

Like the country song by Charley Pride, life was “simple and good back then,” when Darlie Routier and her husband, Darin, would take their children for carefree outings. Almost 16 years after Routier’s capital murder conviction, regretful former juror Charlie Samford knows that nothing is simple in the Texas justice system when it comes to do-overs.

Burgers and fries and cherry pies

Remorseful juror wants Darlie Routier sent home to her son

By Kathy Cruz

Texas Center for Community Journalism

INGRAM - The Whataburger on Junction Highway does a brisk weekday lunch business, but there is one corner booth still unoccupied on a sunny Friday, six days before Thanksgiving.

Charlie Samford, dressed in jeans, a plaid shirt and a Vietnam Veteran cap, slides into the booth with an orange and white cup of iced tea and a dog-eared copy of [“Media Tried, Justice Denied”](#) – a post-trial book that he says opened his eyes about the woman he helped put on death row. Samford is there to speak with the Texas Center for Community Journalism about the long-ago murder trial of Darlie Routier -- and his own troubled conscience.

Behind the fast food restaurant are rolling hills dressed in the colors of fall. From Johnson City – home of Lyndon Baines Johnson – to Fredericksburg to Kerrville, banners already are hanging across main thoroughfares trumpeting Christmas in the Hill Country.

Before the interview gets under way, Samford is handed an orchid-colored greeting card with flowers on the cover containing a handwritten note from Routier. On page two of her letter to the Texas Center for Community Journalism, the woman who is awaiting execution for the murders of two of her children wrote: “Mr. Samford seemed like a very sincere man. Many years ago, I spoke with him and his wife on the phone – he wanted to apologize to me. I feel he is a man of courage and I have truly forgiven him.”

The former carpenter is silent for a moment as he takes in the words of pardon from the woman he helped sentence to death.

If only he could forgive himself.

Irreversible error

In early 1997, the trial of the Rowlett homemaker who the state claimed butchered her little boys in the early morning hours of June 6, 1996, had gone on for a month – in the dead of winter, and in a courthouse that had no heat because it was under renovation.

“It was cold. It was just as cold in that courtroom as it was outside,” Samford says. “The judge would let us go get up and move around.”

The other jurors had pretty much been convinced from the beginning that the bleached blonde from Dallas County was guilty of the crime, Samford recalls, and when they were finally sent to the deliberation room, they saw little need for discussion.

“When we got into the jury room it was, boom – guilty. It didn’t take long,” said Samford, a retired maintenance employee for the local state hospital.

The other jurors did not take it well when Samford said he wasn’t so sure that Routier stabbed her children and then inflicted injuries on herself to stage a crime scene. Samford said it was mostly the women on the jury who were pushing for a guilty verdict.

Some legal experts say that women jurors can sometimes be tough on attractive female defendants. Routier was 26, blonde and – despite the prosecution’s claim that she was motivated to kill because she couldn’t lose weight from her last pregnancy – a slim 133 pounds.

Samford said that at times during the trial, his and Routier’s eyes would meet.

“She looked at me – we’d catch eyes once in a while – and she’d be doing this,” Samford said, shaking his head back and forth. “I can read people a little bit, and she didn’t look to me like she was guilty.”

In the frigid jury deliberation room, as the hours ticked by, Samford said he eventually grew tired of arguing.

“I guess I caved in,” he said. “The trial was so long, and everybody wanted to go home. I think they wanted to get it over with. I should have held out, but I didn’t. That’s what bothers me now – not using my own mind, and letting someone else do it for me.”

When the verdict was read, Samford’s and Routier’s eyes locked once again.

“She was sitting there, looking like that,” he said. He turns the book toward the reporter. Its cover bears a photo of Routier in prison garb, looking like a trapped animal.

Deer in the headlights

Stamford remembers hearing about District Judge Mark Tolle supposedly changing the venue from Dallas County to conservative Kerr County because he wanted to go hunting in the Hill Country, or was looking to buy property there. He can’t quite remember who he heard it from, it’s been so long ago now.

The judge was retiring at the end of 1996. By starting jury selection while still on the bench, he was able to preside over Routier’s trial even though it took place just after he was to officially

start his retirement.

Jury selection took place in Kerrville during October and November 1996 – even as Routier’s family released two court-appointed attorneys and spent their savings to hire Dallas big gun Doug Mulder. Mulder became lead defense attorney for Routier in October. The trial began the first week of January.

Coincidence or not, jury selection and the start of the trial coincided with white tail deer hunting season. The judge's time in Kerrville was on the taxpayers' dime.

Tolle died in September 2007 of frontal temporal dementia. His widow, Tammy, was quoted in an obituary in The Dallas Morning News denying that there had been any truth to the whispers regarding the change of venue for Routier's trial. She said her husband had no choice but to hold the trial in Kerr County because it was the only county in Texas that “had an opening in its court docket for a trial of that magnitude.”

Routier’s mother, Darlie Kee, claims that when the decision was made, Mulder instructed her to call other counties throughout the state to find out whether Kerr’s courthouse truly was the only option. Kee said she was told that the courthouses in Galveston, San Antonio, Round Rock and El Paso were available.

Kee continues to fight for her daughter, whom she said was nothing like the self-absorbed, cold-blooded killer the Dallas County District Attorney’s office claimed she was. Routier loved her children, Kee said, and she and her husband, Darin, took them on camping trips where they would sleep under the stars and cook burgers on the grill.

Mulder denied that he instructed Kee to check the truthfulness behind Tolle's claims of no other available courthouses among the state's 254 counties. It's a denial that Routier's appeals attorney, Stephen Cooper, doesn't put much stock in.

Kerrville attorney Richard Mosty, who was on Routier’s defense team, confirmed Kerr County's reputation for having juries that have no problem imposing death sentences.

“Doug Mulder always said, ‘Mosty, if anybody ever kills me, I want you to make sure they get tried in Kerr County,’” the lawyer said.

Samford claims that the jury was not made privy to photographs that showed the full extent of Routier's injuries - photographs that he believes would have made a difference in the jury's verdict. Prosecutors claimed Routier beat her arms until they were black with bruises after she began fearing that no one was believing her story about an intruder.

And there was another key piece of information that the jury didn't have at the time. Darin Routier would later admit that shortly before the murders of his children, he had put out inquiries seeking help at staging a home burglary as part of an insurance scam.

The questionable change of venue, the photos allegedly unseen by the jury and the planned insurance fraud are just a few of the issues with the case that have caused many to view Routier's conviction as questionable.

While opinions differ on whether Routier is guilty or innocent, one thing seems indisputable: the state's hunt for justice was not a clean kill.

Redemption

One day several years after the trial, Samford showed up at Mosty's office. He told the local lawyer that, with all the things he had since learned about the Routier case, he regretted his role in the verdict and wanted Mosty to advise him on what he could do about it.

"I thought, I'm going to give it a try. I don't have anything to lose; Darlie does," Samford said.

Samford said he called the warden's office at the Mountain View prison unit in Gatesville, and prison officials allowed Routier to phone him. Samford said it "rough," but that he told Routier what was on his heart.

"I just apologized and I said, 'I hope someday I can be forgiven.'"

He was forgiven that day, before Routier hung up the phone, he said.

Samford's outspoken regrets captured the attention of the media, but not of the Texas justice system. In Ingram and Kerrville, his change of heart didn't make him any friends. To this day, he said, there are some who avoid him if their paths cross.

Samford said he feels that the justice system needs to be changed. The system, he said, should not allow for some things to be known, and other things to remain hidden.

"If they (the defense team) had had a lot of this stuff during the trial, then she'd be home with her son," he said.

Routier's surviving son, just eight months old when his brothers were killed in the downstairs living room, is now 17 and living in Lubbock.

Debates about discovery laws and open file policies have been debated for years, but prosecutors and defense attorneys cannot agree on the wording for legislation, according to officials with Texas Defender Service, the Texas Indigent Defense Commission and the Texas District & County Attorneys Association.

As the 20-year-long debate rages on and state lawmakers prepare for the start of the 83rd Texas Legislature, Samford prepares himself for when the state will set an execution date for a

woman he now believes is innocent.

“I’ve told myself I’ve done all I can do,” he said.

As the two-hour interview draws to a close, Samford is asked whether he has any message for Routier.

“Yeah,” he said. “When you look at her through that glass, do this.”

He balls his right hand into a fist and taps his chest twice, over his heart.

A few miles down the highway, rush hour traffic is bustling around the Kerr County Courthouse. With the holiday season getting into full swing, the site of one of the most infamous capital murder trials in recent history is festooned with signs of peace on Earth and good will toward men.

Kathy Cruz is a staff writer for the Hood County News in Granbury. She can be reached at kcruz@community-journalism.net.