

Testimony of Darin Routier

DIRECT EXAMINATION

14

15 BY MR. DOUGLAS MULDER:

16 Q. Darin, there was a situation that I
17 wanted to go into. You all had a fifth birthday party
18 for Devon and it was at a park. Do you recall that?

19 A. Yes, sir.

20 Q. Kind of a picnic buffet type of
21 situation?

22 A. Yes, sir.

23 Q. All right. Do you recall an instance
24 where he was -- Devon was squirting people or his mother
25 in particular?

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1 A. He was squirting everybody.

2 Q. Was that a water gun that he had
3 gotten for his birthday or something?

4 A. Yes, sir.

5 Q. Tell us about that, if you would,
6 please.

7 A. Well, he had just gotten a water gun,
8 one of those great big, huge gushers that holds about a
9 gallon and a half of water and he was going around
10 squirting everybody and he didn't want anybody squirting
11 him or getting him wet or throwing balloons at him or
12 anything else.

13 We had, you know, water fights with
14 the balloons, and everybody had their bathing suits on
15 and we were just playing around.

16 Q. Okay. And was this all done in fun?

17 A. Yeah, it was all fun. I mean, that's
18 what the birthday party was for.

19 Q. All right. Did Darlie cut the cake?

20 A. Yes, she did.

21 Q. All right. Did she caution him about
22 squirting her and squirting the cake?

23 A. Yeah.

24 Q. Did he go ahead and squirt both Darlie
25 and the cake?

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1 A. Yeah.

2 Q. What, if anything, happened?

3 A. She just grabbed a little piece of the

4 icing and smeared it on his face. That was it.

5 Q. I mean, was this a -- did anybody make
6 a big deal out of it?
7 A. No, it was actually pretty funny.
8 Ever since Devon was little, he hated having his hands
9 dirty, and he was probably the cleanest little boy I have
10 ever seen, but he hated being dirty and just to do that,
11 just kind of made him -- you know.
12 Q. Just smeared some icing on his face?
13 A. Smeared some icing on his face and on
14 his nose. It was no big deal.
15 Q. Now, let me ask you about taking
16 the -- is it Eileen?
17 A. Yeah.
18 Q. Eileen and her husband and their
19 children --
20 A. Right.
21 Q. -- out on your boat?
22 A. Yes.
23 Q. Did you do that?
24 A. Yes, we did, one time.
25 Q. All right. What is your position with
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1 respect to whether or not the kids would wear life
2 preservers?
3 A. Well, first all, Damon wouldn't even
4 get into a hot tub without a life jacket. He would wear
5 it into a bathtub if he could. So he was real --
6 scarest (sic) little kid.
7 And, you know, the rule was is that if
8 they were above deck, because it had a lower deck to it
9 too, so if they were above deck, they would have to wear
10 their life jackets and if they were below deck, then they
11 didn't have to wear them. So, you know, they wore them
12 all around the dock or anywhere else that we would go.
13 And we would just keep a close eye on them.
14 Q. Was that a rule that you applied to
15 all children who were on the boat?
16 A. Yes, sir. And Eileen's kids, I had
17 life jackets there for them too on the boat. So they are
18 the big, orange kind, not the vest-kind like the boys
19 had, but we let them, you know, we strapped them into
20 their little life jackets.
21 Q. All right. And you looked after her
22 children as well as your own, didn't you?
23 A. Yes, sir, I am the captain.
24 Q. Okay. And she had her hands full
25 with -- I believe her husband was sick most of the time

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1 on that deal, wasn't he?

2 A. Yes, he got seasick and I had to take
3 him in and they left early.

4

5 MR. DOUGLAS MULDER: I believe that's
6 all.

7 MR. GREG DAVIS: No questions.

8 THE COURT: Thank you, sir. You may
9 step down. Watch your step getting off there.

10 Your next witness.