

Testimony of Darin Routier (2)

CROSS EXAMINATION (Resumed)

12

13 BY MR. GREG DAVIS:

14 Q. Mr. Routier, yesterday, do you recall

15 that we talked about your Jaguar?

16 A. Yes, sir.

17 Q. And, yesterday, do you recall telling

18 me what was wrong with that Jaguar?

19 A. Yes, sir.

20 Q. What was wrong with it?

21 A. There was a tube that was going to

22 the -- one of the diaphragms that goes up into the

23 transmission.

24 Q. Okay. I believe that you had told me

25 yesterday, that it cost about three dollars to have that

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1 car fixed, correct?

2 A. Yes, sir.

3 Q. Now, on July the 1st, when you came

4 down to the courthouse and you were sworn in, do you

5 recall that we talked about the Jaguar at that time?

6 A. Yes, sir, I said that the transmission

7 had gone out.

8 Q. Okay. By the way, last night, did you

9 have a chance to go over your prior testimony?

10 A. No, sir.

11 Q. Okay. Did you talk to any lawyers

12 about your testimony?

13 A. No, sir.

14 Q. Nobody has talked to you?

15 A. I talked to Mr. Mulder about my sister

16 being -- just came in town.

17 Q. In July, when you came down, you told

18 me that the transmission was out, and it was going to

19 cost about three thousand dollars to fix that car, right?

20 A. I don't remember if it was three

21 thousand.

22 Q. Okay. About three thousand?

23 A. Well, I think it may have been more

24 around eight hundred.

25 Q. Okay.

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1 A. It was a Turbo 400.

2 Q. Let me show you page 16 of that

3 transcript. Do you see where I said, "Would it be fairly
4 expensive to repair the automobile just to get it
5 running?"
6 Do you see your answer, "About three
7 thousand dollars".
8 A. Yes, sir. (Witness nodding head
9 affirmatively.)
10 Q. Okay. Was that your answer back on
11 July the 1st?
12 A. Yes, it is.
13 Q. And, in July, do you remember telling
14 me that you only had thirty-two hundred dollars available
15 to you?
16 A. I don't recall.
17 Q. Do you remember that?
18 A. Oh, at the bond hearing?
19 Q. Yes, sir.
20 A. I remember saying that, yes, sir.
21 Q. Okay. Now, if we can, let's talk
22 about your business for a while. Yesterday, Mr. Mulder
23 asked you certain questions about your business, how it
24 was doing in 1996. And if you could, tell me again what
25 you projected your earnings to be for 1996 for your
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1 business.
2 A. I would project probably around a
3 quarter of a million dollars.
4 Q. Okay. Quarter of a million dollars.
5 Okay. Do you know what your income was through the first
6 five months of 1996, sir?
7 A. I have no idea.
8 Q. Okay. No ballpark figure?
9 A. No, sir.
10 Q. How were you doing this projection of
11 \$250,000?
12 A. Just based on the first six months, I
13 did a hundred and eleven thousand. We would have had
14 June, July and August of our biggest months, about 40 or
15 50 thousand dollars during those three months.
16 Q. Of course, if your expenses are higher
17 than your income, it doesn't really matter how much you
18 are earning if you are spending more than you take in,
19 does it?
20 A. It really doesn't matter.
21 Q. I mean, it's not good, is it?
22 A. No, but we weren't spending more than
23 we were bringing in.
24 Q. Okay. Are you sure about that?

25 A. Yes, sir.
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1 Q. Okay. Have you looked over your
2 business records?

3 A. Not since -- no.

4 Q. Okay. Is it possible that you could
5 be wrong about that?

6 A. It's possible.

7 Q. Yesterday, when Mr. Mulder was asking
8 you questions about your business situation, what records
9 had you gone over to tell us about the condition of your
10 business?

11 A. Just looking at my books.

12 Q. Okay. Bank account records, also?

13 A. No, I have a CPA for that.

14

15

16 (Whereupon, the following

17 mentioned item was

18 marked for

19 identification only

20 after which time the

21 proceedings were

22 resumed on the record

23 in open court, as

24 follows:)

25

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1 MR. GREG DAVIS: Your Honor, at this
2 time, we are going to offer State's Exhibit 50-B, which
3 is the remainder of the Bank One records that were
4 previously admitted as State's Exhibit 50.
5 50-B contains the bank records
6 pertaining to Testnec. These have also been on file more
7 than 14 days as a part of the other records.

8 THE COURT: When you do talk, please
9 speak loudly. The last two jurors are indicating that
10 they can't hear you. Okay.

11 Make sure that you speak loud enough
12 so that gentlemen there and the lady in the pink back
13 there can hear you.

14 THE WITNESS: Yes, sir.

15 THE COURT: Can you hear that?

16 THE WITNESS: Yes, sir.

17 THE COURT: All right.

18 MR. DOUGLAS MULDER: Judge, this

19 appears to be all 1995 records.
20 MR. GREG DAVIS: It's right here.
21 MR. DOUGLAS MULDER: Judge, if you're
22 ready, we're ready to be heard on this.
23 THE COURT: I'm ready.
24 MR. DOUGLAS MULDER: Judge, I don't
25 think the records from 1995 are relevant or material. We
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1 have offered his income tax return that shows he grossed
2 263 thousand. Are they suggesting that he overstated his
3 income so he could pay more taxes?
4 THE COURT: I think the exhibits will
5 speak for themselves. Are you objecting to the exhibit?
6 MR. DOUGLAS MULDER: Well, I object to
7 those. I don't object to the -- so far as they go, to
8 the records in 1996.
9 MR. GREG DAVIS: Well, your Honor, I
10 think, at this time, that we will agree to withdraw any
11 bank records pertaining to 1995, and simply then offer as
12 State's Exhibit 50-B, the records pertaining to 1996.
13 And in State's Exhibit 50-C, we will separate out 1995
14 and offer those for record purposes only.
15 THE COURT: Is that satisfactory?
16 MR. DOUGLAS MULDER: Well, let me take
17 a look at these, Judge.
18
19 (Whereupon, the following
20 mentioned item was
21 marked for
22 identification only
23 as State's Exhibit No. 50-C
24 after which time the
25 proceedings were
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1 resumed on the record
2 in open court, as
3 follows:)
4
5 THE COURT: All right. So 50-C will
6 be the '95 records offered for record purposes only, not
7 to be shown to the jury.
8 Any objections to that? Anybody want
9 to object to that? Mr. Hagler?
10 MR. DOUGLAS MULDER: Excuse me, Judge.
11 I was trying to do five things at one time.
12 THE COURT: We appreciate your

13 efforts, but are you going to object to the record
14 purposes only of 50-C?
15 MR. DOUGLAS MULDER: No, not for
16 record purposes only.
17 THE COURT: Thank you. All right.
18 State's Exhibit 50-C is admitted for record purposes
19 only.
20
21 (Whereupon, the above
22 mentioned item was
23 received in evidence
24 for record purposes
25 only, after which time,
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1 the proceedings were
2 resumed on the record,
3 as follows:)
4
5 THE COURT: All right. Any objection
6 to the 1996 records?
7 MR. DOUGLAS MULDER: No, we have no
8 objection.
9 THE COURT: State's Exhibit 50-B is
10 admitted.
11
12 (Whereupon, the item
13 Heretofore mentioned
14 Was received in evidence
15 As State's Exhibit No. 50-B
16 For all purposes,
17 After which time, the
18 Proceedings were resumed
19 As follows:)
20
21 BY MR. GREG DAVIS:
22 Q. Mr. Routier, again, have you had an
23 opportunity recently to look over the records that I am
24 holding from Bank One?
25 A. No, sir.
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1 Q. Okay. And again, now showing you only
2 those portions that have been admitted as State's Exhibit
3 50-B, do you recognize the first page as being a summary
4 for your transactions between January 1st and January
5 31st, 1996?
6 A. Yes, sir.

7 Q. Okay. All right. And do we see that
8 your deposits for January were twenty-two thousand, nine
9 hundred and fourteen dollars and sixty-nine cents, is
10 that correct?

11 A. Yes, sir.

12 Q. Checks paid out of your account were
13 twenty-one thousand, nine hundred and fourteen dollars
14 and forty-six cents; is that correct also?

15 A. Yes, sir.

16 Q. As we go to the period of February the
17 1st through February the 29th, do we show deposits of ten
18 thousand, two hundred and eighty-two dollars and
19 ninety-three cents, checks paid out of fifteen thousand,
20 three hundred and forty dollars and sixty cents?

21 A. Yes, sir, being a balance of \$78.47.

22 Q. Right. And, for the period of March
23 1st through March 31st, do we see that you had deposits
24 of fifteen thousand, two hundred and fifty-four dollars
25 and seventy-eight cents, and checks paid out of twelve
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1 thousand, six hundred and thirty-nine dollars and
2 seventy-seven cents?

3 A. Yes, sir, with a balance of five
4 thousand, three hundred and two dollars.

5 Q. Okay. That is your ending balance,
6 correct?

7 A. Yes, sir.

8 Q. And, for the period of April the 1st
9 through April the 30th, do we have you with deposits of
10 twelve thousand, five hundred and thirty-three dollars;
11 and checks paid out of thirteen thousand, three hundred
12 and fifty-eight dollars and one cent?

13 A. Yes, sir, with an ending balance of
14 four thousand, four hundred and fifteen dollars.

15 Q. Okay. And for the last period shown
16 of May the 1st through May 31st, do we have deposits of
17 thirteen thousand, three hundred and ninety-one dollars
18 and forty-seven cents, checks paid out of fourteen
19 thousand, forty-four dollars and eighty-two cents, and
20 your ending balance on May 31st was three thousand, six
21 hundred and ninety-eight dollars and forty-four cents; is
22 that right?

23 A. Yes, sir.

24 Q. Mr. Routier, are you aware, that when
25 you add up the deposits, and the checks paid out, that
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1 your deposits for the first five periods there shown were
2 seventy-four thousand, three hundred and seventy-six
3 dollars and eighty-seven cents, and your checks paid out,
4 if you total those up, are you aware that they total out
5 to seventy-seven thousand, two hundred and ninety-seven
6 dollars and sixty-six cents?

7 A. No, sir, I was not aware of that.

8 Q. Are you aware, that when you look at
9 the first five months that actually, you had a deficit of
10 nearly three thousand dollars? Are you aware of that?

11 A. No, sir.

12 Q. Okay. You know Willie Short, don't
13 you?

14 A. Yes, sir.

15 Q. Okay. Willie Short was your landlord?

16 A. Yes, he is.

17 Q. You had a rent each month of \$525
18 dollars; correct?

19 A. Yes, sir.

20 Q. Was that due on the first of the
21 month?

22 A. On the 1st or the 15th.

23 Q. Okay. Do you recall Willie Short
24 coming by or talking to you on June the 5th about being
25 late for your rent for the month of June?

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1 A. Not in June. I don't recall.

2 Q. You don't recall?

3 A. No, sir.

4 Q. Were you behind on your rent out
5 there?

6 A. We're four months behind now.

7 Q. I'm talking about in June of 1996?

8 A. Just that one month.

9 Q. So you're one month behind on the
10 rent?

11 A. It was not due until the 15th, or late
12 on the 15th.

13 Q. Now, Mr. Routier, I want to direct
14 your attention back to June the 8th of 1996 when you went
15 to the Rowlett Police Department with your wife. Do you
16 recall that date?

17 A. Vaguely.

18 Q. Okay. Well, yesterday when Mr. Mulder
19 asked you about it, do you recall telling him that the
20 Rowlett Police Department asked you to give them a
21 statement?

22 A. Yes, sir.

23 Q. Do you remember giving that statement
24 to them?

25 A. Yes, sir, before the viewing.
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1 Q. Okay. When you gave that statement,
2 did you, in fact, give that in your own handwriting?

3 A. Yes, I did.

4 Q. Okay. Do you recall it being six
5 pages long?

6 A. I don't remember how long it was. I
7 haven't seen it since.

8 Q. Right. Okay.

9

10 (Whereupon, the following
11 mentioned item was
12 marked for
13 identification only
14 as State's Exhibit No. 141,
15 after which time the
16 proceedings were
17 resumed on the record
18 in open court, as
19 follows:)

20

21 BY MR. GREG DAVIS:

22 Q. Let me show you what for record
23 purposes has been marked as State's Exhibit 141. And if
24 you would, take a couple of moments and look over that
25 statement.

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1 A. Yes, sir.

2 Q. Okay. Do you recognize that as the
3 statement you gave to the police?

4 A. Yes, sir. It's a vague description.

5 Q. Why don't you just keep it up there?

6 I may be referring to it. We have another copy down
7 here.

8 Mr. Routier, when you gave that
9 statement to the police, would it be fair to say that the
10 purpose of giving that statement was to try to help the
11 police find the person who killed your two children; is
12 that right?

13 A. Yes, sir. That is why I did it.

14 Q. All right. Would it also be fair to
15 say that that statement was given only two days after
16 this attack occurred at your home; right?

17 A. Yes, sir.

18 Q. Okay. And I assume, that when you

19 gave that statement, were you making your very best

20 effort to be as truthful and as honest, and as complete

21 as you could possibly be in that statement?

22 A. Well, I tried. Yes, sir.

23 Q. Okay. Looking at that statement --

24 yesterday, do you recall Mr. Mulder asking you about

25 discussions that you had with your wife that evening on

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1 June 5th?

2 A. Yes, sir.

3 Q. Do you remember yesterday that you

4 told us that you talked with her about trips that y'all

5 were planning? A trip to Pennsylvania, a trip to Cancun

6 that your wife was planning to take, and some plans that

7 y'all had in the future; correct?

8 A. Yes, sir. We talked about a lot of

9 things in those hours.

10 Q. Okay. But yesterday, when you told us

11 about your discussion, you didn't tell us all of the

12 things that y'all discussed that night, did you?

13 A. Well, it says here that I was talking

14 about -- about getting the boys into playing baseball.

15 Q. Well, isn't it true that, it says

16 there in the statement, on June the 8th when you gave

17 this to the police, that what you said about that

18 discussion is: "We talked about the business, bills, and

19 how Darlie was having a hard time with taking care of the

20 babies," and then you have in parenthesis, "all today".

21 That was also part of the discussion

22 that night, wasn't it?

23 A. Yeah, it was some.

24 Q. So that, that discussion wasn't all

25 positive, was it?

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1 A. Actually, it was.

2 Q. Well, the problems that she was having

3 taking care of the boys that day. I mean, she was

4 discussing that that she was having a problem. It was

5 something that was causing her to have a problem, wasn't

6 it?

7 A. No, sir, that was taken out of

8 context.

9 Q. Well, I'm just reading the sentence.

10 Have I misread that sentence?

11 A. No, sir.

12 Q. Okay. You -- did you not use the
13 term, "Was having a hard time taking care of the babies
14 all today," those were your words, weren't they?

15 A. Yes, sir.

16 Q. Okay. Bills, I mean those are bills
17 that you have to pay, correct?

18 A. Well, we were talking about the
19 business like we do every night. Talking about the
20 bills, and how many people owed me money, what phone
21 calls I needed to make the next day, to make sure that
22 those bills, you know, got taken care of.

23 Q. Having been self-employed myself, it's
24 important that you get paid, isn't it?

25 A. Yes, you can't survive without it.

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1 Q. If you don't get paid, you have to
2 close the door, don't you?

3 A. Well, I have been in business for
4 seven years, and doing okay so far. I have been able to
5 salvage it after this.

6 Q. All right. So, you talked about the
7 trips, you talked about the business, the bills, about
8 how she's having a hard time with the boys.

9 As you look at that statement there,
10 yesterday you told us on direct examination, about where
11 Darlie was during the time that you were giving CPR to
12 Devon.

13 As you look through the statement that
14 you gave on June the 8th, can you point us to a -- well,
15 let me just ask you: In that statement, did you tell the
16 police that Darlie was with you while you were giving CPR
17 to Devon?

18 A. Yes, I did. He said he was going to
19 take notes on what I couldn't remember. I told him
20 that --

21 Q. I'm sorry. You may have you
22 misunderstood me.

23

24 MR. DOUGLAS MULDER: Excuse me, Judge,
25 we have been through this yesterday. He gets a chance to
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1 complete a sentence.

2 THE COURT: Just a minute, Mr. Mulder.

3 We understand, Mr. Mulder. Ask the question, again,
4 please.

5 MR. GREG DAVIS: I was asking about
6 the written statement.

7 THE COURT: Ask your question again,
8 please.

9 MR. GREG DAVIS: I'm asking about the
10 written statement.

11 THE COURT: What was your answer going
12 to be?

13 THE WITNESS: I don't know, I forgot
14 what the question was.

15 THE COURT: Let's re-ask the question.
16

17 BY MR. GREG DAVIS:

18 Q. I'm talking about the written
19 statement that you have before you.

20 A. Yes, sir.

21

22 MR. DOUGLAS MULDER: Your Honor,
23 excuse me. That is a different question

24 THE COURT: Well, the witness had
25 forgotten. We're going to go ahead. Ask the next
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1 question, please.

2

3 BY MR. GREG DAVIS:

4 Q. Okay. Sir, would you look through the
5 written statement in front of you, and tell me, whether
6 or not you told the police in that written statement on
7 June the 8th, that your wife was next to you as you
8 performed CPR on Devon?

9 A. No, I don't see that in here.

10 Actually, there was a lot of details not in here.

11 Q. That is one of the details that you
12 left out, wasn't it?

13 A. Yes, sir.

14 Q. Matter of fact, isn't it true that
15 when you're talking about doing CPR on Devon, you're
16 talking about blowing into the holes in his chest. What
17 you actually said on June the 8th was, "I looked over at
18 Darlie and she was on the phone calling 911." Isn't that
19 correct?

20 A. Yes, sir, she was all over the place.

21 Q. Of course, when you gave that
22 statement, Mr. Routier, back on June the 8th, we didn't
23 have the DNA results back on her T-shirt yet, did we?

24 A. No, sir, and I was also in shock.

25 Q. So when you gave the statement, you

1 didn't know that your older boy's blood cast off was on
2 her T-shirt, did you?

3 A. I still didn't know that.

4 Q. And, when you spoke with Jamie
5 Johnson, the CPS worker, you still didn't know that
6 Devon's blood was on your wife's T-shirt, did you?

7 A. No, sir.

8 Q. Okay. Do you remember what you told
9 Jamie Johnson about her activities while you were
10 performing CPR on Devon?

11 A. No, I don't.

12 Q. Do you remember talking with her about
13 how you were trying to blow more air into Devon's mouth,
14 and do you remember telling her, that at this point, you
15 said: "Darlie was calling 911 in the background?"

16 Do you remember telling Jamie Johnson
17 that?

18 A. Yes, sir. When I went over to him the
19 first time, that is the way it was.

20 Q. You never did tell Jamie Johnson that
21 your wife was standing next to you, or by you at any time
22 while you were doing CPR on Devon, did you?

23 A. I don't recall.

24 Q. Now, again, I'm referring back to the
25 voluntary statement that you gave there, the six pages
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1 before you.

2 Mr. Routier, can you look through that
3 statement, please, sir, and tell me whether or not in
4 that six pages that you hand wrote, whether or not you
5 told the police at any point in that statement that your
6 wife gave you towels while you were doing CPR on Devon?

7 A. I remember we talked about that on
8 February 12th.

9 Q. I'm sorry. I'm looking here on this
10 statement that you gave to the police on June the 8th.

11 A. Yes, sir.

12 Q. In that six page statement, sir, do
13 you say anything about Darlie Routier getting towels?

14 A. No, sir, I skipped right over it.

15 Q. So that is another detail that you did
16 not put in your statement; is that right?

17 A. Yes, sir, but it didn't mean it didn't
18 happen.

19 Q. And, if you would, would you look

20 through that six page statement and tell me whether or
21 not you told the police in your handwriting there, that
22 the defendant placed a towel on Damon's back?

23 A. No, sir, there's a lot of things
24 missing.

25 Q. Well, on that point then is that also
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1 a detail that you forgot the fact that your wife put a
2 towel on Damon's back? That's not in there, is it?

3 A. No, sir, it's not in this statement.

4 Q. Okay. And at the time that you gave
5 that statement, would it be fair to say that you didn't
6 know that Damon's blood would be found on your wife's
7 T-shirt either, did you?

8 A. No, sir, I didn't know that.

9 Q. And yesterday during your testimony
10 with one of us, either Mr. Mulder or myself, you
11 mentioned your wife going over to the sink in the
12 kitchen. Do you recall that?

13 A. Yes, sir.

14 Q. Okay. Would you look through those
15 six pages that are in your own handwriting, and tell me,
16 sir, whether or not on June the 8th, just two days after
17 this event, you told the police that your wife went over
18 to the sink that night?

19 A. Chris Frosch was very specific to tell
20 me not to say anything about what she was doing, only
21 what I was doing.

22 Q. Well, in the statement on page 3 don't
23 you say, "She told them that he went out in the garage"?

24 A. On which page?

25 Q. Page 3. I mean, there are a lot of
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1 references to what she did out there that night, weren't
2 there? Do you see "I told them that my babies were
3 stabbed, and she told them that he went out in the
4 garage."

5 A. "I looked over and Darlie was on the
6 phone calling 911. I ran over to Damon laying on the
7 floor in the hallway between the wall, and the side of
8 the couch near the bathroom. He had no pulse, but I
9 could not see any injuries."

10 Q. Okay. So, on that one page you have
11 the fact that she called 911, you have the fact that she
12 is relating to the police officers that the intruder went
13 out in the garage. And on that one page alone, you have

14 got her doing two things, don't you?
15 A. Yes, sir.
16 Q. Okay. So my question again to you is:
17 Is there anything in that six page statement, sir, about
18 your wife going to the sink?
19 A. No, sir, not in this statement. I
20 believe there is another statement besides this one.
21 Q. Who did you give that statement to?
22 A. To the police.
23 Q. A written statement?
24 A. Yes, sir.
25 Q. Okay. And, what day did you give a
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1 written statement to the police?
2 A. I believe on the 10th.
3 Q. Well, on the 10th, are you referring
4 to a diagram that you drew for the police on June the
5 10th?
6 A. Chris Frosch, we went back and forth
7 several times, he said he was taking notes on everything
8 that I was telling him. I kept telling him more
9 information as I remembered.
10 Q. Well, so that I am clear then, when
11 you talk about a statement on the 10th, you are simply
12 talking about notes that Detective Frosch may have taken
13 during the conversation that you had with him, correct?
14 A. Yes, sir.
15 Q. You are not talking about another
16 statement in your handwriting, such as the one that you
17 gave on June the 8th? You're not talking about that, are
18 you?
19 A. No, sir. There was a supplement to
20 this report.
21 Q. And, on the 10th, you did do a diagram
22 on the 10th though, didn't you?
23 A. I believe so, yes, sir.
24 Q. In which he asked you to show him how
25 your wife was positioned when you last saw her on the
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1 couch; correct?
2 A. Yes, sir.
3 Q. Where Damon was when you last saw him;
4 correct?
5 A. Correct.
6 Q. Where Devon was positioned on the
7 floor when you last saw him; correct?

8 A. Yes.

9 Q. And, where Damon was when you came
10 downstairs and came in the Roman room, correct?

11 A. Yes, sir. And he tried to make sure
12 that everything that I did, and what she did was separate
13 from our statements, and that we didn't discuss anything
14 about what we were talking about.

15 He said that he only wanted to know
16 what I did, and what I saw, and what I glanced at.

17 Q. Well, for instance on page 5 then, I
18 guess that Detective Frosch must have been very
19 disappointed, when you told him that she said, "Darin,
20 you have to promise me you will find this man. He killed
21 our babies."

22 Again, you are not talking about what
23 you did, you are talking about what she is saying to you
24 and what she is doing; correct? Was Detective Frosch
25 upset when you did that?

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1 A. Probably. We were an hour and a half
2 late for the viewing of the boys.

3 Q. Of course, also in this -- of course,
4 also on this page 2, you made a mistake again of telling
5 Detective Frosch what your wife was saying or doing.
6 Also, do you see there where you related to him that she
7 was yelling, "Devon, Devon, oh, my God, Devon"?

8 A. As I was running down the stairs, yes,
9 sir.

10 Q. Right. Was Detective Frosch upset
11 when you did that?

12 A. I don't really know. We never talked
13 about the statement.

14 Q. And yesterday, did I understand you to
15 say that she was giving you wet towels? That she was
16 wetting the towels in the sink?

17 A. Yes, sir.

18 Q. What was the purpose of getting a wet
19 towel as opposed to just a towel that you could use to
20 try to absorb the blood or stop the bleeding?

21 A. Well, I don't really know. A person
22 with first aid knows that you usually use a dry towel,
23 but you have to have that experience in order to find out
24 that it's not good to wet any towels. It's a natural
25 instinct.

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1 Q. From your viewpoint though, that
2 didn't really seem to be the right thing to do though,
3 did it? It's not what you would have preferred, right?
4 A. Well, I don't really know if it really
5 mattered.
6 Q. A dry towel would have been better
7 though?
8 A. Probably, if it could have helped.
9 Q. Now, I want to ask you: How long did
10 you sit down and read -- and write this statement out?
11 Do you remember about what time? I'm not talking about
12 exact minutes, but just give me a ballpark figure on the
13 amount of time that you spent writing this statement out.
14 A. I don't know. I mean, it looks real
15 good in the beginning, and then you can almost see my
16 anger as I am writing it. It gets really sloppy and
17 sloppy. And, just guessing, I don't know, maybe, a half
18 hour. Frosch gave me a break in between, to let me relax
19 a little bit. I remember being sick that whole day.
20 Q. Okay. Let me ask you about this dark
21 car that you saw.
22 A. Yes, sir.
23 Q. That you are aware of. You were aware
24 of that on June the 5th, right?
25 A. Yes, sir.
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1 Q. Had you all been receiving any
2 threats, or any sort of threatening gestures toward any
3 member of your family?
4 A. No, we had been getting a lot of phone
5 calls, hang up phone calls, that we just thought maybe it
6 was because of Devon getting out of school, he gave his
7 phone number out to every kid in his class.
8 Q. So, you are getting the phone calls,
9 you see this car. Seeing this car on the 5th did not
10 concern you, did it?
11 A. It didn't concern me, no.
12 Q. Because, in fact, you had an alarm
13 system on your house, didn't you?
14 A. Yes, sir, we did.
15 Q. Okay. But that evening it was not
16 turned on, was it?
17 A. I never set my alarm in my house.
18 Q. Okay. And that is true on the 5th, it
19 wasn't turned on, was it?
20 A. No, sir.
21 Q. The defendant was aware that it was
22 off that night; correct?

23 A. Yes, sir.

24 Q. Okay.

25 A. We never set it. If you're not safe
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1 at home, where are you safe at?

2 Q. And that evening when you left the
3 garage, in fact, you decided to leave the window up,
4 correct?

5 A. Yes, sir.

6 Q. You would not have done those things,
7 you wouldn't have left the window up and left the alarm
8 off if you really thought there was a threat to somebody
9 in your household, would you?

10 A. No, sir. I wouldn't do it purposely.

11 Q. What is the first version of the
12 attack that the defendant gave to you? What did she
13 first tell you happened out there on that evening?

14 A. Just that she had felt Devon -- Damon
15 waking her up saying, "Mommy, Mommy, Mommy." And then
16 she looks up over her and she sees a glimpse of this man
17 going towards -- I don't know how, probably, maybe at the
18 island, I don't know -- going from the kitchen, probably
19 two to three seconds of a glimpse of this man going into
20 the utility room and then gone.

21 Q. I want to make sure that -- I want to
22 be clear about what you said. You said that she said
23 that she felt Damon touch her?

24 A. Touch her on the shoulder and he woke
25 her up.

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1 Q. Okay. And he was saying something to
2 her?

3 A. "Mommy, Mommy, Mommy."

4 Q. Okay. And, she then woke up and saw a
5 man walking away through the kitchen?

6 A. Yes, sir.

7 Q. And he then walked into the utility
8 room?

9 A. Yes, sir.

10 Q. Okay. And, what did she say that she
11 did as this man got up and walked away from her into the
12 utility room?

13 A. She said that he had already gone out
14 the utility room, and then she went around towards him,
15 and Damon was standing right beside her, and she asked
16 him to stay back, and she walked across the room, across

17 the kitchen, and when she looked down, there was a knife
18 in the -- right there in the doorway, and she said that
19 she reached down to pick it up and when she did, her neck
20 just spewed blood all over the floor. That is when she
21 realized that she was cut.

22 Q. Okay.

23 A. And she walks back and turns on the
24 light, and then she sees Devon face up, and then she just
25 goes into hysterics.

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1 Q. Okay.

2 A. Screaming, "Devon, Devon, Devon".

3 Q. Does that pretty much pick it up where
4 you start your statement, where you hear her saying,
5 "Devon, Devon, Devon," you come downstairs; right?

6 A. Yes, sir.

7 Q. Okay. When did she first tell you
8 that story?

9 A. Probably at the hospital, or later
10 that afternoon. I couldn't be in the room with her for
11 longer than 10 or 15 minutes at a time.

12 Q. All right. So sometime of the
13 afternoon of June the 6th?

14 A. Yes, sir.

15 Q. And, I assume that you have talked
16 with her since then about what happened out there that
17 night, haven't you?

18 A. Yes, sir.

19 Q. Okay. And in your discussions with
20 her, has she ever told you a different version of what
21 happened?

22 A. No, sir.

23 Q. And, again, just an estimate, but
24 about how many times have you talked with her about what
25 happened that night?

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1 A. An estimate?

2 Q. Yes, sir.

3 A. A lot.

4 Q. And --

5 A. Two hundred, three hundred, five
6 hundred, I have no idea.

7 Q. So I mean, it's --

8 A. Same thing over and over and over
9 again. It's like a broken record.

10 Q. Mr. Routier, by the time that you

11 talked with Jamie Johnson, certainly your wife had
12 already told you this, right?
13 A. Oh, yes, sir.
14 Q. Probably had told you several times
15 about what had happened to her?
16 A. I'm sure she had, yes, sir.
17 Q. Okay. Do you remember what you told
18 Jamie Johnson concerning the version that your wife had
19 given you of the attack?
20 A. Do I remember? No.
21 Q. Okay. Do you remember saying to her
22 that you told Jamie Johnson that Darlie told you that she
23 woke up because there was weight on her legs and the
24 intruder supposedly was sitting on her legs? Do you
25 remember telling Jamie Johnson that that is the version
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1 that your wife gave to you about this attack?
2 A. We didn't know if that was really true
3 or not. We didn't know if that was a dream.
4 Q. Well, Jamie Johnson, when you
5 discussed this incident with her, this is the version
6 that you gave to Jamie Johnson, wasn't it?
7 A. Yes, sir.
8 Q. So, when you talked with Jamie
9 Johnson, you didn't give her the correct version of what
10 your wife had told you, did you?
11 A. We didn't know -- I mean, I wasn't
12 there when it happened, so I don't know what exactly
13 happened. I just know what she told me and what she told
14 me was that she woke up with Damon tugging on her.
15 Q. You never told that to Jamie Johnson
16 though, did you?
17 A. I don't recall. About that Damon woke
18 her up?
19 Q. Yes, sir.
20 A. I would think I would, that has never
21 changed.
22 Q. Well, but as you sit there on the
23 stand right now, you don't know whether you told her that
24 or not, do you?
25 A. I don't know what I said to Jamie
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1 Johnson.
2 Q. Do you remember describing to Jamie
3 Johnson how the attacker would have to cut Darlie's neck,
4 and how he would have to get past her breasts in order to

5 get at her neck? Do you remember telling Jamie Johnson
6 that?

7 A. No, sir.

8 Q. And do you remember telling Jamie
9 Johnson that your wife would have been face-to-face with
10 this attacker?

11 A. No, sir.

12 Q. Mr. Routier, again going back to
13 Corrine Wells, again, do you recall Corrine Wells is the
14 individual, the lady that lives there at the house that
15 you used to live at on Bond Street? Do you remember
16 that?

17 A. Yes, sir, I didn't know her name.

18 Q. Right. Okay. Do you remember when
19 you went over to talk with her on December the 3rd that,
20 in fact, you went into your wife's version of the attack
21 with Corrine Wells also, didn't you?

22 A. Well, I had a good talk with her.

23 Q. And it included what your wife had
24 told you about the attack, correct?

25 A. I don't think she remembers any of the
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1 attack.

2 Q. Well, my question to you is: Did you
3 tell Corrine Wells what your wife had related to you
4 about the attack?

5 A. No.

6 Q. So, you did not tell Corrine Wells
7 that the man was on top of her, and was intending to rape
8 her when she woke up? You didn't tell Corrine Wells
9 that?

10 A. That would be my assumption.

11 Q. From what your wife had told you?

12 A. No. My assumption of everything that
13 I know. I know everything about this case.

14 Q. Well, let me just ask you then: Did
15 you tell Corrine Wells that the man was on top of your
16 wife and was intending to rape her? Did you say that to
17 Corrine Wells?

18 A. I said that could very well be.

19 Q. So that is a yes?

20 A. Yes, sir.

21 Q. Did you also tell Corrine Wells that
22 what they had read in the paper about the boys saving
23 Darlie's life by waking her up was not true, and in fact,
24 the boys didn't save her life?

25 A. I did not say that.

1 Q. Do you remember telling Corrine Wells
2 that the boys couldn't save her life because their lungs
3 had been collapsed by the stabbing?

4 A. No, sir, I did not say that.

5 Q. And do you remember telling Corrine
6 Wells, in fact, that a 300 pound man did this to Darlie?

7 A. No, sir.

8 Q. So those statements about the boys not
9 saving her life, and about a 300 pound man attacking
10 Darlie, those statements aren't true, are they?

11 A. We know that Damon saved Darlie's
12 life.

13 Q. Okay. Well, that is not what you told
14 Corrine Wells though, is it?

15 A. I don't remember what I said to her.

16 Q. Well, that was a pretty long
17 conversation that you had with her too, wasn't it?

18 A. Yes, we had a good talk.

19 Q. About an hour and a half to two hours
20 over there at her house, correct?

21 A. She was showing me what they had done
22 to the house since I had left there and how much they
23 were enjoying it, and also it brought back memories of
24 when the kids were babies.

25 Q. Right. Do you remember telling
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1 Corrine Wells about your wife's necklace?

2 A. Yes, sir.

3 Q. Okay. About how that necklace is
4 actually the thing that saved her life?

5 A. I know that the necklace was embedded
6 into her neck.

7 Q. How do you know it was embedded into
8 her neck?

9 A. Because I saw it.

10 Q. Where did you see it?

11 A. When she came to the front door and
12 paramedics were bringing her out.

13 Q. Okay.

14 A. She took her hand like this and she
15 goes, "Darin, I'm cut." She pulled that thing down, and
16 I mean a gap in her neck was that wide, muscles, tendons,
17 veins, everything.

18 Q. That necklace was cut?

19 A. The necklace was inside of there. I

20 don't know if it was cut.

21 Q. Okay. In fact, that necklace wasn't

22 cut at all, was it?

23 A. No, sir.

24 Q. She was wearing that necklace that

25 night, a man cut her neck, and yet, there wasn't a single

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1 thing done with that necklace, was there?

2 A. It was a rope chain.

3 Q. That's right.

4 A. It's my understanding that there is a

5 nick in it.

6 Q. There is a nick in it?

7 A. Yes, sir.

8 Q. Do you think you would recognize that

9 necklace if you saw it?

10 A. Yes, sir, I would like to see it.

11 Q. Okay.

12

13 THE COURT: This is 142?

14 MR. GREG DAVIS: No, sir. This will

15 be State's Exhibit 26.

16 THE COURT: 26?

17 MR. GREG DAVIS: Yes, sir.

18 THE COURT: All right.

19

20 BY MR. GREG DAVIS:

21 Q. Mr. Routier, I'm handing you State's

22 Exhibit 26, and if you will look at that, please, sir,

23 and tell me whether or not you recognize that to be your

24 wife's necklace?

25 A. Yes, sir, it is.

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1 Q. Okay.

2

3 MR. GREG DAVIS: Your Honor, at this

4 time we'll offer State's Exhibit No. 26.

5 THE COURT: Any objection?

6 MR. DOUGLAS MULDER: We have no

7 objection.

8 THE COURT: State's Exhibit 26 is

9 admitted.

10

11 (Whereupon, the item

12 Heretofore mentioned

13 Was received in evidence

14 As State's Exhibit No. 26
15 For all purposes,
16 After which time, the
17 Proceedings were resumed
18 As follows:)
19
20 BY MR. GREG DAVIS:
21 Q. Mr. Routier, looking at the necklace,
22 the clasps are still intact, are they not?
23 A. Yes, sir.
24 Q. Okay. No visible defects to this
25 necklace, are there?
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1 A. Let me see it again.
2 Q. Okay. Just take your time.
3 A. Right there.
4 Q. Okay. You've indicated a spot right
5 there; is that right?
6 A. Yes, sir.
7 Q. Okay. Now, again, your wife was still
8 wearing the necklace when you saw her, correct?
9 A. Yes, sir.
10 Q. It was still around her neck, right?
11 A. Yes, sir. It was embedded into her
12 neck.
13 Q. The pendant that we see here, the
14 diamond pendant, that was still attached when you saw it,
15 correct?
16 A. Yes, I would assume so.
17 Q. Just like it is today in Court?
18 A. Yes, sir.
19 Q. Okay. The cat that y'all had, the big
20 cat, what was the cat's name?
21 A. Bear.
22 Q. Okay. And that evening that cat was
23 in the cage in the family room?
24 A. Yes, sir, he was.
25 Q. Okay. And I don't recall what you
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1 said about the cat's disposition. It was not good
2 though, was it? It's a pretty feisty cat, wasn't it?
3 A. Yeah, he is.
4 Q. When strangers came around that cat,
5 did he take to strangers well?
6 A. Well, he was caged so he couldn't get
7 at you, but he just -- well, if you aggravated him, he

8 would kind of get at you, but --

9 Q. How big was that cat?

10 A. Oh, probably, just guessing, probably

11 15 or 16 pounds, and he was only a year old.

12 Q. And that cat cage was sitting right

13 next to the couch where your wife was supposedly sleeping

14 that night, correct?

15 A. Right in the corner, yes.

16 Q. Pretty close to where Damon and Devon

17 were both sleeping too, right?

18 A. Yes, within 10, 12 feet.

19 Q. And you would expect that if a

20 stranger came into that room and came over there by that

21 cage, that that cat is going to raise a ruckus, isn't he?

22 A. Personally, I wish that cat could

23 talk. That cat got to see a lot.

24 Q. Right.

25 A. We wouldn't be here right now.

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1 Q. Well, I think we would, but --

2 A. That cat didn't make -- it would

3 probably hiss, but not make a sound like a dog would.

4 Q. Okay. A sound like a dog would. Your

5 Pomeranian would make a sound, wouldn't it?

6 A. Yeah, he would. He is a yapping

7 little thing.

8 Q. Now, when strangers came into your

9 house, I mean, that is one time when he would be yapping,

10 wouldn't he?

11 A. Well, that dog was so little he

12 couldn't go down the stairs, so he slept upstairs by the

13 fireplace right beside our bed in this great big huge

14 pillow, about this big, and real, real deep, he would

15 kind of buried himself down in that pillow and go to

16 sleep.

17 Q. So that evening the yapping little dog

18 and the hissing cat were both inside your house; is that

19 right?

20 A. Yes, sir. The dog was upstairs.

21 Q. The coffee table that was in the

22 middle of your room there?

23 A. Yes, sir.

24 Q. The coffee table that you said the

25 paramedic put back on the pedestal?

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1 A. Yes, sir.

2 Q. Was the paramedic the one who was nice
3 enough to put the flowers back on the table too, or did
4 somebody else do that?

5 A. I don't know. All I know is that it
6 was all slid down sideways.

7 Q. So you saw the paramedic put the table
8 back up, but you are not quite sure who put the flower
9 arrangement back in the center of the table?

10 A. I don't think the flower arrangement
11 really fell off the glass, I think it just slid down the
12 glass, and all he did was lift it up. He just lifted the
13 whole thing up at one time.

14 Q. So, when he lifted it back up, the
15 flower arrangement didn't slide down that glass table on
16 to the floor?

17 A. Well, it was all the way to the floor.

18 Q. Yeah.

19 A. And then when he picked it up, they
20 all kind of went up together.

21 Q. What kind of towel did Darlie have
22 around her neck when the police got there?

23 A. Seemed like a washrag or something
24 smaller than a dish towel.

25 Q. Are you even sure that she had a towel
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1 up around her neck?

2 A. Yes, sir. Or the paramedics could
3 have put it on there before.

4 Q. Do you remember back in September, on
5 September the 12th I asked you about the towels? Do you
6 recall that?

7 A. Yes, sir, I do.

8 Q. Do you remember I asked you about the
9 towel around Darlie's neck?

10 A. Yes, sir.

11 Q. Do you recall that I said, "Well, did
12 you see Darlie with any towel around her neck at any
13 time?"

14 Let me just show you on page 158, it
15 will be the last line on this -- let's turn this around.

16 Do you see that I'm asking: "Well, did you see Darlie
17 with any towel around her neck at any time?"

18 Do you see that question?

19 A. At anytime, yes, sir.

20 Q. Okay. At anytime --

21

22 THE COURT REPORTER: Excuse me, what

23 was your answer?

24

25 A. My answer was no then.

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1 Q. Back on September the 12th, now --

2

3 THE COURT: Well, I think we want to

4 get the answer that --

5 MR. GREG DAVIS: I think that he

6 actually said, "At anytime."

7 THE WITNESS: At anytime.

8

9 BY MR. GREG DAVIS:

10 Q. Back on September the 12th of 1996,

11 your answer was, no. And yet today, some, what, four to

12 five months later, your memory is such that you can tell

13 us that it was some sort of wash cloth; is that right?

14 A. Yes, sir. But the question you were

15 asking me about that before, you just asked me to

16 describe it, and I said it was a green and white towel.

17 Q. No, sir, I asked you -- no, sir, that

18 was the towel about -- that you placed on Damon. I was

19 asking about the green and white checkered. Do you

20 remember that?

21 A. Yes, sir.

22 Q. Okay. This question here, "Did you

23 see Darlie with any towel around her neck?" That was

24 concerning Darlie alone.

25 A. Yes, sir, in the house, I didn't see a

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1 towel on Darlie's neck.

2 Q. Well, remember the question was at any

3 time? Right?

4 A. Yes, sir. I must have misunderstood.

5 Q. Okay. Let me ask you: The jewelry

6 that was laying up there on the kitchen counter?

7 A. Yes, sir.

8 Q. Okay. And you are familiar with that

9 jewelry, correct?

10 A. Yes, sir.

11 Q. I think that we've looked at a picture

12 of that previously, and I'm talking about the rings, the

13 bracelets that were on the kitchen bar between the family

14 room and the kitchen. Okay?

15 A. Yes, sir.

16 Q. Okay. Most of that jewelry, would it

17 be fair to say, was bought at pawn shops?

18 A. Yes, sir.

19 Q. Would it also be fair to say that you

20 and the defendant made several trips over to pawn shops

21 to purchase the jewelry?

22 A. Yes, sir, we had a friend that would

23 call us whenever something really of a good value, he

24 would call us and let us know what was there, and we

25 would go over and take a look at it.

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1 Q. All right. Would there be occasions

2 when the defendant would go over to the pawn shop with

3 the children?

4 A. Occasionally. They liked going in

5 there.

6 Q. And, how would you describe the

7 defendant's demeanor or her behavior when she went to

8 that pawn shop?

9 A. Sometimes it was just like shopping

10 for something for our anniversary or a birthday or

11 Christmas. I wouldn't say her demeanor was in any

12 strange way.

13 Q. Nothing out of the ordinary?

14 A. Nothing.

15 Q. Acted inside the pawn shop pretty much

16 like she acted outside of the pawn shop, right?

17 A. Pretty much, yeah.

18 Q. Do you remember the names of the women

19 inside the pawn shop that dealt with y'all?

20 A. No, sir.

21 Q. Do you remember on occasion that there

22 were women working in there, that would wait on you or

23 the defendant?

24 A. Most of the time we dealt with this

25 man named Dan.

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1 Q. I'm sorry?

2 A. We mainly dealt with a man named Dan,

3 who was one of the managers.

4 Q. Mr. Routier, yesterday Mr. Mulder

5 asked you some questions about Gangster's Paradise. Do

6 you recall those questions?

7 A. Yes, sir.

8 Q. And did I understand you to say

9 yesterday, that you thought there was absolutely nothing

10 wrong with playing that song at a funeral?

11 A. Yes, sir.

12 Q. Did I also understand you to say that

13 you didn't think there was anything wrong with your five

14 and six year old children adopting that song as their

15 favorite song?

16 A. No, sir. I never understood what the

17 words were, but they didn't know how to sing the words so

18 they just liked the way that the song was made, the way

19 it was put together.

20 Q. All right. And, when it came on, I

21 think you said they said, "Daddy, crank it up." Right?

22 A. Yes, sir, they loved that song.

23 Q. Okay. Have you ever looked at the

24 lyrics to that song?

25 A. No, sir, I haven't.

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1 Q. Do you know what that song is about?

2 A. Street crime.

3 Q. Violent street crime. That's right.

4 Do you know how it begins?

5 A. No, sir.

6 Q. "As I walk through the valley of the

7 shadow of death, I take a look at my life and realize

8 there is nothing left."

9 That is the first two lines of your

10 children's favorite song. Did you know that?

11 A. No, I didn't know that.

12 Q. Do you know, that in that song by

13 Coolio, he says, "You better watch how you're talking and

14 where you are walking, or you and your homies might be

15 lying in chalk." Do you know that?

16 A. I do remember that lyric, yes, sir.

17 Q. Yeah. Do you remember the next two

18 lines are: "I really hate to trip, but I gotta lope, as

19 they croaked, I see myself in the pistol smoke fool." Do

20 you know that?

21 A. I didn't know that. Kids sometimes

22 adopt songs that we as adults don't always understand.

23 Q. You know that it goes on in this

24 favorite song to say, "I'm an educated fool with money on

25 my mind. I got my tin in my hand and a gleam in my eye.

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1 I'm a loped out gangsta, set tripping banker, and my

2 homies is down, so don't arouse my anger, fool."

3 Did you know that was part of that

4 song, too?

5 A. No, sir.

6 Q. Did you know that he continues: "They

7 ain't nothing but a heartbeat away. I'm living my life,

8 do or die, what can I say. I'm 23 now, but will I live

9 to see 24? The way things is going, I don't know."

10 Did you know that?

11 A. I know what he is saying.

12 Q. Yeah. Because of street violence and

13 violent crime, he may not live another year, right?

14 A. Yes, sir, I think we're all that way.

15 Q. Then he goes on and he says: "Tell

16 me, why are we so blind to see that the ones we hurt are

17 you and me." Do you recognize that?

18 A. Yes, sir. Street crime people killing

19 each other.

20 Q. People that they love sometimes?

21 A. Not necessarily.

22 Q. You know in the last verse, do you

23 know that he goes on to say, "Power and the money. Money

24 and the power. Minute after minute, hour after hour.

25 Everybody is running, but half of them ain't looking at

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1 what's going on in the kitchen. But I don't know what is

2 cooking. They say I got to learn, but nobody is here to

3 teach me. If they can't understand it, how can they

4 reach me. I guess they can't, I guess they won't, I

5 guess they front. That is why I know my life is out of

6 luck, fool."

7 A. Mr. Davis, I didn't write that song.

8 Q. No, I know. Coolio did.

9 A. Coolio did.

10 Q. This is the song that you and your

11 children listened to.

12 A. They listened not to the words but to

13 the music.

14 Q. And these are the lyrics that were

15 played at your children's funeral too, weren't they?

16 A. Yes, sir, they were. If they had

17 loved Barney, we would have played Barney.

18 Q. One last subject I want to discuss

19 with you here. That is the fact that you and your wife

20 both have a financial interest in this case, don't you?

21 A. What do you mean?

22 Q. Book deals?

23 A. We haven't made any deals at all.

24 Q. Do you remember back on December 3rd

25 of '96 that you discussed those book deals with Corrine

1 Wells?

2 A. I said that is how we're going to pay
3 for these attorneys, but we're just hopeful thinking.

4 Q. Well, you didn't mention attorneys
5 back then. Didn't you say that you had been approached
6 by 17 to 19 book companies?

7 A. No, sir, that is not true.

8 Q. And do you remember that when you said
9 that to Corrine Wells that you said that you weren't
10 going to settle for the small dollars like 30 or 40
11 thousand dollars? Do you remember that?

12 A. No, sir, I did not say that.

13 Q. Do you remember telling Corrine Wells
14 that, in fact, the defendant was going to write the book
15 herself?

16 A. I don't remember saying that either.

17 Q. And do you remember the reason why she
18 was going to write the book herself, because she was
19 going to cut out the middle man, and that you and she
20 were going to go for the big figures?

21 A. No, sir, I did not say that.

22 Q. That is what you told her back in
23 December, wasn't it?

24 A. No, sir, I did not. There's six
25 people in here writing books right now.

1 Q. I'm just talking about the one --
2 about the one the defendant is going to write?

3 A. I don't know if that is true.

4 Q. You don't know whether she is going to
5 write a book or not?

6 A. I don't know if she is or not.

7 Q. Going to go for the big figures,
8 correct?

9 A. No, sir.

10

11 MR. GREG DAVIS: Pass the witness.

12 THE COURT: Ladies and gentlemen, I
13 think now we will take our morning break. Let's be back
14 at 25 after, please.

15 THE COURT: All right.

16

17 (Whereupon, a short

18 Recess was taken,

19 After which time,

20 The proceedings were
21 Resumed on the record,
22 In the presence and
23 Hearing of the defendant
24 And the jury, as follows:)
25
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1 THE COURT: All right. Let the record
2 reflect that all parties in the trial are present in
3 these proceedings. Mr. Mosty?
4 MR. RICHARD C. MOSTY: Your Honor --
5 THE COURT: These proceedings are
6 being held -- excuse me -- all parties at trial are
7 present, and these proceedings are being held outside the
8 presence of the jury.
9 MR. RICHARD C. MOSTY: I just had one
10 more thought about why that illegal bug is relevant.
11 THE COURT: All right.
12 MR. RICHARD C. MOSTY: And it relates
13 to, for instance, all of the reports, but I can't
14 remember, this is Mr. Patterson's entire file, this red
15 folder. And I think it was marked for record purposes.
16 THE COURT: It was.
17 MR. RICHARD C. MOSTY: I don't see a
18 sticker, but it -- well, yes, it was marked for record
19 purposes, as Defendant's Exhibit 72. And what is
20 notoriously missing from this report, and all of the
21 reports, is any report of this illegal bug.
22 For instance, you will recall they
23 brought in the Garland K-9 unit, I think it was Garland,
24 it was some other city anyway.
25 MR. DOUGLAS MULDER: It was.
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1 MR. RICHARD C. MOSTY: It was Garland.
2 And, there is a Garland K-9 report. And in all of these
3 records, there is not one reference in Garland, or
4 Rowlett, or anywhere else, to this illegal bug.
5 And so, that raises the question of,
6 what else did they leave out, as we have gone through all
7 this stuff about never taking any notes.
8 Another reason that all of this is
9 relevant is, that it goes to what they chose to write
10 down and what they chose not to write down and what they
11 chose to leave out. And this goes directly to that as a
12 relevance to impeach these officers, and how they went
13 about this investigation.

14 THE COURT: Thank you. That is now in
15 the record. Let's bring the jury in, please.
16 MR. RICHARD C. MOSTY: Do I surmise
17 that that would be overruled?
18 THE COURT: Yes, that is overruled.
19 MR. DOUGLAS MULDER: Judge, we don't
20 find it curious that they have --
21 THE COURT: Gentlemen, we have
22 concluded that hearing. That hearing is over.
23 MR. DOUGLAS MULDER: Well, we just
24 thought of some new things we thought you might want to
25 entertain.
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1 MR. RICHARD C. MOSTY: We've still got
2 to keep pointing those things out, and we might think of
3 others.
4 THE COURT: I'm sure you will.
5 MR. DOUGLAS MULDER: Can we not
6 confer?
7 THE COURT: You may confer with each
8 other, yes.
9 MR. DOUGLAS MULDER: Thank you, Judge.
10 Thank you, Judge.
11 THE COURT: Now, in the meantime, we
12 will bring the jury back in.
13
14 (Whereupon, the jury
15 was returned to the
16 courtroom, and the
17 proceedings were
18 resumed on the record,
19 in open court, in the
20 presence and hearing
21 of the defendant,
22 as follows:)
23
24 THE COURT: Let the record reflect
25 that all parties in the trial are present and the jury is
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1 seated.
2 Mr. Mulder? Anybody have anything
3 else? Thank you.
4 MR. DOUGLAS MULDER: Yes, sir.
5
6
7 REDIRECT EXAMINATION

8

9 BY MR. DOUGLAS MULDER:

10 Q. Just a thing or two, Darin. You've
11 never doubted your wife's innocence, have you?

12 A. No, sir.

13 Q. You were asked about the towels. And
14 about how many towels were in that room in the den and in
15 the hall and in the area where the action was?

16 A. Probably five or six.

17 Q. Do you know how many?

18 A. Not exactly, no.

19 Q. Did you get any towels?

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

21 Q. Did Waddell or Walling or any of the
22 police officers get any towels?

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

24 Q. Did the paramedics get any towels to
25 your knowledge?

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1 A. No, sir.

2 Q. The towels that were there, came out
3 of your towel drawer, didn't they?

4 A. Yes, sir, they did.

5 Q. All right. Who was left to get the
6 towels?

7 A. Darlie.

8 Q. Was she just getting the towels in the
9 sink and throwing them at you, or was she bringing them
10 to you?

11 A. She was bringing them to me.

12 Q. That makes sense, doesn't it?

13 A. Yes, sir.

14 Q. Is there any other way that that would
15 be done?

16 A. No, sir.

17 Q. Was she there, and did she wipe
18 Devon's chest as you blew into his mouth?

19 A. Yes, sir, she was there.

20 Q. Got the blood off of him?

21 A. Yes, sir.

22 Q. Did you think that was something that
23 a mother would do to comfort her son under those
24 circumstances? Does that seem unreasonable to you that
25 she would do that?

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1 A. No, it's not unreasonable at all.

2 Q. Now, when these statements were given
3 by you and by Darlie, did you, at the time request the
4 officers to video record, or tape record your part?

5 A. Yes, sir. I told him that I could not
6 write down as fast as I can think, and that he was
7 going -- he said he would just put -- he would just go in
8 with some notes and some other things that he wanted to
9 fill in.

10 Q. All right. So they didn't question
11 you while you were giving your statement as to what they
12 thought might be important? You were just to write down
13 what you thought was important; is that right?

14

15 MR. GREG DAVIS: I'm sorry. I'm going
16 to object to that as being leading.

17 THE COURT: Overruled. I'll let him
18 answer it if he knows the answer. Go ahead.

19 THE WITNESS: No, sir. They just
20 asked me -- they just basically told me to write what I
21 could remember, and I did in a very quick manner.

22

23 BY MR. DOUGLAS MULDER:

24 Q. Has your memory improved since the
25 event?

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1 A. Yes, sir, very much so.

2 Q. Over the recess, I was reading through
3 your statement. Did you put in your statement,
4 initially, is there something in there that after the
5 police got there, you went upstairs and put your pants
6 on?

7 A. No, sir, I had my pants on.

8 Q. But didn't you put in your
9 statement --

10 A. I put in my statement that I couldn't
11 remember putting my pants on before I went downstairs. I
12 knew I had my glasses on, because I can't see two feet in
13 front of me.

14 Q. Well, I mean, when you gave the
15 statement, you put in there that it wasn't until the
16 police got there, that you went upstairs and put your
17 pants on?

18 A. I knew that couldn't be true.

19 Q. But that is in your statement, isn't
20 it?

21 A. Yes, sir.

22 Q. That means you were down there nude?

23 A. No, sir, I wasn't down there nude. I
24 think I would have been embarrassed if the police
25 officers would have started coming in, and I would have
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1 been standing there stark naked.
2 Q. Has your memory gotten progressively
3 better with time?
4 A. Yes, sir, it has.
5 Q. Did you remember more of what happened
6 on the 8th than you did the 6th, and more on the 10th
7 than you did the 8th, and more on the 20th than you did
8 on the 10th?
9 A. Yes, sir.
10 Q. And more as we go down the line?
11 A. A lot more now.
12 Q. Okay. Do you find that unusual?
13 A. No, sir.
14 Q. Given the circumstances?
15 A. No, sir. I have had a lot of time to
16 think about all this.
17 Q. In your effort to reconstruct things
18 with Darlie, did y'all go to a psychic?
19 A. Yes, sir, we did.
20 Q. Did a psychic tell you and her what
21 the psychic thought happened?
22 A. Yes, sir.
23 Q. Okay.
24 A. We were looking for answers that the
25 police couldn't tell us.
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1 Q. Just looking for help anywhere you
2 could get it?
3 A. Yes, sir.
4 Q. And did the psychic have a theory
5 about what this man did?
6
7 MR. GREG DAVIS: I'm going to object
8 to that as being hearsay from a psychic.
9 THE COURT: Sustained.
10 MR. DOUGLAS MULDER: I'm not going to
11 go into what --
12
13 BY MR. DOUGLAS MULDER:
14 Q. Did the psychic have a version, a sort
15 of a phrenology, where you feel the bumps on your head,
16 reconstruction of the scene?

17

18 MR. GREG DAVIS: I'm going to object
19 to that, again, whether she has got an opinion or not.
20 It's still hearsay.
21 MR. DOUGLAS MULDER: Judge, if the FBI
22 agent can testify, then we can hear what the psychic has
23 to say.
24 MR. GREG DAVIS: Well, if the psychic
25 wants to come in here and testify, let her.
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1 THE COURT: Gentlemen, the objection
2 is sustained. Rephrase your question.

3

4 BY MR. DOUGLAS MULDER:
5 Q. Did y'all talk to a psychic?
6 A. Yes, sir, we did.
7 Q. Did Darlie relate to you that she had
8 had dreams and nightmares concerning this attack?
9 A. Yes, sir, we've both had a lot of
10 nightmares.
11 Q. And are the dreams and nightmares
12 different versions of what her version was to you about
13 Damon coming in and tapping her on the shoulder?
14 A. Are they different?
15 Q. Well, yes.
16 A. Yes, sir.
17 Q. Okay. Mr. Davis has had a number of
18 questions about your finances and your business. Will
19 you tell the jury what your expenses were? I think we
20 know your rent was \$525 dollars per month.
21 A. Yes, sir. I had just paid all my
22 equipment off. We had taken a loan out for about
23 seventy-five thousand dollars on equipment, and it was
24 all paid by January.
25 So, all of a sudden we had almost
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1 three thousand dollars a month extra per month, that we
2 weren't used to having, because we had made -- it's like
3 paying off a house in three years.

4 Q. I understand that, but I want to get
5 to the point here.
6 A. Individually, what my bills were?
7 Q. Tell us what your fixed expenses were
8 each month.
9 A. About five thousand dollars a month.
10 Q. All right. That includes what?

11 A. Electricity, phone bills, I have three
12 phones, rent, labor is usually the highest, you know, the
13 highest amount that you have to pay.

14 Q. Did that include Basia?

15 A. Yes, sir, it did.

16 Q. During your personal knowledge of her,

17 has she had mental difficulties?

18 A. Yes, sir.

19

20 MR. GREG DAVIS: I'll object to that,

21 your Honor. That is an area that we have already

22 discussed.

23 THE COURT: Sustained. Let's move on.

24

25

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1 BY MR. DOUGLAS MULDER:

2 Q. Are you personally aware --

3

4 MR. GREG DAVIS: Again, I'm going to

5 object to that, if it deals with the same area. I assume

6 it will.

7 THE COURT: Well, let him ask the

8 question first.

9 MR. GREG DAVIS: May we approach the

10 bench for a moment?

11 THE COURT: Yeah, I can see both sides

12 up here.

13

14 (Whereupon, a short

15 discussion was held

16 at the side of the

17 bench, between the Court,

18 and the attorneys for

19 both sides in the case,

20 off the record, and outside

21 of the hearing of the

22 Jury, after which time,

23 the proceedings were

24 resumed on the record,

25 outside the hearing of

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1 the jury as follows:)

2

3 THE COURT: Mr. Mulder, I have already

4 ruled on that. You are instructed not to ask any

5 questions in that area. I have already ruled on that.

6 MR. DOUGLAS MULDER: Can I get it on
7 the record?

8 THE COURT: I will put it in the
9 record once we get through. All right.

10 Let's move on to the next question,
11 please.

12

13 (Whereupon, the following

14 mentioned item was

15 marked for

16 identification only

17 as Defendant's Exhibit 81,

18 after which time the

19 proceedings were

20 resumed on the record

21 in open court, as

22 follows:)

23

24 BY MR. DOUGLAS MULDER:

25 Q. Let me hand you what has been marked

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1 for identification and record purposes as Defendant's

2 Exhibit No. 81. I will ask you if you recognize that and

3 can identify it?

4 A. Yes, sir.

5 Q. And, is that true and accurate?

6 A. Yes, sir.

7 Q. Bank statement?

8 A. Yes, sir.

9 Q. Concerning your business?

10 A. Balance, yes, sir.

11

12 MR. DOUGLAS MULDER: We'll offer into

13 evidence what's been marked and identified as Defendant's

14 Exhibit No. 81.

15 MR. GREG DAVIS: No objection.

16 THE COURT: Okay. Defendant's Exhibit

17 81 is admitted.

18

19 (Whereupon, the above

20 mentioned item was

21 received in evidence as

22 Defendant's Exhibit No. 81,

23 for all purposes

24 after which time,

25 the proceedings were

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1 resumed on the record,
2 as follows:)

3

4 BY MR. DOUGLAS MULDER:

5 Q. This shows your bank statement through
6 June of 1996 through June 30th; is that right?

7 A. Yes, sir.

8 Q. And it shows a bank balance, of June
9 30th, of how much?

10 A. Seven thousand, nine hundred forty-one
11 dollars and ten cents.

12 Q. Okay. Now, I believe you have already
13 testified that you had some 18 or 20 thousand in accounts
14 receivable at that time?

15 A. Yes, sir.

16 Q. That were good accounts receivable?

17 A. Yes, sir.

18 Q. And that have since been collected?

19 A. Yes, sir.

20 Q. You were asked about an American
21 Express bill?

22 A. Yes, sir.

23 Q. Remember I wanted you to explain that,
24 and he went on to something else?

25 A. Yes, sir.

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1 Q. Did you pay that bill?

2 A. Yes, sir, I did.

3 Q. Was your house payment current?

4 A. Yes, sir.

5 Q. In June?

6 A. Yes, sir, it was. I made the bank
7 payment -- the June payment wasn't late until the 15th.
8 I just hadn't written out the bills yet.

9 Q. Maybe we're beating this thing to
10 death, but with that Gangster Paradise, and I frankly
11 hadn't heard it until the other day, and I cannot recite
12 any of the lyrics.

13

14 MR. GREG DAVIS: I'm going to object
15 to that as really side-bar.

16 THE COURT: Well, I think I will
17 let --

18 MR. GREG DAVIS: Let's do a question,
19 not leading.

20 MR. DOUGLAS MULDER: Judge, if it gets
21 much more complicated than George Strait or Willie
22 Nelson, I don't listen to the words.
23 THE COURT: Oh, I understand, Mr.
24 Mulder, I understand. Well, let's ask the question.
25 Yes.
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1 BY MR. DOUGLAS MULDER:
2 Q. Do you listen to the words of those
3 things?
4 A. No, sir, I don't.
5 Q. Do you think your children understand
6 what the words are, or if they hear the words, understand
7 the meaning?
8 A. No, sir, I think they just understand
9 the beat.
10 Q. They like the beat and the rhythm and
11 that sort of thing, right?
12 A. Right. They jump around all over the
13 floor and dance.
14 Q. When you and Darlie -- they gave you
15 your warnings when you -- on that affidavit sheet, it's
16 got your warnings there, "That you have a right to remain
17 silent. That you have a right to a lawyer. If you can't
18 afford a lawyer, a lawyer will be appointed for you to
19 counsel with you, prior to or during any questioning by
20 the police; and you have a right to terminate the
21 interview at any time." That is basically your Miranda
22 warnings. You are familiar with those now?
23 A. Yes, sir, I am.
24 Q. You had never had those warnings given
25 to you before, had you?
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1 A. No, sir,
2 Q. In fact, other than an estate planning
3 lawyer, you have never even talked to a lawyer?
4 A. Yes, sir, and we never even talked to
5 him.
6 Q. Now, when Mr. Patterson and Mr. Frosch
7 asked you to give statements, did you hide behind your
8 Fifth Amendment right to remain silent and not say
9 anything at all, or did you tell them --
10 A. I told them everything. I didn't have
11 anything to hide.
12 Q. You answered all of their questions?
13 A. Yes, sir.

14 Q. You gave them keys to your house, and
15 your boat, and storage and the company, didn't you?

16 A. Yes, sir, I gave them keys to
17 everything I had.

18 Q. There has been some talk about
19 insurance. Did you have several hundred thousand dollars
20 worth of insurance on your life?

21 A. I have eight hundred thousand dollars
22 worth of life insurance on me.

23 Q. All right. How much did you have on
24 Darlie?

25 A. I think -- I believe two hundred
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1 thousand.

2 Q. All right. And the children, it was
3 just a family policy, where there was 5,000 on each of
4 the children?

5 A. Yes, sir, and they just add them on as
6 you have them.

7 Q. You were asked about a sock and you
8 said you had never seen that sock.
9 Is this one of y'all's towels?

10 A. Yes, sir.

11 Q. Do you recognize these as towels?

12 A. Yes, sir, kitchen towels.

13 Q. Let me just ask you --
14

15 MR. DOUGLAS MULDER: Of course, it
16 would be on the very bottom.

17 THE COURT: Always the way.

18 MR. DOUGLAS MULDER: Why is it always
19 the last place you look?

20 THE COURT: Just fate.

21

22 BY MR. DOUGLAS MULDER:

23 Q. What did you do with old socks?

24 A. We just -- we had a rag pile.

25 Q. Okay. This sock was described as
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1 having some holes in it, other than the obvious holes
2 that you see.

3 A. That is a pretty holey (sic) sock.

4 Q. Well, some places there are marks on
5 it, and other places, there are holes and no marks,
6 indicating that it was worn?

7 A. Yes, sir.

8 Q. I suspect. Did you wear socks with
9 multiple holes in them?

10 A. No, sir.

11 Q. Is this the type of sock that you
12 wore?

13 A. Tube sock, yes, sir.

14 Q. Okay. Do you have any reason to
15 believe that this is not one of your old socks?

16 A. Just by -- what if you flipped it
17 around, see where the heel is, just by guessing at it, I
18 would say that it was my sock.

19 Q. That it is your sock?

20 A. Yes, sir.

21 Q. Okay. Where would you put a sock that
22 had holes in it and was --

23 A. We had a basket on top of the washer
24 and dryer and we would just use them for rags, just for
25 waxing the cars, you know.

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1 Q. Cleaning up around the house?

2 A. Cleaning up around the house.

3 Q. Plenty to do with three boys, I guess?

4 A. Oh, yeah.

5 Q. I mean, the more you clean, the more
6 there is to clean?

7 A. Yes, sir.

8 Q. It's like shoveling sand against the
9 tide, isn't it?

10 A. Yes, sir.

11

12 MR. GREG DAVIS: Again, if we could
13 stop with the leading, please.

14 THE COURT: Sustained. Let's stop the
15 side-bar and the leading. Let's phrase our questions,
16 both sides please. You are both experienced attorneys.

17 Let's everyone phrase the questions properly.

18 MR. DOUGLAS MULDER: Judge, excuse me.

19 I'm just trying to move along on some of the things that
20 are obvious.

21 THE COURT: And we appreciate that,

22 Mr. Mulder.

23 MR. DOUGLAS MULDER: Thank you.

24 THE COURT: All right.

25

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1 BY MR. DOUGLAS MULDER:

2 Q. Let me ask you this, and I made a note
3 of it. Did Darlie, when you went to see her in the
4 hospital, did she at any time complain about or remark
5 about an injury to her mouth?

6 A. Yes, sir, she did.

7 Q. What was that?

8 A. When I first got in there, the -- some
9 other family members were giving her ice chips, and
10 feeding her ice chips because her lips were just all
11 swollen, like this, you could see the cuts on the inside
12 of her mouth.

13

14 MR. DOUGLAS MULDER: Okay. I believe
15 that's all.

16 THE COURT: Mr. Davis?

17 MR. GREG DAVIS: Yes, sir.

18

19

20 RE-CROSS EXAMINATION

21

22 BY MR. GREG DAVIS:

23 Q. Mr. Routier, it's really more accurate
24 to say that your memory got better every time we got a
25 test result back in this case, didn't it?

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1 A. No, sir.

2 Q. Every time we found out something
3 else, you remembered something else that would correspond
4 with that finding, didn't you?

5 A. No, sir. What I remember is exactly
6 what is the truth.

7 Q. So that when Mr. Mulder said, that
8 your memory was better on September the 12th than it had
9 been on June 8th, and now it's better than it was in
10 September. Of course, we have had all of these test
11 results come back, and you are privy to all them now,
12 aren't you?

13 A. Not necessarily.

14 Q. You pretty much know everything that
15 has happened in this case, haven't you?

16 A. Yes, sir, but the truth doesn't have
17 anything to do with the test results.

18 Q. Let me show you again, State's Exhibit
19 83-B. This is the letter I showed you yesterday. Do you
20 remember me showing you this letter, sir?

21 A. Yes, sir.

22 Q. And let me ask you: Is your memory

23 better about that today? Do you remember that is one of
24 the letters addressed to you now?

25 A. Yes, sir.

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1 Q. Okay.

2

3 MR. GREG DAVIS: Your Honor, at this
4 time we will offer State's Exhibit 83-B.

5 THE COURT: Any objection?

6 MR. DOUGLAS MULDER: I thought that
7 came in yesterday.

8 MR. GREG DAVIS: No, sir, just 83-A.

9 He said he didn't remember that one yesterday.

10 THE COURT: Any objection?

11 MR. DOUGLAS MULDER: Judge, just a
12 moment. No, we don't have any objection.

13 THE COURT: State's Exhibit 83-B is
14 admitted.

15

16 (Whereupon, the above

17 mentioned item was

18 received in evidence

19 as State's Exhibit No. 83-B,

20 for all purposes

21 after which time,

22 the proceedings were

23 resumed on the record,

24 as follows:)

25

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1 MR. GREG DAVIS: Judge, may I publish

2 this briefly.

3 THE COURT: You may.

4 MR. GREG DAVIS: Ladies and

5 gentlemen, this is a letter from Mellon Mortgage Company,

6 May the 8th, 1996, addressed to Darin E. Routier and

7 Darlie L. Routier, in reference to a loan number.

8 "Dear mortgagor, your situation is serious.

9 Your mortgage payments for April and May of 1996 have not

10 been received and you are in default of your loan.

11 "Mellon Mortgage would like to help you.

12 Including late charges, the total amount past due is

13 \$2,525.74. If payments are not received by May 23, 1996,

14 you risk foreclosure. You could lose your home.

15 "Additionally, a deficiency judgment could

16 be sought against you for any losses that might result."

17 It goes on then with instructions as to the
18 payment of these charges.

19

20 BY MR. GREG DAVIS:

21 Q. Sir, the situation by June the 3rd,
22 had gotten to the point where you got rejected on a five
23 thousand dollar loan at Bank One. You remember that,
24 don't you?

25 A. Yes, sir, that was an unsecured loan.
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1 Q. Okay. You remember dealing with an
2 Okie Williams, correct?

3 A. Yes, sir, I do.

4 Q. And, the bottom line on that
5 transaction, sir, was that they would not loan you five
6 thousand dollars unsecured, would they?

7 A. Not unsecured, no, but they would
8 secured.

9 Q. You didn't get that five thousand
10 dollars from Bank One, did you?

11 A. I wasn't too heartbroken about it
12 either.

13 Q. Could you please answer my question?

14 Did you get the five thousand dollars?

15 A. Did we get the loan? No.

16 Q. Okay. That document, Defendant's
17 Exhibit 81, that summary, from Bank One that deals with
18 the month of June, it shows deposits of eleven thousand,
19 seven hundred and fifty-six dollars; is that correct?

20 A. Yes, sir.

21 Q. Okay. And again it shows --

22 A. And only seven thousand came out.

23 Q. Right. Checks paid of seven thousand,
24 one hundred and fifty-four dollars and nine cents,
25 correct?

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1 A. Yes, sir.

2 Q. So if we're correct for the first five
3 months of '96 that you have receipts for seventy-four
4 thousand dollars, if we add these deposits of eighty-five
5 thousand dollars, we now have the receipts for six months
6 of 1996, don't we?

7 A. Five months.

8 Q. No, sir. I mean, I am including
9 through June.

10 A. One through six, yes, sir.

11 Q. Right. We have eighty-five thousand
12 dollars received and deposited in Bank One by Testnec,
13 don't we?

14 A. Yes, sir.

15 Q. Two times eighty-five thousand is how
16 much money, sir?

17 A. Two times eighty-five thousand?

18 Q. Yes, sir.

19 A. A hundred and seventy-some thousand.

20 Q. Okay. That is ninety thousand dollars
21 less than your company earned in 1995; is that correct?

22 A. That is not adding the twenty thousand
23 that I still had on the books open.

24 Q. No. I'm just talking about monies
25 that you had received and put in there?

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1 A. Yes, sir.

2 Q. And these represent accounts
3 receivable for earlier months, don't they?

4 A. Yes, sir.

5 Q. A hundred and seventy-something
6 dollars as opposed to two hundred and sixty thousand,
7 would you agree with me that is a difference of ninety
8 thousand dollars?

9 A. Yes, sir, it would have been.

10 Q. And when you came into Court on July
11 the 1st, on that bond hearing, it's fair to say you were
12 trying to portray yourself as poor as you could that day,
13 weren't you?

14 A. Yes, sir.

15 Q. That's true?

16 A. I am broke.

17 Q. Because on July the 1st, when you were
18 asked about how much money was in this bank account, this
19 account that shows seven thousand, nine hundred and
20 forty-one dollars on June 30th, do you remember what you
21 told this Court, how much money you had in that bank
22 account then on July the 1st?

23 A. I was guessing, about twenty-five
24 hundred.

25 Q. Well, actually you guessed a little
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1 bit lower than that.

2 A. Two thousand?

3 Q. Yeah. I asked, "How much money do you
4 have in that account?"

5 "About two thousand dollars."

6 You were about six thousand dollars

7 short on July 1st, weren't you?

8 A. I don't recall.

9 Q. Well, seven thousand, nine hundred and

10 forty-one dollars minus two thousand dollars is what?

11 Five thousand, nine hundred and forty-one dollars?

12 A. Yes, sir.

13 Q. Of course, that was on July 1st. Now

14 the situation is that you are trying to paint this one as

15 rosy as you can about your finances, aren't you?

16 A. There was nothing wrong with my

17 finances. July the 1st, I just hadn't had the money come

18 in yet.

19 Q. On June the 8th, you said that you

20 asked or said that you wanted these police officers to

21 videotape, or audio tape what you were saying, because

22 you really didn't trust them to get down everything that

23 you were writing, or that you were saying to them; right?

24 A. I just can't write everything that I

25 think.

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1 Q. You have had a lot of discussions with

2 these attorneys. They haven't even -- have they written

3 down notes of what you told them?

4 A. Very little. I don't know.

5 Q. Well, I would imagine given that fact,

6 that you have obviously then asked them to audio or

7 videotape you, haven't you? Make sure that they get it

8 down right?

9 A. No, sir, I haven't.

10 Q. Would it be fair to say, that really

11 back on June the 6th, by your version, we have got a real

12 lucky intruder, don't we?

13 A. There was an intruder.

14 Q. A lucky intruder?

15 A. Why lucky?

16 Q. I mean, after all, he picked a house

17 where the window just happened to be open to the garage,

18 right?

19 A. Yes, sir.

20 Q. Just happened to pick a house where on

21 that night, the alarm system is not turned on or armed,

22 correct?

23 A. Yes, sir.

24 Q. Lucky that in fact once he gets past

25 the alarm system off, he gets through the window, open,

1 when he gets to the utility room, he just happens to find
2 a sock available to him for his use that night, right?

3 A. Yes, sir.

4 Q. And lucky enough that when he does
5 that, he gets into the kitchen and lo and behold there in
6 the butcher block he finds a weapon to attack your two
7 children and your wife, right?

8 A. My understanding is that it is called
9 an opportunist.

10 Q. No, my question is, he was lucky
11 enough that evening, that once he got past all that, the
12 murder weapon is actually provided inside the house;
13 right?

14 A. Yes, sir.

15 Q. Lucky enough that while he is
16 attacking both your children, your wife doesn't wake up,
17 right?

18 A. Yes, sir.

19 Q. Lucky enough that after he attacks
20 her, that in fact, she doesn't even get a good look at
21 his face, right?

22 A. Yes, sir.

23 Q. Lucky enough, that as he is leaving
24 the house, he drops the knife on the floor there, and
25 your wife doesn't pick it up and doesn't use it against

1 him, right?

2 A. Yes, sir.

3 Q. Lucky enough that when he gets into
4 the garage that he doesn't deposit any blood on the
5 floor, no blood on the window, correct?

6 A. I don't know anything about that.

7 Q. And then lucky enough that when he
8 leaves out that garage into your back yard, that he
9 either scales that fence without leaving a mark, or he
10 opens up that gate and he then latches and closes it
11 without anybody detecting that either, right?

12 A. Yes, sir.

13 Q. A real lucky guy, wasn't he?

14 A. Yeah, and I want him dead.

15 Q. So do I.

16

17 MR. GREG DAVIS: No further questions.

18

19

20 REDIRECT EXAMINATION

21

22 BY MR. DOUGLAS MULDER:

23 Q. I guess he is lucky that the police

24 don't pursue the leads that they received?

25 A. Exactly.

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1 Q. Lucky that when people called in

2 having seen a man with a black ball cap and a black

3 T-shirt and jeans, in the vicinity, that the police

4 didn't pursue it?

5 A. They never looked.

6 Q. Lucky enough that when Angel Rickels

7 got a hold of them and they came out to her house, they

8 weren't interested?

9 A. Yes, sir.

10 Q. Lucky enough that the police are not

11 interested in pursuing the fingerprint that the man left

12 as he went out that window?

13 A. Yes, sir.

14 Q. You aren't responsible for the luck or

15 the happenstance of some crazy assailant, are you?

16 A. No, sir.

17 Q. Anything more precious to you than

18 those two youngsters?

19 A. Nothing. There is nothing more

20 important than those boys to us.

21 Q. Have you ever doubted your wife's

22 innocence?

23 A. No, sir.

24 Q. Do you doubt it now?

25 A. No, sir.

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1

2 MR. DOUGLAS MULDER: I believe that's

3 all we have.

4 MR. GREG DAVIS: I don't have any

5 further questions.

6 I would offer State's Exhibit 141, the

7 voluntary statement given on June the 8th.

8 THE COURT: Any objection?

9 MR. DOUGLAS MULDER: Is that his

10 statement?

11 MR. GREG DAVIS: Yes, sir.

12 MR. DOUGLAS MULDER: No objection.

13 We'll call --

14 THE COURT: Just a minute. State's
15 Exhibit 141 is admitted.
16
17 (Whereupon, the item
18 Heretofore mentioned
19 Was received in evidence
20 As State's Exhibit No. 141
21 For all purposes,
22 After which time, the
23 Proceedings were resumed
24 As follows:)
25
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1 THE COURT: You're under the Rule. Do
2 you understand that, sir?
3 THE WITNESS: Yes, sir.
4 THE COURT: Do not discuss your
5 testimony with anybody who had testified. In other
6 words, do not compare it.
7 You may talk to the attorneys for
8 either side. If someone tries to talk to you about your
9 testimony, tell the attorney for the side who called you.
10 Of course, you have to remain outside
11 the courtroom when you are not testifying.
12 THE WITNESS: Yes, sir.
13 THE COURT: All right. Thank you.
14 Step down, please. Watch your step.
15 MR. TOBY L. SHOOK: Judge, could we
16 have a 705 hearing, pursuant to the expert testimony,
17 please?
18 THE COURT: Well, you certainly can.
19 The jury will step back into the jury
20 room, please.