

Verdict on Punishment

THE COURT: Let's go on the record
19 again. Let the record reflect that these proceedings are
20 being held outside the presence of the jury and all
21 parties in the trial are present.
22 Mr. Mulder, you and Mr. Mosty and Mr.
23 Glover and Mr. Douglass and Mr. Hagler have been retained
24 only for the case-in-chief, and not for any appeal; is
25 that correct?
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1 MR. DOUGLAS MULDER: Yes, sir, that's
2 correct.
3 THE COURT: And Mrs. Routier, just for
4 this purpose, could you raise your right hand, please.
5
6 (Whereupon, the defendant
7 Was duly sworn by the
8 Court, to speak the truth,
9 The whole truth and
10 Nothing but the truth,
11 After which, the
12 Proceedings were
13 Resumed as follows:)
14
15 THE COURT: Do you solemnly swear or
16 affirm, that the testimony you are about to give, will be
17 the truth, the whole truth, and nothing but the truth, so
18 help you God?
19 THE DEFENDANT: Yes, sir.
20 THE COURT: All right. Ma'am, you are
21 indigent and this case will be appealed?
22 THE DEFENDANT: Yes, sir.
23 THE COURT: But you're indigent and do
24 not have sufficient money to pay for an appellate
25 attorney; is that correct?
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1 THE DEFENDANT: Yes, sir.
2 THE COURT: All right. Fine. The
3 State agrees with that?
4 MR. GREG DAVIS: The State agrees.
5 THE COURT: All right. Fine. I will
6 appoint one for you at the appropriate time.
7 All right. Thank you.
8
9 (Whereupon, a short

10 recess was taken,
11 after which time,
12 the proceedings were
13 resumed on the record,
14 in the presence and
15 hearing of the
16 defendant but not the
17 jury, as follows:)
18
19 THE COURT: All right.
20 Everybody relax. We are going to wait
21 until everybody gets a seat. Come on in and find a seat.
22 Ready, Ms. Biggerstaff?
23 THE BAILIFF: Yes, sir.
24 All right. Let the record reflect
25 these proceedings are being held outside the presence of
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1 the jury and all parties of trial are present.
2 Ladies and gentlemen, this has been a
3 lengthy and vigorously contested trial. The jury has
4 reached a verdict, and now they're coming in with their
5 verdict in punishment. And this could be an emotional
6 time.
7 And if there is anybody in the
8 courtroom now who feels they would not be able to stand
9 this verdict, now is the time for them to leave. No one
10 will think the lesser of you for doing so. Because I
11 will not permit emotional outbursts and disruption of the
12 courtroom.
13 If there is anyone who wishes to
14 leave, feel free to do so now.
15 All right. Let's bring the jury in,
16 please.
17
18 (Whereupon, the jury
19 Was returned to the
20 Courtroom, and the
21 Proceedings were
22 Resumed on the record,
23 In open court, in the
24 Presence and hearing
25 Of the defendant,
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1 As follows:)
2
3 THE COURT: All right. Please be

4 seated, ladies and gentlemen.
5 Let the record reflect that all
6 parties in the trial are present and the jury is seated.
7 Mr. Walker, has the jury reached a
8 verdict in this phase of the trial?
9 THE FOREMAN: Yes, we have, your
10 Honor.
11 THE COURT: Special Issue Number 1:
12 Do you find from the evidence beyond a reasonable doubt,
13 that there is a probability that the defendant, Darlie
14 Lynn Routier, would commit criminal acts of violence that
15 would constitute a continuing threat to society?
16 In your verdict you will answer either
17 yes or no. And the answer is "yes."
18 If that is your verdict, please so
19 signify by raising your right hands.
20
21 (Whereupon, each juror
22 raised their hand that
23 the verdict read by the
24 Court was their verdict,
25 after which time, the
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1 proceedings were resumed
2 on the record, in open
3 court, as follows:)
4
5 THE COURT: Let the record reflect
6 that all hands are raised.
7 Special Issue Number 2: Taking into
8 consideration all of the evidence, including the
9 circumstances of the offense, the defendant's character
10 and background, and the personal moral culpability of the
11 defendant, is there a sufficient mitigating circumstance
12 or circumstances to warrant that a sentence of life
13 imprisonment, rather than a death sentence be imposed.
14 In your verdict, you will answer
15 either yes or no. And the answer is "no." That is
16 signed by Frank S. Walker, Presiding Juror.
17 If that is your verdict, please so
18 signify by raising your right hands.
19
20 (Whereupon, each juror
21 raised their hand that
22 the verdict read by the
23 Court was their verdict,
24 after which time, the
25 proceedings were resumed

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1 on the record, in open
2 court, as follows:)
3
4 THE COURT: Let the record reflect
5 that all hands were raised.
6 Ms. Routier, if you would stand,
7 please.
8 MR. RICHARD C. MOSTY: Your Honor, may
9 we have the jury polled?
10 THE COURT: You may.
11 I'm going to ask each individual
12 member of the jury if the verdict as stated by the Court
13 to each Special Issue is their verdict.
14 Mr. Evans, if it is, raise your right
15 hand.
16 (Whereupon, the juror
17 raised his hand that
18 the verdict read by the
19 Court was his verdict,
20 after which time, the
21 proceedings were resumed
22 on the record, in open
23 court, as follows:)
24
25 THE COURT: Let the record reflect
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1 that Mr. Evan's right hand was raised.
2 Mr. Monroy?
3
4 (Whereupon, the juror
5 raised his hand that
6 the verdict read by the
7 Court was his verdict,
8 after which time, the
9 proceedings were resumed
10 on the record, in open
11 court, as follows:)
12
13 THE COURT: Let the record reflect
14 that Mr. Monroy's right hand was raised.
15 Ms. Huth?
16 (Whereupon, the juror
17 raised her hand that
18 the verdict read by the
19 Court was her verdict,

20 after which time, the
21 proceedings were resumed
22 on the record, in open
23 court, as follows:)
24
25 THE COURT: Let the record reflect
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1 that Ms. Huth's right hand was raised.
2 Ms. Corkill?

3
4 (Whereupon, the juror
5 raised her hand that
6 the verdict read by the
7 Court was her verdict,
8 after which time, the
9 proceedings were resumed
10 on the record, in open
11 court, as follows:)

12
13 THE COURT: Let the record reflect Ms.
14 Corkill's right hand was raised.
15 Mr. Jimmie Samford?

16
17 (Whereupon, the juror
18 raised his hand that
19 the verdict read by the
20 Court was his verdict,
21 after which time, the
22 proceedings were resumed
23 on the record, in open
24 court, as follows:)
25
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1 THE COURT: Let the record reflect Mr.
2 Jimmie Samford's right hand was raised.
3 Mr. Charles Samford?

4
5 (Whereupon, the juror
6 raised his hand that
7 the verdict read by the
8 Court was his verdict,
9 after which time, the
10 proceedings were resumed
11 on the record, in open
12 court, as follows:)
13

14 THE COURT: Let the record reflect Mr.
15 Charles Samford's right hand was raised.
16 Ms. Reynolds?
17
18 (Whereupon, the juror
19 raised her hand that
20 the verdict read by the
21 Court was her verdict,
22 after which time, the
23 proceedings were resumed
24 on the record, in open
25 court, as follows:)
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1
2 THE COURT: Let the record reflect Ms.
3 Reynold's right hand was raised.
4 Ms. Franklin?
5
6 (Whereupon, the juror
7 raised her hand that
8 the verdict read by the
9 Court was her verdict,
10 after which time, the
11 proceedings were resumed
12 on the record, in open
13 court, as follows:)

14
15 THE COURT: Let the record reflect Ms.
16 Franklin's right hand was raised.
17 Mr. Walker?
18
19 (Whereupon, the juror
20 raised his hand that
21 the verdict read by the
22 Court was his verdict,
23 after which time, the
24 proceedings were resumed
25 on the record, in open
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1 court, as follows:)
2
3 THE COURT: Let the record reflect Mr.
4 Walker's right hand was raised.
5 Ms. Way?
6
7 (Whereupon, the juror

8 raised her hand that
9 the verdict read by the
10 Court was her verdict,
11 after which time, the
12 proceedings were resumed
13 on the record, in open
14 court, as follows:)
15
16 THE COURT: Let the record reflect
17 that Ms. Way's right hand was raised.
18 Ms. Wagoner?
19
20 (Whereupon, the juror
21 raised her hand that
22 the verdict read by the
23 Court was her verdict,
24 after which time, the
25 proceedings were resumed
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1 on the record, in open
2 court, as follows:)
3
4 THE COURT: Let the record reflect
5 that Ms. Wagoner's right hand was raised.
6 And Ms. Gibson?
7
8 (Whereupon, the juror
9 raised her hand that
10 the verdict read by the
11 Court was her verdict,
12 after which time, the
13 proceedings were resumed
14 on the record, in open
15 court, as follows:)
16
17 THE COURT: Let the record reflect Ms.
18 Gibson's right hand was raised.
19 Mrs. Routier, would you stand.
20 And that's all 12 jurors right hands
21 were raised when polled.
22 Darlie Lynn Routier, the jury, having
23 found you guilty of the offense of capital murder, and
24 having returned an affirmative finding on the first
25 Special Issue submitted to them at the punishment stage
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1 of this trial, and a negative finding on the issue of
2 mitigation, it is now the duty of this Court to assess
3 your punishment at death.
4 Is there any lawful reason why
5 sentence should not be pronounced at this time? There
6 being none, it is the Order, Judgment and Decree of the
7 Court in this cause, styled the State of Texas versus
8 Darlie Lynn Routier, Dallas County Number F-96-39973-MJ,
9 and Kerr County Cause Number A-96-253. That you shall be
10 taken by the Sheriff of Kerr County, Texas, and shall
11 immediately thereafter be delivered to the director of
12 the Institutional Division of the Texas Department of
13 Criminal Justice, or other person legally authorized to
14 receive such prisoners, and shall be confined in said
15 Institutional Division, in accordance with the laws
16 governing the said Institutional Division, until such
17 day, to be determined by this Court, and some time after
18 the hour of 6:00 P.M., in a room arranged for the purpose
19 of execution, the said director, acting by and through
20 the executioner designated by the said director, as
21 provided by law, is commanded, ordered and directed, by
22 this Court to carry out this sentence of death by the
23 intravenous injection of a substance or substances in a
24 lethal quantity sufficient to cause your death until you
25 are dead.

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1 You are hereby remanded to jail until
2 the Sheriff can obey the directions of this sentence.
3 You maybe seated, please.
4 Ladies and gentlemen of the jury, I
5 want to thank you for your jury service. This is a very
6 difficult trial, and a very difficult decision, but you
7 conducted yourselves very well. Now you may talk or not
8 talk as you see fit about this case to anyone.
9 If you will now step back to the jury
10 room, please.

11
12 (Whereupon, the jury
13 Was excused from the
14 Courtroom, and the
15 Proceedings were held
16 In the presence of the
17 Defendant, with his
18 Attorney, but outside
19 The presence of jury
20 As follows:)

21
22 THE COURT: Does either side have

23 anything further?
24 Anything from the defense?
25 From the State?
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1 MR. GREG DAVIS: Nothing, your Honor.
2 MR. DOUGLAS MULDER: No, sir.
3 THE COURT: These proceedings are now
4 concluded. Thank you.
5 If you will vacate the courtroom,
6 please.
7
8 (Whereupon, the jury
9 panel was excused from
10 the courtroom, after
11 which time the
12 proceedings were resumed
13 on the record as
14 follows:)
15
16 THE COURT: Let the record reflect
17 that all parties in the trial are present and these
18 proceedings are being held outside the presence of the
19 jury.
20 Mrs. Routier, I intend to appoint Mr.
21 John Hagler, who has been present here for most of this
22 trial to handle your direct appeal. Is that satisfactory
23 with you?
24 THE DEFENDANT: Yes, sir.
25 THE COURT: Likewise, the habeas
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1 corpus appeal become necessary, I intend to appoint him
2 on that also. Is that satisfactory with you?
3 THE DEFENDANT: Yes, sir.
4 MR. RICHARD C. MOSTY: Your Honor, we
5 would like for Mr. Nation to be appointed on the habeas.
6 We think that we should have separate lawyers.
7 THE COURT: Well, I'm not appointing
8 any -- well, I will certainly take that into
9 consideration if that is necessary.
10 MR. RICHARD C. MOSTY: Okay.
11 THE COURT: I'm happy to --
12 MR. RICHARD. C. MOSTY: Right now
13 we're just dealing with the direct appeal.
14 THE COURT: I am very familiar -- I
15 just want to know, should that become necessary, and I'm
16 very familiar with Mr. Nation, and I understand who they

17 are.

18 MR. RICHARD C. MOSTY: I think -- does

19 the Court of Criminal Appeals make that appointment
20 anyway?

21 THE COURT: Yes, they probably will
22 make that appointment anyway.

23 All right. Thank you. That is it.

24 Thank you very much.

25 These proceedings are now concluded.

Thank you.