

Closing Argument In Guilt Or Innocence

MR. DOUGLAS MULDER: Once again, I
5 have an opportunity to speak directly to you, and I think
6 it would indeed be thoughtless of me not to take a moment
7 or two to thank you for the time and attention that you
8 have all devoted to this case.
9 This has been a relatively long case,
10 as cases go, and I'm sure that y'all have things that you
11 would rather be doing. We have taken you away from your
12 homes and from your families and from your jobs, and we
13 appreciate it deeply.
14 Last night, when I visited with
15 Darlie, and I asked her, "Is there anything in particular
16 that you would like to have me say to this jury?"
17 **MR. GREG DAVIS:** I'm going to object
18 to that as being outside the record as to what he did
19 last night.
20 **THE COURT:** Both sides are instructed
21 to stay within the record, and the jury is instructed to
22 remember the testimony as they heard it and you may
23 continue.
24 **MR. DOUGLAS MULDER:** She just asked
25 that I thank you, and I do that.
Sandra M. Halsey, CSR, Official Court Reporter
5284

1 **MR. GREG DAVIS:** I'm going to object
2 to that again, about whatever conversations that he may
3 have had outside of this courtroom.
4 **THE COURT:** Well, I'll sustain the
5 objection. And let's stay within the record, please.
6 **MR. DOUGLAS MULDER:** Yes, sir. I need
7 to visit with you a little bit about some of the very
8 fundamental principles of law, and then I too, would like
9 to share my thoughts with you in an effort to help you,
10 if it does, in arriving at your verdict.
11 But let me make one thing clear. You
12 aren't down here to return a verdict that is going to
13 make me happy. And you aren't down here to return a
14 verdict that is going to make Greg Davis happy.
15 The only people that have to be
16 satisfied and happy with your verdict are the 12 of you.
17 Now the law says, and we talked to you
18 about this on voir dire, the law says that all people are
19 presumed to be innocent. And the law says that that
20 presumption stays with them until the State proves their
21 guilt beyond all reasonable doubt. Another way of
22 saying, "Whoever does the accusing, has to do the
23 proving."

24 Now, way back four weeks ago, Mr.
25 Davis stood before you, and for a half an hour or 40
Sandra M. Halsey, CSR, Official Court Reporter
5285

1 minutes he told you, he made a pledge, he made a promise.
2 And he said, "We're going to prove that Darlie Routier is
3 self-centered, and materialistic and that she and her
4 husband were in financial straits and that it was just
5 too expensive to maintain these youngsters. And that is
6 why she killed them."
7 Now isn't that basically what he said?
8 Now let's talk about finances for a
9 minute. We know that she and Darin had their own
10 business. And we know that through June of 1996 they had
11 taken in approximately eighty-six thousand in cash in
12 that business, we know their expenses were some five
13 thousand a month in that business, and that leaves us
14 some fifty-six thousand.
15 Mr. Davis said: "Oh, but you were ten
16 thousand dollars in debt to the IRS."
17 He says, "I always owe the IRS."
18 And he said, "You owed your credit
19 card companies some twelve thousand dollars."
20 You know, I had expected from the
21 statement that he made that he was going to bring bankers
22 down here and he was going to bring mortgage people down
23 here, and he was going to bring people from the credit
24 card companies talking about how they were hounding these
25 folks.

Sandra M. Halsey, CSR, Official Court Reporter
5286

1 And he was going to bring car
2 repossessioners and things of that nature to show how he had
3 lost his business and they were almost to be thrown out
4 in the street. But that is not what happened.
5 Eighty-six thousand in six months,
6 expenses of some thirty thousand, that is fifty-six
7 thousand. And that may not be high cotton to Mr. Davis.
8 But you know, it's better than nine thousand disposable
9 income that he had each month.
10 But he said in addition to that, he
11 said there was eighteen or twenty thousand that I had in
12 accounts receivable that I have since brought in, so it
13 was there and available if I wanted it. And he had
14 seventy-nine hundred dollars in the bank. And he showed
15 sixty-four dollars in their personal checking account.
16 You know, who cares? Like I said, that's a long way from
17 skid row. Those are not dire straits to my way of

18 thinking.
19 Now, you have had some false
20 impressions that -- and I was a little surprised, but for
21 example, you will recall from that den they brought you
22 some records, and Mr. Davis introduce through Mayne
23 records about someone contemplating the disposal of their
24 assets in the event of death. And the idea or the
25 impression that he wanted to leave was that there was
Sandra M. Halsey, CSR, Official Court Reporter
5287

1 death thoughts in the mind of Darlie Routier on the night
2 of June the 5th. Y'all recall that.
3 You know, but the thing he didn't
4 bring you was the fact that they had a letter from the
5 lawyer dated September of 1995, talking about estate
6 planning, and all of this was in the same file. And that
7 was intended to deceive you, because it wasn't until we
8 had a chance at bat that we were able to straighten that
9 out.
10 But there was no death contemplated by
11 her. That was strictly done to mislead you.
12 Now, I think that there were some
13 leads out there that perhaps they should have pursued.
14 You will recall when Jimmy Patterson was on the witness
15 stand and I had to call him.
16 Can you believe that the leading --
17 that the lead detective, the man who made the ultimate
18 decision to charge Darlie was not called by the State.
19 They didn't call Patterson and didn't call Frosch. I had
20 to call them. And I was able to question him up until he
21 took the Fifth, and you will recall when the Judge
22 admonished him. But he tells you several things.
23 Patterson told you that the very
24 morning of this tragedy they had a call at the police
25 station, and the caller described a man who had a black
Sandra M. Halsey, CSR, Official Court Reporter
5288

1 cap --
2 MR. GREG DAVIS: I'm sorry, that is a
3 misstatement. It was not that morning, it was that
4 afternoon on the 6th.
5 THE COURT: The jury is instructed to
6 remember the testimony as they heard it, and be guided by
7 the Charge of the Court.
8 MR. DOUGLAS MULDER: I thought that
9 Mr. Patterson said it was that morning, but I'll stand
10 corrected. That afternoon is just as good.
11 But they had a man that fit the same

12 description that Darlie Routier had given, and he didn't
13 bother to check it out because he said it was on the
14 other side of town, which means that is five minutes
15 away.
16 He didn't bother to check it out
17 because it was on the other side of town. And the man
18 that called in had had the presence of mind to get the
19 man's name. And to this date they still haven't checked
20 his fingerprints, if they have got them, with the
21 fingerprints in that window.
22 They haven't checked the fingerprints
23 of Glenn Mize with the fingerprints in that window. And
24 they haven't checked the fingerprints of Gary Austin, the
25 fellow who lives down that alley that she wrote about in
Sandra M. Halsey, CSR, Official Court Reporter
5289

1 the letters, that the investigators had told her about,
2 and those were investigators that were in it before I
3 was.
4 But they still haven't checked their
5 fingerprints with the fingerprints in the window.
6 Now, what about the black car. Mr.
7 Patterson knew about that black car because he was there
8 and interviewed Nelda Watts. The neighbor who lived
9 right here. And she told Mr. Patterson that there was a
10 car that was parked out in front of her mailbox that
11 morning.
12 You see, they didn't call her because
13 she contradicts what Gorsuch says. But we know, by now,
14 from what the police officers said and everything else
15 that Gorsuch is -- he is not lying, he is simply mistaken
16 about the facts. But we know that there were more cars
17 out there than what Mr. Gorsuch led you to believe.
18 But at any rate she told you, and
19 Patterson told you that he was told that there was a
20 black car that was parked out there, and that that black
21 car was seen when a scream was heard and a lady looked
22 out of her window. She saw the black car there.
23 Then when the emergency vehicles
24 arrived that black car was gone. Now Karen Neal also
25 told you that she was there and she heard this next door
Sandra M. Halsey, CSR, Official Court Reporter
5290

1 neighbor of hers relate the facts to Patterson about the
2 black car that was there when the scream was heard, and
3 then later when the emergency vehicles arrived the black
4 car was gone.
5 And she told you that she had seen a

6 black car in that vicinity some seven or eight days
7 earlier and she told you when she was coming home from
8 work, remember about 3:00 o'clock and she saw the car
9 parked there and thought it was unusual because it was
10 parked there in the position where it could surveil the
11 Routier house. She said she saw the car and it was
12 suspicious to her, and she got out of her car to walk
13 around and find out what the man was up to.
14 And she said before she could ask, he
15 drove away at a fast speed. And she said she told the
16 police about that. Told Patterson about that. But they
17 didn't do anything about it.
18 And, she told you that later on, the
19 day of the murders, she again saw that black car as it
20 went through -- remember when it went through the
21 neighborhood? And she ran out and she didn't get the
22 license number, but she told the police that, "That is
23 the car that I was talking about." But they turned a
24 deaf ear.
25 THE COURT: Thirty minutes left, Mr.
Sandra M. Halsey, CSR, Official Court Reporter
5291

1 Mulder.
2 MR. DOUGLAS MULDER: Thirty?
3 THE COURT: Thirty.
4 MR. DOUGLAS MULDER: Yes, sir. Folks,
5 this was a -- this was a normal family. You had a mom
6 and dad and you had a house and a picket fence, a rose
7 garden, you had three children.
8 You know she just doesn't, all of a
9 sudden, out of the blue go haywire and kill her children.
10 Now, Mr. Davis has told us that he
11 would bring witnesses. The State has the burden of
12 proof. They have done the accusing, they have got to do
13 the proving.
14 They have brought you absolutely --
15 and think about this: Who of us could withstand the
16 scrutiny that they have put this woman under for the last
17 nine months? Unlimited funds to investigate her.
18 They have got some two hundred lawyers
19 in the district attorney's office in Dallas, some hundred
20 and how many investigators, I don't know.
21 They have got the Rowlett Police
22 Department at their disposal. They have had them down
23 here for four weeks. Unlimited funds to investigate
24 Darlie Routier, and they can't come up with one single
25 witness that will say anything bad about her as a mother.
Sandra M. Halsey, CSR, Official Court Reporter
5292

1 The undeniable proof is, that she is a
2 very loving, very caring, very devoted mother. And don't
3 you know, with unlimited funds, if that weren't true,
4 they would have somebody down here saying something about
5 it to the contrary.
6 Don't you know, if she had ever, ever,
7 ever mistreated those children, that someone would be
8 down here under oath telling you about it?
9 Let's talk for a little bit about that
10 crime scene, and there is nothing magical about a crime
11 scene. You know this fellow from the FBI that came in
12 here, Mr. Brantley, he learned a lot of what he is
13 telling about by talking to prisoners in the West
14 Virginia penitentiary. And you can imagine how truthful
15 those folks are going to be with him, but that is where
16 he got a lot of -- that and what he gleaned from that one
17 murder investigation that he was involved in.
18 But he came down here, and he said,
19 well, you know after looking at everything, he said, "I
20 think it's someone who knew the boys very, very well."
21 And he went through his risks, and he went through the
22 other things.
23 But you know when I asked him, and I
24 would suggest to you that they have a duty and a
25 responsibility to tell you how this happened. Okay? And
Sandra M. Halsey, CSR, Official Court Reporter
5293

1 if they can't tell you how it happened, then they have
2 the duty and the responsibility to tell you why they
3 can't tell you how it happened.
4 But I said, "Professor, Mr. Brantley,
5 you are the analyst, will you tell the jury, please, how
6 this happened?" And he said, "Well, I can't do that."
7 "Well, I mean, you are the analyst,
8 you ought to be able to tell them how it happened. Who
9 was killed first? How many knives? You know."
10 "Well, I can't do it."
11 "Well, can you tell us how long it
12 took to commit this particular" -- and that is going to
13 be important on down the line. Think about that now. I
14 want you to remember that. How long this took to commit
15 this and stage, you know, this thing.
16 He said, "I can't do that."
17 All right. Let's talk for a minute
18 about staging. You know, Cron, ex-deputy sheriff Cron
19 was called to the scene. And Jim Cron, he is a fine man,
20 he worked at the sheriff's office many, many years. He
21 was a fingerprint man. He left the sheriff's office
22 about three years ago, grew a beard, and now he calls

23 himself a consultant, and I don't quarrel with that. But
24 he is a fingerprint man. But at any rate, he doesn't
25 know any more about logic and common sense and what is
Sandra M. Halsey, CSR, Official Court Reporter
5294

1 reasonable and what isn't, than you all do.
2 Cron is the one, he gets out there and
3 he says, "Look," -- he said, "You couldn't go through
4 that window without disturbing the dust on it." He said
5 it was like a field of fresh fallen snow. Remember that?
6 And then here comes Frosch, right
7 before his very eyes and he goes in and out of it.
8 Frosch who is 6'3", and probably would dress out at about
9 220, goes through it back and forth three times, and
10 never disturbs it at all. You know, I thought he was
11 going to come out of here with that screen around his
12 neck. But he went through that, in and out, before your
13 very eyes three times.
14 Well, Cron says, you know, I guess he
15 wants the lights turned out and the blinds -- you know,
16 he said he didn't do it at night. I don't care what it
17 is, you know, if it doesn't fit with his ideas and his
18 opinion, then he just disregards it.
19 And another thing that astounded me,
20 and must have you, he put his hand in the very same place
21 that they have the unidentified fingerprints. I called
22 them to Cron the coincidental fingerprints, remember?
23 He said, "Well, those don't really
24 mean anything." Of course, they had all of the police
25 officers and all of the -- why are they getting the
Sandra M. Halsey, CSR, Official Court Reporter
5295

1 prints of the paramedics if they didn't -- if they
2 weren't wandering throughout the house.
3 They had all of the prints of the
4 paramedics, all of the prints of the police officers, all
5 of the prints of the Routier family, and they compared
6 them. No match.
7 And Cron says, "Well, you know, that
8 doesn't mean anything." And you can imagine what it
9 would mean if her prints were on there. Then it would
10 have been extremely important, like it was when her hair
11 was in the window. But we know about that.
12 Cron didn't have any opinion about
13 that sock. They never asked him about that sock. They
14 preferred to ignore the sock.
15 You talk about artifacts, and you know
16 what an artifact is. An artifact is something that has

17 been changed, or a manmade change in the crime scene.
18 That is an artifact.
19 Well, when do you determine whether or
20 not there are any artifacts? And isn't that the first
21 thing?
22 You know Bill Parker said this, and I
23 think Richard Mosty categorized him perfect as the
24 "closer." He is the guy, you know, on the used car lot
25 that comes in when they are balking a little bit, and
Sandra M. Halsey, CSR, Official Court Reporter
5296

1 they are trying to make a sale, and he is "the closer".
2 And I tell you, if Bill Parker can't
3 get a confession out of somebody, they haven't done
4 anything, and it's as simple as that.
5 But Parker is the one that they should
6 have asked about this, because he is the one that has
7 been out to many crime scenes. But Parker said, he
8 wasn't asked to give his opinion or reconstruct anything.
9 But I asked him, "Aren't all crime scenes contaminated?"
10 And he said "Yes, they are. The
11 police officers come in there, and everybody wants to
12 look at the weapon. Everybody wants to get a drink.
13 Everybody wants to use the bathroom. It's chaotic."
14 Especially when you get the first responders and they are
15 paramedics, because they are not interested in the crime
16 scene, they are interested in trying to save lives.
17 But the time that you find out what
18 the artifacts are and what has been changed isn't five or
19 six months later down at the courthouse, when you are
20 doing your mock trial routine. It's there. That is your
21 job, Patterson. You talk to the paramedics. You find
22 out what they have done, and what they have moved.
23 Now, there is a very telling
24 photograph here, and I will remind you that both Darlie
25 and Darin, in their statements, say that the glass table
Sandra M. Halsey, CSR, Official Court Reporter
5297

1 top was down. Darin says it, and you can look at that.
2 I put it in evidence, they didn't. I put her statement
3 in evidence. They didn't.
4 But she says that there was a table
5 top and it was down when she first got up, and when he
6 came down the stairs, and when they first saw the scene.
7 And this is that table top. This is
8 the table top right here. And you know, Cron criticized
9 the photographs, like all of us do, because they are not
10 proper. But Cron was right there and didn't do anything

11 to correct the situation when he saw it.
12 You know, he let the photographer go
13 through there and take three hundred pictures in the den
14 and in the kitchen, before they ever started to process
15 the situation. And that is not good police work, and you
16 know that. Just from sitting here as jurors. Common
17 sense tells you that.
18 But you can tell from this photograph,
19 I guess it goes like this. But you can see that that
20 blood has run off that table, and that is consistent with
21 it being down. Darin told you that the paramedic put
22 that table back on the pedestal. Darin told you that the
23 paramedic knocked that lamp shade down.
24 Darin told you and Darlie told you
25 that she used the vacuum cleaner to steady herself on.
Sandra M. Halsey, CSR, Official Court Reporter
5298

1 Now, if that is not the case, you
2 know, we know Waddell and Walling are still here. You
3 know, God only knows what this has cost the County of
4 Dallas. But, you know, they can get them here like
5 instant coffee. So they are still here.
6 They could have called Mr. Waddell up
7 here and said, "Mr. Waddell, did you ever see her using
8 this vacuum cleaner? We know, Mr. Waddell that you
9 didn't see it in the kitchen, but did you ever see her
10 using this vacuum cleaner to steady herself with, like
11 she said?"
12 And he could have told you one way or
13 the other.
14 And it's absurd for them to suggest
15 that Walling and Waddell were in that kitchen, and saw
16 the glass on the floor, and didn't see a vacuum cleaner.
17 Remember how they tip-toed around that
18 glass, so as not to step on it? And you are telling me
19 that they didn't see a vacuum cleaner?
20 You know, I asked Waddell, I said:
21 "Was there anything to obstruct you walking from the den
22 to the kitchen sink?"
23 And he said, "No."
24 "Well, I meant, would you have to jump
25 over a vacuum cleaner?"
Sandra M. Halsey, CSR, Official Court Reporter
5299

1 And he said he didn't see any vacuum
2 cleaner. To suggest that this is staging is absurd. To
3 suggest that she rolled this around to stage what? This
4 is absurd.

5 But you see what they didn't do, what
6 Patterson didn't do and what Walling didn't do, and what
7 the officers didn't do, was find out from the paramedics,
8 at that time, "What have you moved?" Not wait until
9 sometime later.
10 What else have they tried to mislead you on?
11 Well, you know, it's kind of curious that Waddell -- he
12 makes it sound like there wasn't much going on when he
13 got there. Darlie was rather calm. But when I got his
14 report from him, he admits that in his report, he
15 described her as hysterical.
16 Now, I think Waddell -- and I don't
17 mean to fault Waddell, I think he was -- I think he was
18 as shocked as any of us, as I would have been. And I
19 don't know how I would have reacted. I may have frozen
20 just like he did. I don't know. And so I'm not throwing
21 stones at him. But I think what you heard was what he
22 wished he had done.
23 He didn't help those children and he
24 didn't do anything to help them. And I dare say he
25 didn't give any instructions.
Sandra M. Halsey, CSR, Official Court Reporter
5300

1 And you are privy, you see, you have
2 this advantage, he said that he didn't do any questioning
3 of Darlie after Sergeant Walling got there. Remember
4 that? Remember that?
5 Okay. Walling got there at the end,
6 you can hear where he is coming in on the 911 tape, you
7 have listened to that a bunch of times. Waddell is the
8 one who was questioning her on the 911 tape.
9 She is answering Waddell, she is
10 talking to him about fingerprints, she is talking -- and
11 when she first said something about fingerprints, she
12 said something about, "He dropped a knife," and the woman
13 says, "Don't touch anything."
14 They are trained to tell them that,
15 because people instinctively do. Just like police
16 officers. They handle -- everybody wants to touch the
17 gun, everybody wants to see the knife.
18 And they are instructed, "Don't touch
19 anything."
20 She said, "I've already touched the
21 knife."
22 But when they talk about fingerprints,
23 she is talking to Waddell, but she is carrying on three
24 conversations, one with Waddell, one with the 911
25 operator and one with her husband. You can appreciate

1 that. But they didn't know that at that time.
2 The 911 operator thought she was
3 talking to her. You know and Waddell I assume thought,
4 whatever, and the husband. So, to -- just to hopefully
5 clear that up.
6 But at any rate, let's talk a little
7 bit about that sock. Do you really believe that, first
8 of all, if you are going to plant evidence, what is the
9 most important consideration? That the police find it.
10 I mean, it doesn't do any good if the police don't find
11 it. The police have to find it.
12 Do you think that she is so
13 sophisticated that she would have the presence of mind to
14 put just a smidgen of blood on that sock, just a wipe of
15 blood on that sock and put it three houses down the alley
16 and depend on Patterson and his people to find it? I
17 don't think so.
18 I think what she would have been
19 inclined to do, and what someone who wasn't acquainted
20 with crime scenes, maybe you all, you know two months
21 ago, if you are going to plant something like that, it's
22 going to be a sock that is drenched in blood. And you
23 are going to put it at the end of the driveway, where the
24 driveway meets the alley to show that somebody was taking
25 off and kind of show where they were going down the
Sandra M. Halsey, CSR, Official Court Reporter
5302

1 alley.
2 THE COURT: Fifteen minutes left.
3 MR. DOUGLAS MULDER: You are not going
4 to do anything as subtle as a little smear on that sock,
5 down three houses and hope the police find it.
6 Now I'm going to have to move on, and
7 I'm going to talk fast, and forgive me, I would like to
8 take another 45 minutes or an hour, but I don't have that
9 luxury.
10 Let's talk about Tom Bevel and talk
11 about what he said.
12 He said basically that they are two
13 spots. A spot here and a spot here. And you can either
14 believe that the blood was mixed and it was Darlie's
15 blood and Devon's blood, or Darlie's blood and Damon's
16 blood, or Darlie's blood and Damon's blood.
17 Or, you can believe, if you choose,
18 you can believe that one spot of the child's blood hit
19 here, and then one spot of her blood hit right on top of

20 it, and then one spot of the other child's blood hit
21 here, and then another spot of her blood hit right on top
22 of it, exactly right on top of it, and the same thing
23 over here.

24 Now, to make the situation work, Mr.

25 Bevel tells you, that the only way you can get this -- or
Sandra M. Halsey, CSR, Official Court Reporter
5303

1 one way, I guess, that you could get this on there was
2 through stabbing, and when you draw the knife back, the
3 knife blade, which is -- it has a supply of both of their
4 blood on it, is cast off here when you stab the one boy.

5 Okay?

6 Is everybody clear on what he is

7 talking about?

8 Now, if in fact that is true, we know

9 that Darlie has to be injured prior to the time that this
10 happens because it's got to get her blood on the knife
11 blade.

12 So, that means that she is either the

13 one who is assaulted first, her throat is cut, she is
14 stabbed in the right forearm, stabbed in the left chest
15 and her fingers are cut here, and she is beaten severely
16 with a blunt instrument, all of that happens first.

17 Okay?

18 And then the boys are stabbed -- and

19 that doesn't make a lot of sense because you have got to
20 get her down that alley with that sock, and none of her
21 blood is outside the house.

22 In fact, it's not outside the -- it

23 goes to the front door, and it goes to the utility room

24 and it's in the kitchen and den. Okay?

25 So that is unlikely that she is the

Sandra M. Halsey, CSR, Official Court Reporter
5304

1 first one -- that she is going to cut her throat and do
2 all of this stuff to herself, and then stab the children.

3 But you see, the other version is

4 equally ridiculous. Because under that scenario, she
5 stabs both boys, then she cuts her throat and inflicts
6 all of these wounds to herself, to get her blood on that
7 knife, you see. And then, she goes back and stabs the
8 kids.

9 Now, does that make sense? Neither

10 one of these situations actually makes sense. But you

11 see, she has got to load the knife with her blood if

12 these are mixed blood cast offs, and it won't work either

13 way. I mean, it doesn't make any sense either way.

14 They have got -- they have the
15 responsibility of telling you how this happened, or they
16 have the responsibility of accounting for you why they
17 can't. And they haven't done that.
18 Now, Angie Rickels came down here and
19 testified. You remember her? She is the young lady that
20 lived -- lives on Miami, four blocks away. She is two
21 blocks on the other side of Dalrock Road. And you know
22 Dalrock runs from Highway 66 to Interstate 30. And it's
23 about five minutes between the two.
24 You get on Interstate 30 and you can
25 be in Dallas in ten minutes, or you can be in Rockwall or
Sandra M. Halsey, CSR, Official Court Reporter
5305

1 through Rockwall in ten minutes. You get on 60 and you
2 can -- you know, but you have got access to two highways,
3 and they are only five minutes apart.
4 She told you this: She said that her
5 husband works nights, and she said that he was working
6 this particular night and she was home with her 15 year
7 old daughter and her infant baby.
8 And she said that she was -- she heard
9 somebody trying to come in through the door. And first
10 thought it was her husband because it was 1:30, and he
11 works late nights. And sometimes comes home for lunch or
12 checks on her, because of her condition. She had a
13 stroke earlier. And then she didn't hear the key in the
14 door, and that aroused her suspicion. She went to the
15 door and she looked out, and turned on the light, and
16 these two men ran off. Do you remember that?
17 She said she -- of course, it scared
18 her, but she didn't call the police like she should have,
19 I suspect. But at any rate, she said about 15 or 20
20 minutes later she heard something at the window, and it
21 was somebody trying to get in with a knife or a
22 screwdriver, and she turned out the lights this time and
23 they -- she saw them run off.
24 She said she told her husband about it
25 immediately when he got home. He called her in-laws and
Sandra M. Halsey, CSR, Official Court Reporter
5306

1 told them, told some people, and they said, "You really
2 ought to report this." And so she finally did. And she
3 said the police came out there, and they really weren't
4 interested in it.
5 Now this is 1:30 to 1:45 or two
6 o'clock, I suspect on June the 6th, some four blocks from
7 where this happened. And the FBI agent said that it's

8 important what has happened in the neighborhood.
9 You know, the black car would have
10 been important. This would have been important. People
11 on the prowl, people walking around, people trying to
12 break into a lady's house and her situation was similar
13 in that, you know there was no car in the driveway. Her
14 husband had taken the car to work.
15 The TV was on, evidence that somebody
16 was there, and the house was occupied, the lady of the
17 house was home there alone.
18 I went out to see her, I filed a
19 motion and got that information from the State in
20 November. And I went out to see her the very next day,
21 just as soon as I could get out there, because I thought
22 it was important.
23 I got out there and I talked to her,
24 and you know what she told me?
25 MR. GREG DAVIS: I'm going to object
Sandra M. Halsey, CSR, Official Court Reporter
5307

1 to whatever she told him out there. That is outside --
2 MR. DOUGLAS MULDER: She testified to
3 the same thing here in Court. She said that Mr. Bosillo
4 had been out there the day before, and you remember I had
5 looked around for him. I walked out here and I looked
6 for him to see where he was, and he wasn't anywhere to be
7 found in Court. And then there was the lady with the
8 blonde hair she was also with him. Remember that? I
9 looked around for one of them and couldn't find them.
10 What did he tell her? They said,
11 "Don't talk to anybody." Now that is not fair play.
12 Patterson ignores everything, and he says: "Don't talk
13 to anybody." Now, I am offended by the arrogance of
14 that.
15 If this trial is to be a quest, if
16 this trial is to be a search for the truth, then I trust
17 you to hear everything that went on, and that is not fair
18 play. Is it?
19 What else has happened? The funny
20 business like this.
21 Well, we have Wade that walked down
22 the alley, and he said he saw the knife and the
23 screwdriver in the yard back there, and they brought the
24 young man, that may not have anything to do with it, but
25 if that is his type of thinking -- I mean, if he ignores
Sandra M. Halsey, CSR, Official Court Reporter
5308

1 obvious things like that, what else has he ignored? You
2 know? What else has he ignored? What else was there
3 besides the sock down in that alley that you ought to
4 have access to.
5 I called Darlie Routier to the stand
6 because I thought you had a right to hear her account.
7 It's as simple as that.
8 Not because I had to, not because it
9 was necessary, I don't think with the state of the
10 evidence the way it was at that time, that it was, but
11 you have a right to sift through this and hear everything
12 if this is to be a search for what the truth actually is.
13 And that is the way that I look at it. Apparently, not
14 the way they look at it. Because they have not done what
15 they said they were going to do.
16 What about this amnesia? Is that
17 something that I dreamed up? No, it's not. Lisa Clayton
18 told you about amnesia. Lisa Clayton told you that she
19 had studied under Resnick, who is the leading authority
20 on why mothers kill babies or children. And she outlined
21 for you the reasons, and I don't have time to go through
22 all of those reasons. But we went through each one
23 carefully, because I think it's important to you.
24 And, she told you why each one was not
25 applicable to this particular case, didn't she? And she
Sandra M. Halsey, CSR, Official Court Reporter
5309

1 said, you know, Mulder, when I got into this case, the
2 only restriction that I put on it was that I was going to
3 tell the truth.
4 And I said, "That is fair with me.
5 That's all I want." Okay?
6 And she told you that she believed
7 Darlie Routier. She talked to her family. She talked to
8 her husband. She talked to her in-laws. She said, "I
9 believed her. She is not guilty."
10 Do they rebut that? You know, these
11 folks have the luxury of having ten grand for this guy to
12 come in here and do this song and dance on this 911 tape.
13 They can spend ten thousand for that. You know, they can
14 bring you a psychiatrist, if what Lisa Clayton said is
15 not true.
16 Dr. Vincent DiMaio, 28 years as a
17 pathologist. I suggest to you, that there is no one
18 better qualified in the United States, and he happens to
19 be in Bexar County, and I didn't hire him for this case.
20 I know the man, naturally, but I didn't hire him for this
21 case.
22 But I submit to you that there is no

23 one better qualified. Seven thousand autopsies.
24 Supervised twenty-one thousand autopsies. He has been
25 doing this 28 years. And he tells you, under oath,
Sandra M. Halsey, CSR, Official Court Reporter
5310

1 "These are not -- these wounds are not consistent with
2 being self-inflicted. They simply are not."
3 Now their doctor wouldn't commit
4 herself. And I don't blame her, but she would not
5 commit. But they have unlimited funds. And if, what Dr.
6 DiMaio is telling you is not true, they could bring
7 someone in here, and I suspect maybe they already have.
8 I don't know.

9 THE COURT: Five minutes left, Mr.
10 Mulder.

11 MR. DOUGLAS MULDER: Yes, sir. But I
12 suspect, that if that were not the gospel truth, they
13 would bring someone in here.
14 Dr. DiMaio told you that he has been
15 involved in cases where the people who have
16 self-inflicted the wounds and injuries were medical
17 people. In fact, he told you about two months ago or so
18 that he testified, it was a nurse.
19 He said, "They use their dominant hand
20 because that is natural to them." The medical people do
21 it. Why would I think that she would be sophisticated
22 enough to think on down the line, to a jury, and use one
23 hand to do this, and another hand to do this, I mean, why
24 would she do that? You know, it makes absolutely no
25 sense.

Sandra M. Halsey, CSR, Official Court Reporter
5311

1 They have indicted her on two offenses
2 here. This is the first of the trials.
3 Refused to try them together. You, as
4 jurors, have the awesome duty and responsibility to
5 determine what the facts are. The credibility of the
6 witnesses and the weight that you want to assign to the
7 testimony of those witnesses.
8 Like I said, this clock is about to
9 choke me off, and I would like to talk to you a little
10 bit longer, but I have got something I want to say: Look
11 at how long it would have taken for her to do this. And
12 we have got to have a place that we can kind of start,
13 and let's start with that 911 tape that goes in at 2:31.
14 Okay?
15 The tape is 5 minutes and 44 seconds
16 long. So that takes us up to nearly 2:37 or 2:36.44, if

17 we were right on the money when we started at 2:31. It
18 takes us up to 2:36.44, when Walling gets there.
19 Remember? He gets there at the end of the tape.
20 What does Walling say? Do the
21 paramedics come in immediately? No.
22 He said "I had to secure the place
23 before the paramedics were in."
24 And he said, "We secured the place."
25 You remember, because up until then, according to Darin,
Sandra M. Halsey, CSR, Official Court Reporter
5312

1 Waddell had never drawn his gun. He went into the
2 kitchen a little bit, but he had never drawn his gun.
3 And Walling came in and he and Waddell
4 secured the area, and then they got the paramedics in,
5 and the paramedics came in. So let's give them a minute
6 to secure the area. And that gets us to 2:37.44.
7 He said they rushed in. And Kolbye
8 was the first one to get to Damon. Remember, he said he
9 saw that -- he administered whatever aid he could to him.
10 And he saw the light of life leave his eye. Remember
11 when he said that?
12 Now, let's give him 30 seconds to do
13 that. So it's now 2:38.
14 Dr. Townsend told you that that
15 youngster would have hung in there for a matter of
16 minutes, and when I tried to pin her down, you know, it
17 was finally five or six minutes, and then she said: "It
18 could have been as many as eight or nine minutes." Okay?
19 If you dial that back, from the 2:37,
20 nine minutes, then you are at 2:29. When that youngster
21 is stabbed and she then has to cut her throat, she has
22 got to get that sock down the alley. She has got to cut
23 her throat. She has got to do all of this staging. She
24 has got to break the glass. Remember, some of the glass
25 had blood on it, and some of the glass didn't have blood
Sandra M. Halsey, CSR, Official Court Reporter
5313

1 on it?
2 And then there was glass shards up on
3 the shelf and glass in the ice bucket. She didn't throw
4 it down, that was broken as she -- as the assailant went
5 out of there. You can tell from the physical evidence.
6 That is not part of staging.
7 Dr. Coons tells you -- and with this I
8 think I am about out of soap. But Dr. Coons tells you
9 this: He has done a lot of research on memory. And Mr.
10 Mosty talked to him back in December, and then called him

11 the other night, late at night, and told him that he was
12 due in Court here, and he came in.
13 And he told you about memory, and he
14 said the mind is not like a camera. And when the mind
15 experiences an overwhelmingly traumatic event, it's like
16 the circuit breaker in your electrical circuit, and it
17 flips, or it blows a fuse. It shuts down. You see.
18 The trauma that the mind can't handle.
19 He said, it's like the woman who is in a car accident and
20 her child is killed. And she doesn't remember anything
21 about the accident, but she can tell you in detail what
22 happened in the ambulance on the way to the hospital
23 because she has a memory of that.
24 You know, it's really -- the mind
25 shuts down. It's like walking into a movie in the
Sandra M. Halsey, CSR, Official Court Reporter
5314

1 middle. And what she told these people from time to
2 time, and I dare say that the mind, she knew that she was
3 fighting. She knew that she was involved in a struggle.
4 You can't be beat up like that.
5 They want you to think that somebody
6 beat her up when she got out of the hospital. It's
7 ludicrous. I had that little polaroid picture that shows
8 where the bruising is starting on her arm. That is
9 ludicrous.
10 THE COURT: Mr. Mulder, your time is
11 up if you could close, briefly, please.
12 MR. DOUGLAS MULDER: Yes, sir. I have
13 done all I can. You have been most attentive. I have
14 watched you. You have been most attentive. You have
15 paid attention, and you have listened to the witnesses.
16 This lady is simply not guilty. There
17 is a reasonable doubt. I'll ask you to find her not
18 guilty, and I thank you for your time and for your
19 attention.
20 Thank you, Judge.
21 THE COURT: Thank you, Mr. Mulder.
22 The jury having been in the courtroom
23 for some time will take a 10 minute break, and we mean 10
24 minutes, please. You can step outside briefly. Thank you.