

Testimony of Dianne Hollon

DIRECT EXAMINATION

13

14 BY MR. TOBY L. SHOOK:

15 Q. Tell us your name, please, and spell

16 your last name for the Court Reporter.

17 A. My name is Lynnette Dianne Hollon,

18 H-O-L-L-O-N.

19 Q. And how are you employed?

20 A. I'm a nurse at Baylor Hospital.

21 Q. Okay. And could you tell the jurors

22 your educational background and your professional

23 training for the position that you hold?

24 A. I graduated from Arlington, University

25 of Arlington.

Sandra M. Halsey, CSR, Official Court Reporter

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1 THE COURT: You may have to speak a

2 little louder, ma'am, so everyone can hear you.

3 THE WITNESS: I graduated from the

4 University of Texas at Arlington, in 1989. I started

5 Baylor in 1990, in the ICU, neurotrauma ICU. I went then

6 in '92 I became a supervisor. And then I started working

7 in the surgical trauma intensive care unit. In '95 I

8 added on a position of supervisor/educator for intensive

9 care nurses in the surgical ICU and the surgical floor.

10 Q. Okay. Are you a little nervous up

11 there, Ms. Hollon?

12 A. Just a little bit.

13 Q. All right. Just relax as best you can

14 and we'll try to put these questions to you as plainly as

15 possible. Okay?

16 A. Okay.

17 Q. So, how long have you been at Baylor

18 now?

19 A. Six years.

20 Q. Okay. And what particular part of

21 Baylor are you employed in right now?

22 A. Intensive care, and then the floor as

23 an educator.

24 Q. Okay. And what does an educator do?

25 A. I basically coordinate the orientation

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1 process for the new nurses, new ICU nurses and floor

2 nurses.

3 Q. And your other duties are the typical

4 duties of an ICU nurse; is that right?
5 A. Correct.
6 Q. Let me ask you if you came -- were on
7 duty back on June 6th, 1996 of this year? Did you come
8 to work on that date?
9 A. June 6th? Yes.
10 Q. Yes. Okay. What time did your shift
11 start on that day?
12 A. I get there at 6:45 in the morning.
13 Q. Okay. And did you receive a patient
14 by the name of Darlie Routier during your shift?
15 A. Yes.
16 Q. Do you recall what time that was?
17 A. The exact time I don't recall, but it
18 was around 8:00 o'clock.
19 Q. Okay. And you keep, I believe they
20 call it focus notes; is that right?
21 A. Yes.
22 Q. Okay. Let me show you State's Exhibit
23 No. 53-C. Are those copies of Ms. Routier's medical
24 records that were kept there at Baylor?
25 A. Yes. Well, I don't know if they're
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1 all here, but yes, these are copies of them.
2 Q. If you could take a moment maybe to
3 locate your focus notes.
4 A. Okay.
5 Q. Okay. Do those notes reflect when you
6 received her as a patient?
7 A. She was transferred up to me at 8:05.
8 Q. 8:05 in the morning?
9 A. Yes.
10 Q. And how long was your shift that day?
11 A. From 6:45 to 7:15 that night.
12 Q. Okay. So, did you have her as a
13 patient the entire day?
14 A. Yes.
15 Q. And she's in the ICU unit; is that
16 right?
17 A. Yes.
18 Q. How many patients did you care for
19 that day?
20 A. Just her.
21 Q. Okay. And when you're in the ICU, you
22 get rather intensive care; is that right?
23 A. Um-hum. (Witness nodding head
24 affirmatively).
25 Q. Are you there pretty much in her room

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1 and by her bedside at all times?

2 A. Pretty much. I was in and out of the
3 room all day long. I was her primary nurse.

4 Q. All right. And what type of patients
5 do you usually have in the ICU?

6 A. More critical, I should say. They're
7 usually hooked up to more machines, ventilators, more
8 monitoring equipment.

9 Q. Did she have any type of IVs hooked up
10 to her that day?

11 A. Yes, she did.

12 Q. And where was that hooked up?

13 A. One was in her -- they were both in
14 her left arm. I believe one was in her arm and one was
15 in her hand.

16 Q. Okay.

17 A. I'm pretty sure.

18 Q. Okay. One was in --

19 A. One was in her left arm and one was in
20 her left hand, yes.

21 Q. Okay. Now, did you converse with Ms.
22 Routier through the day?

23 A. Yes.

24 Q. Okay. Describe her condition when she
25 arrived there in your care.

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1 A. She was calm. She really wasn't --
2 she didn't show a whole lot of emotions. Occasionally
3 she would get tearful, as I charted that. But she just,
4 she never did actually burst out crying, sobbing, nothing
5 like that.

6 Q. Okay. When you say "sobbing," what do
7 you mean?

8 A. Like a loud cry. Loud crying. She
9 never cried.

10 Q. Have you seen that in patients before?

11 A. Well --

12 Q. Seen the sobbing?

13 A. Not so much in patients, because more
14 of our patients are usually completely out of it.

15 Q. Okay.

16 A. They're not awake. They're not alert.

17 Q. Okay.

18 A. But with families, yes.

19 Q. Have you seen that with families that

20 come to see their relatives that have been injured?

21 A. Yes.

22 Q. Or families that are present when

23 their relatives die?

24 A. Yes.

25 Q. Okay. But you did note throughout the

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1 day that she was tearful at times?

2 A. Yes.

3 Q. Okay. And could you describe those

4 tears to us, please.

5 A. The times that I noticed her, you

6 know, her eyes well up with tears is when she was looking

7 at her boys' pictures. She would kind of put her hands

8 over her boys' pictures and say, "I can't believe my

9 babies are gone. My babies are gone." And that's almost

10 how she said it.

11 Q. Okay. In that tone of voice?

12 A. Yes.

13 Q. Did she say that several times

14 throughout the day?

15 A. Yes.

16 Q. Okay. Did she ever ask about the

17 boys, anything like that?

18 A. Ask? What do you mean?

19 Q. Ask how they died?

20 A. No. She --

21 Q. How they arrived at the hospital

22 maybe, or anything like that?

23 A. No. She really never said anything

24 about her boys, other than touching the picture and

25 saying, "My boys are gone." She told me a story about

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1 how the older one, the older son would go over to the

2 neighbor's house and pick flowers, the flowers of the

3 neighbor's house and bring them to Darlie. And she would

4 get upset with, you know, the boy to be going over and

5 picking their flowers. That was the only thing she said

6 about the boys.

7 Q. That's the only story she told you?

8 A. Yes.

9 Q. Did you cry when she told you that

10 story, like you're crying now?

11 A. Yes.

12 Q. Okay. Did you cry throughout the day

13 that day?

14 A. Yes.

15 Q. Did you cry more than Darlie cried?

16 A. It seemed that, yes.

17 Q. Okay. Did the defendant have her

18 family and friends with her throughout the day?

19 A. Yeah. They were in and out all day

20 long.

21 Q. Okay. During the day, did you talk to

22 her about what had happened to her?

23 A. Darlie always was bringing it up,

24 about the story of the intruder coming into the house, or

25 she had wakened up with the intruder over the top of her.

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1 She felt pressure from him, and she tried to fight him

2 off and ran out the garage. That's the same type of

3 story that she told me and the different people that came

4 in throughout the day. I heard that story at least three

5 times to me and two other people throughout the day.

6 Q. Okay. So, three times just to

7 yourself, and then to other people that would come in the

8 room?

9 A. Yes.

10 Q. Friends, relatives?

11 A. Yes.

12 Q. Okay. Did you ask her to repeat the

13 story or would she just do this on her own?

14 A. No, I never asked her to repeat the

15 story.

16 Q. Okay.

17 A. I asked her to stop talking so much

18 about it.

19 Q. Okay. Why did you want her to quit

20 talking about it?

21 A. I felt that she was -- that she needed

22 her rest. She had been up since whenever this happened.

23 She had not slept all day. And I felt that it was better

24 for her to stop concentrating so much on it and start

25 getting some sleep.

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1 Q. Okay. And she said that this man was

2 leaning over her, she fought him off and chased him to

3 the garage?

4 A. Yes.

5 Q. Okay. Did she ever give any type of

6 description of the individual?

7 A. No.

8 Q. Okay. Did she say anything about his
9 description?

10 A. I kind of was questioning her about

11 "Did you see his face? Was he wearing a hat? Did he
12 have long sleeves? Was he wearing gloves? Do you
13 remember anything about him?" And she couldn't remember
14 anything.

15 Q. Nothing about his face?

16 A. Nothing.

17 Q. Okay.

18 A. What color he was, nothing.

19 Q. Okay. Did you ask her about why she
20 was downstairs when she was attacked?

21 A. I didn't ask her, but she told me that
22 she was -- she had been sleeping downstairs on the
23 couches that week after they had bought a big screen TV.
24 Her and the boys were sleeping on the couch, too, and
25 they were falling asleep in front of the TV.

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1 Q. Were you present in the room when she
2 was talking about how this man got in?

3 A. Darin said something about the garage
4 window. I was on one side of the bed and Darin was on
5 the other. And he was trying, going through the story
6 trying to figure out, you know, the different events that
7 had occurred. And he said that, "I'm positive I locked
8 the window." And I think it was him that said, "The boys
9 must have unlocked it sometime yesterday or the day
10 before." Something like that.

11 Q. He was saying that to the defendant?

12 A. Yes.

13 Q. Okay. Did you -- were you present in
14 the room when the baby, baby Drake was brought in?

15 A. Yes.

16 Q. Okay. Do you remember what time
17 during the day he was brought in?

18 A. No. I don't know what time. He came
19 in, I want to say, like two times that day. Two or three
20 times that day.

21 Q. What was her reaction to the baby?

22 A. The baby was on her left side, and it
23 was, I don't know who was holding it, one of her friends
24 or her nieces, I don't know. But the baby was facing her
25 and she reached up and kind of played with the toes, "Hi,

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1 Baby, how are you doing?"

2 Q. Did she ever hold the baby?

3 A. No. She never reached up. She never
4 held her son.

5 Q. Did you also ever hear her talk about

6 any suspicious cars around the neighborhood, things like

7 that?

8 A. She mentioned that she had seen a car

9 in the front of the house across the street, that she had

10 noticed that didn't look like it fit in that

11 neighborhood. She had seen it there before. And it

12 appeared to be like watching the house.

13 Q. Did she say when that had happened?

14 A. She said, but I don't remember.

15 Q. Did she bring that up several times

16 throughout the day?

17 A. Yes. To me and to other people that

18 came in the room. They talked about the car. A

19 suspicious looking car.

20 Q. Okay. Did she give a description of

21 this car at all?

22 A. She might have, but I don't remember.

23 Q. Okay. Now, during your care for her,

24 did you examine her wounds, see how she was doing

25 throughout the day?

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1 A. Yes.

2 Q. Did she complain of pain at any time

3 during the day, that you recall?

4 A. I believe from my notes, I don't

5 really actually recall it, but from my notes it indicates

6 that she did complain of pain in her right arm.

7 Q. Okay. Right arm?

8 A. Um-hum. (Witness nodding head

9 affirmatively).

10 Q. Okay. Any particular part of her

11 right arm?

12 A. I assumed it was her laceration. She

13 didn't say. She just said her right arm.

14 Q. She had a laceration there on her

15 right arm?

16 A. Yes.

17 Q. Okay. And did you examine that right

18 arm throughout the day?

19 A. It was -- it had a dressing over it,

20 and I took the dressing off twice to show one to the

21 doctor. And I believe we took it off to take pictures.

22 Q. Okay. Let me show you some

23 photographs that have been marked as State's Exhibit 52-E
24 and 52-A. Do you recognize those to be photographs of
25 Darlie Routier?
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1 A. Yes.
2 Q. And do you see the bruises located
3 there on the right arm?
4 A. Yes.
5 Q. Okay. Have you seen bruises like that
6 before?
7 A. Yes.
8 Q. Okay. What type of bruises are those?
9 A. What do you mean what type?
10 Q. What would cause that type of bruise?
11 A. A severe accident.
12 Q. Okay. Do y'all refer to that as blunt
13 trauma?
14 A. That's more of a physician term. I
15 mean, we would call this more of a hematoma.
16 Q. Something you see when a person has
17 been in an accident?
18 A. Yes.
19 Q. Struck something very hard?
20 A. Yes. Or broke her arm.
21 Q. Okay. Is that a pretty bad bruise?
22 A. Yes.
23 Q. Did you see any evidence of that
24 injury on her right arm when you cared for her for those,
25 what was it about 11 hours?
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1100

1 A. No.
2 Q. Okay. Do you think you would have
3 seen evidence of that injury had it occurred on the 6th
4 of June around 2:30 in the morning?
5 A. Yes.
6 Q. Okay. You were with her for a total
7 of 11 hours?
8 A. Yes.
9 Q. You didn't see any sign of that
10 injury?
11 A. Nothing that -- there was nothing on
12 her left (sic) arm that would indicate this type of
13 injury.
14 Q. Okay.
15 A. That would leave this type of a
16 bruise.

17 Q. You're talking about her left arm or
18 her right arm?
19 A. Her right arm, excuse me.
20 Q. And is that something that you nurses
21 in the ICU look for and take note of?
22 A. Sure.
23 Q. Okay. Now let me show you some
24 photographs 52-G, 52-F, 52-H. Is that how Mrs.
25 Routier -- you can just look through those.
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1101

1 A. Okay.
2 Q. Is that how she looked when she was in
3 your care?
4 A. Yes.
5 Q. Do you see the right arm in those
6 photos?
7 A. Yes.
8 Q. Do you see any evidence of injury of
9 the kind of bruising that you saw on the other photos?
10 A. No.
11 Q. Okay. Nothing like what we see here
12 in 52-B?
13 A. No.
14 Q. Okay. And had you seen that type of
15 bruising or injury that would lead to that bruising would
16 you have made note of that?
17 A. Yes.
18 Q. And is that something you would have
19 told the doctors about?
20 A. If I thought that they didn't know
21 about it, yes.
22 Q. Okay.
23
24 MR. TOBY L. SHOOK: That's all the
25 questions I have, Judge.
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1 THE COURT: First of all, will the
2 gentlemen who just came in in the first row move to the
3 second, please. Thank you. We just like to leave that
4 row behind the jurors clear. Thanks a bunch.
5 All right. Go ahead, Mr. Mosty.
6
7
8 CROSS EXAMINATION
9
10 BY MR. RICHARD MOSTY:

11 Q. Ms. Hollon, I have, I think, your
12 notes. Are your notes just on two pages?
13 A. My written notes?
14 Q. Yes. Would you show me? I have a
15 little hard time. There's DN, who I thought was maybe
16 you. But who is that?
17 A. Here.
18 Q. Let me see. I don't know where your
19 notes are.
20 A. Okay. My notes start right here.
21 Q. Okay. What is your first -- is that
22 8:20?
23 A. Yes.
24 Q. And then what is your last note?
25 A. Bottom of the second page.
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1 Q. At 6:45? Or is that yours on the
2 right?
3 A. Right.
4 Q. Where it says "anxiety"?
5 A. 16:45.
6 Q. I'm sorry 16:45. Is that your last
7 one?
8 A. That is what it looks like, yes.
9 Q. Do you sometimes put a D?
10 A. DH, yes.
11 Q. Sometimes you put D. Hollon?
12 A. The first note will be my full name.
13 Q. Okay.
14 A. And then from there I just, initials.
15 Q. Okay. You just solved a mystery for
16 me.
17 A. Okay.
18 Q. Ms. Hollon, you came on then at --
19 first took Darlie Routier into your care shortly after
20 8:00 o'clock?
21 A. Yes, sir.
22 Q. And made your first note at 8:20?
23 A. Yes, sir.
24 Q. And at that time she wasn't just
25 tearful, she was very tearful, wasn't she?
Sandra M. Halsey, CSR, Official Court Reporter
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1 A. That's what I charted.
2 Q. And tell us -- when you chart these
3 notes, do you try to be accurate and complete?
4 A. I try to chart what I see.

5 Q. Okay. As accurately as you can?

6 A. Yes.

7 Q. And I guess part of that is that that

8 becomes something that the later nurses can rely on in

9 reviewing the charts, and the treating doctors can rely

10 on in understanding how the patient is doing?

11 A. Yes. If they want to read it, yes.

12 Q. Okay. And are you trained that you

13 ought to do that right at that time, as you observe

14 something?

15 A. As soon as we have the time, yeah, we

16 chart it.

17 Q. And is part of that because

18 everybody's memory is somewhat faulty, and you might

19 forget to chart something that is important?

20 A. I consider it to be more you chart

21 when you have the time to sit down and chart what has

22 occurred.

23 Q. Do you agree with me that usually your

24 memory is a little bit better, the closer to the event

25 and the quicker you can get that down?

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1 A. Sure.

2 Q. And then you go look at it. For

3 instance, you might have a patient in there for months.

4 Correct?

5 A. For months?

6 Q. Yes.

7 A. Yes.

8 Q. And so, you know, your memory over

9 that period of time, it's helpful to go back and look at

10 that chart of a month ago, for instance, and see and

11 compare how that patient is doing.

12 A. I don't do that.

13 Q. But you agree with me that it's

14 important, and that your memory is better -- the closer

15 you can do it to the event the better your description

16 might be?

17 A. Yes.

18 Q. And not only, you did that, and then

19 to the right you have another note. The first note is at

20 8:20?

21 A. Yes.

22 Q. Is it not?

23 A. Um-hum. (Witness nodding head

24 affirmatively). Yes.

25 Q. Okay. And as a matter of fact there

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1 was a chaplain present?

2 A. Yes.

3 Q. At 8:20?

4 A. Yes.

5 Q. And he was counselling with Darlie

6 Routier. Correct?

7 A. Yes.

8 Q. You heard that?

9 A. No.

10 Q. Or some of it, bits and pieces? Or

11 did you stay away from that?

12 A. Well, I did not really hear the

13 chaplain saying much to her.

14 Q. Okay. But he was there to counsel

15 with her in her grief?

16 A. Yes, to support her.

17 Q. And you will -- in that kind of

18 circumstance you would defer from your counselling, you

19 wouldn't counsel someone if the chaplain is there

20 counselling them, would you?

21 A. What do you mean by counselling?

22 Q. Well, what type of counselling as a

23 nurse do you do?

24 A. Like when I'm --

25 Q. Other than medical. Do you --

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1 obviously you do some medical counselling.

2 A. Sure.

3 Q. But mine is emotional or spiritual

4 counselling. The chaplain is there assisting someone

5 with their grieving process. And the family was there

6 too, weren't they?

7 A. Sure.

8 Q. Members of the family were there with

9 the chaplain all together?

10 A. Yeah.

11 Q. And if he's sitting there assisting in

12 that grieving process, you would stand back and let him

13 do that, wouldn't you?

14 A. If I had to do something to Darlie at

15 the time, yes, medically, a touch, holding her hand,

16 touching her shoulder, touching a family member's

17 shoulder. I consider that support.

18 Q. Okay. But in this instance you

19 didn't -- the chaplain was doing fine on his own?

20 A. I mean, I don't remember.

21 Q. You don't remember that part?

22 A. I don't remember what the chaplain

23 said to him, whether I was there at the bedside when the

24 chaplain was talking to them or not. I don't remember.

25 Q. Well, that sort of goes back to my

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1 point. All of our memories. We remember some things and

2 we don't remember other things.

3 A. Sure.

4 Q. And these happened just almost side by

5 side, didn't they?

6 A. I don't know.

7 Q. It was very tearful when the chaplain

8 was there? That's all at the same time, isn't it?

9 A. That's what I wrote, yes.

10 Q. And you remember part of it?

11 A. Yes.

12 Q. And you don't remember part of it?

13 A. I don't remember what was said.

14 Q. Okay.

15 A. Or what I was doing at the time.

16 Q. So, I'm right, aren't I? You remember

17 part of what was happening and you don't remember part of

18 what was happening?

19 A. Yes.

20 Q. As a matter of fact, then again, at

21 12:00 noon, you said that the patient had continued. Is

22 that continues or continued?

23 A. Continues.

24 Q. Continues to weep. Indicating that

25 she had been weeping all morning off and on, I guess?

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1 A. Yeah.

2 Q. From 8:20 until noon?

3 A. Yes.

4 Q. You noted that she had continuously

5 wept during that entire period of time, off and on I'm

6 sure.

7 A. Using weep for lack of a better term,

8 yes.

9 Q. Well, you thought that was an accurate

10 term back in June of 1996. You thought that was an

11 accurate term, didn't you?

12 A. Yes.

13 Q. I think you described that she was

14 holding pictures of her children.
15 A. She had an 8 by 11, I guess, framed
16 picture of both boys.
17 Q. Of both boys?
18 A. Of both boys.
19 Q. And part of your training, you learn
20 at least a little bit about grief, don't you, as part of
21 your nursing training?
22 A. Yes.
23 Q. And you know that, first, that
24 everyone reacts different to different emotional events
25 in their life?
Sandra M. Halsey, CSR, Official Court Reporter
1110

1 A. Yes.
2 Q. And that is -- there are any number of
3 things that might affect that?
4 A. Yes.
5 Q. Whether you're a male or female?
6 A. Yes.
7 Q. Your ethnic background, for instance?
8 A. Very much so.
9 Q. Your -- how you're brought up?
10 A. Yes.
11 Q. And you're brought up in a touching
12 family, some families embrace everyone?
13 A. Yeah.
14 Q. Some families don't embrace anybody?
15 A. Sure.
16 Q. Correct?
17 A. True.
18 Q. Some families are very excitable?
19 A. Yes.
20 Q. And then within a family you might
21 have some that are very excitable and some who are very
22 subdued?
23 A. Yes.
24 Q. Do you have brothers and sisters?
25 A. Yes, I do.
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1111

1 Q. Are y'all different?
2 A. Yes, we are.
3 Q. Do you react differently to different
4 things?
5 A. Yes.
6 Q. Okay. And that is something that is
7 common in your nursing experience, isn't it?

8 A. Yes.
9 Q. So, going through the stages of grief,
10 one of those is denial, isn't it?
11 A. Yes.
12 Q. And that's the kind of thing of
13 saying, "I can't believe my babies are dead." It's a
14 statement of denial, isn't it?
15 A. Sure.
16 Q. One of the phases of grief. Correct?
17 A. Yes.
18 Q. And, I guess, did you know a little
19 bit about what had happened?
20 A. Yes, I did.
21 Q. And did you know that Ms. Routier was
22 present when all this happened?
23 A. Yes.
24 Q. And did you know that she knew and had
25 been hysterical on a 911 tape?
Sandra M. Halsey, CSR, Official Court Reporter
1112

1 A. No.
2 Q. "My boys are dead. My boys are dead.
3 Oh, my God."
4
5 MR. TOBY L. SHOOK: Judge, I'll
6 object. She said no, she didn't know.
7 THE COURT: Well --
8 MR. TOBY L. SHOOK: So, I'll object to
9 any further questions about the 911 tape.
10 THE COURT: Overruled. Go ahead and
11 ask the question. Let's just answer them one at a time
12 if you can. Give her a chance to answer, please.
13 All right. Go ahead.
14
15 BY MR. RICHARD MOSTY:
16 Q. Well, one of the phases, at least in
17 the people that you have seen, sometimes if they have
18 seen the traumatic event, they block that, and some parts
19 of it are sketchy in their memory. You've seen that,
20 haven't you?
21 A. I can't say that I've seen that, no.
22 Q. Never seen that in people?
23 A. No.
24 Q. Have you ever been, for instance, in a
25 severe car wreck?
Sandra M. Halsey, CSR, Official Court Reporter
1113

1 A. No.
2 Q. Have you ever had any kind of
3 traumatic event like that?
4 A. No.
5 Q. So you have no personal experience of
6 how you might react?
7 A. Not to something that traumatic, no.
8 Q. Do you deal sometimes with, for
9 instance, automobile accident --
10 A. All the time.
11 Q. -- people?
12 A. Victims. Yes, sir. All the time.
13 Q. And, for instance, do they sometimes
14 say, "I looked up and there was a truck, and that's all I
15 remember seeing was the truck."
16 A. No.
17 Q. You never heard anything like that?
18 A. No.
19 Q. Okay. They just described part of an
20 event?
21 A. The kinds of patients we have, usually
22 do not remember.
23 Q. At all?
24 A. No.
25 Q. Don't remember some bits and pieces?
Sandra M. Halsey, CSR, Official Court Reporter
1114

1 A. No.
2 Q. Is that because they're so --
3 particularly when you got them, they aren't very
4 communicative at all, I guess?
5 A. True. Most of the time.
6 Q. Do you ever spend any time with less
7 severely injured people? Do you ever spend any time in,
8 for instance, ER? Somebody comes in and is cut up and is
9 treated or held for observation and let go?
10 A. I mean, I haven't spent anytime in ER,
11 but I have had patients that are not severely injured,
12 that can talk, but that is not something that we, you
13 know, that's not discussed ever, really. The events of
14 something.
15 Q. What happened?
16 A. Yeah.
17 Q. As a matter of fact, it seemed like
18 that's part of what you had said, that you did not want
19 her talking about it, about this event?
20 A. Right. Usually they don't talk about
21 it.
22 Q. And you had said that you had

23 encouraged the family not to talk about it, and her not
24 to talk about it anymore?

25 A. Yes.

Sandra M. Halsey, CSR, Official Court Reporter
1115

1 Q. And then -- but she had, in that, sort
2 of described on -- I think you said she told the same
3 story several times to either you or family members?

4 A. Yes.

5 Q. That someone was on top of her?

6 A. She felt pressure.

7 Q. Felt pressure. I thought I wrote down
8 on top of her when you testified the first time, didn't
9 I?

10 A. She woke up with someone on top of her
11 and she felt pressure. I guess that's what I said.

12 Q. Well, you didn't say "felt pressure,"
13 the first time, did you?

14 A. I believe I did. I don't know.

15

16 MR. TOBY L. SHOOK: Judge, we can
17 check the court reporter's notes.

18 MR. RICHARD C. MOSTY: Your Honor,
19 this is my cross-examination.

20 THE COURT: I understand. There's no
21 objection. Let's just -- let the witness answer the
22 questions.

23 Go ahead.

24 THE WITNESS: I believe I said that
25 that's what she said.

Sandra M. Halsey, CSR, Official Court Reporter
1116

1

2 BY MR. RICHARD MOSTY:

3 Q. Okay. Just now when I asked you what
4 happened, you didn't say "on top of her," you said
5 pressure?

6 A. She felt pressure. That was one of
7 the terms that she said to me. She felt pressure.
8 Because I remember that distinctly because we were asking
9 her, or I was explaining to her that she was going to have
10 a vaginal exam done. "Do you remember anything about
11 having -- do you remember him doing anything like that?"

12 And she said she felt pressure. She
13 doesn't remember anything else.

14 Q. And then you also talked about a
15 description of the assailant?

16 A. I was questioning her earlier, if she

17 could remember anything about it, yes.

18 Q. Why? If you didn't want her to talk

19 about the event, and you're telling her not to talk about

20 it, and the family not to talk about it, why were you

21 questioning her about the assailant?

22 A. Because this was earlier in the day.

23 It was earlier in the morning that she was trying hard to

24 remember what happened, and she was discussing it with

25 me. And I started asking her some questions about it.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. So you questioned her at that time?

2 A. Yes.

3 Q. And at that time she didn't describe

4 the assailant at all?

5 A. She couldn't remember him, no.

6 Q. It was entirely gone from the halls of

7 her memory, as Mr. Mulder would say?

8 A. Well, yes.

9 Q. Now, one thing that I noted that you

10 said when we were talking about your chart, I think Mr.

11 Shook asked you about pain?

12 A. Um-hum. (Witness nodding head

13 affirmatively).

14 Q. And, if I remember what you testified

15 to, you said, "I didn't remember the pain until I looked

16 at my notes;" is that right?

17 A. I remember her -- giving her something

18 for pain. I do not remember her specifically saying "I'm

19 hurting. May I have something for pain?"

20 Q. But you know --

21 A. But I know I gave her something.

22 Q. The point of that was, until you

23 reviewed your notes -- your notes refreshed your memory

24 on that question about the pain, didn't it?

25 A. No. I remember giving her medicine

Sandra M. Halsey, CSR, Official Court Reporter

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1 for pain.

2 Q. Did you testify earlier that you

3 didn't remember it until -- you did remember some

4 question about pain, and I'm not sure which one it was,

5 but that you didn't remember some question about pain

6 until you looked at your notes and then you remembered

7 it? Isn't that what you testified to?

8 A. I do not recall back on June 6th her

9 telling me that she was hurting. I remember giving her

10 something for pain though.

11 Q. Well --

12 A. I know she told me, because it's in my
13 notes.

14 Q. Well, when you look at your notes, at
15 11:30, for instance, "patient complaining of pain"?

16 A. Yes.

17 Q. And that's something that you don't
18 have any independent recollection of, but you know from
19 your notes that it must have happened?

20 A. Yes.

21 Q. Okay. Now, when did you come down?

22 When did you come down to Kerrville?

23 A. To Kerrville? On Monday night.

24 Q. Have you written out any report or
25 affidavit or anything for the police or the District
Sandra M. Halsey, CSR, Official Court Reporter
1119

1 Attorney in this case?

2 A. No.

3 Q. When did they tell you that -- when
4 were you called and said you need to come to Kerrville to
5 testify?

6 A. I think I was subpoenaed, I don't
7 remember, either after Christmas or before Christmas. I
8 don't remember.

9 Q. Okay. And when did you receive
10 instructions to, you know, you need to be in Kerrville on
11 such and such day?

12 A. When I was given the subpoena.

13 Q. Okay. It said "Come Monday, January
14 6th?"

15 A. Yes. It came with the subpoena.

16 Q. Okay. And how many times have you
17 visited with the District Attorney's office, or any
18 District Attorney representative?

19 A. From the start?

20 Q. Yes.

21 A. Five times.

22 Q. Five times? And who would those be
23 with?

24 A. I met with Toby and Anita and Bosillo.

25 Q. Okay. And how long ago was that?
Sandra M. Halsey, CSR, Official Court Reporter
1120

1 A. Well --

2 Q. Months?

3 A. Yes.

4 Q. What do you recall about that

5 conversation?

6 A. Which one?

7 Q. The first one.

8 A. The first one we went over my notes.

9 We went over different things that she said to me that

10 day, different things that I noted that day to myself,

11 that I could remember, that is not written down anywhere.

12 Just bits and pieces, the things that I recall.

13 Q. And there were four other visits after

14 that one? When were those?

15 A. Again, one was at the hospital, you

16 know, like a month after the first, and we basically went

17 over the same things.

18 Q. Same people?

19 A. No. Toby was with us this time. It

20 was Anita and Bosillo the first time, and then Toby and

21 Bosillo. And I only spoke with Anita that first time.

22 Q. Okay. And the third time?

23 A. The third time they were at the

24 hospital again to talk to somebody else, and since I was

25 there, I talked to them again.

Sandra M. Halsey, CSR, Official Court Reporter

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1 Q. Okay. And who was that?

2 A. Toby and Bosillo.

3 Q. And the fourth time?

4 A. The fourth time was, I believe Tuesday

5 night this week.

6 Q. Okay. And the fifth time?

7 A. Wednesday night.

8 Q. Okay. Wednesday night?

9 A. Yes.

10 Q. Okay. Now, the -- I don't think I

11 asked you, the fourth time --

12 A. It was this morning, excuse me. This

13 morning.

14 Q. Okay. Two times since you have been

15 here?

16 A. Yes.

17 Q. Okay. Let me ask you a couple of

18 questions about these exhibits. Let me show you 52-H.

19 And do you notice a redness upon Mrs. Routier's upper

20 arm?

21 A. A little bit.

22 Q. Okay. Is that consistent with some

23 kind of --

24 A. I don't know. I mean, it could be a

25 blood pressure cuff probably was there, because we

1 wouldn't have put the blood pressure cuff over here.

2 Q. Do you think that blood pressure cuff

3 at this stage would still be showing as a redness on her

4 arm by the time she is up in ICU?

5 A. It could, yes.

6 Q. Okay. Is that your opinion that

7 that's what it was?

8 A. I don't know what it is.

9 Q. Okay.

10 A. It could be.

11 Q. You don't have an opinion?

12 A. No. It could be.

13 Q. It could be. It could be a number of

14 other things?

15 A. Yes.

16 Q. Okay. Let me show you 52-N. And do

17 you notice any bruising on that?

18 A. Yes.

19 Q. And is that sort of around the wrist?

20 A. No.

21 Q. That part? Is that consistent with

22 something being around the wrist and causing bruising?

23 A. It doesn't look like it.

24 Q. Do you have an opinion as to what

25 would cause that bruising?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. She had an arterial line in the left

2 radial. This is from her arterial line here.

3 Q. All right.

4 A. This --

5 Q. The hole there?

6 A. This hole, and this yellowish-looking

7 stuff up here. This could be from an arterial line, I

8 don't know. That could be.

9 Q. Okay. Now, do you not note a bruise

10 that appears to go like that, of a different color, sort

11 of a different bruise, across what I would call the

12 bottom part of the wrist, since I don't know better. Do

13 you notice a difference in that bruise? Or a separate

14 bruise, or --

15 A. I mean, it looks like there's two

16 different bruises there, but I don't know.

17 Q. Okay. So, you can't draw any

18 conclusions from those bruises?

19 A. No.

20 Q. Okay. Now, when did you -- at the
21 meeting Tuesday night, that was with Mr. Shook?

22 A. Is that Toby's last name?

23 Q. Toby, I mean?

24 A. Yes.

25 Q. You didn't know his last name?

Sandra M. Halsey, CSR, Official Court Reporter
1124

1 A. I couldn't remember it.

2 Q. All right. And besides you and Toby,
3 who was there? Who was in this meeting?

4 A. Her.

5 Q. Her. Ms. Wallace?

6 A. Yes.

7 Q. Okay. You didn't remember her name at
8 all?

9 A. No.

10 Q. All right. Who else?

11 A. That was the first night I had met
12 her.

13 Q. Okay. Tuesday night --

14 A. And that is the only time I have
15 talked to her.

16 Q. -- who else was there?

17 A. Bosillo was there, but I wasn't
18 talking to him. I talked to those two.

19 Q. Who else was there?

20 A. Pardon?

21 Q. Who else?

22 A. Just them.

23 Q. Okay. And in the meeting on
24 Wednesday. Who was in on that meeting?

25 A. Excuse me, it wasn't Wednesday, it was
Sandra M. Halsey, CSR, Official Court Reporter
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1 this morning.

2 Q. I'm sorry. This morning?

3 A. Yes.

4 Q. Who was in on that meeting?

5 A. Just Toby and I.

6 Q. You weren't in on a meeting then with
7 Nurse Cotner and a number of the other nurses the other
8 night?

9 A. Was that when they brought the
10 pictures? Is that what you're referring to?

11 Q. Well, actually, I'm not referring to
12 anything, I'm just trying to inquire. Were you in a
13 meeting with the prosecutors and Ms. Cotner, and Nurse

14 Cotner and several of the other nurses?

15 A. We were told to meet, I believe, at

16 12:00 noon in there, in their room, Wednesday, I guess

17 it was.

18 Q. Who told you?

19 A. I don't consider that a meeting,

20 because it wasn't -- we weren't going over our testimony,

21 really.

22 Q. Oh, okay. Let me make sure that I am

23 clear. When I talk about meeting, I want to talk about

24 any time that you were present with Toby and y'all

25 conversed about the case. I don't need to know about

Sandra M. Halsey, CSR, Official Court Reporter

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1 when you conversed about lunch, or other things, but when

2 you conversed about the case, I'm not trying to quibble

3 about what is a meeting or what's not a meeting.

4 A. Okay. Fine.

5 Q. Okay. So, can I call -- who summoned

6 you to this meeting? Is it okay if I call it a meeting?

7 A. Sure.

8 Q. Okay. Who summoned you to this

9 meeting Wednesday at lunch?

10 A. I got a call from the operator of the

11 hotel saying that, you know, they left a message with

12 her.

13 Q. "They," meaning Toby?

14 A. Yes.

15 Q. Okay. And was it a message that you

16 were supposed to meet Toby in Toby's room?

17 A. We were suppose to meet at 12:00 noon

18 in Toby's room.

19 Q. And who's "we"?

20 A. Everybody, all the Baylor people.

21 Q. Okay. And who do you recall being at

22 this meeting Wednesday at noon?

23 A. The Baylor nurses.

24 Q. Okay. Do you remember -- can you give

25 me names?

Sandra M. Halsey, CSR, Official Court Reporter

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1 A. Jody Cotner.

2 Q. Cotner?

3 A. Yes. Jody -- I don't know his last

4 name.

5 Q. Male, E.R. nurse?

6 A. Yes.

7 Q. Fitts or Pitts?

8 A. Yes.
9 Q. Okay.
10 A. Chris, the 2-ICU.
11 Q. Wielgosz?
12 A. Yes. Paige Campbell and Denise Faulk.
13 Q. Okay.
14 A. I believe that's it. Pat Dillawn, I
15 believe, was there too.
16 Q. Oh, the doctor?
17 A. Yes.
18 Q. What about Dr. Santos, was he there?
19 A. No.
20 Q. Okay. And so all of y'all met with
21 Toby?
22 A. I believe Bosillo was there too.
23 Q. And Bosillo?
24 A. Yes.
25 Q. Okay. And that, I take it, is the
Sandra M. Halsey, CSR, Official Court Reporter
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1 first time you ever saw these pictures?
2 A. Yes.
3 Q. These 52 numbers?
4 A. Yes, for the first time.
5 Q. And did y'all look at all of these
6 photos?
7 A. Yes.
8 Q. A handful of photos of Mrs. Routier in
9 the ICU unit?
10 A. And the ones that were not in the ICU
11 unit.
12 Q. And some later ones?
13 A. Yes.
14 Q. And, I guess, y'all sat around -- how
15 long did this meeting last?
16 A. 45 minutes, an hour, maybe.
17 Q. Okay. And did everybody participate
18 in it?
19 A. We were all passing pictures around
20 and looking at them.
21 Q. And discussing --
22 A. And discussing them, yes.
23 Q. What they showed or what they didn't
24 show?
25 A. Yes.
Sandra M. Halsey, CSR, Official Court Reporter
1129

1 Q. Okay. And, for instance, did Dr.
2 Dillawn express his opinion?
3 A. Sure.
4 Q. Put in his two cents worth?
5 A. Yes.
6 Q. Did you put in your two cents worth?
7 A. Yes.
8 Q. Did Nurse Cotner put in her two cents
9 worth?
10 A. Yes.
11 Q. Did Paige put in her two cents worth?
12 A. Yes.
13 Q. Did -- was Phyllis Jackson the
14 security person there?
15 A. I don't remember her there.
16 Q. Okay.
17 A. Because she wouldn't know what --
18 Q. Wielgosz threw in his two cents worth?
19 A. Yes.
20 Q. And y'all all talked and sort of
21 brainstormed about what these pictures showed and didn't
22 show?
23 A. We talked about what we saw.
24 Q. Okay. And you sort of, you know, I
25 see this and somebody else didn't see that?
Sandra M. Halsey, CSR, Official Court Reporter
1130

1 A. We talked about basically what we saw
2 in Darlie the day we had her and that it wasn't there.
3 Q. Okay.
4 A. Those bruises were not there.
5 Q. And y'all talked about bruising in
6 general, didn't you?
7 A. Yes.
8 Q. And Dr. Dillawn gave you his opinion
9 of bruising, and how long bruising takes and things like
10 that, didn't he?
11 A. I don't recall him saying anything
12 about how long bruising takes, but, yeah, we discussed
13 all that.
14 Q. All right. And did Toby throw in his
15 two cents worth too?
16 A. Yeah.
17 Q. And did Bosillo throw in his two cents
18 worth too?
19 A. I think so.
20 Q. And at the end of that, did y'all
21 reach a consensus about what your collective opinion was?
22 A. No.

23 Q. You had just discussed it all?

24 A. Yes.

25 Q. And then everybody just happens to
Sandra M. Halsey, CSR, Official Court Reporter
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1 draw their own conclusion?

2 A. Yes.

3 Q. Okay. And that conclusion was what,
4 as to the age of those bruises?

5 A. My conclusion?

6 Q. Yeah.

7 A. Those bruises were not consistent with
8 the injury that I saw on her right arm.

9 Q. Okay. What about the left arm?

10 A. The left arm, I was not sure.

11 Q. Okay. So, you think on the left arm
12 that those bruises may have been consistent?

13 A. They could have been consistent with
14 the arterial line causing that type of bruise.

15 Q. Okay. So, your opinion was, at least,
16 that the bruises on the left arm could have been
17 inflicted on June 6, of 1996; isn't that right?

18 A. It could have, yes, sir.

19 Q. All right. Okay. And so, if someone
20 had sustained blunt trauma on their left arm on June 6,
21 1996, that would be consistent with your idea of the age
22 of that bruising?

23 A. On the left arm?

24 Q. Yes.

25 A. Bruising was here on her wrist, and
Sandra M. Halsey, CSR, Official Court Reporter
1132

1 that could have been consistent with the arterial line
2 being inserted, yes.

3 Q. Okay. Well, of course, there is a lot
4 more bruising on the left arm than just there at the
5 wrist, isn't there?

6 A. Well, I thought it was the right arm
7 that had the large bruise.

8 Q. You don't remember any large bruising
9 on the left arm?

10 A. I didn't see any bruising on either
11 arm the day I took care of her.

12 Q. I'm talking about the pictures you
13 looked at, at the meeting when y'all had the
14 brainstorming session on Wednesday.

15 A. She had a bruise on her left wrist.

16 Q. Okay. And, whatever it was, the

17 bruising that you saw on the left arm, it was your
18 judgment, that that could have been inflicted on June 6th
19 at the time of the arterial injury?

20 A. Yes.

21 Q. So whatever the bruising was on her
22 left arm, when it's photographed on June 10th, in your
23 judgment, could have been four days old?

24 A. May I see the pictures again?

25 Q. Sure. Now, I don't know that these
Sandra M. Halsey, CSR, Official Court Reporter
1133

1 are the -- these are the pictures that have been
2 introduced in evidence.

3 A. Okay.

4 Q. So I don't know that these are the
5 ones that y'all sat around and talked about. Do you want
6 to see the left arm, the right arm, or all of them?

7 A. Well, if you're referring to her left
8 arm, there's a bruise down here. I don't remember seeing
9 a picture with her --

10 Q. Well, do you see this bruise going up?

11 A. It's right here.

12 Q. Okay. But -- and this picture it
13 shows to be taken on June 10th?

14 A. Okay.

15 Q. Correct?

16 A. Yes.

17 Q. Okay. So, in your judgment, that
18 bruise on her left arm could be four days old?

19 A. Could be.

20 Q. From whatever the source of it, let's
21 don't quibble about what the source of it is, from
22 whatever the source, that is consistent, in your
23 judgment, with a four day old bruise?

24 A. It could be, yes.

25 Q. Okay. Now, did you say that the right
Sandra M. Halsey, CSR, Official Court Reporter
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1 arm, you didn't think was consistent with the four day
2 old bruise?

3 A. I would have noticed something the day
4 I took care of her on her right arm that would cause that
5 kind of a bruising and not just the laceration that I saw
6 on her arm.

7 Q. Okay. So, are you making your
8 judgment not upon the pictures, but upon what your memory
9 is?

10 A. Well --

11 Q. I mean, you say you would have seen
12 something that indicated that bruising? Is that what
13 you're telling me? On the right arm?
14 A. Yes. There would have been something
15 on her right arm.
16 Q. Okay. But, so, just looking at the
17 pictures, can you draw any conclusion at all that --
18 setting aside here, you know, your personal involvement,
19 looking at the pictures, can you draw any conclusions as
20 to how old the bruises on the right arm are?
21 A. No.
22 Q. None at all?
23 A. No.
24 Q. Okay. Does it seem odd to you that a
25 person would have those kinds of severe bruises on both
Sandra M. Halsey, CSR, Official Court Reporter
1135

1 arms that are different ages?

2

3 MR. TOBY L. SHOOK: Judge, I'll object
4 to speculation.

5 THE COURT: Sustained.

6

7 BY MR. RICHARD MOSTY:

8 Q. Do you feel you're not qualified to
9 answer that?

10

11 MR. TOBY L. SHOOK: Judge, I'll object
12 to speculation.

13 THE COURT: Sustained. Go on to the
14 next question.

15

16 BY MR. RICHARD MOSTY:

17 Q. Well, nurse, if I understood the
18 reason they had you in this brainstorming session on
19 Wednesday, was because you -- the State apparently felt
20 that you had some opinions --

21

22 MR. TOBY L. SHOOK: Judge, I'm going
23 to object to sidebar.

24 THE COURT: Overruled.

25 MR. TOBY L. SHOOK: Giving his opinion
Sandra M. Halsey, CSR, Official Court Reporter
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1 as to what we felt.

2 THE COURT: Overruled. Go ahead.

3 I'll let him ask that.

4

5 BY MR. RICHARD MOSTY:

6 Q. Well, you were invited to this meeting

7 by -- you were instructed to come to this meeting by the

8 State, weren't you?

9 A. Yes.

10 Q. I assume that they thought maybe you

11 had some --

12

13 MR. TOBY L. SHOOK: Judge, I'm going

14 to object again to what he thinks we thought. It's

15 totally irrelevant and it is speculative. And it is also

16 sidebar.

17 THE COURT: I'll sustain that

18 objection. Let's ask another question, please.

19

20 BY MR. RICHARD MOSTY:

21 Q. Well, did you express opinions about

22 those bruises at the brainstorming session on Wednesday?

23 A. I expressed what I'm expressing today.

24 I did not see it, a wound on her left arm or her right

25 arm that was consistent with that type of bruise.

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1137

1 Q. You feel qualified to make some

2 estimation of ages of bruises apparently?

3 A. No.

4 Q. No, you don't?

5 A. I mean, I really don't.

6 Q. Do you think that's something that the

7 nurses really aren't qualified to do? An RN?

8 A. Well, it depends on what kind of

9 injury. If I knew it was a horrible injury, it would be

10 consistent with that type of a bruise.

11 Q. And as a matter of fact, it depends

12 upon the person too, doesn't it?

13 A. Sure. Yeah, it does.

14 Q. I bet I bruise differently than you

15 do.

16 A. Yes, you do.

17 Q. And that's a function of -- what all

18 kind of variables go into that?

19 A. Bleeding time, her hematocrit, how

20 much blood she's lost, her clotting factors, all that

21 type of stuff.

22 Q. Things like age?

23 A. Yes.

24 Q. Size? Size of a person?

25 A. I don't know.

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1 Q. Would that have any effect?

2 A. I don't know.

3 Q. Okay. Don't know? What about skin

4 coloration; dark-complected people, light-complected
5 people?

6 A. Well, it's harder to see on

7 dark-complected people.

8 Q. And if you're -- you talked about one

9 of the things was the hematocrit?

10 A. Yes.

11 Q. If, in other words, if you have lost

12 blood, then there's less blood in the entire system to
13 flow and to start bruising?

14 A. Well, it's a lot of different factors,

15 of what your blood is doing at the time. Is it clotting?

16 Is there -- you know, is there more of this substance, or
17 that substance, I can't answer all that.

18 Q. Volume, volume of blood, quantity of
19 blood?

20 A. Yeah.

21 Q. Things like diet? Can that affect it?

22 I mean, what you've been eating?

23 A. Yes, if you're anemic, yeah.

24 Q. Okay.

25

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1 MR. RICHARD MOSTY: I'll pass the
2 witness.

3

4

5

6 REDIRECT EXAMINATION

7

8 BY MR. TOBY L. SHOOK:

9 Q. Mrs. Hollon, when I called you and

10 asked you questions about any bruises you saw, did I ever
11 ask you to --

12

13 THE COURT: I think now it's 4:00. If

14 we're going to stay until five o'clock, I think we'll

15 take another brief 10 minute break. Thank you.

16

17 (Whereupon, a short

18 Recess was taken,

19 after which time,

20 The proceedings were
21 Resumed on the record,
22 In the presence and
23 hearing of the defendant
24 And the jury, as follows:)
25
Sandra M. Halsey, CSR, Official Court Reporter
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1 THE COURT: All right. Are both sides
2 ready to bring the jury back in?
3 MR. GREG DAVIS: Yes, sir, the State
4 is ready.
5 MR. DOUGLAS MULDER: Defense is ready.
6 THE COURT: All right.
7
8 (Whereupon, the jury
9 Was returned to the
10 Courtroom, and the
11 Proceedings were
12 Resumed on the record,
13 In open court, in the
14 Presence and hearing
15 Of the defendant,
16 As follows:)
17
18 THE COURT: Let the record reflect
19 that all parties of the trial are present and the jury is
20 seated.
21 All right, Mr. Shook.
22 MR. TOBY L. SHOOK: Thank you, Judge.
23
24
25
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1 REDIRECT EXAMINATION (Resumed)
2
3 BY MR. TOBY L. SHOOK:
4 Q. Ms. Hollon, in regards -- well, I've
5 met with you, obviously, several times; is that right?
6 A. Yes, sir.
7 Q. Bugged you with a lot of questions,
8 didn't I?
9 A. Yes, sir.
10 Q. Usually the same ones, sometimes
11 repeat, sometimes I would come up with new ones?
12 A. Yes.
13 Q. This week, calling you at around noon,

14 do you remember if that was Wednesday or Tuesday?

15 A. It might have been Tuesday. I don't
16 remember.

17 Q. Okay.

18 A. I'm kind of lost on my days this week.

19 Q. Okay. Could have been Tuesday instead
20 of Wednesday?

21 A. Yeah.

22 Q. And asked you some questions and
23 showed you some photos?

24 A. Yes.

25 Q. Okay. Did at any time I suggest to
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1 you to get together with the other nurses, come up with a
2 story, come up with a lie, anything like that?

3 A. Absolutely not.

4 Q. Okay. Did I ask you questions about
5 what you remembered?

6 A. Yes.

7 Q. Okay. And what you saw on her arms?

8 A. Yes.

9 Q. And the same type of questions I have
10 asked you in front of this jury?

11 A. Yes, sir.

12 Q. I also told you we were a little
13 behind schedule?

14

15 MR. RICHARD MOSTY: Objection,
16 leading.

17 THE COURT: Sustained.

18

19

20 BY MR. TOBY L. SHOOK:

21 Q. Okay. Well, did I talk about other
22 things, other than those photos and bruises and things
23 like that?

24 A. Not that I recall, no.

25 Q. Okay. Give you any idea about, you
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1 know, maybe when we could possibly get you out of here to
2 testify?

3 A. I don't remember.

4 Q. Okay. I haven't ever told you to make
5 a story up, anything like that, have I?

6 A. No, sir.

7 Q. Okay. As far as what you saw on Mrs.

8 Routier's arm, or what you didn't see, you stand by what
9 have you told this jury?

10 A. Yes.

11 Q. Okay. And you didn't see those type
12 of injuries that would cause --

13

14 MR. RICHARD MOSTY: Object to leading.

15 THE COURT: Yes. Let's phrase our
16 questions the right way, please.

17

18 BY MR. TOBY L. SHOOK:

19 Q. Now, defense counsel talked about
20 certain patients that you have seen that might not
21 remember things that have happened to them, like a car
22 wreck.

23 A. Correct.

24 Q. Okay. Have you come across that
25 before?

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1 A. Yeah.

2 Q. Okay. Do they just remember parts of
3 it or they just don't remember the whole event?

4 A. To tell you the truth, usually people
5 don't talk about it. And if they do, they don't remember
6 it. There's nothing to talk about because they don't
7 remember, they don't remember being in the ICU.

8 Q. Okay. It's just all a blank to them?

9 A. Yes.

10 Q. Entirely?

11 A. Yes.

12 Q. Okay. You made notes in your nurse's
13 notes, the focus notes about the defendant being tearful.

14 Would you describe those tears to us, please.

15 A. Her eyes would well up with tears,
16 basically just like I did when I started, but I never
17 recall tears running down her face.

18 Q. Okay.

19 A. I never recall her using a tissue to
20 wipe her tears off. I don't remember her doing that.

21 Q. Okay.

22

23 MR. TOBY L. SHOOK: That's all the
24 questions I have.

25 THE COURT: Mr. Mosty, anything?

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1 MR. RICHARD MOSTY: Yes, sir.

2 THE COURT: All right.

3

4

5

6 RECROSS EXAMINATION

7

8 BY MR. RICHARD MOSTY:

9 Q. Well, have you ever heard the phrase

10 "A roller coaster of emotions"?

11 A. Maybe. I mean, yes, probably.

12 Q. That's not unusual?

13 A. Yeah.

14 Q. Matter of fact, that's part of the

15 four stages of grief, is that from anger to denial to --

16

17 MR. TOBY L. SHOOK: Judge, I'm going

18 to object to counsel testifying again, what he says the

19 four stages of grief.

20 THE COURT: Overruled. I think that

21 maybe within the lexicon of a trauma nurse.

22 All right. Go ahead.

23

24 BY MR. RICHARD MOSTY:

25 Q. And that's the kind of thing you see

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1 that, you know, people's mood changes. People laugh at
2 funerals?

3 A. As a stress relief, yes.

4 Q. And you talk -- did you express an

5 opinion about whether or not people usually block out a

6 whole event, or selected portions of one? Did you

7 express an opinion on that subject?

8 A. State the question again, please.

9 Q. Mr. Shook was asking you about what

10 you saw in terms of people who have been through a trauma

11 and what their memory was. And as I understood, he was

12 asking you if people block out the whole event or parts

13 of it. And did you express an opinion one way or another

14 on what one would expect on someone whose been through a

15 traumatic experience, in terms of memory?

16 A. Usually people don't remember the

17 traumatic event, the car wreck, or whatever it was.

18 Q. Well, what kind of amnesia is that

19 called?

20 A. Short-term memory loss. I don't know.

21 Q. But it's called localized, isn't it?

22 A. I don't know.

23 Q. Okay. Well, tell us what selective
24 amnesia is. Do you know the four types of amnesia?
25 A. No.
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1 Q. Okay. Do you know the difference
2 between circumscribed amnesia, sometimes called localized
3 amnesia --
4

5 MR. TOBY L. SHOOK: Judge, I'll
6 object. The witness has already answered she doesn't
7 know --

8 THE COURT: Well, I'll let him ask
9 that question.

10 MR. TOBY L. SHOOK: -- about the four
11 kinds of amnesia.

12 THE COURT: I know, but let him ask
13 this question, and I think that will clear it up.
14

15 BY MR. RICHARD MOSTY:

16 Q. Do you know the difference between
17 localized, sometimes called circumscribed amnesia and
18 selective amnesia?

19 A. I have heard those terms before, but I
20 don't know the medical definition of them.

21 Q. And one is where the whole event is
22 blocked, and the other is --
23

24 MR. TOBY L. SHOOK: Judge, I'm going
25 to object.

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1 THE COURT: I'll sustain that
2 objection.

3

4 BY MR. RICHARD C. MOSTY:

5 Q. Do you know, do you know, whether or
6 not circumscribed amnesia is the blocking of a whole
7 event?

8

9 MR. TOBY L. SHOOK: Judge, the witness
10 has answered she doesn't know.

11 THE COURT: I'll let her answer this
12 question.

13

14 BY MR. RICHARD MOSTY:

15 Q. Do you know that? Whether or not
16 circumscribed amnesia is blocking of an entire event?

17 A. No, I don't know that.

18 Q. Do you know whether selective amnesia

19 is the blocking of part of a traumatic event?

20 A. The term selective means it's

21 selective amnesia, selecting part, yes. But I don't know

22 the exact definition of it, no.

23 Q. Do you know that those types of

24 amnesia are often times associated with traumatic events?

25 Do you know?

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1 A. No.

2

3 MR. RICHARD C. MOSTY: That's all I

4 have.

5 MR. TOBY L. SHOOK: Nothing further.

6 THE COURT: Thank you, very much.

7 Ma'am, you're under the Rule, which

8 means you don't talk about your testimony with anybody

9 who's testified; don't compare it. You can talk to the

10 attorneys for either side. If someone tries to talk to

11 you about your testimony, please tell the attorney for

12 the side who calls you. Okay?

13 This young lady will be excused,

14 subject to recall. Is that agreed?

15 MR. TOBY L. SHOOK: Yes, sir.

16 THE COURT: All right. Thank you,

17 ma'am. You may step down.

18 Your next witness.