

12 Q. And you called up Mrs. Routier and her  
13 husband, and asked them to come in and be interviewed yet  
14 again; is that correct?

15 A. Yes, sir.

16 Q. And they came in once again; is that  
17 correct?

18 A. Yes, sir.

19 Q. When was Mrs. Routier advised that she  
20 was -- that you had a warrant for her arrest?

21 A. Approximately 9:00 o'clock that June  
22 18th.

23 Q. What time did she come in?

24 A. I don't remember the time, I want to  
25 say it was around 7:00 o'clock.

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1 Q. Let me ask you if that refreshes your  
2 memory? (Showing witness document.)

3 A. Yes, sir.

4 Q. Okay. What time was it?

5 A. 6:50 P.M.

6 Q. All right. Who read her her rights?

7 A. I did.

8 Q. Who interviewed her?

9 A. Bill Parker.

10 Q. Is he a Rowlett police officer?

11 A. No, sir.

12 Q. Why was he called in to interview her?

13 A. He is a retired Dallas police officer.

14 Q. Why specifically was he called in to  
15 interview her?

16 A. He had worked homicide cases for about  
17 11 years.

18 Q. All right. Did you feel like you

19 needed someone else at this point to interview Mrs.  
20 Routier?  
21 A. Yes, sir.  
22 Q. So she allowed herself to be  
23 interviewed by yet another person, until she was advised  
24 that she was under arrest? Is that correct?  
25 A. Yes, sir, that's correct.

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1 Q. And then, and only then, did she ask  
2 for a lawyer; is that correct?  
3 A. Yes, sir.  
4 Q. Officer, are you sure that it's Mr.  
5 Parker that interviewed her and not you?  
6 A. No, Mr. Parker interviewed her.  
7 Q. Were you there?  
8 A. During his interview?  
9 Q. Yes, sir.  
10 A. No, sir. Well, I was there, but I  
11 mean, I was not in the interview room.  
12 Q. Where were you?  
13 A. Outside the interview room.  
14 Q. Were you listening?  
15 A. No, sir.  
16 Q. Well, why did you put in your report  
17 that: "I read Darlie her Miranda rights before conducting  
18 an interview with her"?  
19 A. Well, it says that I read Darlie her  
20 Miranda rights before conducting an interview with her,  
21 yes, sir.  
22 Q. What part of that report says that Mr.  
23 Parker conducted an interview with her?  
24 A. It doesn't.  
25 Q. But that is what happened, isn't it?

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1 A. Yes, sir.  
2 Q. You indicate, Officer, that you all had  
3 a Garland K-9 come out there to smell around outside of  
4 the house; is that right?  
5 A. Yes, sir.  
6 Q. You indicate -- was there something  
7 unusual about what that resulted in?  
8 A. Yes, sir.  
9 Q. What was that?  
10 A. According to the officer that handles  
11 the K-9, there wasn't any disturbance around that area of  
12 the window.

13 Q. Well, what do you mean there was no  
14 disturbance?  
15 A. Well, that it didn't appear that  
16 anybody had been out there. That there had been anybody  
17 moving around in the grass.  
18 Q. Was that the dog's opinion or the  
19 officer's opinion?  
20 A. The officer's.  
21 Q. Was that based on the dog not picking  
22 up a scent?  
23 A. Yes, sir.  
24 Q. All right. Well, does that mean that  
25 there was no one out in that back yard in the last 24

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1 hours, or 6 hours, or --  
2 A. No, sir, because there was two officers  
3 that had searched back there.  
4 Q. All right. I guess the dog didn't pick  
5 up their scent either; is that what you are saying?  
6 A. Well, the dog didn't pick up on any  
7 disturbance where it led from that back yard.  
8 Q. All right. Well, the dogs pick up on  
9 smell, not disturbances, don't they?  
10 A. Well, I'm not sure how that K-9 works.  
11 Q. Okay. Well, there was a sign of a  
12 small disturbance, I mean, the screen was cut, wasn't it,  
13 by someone?  
14 A. Yes, sir.  
15 Q. So we know someone was out there; is  
16 that right?  
17 A. Yes, sir.  
18 Q. What kind of sign of a disturbance were  
19 you looking for out there?  
20 A. Footprints.  
21 Q. And you didn't find any of those?  
22 A. No, sir.  
23 Q. Was the ground wet? Was it muddy?  
24 A. No, sir.  
25 Q. Is it possible to get to that window

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1 where the screen was cut without stepping on grass or bare  
2 ground?  
3 A. Yes, sir.  
4 Q. How would you do that?  
5 A. Well, you can stay on the concrete.  
6 Q. Well, in fact, the concrete extends

7 right up to that window, doesn't it?

8 A. Yes, sir.

9 Q. All right. Now, as a result of all

10 this, you went down and got an arrest warrant for Mrs.

11 Routier and that was executed that same night; is that

12 correct?

13 A. Yes, sir.

14 Q. Okay. You saw the window with the cut

15 screen before it was removed?

16 A. Yes, sir.

17 Q. In your opinion, could someone have

18 gone in and out of that window, was it possible for a

19 human being to get in through that window through the

20 screen?

21 A. Yes, sir.

22 Q. Was it possible for them to do that

23 without disturbing the windowsill, or any of the dust, or

24 anything that was on it?

25 A. Well, anything is possible, but I don't

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1 think they could have.

2 Q. Well, was there mulch under the window

3 bed, or under the windowsill?

4 A. I would have to look at the picture.

5 Q. Okay.

6

7 (Attorney showing.

8 picture to the witness.)

9

10 A. No, sir.

11 Q. Mulch on the flowerbeds? Was there

12 mulch on the flowerbeds?

13 A. Yes, sir.

14 Q. Was it necessary to go over that mulch

15 to get to that window?

16 A. No, sir.

17 Q. So the fact that the mulch wasn't

18 disturbed would be really of no significance at all, would

19 it?

20 A. No, sir.

21 Q. Well, if that is true, why did you talk

22 about it in your affidavit for arrest warrant, Officer?

23 A. Well, we indicated that it didn't look

24 like anybody had walked through it.

25 Q. Is it true, Officer, that there was

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1 blood extending all the way from in the kitchen to back  
2 where the utility room was?  
3 A. Yes, sir.  
4 Q. There was blood in front of the wine  
5 rack; is that right?  
6 A. Yes, sir.  
7 Q. There was blood all along here; is that  
8 correct?  
9 A. Yes, sir.  
10 Q. Was there blood on the other side of  
11 the island?  
12 A. Yes, sir.  
13 Q. So it's your conclusion that anyone  
14 walking through that area would have left a footprint?  
15 A. Well, no more blood than what was on  
16 that side of the island, on the west side of the island,  
17 there might not have been any footprints, no.  
18 Q. What are you referring to as the west  
19 side of the island?  
20 A. Well, this is the west side of the  
21 island here. (Indicating on diagram.) And there is just  
22 some drops of blood going this way.  
23 Q. Well, were those blood drops disturbed  
24 in any way?  
25 A. No, sir.

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1 Q. Would it be your opinion that someone  
2 that would walk back there, would disturb the blood?  
3 A. Yes, sir.  
4 Q. You were aware --  
5 A. Well, I mean, they wouldn't have --  
6 well, no, sir.  
7 Q. You are aware that two police officers  
8 walked back there?  
9 A. Yes, sir.  
10 Q. Did they appear to have disturbed the  
11 blood?  
12 A. No, sir.  
13 Q. Did they leave any footprints?  
14 A. No, sir.  
15 Q. You know that both of them were in the  
16 living room where there was copious blood on the carpet.  
17 A. Yes, sir.  
18 Q. Did they leave any footprints anywhere  
19 in the house?  
20 A. Well, you could see some footprint  
21 markings in the carpet.  
22 Q. They didn't leave any in the kitchen,

23 did they?  
24 A. No, sir.  
25 Q. All right.

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1  
2 MR. WAYNE HUFF: Your Honor could we  
3 approach the bench for a moment?  
4 THE COURT: Sure.  
5  
6 (Whereupon, a short  
7 Discussion was held  
8 Off the record, after  
9 Which time the  
10 Proceedings were resumed  
11 As follows:)  
12  
13 THE COURT: All right. We're going to  
14 recess. We will start back at 10:30, probably about 10:32  
15 or 10:33 when we will actually get started.  
16 You may step down.  
17  
18 (Whereupon, a short  
19 Recess was taken,  
20 After which time,  
21 The proceedings were  
22 Resumed on the record,  
23 In the presence and  
24 Hearing of the defendant  
25 as follows:)

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1  
2 THE COURT: All right, Mr. Huff, have  
3 you had enough time to look at those documents?  
4 MR. WAYNE HUFF: I think so, your  
5 Honor.  
6 THE COURT: All right. Let's resume.  
7 MR. WAYNE HUFF: Would you mark these  
8 please.  
9  
10 (Whereupon, the above  
11 mentioned item was  
12 marked for  
13 identification only as  
14 Defendant's Exhibits 4  
15 through 8, after which  
16 time the proceedings were

17 resumed on the record  
18 in open court, as  
19 follows:)  
20  
21 THE COURT: All right. You can go  
22 ahead, Mr. Huff.  
23  
24 BY MR. WAYNE HUFF:  
25 Q. Officer, we have been referring to the

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1 east side of the island and the west side of the island.  
2 Would you just put an "E" and a "W," just so we will know  
3 what we're talking about here.  
4 A. Okay. (Witness complies.)  
5 Q. So, the west side is at the top and the  
6 east side is at the bottom of this sheet of paper; is that  
7 correct?  
8 A. Yes, sir.  
9 Q. Officer, I asked to you bring some  
10 handwritten notes down to court today. Let me show you  
11 Defendant's Exhibit No. 6 and ask if you can identify  
12 that?  
13 A. Yes, sir.  
14 Q. All right. Are those the handwritten  
15 notes that you brought?  
16 A. Yes, sir.  
17 Q. Are those the only handwritten notes  
18 that you have in this case?  
19 A. Well --  
20 Q. Or that you wrote in this case?  
21 A. Yes, sir.  
22 Q. Okay.  
23 A. And then those two.  
24 Q. And the telephone memorandum, I have  
25 marked as separate exhibits, Defendant's Exhibits 7 and 8.

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1 Are these the only telephone memorandum you made as a  
2 result of this case?  
3 A. Yes, sir.  
4 Q. Defendant's Exhibit No. 5, what is  
5 Defendant's Exhibit No. 5?  
6 A. It's a supplement that I started.  
7 Q. Okay. That you didn't complete?  
8 A. Right.  
9 Q. Okay. It's page -- it's marked page 1  
10 of -- and then that's blank, and then page 2 of blank, and

11 then the third page doesn't appear to be marked?

12 A. Right.

13 Q. There are no other pages to this

14 document?

15 A. No, sir.

16 Q. It's just that you didn't finish it?

17 A. Right.

18 Q. And Defendant's Exhibit 4 is your

19 prosecution report; is that correct?

20 A. Yes, sir.

21 Q. Okay. And it's 5 pages long; is that

22 right?

23 A. Yes, sir.

24 Q. All right.

25

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1 MR. WAYNE HUFF: Your Honor, for record

2 purpose only, we are going to offer Defendant's Exhibits

3 6, 7, 8, 5 and 4.

4 MR. GREG DAVIS: No objection.

5 THE COURT: Received.

6

7 (Whereupon, the items

8 Heretofore mentioned

9 Were received in evidence as

10 Defendant's Exhibits No. 4 through 8

11 For record purposes only,

12 After which time, the

13 Proceedings were resumed

14 As follows:

15

16

17 BY MR. WAYNE HUFF:

18 Q. Did you have occasion -- and I need to

19 take you back now, Officer, to the hospital -- did you

20 have an occasion to talk to a nurse there by the name of

21 Theresa Marie Powers?

22 A. Yes, sir.

23 Q. Did you personally interview her?

24 A. No, sir, not at that time.

25 Q. Did you interview her later?

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1 A. Yes, sir.

2 Q. Did she give you an affidavit?

3 A. Yes, sir.

4 Q. What did she tell you?

5

6 MR. GREG DAVIS: I'm going to object to  
7 that as being hearsay.

8 MR. WAYNE HUFF: Well, your Honor, this  
9 is the investigating officer. Hearsay is admissible at  
10 this hearing.

11 MR. GREG DAVIS: No, it's not. What  
12 rule says that hearsay is admissible in this hearing?

13 THE COURT: Will you --

14 MR. GREG DAVIS: I don't know of any  
15 rule that says --

16 THE COURT: Excuse me, quiet please.  
17 I'm sorry. Go ahead.

18 MR. GREG DAVIS: I'm sorry. I'm  
19 unaware of any rule of evidence that says that this  
20 hearing allows hearsay. Unless Counsel can cite that rule  
21 for me, I don't know of it.

22 MR. WAYNE HUFF: Well, your Honor, the  
23 Courts -- case law specifically says that the Court is  
24 entitled to rely upon, for its ruling, not only evidence  
25 that comes in, that might come in at trial, even evidence

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1 that may not be admissible at trial. And this particular  
2 Officer I would remind the Court, is an investigating  
3 officer, and I believe that I am entitled to cross examine  
4 him about his opinions.

5 MR. GREG DAVIS: Well, if there is case  
6 law to that effect, and I have not seen that case law, but  
7 it would sound to me as though it's within the sound  
8 discretion of this Court as to whether we're going to  
9 venture off into tangents of hearsay, which will take us  
10 well into tomorrow, or whether we're going to confine this  
11 to the established rules of evidence here.

12 MR. WAYNE HUFF: Well, Judge, if she  
13 didn't have anything important to say, he can just tell us  
14 that, and we will move on.

15 MR. GREG DAVIS: Well, no, we couldn't  
16 do that, because we know what is going to happen here with  
17 this line of questioning, history has told us that won't  
18 happen.

19 THE COURT: Well, if you have the  
20 authority I will be glad to look at it, otherwise, I'm  
21 going to --

22 MR. WAYNE HUFF: Oh, I'll just move on,  
23 your Honor.

24 THE COURT: Thank you.

25

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1 BY MR. WAYNE HUFF:

2 Q. You did take an affidavit from her

3 later; is that right?

4 A. Yes, sir.

5 Q. Okay. At the hospital that night, did

6 you question someone about some insurance policies?

7 A. No, not that I remember at the

8 hospital.

9 Q. Okay. When is the first time you

10 questioned someone about that?

11 A. That is going to be sometime after we

12 found the insurance policies at the house.

13 Q. Where did you find those, please?

14 A. In the living area.

15 Q. Where in the living area?

16 A. Next to the couch that Darlie Routier

17 was laying on.

18 Q. All right. Which couch was that?

19 A. It was right here, there was a stack of

20 papers, insurance policies.

21 Q. Were there any other papers there other

22 than the insurance policies?

23 A. Yes, sir.

24 Q. What?

25 A. Some cat records, social security

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1 records, birth certificates, marriage license.

2 Q. A lot of personal papers just scattered

3 out there?

4 A. Yes, sir.

5 Q. Okay. Now, did you find any insurance

6 policies on either of the two children?

7 A. I'm not sure -- no, I don't remember

8 finding any policies, no.

9 Q. Well, let me just make it clear what

10 I'm talking about. You had indicated, at some point, that

11 on Darin there was seven hundred thousand dollars in life

12 insurance policies?

13 A. Yes, sir.

14 Q. What was the source of that

15 information?

16 A. Darlie told me about the insurance on

17 him.

18 Q. When did she tell you that?

19 A. During one of the interviews.

20 Q. Okay. Did it turn out that there was

21 that much insurance on him?  
22 A. No, but we found some policies, but I'm  
23 not sure of the amount.  
24 Q. Okay. How about policies on Mrs.  
25 Routier? Were there any insurance policies on her?

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1 A. Yes, sir.  
2 Q. Okay. Did you personally review them?  
3 A. No, sir.  
4 Q. How much were they for?  
5 A. I believe she told me -- I believe she  
6 told me she had -- there was two different insurance  
7 policies on Darin and two different policies on Darlie,  
8 and the children had two different policies each, except  
9 for Drake, he didn't have any.  
10 Q. How much insurance was on the children?  
11 A. Five thousand dollars each.  
12 Q. Okay. And on Darlie, you still don't  
13 know for sure?  
14 A. Well, I want to say there was one like  
15 for a hundred and fifty thousand dollars, and one for a  
16 hundred thousand.  
17 Q. Okay. I'm going to turn -- direct your  
18 attention to page 3 of Defendant's Exhibit 6. What date  
19 do you recall making those entries in your personal notes?  
20 A. I didn't put a date on this sheet.  
21 Q. Can you tell from the context of it,  
22 when they were probably made, or not?  
23 A. Well, sometime during one of the  
24 interviews.  
25 Q. All right. But you cannot tell which

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1 interview?  
2 A. I'm not sure, without going back and  
3 looking it over real good.  
4 Q. Okay. The first two pages appear to be  
5 made on June the 6th; is that right?  
6 A. Yes, sir.  
7 Q. Okay. And then the next page is not  
8 dated?  
9 A. No, sir.  
10 Q. So you don't know when that was made?  
11 A. Not without going back and reviewing  
12 it.  
13 Q. Okay. Page 4 is not dated, page 5 is  
14 not dated, page 6 is not dated, page 7 is not dated, page

15 8 is not dated, page 9 is not dated, page 10 is not dated,  
16 page 11 is not dated, and page 12 is not dated?

17 A. Page 11 is.

18 Q. Oh, it was dated. I missed that. All  
19 right. What date was that?

20 A. June 6th.

21 Q. All right. Now, are these pages in the  
22 order that you made them?

23 A. No, sir.

24 Q. Okay. The list of people that you have  
25 on the last page of this exhibit, when was that list

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1 compiled?

2 A. I don't have the date. I don't  
3 remember.

4 Q. All right. The numbers out beside each  
5 one, what do those refer to?

6 A. Well, these are prescription bottles,  
7 and I just took all the doctors' names and the dates off  
8 of the prescription bottles.

9 Q. Okay. Did you ever interview any of  
10 those doctors?

11 A. No, sir.

12 Q. Okay. You indicated to the Court  
13 yesterday, that you, I believe found Mrs. Routier's  
14 demeanor at the hospital unusual in hindsight, what about  
15 Mr. Routier's demeanor?

16 A. Well, the first time I met him was at  
17 the hospital, in this room, and at first I didn't think  
18 that his demeanor was appropriate.

19 Q. Okay. Why?

20 A. Well, because of the way he was acting.  
21 The first thing he asked, or said to me, when I first  
22 walked in that room, was he talked about his wife's  
23 breasts, and the size of them.

24 Q. All right. Okay. Did he say anything  
25 else you thought was inappropriate?

Sandra M. Halsey, CSR, Official Court Reporter 317

1 A. Well, there were several times that --  
2 he had been in that room for a long time and never one  
3 time asked about the children.

4 Q. Okay.

5 A. And, there was times that he cried, and  
6 there was times that he laughed.

7 Q. Okay. And you thought that was unusual  
8 at the time?

9 A. Yes, sir.

10 Q. Well, is it fair to say then -- I mean,  
11 later you determined that he was not involved; is that  
12 correct?

13 A. That's correct.

14 Q. So, it would be fair to say that the  
15 fact that someone acts a little differently than you  
16 expect, doesn't mean they are guilty of anything, wouldn't  
17 it?

18 A. No, sir.

19 Q. It wouldn't be correct?

20 A. Well, do what now?

21 Q. Well, the fact that someone acts  
22 inappropriately, in your opinion, after the death of their  
23 children, doesn't mean that they caused their death, does  
24 it?

25 A. I'm not sure of the question you are

Sandra M. Halsey, CSR, Official Court Reporter 318

1 asking.

2 Q. Well, you indicated, did you not, that  
3 Mr. Routier was acting as if nothing serious had happened  
4 to his family; is that right?

5 A. Yes, sir.

6 Q. Okay. But you later determined that he  
7 did not commit this offense, didn't you?

8 A. That's correct.

9 Q. So the fact that he was acting as if  
10 nothing serious had happened to his family, doesn't make  
11 him guilty, does it?

12 A. No, sir.

13 Q. All right. Officer, would you  
14 recognize the 911 tape if you heard it?

15 A. Yes, sir.

16 Q. Now, specifically, I'm talking about  
17 the 911 tape, that was made the night, or the early  
18 morning hours of June 6th.

19 A. Yes, sir.

20 Q. You have listened to that tape?

21 A. Yes, sir.

22 Q. How was that tape compiled? Explain  
23 the process to us, please?

24 A. Well, it's on a reel to reel tape, and  
25 every 24 hours it's taken off, I believe it's at 12

Sandra M. Halsey, CSR, Official Court Reporter 319

1 midnight, but it's taken off, and a new one is put on, and  
2 then it's placed in a container that is placed wherever

3 they put them.

4 Q. Did you make a copy of the 911 tape?

5 A. Yes, sir.

6 Q. Okay. Did you listen to the original  
7 of the 911 tape as you were making a copy?

8 A. Yes, sir.

9 Q. Okay. So you could recognize if what I  
10 am about to play is -- if it fairly and accurately depicts  
11 the original; is that correct?

12 A. Yes, sir.

13 Q. Okay. I want you to listen closely,  
14 because I'm going to ask you some questions afterward.

15

16 MR. WAYNE HUFF: Mark this for me,

17 please.

18

19 (Whereupon, the above

20 mentioned item was

21 marked for

22 identification only as

23 Defendant's Exhibit No. 9,

24 after which time the

25 proceedings were

Sandra M. Halsey, CSR, Official Court Reporter 320

1 resumed on the record

2 in open court, as

3 follows:)

4

5 MR. WAYNE HUFF: Let the record reflect  
6 that I'm playing a tape, your Honor, for the purpose of  
7 identification at this time.

8 THE COURT: Okay.

9

10

11 (Whereupon, the 911

12 tape was played in

13 open court, and the

14 following is a

15 transcript of the

16 tape, as best as

17 could be heard,

18 but is not a

19 verbatim transcript.

20 of the same.)

21

22 "911. What is your Emergency?"

23 (Inaudible.)

24 "Ma'am?"

25 "He just stabbed me and my children."

Sandra M. Halsey, CSR, Official Court Reporter 321

1 "What?"  
2 "He just stabbed me and my children."  
3 "Who did?"  
4 "A man."  
5 "Hang on, hang on."  
6 "Please come. My baby's are dying, Oh  
7 God, my babies are dying."  
8 "This is 911 medical emergency, there  
9 is a stabbing at 5801 Eagle Drive, Block 231, Eagle  
10 Drive."  
11 (Inaudible.)  
12 "Ma'am, I need you to calm down and  
13 talk to me."  
14 (Inaudible.)  
15 "Okay. 5801 Eagle?"  
16 "Yes."  
17 "Ma'am, ma'am. Listen. Listen to me.  
18 I need you to listen to me."  
19 "Oh, my God."  
20 "Did you pick the radio up?"  
21 "Yes."  
22 "Oh, my God."  
23 "Ma'am, I need you to talk to me."  
24 "Oh, my God. Oh, my God."  
25 (Inaudible.)

Sandra M. Halsey, CSR, Official Court Reporter 322

1 "Ma'am, I can't understand you. You  
2 are going to have to slow down and calm down and talk to  
3 me."  
4 (Inaudible.)  
5 "What is going on."  
6 "My babies were sleeping downstairs and  
7 they are dead. Oh, my God. Hold on, baby, hold on. Oh,  
8 my God. Oh, my God. Oh, my God."  
9 (Inaudible.)  
10 "Ma'am, is there anybody in the house  
11 besides you and your children?"  
12 "My husband, he was just came  
13 downstairs. The baby is crying, they are dying, Oh, my  
14 God, Oh, my God."  
15 "Ma'am, listen to me, calm down, calm  
16 down."  
17 "5801 Eagle Drive."  
18 "When are they going to be here?"

19 "Ma'am, they are on the way."  
20 "Ma'am, how old are your boys?"  
21 "What?"  
22 "How old are your boys?"  
23 "Oh, my God. Oh, my God."  
24 "Is your name Darlie?"  
25 "Yes."

Sandra M. Halsey, CSR, Official Court Reporter 323

1 "And your husband's name Darin?"  
2 "Yes."  
3 "Ma'am, you don't know who did this?"  
4 (Inaudible.)  
5 "They left a knife out there."  
6 (Inaudible.)  
7 "Ma'am, don't touch anything."  
8 "I already picked it up."  
9 "Ma'am, are you still out on Eagle?"  
10 "Um-hum. I live on Eagle. Oh, my God."  
11 Oh, my God, oh, my God, how could they do this?"  
12 "Listen, ma'am, you need to let the  
13 officers in the front door. Okay? Ma'am, you need to let  
14 the police officers in the front door."  
15 (Inaudible.)  
16 "Okay, it's all right. It's okay."  
17 (Inaudible.)  
18 "Somebody just walked in here and did  
19 it, Darin. Oh, my God. Oh, my God."  
20 "Ma'am, is the police officer there?"  
21 "Yes, he's here."  
22 "Okay. Go talk to him. Okay? Go talk  
23 to him. Okay?"  
24 (End of tape.)  
25

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1 BY MR. WAYNE HUFF:  
2 Q. Officer, let me -- you have just heard  
3 State's (sic) Exhibit No. 9 the first portion of the 911  
4 call played. Does that fairly and accurately depict the  
5 911 call, the original?  
6 A. Yes, sir.  
7  
8 MR. WAYNE HUFF: Your Honor, we will  
9 offer Defendant's Exhibit No. 9, and ask that we be  
10 allowed to substitute a copy.  
11 MR. GREG DAVIS: No objection.  
12 THE COURT: Received.

13

14 BY MR. WAYNE HUFF:

15 Q. Officer, did you ever listen to the 911

16 tape to determine if you could hear any glass breaking on  
17 it?

18 A. I listened to that tape several times,

19 yes, sir.

20 Q. Did you ever here any glass breaking on

21 the tape?

22 A. Not that I remember.

23 Q. You just listened to it then, did you

24 hear it then?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 325

1 Q. Okay. Just one other thing, Officer.

2 Did y'all take the glass -- all of the glass into custody  
3 or into evidence?

4 A. We did take some, yes, sir.

5 Q. But not all?

6 A. No, sir.

7 Q. How long did y'all have the house to  
8 work with?

9 A. About 11 days.

10 Q. And, you took a lot of things out of  
11 the house, didn't you?

12 A. Yes, sir.

13 Q. Papers, notebooks, personal effects,  
14 all sorts of things, didn't you?

15 A. Yes, sir.

16 Q. In fact, one thing you didn't take out  
17 of house was the major piece of that broken glass; is that  
18 correct?

19 A. (No response.)

20 Q. You didn't take into evidence the stem  
21 piece of the glass that was broken, did you?

22 A. I would have to look at the evidence  
23 tags.

24 Q. All right. Well, Mrs. Routier told you  
25 that she thought that the person was wearing a black

Sandra M. Halsey, CSR, Official Court Reporter 326

1 baseball cap; is that right?

2 A. Yes, sir.

3 Q. Does that appear to be a black baseball  
4 cap in the laundry room?

5 A. Yes, sir.

6 Q. After being in the house for 11 days,

7 you didn't take that into evidence either did you?

8 A. No, sir.

9 Q. In fact, the DA's office had to run an

10 evidentiary search warrant to go back and get that glass;

11 is that right?

12 A. To get the cap.

13 Q. To get the cap, I'm sorry.

14 A. Yes, sir.

15 Q. Were you present when that evidentiary

16 search warrant was executed?

17 A. Yes, sir.

18 Q. Was any other evidence gathered, other

19 than the baseball cap at that time?

20 A. No, sir.

21 Q. No further blood samples were taken?

22 A. No, sir.

23 Q. How long did you spend in the house?

24 A. Just a few minutes. All we did is, we

25 waited on a crime scene officer to arrive so we could

Sandra M. Halsey, CSR, Official Court Reporter 327

1 photograph the cap.

2 Q. All right.

3

4 MR. WAYNE HUFF: Pass the witness.

5

6

7 REDIRECT EXAMINATION

8

9 BY MR. GREG DAVIS:

10 Q. Detective Patterson -- may I approach,

11 your Honor?

12 THE COURT: Sure.

13

14 BY MR. GREG DAVIS:

15 Q. Detective Patterson, let me show you

16 State's Exhibit No. 18, do you recognize this as a

17 photograph that was taken of Darlie Routier at Baylor

18 Hospital on June 6th of 1996?

19 A. Yes, sir.

20 Q. And it shows some three cuts to three

21 of her fingers?

22 A. Yes, sir.

23 Q. Did you see those cuts when you went to

24 see her at Baylor Hospital?

25 A. Yes, sir.

Sandra M. Halsey, CSR, Official Court Reporter 328

1 Q. All right.

2

3 MR. GREG DAVIS: I'll offer State's

4 Exhibit No. 18.

5 MR. WAYNE HUFF: No objection.

6 THE COURT: Received.

7

8 (Whereupon, the items

9 Heretofore mentioned

10 Were received in evidence

11 As State's Exhibit No. 18,

12 For all purposes,

13 After which time, the

14 Proceedings were resumed

15 As follows:

16

17

18 BY MR. GREG DAVIS:

19 Q. Detective, if we can look at State's

20 Exhibit No. 15, you see a part of the counter top over

21 here, which would be -- as we are looking at the sink, to

22 the right side of the sink.

23 A. Yes, sir.

24 Q. Was there any visible blood?

25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 329

1 Q. How about inside the sink, was there

2 any visible blood when you looked inside the sink?

3 A. There was a few drops.

4 Q. Okay. Now, did you participate in a

5 trip to the house, where this particular area of the

6 counter top was luminaled?

7 A. Yes, sir.

8 Q. And luminal is what?

9 A. Well, it's just a chemical substance

10 that is made up, that you can spray on a table top, or

11 spray on anything that shows blood.

12 Q. All right. And, when this particular

13 area of the counter top was luminaled, what were the

14 results?

15 A. It looked like somebody had wiped up

16 blood off of that counter top.

17 Q. Okay. Again, before you did the

18 luminal, there was no apparent blood on this surface, was

19 there?

20 A. That's correct.

21 Q. On that tape that was just played,

22 could you hear any water running in a sink?

23 A. No, sir.

24 Q. While that tape was being played, I

25 noticed that the defendant was crying quite heavily, and

Sandra M. Halsey, CSR, Official Court Reporter 330

1 how many meetings did you have with this defendant, prior  
2 to her arrest?

3 A. Well, it was several.

4 Q. Did you ever see her cry like that?

5 A. I saw her act, I never saw any tears.

6 Q. Okay. Well, I saw tears today. I'm

7 asking you. Did you ever see a tear come out of her eyes

8 during any of the meetings that you had with her, prior to

9 her arrest?

10 A. No, sir.

11 Q. Detective, at some point did the

12 Rowlett Police Department obtain a copy of a videotape

13 that was shot by KXAS?

14 A. I'm sorry?

15 Q. Did the Rowlett Police Department ever

16 obtain a copy of a videotape that was done by KXAS, at a

17 cemetery, in Rockwall, Texas?

18 A. Yes, sir.

19

20 MR. GREG DAVIS: Mark this, please.

21

22 (Whereupon, the above

23 mentioned item was

24 marked for

25 identification only

Sandra M. Halsey, CSR, Official Court Reporter 331

1 as State's Exhibit No. 27,

2 after which time the

3 proceedings were

4 resumed on the record

5 in open court, as

6 follows:)

7

8

9 BY MR. GREG DAVIS:

10 Q. Detective Patterson, let me show you

11 State's Exhibit No. 27. Is this, in fact, the tape that

12 was provided to your department by KXAS?

13 A. Yes, sir.

14 Q. Have you had an opportunity to review

15 it?

16 A. No, sir, I have not.

17 Q. At the time that you saw Darin Routier  
18 at Baylor Hospital on June the 6th of 1996, did you know  
19 whether or not Darin Routier had discussed the deaths of  
20 his two children with his wife, Darlie Routier?

21 A. No, sir.

22 Q. Did you know at that time, whether he  
23 approved of their deaths or not?

24 A. No, sir.

25 Q. Did you know whether he had witnessed

Sandra M. Halsey, CSR, Official Court Reporter 332

1 their deaths?

2 A. No, sir.

3 Q. Did you know what he really knew about  
4 these deaths?

5 A. Not at that time.

6 Q. You said he made some comment about his  
7 wife's breasts, what exactly did he say?

8 A. I would have to review the notes to see  
9 exactly what he said, but when I walked in there the first  
10 thing he talked about was, how pretty she was, and she had  
11 big breasts.

12 Q. How long were you with him?

13 A. In the hospital?

14 Q. Yes, sir.

15 A. Just a few minutes.

16 Q. Besides the one broken wine glass, were  
17 there any other items in that house that were broken?

18 A. No, sir.

19 Q. All right.

20

21 MR. GREG DAVIS: Pass the witness.

22

23

24

25

Sandra M. Halsey, CSR, Official Court Reporter 333

1 RECROSS EXAMINATION

2

3 BY MR. WAYNE HUFF:

4 Q. Officer, did you take any fingernail  
5 scrapings from Mrs. Routier?

6 A. Well, we checked -- I asked the crime  
7 scene officer about it, and she doesn't have any  
8 fingernails, or she didn't at that time.

9 Q. None at all?

10 A. No, we did not.

11 Q. You didn't even try?  
12 A. She didn't have enough to try.  
13 Q. Did you find out what caused the cuts  
14 on her hand?  
15 A. No, sir.  
16 Q. Did you ask Mrs. Routier what caused  
17 them?  
18 A. Yes, sir.  
19 Q. What did she tell you?  
20 A. During one of the interviews she just  
21 thought that maybe she had gotten the cuts by that knife.  
22 Q. Okay. She didn't know either, in other  
23 words?  
24 A. No.  
25 Q. She was guessing?

Sandra M. Halsey, CSR, Official Court Reporter 334

1 A. Yes, sir.  
2 Q. Did you get any professional opinions  
3 about that?  
4 A. No, sir.  
5 Q. There was no blood in the sink?  
6 A. There was a few drops.  
7 Q. Okay. There was blood to the -- and  
8 luminal showed there had been blood to the right of the  
9 sink; is that correct?  
10 A. Yes, sir.  
11 Q. Well, I guess your theory, Officer, is  
12 that someone cleaned up the blood around the sink?  
13 A. Yes, sir.  
14 Q. And you are telling the Court, that  
15 they cleaned up over here, everything in the sink?  
16 A. Yes, sir.  
17 Q. And left this?  
18 A. Yes, sir.  
19 Q. They just forgot about that little bit  
20 of blood on the front of the sink; is that right?  
21 A. I don't know if they forgot, or if they  
22 just didn't notice it.  
23 Q. You didn't have any trouble noticing  
24 it, did you, Officer?  
25 A. No, sir.

Sandra M. Halsey, CSR, Official Court Reporter 335

1 Q. By the way, not having any drops of  
2 blood in the sink would also be consistent with the water  
3 running; is that correct?  
4 A. I'm not sure what you are asking.

5 Q. Well, if you turn the water on to get  
6 rags wet, and there was not any blood visible, except for  
7 luminal, that would be consistent with that, wouldn't it?  
8 A. Well, I'm still not sure.  
9 Q. Well, Officer, if you have a bloody  
10 rag, and you've got in the sink to get it wet, and the  
11 water is running, then the blood is going to run down the  
12 sink; is that right?  
13 A. Yes, sir.  
14 Q. Okay. Or it is going to get on the  
15 towel, one or the other; is that right?  
16 A. Yes, sir.  
17 Q. And if you put the towel up on the  
18 counter, and there is no visible blood except from  
19 luminal, that means that could also be consistent with a  
20 towel being up there, maybe with water and blood on it; is  
21 that right?  
22 A. Well, I'm not sure what you are saying.  
23 Q. Well, you understand the luminal  
24 process?  
25 A. Right.

Sandra M. Halsey, CSR, Official Court Reporter 336

1 Q. You don't claim to be an expert on  
2 it --  
3 A. No, sir.  
4 Q. But you understand it?  
5 A. Yes, sir.  
6 Q. It shows up where blood may have been,  
7 that is not visible to the naked eye; is that correct?  
8 A. That's correct.  
9 Q. Okay. So, if you have got a rag that  
10 had blood, and some blood, and a lot of water on it, and  
11 they put it somewhere, and you couldn't see it with the  
12 naked eye, but you could see it with luminal, that would  
13 also be consistent with placing a rag on a counter top; is  
14 that correct?  
15 A. Yes, sir.  
16 Q. Was the luminal done -- when was the  
17 luminal test done, Officer?  
18 A. I don't remember the date.  
19 Q. Well, it wasn't the first or second  
20 day, was it?  
21 A. No, sir.  
22 Q. Officer, based on your investigation,  
23 was it your opinion that this was just a spur of the  
24 moment crime, or was this planned, or do you have an  
25 opinion?

Sandra M. Halsey, CSR, Official Court Reporter 337

1 A. I have an opinion.  
2 Q. What is your opinion?  
3 A. I'm not saying that she planned it out  
4 over weeks, but I think that she just didn't wake up and  
5 it happened.  
6 Q. So it was planned?  
7 A. I think that at least by a few minutes.  
8 Q. Not very well planned; is that what you  
9 are saying?  
10 A. Yes, sir.  
11 Q. Okay.  
12  
13 MR. WAYNE HUFF: I believe that's all,  
14 your Honor.  
15 MR. GREG DAVIS: No further questions.  
16 THE COURT: You may step down, Officer.  
17 MR. GREG DAVIS: The State will call  
18 Charles Linch.  
19 THE COURT: Were you sworn earlier?  
20 THE WITNESS: Yes, sir, I was.  
21 THE COURT: Please have a seat.  
22  
23  
24  
25

Sandra M. Halsey, CSR, Official Court Reporter 338

1 Whereupon,  
2  
3 CHARLES LINCH,  
4  
5 was called as a witness, for the State of Texas, having  
6 been first duly sworn by the Court to speak the truth, the  
7 whole truth, and nothing but the truth, testified in open  
8 court, as follows:  
9  
10  
11 DIRECT EXAMINATION  
12  
13 BY MR. GREG DAVIS:  
14 Q. Sir, would you please tell us your full  
15 name?  
16 A. My name is Charles Linch, L-I-N-C-H.  
17 Q. Mr. Linch, how are you employed?  
18 A. Currently employed as a trace evidence  
19 analyst at the Institute of Forensic Sciences here in  
20 Dallas.

21 Q. How long have you been employed in that  
22 capacity?  
23 A. I have been at the Institute, off and  
24 on, for the last 16 years. I have been in trace evidence  
25 for the last nine years.

Sandra M. Halsey, CSR, Official Court Reporter 339

1 Q. All right. Let me ask you, if you  
2 would, to briefly detail your educational and professional  
3 background, that allows to you hold your present position?  
4 A. From 1983 until 1987 I was a field  
5 agent at the Institute. I went to the scene of over 500  
6 death scenes during those four years. One hundred and two  
7 of those were homicides, one hundred and thirty-three were  
8 suicides, and 82 were accidents, and another 18 were  
9 unclassified.  
10 I have a Bachelor of Science from the  
11 University of Houston, I attended the FBI hair and fiber  
12 school, the FBI Forensic and Serology school, and the FBI  
13 DNA analysis school.

14 Q. Let me ask you, what training or  
15 experience have you had in analyzing blood drops or blood  
16 patterns at death scenes?

17 A. The forensic serology school offered  
18 instruction by Special Agent Bob Spalding with the FBI.

19 Q. As part of your duties, do you also  
20 make microscopic examinations and analysis of items, such  
21 as hair?

22 A. Yes, I do.

23 MR. GREG DAVIS: May I approach, your  
24 Honor?

25 THE COURT: Sure.

Sandra M. Halsey, CSR, Official Court Reporter 340

1 BY MR. GREG DAVIS:

2 Q. Did you have an opportunity, at some  
3 point, Mr. Linch, to go out to 5801 Eagle Drive?

4 A. Yes, I did.

5 Q. Do you recall when you first went out  
6 there?

7 A. It was about 12:30 on June the 6th.

8 Q. And, did you have an opportunity to  
9 walk through the house and examine the house?

10 A. Yes, I did.

11 Q. Let me start first with the photograph  
12 of the utility room there at 5801 Eagle Drive. Do you  
13 recognize that photograph?

14 A. Yes, I do.

15 Q. And the blood droplets -- are there  
16 blood droplets on the ground here?  
17 A. Yes, there are.  
18 Q. All right. First of all, let me ask  
19 you whether there is any blood evidence here that would be  
20 consistent with a knife having been -- a blood-soaked  
21 knife having been dropped on the utility floor?  
22 A. No, sir, there isn't.  
23 Q. All right. And, what would you expect  
24 to see, if a knife with blood on it, had, in fact, been  
25 dropped on the floor of the utility room?

Sandra M. Halsey, CSR, Official Court Reporter 341

1 A. You would expect to see some kind of  
2 spatter where the knife had hit, and then maybe some skid  
3 to go with it, depending on how much velocity it had.  
4 Q. Okay. Did you find any of that on the  
5 floor of the utility room?  
6 A. I did not.  
7 Q. You talked about some velocity, if you  
8 would, just generally, what is velocity with regards to  
9 blood drops.  
10 A. Well, the whole science or art of blood  
11 spatter is based in the physical flight characteristics of  
12 blood. That is, blood will have a specific appearance on  
13 a specific surface, given a particular volume at a  
14 particular speed. And so, the -- that is what the area of  
15 blood spatter entails.  
16 Q. All right. Well, for instance, if I am  
17 standing here, and I am bleeding, and I drop straight down  
18 on the floor, is that going to be a drop with no velocity  
19 to it?  
20 A. That is right, other than the  
21 perpendicular component.  
22 Q. All right. If I am bleeding, and I  
23 walk across this courtroom, at some sort of speed, are you  
24 going to expect to see some sort of velocity, or angle  
25 change on the blood drops on the floor?

Sandra M. Halsey, CSR, Official Court Reporter 342

1 A. It would depend on how fast you are  
2 walking, and if your arm was swinging or not, and the type  
3 of vessel that was injured. If it was a split arterial  
4 spurting, it would be different than just a subcutaneous  
5 cut.  
6 Q. All right. The blood drops here on the  
7 utility room floor, do they evidence a velocity?  
8 A. Well, there is no appreciable velocity,

9 another than just straight down.

10 Q. All right. What conclusion would you  
11 draw from the fact that there is no velocity with the  
12 blood drops that are in the utility room?

13 A. Well, a person is either walking very  
14 slowly, or standing over the area where the blood drops  
15 were produced.

16 Q. Okay. Did you find any blood in the  
17 garage?

18 A. At the time of our visit, there was  
19 what appeared to be some blood out by the freezer. I was  
20 later informed that that had probably been tracked by the  
21 police and the first responders. It was not seen earlier.

22 Q. Okay. Did you also have an opportunity  
23 to observe the kitchen floor?

24 A. Yes, I did.

25 Q. If we could, if we could look at the

Sandra M. Halsey, CSR, Official Court Reporter 343

1 diagram here, that has been marked as Defendant's Exhibit  
2 No. -- well, this is actually State's Exhibit No. D.

3 A. Okay.

4 Q. This being a diagram that includes the  
5 kitchen. First of all, if we will look here on the east  
6 side of the island in the kitchen, you see there is a red  
7 line that extends from the -- basically what we have been  
8 calling the kitchen, the bar there that separates the  
9 kitchen from the living room, there is a line, a red line,  
10 that goes from that point over toward the utility room,  
11 can you describe the blood drops that you found in that  
12 area, sir?

13 A. There was quite a bit of blood in that  
14 area. On the floor, a large percentage of those blood  
15 drops are very similar to the blood drops in the utility  
16 room. They appeared to have just a downward component,  
17 with no accompanying, horizontal velocity.

18 Q. All right. Let me ask you then, the  
19 blood drops that you found on the east side of the island,  
20 would they be consistent or inconsistent with an  
21 individual running through that area who is bleeding or  
22 either had a bloody object in his hand?

23 A. Inconsistent.

24 Q. The same type of blood drops that you  
25 found in the utility room; is that right?

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1 A. That's right.

2 Q. In that nature?

3 A. That's right, the blood was very sparse  
4 on the east side of the island.  
5 Q. Did you find any bloody footprints in  
6 that area of the kitchen?  
7 A. I recall the bloody footprints more  
8 toward the kitchen sink area.  
9 Q. All right. So, whatever footprints  
10 that you found would have been on the west side of the  
11 island; is that correct?  
12 A. That's right, and headed toward the  
13 den.  
14 Q. Now, if we look at the diagram, and if  
15 we can envision a line that goes from the utility room,  
16 toward the kitchen sink, did you also find some blood  
17 drops in that area of the kitchen?  
18 A. In addition to that on the floor?  
19 Q. No, sir, I'm talking about on the  
20 kitchen floor, in the area of the kitchen floor, this  
21 would be on the west side of the island, leading from the  
22 utility room towards the kitchen sink. Were there also  
23 some blood drops on that portion of the floor?  
24 A. Yes, sir, there were.  
25 Q. All right. And, did those blood drops

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1 evidence velocity or not?  
2 A. They did not. They had the same slow  
3 motion type character to them.  
4 Q. Would they be consistent or  
5 inconsistent with someone having run who is bleeding or  
6 either carrying a bloody object in that part of the  
7 kitchen?  
8 A. They could have been carrying a bloody  
9 object, but they were not running.  
10 Q. Now, if we can, if we can talk about  
11 the portion of the kitchen that deals with the area right  
12 here in front of the kitchen sink, extending back toward  
13 the edge of the kitchen bar, toward the living room or the  
14 den area. Were there blood drops there also?  
15 A. Yes, sir.  
16 Q. Let's talk about first, the amount of  
17 blood on the floor. Was it the same amount of blood, or  
18 less blood, or more blood than you had seen on the other  
19 portions of the kitchen floor?  
20 A. There was a greater smear amount of  
21 blood in that area.  
22 Q. Do you recall there being a throw rug  
23 or an area rug right here in front of the kitchen sink?  
24 A. I don't have a specific recollection of

25 it, no, sir.

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1 Q. If we could, if we could look at  
2 State's Exhibit 13 and 14, do you see a green flowery rug  
3 here, depicted on both of those photographs?

4 A. Yes, I do. I later examined that rug  
5 in the laboratory.

6 Q. Okay. Is that in fact, a rug that  
7 would have been placed, pretty much in front of the  
8 kitchen sink then?

9 A. I don't know.

10 Q. Okay. Let's take a look at the area  
11 then. Again, leading from the sink toward the -- to the  
12 kitchen bar, did you find bloody footprints in that  
13 portion of the room, sir?

14 A. Yes, sir.

15 Q. And, were they going in any particular  
16 direction or not?

17 A. They were headed -- leaving the kitchen  
18 sink area, and toward the -- either the front door or the  
19 den, but in that general direction, away from the kitchen  
20 sink.

21 Q. All right. Did you find any bloody  
22 footprints that led toward the sink, sir?

23 A. No, I didn't.

24 Q. All right. Would the bloody footprints  
25 that you found be consistent or inconsistent with an

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1 individual who is bleeding, pacing back and forth, between  
2 this kitchen sink, toward the island or the end of this  
3 kitchen bar, pacing repeatedly, in this area, would it be  
4 consistent or inconsistent with what you found, with  
5 regards to the footprints?

6 A. I think it would be inconsistent,  
7 provided that each pace went back to the original blood  
8 source that the foot is then tracking further. The  
9 bloodiest footprint was the only one headed away from the  
10 sink, there were no other significant bloody feet prints.

11 Q. Okay. But there were more than one  
12 bloody footprint, was there not?

13 A. Yes, sir.

14 Q. Okay. In fact, on State's Exhibit No.  
15 14, we can find several different bloody footprints  
16 leading away from the kitchen sink; is that right?

17 A. That's right.

18 Q. But again, you found no bloody

19 footprints that would have led toward the kitchen sink; is  
20 that right?

21 A. They are all leading away.

22 Q. Now, in that area, did you also find

23 some bloody footprints that were actually underneath

24 broken glass?

25 A. I don't recall that.

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1 Q. Okay. If we could, if we could look

2 here on State's Exhibit No. 14, do you recall that we have

3 looked at this and we have found what appears to be a

4 piece of broken glass laying on top of one of the bloody

5 footprints?

6 A. Yes, sir.

7 Q. Okay. Looking at State's Exhibit No.

8 13 and 14, are they, in fact, showing the same area of

9 that kitchen?

10 A. Yes, they are. The animal food trays

11 on the floor and the trash can are both present in the

12 photograph for orientation.

13 Q. And when we look at State's Exhibit No.

14 13, really, the only difference is a little bit of the

15 angle is different, and also, we have a vacuum cleaner

16 that is down on the floor; is that right?

17 A. That's right.

18 Q. Did you find bloody footprints

19 underneath this vacuum cleaner that had been laid on the  
20 floor?

21 A. There are bloody footprints under the

22 vacuum cleaner. The vacuum cleaner had been removed,

23 prior to my arrival.

24 Q. Okay.

25 A. But, with regard to these photographs,

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1 where you can, in one, see the vacuum cleaner lying down,

2 and in another, the area that exhibits bloody footprints,

3 would be underneath the overturned vacuum cleaner.

4 Q. So, is it fair to say that we have

5 bloody footprints that are underneath this vacuum cleaner?

6 A. Yes, sir

7 Q. Do we also have broken glass that is

8 underneath this vacuum cleaner?

9 A. Yes, sir.

10 Q. Okay. Let me ask you also, with

11 regards to the portion of the kitchen, and this is going

12 to be in the area of the kitchen, roughly by the end of

13 the kitchen, the bar, do you recall there being a wine  
14 rack also?

15 A. Yes, I do.

16 Q. Did you find -- well, let me just ask

17 you this: Was the blood evidence there consistent or

18 inconsistent with a struggle having occurred in that

19 portion of the kitchen, with an individual who had a knife  
20 in his hand?

21 A. That is inconsistent. That is a fairly

22 small area, and a fairly unstable wine rack was in that  
23 area.

24 Q. Did you find any cast-off blood, in

25 that portion of the kitchen?

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1 A. No, sir.

2 Q. And, what would cast-off blood have

3 indicated to you, if you had found it there?

4 A. Well, cast-off is a term that is

5 referred to the type of pattern you see after a knife has

6 been bloodied, and it is in this type of motion. I didn't

7 see any of that.

8 Q. So, for instance, if you and I were

9 standing in that portion of the kitchen and I have a knife

10 with blood on the edges of it, and I am attempting to

11 fight you and you are struggling with me, and I am pulling

12 back with that knife in order to stab you, is that where

13 we will get the blood cast off from the blade of that

14 knife on to an object higher, perhaps on a wall?

15 A. That's right.

16 Q. Matter of fact, in this entire house,

17 did you find any blood that you would consider to be high

18 in elevation?

19 A. The highest blood present in the house

20 that I saw was at the light fixture that is near the wine

21 rack that we just talked about.

22 Q. Did that appear to be cast-off blood or

23 another type of blood?

24 A. It would be consistent with a bloody

25 hand going to the light switch.

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1 Q. Now, if we can, if we can talk about --

2 let's talk about this kitchen sink for a moment. Did you

3 have an opportunity to observe the kitchen sink out there?

4 A. Yes, I did.

5 Q. Can you tell the Court what you found

6 when you examined that sink?

7 A. Well, the kitchen sink and the faucet  
8 fixture is stainless steel material, and the stainless  
9 steel had been cleaned of blood, including the faucet.  
10 The faucet tested positive for the presumptive presence of  
11 blood that wasn't visible, but was still picked up. So  
12 that area had been cleaned.

13 Q. Okay. And again; exactly what are you  
14 basing your opinion on that the kitchen sink was cleaned?  
15 What do you mean by cleaned, first of all?

16 A. The double sinks themselves were devoid  
17 of blood with the exception of some watered down, bloody  
18 material that had dripped down.

19 The area in front of the sink and below  
20 the sink had a significant amount of blood to it. That  
21 blood, in my opinion, could not have occurred without  
22 getting some into the sink. So, it's been cleaned.

23 And the second thing is that there was  
24 luminal testing done, which showed a positive reaction,  
25 again a presumptive test for blood at the right side of

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1 this stainless steel sink. So, the sinks had been washed  
2 of blood.

3 Q. Okay. So this family area here, did  
4 you also have an opportunity to observe it?

5 A. Yes, I did.

6 Q. And was there a good amount of blood in  
7 that family room?

8 A. There was blood consistent with two  
9 children being stabbed, yes.

10 Q. Let's talk about this couch that is  
11 going to be on -- actually let's call this the west couch.  
12 Was there any cast-off blood on that west couch?

13 A. I didn't see any.

14 Q. What type of blood did you see on that  
15 couch?

16 A. It was a very minimal amount of blood,  
17 if any at all, it would be a transfer smear type.

18 Q. What do you mean by transfer smear?

19 A. The first object had been bloodied, and  
20 then is rubbed against it, like an arm or a leg.

21 Q. Would that transfer smear have been  
22 consistent with a five year old child being stabbed at the  
23 far end of this couch, or near the far end of this couch,  
24 closer to that big screen television, and then actually  
25 travelling in some manner, either on his hands or knees,

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1 or walking and rubbing up next to this couch, as he walks  
2 towards the glass end table?  
3 A. Sure, and there was an additional  
4 finding that supports that.  
5 Q. Okay. And, that additional finding is  
6 what?  
7 A. It was a child's bloody handprint in  
8 the floor, near this couch, which it looked like a child  
9 had supported himself or attempted to support himself with  
10 the bloody hand.  
11 Q. Did you find any bloody handprints,  
12 small bloody handprints, on the couch itself?  
13 A. I don't recall any.  
14 Q. The blood that you found on this couch,  
15 was it consistent or inconsistent with an individual  
16 laying on her back, with her head on this portion of the  
17 couch, closest to the big screen television, having been a  
18 cut in the neck, having a puncture wound to the left side  
19 of her neck, closer to her left shoulder, and having a  
20 right arm cut on this couch, was it consistent or  
21 inconsistent with that, in your opinion?  
22 A. It would be inconsistent.  
23 Q. Why do you say that?  
24 A. From the amount of bleeding that I  
25 observed in the kitchen and on Mrs. Routier's T-shirt,

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1 there was substantial bleeding from her, and unless she  
2 was attacked, and immediately, within a micro second, got  
3 up from that area, there should be some blood left from  
4 her injuries.  
5 Q. Did you detect any bloody footprints  
6 leading from this couch toward the kitchen area? Do you  
7 recall those?  
8 A. No, I don't.  
9 Q. Okay. Now you said that you had been  
10 out to five hundred death scenes, as part of your work as  
11 a medical examiner's agent, correct?  
12 A. That's right.  
13 Q. And, have you received training in the  
14 overall analysis of death scenes?  
15 A. Prior to becoming a field agent, I was  
16 an autopsy technician, but not really death scenes --  
17 well, I had instructions from personnel out at the medical  
18 examiner's office, prior to doing that activity, but there  
19 was no off site training for that, no.  
20 Q. Did you form an overall opinion about  
21 the crime scene, as it appeared at 5801 Eagle Drive?  
22 A. Yes, I did.

23 Q. And what opinion did you form?

24 A. It appeared staged or altered.

25 Q. Why do you say that?

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1 A. From the appearance of the kitchen, the  
2 blood was consistent with someone standing there and  
3 bleeding at the kitchen sink, and the sink had been  
4 cleaned up. All of the blood that I saw or observed is a  
5 slow motion, nobody is in a hurry type dynamic.

6 The wounding of the children appeared  
7 to be controlled and precise. And with the exception of  
8 the youngest child, there was minimum movement of the  
9 children after a precise attack.

10 The cut screen on the garage was  
11 curious. Home intruders don't cut screens, they pull them  
12 off the windows.

13 Q. Let me just stop you right there.

14 Let's talk about that window and that screen.

15 Looking at State's Exhibit No. 10, when

16 you are referring to the window and the screen, are you  
17 referring to the window shown in State's Exhibit No. 10?

18 A. Yes, I am.

19 Q. Were the screen and the window itself

20 actually brought to you by the Rowlett Police Department?

21 A. Yes, they were.

22 Q. Have you had an opportunity to examine

23 both of those items, sir?

24 A. Yes, I have.

25 Q. With regards to the screen, did you

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1 make a determination of whether the screen had been cut  
2 from the inside or the outside, and the manner in which it  
3 had been cut?

4 A. I have an opinion as to the manner in  
5 which it was cut. From my observations, it could have  
6 been cut either from the outside or the inside. If it  
7 were cut from the outside, it goes in a motion, from  
8 right, in a smooth cutting stroke to the left. The screen  
9 had to be restabilized with the hand, and then you do the  
10 downward vertical component of this T-shaped defect. If  
11 it were done from the inside, the person starts from left  
12 to right instead of right to left.

13 Q. Okay. Did you observe any blood on  
14 that screen?

15 A. No, I didn't.

16 Q. Did you have an opportunity to look at

17 the windowsill here portrayed in State's Exhibit No. 10?

18 A. Yes, I did.

19 Q. Did anything catch your attention as

20 you looked at that windowsill?

21 A. Well, the entire component?

22 Q. Well, just looking at the windowsill,

23 was there anything still in this windowsill? Was there

24 any dirt or dust or anything that you can recall?

25 A. No. Maybe a fine layer of dust, but

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1 that's all.

2 Q. Could you see any scuff marks or blood

3 or anything on this windowsill to indicate that someone

4 had recently gone through it?

5 A. No, there was a slight bend on the

6 lower frame of the window screen, but other than that, no.

7 Q. Looking at the window frame itself, was

8 that examined by yourself?

9 A. The window?

10 Q. Yes, sir, the window.

11 A. Yes, it was.

12 Q. Now, did the Rowlett Police Department

13 supply you with hair samples that came from the defendant,

14 Darlie Routier?

15 A. Yes, Mrs. Routier came to the Institute

16 and provided hair samples and blood.

17 Q. Did you find any hairs in the window

18 that were submitted to you by Rowlett?

19 A. When Rowlett first submitted the

20 window, and it came to the Institute, it was not examined

21 thoroughly. A decision was made to send it to the Dallas

22 Sheriff's Office for laser printing. It goes to the

23 Sheriff's physical evidence lab, then it is returned back

24 to my office for examination.

25 The initial request was to look for

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1 scratches on the glass, and there were scratches, but you

2 couldn't do that with a kitchen knife. It would have to

3 be something else.

4 In addition, there was a hair found in

5 the left side of the window, within the window track.

6 Q. Okay. Did you compare the hair that

7 you found in the left track of that window to the head

8 hair that had been submitted to you by Darlie Routier?

9 A. Yes, I did.

10 Q. And what were the results of your

11 analysis?

12 A. The head hair from the window itself

13 had been forcibly removed, and it had the same microscopic

14 characteristics as Mrs. Routier.

15 Q. Were there any particular

16 characteristics that you looked to, to make that

17 comparison?

18 A. Well, there are a number of internal,

19 structural things that the microscopist looks at, in doing

20 side by side comparison. Her hair is treated or bleached,

21 and has some untreated root end components. So, all of

22 those things are taken into account.

23 Q. Okay. Did you compare the length of

24 her untreated -- the untreated portion of her hair, that

25 she submitted to you with the untreated portion of the

Sandra M. Halsey, CSR, Official Court Reporter 359

1 hair that you obtained from the window?

2 A. Yes, I did.

3 Q. What was the results?

4 A. The amount of untreated shaft on the

5 found hair was within the range of the amount of untreated

6 shaft, at the time of her visit to the Institute.

7 Q. It would be contemporaneous?

8 A. It could be.

9 Q. Looking now at State's Exhibit No. 9,

10 do you recognize the butcher block and the eight knives

11 that are shown in that photograph, sir?

12 A. Yes, sir, I do.

13 Q. Were they submitted to you for analysis

14 also?

15 A. Yes, they were.

16 Q. And, if you will, if you will briefly

17 tell the Court what you did with those knives?

18 A. An examination was made of each knife

19 handle and knife blade for any possible foreign or trace

20 material. And, looking at the butcher block, if you use

21 the numbering system of the lower knives, the number 1

22 knife which is present in the block was there, there is a

23 number 2 spot, that was empty. There is a number 3 spot,

24 that had a knife, and then the fourth knife that was on

25 the far left end was also present in the block.

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1 On the top of this butcher block, there

2 are also five other knives that are sitting in their

3 respective places. And so, there is one knife missing

4 from this butcher block that holds nine knives.

5 Q. Okay. Looking at the knife portrayed  
6 in State's Exhibit No. 8, did you try to determine, sir,  
7 whether this particular knife would fit into the empty  
8 slot shown on the butcher block, in State's Exhibit No. 9?

9 A. I didn't physically attempt it, but it  
10 could.

11 Q. Okay. Now, let me just ask you, did  
12 you find anything that you found to be unusual on any of  
13 these particular knives that you later analyzed?

14 A. The knives from the butcher block, the  
15 knife that I described as number 4 on the bottom far left  
16 slot of the butcher block, there was obtained  
17 microscopically some material from the serrated blade of  
18 that knife.

19 This material consisted of rubbery,  
20 dust residue, and a single glass rod. This glass rod  
21 measured about 10 microns by 40 microns, and that would  
22 be, about as half as thick as a thin, human hair, but this  
23 glass rod was present on the blade of the knife.

24 Q. Did you compare that material that you  
25 found on the blade on knife number 4, to the material that

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1 makes up this window screen shown in State's Exhibit No.  
2 10?

3 A. Yes, I did.

4 Q. And what were the results of your  
5 comparison?

6 A. The screen cloth is composed of a PVC  
7 or a poly vinyl chloride type material, or some derivative  
8 thereof, a rubbery material, black. This rubbery material  
9 encircles a core bundle of fiberglass rods, that the  
10 fiberglass rods composing the screen are the same diameter  
11 and general appearance as the single, glass rod fragment  
12 from the knife blade.

13 In addition, upon test cutting, you can  
14 obtain different thickness sections of the rubbery  
15 material from the screen cloth, that appear  
16 microscopically similar to the rubbery material -- or the  
17 screen cloth rubbery material was microscopically similar  
18 to the rubber dust particles from that number 4 knife.

19 Q. So, the bottom line, with regard to the  
20 material that you found on knife number 4, what is your  
21 conclusion about that material?

22 A. Knife number 4 could have cut the  
23 screen.

24 Q. All right.

25

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1 MR. GREG DAVIS: Pass the witness.

2

3

4 CROSS EXAMINATION

5

6 BY MR. DOUGLAS PARKS:

7 Q. Mr. Linch, you have testified regarding

8 blood spatter and analysis. Do you rely upon any

9 particular publications or authorities, in your expertise

10 in that area?

11 A. There are several folks who are

12 recognized in actually founding the science of blood

13 spattering interpretation. Herbert McDonald, Bob Spalding

14 is probably one of the first folks involved with the

15 science early on. Dr. Stone at the Institute, has been

16 involved with blood spatter analysis. And, that would be

17 about it.

18 Q. Are there publications that one could

19 go to, if he wanted to learn about blood spatter, without

20 going to work for a crime lab or something, a lay person

21 deciding he wants to learn a little something, where would

22 one go?

23 A. Yes, sir, there is a text by Herbert

24 McDonald on blood flight characteristics. Any forensic

25 science section of the library has -- any criminalistics

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1 book would have a chapter on blood spatter, just about

2 any.

3 Q. About when was Dr. McDonald's book

4 written?

5 A. I don't know.

6 Q. During the course of your

7 investigation, both on the scene and at SWIFS, did you

8 have occasion to make notes and write reports and things

9 of that kind?

10 A. Yes.

11 Q. Did you bring copies of that material

12 with you today?

13 A. I brought the originals.

14 Q. May I take a look at those?

15 A. Sure.

16 Q. While I am thinking about it, Mr.

17 Linch, have you undertaken to group or attempt to

18 recognize in some way whose blood was where, at that

19 scene?

20 A. That is an on-going process in our DNA

21 laboratory, and I have not been told any results, if they  
22 have results.

23 Q. Okay. So, as we speak today, we don't  
24 know right now, the blood that you have testified about,  
25 whose is where?

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1 A. I don't know, they might know.

2 Q. Who is they?

3 A. Caroline Van Winkle is doing the DNA  
4 work.

5 Q. Out at SWIFS?

6 A. Yes, sir.

7 Q. Okay. Has she given you any indication  
8 when she thought that that work would be completed?

9 A. No, sir, she has not.

10 Q. You went to the scene on June the 6th,  
11 1996, at about 12:30 P.M.; is that correct?

12 A. That's right.

13 Q. Okay. And, about how long were you at  
14 the scene, Mr. Linch?

15 A. We left about 3:30.

16 Q. And who went with you?

17 A. Kathryn Long, a forensic serologist at  
18 the Institute.

19 Q. Did you take any samples yourself at  
20 that time?

21 A. I didn't, now, Ms. Long took some  
22 samples at my direction.

23 Q. Do you recall off the top of your head  
24 where those samples were taken from?

25 A. Sure. She -- I initially asked her to

Sandra M. Halsey, CSR, Official Court Reporter 365

1 do presumptive testing in the different bathrooms. And,  
2 as we worked our way through the house, she took blood  
3 samples from inside this stainless steel sink, that I  
4 testified that I thought was cleaned of blood. She did  
5 presumptive testing on the water faucet, and that was  
6 positive.

7 She took some sections out of various  
8 areas of the carpet, in the den or living area.

9 Q. How did she do that?

10 A. With scissors, just cut the fiber  
11 strands. On that visit, she took a sample from this light  
12 switch, where the smeared blood was in the kitchen, and I  
13 think she took maybe a total of 9 to 13 blood samples.

14 Q. Is it your plan to analyze all of

15 those?

16 A. Well, I'm not sure what requests have  
17 been made by the State as to how many of what types to  
18 analyze.

19 Q. Okay. All of that would have gone to  
20 Caroline Van Winkle?

21 A. Yes, sir, that would be a question for  
22 her.

23 Q. You indicated that you went out to the  
24 utility room section?

25 A. Yes, sir.

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1 Q. And you saw some drops of blood there  
2 on the floor; is that correct?

3 A. That's right.

4 Q. Did you see a black baseball cap on the  
5 floor?

6 A. The cap was not in the middle of the  
7 floor, as indicated in this photograph. So, I didn't see  
8 it at that time.

9 Q. But where was it, if you remember?

10 A. My understanding from the person who  
11 recovered it, said that it was maybe like between a washer  
12 and dryer, or not in an obvious area.

13 Q. Were you there when they recovered the  
14 cap?

15 A. No.

16 Q. Any reason that you know of, why it  
17 would have been moved to a central location to be  
18 photographed?

19 A. I don't know.

20 Q. Were any blood samples taken off of the  
21 cap?

22 A. I think there were, but again that  
23 would be a question for serology, DNA.

24 Q. Okay. Now, did you see some blood, not  
25 on the floor, in that utility room?

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1 A. I believe there was some on the higher  
2 up appliance-type materials.

3 Q. Okay. Washing machine, something like  
4 that?

5 A. Yes, sir.

6 Q. Do you recall what type of -- was that  
7 drops or smears or do you remember?

8 A. Well, I don't recall.

9 Q. What about on the door itself, going  
10 into the utility room from the kitchen, do you recall  
11 seeing any blood there?  
12 A. Yes, sir, there was some -- a transfer  
13 smear type on the inside surface, that also continued into  
14 the part of the door that fits flush with the door facing.  
15 Q. Okay. What about the door that leads  
16 from the utility room into the garage, did you see any  
17 blood on that door?  
18 A. Well, that was the door I was just  
19 talking about.  
20 Q. That was the door you were referring  
21 to?  
22 A. Right.  
23 Q. Okay. Did that blood smear on the door  
24 leading into the garage also have at least a partial  
25 bloody fingerprint?

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1 A. I don't recall. I was leaving the  
2 identification and characterization of fingerprints up to  
3 the police personnel.  
4 Q. You indicated that you proceeded into  
5 the garage and saw some blood out there; is that correct?  
6 A. That is right.  
7 Q. Where was that?  
8 A. There is -- as you come out of the  
9 utility room and take a left towards the window, there is  
10 a freezer. Down in that floor, there was some sort of  
11 sign, plastic sign, maybe this big and there was some --  
12 not a discernible blood footprint, but a light shadow of  
13 transfer smeared type blood.  
14 Q. Okay. Did it appear to be a footprint  
15 transfer?  
16 A. It could have come from a shoe.  
17 Q. You indicated that you were advised  
18 that it was probably left by a police officer?  
19 A. I was advised that it was not seen  
20 earlier.  
21 Q. Who advised you of that?  
22 A. Retired Lieutenant Jim Cron with --  
23 Q. Okay. So, what we know is, there is  
24 what appears to be, a part at least, of a bloody shoe  
25 print in the garage there when you got there, but you

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1 don't know --  
2 A. Well, I don't know if it was a shoe or

3 bare foot or what, it was an indiscernible smudge of  
4 blood.

5 Q. Okay. Were any samples taken of that,  
6 as far as you know?

7 A. Yes, we took samples.

8 Q. And Caroline Van Winkle would have  
9 those?

10 A. Kathy took it, and delivered it to  
11 Carolyn Van Winkle.

12 Q. Okay. Any other blood out there in  
13 that garage area that you saw?

14 A. No, sir.

15 Q. You testified, Mr. Linch, that you saw  
16 nothing in the utility room that would have been  
17 consistent with a blood-soaked knife having been dropped  
18 in the utility area?

19 A. That's correct.

20 Q. Now, would it be fair to say that --  
21 well, let me just ask you this, what is a blood-soaked  
22 knife, in your estimation?

23 A. Well, it would be one like we got at  
24 the Institute. It's literally coated with dried blood  
25 when we got it.

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1 Q. It was very bloody when you got it?

2 A. Yes, sir.

3 Q. Okay. If a knife is used to commit an  
4 offense, a stabbing of this kind, and let's just assume  
5 that an assailant stabbed -- did the things that you  
6 understand happened in this house today, took a knife with  
7 him through the kitchen and put it down on the floor,  
8 would you expect to see signs of that necessarily?

9 A. Put it down on the floor?

10 Q. Yes, sir.

11 A. I would expect to see an outline of it.

12 Q. That would assume that the knife was  
13 bloody?

14 A. Right, right.

15 Q. If the person had wiped the knife off,  
16 of course, it would not necessarily leave any signs; is  
17 that -- would that be fair to say?

18 A. Yes, sir, that's right.

19 Q. Whether it was laid down or dropped?

20 A. Yes, sir.

21 Q. Because whether or not you see signs of  
22 a knife having been dropped, or put down, or placed at a  
23 particular location, would depend more on the amount of  
24 blood on the knife than it would anything else, would that

25 be fair to say?

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1 A. Yes, sir.

2 Q. All right.

3

4 MR. DOUGLAS PARKS: Your Honor, Mr.

5 Huff whispers in my left ear that it is going to take us a

6 little while to go through these reports. Would this be

7 an appropriate time --

8 THE COURT: You mean to read the

9 documents you got about thirty minutes ago, or an hour

10 ago?

11 MR. DOUGLAS PARKS: Yes, sir.

12 MR. WAYNE HUFF: We just got these,

13 Judge. I'm a little faster reader than that, your Honor.

14 THE COURT: Oh, okay.

15 MR. DOUGLAS PARKS: I can ask him a few

16 other things, but I am just suggesting that I am not going

17 to be able to finish before we have to review that.

18 THE COURT: Well, we have already got

19 it interrupted now. Why don't we just recess until 1:30.

20 You may step down.

21

22 (Whereupon, a short

23 recess was taken,

24 after which time,

25 the proceedings were

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1 resumed on the record,

2 in the presence and

3 hearing of the defendant

4 as follows:)

5

6 THE COURT: Let's go back on the

7 record. All right.

8 MR. DOUGLAS PARKS: I'm ready. May I

9 proceed?

10 THE COURT: Yes. This is resumption of

11 the hearing, the defendant and her counsel, and the

12 State's counsel are present.

13 All right, go ahead.

14 MR. DOUGLAS PARKS: Would you mark

15 these, please?

16

17 (Whereupon, the above

18 mentioned item was

19 marked for  
20 identification only  
21 as Defendant's Exhibits  
22 No. 10, 11, 12 & 13,  
23 after which time the  
24 proceedings were  
25 resumed on the record

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1 in open court, as  
2 follows:)

3  
4

5 CROSS EXAMINATION (Resumed)

6

7 BY MR. DOUGLAS PARKS:

8 Q. Mr. Linch, let me show you what has  
9 been marked as Defendant's Exhibits No. 10, 11, 12, and  
10 13; are those the original of your reports and notes that  
11 you furnished to me, prior to our lunch recess?

12 A. Yes, they are. Defendant's 10 is my  
13 report of June the 28th, with accompanying notes.  
14 Defendant's 11 is my original report with notes, dated  
15 June 20th. Defendant's 12 is my report of June 17th with  
16 the accompanying original notes. And Defendant's 13, is  
17 my report of July 5th with the accompanying notes.

18

19 MR. DOUGLAS PARKS: Your Honor, at this  
20 time, we would offer these into the record, for record  
21 purposes only, with the understanding that copies will be  
22 substituted.

23 MR. GREG DAVIS: No objection.

24 THE COURT: Received.

25

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1 (Whereupon, the above  
2 mentioned items were  
3 received in evidence  
4 for record purposes,  
5 as Defendant's Exhibits  
6 No. 10, 11, 12 & 13,  
7 after which time, the  
8 proceedings were  
9 resumed as follows:)

10

11 BY MR. DOUGLAS PARKS:

12 Q. Mr. Linch, let's go back just a moment

13 to the bloody footprint in the garage, if I understood you  
14 correctly, you were not able to tell whether that was made  
15 by a barefoot or shoed foot?

16 A. Well, or even a foot. It's a smear  
17 impression of blood.

18 Q. Was a photograph made of that?

19 A. I don't know.

20 Q. When you got there about 12:30 P.M. on

21 June 6th, what was the condition of the blood at the rest  
22 of the scene, from the standpoint of, was it dried, or was  
23 it not, or do you recall?

24 A. For the most part it was dried.

25 Q. Do you recall, a plastic runner that

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1 came from the entryway area back through the hallway, into  
2 the den area --

3 A. You are talking about the large  
4 rectangle piece?

5 Q. Yes, sir.

6 A. Yes, sir, I do.

7 Q. And, as best you recall, was the blood  
8 on that runner pretty much in a dried condition by that  
9 time?

10 A. Pretty much, yes, sir.

11 Q. And in the kitchen?

12 A. Yes, sir, I don't know about the rug.

13 The rug may have still had some moist element to it, but  
14 it was --

15 Q. Was the rug -- I'm sorry. Was the rug  
16 in the den area still there when you were there on June  
17 6th?

18 A. The rug in the den? Which one was  
19 that?

20 Q. The carpet?

21 A. Oh, the white --

22 Q. Yes.

23 A. Yes, it was.

24 Q. Did you have occasion to do any  
25 investigation of the blood and other trace evidence on

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1 that carpet in that area?

2 A. The floor area had previously been  
3 looked at for hairs, and we received those in the  
4 laboratory. I did the tapings of the coffee table glass  
5 in that area for hairs. Kathy Long, at my direction, did  
6 take some blood samples from the carpet.

7 Q. Who do you understand took hair samples  
8 before you got there?  
9 A. It would either be David Mayne, or one  
10 of his associates.  
11 Q. David Mayne being the property person  
12 at the Rowlett Police Department; is that correct?  
13 A. He was working the crime scene when I  
14 arrived.  
15 Q. Okay. Aside from David Mayne, who do  
16 you recall being at the crime scene when you and your  
17 assistant arrived?  
18 A. Detective Patterson, Lieutenant Jim  
19 Cron, and there were several other Rowlett officers that I  
20 don't know their names.  
21 Q. Were they uniformed officers or plain  
22 clothes?  
23 A. There were at least two uniformed, yes,  
24 sir.  
25 Q. Do you know about how long Cron had

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1 been there?  
2 A. He told me he had been there since  
3 early on.  
4 Q. Okay. And, was he still there when you  
5 left?  
6 A. I don't recall.  
7 Q. Okay.  
8 A. I don't recall if he was or not.  
9 Q. Okay. In the den area, where the boys  
10 were found, besides blood and hair, did y'all collect any  
11 other kind of evidence?  
12 A. I asked -- or it was done, that a strip  
13 of carpeting behind the couch, between the couch and the  
14 glass doors to the back yard, was cut up and collected.  
15 Q. Why was that?  
16 A. There were what appeared to be some  
17 foot impressions on it, bloody foot impressions.  
18 Q. From a bare foot or a shoed foot?  
19 A. I don't know.  
20 Q. Were photographs made of that?  
21 A. Yes, sir.  
22 Q. Have you done any testing on that piece  
23 of carpet since you had it cut out?  
24 A. I have not, serology, or DNA may have.  
25 Q. Is that in the kind of shape where you

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1 will be able to determine whether it was made a bare foot  
2 or a shoed foot?

3 A. These were not distinguishable  
4 patterns. If it were a shoe, you couldn't include or  
5 exclude shoes, in my opinion. I would -- the more I think  
6 about it, I would have the opinion that it was a shoe,  
7 more likely than a bare foot.

8 Q. Other than the clippings for blood that  
9 you have talked about, was the handprint cut out, the  
10 small handprint?

11 A. Yes, it was.

12 Q. Was that done at your direction?

13 A. No, sir.

14 Q. Okay. The handprint was cut out, or  
15 the shoe print or the footprint, or that print behind the  
16 couch was cut out. Anything else that you recall being  
17 taken from the carpet there at the scene?

18 A. From the carpet itself?

19 Q. Yes.

20 A. Other than various blood samples, no,  
21 sir.

22 Q. What about glass, did you observe any  
23 glass on that carpet?

24 A. I didn't, no.

25 Q. Did you look for any glass on the

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1 carpet?

2 A. I looked for anything that may be  
3 there, and I don't recall glass being there. I was not  
4 specifically looking for glass.

5 Q. Okay. Did you find any blood on the  
6 wine rack?

7 A. I didn't, no.

8 Q. Do you know whether anyone else did?

9 A. No, I don't know.

10 Q. Any blood under the wine rack?

11 A. I don't know, I didn't look underneath  
12 it.

13 Q. You have indicated that you found a  
14 hair in the track where the -- if I understand you  
15 correctly, the window is raised up and down, there in the  
16 garage; is that correct?

17 A. That's right.

18 Q. Did you make any sort of investigation  
19 of the window -- in that garage area, how many windows, on  
20 the lower level, along that wall?

21 A. How many windows?

22 Q. Does that make sense? If you were to

23 go into the garage and raise the windows, how many windows  
24 would you raise?

25 A. At least two, there may have been

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1 three, I don't recall.

2 Q. Did you inspect the window, that was --  
3 where the screen was not cut, to see whether or not it was  
4 locked?

5 A. No, I didn't.

6 Q. If we assume, at this point Mr. Linch,  
7 that a person -- the intruder came into the house, through  
8 the screen, went into the house and stabbed these two  
9 children and Mrs. Routier and made his escape back out  
10 through the garage area, and back through the back window,  
11 which way would you expect the flap on the window screen  
12 to be?

13 A. It could be either way. In doing test  
14 cuts on that screen next to it, this rubbery material and  
15 the fiberglass that the screen cloth is made of is very  
16 elastic. So, you may go through one way and have it  
17 oscillate either way, and the way it ends up, is due to  
18 physics beyond my control.

19 Q. If a person had done that, would there  
20 necessarily have been blood on the windowsill, or on the  
21 window?

22 A. Could somebody who had bloody clothing  
23 get through there and not leave blood?

24 Q. Yes.

25 A. It may be possible.

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1 Q. Is it possible to know how bloody a  
2 person would even necessarily be, who did that?

3 A. Is it possible to know, having done  
4 this wounding, how bloody that individual would be?

5 Q. Yes.

6 A. I would for sure expect bloody hands,  
7 but beyond that would be speculation.

8 Q. With respect to going over a fence,  
9 would you expect to necessarily find blood or scuff marks  
10 on the fence, if a person went over a fence?

11 A. It may not be found. It may be so  
12 slight that you did not find it.

13 Q. The hair that you found, that has the  
14 same characteristics, I believe you testified as Mrs.  
15 Routier's, that was found some period of time after the  
16 screen was collected; is that correct?

17 A. The two screens were collected and the  
18 window was collected and the hair was found after the  
19 window had come to our laboratory, to the sheriff's  
20 department, the physical evidence section, and back to our  
21 laboratory. I was not necessarily looking for it, I was  
22 lifting the window to look for, again scratch defects, as  
23 was the original request, and then the hair was seen.  
24 Q. Okay. You found some material inside  
25 the butcher block; is that correct?

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1 A. Kathryn Long removed some material from  
2 inside the butcher block.

3 Q. Okay. The fiber or the fiberglass rod  
4 that you found on the knife --

5 A. Right.

6 Q. Is there any way to know how long that  
7 had been there?

8 A. No, sir.

9 Q. Are you presently aware, Mr. Linch, of  
10 any other type of material that a substance such as that  
11 might have come from, other than a window screen?

12 A. You are asking what other materials  
13 contain fiberglass?

14 Q. Well, yes, fiberglass with this  
15 rubberized, or whatever?

16 A. Well, I have looked at a number of  
17 items that are made with fiberglass, and the only one  
18 that -- it really wasn't even similar, but the fiberglass,  
19 in conjunction with the rubbery residue, is the inclusion  
20 or exclusion of these other items, and the diameter of the  
21 glass rod. Some black electrical tape has fiberglass in  
22 it, but the black sticky resin that accompanies that  
23 fiberglass, would be different, and would be discernible  
24 on a knife.

25 Q. Okay. With respect to the rate of

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1 travel that a person would have to go, and -- I'm not  
2 trying to be facetious, Mr. Linch, I know that you can't  
3 tell us in miles per hour, but can you give us some idea  
4 of how fast or slow a person, in your expectation, would  
5 be moving to leave the blood drops that you observed at  
6 the scene? Could it be a slow walk, a fast walk, or --

7 A. I would characterize it as a slow walk.

8 Q. Did you see any indication from the  
9 blood evidence that you saw out there that day, that  
10 anyone had run through the house while they were bleeding?

11 A. I'm sorry?  
12 Q. Did you see any indication of anyone  
13 having run through the house while they were bleeding?  
14 A. The only drop that I saw with any  
15 velocity, was on a wall heading toward the front door,  
16 lower portion of the wall, to the right, as you are going  
17 out the front door.  
18 Q. Do you recall whether or not there was  
19 any blood on the front steps of the house?  
20 A. The front steps?  
21 Q. Yes, sir.  
22 A. I don't recall.  
23 Q. Mr. Linch, you have indicated to us  
24 that after having viewed this scene -- well, first, let me  
25 ask you. You went out there on June the 6th. I believe

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1 you indicated that was the first time you went out there.  
2 How many other trips did you make?  
3 A. I made one other.  
4 Q. And about when was that?  
5 A. That would have been about the time  
6 that the crime scene was to be released. I don't recall  
7 the exact date.  
8 Q. Ten or 11 days later, or something like  
9 that?  
10 A. Sir?  
11 Q. Ten or 11 days later, something like  
12 that, would that be about right?  
13 A. Probably. It would be in the notes.  
14 Q. What did you do that time?  
15 A. It was a final visit to look at other  
16 items. We went out, specifically, we went out and looked  
17 at the back gate area, where the latch was, and there was  
18 some stained material that looked like blood, but was not  
19 blood. And also, in the driveway there were some dropped  
20 similar looking stained material that looked like blood,  
21 but was not blood.  
22 I went into the jacuzzi area, there in  
23 the back. So, it was just a general re-walk through type  
24 of visit.  
25 Q. Did you take any other evidence that

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1 day, that you recall?  
2 A. Kathryn Long took additional blood  
3 samples from the white carpet in the den.  
4 Q. So that carpet was still there at that

5 time?

6 A. Yes, sir, it was.

7 Q. Do you know when it was moved?

8 A. No, sir, I don't.

9 Q. On that visit, in taking samples from

10 the carpet, do you recall having seen any glass on that

11 carpet area?

12 A. No, I don't.

13 Q. A couple of things, Mr. Linch, and I'll

14 be through.

15 With respect to the size of the

16 fiberglass sample that you took from the knife.

17 A. Yes, sir.

18 Q. You told us the dimensions of it, but

19 that doesn't much mean anything to me. Can you compare it

20 to the size of something?

21 A. Yes. I also testified that it is about

22 half as thick as a thin, human hair.

23 Q. About how long would it have been?

24 A. Four times that thickness.

25 Q. Okay.

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1 A. So it's not really visible to the

2 unaided eye.

3 Q. Okay. You can see it with

4 magnification?

5 A. Only.

6 Q. Only.

7 A. Yes, sir.

8 Q. Okay. With respect to the area of the

9 sink, where you indicated that, in your opinion, that

10 there had been some clean up. How does the luminal

11 process work?

12 A. It works in a similar way that the

13 other presumptive blood testing works. It's that the iron

14 in hemoglobin is a very strong oxidizing agent, and if you

15 are able to cause the present iron to oxidize your reagent

16 chemical and get some type of reaction in the instance of

17 luminal, a fluorescence, not a fluorescence, but a

18 phosfluorescence, then any occult, or latent blood may be

19 visualized in darkness.

20 Q. Then, do you have to what, take an

21 infrared light or something?

22 A. No, sir, it is bright upon it's own.

23 Q. Okay. Were any photographs made of

24 that process, do you know?

25 A. I think there were.

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1 Q. Do you know who did that?

2 A. I believe that was done with the  
3 assistance of Richardson Police Department.

4 Q. Was that before you got there?

5 A. It was done in my absence.

6 Q. Okay.

7 A. It was done after my first visit.

8 Q. How much blood would there have had to  
9 have been there before there would be a reaction to the  
10 luminal?

11 A. You can't say. It's a very trace  
12 amount.

13 Q. Okay. Will it react to anything other  
14 than human blood?

15 A. Sure.

16 Q. What?

17 A. Copper will give a reaction, and that's  
18 the main one. There's some other items that I don't  
19 recall right offhand.

20 Q. Well, Mr. Linch, you have indicated to  
21 us that after you had visited the scene, looked at it and  
22 studied it, that it is your opinion that this scene had  
23 been staged or altered; is that correct?

24 A. That's right.

25 Q. Based upon your examination, if you

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1 would, please, tell us in light of that, what you believe  
2 happened to be consistent with the scene as you found it  
3 to be?

4 A. What do I believe the scenario was?

5 Q. Yes.

6

7 MR. GREG DAVIS: Well, you know, again,  
8 I'll ask that the witness testify, if he is capable of  
9 answering the question and feels qualified. If not, then  
10 I would expect the witness to tell the Court that.

11 THE WITNESS: The -- in not only with  
12 the scene, but in comparing body examination information  
13 of the children and other things, it is consistent with  
14 the older child being stabbed twice in the chest, at least  
15 twice in the chest, in the den area, in the floor. The  
16 younger child, it seems quite consistent with him  
17 receiving possibly some injury in the floor, and righting  
18 himself, and then coming around the couch, and either  
19 collapsing on his own, or being attacked again, and  
20 falling at that spot.

21 The sink area, it is clear that an  
22 adult stood there, after either doing self wounding, or  
23 after being wounded, and the blood being shed into the  
24 sink, and down the front of the sink, into the floor.  
25 After that -- and then at some point, the stainless steel

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1 portion of sink is cleaned.  
2 At the point when the blood is still  
3 wet, the wounded person comes out of the sink area, at  
4 least once. There is a wounded person walking from the  
5 kitchen sink area to the door, leading into the garage.  
6 The screen is consistent with having  
7 been cut from the outside, with someone with an arm  
8 stretch who can make a right to left, smooth,  
9 uninterrupted stroke. If you cut that screen and you stop  
10 at all, then you get significant jags. This is a very  
11 smooth cut.  
12 The screen is restabilized with the  
13 left hand, a cut is made perpendicular, and the bottom of  
14 that perpendicular cut, the rubberized material covering  
15 these fiberglass bundles is significantly denuded. By  
16 that I mean, there is more fiberglass bundle exposed, and  
17 therefore, that would be consistent more with a serrated  
18 knife than a straight edged knife.  
19 And, the other view of the crime scene  
20 is, there is obvious paramedic intervention and creation  
21 of some artifact.  
22  
23 BY MR. DOUGLAS PARKS:  
24 Q. Are you able to tell whether the  
25 wounded person at the sink, who made at least one trip

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1 away from the sink, was the same person, or could it have  
2 been a different person who made the trip to the utility  
3 room?  
4 A. It was a barefooted person.  
5 I'm sorry. I didn't understand your  
6 question. The person with the bare feet, could it have  
7 been the same or different going towards the door leaving  
8 the blood?  
9 Q. Yes.  
10 A. It could be the same or different.  
11 Q. Okay. But we know whoever it was  
12 barefooted?  
13 A. Sir?  
14 Q. We know whoever it was, was barefooted?

15 A. Going toward the door to the garage?  
16 Q. Yes.  
17 A. No, I don't know that.  
18 Q. Okay. Were you able to see any places  
19 in the kitchen area, let's say between the island and the  
20 wine rack, blood drops that appeared to you, to have been  
21 stepped in by the time you got there?  
22 A. I'm sorry, could you repeat that?  
23 Q. The blood drops on the floor, between  
24 the island in the kitchen, do you recall that?  
25 A. Yes, sir.

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1 Q. And the wine rack?  
2 A. Right.  
3 Q. Did you -- or, were you able to  
4 determine whether anybody had stepped in any of that blood  
5 before you got there?  
6 A. When you view blood at a scene where  
7 there has been police traffic, and paramedic traffic, you  
8 always have that in the back of your mind. There is  
9 always artifact creation. From what I saw, it didn't seem  
10 to be significantly disturbed while wet. While dry, I  
11 don't know.  
12 Q. Okay. On the wine rack, Dr. Linch, did  
13 you see any glass on that wine rack?  
14 A. I'm not a doctor. But, did I see any  
15 wine glasses on the rack?  
16 Q. No, any glass on the wine rack? Broken  
17 glass?  
18 A. Oh, no, I didn't.  
19 Q. Had the glass been removed before you  
20 got there, or did you see the broken wine glass yourself?  
21 A. There was glass fragments still in the  
22 floor when I got there.  
23 Q. Okay. What about the stem and base, do  
24 you remember seeing that?  
25 A. I don't recall if it was still there or

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1 not.  
2 Q. Okay.  
3  
4 MR. DOUGLAS PARKS: That's all I have,  
5 your Honor.  
6  
7  
8 REDIRECT EXAMINATION

9

10 BY MR. GREG DAVIS:

11 Q. Mr. Linch, just one question. About  
12 the cap that was found in the utility room that was  
13 submitted to you for analysis, did you find any hairs  
14 inside the cap?

15 A. Yes, I did.

16 Q. And, were you submitted a head hair  
17 from the body of Devon Routier?

18 A. Yes, sir.

19 Q. And, did you make a comparison between  
20 the hair that you found inside of that baseball cap with a  
21 head hair from Devon Routier?

22 A. Yes, I did.

23 Q. And, what was the result of your  
24 comparison?

25 A. The hair was consistent with one of the

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1 children, I can't remember which, you have my notes.

2 Q. So it's either consistent with Devon or  
3 Damon Routier; is that correct?

4 A. That's right.

5

6 MR. GREG DAVIS: No further questions.

7 MR. DOUGLAS PARKS: Nothing further,  
8 your Honor.

9 THE COURT: All right. You may step  
10 down.

11 MR. DOUGLAS PARKS: We would agree that  
12 Mr. Linch can be excused.

13 THE COURT: Thank you, sir.

14 MR. DOUGLAS PARKS: He has been here a  
15 day and a half, Judge.

16 THE COURT: Thank you.

17 MR. GREG DAVIS: The State will call,  
18 Darin Routier.

19

20

21

22

23

24

25

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1 Whereupon,

2

3 DARIN ROUTIER,

4

5 was called as a witness, for the State of Texas, having  
6 been first duly sworn by the Court to speak the truth, the  
7 whole truth, and nothing but the truth, testified in open  
8 court, as follows:

9

10

11 DIRECT EXAMINATION

12

13 BY MR. GREG DAVIS:

14 Q. Please state your name.

15 A. Darin Eugene Routier.

16 Q. Are you the same Darin Routier who has  
17 testified previously in this case; is that right?

18 A. Yes, sir.

19 Q. Mr. Routier, let me ask you, on June  
20 the 14th of 1996, did you and the defendant, Darlie  
21 Routier, go to your sons' graves?

22 A. Once in the morning and once at night.

23 Q. All right. So you were there during  
24 the afternoon of June the 14th; is that correct?

25 A. Yes, sir.

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1 Q. While you were there was there a camera  
2 man there from KXAS, Channel 5?

3 A. In the evening there was.

4 Q. Do you remember also, during that  
5 period of time, that same cameraman actually videotaping a  
6 portion of what was happening out there at the grave site?

7 A. Yes, sir.

8 Q. Did you and your wife, the defendant in  
9 this case, actually give a videotaped interview to Joe  
10 Munoz, of Channel 5? Do you remember that?

11 A. Yes, it was a -- kind of a small  
12 interview, yeah.

13 Q. Okay.

14 A. We did speak to him for a minute.

15 Q. Mr. Routier, if I showed you a  
16 videotape of those proceedings, could you tell me whether  
17 this videotape truly and accurately depicts what happened  
18 out there on June 14th? If you would, please look at the  
19 videotape I'm showing to you now, please, sir.

20

21 (Whereupon, the video

22 taped interview

23 was played in open

24 court, and the

25 proceedings are

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1 a non verbatim  
2 transcript, of the  
3 video as follows:)

4

5 (Inaudible.)

6

7 DARLIE ROUTIER: "We can't let -- you

8 know --" (Inaudible.)

9 THE COMMENTATOR: "The flag, I mean,

10 why? What was it?"

11 DARIN ROUTIER: "Well, the significance

12 of the flag is that on Memorial Day we were down the

13 street, and we were all leaving to go home, we had had a

14 barbecue with the family and swimming in the back yard and

15 stuff over at her mom's house, and I went to the front to

16 load up the truck, I mean, I opened up the back hatch and

17 there was two American flags in there. And, I said,

18 'Damon, where did you get these flags?'

19 "And he said, 'I got them down the

20 street.'

21 "And I said, 'Well, I saw those flags

22 when we drove up.' I said, 'Those don't belong to you.'

23 "And he said, 'I know.'

24 "And I said, 'Well, then you can take

25 them back.'

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1 "Well, he had walked about two doors  
2 down instead of four, and he said -- you know, I told him,  
3 you need to take those back, because, I said, 'The police  
4 are going to get you. You cannot steal stuff out of  
5 somebody's yard.'

6 "And he said, 'Well, Daddy, I just  
7 wanted them for my clubhouse.'

8 "And I said, 'Well, I'll buy you some,  
9 I'll get you some. We will get you some for your  
10 clubhouse, but I want you to take those back, because  
11 those people are going to miss them.'

12 "So, that is what he did, but he just  
13 went about two doors down and just stuck one of them in  
14 the ground, and then he laid the other one on the grass,  
15 because he was lazy, just like any typical kid. And I was  
16 watching him, and I pointed my finger at him, and he knew  
17 that if he was going to satisfy me he would have to put  
18 them back exactly the way they were. So, that was the

19 story on the flags."  
20 THE COMMENTATOR: "They were good  
21 kids."  
22 DARIN ROUTIER: "They were good kids  
23 and we tried to teach them right. We didn't teach them  
24 anything that -- we didn't teach them anybody was bad,  
25 they still believed in other things that we are taught as

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1 kids."  
2 DARLIE ROUTIER: "They believed that  
3 everything was equal. (Inaudible.) They did not see the  
4 world clearly as adults have to see it. They saw it as,  
5 'Okay, I'm just like you and you are just like me.'  
6 "And that is really the way they were."  
7 DARIN ROUTIER: "They never looked --  
8 (inaudible) but they would try --"  
9 DARLIE ROUTIER: "They were giving,  
10 they were very giving."  
11 DARIN ROUTIER: "Right. When the  
12 Rowlett Needy Children's Fund started and we went to the  
13 house at Christmas time, they were willing to go home --  
14 they wanted to go home and they wanted to take all their  
15 old toys and they wanted to take any toy, I mean, you  
16 know, plus we bought new toys that were going to take up  
17 there to them, and they just wanted to do that. I mean,  
18 they were just giving type people. I mean, they learned  
19 that from us, but we saw it through them."  
20 THE COMMENTATOR: "Your sweetest memory  
21 of these boys."  
22 DARLIE ROUTIER: "I have got a lot of  
23 sweet memories. I could talk to you for days and days and  
24 days. You would have to come and spend a -- come and move  
25 in. But, um --"

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1 DARIN ROUTIER: "How about the --"  
2 DARLIE ROUTIER: "No, we can't tell  
3 them that."  
4 DARIN ROUTIER: "Well, what about the  
5 videotape?"  
6 DARLIE ROUTIER: "The 'Home Alone  
7 House' was a sweet story."  
8 DARIN ROUTIER: "Yeah."  
9 DARLIE ROUTIER: "When we first bought  
10 this house -- this is so sad, because -- I mean it's sad  
11 but it's sweet, because it is just the way they were.  
12 But, when we bought this house, and we were having it

13 built, the movie 'Home Alone' had come out. And, they  
14 just loved that movie. They thought it was, you know,  
15 just the all time movie. And so, they kept calling our  
16 house the 'Home Alone House.' And they kept telling  
17 everybody, 'This is our Home Alone House, This is our Home  
18 Alone House.'  
19 "And, they said, 'Mommy, when we get in  
20 the Home Alone House, we want to take a sled and go down  
21 the stairs like he did in the Home Alone House.'  
22 "And I mean, I was saying, 'Oh, no, you  
23 can't do that, you can't do that.'  
24 "And you know what, if they were here  
25 now, I would let them do it."

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1 DARIN ROUTIER: "Well, they would, to  
2 an extent, they would get in a pillow, and they would sit  
3 and drive a pillow, with the soft part on their rear end,  
4 and then they would go, bump, bump, bump, all the way down  
5 the stairs, until they would get to the bottom.  
6 "It wasn't straight, it was at an angle,  
7 the staircase."  
8 "And our house was not as big as the one  
9 in 'Home Alone,' but that was how they would describe it,  
10 because of the fact they would -- that is how they would  
11 describe it, because of the fact that they -- I mean, they  
12 were little when they moved into that house. I mean, that  
13 was three years ago. And, you know, when you are four  
14 years old, and they recollect things, and we recollect  
15 things, it was just a couple of weeks ago that we had  
16 pulled the video camera out, and I finally got it working  
17 again, and we were watching the videotapes of when they  
18 were that little, and Damon could hardly talk. And you  
19 know, Courtney has been a big part of their lives too,  
20 because there have experienced Christmases and  
21 Thanksgivings together. And I mean, we did that with all  
22 of our friends and all of our family. I mean, all of our  
23 friends are our family."  
24 "Because when you are -- a lot of times  
25 you come from another place, and you come to Dallas, the

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1 friends that you have around you are your family away from  
2 your real family."  
3 THE COMMENTATOR: "Let me ask you. Why  
4 the balloons? Why all of this now?"  
5 DARLIE ROUTIER: "Well, because, even  
6 though we are sad because Devon and Damon aren't here, we

7 try to hang on to what we can, to get us through these  
8 times."  
9 "And, if you knew Devon and Damon, you  
10 would know that they are up in heaven, and they are up  
11 there having the biggest birthday party that we could ever  
12 imagine. And they would not want us to be down here being  
13 sad, even though our hearts are breaking, I know that  
14 Devon and Damon would want us to be happy. They wouldn't  
15 want us to be crying, and they wouldn't want us to be --  
16 well, not to -- not to be happy. They would want us to  
17 celebrate as if we were with them, because in a way they  
18 are with us, because they will always be with us, no  
19 matter what we are doing, no matter what we are thinking,  
20 they will always be a part of all of us. And not just  
21 Darin and I, but they have touched a lot of people."  
22 THE COMMENTATOR: "What do you think  
23 about the man who did this?"  
24 DARIN ROUTIER: "We won't get into  
25 that."

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1 THE COMMENTATOR: "No, I mean what do  
2 you feel? Your emotion. What do you feel when you think  
3 about what happened?"  
4 DARLIE ROUTIER: "We get very sad. We  
5 cry a lot. We get sick. We get very angry. We get very  
6 angry because this person is still out there, and he is  
7 doing whatever he wants to do, and we are just like in a  
8 time warp. It's like we are walking in Limbo. We don't  
9 know whether we are coming or going, you know. And he is  
10 free. He is free to do whatever he wants. But I know  
11 that he is not going to be free for long, and I feel  
12 that -- I feel the, you know, the support, and the hard  
13 work that these detectives and policemen are putting into  
14 this is incredible. It's just, it's just beyond the call.  
15 I mean --"  
16 DARIN ROUTIER: "They are using some  
17 high tech stuff on this investigation. Stuff that I  
18 wouldn't believe, and hadn't even seen in the movies.  
19 But, they are taking, absolutely no -- they are sparing no  
20 expense. I mean, they are doing the most and the best job  
21 that they possibly can. And --"  
22 DARLIE ROUTIER: "They will find him."  
23 DARIN ROUTIER: "They are going to find  
24 him."  
25 DARLIE ROUTIER: "They are going to

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1 find him. We are having prayer groups everywhere.  
2 Everybody is praying. I said God's hot line must be --  
3 you know must be swamped, because everybody everywhere is  
4 praying, and we can feel it."  
5 (Inaudible.)  
6 THE COMMENTATOR: "What do you remember  
7 from that night?"  
8 DARIN ROUTIER: "Fear."  
9 DARLIE ROUTIER: "Fear and pain.  
10 "But you know, even when I was -- what  
11 had happened to me, I didn't feel anything because I was  
12 in shock. But, I wasn't thinking about me. All I was  
13 thinking about was trying to save the babies. I mean,  
14 Darin and I tried to save the babies, but it was too late.  
15 But we tried. We tried, and we have to live with that  
16 forever."  
17 DARIN ROUTIER: "We have to live with  
18 what we saw, what we saw in their eyes."  
19 DARLIE ROUTIER: "Nobody, nobody can  
20 ever imagine."  
21 DARIN ROUTIER: "It happened so fast  
22 that not anybody could have done anything about trying to  
23 save them any faster than what I could. I mean, you just  
24 keep going over it, and you, what if it, and what if I had  
25 done this, and what if I had done this, but if you have

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1 never lived in fear, then you will never know --"  
2 DARLIE ROUTIER: "You never think of  
3 those things."  
4 (Inaudible.)  
5 DARLIE ROUTIER: "You know, people --"  
6 DARIN ROUTIER: "We understand anger,  
7 but we didn't teach it."  
8 DARLIE ROUTIER: "No. People,  
9 unfortunately in our world, gossip is the biggest evil in  
10 the world, and unfortunately there is nothing you can do  
11 to stop it. And, we are not going to make an issue out of  
12 this, because anybody that knows us, knows how we were,  
13 how we lived. You know, they know the story, and we don't  
14 have to explain ourselves to anybody."  
15 DARIN ROUTIER: "If they don't know us,  
16 then it doesn't matter. They can't do anything to us.  
17 They can't damage us any worse than what we are."  
18 THE COMMENTATOR: "Bottom line, what  
19 would you want to say to the person who did this?"  
20 DARIN ROUTIER: "Hopefully we can get  
21 into that when we catch him."  
22 DARLIE ROUTIER: "I think he is a

23 coward. I think he is a coward because he went after  
24 two -- he went after something that was so innocent, they  
25 couldn't fight back, and then he tried to turn to me, but

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1 he had to go to them first, and to me, that is such a  
2 cowardness."

3 DARIN ROUTIER: "What kind of animal  
4 goes after a weak sheep, that is asleep, is completely  
5 lifeless, and attacks the weakest person in the room  
6 first, to be able to get off on whatever he was thinking  
7 that he was going to accomplish. I mean, I kept hoping  
8 and praying that this guy had stolen something out of my  
9 house, that he picked me and my family because I had more  
10 than some, or had more than this person. That way, I  
11 could, in my heart think that well, living large is the  
12 reason why we got targeted."

13 THE COMMENTATOR: "Now you don't know  
14 why."

15 DARIN ROUTIER: "Now we don't know why.  
16 Now we know that this is a sick individual that took  
17 absolutely nothing from our house, but took the two most  
18 important things, that were important to us, away from us.  
19 That is the part we don't understand. That is the part  
20 that we may never understand. (Inaudible.) But our goal  
21 now in our lives is to live our lives the way that God  
22 wants us to. So, that we can be with our boys again, and  
23 they will still be five and they will still be seven, and  
24 they will still be playing and fighting."  
25 (END OF TAPE)

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1  
2 BY MR. GREG DAVIS:  
3 Q. Mr. Routier, let me just ask you now,  
4 does State's Exhibit No. 27 accurately depict what  
5 occurred there on June the 14th?

6 A. Yes, sir.

7 Q. Okay.

8

9 MR. GREG DAVIS: Your Honor, at this  
10 time, we will offer State's Exhibit No. 27.

11 MR. DOUGLAS PARKS: No objection for  
12 the purposes of this hearing.

13 THE COURT: Received.

14

15 (Whereupon, the above  
16 mentioned item was

17 received in evidence  
18 for all purposes, after  
19 which time, the  
20 proceedings were  
21 resumed as follows:)  
22

23 MR. GREG DAVIS: No further questions.

24 MR. DOUGLAS PARKS: No questions.

25 THE COURT: All right.

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1 MR. GREG DAVIS: The State will rest.

2 MR. DOUGLAS PARKS: We will call Jim

3 Cron.

4 MR. GREG DAVIS: The State will object

5 to that. May we approach the bench, please?

6 THE COURT: Sure.

7 MR. GREG DAVIS: Well, I'll make my

8 argument from here. I don't think that the law

9 contemplates that the defense at this time is entitled to

10 go into a full-fledged discovery hearing. I don't know if

11 the law requires you to allow them to put any evidence on

12 at this time.

13 The entire burden in this hearing is

14 on the State of Texas. I feel like the State of Texas has

15 met it's burden. If the defense has any right at all, I

16 believe, in this hearing, they have the right to put on

17 evidence that they believe to be exculpatory or

18 mitigating. That is not what is about to occur.

19 If you will inquire of Counsel, you

20 will find that Counsel has not talked with any of the

21 witnesses that they are about to attempt to call on this

22 hearing. They have no idea whether these people have

23 exculpatory or mitigating testimony to give. And what we

24 are about to do is, we're about to launch off, into a two

25 week deposition, and I would submit that is not what the

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1 law contemplates.

2 MR. DOUGLAS PARKS: Well, in response,

3 Judge, I would make the same invitation that Mr. Davis

4 made to the defense just a few minutes ago. If he has got

5 some law that says that we're not entitled to that, then

6 he ought to trot it out for the Court.

7 MR. GREG DAVIS: I don't have to. You

8 see, the law says, and the case law very clearly says,

9 that the burden of proof is on the State of Texas.

10 MR. DOUGLAS PARKS: Well, the burden of

11 proof is on the State of Texas during the course of the  
12 trial. It doesn't keep the defense from putting up  
13 evidence, in order to try to persuade the fact-finder to a  
14 different view.

15 THE COURT: Who is Mr. Cron?

16 MR. DOUGLAS PARKS: Mr. Cron is a  
17 retired Dallas Deputy Sheriff who was called to the scene.  
18 If you will recall, Charlie Linch indicated that he was  
19 out there doing blood work and crime scene work.

20 MR. GREG DAVIS: Mr. Cron is one of my  
21 witnesses. He is the witness that was called by Rowlett  
22 to help in the crime scene search of that residence. In  
23 no way is he a defense witness. If the defense were  
24 really serious in trying to put on something, we would see  
25 witnesses coming from the defense, but we're not.

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1 THE COURT: Well, gentlemen, I'm about  
2 to recess this, and I would appreciate Counsel meeting me  
3 in chambers.

4 MR. GREG DAVIS: Yes, sir.

5 MR. DOUGLAS PARKS: Yes, sir.

6 THE COURT: We will talk about this  
7 then in chambers. We will be in recess until about 2:30.

8

9

10 (Whereupon, a short

11 Recess was taken,

12 After which time,

13 The proceedings were

14 Resumed on the record,

15 In the presence and

16 Hearing of the defendant

17 And the defendant, as follows:)

18

19

20 THE COURT: All right. Let's go back

21 on the record in the Darlie Routier case.

22 Okay. We will resume F-96-39972 and

23 973. The defendant and her counsel, and the State's

24 attorney are present, the State has rested, what says the

25 defense?

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1 MR. DOUGLAS PARKS: Your Honor, again

2 we would call Jim Cron as our first witness. The Court

3 having given an indication that the Court is not inclined

4 to allow the defense to call Jim Cron, I would then

5 suggest respectfully to the Court, that in the event we  
6 were allowed to call Jim Cron, that he would testify that  
7 he is a retired lieutenant from the Dallas Police -- the  
8 Dallas Sheriff's department, that he has many years on the  
9 job, and he is a trace evidence and forensic  
10 scientist-type expert. That he was called to the scene of  
11 the crime, on June the 6th, 1996 by someone in authority  
12 in the Rowlett Police Department.  
13 That as a result of that call, he went  
14 to the scene. He did various investigatory tasks. I  
15 believe that he would testify that he collected blood  
16 samples, that he took photographs, and that he  
17 investigated the scene thoroughly.  
18 In cross examination, I believe that  
19 the defense will be able to more clearly place the scene  
20 of the crime before the Court, so that the Court could  
21 better evaluate the credibility and the believability of  
22 the State's witnesses on direct, with respect to,  
23 particularly the blood and other trace evidence.  
24 We believe that his testimony would be  
25 both helpful to the Court, and very likely, depending

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1 on -- because of the nature of this crime scene, very  
2 likely be, to some extent at least, contrary to the  
3 testimony of the State's witnesses on direct.  
4 And, I would respectfully request the  
5 Court to allow us to put Mr. Cron on.  
6 THE COURT: Are you in a position of  
7 suggesting how it might be contrary to earlier theories  
8 advanced by statements?  
9 MR. DOUGLAS PARKS: Well, no.  
10 THE COURT: I'm not asking you to do it  
11 with direct precision, but --  
12 MR. DOUGLAS PARKS: I cannot tell the  
13 Court that I can specifically say to you, what particular  
14 evidence Mr. Cron would speak to, is contrary to what the  
15 State's evidence has already been. I couldn't know that  
16 without hearing his testimony.  
17 THE COURT: And as I understand the  
18 defense position is, that this particular witness and some  
19 others, you have been unable to talk directly with, up to  
20 this point.  
21 MR. DOUGLAS PARKS: It is my  
22 understanding, your Honor, that this particular witness,  
23 along with the other witnesses about whom I will speak,  
24 have either been instructed, or have indicated that they  
25 will not talk to the defense, unless a representative of

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1 the district attorney's office is present. Which we  
2 consider to be a refusal to speak to us at all.  
3 We don't follow the district attorney  
4 around, and we wouldn't expect him to follow us around.  
5 THE COURT: Well, would the State like  
6 to be heard?  
7 MR. GREG DAVIS: Yes, sir. If I may  
8 respond to the last point. The State has made an offer to  
9 the defense, on more than one occasion, to make  
10 paramedics, police officers and the like available to the  
11 defense for interviews, with a stipulation that some  
12 employee of the district attorney's office be present. On  
13 each occasion where we have made that offer, that has been  
14 refused, and turned down by the defense.  
15 I would like to, either directly ask  
16 Counsel, or have the Court ask Counsel, what the basis for  
17 his belief is that retired Lieutenant Cron took  
18 photographs, or took blood samples from that residence,  
19 since he has not spoken with Lieutenant Cron.  
20 I fail to see the basis for that  
21 assertion, and either through the Court's questioning, or  
22 my own, I would like to hear what the basis of that belief  
23 is. Because I don't think that assertion -- I don't see  
24 how that assertion can be made by Counsel at this point.  
25 He is not in any position to make that assertion, in good

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1 faith, and --  
2 MR. DOUGLAS PARKS: Well, I listened to  
3 Charlie Linch testify.  
4 MR. GREG DAVIS: Well, I listened to  
5 him also, and I didn't hear Charlie Linch say anything  
6 about Cron taking photographs or samples. But I think  
7 again, just to sum this up, I have heard nothing from  
8 Counsel that would indicate that this witness has any  
9 exculpatory or mitigating testimony to give. This is just  
10 speculation or guess-work on the part of Counsel. And I  
11 would suggest to the Court that what we would be engaging  
12 in is just sheer discovery, a fishing expedition, and for  
13 that reason, I would ask that the Court deny this request.  
14 THE COURT: Anything else?  
15 MR. DOUGLAS PARKS: Not before the  
16 Court's ruling.  
17 THE COURT: Okay. The defense request  
18 to -- Cron, how do you spell that?  
19 MR. DOUGLAS PARKS: Jim Cron, C-R-O-N,  
20 your Honor.

21 THE COURT: Mr. Cron, that request is  
22 denied.  
23 MR. DOUGLAS PARKS: Your Honor, may we  
24 call Jim Cron to the stand, so that we may make a record,  
25 and ask him those questions that we would have asked him,

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1 for the purposes of the hearing to make our record?  
2 THE COURT: Well, that wouldn't -- what  
3 purpose is that going to serve? If the fact-finder isn't  
4 going to be able to consider it?  
5 MR. DOUGLAS PARKS: So that the Court  
6 of Appeals can determine whether or not we should have  
7 been allowed, your Honor, to hear his testimony.  
8 THE COURT: In the event it develops  
9 that there is something that is beneficial to the defense?  
10 MR. DOUGLAS PARKS: Yes, sir.  
11 THE COURT: Okay. I'm not out right  
12 denying your opportunity to do that, I'm just not going to  
13 grant that at this time. If you will remind me, we will  
14 make sure your record is developed fully. Okay?  
15 MR. DOUGLAS PARKS: Yes, sir.  
16 THE COURT: Who else do you want to  
17 call?  
18 MR. DOUGLAS PARKS: Please the Court,  
19 we will now call Sergeant Matt Walling, and we would  
20 respectfully suggest to the Court that in the event that  
21 Sergeant Walling is called to testify, that he would  
22 testify that he is a sergeant with the Rowlett Police  
23 Department, that he was the second person on the scene.  
24 That he entered the house with Officer Waddell. That he  
25 viewed the scene, as he saw it, and proceeded with Officer

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1 Waddell to the back of the house, in search of an  
2 intruder.  
3 We would hope to develop through  
4 Sergeant Walling, since we have not been able to up to  
5 this point in time, who was responsible for the  
6 preservation of the scene, and I would respectfully  
7 suggest to the Court that Sergeant Walling could tell us  
8 that.  
9 Essentially, the same argument with  
10 respect to Jim Cron. This is a person who was probably  
11 the second person on the scene, has not been called by the  
12 State, even though this is a motion upon which they have  
13 the burden of proof.  
14 We believe that if Sergeant Walling

15 were to testify, that his testimony would indicate  
16 matters contradicting the testimony of Officer Waddell,  
17 and/or other State's witnesses, that would impact the  
18 Court's view of the credibility of the State's case, and  
19 would make less likely, the Court's belief that there has  
20 been sufficient evidence to hold this defendant without  
21 bond. And, we respectfully ask the Court to allow us to  
22 call Sergeant Walling.

23 MR. GREG DAVIS: Well, Your Honor, I  
24 would have the same argument as I made with respect to  
25 Lieutenant Cron, that is again, I know of no basis, how

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1 Counsel can state that Sergeant Walling would in any way  
2 contradict or impeach any of the testimony given by  
3 Officer Waddell in this case. I don't think that  
4 assertion can be made in good faith to this Court, based  
5 on what Counsel knows concerning the activities or the  
6 prospective testimony of Sergeant Walling.

7 And again, this is going to be a  
8 discovery expedition. And, I would also say that, just as  
9 an overview here, you know the State gets to make the  
10 decision as to how it meets its burden of proof. I may do  
11 that through one witness or one hundred witnesses. So,  
12 the fact that I don't call Sergeant Walling has no bearing  
13 in this case, with regards to what I should have done, or  
14 what he would like for me to do, what Counsel would like  
15 for me to do. Again, the same argument as with Cron.

16 THE COURT: At this point, do you have  
17 anything that you can suggest to me, that will indicate  
18 some area of contradiction other than presumptively, any  
19 two people observing the same event would tell it with at  
20 least some difference.

21 MR. DOUGLAS PARKS: Just my life  
22 experience, Judge.

23 THE COURT: Okay.

24 MR. DOUGLAS PARKS: You know that --

25 THE COURT: All right. Well, your

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1 request to call Sergeant Walling of the Rowlett Police  
2 Department is declined.

3 MR. DOUGLAS PARKS: And we would make  
4 the same request with regard to Sergeant Walling, calling  
5 him for the purposes of making our bill.

6 THE COURT: That request is denied at  
7 this point, but you will be given the opportunity to  
8 perfect a bill.

9 MR. DOUGLAS PARKS: Your Honor, the  
10 defense would call Detective Chris Frosch. And we would  
11 respectfully suggest to the Court, that if Detective  
12 Frosch were to testify, that he would testify that he is  
13 the partner of Detective Jimmy Patterson, to whom this  
14 case was assigned. That he worked both with, and in  
15 conjunction with Detective Patterson in interviewing  
16 witnesses, in interviewing perhaps this defendant, and  
17 certainly her husband.  
18 We believe that if Detective Frosch  
19 were to testify that he would testify to items  
20 contradictory to or casting doubt upon some elements of  
21 the State's case, that would make it likely that this  
22 Court would -- or at least likely that the Court would  
23 view the testimony of the State's witnesses, that it has  
24 already heard, in a light less credible than that in the  
25 present state of the case.

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1 Detective Frosch was active in the  
2 investigation of this case, and we believe that his  
3 testimony is necessary to a full and complete hearing of  
4 this matter, and we would respectfully request the ability  
5 to call him.

6 MR. GREG DAVIS: Well, again, I don't  
7 know how Counsel can make a statement that he believes  
8 Frosch would testify to items contrary to other witnesses  
9 presented by the State. Other than -- I don't know what  
10 he is basing that on, other than life experience again.  
11 So, again we have the same argument that we have  
12 previously made.

13 THE COURT: Your request to call  
14 Sergeant Frosch?

15 MR. DOUGLAS PARKS: Detective Frosch.  
16 F-R-O-S-C-H.

17 THE COURT: Okay. That request is  
18 declined. I will give you the opportunity to develop the  
19 bill.

20 MR. DOUGLAS PARKS: Your Honor, we  
21 would next call paramedic, Brian Koshack, and I am not  
22 sure of the spelling, I believe it is K-O-S-H-A-C-K.  
23 The defense believes that if paramedic  
24 Koshack were called to testify, that he would testify that  
25 he was on one of the two responding ambulances that came

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1 to the scene on Eagle, on June 6th, 1996.  
2 He could testify as to the activities

3 of he and other paramedics, with respect to the treatment  
4 attempted on the children, where in the house they went,  
5 what part of the scene, if any, they stomped through, and  
6 essentially place the crime scene itself in a better  
7 perspective for the Court to be able to determine, through  
8 their eyes, as almost the first people on the scene, what  
9 the scene was originally and before police officers and  
10 other people came through the scene, since this is a case  
11 relying entirely upon circumstantial evidence.  
12 The scene, as early as possible, being  
13 developed would seem to me to be necessary for the Court's  
14 full consideration of the issue before the Court today,  
15 and we would like to call him, and in order to move this  
16 along, somewhat, your Honor, with respect to that and the  
17 paramedics.  
18 We would ask not only to call Brian  
19 Koshack, but to call Captain Dennis Vrana, V-R-A-N-A; Jack  
20 Kolbye, C-O-L-B-Y (sic); Rick Coleman, C-O-L-E-M-A-N; Mike  
21 Youngblood and Todd Higgins.  
22 All of whom essentially could provide  
23 the same sort of testimony that I have just described,  
24 with respect to paramedic Brian Koshack.  
25 MR. GREG DAVIS: And, again, I would

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1 reurge the same argument that I have previously made, with  
2 the addition: I believe the record or the Court's file  
3 will reflect that previous to this date, that Counsel has  
4 had the opportunity to take the oral depositions of two  
5 paramedics employed by Rowlett Fire Department, Eric  
6 Zimmerman, and Larry Byford.  
7 With that, I'll rest.  
8 THE COURT: The request to call  
9 Koshack, Kolbye, the other two or three that you  
10 mentioned, unless there is some showing that can be made,  
11 such as I requested on Cron and Walling, the ruling is,  
12 that you may not call those witnesses at this time.  
13 MR. DOUGLAS PARKS: Yes, sir.  
14 THE COURT: You will be given an  
15 opportunity to develop your bill.  
16 MR. DOUGLAS PARKS: Yes, sir. Thank  
17 you, your Honor.  
18 Finally, your Honor, we would call  
19 Sergeant David Nabors of the Rowlett Police Department,  
20 and, Officer Jeff Craig of the Richardson Police  
21 Department, both of whom are crime scene persons.  
22 I believe that Sergeant David Nabors  
23 was in charge of the crime scene for the Rowlett Police  
24 Department, and that he or someone else in authority, with

25 the Rowlett Police Department called Jeff Craig, of the

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1 Richardson Police Department, to come to the scene.  
2 We believe that their testimony would  
3 be very like the testimony of Lieutenant Jim Cron, and we  
4 respectfully request the Court allow us to put that  
5 testimony on.

6 MR. GREG DAVIS: Again, I would reurge  
7 the same argument to the Court.

8 THE COURT: Other than whatever the  
9 record presently shows about the participation of any --  
10 of either Nabors or Craig, do you have anything specific  
11 that you can advance?

12 MR. DOUGLAS PARKS: No, your Honor.

13 THE COURT: The request to call Nabors  
14 and Craig is denied at this hearing.

15 Counsel, the State has offered  
16 apparently to give the defense access to these witnesses  
17 if they are present.

18 Do you want me to recess this and let  
19 you take them up? You can have an opportunity. It may or  
20 may not develop some of the matters that I have indicated  
21 that I would be prepared to hear, if I can know in advance  
22 that there is some real likelihood of it being developed.

23 MR. DOUGLAS PARKS: Yes, sir, if the  
24 Court is offering us a recess at this time to interview  
25 some of these people, we would take that up.

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1 THE COURT: Well, I thought I heard Mr.  
2 Davis for the State indicating that you have had that --  
3 that there has been an outstanding offer.

4 MR. DOUGLAS PARKS: Yes, sir, and we  
5 would be glad to avail ourselves of it.

6 THE COURT: Do you think that it might  
7 be appropriate for another short recess, and let you  
8 lawyers talk, and see if you can work out any kind of  
9 schedule? It strikes me that is not very valid to start a  
10 hearing and not try to get it completed.

11 MR. GREG DAVIS: Well, just so I am  
12 clear, is this -- Counsel's proffer to interview these  
13 people, in lieu of taking oral depositions?

14 MR. DOUGLAS PARKS: No, sir.

15 MR. GREG DAVIS: Well, I know, the  
16 offer made --

17 THE COURT: Well, excuse me, Counsel.

18 MR. GREG DAVIS: Yes, sir.

19 THE COURT: I take it that the defense  
20 position then is, unless it is a formal deposition, that  
21 you do not want to take advantage of the opportunity to  
22 discuss whatever these witnesses might know, or whatever  
23 they might tell you about, as long as there was a State's  
24 representative present?

25 MR. DOUGLAS PARKS: No, what I'm

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1 saying, Judge, what I will say, Judge, to the Court, and  
2 to Mr. Davis is, that I will be glad to talk to these  
3 people, find out what they know, and after having done  
4 that, it may be that I will not take their oral  
5 deposition, but I will not commit to not taking their  
6 deposition, sight unseen.

7 MR. GREG DAVIS: Well, the State's  
8 offer has always been the same as I'll state it now.  
9 We will offer these people for  
10 interviews by defense counsel, in lieu of oral  
11 depositions. That is how this whole matter started.  
12 When I made the offer, that was not  
13 good enough, so that oral depositions were started in this  
14 case, and I'm not going to be put in the position of  
15 having them interview the people, and then, turning  
16 around, and taking a half a day of my time, and the  
17 State's time to then take their oral depositions.

18 THE COURT: Well, the State's position  
19 was that, a non-depositional interview is in lieu of the  
20 deposition; is that correct?

21 MR. GREG DAVIS: Yes, sir, that is  
22 true.

23 THE COURT: I didn't understand --

24 MR. GREG DAVIS: Yes, sir, that is the  
25 condition.

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1 MR. DOUGLAS PARKS: Judge, there is a  
2 civil --

3 THE COURT: So, I gather that his offer  
4 is under terms unacceptable to the defense?

5 MR. DOUGLAS PARKS: Yes, sir.

6 THE COURT: So it looks like that  
7 it's --

8 MR. DOUGLAS PARKS: Well, there is a  
9 civil case that is going on at the same time, and I cannot  
10 afford to waive my right to take depositions in that case.

11 THE COURT: Well, this hearing is not  
12 concerned with the civil cases.

13 MR. DOUGLAS PARKS: I understand that,  
14 Judge.

15 THE COURT: Well, the defense request  
16 to call persons that were not called by the State, that  
17 apparently were at or near the crime scene at relevant  
18 times, at this point in time, this has been declined by  
19 the Court.

20 You got anybody else you want to call?

21 MR. DOUGLAS PARKS: No, sir, that  
22 completes our list of witnesses at this time.

23 THE COURT: So the defense rests,  
24 subject to the bill?

25 MR. DOUGLAS PARKS: Your Honor, prior

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1 to resting, subject to the bill, we would offer into  
2 evidence the -- or at least -- well, ask that the Court  
3 take judicial notice of, and offer into evidence, for the  
4 purposes of this record, the two -- both responses that I  
5 have previously given to the Court in chambers, and the  
6 two writ jackets, from the previous bond reduction  
7 hearings.

8 I believe those have numbers beginning  
9 with WX, and I can't recall the exact numbers.

10 THE COURT: I understand.

11 MR. DOUGLAS PARKS: Yes, sir.

12 THE COURT: All right. Is that this?

13 MR. DOUGLAS PARKS: Yes, sir.

14 THE COURT: All right.

15 MR. DOUGLAS PARKS: Would you mark  
16 these, please?

17

18 (Whereupon, the above

19 mentioned item was

20 marked for

21 identification only

22 as Defendant's Exhibits No.

23 14 & 15 after which time the

24 proceedings were

25 resumed on the record

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1 in open court, as

2 follows:)

3

4 MR. DOUGLAS PARKS: Your Honor, we

5 would offer at this time, what has been marked as

6 Defendant's Exhibits 14 and 15, and these are the files in

7 Cause numbers WX-96-00281-J and WX-96-00282-J, the jackets  
8 and their contents.

9 MR. GREG DAVIS: No objection.

10 THE COURT: Received.

11

12 (Whereupon, the above

13 mentioned items were

14 received in evidence

15 for all purposes, after

16 which time, the

17 proceedings were

18 resumed as follows:)

19

20 MR. DOUGLAS PARKS: May I have just a

21 moment, your Honor?

22 THE COURT: Yes, sir.

23 MR. DOUGLAS PARKS: Your Honor, we

24 would lastly recall to the Court, objections and argument

25 made to the Court with respect to the jurisdiction of the

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1 Court to render a judgment in the case. And for the

2 purposes of the record, it was essentially the position of

3 the defense, that since Judge Tolle has heard this matter

4 on a motion to reduce bond, that that particular matter

5 has been appealed, and is presently on appeal, in the

6 Court of Appeals, for the Fifth Judicial District here in

7 Dallas, and that that case is set for submission on

8 September 5th, 1996, and that this Court does not have

9 jurisdiction to act on the State's motion today, and we

10 would ask the Court to rule on that particular issue.

11 THE COURT: As I understand it, you are

12 asking that given the Trial Court actions before in regard

13 to a bond reduction hearing, and its present appeal that

14 is pending.

15 MR. DOUGLAS PARKS: Yes, sir.

16 THE COURT: That because of those

17 facts, that this Court does not have jurisdiction to

18 entertain the State's motion, which this hearing is all

19 about, is whether bail is to be denied outright or not,

20 for the defendant awaiting trial?

21 MR. DOUGLAS PARKS: Yes, sir.

22 THE COURT: The defendant's motion or

23 request that this Court determine that it has no

24 jurisdiction to entertain the application or the motion of

25 the State to hold the defendant without bail, that motion

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1 is refused. That this Court, by inference, obviously, as  
2 I am ruling in this Court, does have the authority to  
3 entertain the motion that the State can file the motion  
4 and seek a hearing on this.

5 MR. DOUGLAS PARKS: That being the  
6 Court's ruling, your Honor, we would respectfully request  
7 the Court to recess this hearing, until such time as the  
8 defense can bring an appeal to the Court of Appeals, with  
9 respect to the Court's just rendered decision regarding  
10 jurisdiction.

11 THE COURT: Do you have any authority?

12 MR. DOUGLAS PARKS: No, sir.

13 THE COURT: Well, the defense motion to  
14 abate any further proceeding on the State's motion, that  
15 relief is denied. I assume that if you have no witnesses,  
16 we are about to hear some argument.

17 MR. DOUGLAS PARKS: We have nothing  
18 further, your Honor.

19 THE COURT: All right. The State has  
20 the burden. Do you want to open the argument?

21 MR. GREG DAVIS: Well, if we could,  
22 before we argue this matter, I would like for the record  
23 to reflect that there are several people in the gallery  
24 available here today. Among them, being the defendant's  
25 mother, Darlie Kee, her sister, Dana Stahl, and the

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1 defendant's husband, Darin Routier, is still available at  
2 this time, and what appear to be a number of people, on  
3 the second row of this gallery, and I would like the  
4 record to reflect that, at this time, as we begin the  
5 arguments.

6 And, your Honor, I am going to keep my  
7 argument very short. I know that you were listening to  
8 the evidence, and I'm not going to rehash it for you.  
9 I am just simply going to say that the  
10 State of Texas has met it's burden of proof in this case.  
11 Through clear and strong evidence, that not only would a  
12 jury find this defendant guilty of capital murder, as we  
13 have charged in these two indictments, but also that they  
14 would answer special issues in such a way, that this Court  
15 would be required by law to impose a sentence of death on  
16 this defendant.

17 And we have met that burden of proof,  
18 and for that reason, I would ask that this Court  
19 respectfully -- that it hold this defendant without bond  
20 pending the trial of this matter.

21 Thank you.

22 THE COURT: Thank you.

23 MR. DOUGLAS PARKS: Please the Court.  
24 Your Honor, for approximately 25 years  
25 now, I have been telling juries in voir dire that the

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1 Constitutional right that we as citizens have to a  
2 presumption of innocence exists, if it exists at all, in  
3 the hearts and in the minds of the citizens who sit as  
4 jurors in cases of this kind. And with due respect to the  
5 Court, to judges who are called upon to make decisions  
6 such as your Honor is called upon to make this afternoon.  
7 Our Constitution, both our United  
8 States Constitution and our Texas Constitution tell us we  
9 have that right. But until and unless juries actually  
10 afford us that right, we don't have it.  
11 The same can be said of judges in the  
12 position that your Honor is, this afternoon.  
13 This is an attack on the presumption of  
14 innocence. It is, to my way of thinking, a fairly cynical  
15 attack on the presumption of innocence. Because the State  
16 has had ample opportunity to develop a record to hold this  
17 defendant without bond. It has declined to do so.  
18 Until such time as it is apparent that  
19 the bond now set by this Court, which is set at an amount  
20 20 times higher than any bond has ever been approved in a  
21 capital murder case by the Court of Criminal appeals,  
22 still does not satisfy them. Fearing, I suppose, that a  
23 citizen accused of this offense might actually post bond,  
24 they have brought this motion. Just ahead of the Court of  
25 Appeals hearing, and hopefully the decision to reduce the

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1 bond in this case, as it should be reduced.  
2 They have not, I respectfully suggest  
3 to the Court, brought proof evident to this Court. What  
4 they have brought to the Court, is a great deal of  
5 speculation, an incomplete case, their own blood work is  
6 not done. We don't know what that will show.  
7 They are asking this Court to overlook  
8 a Constitutional right basic to the jurisprudence of this  
9 country, on speculation, incompleteness, could's and  
10 maybe's. Because that is what we heard from their  
11 witnesses. It could have happened that way. It could  
12 have happened that way.  
13 Their own medical examiner would not  
14 even answer a direct question.  
15 Because you see, your Honor, whether or  
16 not her wounds are self-inflicted are crucial in this

17 case, it's obvious, because if she didn't cut herself,  
18 someone else did.  
19 And the only thing that their medical  
20 examiner could say was, "She could have done this." And  
21 when I asked her would she tell us, in reasonable, medical  
22 probability whether you believe that happened or not, she  
23 flat refused to answer the question. And, that is the  
24 quality of the State's case here today.  
25 Proof evident? I don't think so. I

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1 respectfully suggest to the Court, that if this had been a  
2 trial before the court, it would have been the Court's  
3 duty and responsibility to direct a verdict of not guilty  
4 in this case.  
5 We, respectfully ask the Court to deny  
6 the motion before it this afternoon.  
7 THE COURT: Thank you, Counsel.  
8 MR. GREG DAVIS: Well, again, you know  
9 my position is very clear.  
10 What we have shown to you is this:  
11 That this individual down here, Darlie Routier, very  
12 savagely killed her two children, during the early morning  
13 hours of June the 6th, 1996. She butchered these two  
14 children, with very deep, repeated stab wounds. We have  
15 shown you very thoroughly through the presentation of the  
16 physical evidence in this case, that the three different  
17 stories that she told to the authorities concerning this  
18 event, none of them are consistent with the physical  
19 evidence that is found out there that day.  
20 The amount of blood in that den, that  
21 that couch is inconsistent with her version, where she  
22 said that she was attacked on the couch.  
23 The amount of blood and the type of  
24 blood found near the kitchen bar and the wine rack, are  
25 inconsistent with this struggle with this unnamed intruder

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1 over there.  
2 And then we see a scene there in the  
3 kitchen, where we see no velocity or low velocity blood  
4 drops throughout that entire kitchen, and by her own story  
5 given on June the 8th, she is running through that kitchen  
6 area three separate times. Yet we don't have any blood  
7 indicating that that occurred.  
8 The only footprints that we have are  
9 leading from that sink, that has been washed and near the  
10 counter top, that has been wiped off clean. Leading back

11 from that kitchen sink, and back to that den.  
12 Darin Routier told you that he didn't  
13 kill those two children. There were no other adults in  
14 that house. He never saw an intruder, heard an intruder,  
15 saw a car or heard a car.  
16 We know also, from what Charlie Linch  
17 has told you, that the knife that is still in that butcher  
18 block, has a particle on it which microscopically matches  
19 the particle on the window screen. And, I would say to  
20 you that indicates to me this is very calculated killing.  
21 That this individual right over here, Darlie Routier, went  
22 outside before these two boys were killed, and cut that  
23 screen, attempted to make it look like an intruder had  
24 come in through that window, and then came back in, and  
25 savagely killed Devon Routier, and savagely killed Damon

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1 Routier, and then very methodically and slowly, walked  
2 through that kitchen, to the utility room, back to that  
3 sink, cut her throat, stabbed herself, bled, and then  
4 cleaned up the mess, and very neatly laid that knife up  
5 there on the counter top, so that she could tell the  
6 officer, "Oops, I picked it up. Golly, I probably messed  
7 up the prints, but here is the knife."  
8 What you have got from there on is an  
9 individual who has shown a total lack of remorse. That  
10 videotape is a disgusting scene, where you see almost a  
11 grotesque scene on June the 14th, where this person has  
12 not only shown no remorse, but is able, eight days after  
13 butchering her own two children, to sit there and laugh  
14 and joke with a newsman.  
15 It's just like Darin Routier said,  
16 "Whoever did this is an animal who slaughtered two sheep,  
17 two little lambs." That is exactly what we have shown,  
18 your Honor.  
19 Thank you.  
20 THE COURT: Thank you, Counsel.  
21 Do either of you have any authority you  
22 want me to look at, in regard to the standard?  
23 MR. DOUGLAS PARKS: Your Honor, we  
24 would ask the Court to consider the standard as set out in  
25 Beck\_versus\_State, in item 2. \_\_\_\_\_

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1 THE COURT: Excuse me? In item 2 here?  
2 MR. DOUGLAS PARKS: Yes, sir.  
3 THE COURT: Beck, B-E-C-K, 648, 2nd, at \_\_\_\_\_  
4 7.

5 MR. DOUGLAS PARKS: Yes, sir. We would  
6 also like for the Court to consider Westbrook\_versus \_\_\_\_\_  
7 State, an indication of the presumption, a strong\_\_\_\_\_  
8 presumption in favor of bail.  
9 THE COURT: Well, Westbrook being 753 \_\_\_\_\_  
10 Southwest 2nd, 158.  
11 MR. DOUGLAS PARKS: Yes, sir.  
12 THE COURT: Does the State have any  
13 authorities?  
14 MR. GREG DAVIS: No, sir, we're very  
15 happy with those two cases that have been submitted to  
16 you.  
17 THE COURT: Okay. The Court is going  
18 to retire to consider the evidence here. There are  
19 obviously some documentary evidence that has been  
20 presented, and some exhibits that were presented, that  
21 have been in the hands of the lawyers or the witnesses,  
22 and not the fact-finder, and I'm going review that. It's  
23 3:28, I'm not certain as to how much time might be  
24 involved. So therefore, Counsel, do you have any pleasure  
25 you want to --

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1 MR. DOUGLAS PARKS: We will be here.  
2 MR. GREG DAVIS: If the Court would  
3 like to --  
4 THE COURT: Do you want to set a time  
5 for it, perhaps tomorrow, or do you want to see if it  
6 comes out today, or what is your pleasure, Counsel?  
7 MR. GREG DAVIS: Well, I don't have a  
8 problem coming back tomorrow morning at 9:30, if that is  
9 convenient with Counsel.  
10 THE COURT: Are you gentlemen -- will  
11 one of you be in the building then here?  
12 MR. WAYNE HUFF: We will, your Honor,  
13 our only problem would be the availability of our  
14 witnesses, for a Bill if need be.  
15 THE COURT: All right. Why don't I --  
16 I suggest that -- well, why don't I talk to Counsel in  
17 chambers to see about possible timing or a way to try and  
18 look at doing the Bill.  
19 MR. DOUGLAS PARKS: Yes, sir.  
20 THE COURT: Which might be a little  
21 easier to do there. Okay. Anyway, obviously as soon as  
22 the Court has made its decision, that decision will be  
23 made public, and the Counsel and the defendant will be  
24 informed.  
25

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: We are going to come back  
11 tomorrow for my ruling at 9:30 in the morning.  
12 Mr. Davis, are you going to get your  
13 witnesses so we can swear them all in?  
14 MR. GREG DAVIS: Yes, sir. If we could  
15 go on the record just briefly. During the break that we  
16 have just taken, I have talked with Mr. Parks concerning  
17 the witnesses that he wants for the proof hearing and they  
18 will be sworn in, in just a moment. I do want an  
19 understanding with the Court that we certainly don't want  
20 to violate any orders of the Court, that even though these  
21 people will be sworn in as witnesses, that I can talk with  
22 them during this period of time.  
23 THE COURT: Sure.  
24 MR. GREG DAVIS: And, that I can talk  
25 with them as a group, if necessary, with the understanding

1 that I am still continuing to investigate the case.  
2 And I know technically, the Rule  
3 prohibits these people from sitting in while I interview a  
4 particular person, but I have talked with Mr. Parks, and  
5 let me just ask you, do you have an objection with me  
6 doing that, because I do need to do that, in order to  
7 conduct my investigation. And again, I don't want to be  
8 in violation of anything, but I do want that understood  
9 that I do need to do that.  
10 THE COURT: Well, as far as I'm  
11 concerned, I don't care. The evidence on this motion has  
12 been concluded. So, therefore --  
13 MR. GREG DAVIS: Okay. That is fine.  
14 THE COURT: Okay. So, in that sense,  
15 the Rule is not applicable. The way it is, it's just like  
16 when the verdict comes in.  
17 MR. GREG DAVIS: Okay.  
18 THE COURT: Okay. Gentlemen, if you  
19 are to be a witness in this matter, I need for you to  
20 raise your right hand, please.

21  
22 (Whereupon, the witnesses  
23 Were duly sworn by the  
24 Court, to speak the truth,  
25 the whole truth and

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1 nothing but the truth,  
2 after which, the  
3 proceedings were  
4 resumed as follows:)  
5

6 THE COURT: Do you and each of you  
7 solemnly swear or affirm that the testimony you are about  
8 to give will be the truth, the whole truth, and nothing  
9 but the truth?

10 THE WITNESSEES: I do.

11 THE COURT: Okay. You can put your  
12 hands down a minute. In just a second I'm going to get  
13 your names, but, right now, the present schedule would be  
14 to take -- or your testimony to occur at 1:30, Thursday,  
15 September the 19th. Now, I understand all of you have  
16 been subpoenaed, or else have a connection with the  
17 State's attorney. If that hour changes, because that  
18 would be an afternoon session, and it is possible we might  
19 not get through with all of you on that day, and I would  
20 assume that we will try to work it where you are not up  
21 here if there is no chance of you being reached. Okay?  
22 Further, the actual place for your  
23 testimony to be given, is probably a room different than  
24 this one. So you might want to find out, maybe Ms.  
25 Wallace can be in touch with you, or one of the district

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1 attorneys, to know which courtroom physically it might  
2 occur in. It might be this one, it might be a different  
3 one.

4 Okay. Now, I need to get your names.

5 Pardon me. Starting with the gentleman on the right:

6 THE WITNESS: Rick Coleman.

7 THE WITNESS: Dennis Vrana.

8 THE WITNESS: Michael Youngblood.

9 THE WITNESS: Brian Koschak.

10 THE WITNESS: David Nabors.

11 THE WITNESS: Todd Higgins.

12 THE WITNESS: Jack Kolbye.

13 THE WITNESS: James Cron.

14 THE WITNESS: Jeff Craig.

15 MR. GREG LONG: And, your Honor, Chris  
16 Frosch came in after you had already sworn the other  
17 witnesses, and he is here with them.  
18  
19 (Whereupon, the witness  
20 was duly sworn by the  
21 Court, to speak the truth,  
22 the whole truth and  
23 nothing but the truth,  
24 after which, the  
25 proceedings were

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1 resumed as follows:)  
2  
3 THE COURT: Do you solemnly swear or  
4 affirm that the testimony you are about to give in the  
5 proceeding will be the truth, the whole truth, and nothing  
6 but the truth?  
7 THE WITNESS: Yes, your Honor.  
8 THE COURT: Okay. Do you want to tell  
9 me your name, although I just heard it?  
10 THE WITNESS: It's Chris Frosch,  
11 F-R-O-S-C-H.  
12 THE COURT: Okay. And I'm not sure  
13 that you heard, the testimony from you would be expected  
14 to begin on an afternoon session, at 1:30, Thursday,  
15 September the 19th. Okay?  
16 Because you have been sworn in now, it  
17 is not necessary for new subpoenas to issue for you. You  
18 need to be in attendance of the Court, I assume, through  
19 Ms. Wallace or Mr. Davis, that somebody will let you know  
20 if that time frame changes. Because we might have to take  
21 you in platoons, like half of you that afternoon, and then  
22 another afternoon the balance of you. But I can excuse  
23 you at this time, unless the State needs to talk to you  
24 about something, but as far as I am concerned you don't  
25 need to remain.

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1 Now, in connection with -- in order  
2 to -- because I recognize I have got some very capable  
3 lawyers, and there is some audience, the ruling by the  
4 Court will occur in this matter on the State's motion at  
5 9:30 tomorrow morning.  
6 We will be in recess in this matter  
7 until 9:30 tomorrow.  
8

9  
10 (These proceedings are continued to the  
11 next volume in this cause.)  
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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  
24 Cert. No. 308  
25 Exp 12-31-96

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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

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16

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18

19

20 \_\_\_\_\_  
20 PAUL BANNER, JUDGE PRESIDING

21 Criminal District Court Number 3

22 Dallas County, Texas

23

24

25

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