

THE COURT: Thank you, Mr. Davis.
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1 Ladies and gentlemen of the jury, if
2 you will retire to the jury room now, please. If you
3 will select one of your members as presiding juror, and
4 when you have reached a verdict, please contact the
5 bailiff who has you in charge at the time.

6
7 (Whereupon, the jury
8 Was excused from the
9 Courtroom, to begin their
10 deliberations at 1:40 p.m.,
11 during which time, the
12 proceedings were held
13 In the presence of the
14 Defendant, with her
15 Attorneys, but outside
16 of the presence of the jury
17 as follows:)

18
19 THE COURT: All right, ladies and
20 gentlemen, here is how this is going to work.
21 We can't get all of these exhibits in
22 the jury room, so we're going to let the jury deliberate
23 in here. That means that all of you will be downstairs.
24 We will be in the offices up here, should anything be
25 needed. If a verdict is reached, believe me, you will
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1 know. We will not do anything without calling everybody
2 up.
3 We will have to ask you to step
4 downstairs, please, and remain there until given further
5 notice.

6
7 (Whereupon, the Audience
8 was excused from the
9 Courtroom, and the
10 proceedings were resumed on
11 the record, in the presence
12 and hearing of the defendant,
13 but outside the presence of
14 the jury as follows:)

15
16 THE COURT: All right. Let the record
17 reflect that these proceedings are being held outside of
18 the presence of the jury, and all parties in the trial

19 are present.
20 The Charge having been read to the
21 jury, the following three alternate jurors are now
22 discharged. Mr. Lewis Hurt, Ms. Diana Castillo, and Mr.
23 Rolf Larsen.
24 We want to thank you very much for
25 your service and we appreciate all of your time, and for
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1 any inconvenience, we certainly apologize for it, and we
2 appreciate everything that you have done.
3 If you will leave your juror badge
4 here now, we have an officer that is going to escort you
5 down the backstairs of the courthouse. And please do not
6 discuss the case with anyone until it's all the way over.
7 When it is all the way over, if a verdict comes in, for
8 example, of not guilty, it will be over.
9 If a verdict comes in, for example, of
10 guilty, then we have to have another hearing, so please
11 don't discuss it until it's all the way over. After that
12 you may discuss or not discuss it as you see fit. If you
13 want to talk about it, you can, if you don't want to talk
14 about it, you don't have to. That is anybody. The
15 press, the lawyers, anybody. It's just your call and
16 your judgment. Please don't discuss anything about it
17 until it's over.
18 Thank you very much again for all of
19 your hard work and your services.
20 THE BAILIFF: Do they need to be paid
21 by Ms. Uecker before they leave, Judge?
22 THE COURT: Oh, that is Kerr County.
23 That is a very important thing. I assume so.
24 THE BAILIFF: Just follow me, folks,
25 and I will take care of you.
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1 THE COURT: All right. Thank you very
2 much.
3
4 (Whereupon, the alternate
5 Jurors were excused from
6 the Courtroom, and the
7 proceedings were recessed
8 pending the deliberations
9 of the jury on guilt or
10 innocence, until the following
11 proceedings were resumed,
12 outside the presence of the

13 defendant, represented by her
14 Attorneys, and outside
15 of the presence of the jury
16 at 6:00 P.M., as follows:)

17

18 THE COURT: All right. Let the record
19 reflect that these proceedings are being held outside of
20 the presence of the jury, and all participants in the
21 trial are present. These proceedings are being held in
22 chambers. We have present for the defense, Mr. Mulder,
23 Mr. Mosty, and Mr. Harrell; and for the State is Ms.
24 Wallace.

25 I have received the following note:
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1 "Some of us remember hearing Darin say
2 that he did not lock the door from the utility room to
3 the garage before he went to bed, 6/5/96, the rest of us
4 remember that Darin said he locked this door. Which is
5 right?"

6 "Frank S. Walker. Presiding juror."

7 Now Ms. Halsey has looked that up and
8 you have seen the reply. Does either side have any
9 objection to the answer to the note?

10 MS. SHERRI WALLACE: No objection from
11 the State.

12 MR. DOUGLAS MULDER: No objection,
13 your Honor.

14 THE COURT: All right. Just for the
15 record, both sides agree to giving this note back to the
16 jury just like it is?

17 MS. SHERRI WALLACE: The State has no
18 objection.

19 MR. DOUGLAS MULDER: The defense has
20 no objection.

21 THE COURT: All right. And just for
22 record purposes, Mrs. Darlie Lynn Routier is not here for
23 this hearing. Do you wish to waive her presence, Mr.
24 Mulder?

25 MR. DOUGLAS MULDER: Yes, sir.
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1 THE COURT: And Mr. Mosty?

2 MR. RICHARD C. MOSTY: Yes, sir.

3 THE COURT: All right. You may send
4 the note back to the jury.