

Lloyd Harrell, a former FBI agent and a licensed private investigator hired as part of Darlie Routier's defense team, formulated a theory about what happened in the early morning hours of June 6, 1996, in the Routier family's Rowlett home. But Routier's trial for capital murder moved at such speed that it only occurred to him after the young mother had already been sent to death row.

Crimefighter

Has a former FBI agent uncovered what really happened in the Darlie Routier case?

By Kathy Cruz

Texas Center for Community Journalism

In 1972, one of District Attorney Henry Wade's prosecutors teamed with FBI agents to prosecute the men responsible for kidnapping the daughter-in-law of then-Dallas Morning News Publisher Joe Dealey. Franklin and Woodrow Ransonette had snatched Mandy Mayhew Dealey off a University Park parking lot, then demanded a ransom of a quarter million dollars.

Mandy Dealey was rescued after spending 60 hours bound, gagged and blindfolded. The Ransonette brothers were made to pay dearly for their sins by a DA's office that had one of the highest conviction rates in the country. Prosecutors convinced a jury to sentence the brothers to 5,005 years each.

A friendship between then-Assistant District Attorney Doug Mulder and G-man Lloyd Harrell began with the Dealey case and grew as the two worked other crimes together through the years. So it was no surprise that in the fall of 1996, Mulder, by that time a defense attorney, phoned Harrell when he was hired to be the lead defense counsel for Darlie Lynn Routier. The Rowlett mother was accused in the stabbing deaths of her two sons. Harrell had retired from the FBI but was working as a licensed private investigator.

The defense team had to work fast. Routier was set for trial just after the first of the year. The holidays were a blur, with the team interviewing witnesses even on New Year's Eve.

At the end of a month-long trial, a Kerrville jury handed down a death sentence for Routier, who had just turned 27.

It was sometime after the dust had settled and the swarm of media had gone on to other stories that it occurred to the seasoned investigator known as "Crimefighter" what

may have occurred on Eagle Drive in the early morning hours of June 6, 1996 – a theory that supports Routier's claims of innocence.

Prosecutors said that Routier, who had no criminal history or known mental issues, killed her children, slashed her own throat and staged a horrific crime scene, all within a matter of minutes.

Harrell believes the truth may have been right under the noses of the Rowlett Police Department and the Dallas County DA's office. But they didn't stop focusing on Darlie Routier long enough to see it.

The theory

Among other things that cast suspicion on Darlie Routier was that she claimed to remember only parts of what had happened. She said she ran after a man she saw retreating through the kitchen and utility room, toward the garage. Yet, she said she couldn't remember the attacks on her children or the struggle that left her with cuts, bruises and a slashed throat. The boys had been sleeping on the floor in front of the television. She had been sleeping nearby on the couch.

How could a mother sleep as her children were being killed, and have no memory of how she herself was injured? Law enforcement and prosecutors used Routier's faulty memory as evidence of her guilt.

But Harrell doesn't think her inability to remember indicates that she was the one who committed the crime.

The former FBI agent believes the attacker rendered Routier unconscious by using ether or Xylene - organic, colorless solvents that leave no residue. Routier would instinctively have begun fighting if a cloth had been placed over her mouth – an explanation for the bruises - yet not necessarily remember the struggle.

“When you talk to Darlie, she says she woke up as if she was in a daze,” Harrell said.

Routier said that after the attack, she had painful injuries to the inside of her mouth. It is a claim backed up by family members and friends, some of whom said they used Q-tips to smear Vaseline on the mouth sores while she was in the hospital.

The ether/Xylene theory could explain why a sock from the Routier home was found near a driveway three houses down the alley. It contained the DNA of both boys, as well as Routier. The boys' DNA was from blood. Routier's, Harrell said, was epithelial. It came from her mouth.

Ether and Xylene are used in auto repairs and for cleaning computer parts. Routier's husband, Darin, ran a computer business that tested computer elements. At the time of

the attacks, Darin's Jaguar was undergoing repairs. There was a quarter-million-dollar life insurance policy on Darlie, said Harrell.

A window screen in the garage had been cut, but investigators claimed that it was part of the staging done by Darlie, even though Darin also was in the house at the time of the murders. Mulder said he wanted to raise reasonable doubt by casting suspicion on Darin, but Darlie insisted that the man she saw was not her husband.

Five years after his wife was sent to death row, Darin admitted in a sworn affidavit that shortly before his children were murdered, he had put out feelers for someone to burglarize the Routier home as part of an insurance scam.

Darlie Routier's mother, Darlie Kee, said that Darin had told her husband, Bob, about wanting to arrange such a scam, but she was unaware of it at the time and her husband didn't take it seriously. Kee said she remembers Darlie and Darin being at her house and Darlie, holding their baby, Drake, had stormed out of a room in anger as Darin was talking with Bob. Kee said she was busy cooking dinner at the time, and her daughter didn't tell her until years later that the conversation had been about Darin plotting an insurance scam.

Darin has denied any involvement in the murders of his children. Kee steadfastly maintains that her former son-in-law would never have intentionally brought harm on his children. She said that others had access to his office, including a man she has long suspected of possibly having been involved in the crime.

If there was an intruder that night, they may have thought the Routiers were not home. The family was about to leave on a trip to Pennsylvania. Darin's Jaguar was at a repair shop and Darlie's Pathfinder, typically parked behind the house in the driveway, was in front of the house instead.

Whether Darlie was a target, or the intruder simply intended to commit a burglary, the killings of Devon, 6, and Damon, 5, may have happened because the intruder didn't expect to stumble on two little boys sleeping on the living room floor. Harrell is inclined to think Darlie was the target.

"The guy went in to kill Darlie," the investigator said. "The boys woke up, so he had to kill them."

The former FBI agent said that the attacker likely would not have been covered with blood, despite the brutality of the crime. The massive blood loss occurred after an injured Darlie arose from the couch as the man was fleeing, he said. This would explain why there was no trail of blood leading to the sock.

Harrell said that prosecutors have always had difficulty fitting the sock and the lack of a blood trail into their theory about a crime scene staged within a tight timeframe.

The large amounts of blood throughout the living room and kitchen, Harrell said, happened after the intruder fled, when a panicked Darlie was on the phone with 911 and wetting towels at the kitchen sink for Darin to use as he attempted to render aid to the boys. Darin said he had been upstairs sleeping with baby Drake when he was awakened by his wife's screams.

Also unexplained by the prosecution was why Darlie would have called 911 and pleaded for help to come quickly when Damon was still alive and conceivably could have identified her as his attacker. A first responder witnessed the boy taking his last breath. The state never offered up any true motive for why she would have killed her children, Harrell said.

To Crimefighter, none of the state's theory made sense.

But what does make sense is the supposition that Routier was rendered unconscious by an intruder she has always claimed was there.

Death by Silly String

Talk to anyone who remembers the Darlie Routier case, and they will likely bring up the controversial Silly String footage. Shot just days after the boys were buried, it showed Routier smiling and smacking on gum as she sprayed Silly String on their grave. The footage was shown on the evening news and watched by jury members eight times as they deliberated Routier's fate.

Family members say that jurors and the public never saw the hour-long tearful graveside service that preceded the celebration to commemorate Devon's seventh birthday. Darlie, they said, was under the influence of significant doses of medication.

Side effects for exposure to ether can include nausea, amnesia and a bad taste in the mouth. Christopher Wielgosz, a nurse in the Intensive Care Unit at Baylor University Medical Center who treated Routier after she underwent emergency surgery, documented in his notes that she was given Phenergan. While it is not unusual for patients to be given that medication following surgery, it is a drug used to combat nausea.

After Harrell spoke to the Texas Center for Community Journalism, the Center emailed Kee. Without explaining why the question was being asked, TCCJ asked if she recalled whether her daughter had complained of having a bad taste in her mouth. Yes, she wrote in response.

“That was why she was chewing gum at the gravesite.”

Basic instinct

After speaking to TCCJ, Harrell, who lives in Smith County, began reviewing the trial transcript in hopes of finding a statement he feels sure someone made about the sock having had a peculiar smell – another possible indicator of Xylene. Harrell said it smells like “dirty feet.” According to Kee, the laundry that had been piled that night on the kitchen countertop was clean and waiting to be put away.

Harrell didn't find that particular statement, but he did find something else that he said points to Routier's innocence: testimony about Damon's bloody handprint on the carpet, near the couch. How could that have been part of a crime scene that was staged?

“Sparks happen when you look at this stuff, and it never occurred to me until now,” the investigator said. “When a baby is hurt, what's the first thing he does? He goes to his mother for protection. If he's going to her for protection, she is on the couch like she said she was. Damon's last effort was to get to the one who could protect him, and she was on the couch. That unravels their whole damn story, and it never occurred to me.”

Whether the Texas justice system will consider the case unraveled is doubtful.

Representatives of organizations that work to free those they believe to have been wrongfully convicted say that undoing a conviction is a very high mountain to climb. Although it is a new era for the Dallas County District Attorney's office and DA Craig Watkins has received national attention for his Conviction Integrity Unit, to date that office has not called for a review of the Darlie Routier case.

According to the Texas Department of Criminal Justice, the average amount of time an inmate spends on death row is 10.6 years. Routier will begin her 16th year there in February. She has had appeals attorneys working on her behalf ever since her conviction, but everything in the justice system moves slowly once someone has been convicted. Right now, she and her defense team are awaiting some DNA test results. The years since Darlie Routier's conviction have brought Harrell more grandchildren, a second -- and final -- retirement and, just recently, a great-grandson. The old crime-fighting dog is no longer on the hunt for criminals.

But he can't resist hunting for justice.

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