

Closing Arguments in Punishment

Prosecution – Greg Davis

THE COURT: Thank you, Mr. Mosty.

21 Mr. Davis.

22 MR. GREG DAVIS: Thank you.

23 May it please the Court?

24 THE COURT: Mr. Davis.

25 **MR. GREG DAVIS:** Ladies and gentlemen,
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1 you know, as I stand here before you this morning, I can
2 honestly tell you that if there was no evil in the world,
3 there would be no need for a death penalty.

4 But there is evil in the world

5 unfortunately. We all know that. We have all sat
6 through four and a half weeks seeing the evil displayed
7 before us, and today that evil goes by the name of Darlie
8 Lynn Routier. She sits here crying before you, as she
9 did on Saturday. We know what she is all about at this
10 point in this trial. Don't we?

11 And as we near the end of this very

12 long and terrible road, and indeed it's been a long and
13 terrible road, filled with blood and horror that we
14 couldn't imagine before we began this. And I have got
15 the privilege of standing before you once again and
16 speaking with you, and once again, I have the privilege
17 of speaking on behalf of these two precious children,
18 that we have heard precious little about for the last
19 hour and a half.

20 But I do have that privilege.

21 And as I begin, let me comment on some

22 of the comments that you just heard for the last hour and
23 a half. The last comment about being mistaken. You
24 weren't mistaken. Each of you took your time, you looked
25 at the evidence and that evidence told you the one true
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1 verdict. That is guilty.

2 You know, I have listened to Mr.

3 Mulder, and I thought at first I had been transported
4 back to Friday. He seemed to be mixed up. All we heard
5 was about guilt and innocence. He went on to speak, I
6 think, for 35 minutes, and during that 35 minutes did
7 nothing but second guess and criticize what you good
8 people did Friday afternoon and Saturday morning in
9 arriving at the verdict that you did.

10 Mr. Glover, I listened to Mr. Glover.
11 In essence Mr. Glover said that you ignored the evidence
12 because you could not understand it. You lied when you
13 told us that you would presume this defendant to be not
14 guilty. And then he accused you of wounding this family
15 through your verdict. None of that is true. None of it.
16 If this poor family back here has been
17 wounded, there is only one person that has inflicted
18 those wounds, as she inflicted them on those two boys,
19 and that is Darlie Lynn Routier over here.
20 You know, our hearts can go out to
21 those people. They are innocent victims just like these
22 two young boys out here. But you are not to blame for
23 those injuries, and neither am I. The defendant is. And
24 the defendant alone.
25 Mr. Douglass says that because we
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1 bring this woman to justice, somehow that we, at this
2 table, are full of hatred toward this family. And Mr.
3 Mosty echoed that again. The hatred that we feel for the
4 defendant. The hatred that we have shown towards this
5 family.
6 What hatred has been displayed in this
7 courtroom? You know, I hardly asked a question of any
8 one of these family members. Because it's evident the
9 hurt that they have already been through. Why compound
10 it by asking questions that really don't have anything to
11 do with this case? We have not done that.
12 We don't hate Darlie Lynn Routier, but
13 at the same time, we hate what she did to these two
14 children. And we have every right, as you do, to seek
15 justice on their behalf. That is not hatred. That is
16 justice.
17 Now, let me ask you this question:
18 Because I have been waiting for an answer for an hour and
19 a half and I still have not heard one from any of the
20 four attorneys that talked to you so eloquently this
21 morning.
22 What is it about this case that calls
23 for the minimum sentence? Just what is it about this
24 case that calls for a minimum sentence of life?
25 You know, I thought Mr. Mulder, Mr.
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1 Glover, Mr. Douglass or Mr. Mosty, I thought one of them
2 would tell us the reason that we could hang our hat on
3 and say that the proper sentence is life. But I didn't

4 hear it. I didn't hear it from them.
5 You know, when we began, when you got
6 that jury summons down here in October, and you found out
7 you were going to come up here to serve on a jury, could
8 any of you have imagined that you would be serving on
9 this case?
10 Could any of you have imagined a crime
11 as horrible as this crime? Where two children, sleeping
12 in their own home, could be stabbed four times in the
13 back as they slept. Could be stabbed twice in the chest,
14 as he slept.
15 I mean, could any of us, in our worst
16 nightmare have imagined that this is the kind of case
17 that you're going to be asked to hear? And yet, we now
18 know that that is exactly what happened on June the 6th
19 of 1996.
20 We know that now. And because we know
21 that, we know that this case, on the facts alone, call
22 out and cry out for death. That is what the facts tell
23 us. That that is the one true verdict to be rendered in
24 this case.
25 I think Darin said it best on that
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1 video tape on June the 14th, when he categorized and
2 classified this case as being that where a wolf came in,
3 and took the lives of two helpless sheep. And in this
4 case, the one who did that, the wolf, paraded around as
5 the shepherd. That's what happened in this case.
6 And it does cry out for death. Darin
7 Routier tells you: Whoever did this should die. Sarilda
8 Routier tells you: If this woman did it, she should die.
9 It's not hard to see. Even the family understands.
10 Whoever would come out and take the life of these two
11 children, that person should die.
12 And we don't need some psychiatrist
13 from Austin or Dallas to tell us what is obvious.
14 Because the facts in this case tell us what needs to be
15 done. And that is the awful truth here. This case calls
16 out for death.
17 Now, you have to ask yourselves, you
18 know, as we, here in 1997, I mean, what kind of society
19 do we live in now? I mean, it's a sad commentary on this
20 society that our children can't be safe. I guess it's
21 understandable that our kids can't roam around at night
22 on the streets and expect to be safe at all times. But
23 surely to God, have we gotten down to the point that our
24 kids can't even sleep in their own homes and be safe from
25 their own mother? But that is where we are in this

1 society, apparently. Because Darlie Lynn Routier has
2 taken us to those depths in this case. That is what
3 we're facing here in this case.
4 And I just want to ask you, you know,
5 this is a nice, warm, sterile courtroom, with a defendant
6 over here, dabbing the tears away, but if you had been
7 there that night. If you had been there at 2:30 in the
8 morning that night, and you had seen this woman come
9 after these two children with a knife, is there a one of
10 us who wouldn't have risked our own lives to save the
11 lives of these two children? And of course the answer is
12 no. We all would have done that to prevent these deaths
13 if possible.
14 But barring that, if we had been
15 unable to do that, is there a one of us who could have
16 watched as this woman took that knife, from that butcher
17 block, and came over here to Devon Routier, as he slept
18 on that floor with his eyes closed, and as she rammed
19 that knife into him, five inches deep, two inches deep.
20 And as she came over here to Damon Routier, asleep on his
21 stomach, and as she rammed that knife into him four
22 times, is there a one of us, back there on June the 6th,
23 that would have been saying to ourselves, this is a case
24 that deserves the minimum?
25 Is there a one of us who would have
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1 been thinking, "I need to give this woman what she wants.
2 I need to give this cold-blooded, evil-hearted killer who
3 would take the lives of these two children what she
4 wants. I want to give her the minimum of life."
5 Is there any one of us who would have
6 been saying that then? Of course not?
7 None of us would have, because we see
8 the kind of barbarism and the cruelty that was played out
9 on those two children. And as you look at this
10 defendant -- you know, Ms. Wallace is right. She looks
11 just like us. She looks like us. You know, she cries
12 like we do. She cries for herself, but she cries. But
13 she is not like us.
14 You see, this is the kind of woman who
15 is capable of the barbaric. She is capable of the
16 unspeakable in her own home. You see, this is a woman
17 who is fully capable of turning this into this, and when
18 she completes doing this, she is capable of turning a
19 five year old boy from this to this.

20 A woman capable of doing that, and
21 then fully capable of trying to hide her tracks, is
22 thinking about herself, and trying to deceive the police
23 officers is sure as she can out there on June the 6th of
24 1996. That is the kind of woman that we're dealing with.
25 You know, we're not like that, because
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1 we can't even conceive in our mind doing something like
2 that to our own children. She not only conceives it, but
3 she carries it out, and she carries it out well, doesn't
4 she? She is not like us. Don't get into that game
5 about, she is like me. She ain't. There is just no way
6 that she is.
7 You know, they say, in a very critical
8 tone, that this poor woman, I think Mr. Mosty called her
9 a young girl. This isn't a girl, y'all know she's an
10 adult woman. This poor adult woman has been under a
11 microscope for six to eight months.
12 These poor children were put under the
13 knife. If only it had been a microscope. They were put
14 under the knife and they were slashed and slaughtered to
15 death. That is the reality of what she put them under on
16 June the 6th.
17 You know, on that evening, what did
18 she do? As her attorneys asked for mercy this morning.
19 What did she do out there that evening? Well, she
20 appointed herself the judge, the jury, and the
21 executioner is what she did, didn't she?
22 What were their crimes? What were the
23 crimes that these poor children were guilty of? Quite
24 simply being boys, being in the way.
25 And for that crime, what was the
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1 sentence? The sentence was death, and it was to be
2 carried out immediately. For it was. And was it carried
3 out in a merciful way like lethal injection? Absolutely
4 not. With no mercy whatsoever, a knife plunged into
5 their bodies, the execution carried out immediately.
6 That's what occurred on June the 6th. And now we hear
7 about this mercy.
8 Mr. Mosty said what she did was
9 totally different from everything else that she had been.
10 And I guess if you listen to the family, you might
11 believe some of that. But we know from the witnesses
12 that took the stand yesterday, that that is not the case.
13 We now know the kind of attitude that

14 she displayed toward these two boys before, the anger and
15 the hatred that she had displayed toward them, a face
16 crammed into a cake. The cussing at them in a public
17 place, as she did.

18 Leaving them out there on the streets
19 unsupervised at the age of three and four. Was it really
20 all that different? I submit to you that it wasn't. It
21 came to a head on that day, but it really wasn't that
22 different than what it had been all along.

23 You ask yourselves this: What kind of
24 person does this to these children? I submit to you it
25 is a person that is beyond redemption. It is a person
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1 without a conscience. For no person with a conscience
2 could even think of this. But she did, and she carried
3 it out.

4 I think Ken Waits, as Mr. Mosty
5 alluded to, said it best when he said, "Only an evil,
6 heartless person does this," and I couldn't agree more.
7 That is exactly the kind of person
8 that did this. An evil, heartless person.

9 As Mr. Mosty told you in alluding to
10 the New Testament, we do know that at times we are
11 dealing with the principalities of evil in this world.
12 And a delegate sits among us right now of that evil, and
13 her name is Darlie Lynn Routier. She has no excuses.
14 Mr. Mulder very frankly told you, this
15 isn't a woman that came from the ghetto some place. This
16 isn't a woman who was alone in life. This isn't a woman
17 with a history of mental illness to fall back on. This
18 isn't a woman who has got some other problems. This
19 isn't a woman who has got a drug addiction problem where
20 she just couldn't control herself, is it? No, in fact,
21 it is just the opposite.

22 This is a woman that came from a
23 loving family. You know, a family that is so supportive
24 that they are still down here today. You know, I would
25 submit to you that if she had had any problems
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1 whatsoever, all of these people would have rushed to her
2 assistance and said: "Can I do something for you?"
3 She had a great support system. She
4 had a beautiful home. She had as much money as anyone
5 could hope for. She was able to acquire whatever her
6 heart desired. And I say to you, this is a woman who has
7 no excuses. There is no mitigating circumstance here.

8 If mitigating circumstances were like
9 drops of water, this carpet would be as dry as it is here
10 this morning, for there are no excuses. There are no
11 mitigating circumstances. The answers to these questions
12 are "yes" and "no." It's as simple as that.
13 Now, you know I am going to ask you to
14 do something in this case. I am going to ask you through
15 your verdict to send a signal. A very clear,
16 unmistakable signal to the defendant and to those like
17 her who would think about injuring our children.
18 You make that signal clear, and you
19 say, "You cannot have our children. If you kill our
20 children, we will come after you. You won't be able to
21 hide from us. You can't fool us. You can't shame us.
22 You can't intimidate us. It's just that simple. You
23 cannot hide. We will come after you, because these
24 children do deserve peace and happiness," as is written
25 here in this journal.

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1 That is all they deserved, and they
2 were denied it. They also deserved justice, and they
3 were denied it on June the 6th, and now they get it,
4 today, hopefully.
5 They get that justice. But you send
6 that signal out to those other perverts and those other
7 strangers and those other parents who may be
8 contemplating this: You say to them, "When you take the
9 life of a child like this in the State of Texas, whether
10 it's in Kerrville, or whether it's in Rowlett, which is a
11 lot like Kerrville, no matter where it may be, small town
12 or large, you better get ready to pay the price, because
13 we're going to put the ultimate value on lives such as
14 this in this State."

15 You know, the time for talking is
16 over. I'm about to sit down in just a moment. You have
17 heard all the talk that you need in the case. As I
18 alluded to, it has been a long, terrible road for some of
19 us that began back in June. For y'all it started in
20 October, and it's continued on through this year.
21 It's a bit like, it's been a long race
22 for some of us. It's been like a marathon, if you will.
23 And when it began the Rowlett police had that baton in
24 their hand, and they carried it, and then at some point
25 they handed it off to us. They said it's your

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1 responsibility now, you take it forward toward that
2 finish line of justice. And we have done our very best
3 to do that. But it's come to that point in this trial
4 where we can't carry it any further.
5 The time has come for me to hand that
6 baton off to each and every one of you now. Because only
7 you 12 people can cross that line. And I'm going to ask
8 you to do that. I'm going to ask you when you do, that
9 you cross that line in such a way that when you go home
10 tonight to your family, you will be able to say with a
11 clear heart, that you saw the danger, and you did
12 everything within your power to assure that it never
13 happens again.
14 And if you answer number 1 "yes," and
15 you answer number 2 "no," then you will have crossed that
16 finish line the way it needs to be done.
17 May God be with you.
18 THE COURT: Thank you, Mr. Davis.
19 All right. Ladies and gentlemen, the
20 case is now yours to decide. You will retire to the jury
21 room, and when you have reached a verdict, please knock
22 on the door and Ms. Biggerstaff will come get you. Mr.
23 Wilson (sic), of course, remains the presiding juror. We
24 will clear the Courtroom if you desire to deliberate in
25 here.
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1 All right. Thank you.