

## Testimony of Halina Czaban

THE COURT: Just for the record, this  
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1 is Krystyna Krawczyk. She is a native of Poland. She  
2 will be the interpreter for the witness who is Mrs.  
3 Halina Czaban.  
4 And you do speak English but sometimes  
5 you prefer to speak Polish; is that correct?  
6 THE WITNESS: Yes, sir.  
7 THE COURT: All right. Sister, if you  
8 will raise your right hand, please.  
9 We are on the record.  
10 Do you solemnly swear or affirm that  
11 you will faithfully perform your duties as interpreter  
12 and accurately interpret from Polish to English, and from  
13 English to Polish, all matters before the Court today  
14 concerning this witness.

15  
16 (Whereupon, the interpreter  
17 Was duly sworn by the  
18 Court, to faithfully translate,  
19 From English to Polish,  
20 And from Polish to English,  
21 all testimony of this witness,  
22 After which, the  
23 Proceedings were  
24 Resumed as follows:)

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1 THE INTERPRETER: I will.

2 THE COURT: Is that I do?

3 THE INTERPRETER: Yes, sir.

4 THE COURTR: All right. Thank you,  
5 ma'am. Lower your hand, please.

6 THE INTERPRETER: Yes.

7 THE COURT: Ma'am, if you will raise  
8 your right hand, please.

9 Do you solemnly swear or affirm, that  
10 the testimony you are about to give, will be the truth,  
11 the whole truth, and nothing but the truth, so help you  
12 God?

13 THE WITNESS: I do.

14

15 (Whereupon the witness

16 was duly sworn by the  
17 Court, to speak the truth,  
18 The whole truth, and

19 Nothing but the truth,  
20 After which, the

21 Proceedings were  
22 Resumed as follows:)  
23

24 THE COURT: And you did understand me  
25 then?  
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1 THE WITNESS: Yes, I understand.  
2 THE COURT: Okay. You are both under  
3 the rule of evidence now. That simply means that when

4 you are not in the courtroom, ma'am, the witness. When  
5 you're not testifying, stay outside the Courtroom. Don't  
6 talk about your testimony with anybody who has testified.  
7 In other words, don't compare it.  
8 You may talk to the attorneys for  
9 either side. If somebody tries to talk to you about your  
10 testimony, please tell the attorneys for the side who  
11 called you. Fair enough?  
12 THE WITNESS: Yes.  
13 THE COURT: If you will have a seat

14 right here. Sister, if you just won't discuss anything  
15 that goes on in here with anybody outside other than the  
16 attorneys for either side.  
17 Before we go on the record again, are  
18 we going to do this in Polish or in English?  
19 MR. TOBY SHOOK: In Polish, Judge.  
20 THE COURT: Totally in Polish.

21 MR. DOUGLAS MULDER: We want the  
22 questions in Polish, too.  
23 THE COURT: That is what I mean. We  
24 are going to have the whole thing. Here is what is going  
25 to happen. Here is what is going to happen: One  
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1 attorney for each side will ask you a question in  
2 English.  
3 THE WITNESS: Okay.  
4 THE COURT: Even though you may

5 understand it, Sister will translate it to you in Polish.

6 THE WITNESS: Yes.

7 THE COURT: You will answer her in

8 Polish.

9 THE WITNESS: Yes.

10 THE COURT: You will then tell the

11 attorney what she said in Polish in English.

12 THE INTERPRETER: All right.

13 THE COURT: Exactly what she said.

14 MR. RICHARD C. MOSTY: Could we

15 clarify that, because a lot of people who have not

16 interpreted, oftentimes when they say, "Well, she said

17 that."

18 THE COURT: No, we don't mean that.

19 I mean, for example, if they asked,

20 "What color was the car?"

21 And she says, "The moon is made of

22 green cheese." You say, "The moon is made of green

23 cheese." You say exactly what she says. Okay?

24 THE INTERPRETER: Yes.

25 THE COURT: Fair enough? Don't say,

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1 "She said." All you do is answer, just say the words she

2 says.

3 MR. RICHARD C. MOSTY: In the first

4 person.

5 THE COURT: In the first person.

6 Right. All right.

7 MR. TOBY L. SHOOK: Judge, where would

8 you like the interpreter, the Sister to stand when she

9 does the interpretation?

10 THE COURT: Well, I imagine if you

11 want to stand, I think the jury has to hear this, if you

12 could stand right here and just turn around, just turn

13 around like that.

14 And then the jury, if you will you

15 speak loudly so that the jury can hear you. And you will

16 speak into this. And, we'll just try it and see how it

17 works.

18 Let's bring the jury in.

19

20 (Whereupon, the jury

21 Was returned to the

22 Courtroom, and the

23 Proceedings were

24 Resumed on the record,  
25 In open court, in the  
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1 Presence and hearing  
2 Of the defendant,  
3 As follows:)  
4  
5 THE COURT: Let the record reflect  
6 that all parties in the trial are present, and the jury  
7 is seated.  
8 Ladies and gentlemen of the jury, this  
9 witness sitting on the witness stand right now, has been  
10 sworn outside of your presence. She speaks both Polish  
11 and English, but prefers to speak in Polish.  
12 Sister Krawczyk here is the  
13 interpreter. She is a native of Poland, fluent in both  
14 Polish and English.  
15 So, what will happen is, she has been  
16 sworn as the interpreter. Questions will be asked to the  
17 Sister, she will then, the interpreter, she will then,  
18 they will be asked in English, she will relay the  
19 question in Polish, the witness will answer in Polish,  
20 then the question will be translated into English.  
21 So, go a little slower but  
22 nonetheless, it should not be too bad.  
23 So, Mr. Shook.  
24 MR. TOBY L. SHOOK: Thank you, Judge.  
25  
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1 Whereupon,  
2  
3 **HALINA CZABAN,**  
4  
5 Was called as a witness, for the State of Texas, having  
6 been first duly sworn by the Court to speak the truth,  
  
7 the whole truth, and nothing but the truth, testified in  
8 open court, as follows:  
9  
10  
11 DIRECT EXAMINATION  
12  
13 BY MR. TOBY L. SHOOK:  
14 Q. Could you tell us your name, please?  
15 A. Halina Theresa Czaban.

16 Q. And where were you born?  
17 A. In Poland.  
18 Q. When did you come to the United  
19 States?  
20 A. In 1973.  
21 Q. Okay. And, how long have you been a  
22 U.S. citizen?  
23 A. Since 1982.  
24 Q. Okay. Can you speak and understand  
25 the English language?  
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1 A. Yes.  
2 Q. And do you converse in the English  
3 language every day?  
4 A. Yes.  
5 Q. In this situation, do you prefer to  
6 speak through an interpreter?  
7 A. Yes.  
8 Q. And why is that?  
9 A. Because it will be easier for me.  
10 Q. All right. And you came to this  
11 country in 1972?  
12 A. In 1973.  
13 Q. Okay. What brought you to this  
14 country?  
15 A. My husband brought me here.  
16 Q. Did you come with your family?  
17 A. With two daughters.  
18 Q. Okay. And where have you lived here  
19 in the United States?  
20 A. In Massachusetts.

21 Q. What other states?  
22 A. In Michigan.  
23 Q. And any other states?  
24 A. And in Florida.  
25 Q. Okay. Let me ask you first: Did you  
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1 work when you were in Poland?  
2 A. Yes.  
3 Q. What type of job did you have?  
4 A. I was a registered nurse.  
5 Q. And have you had jobs since you moved  
6 here to America?  
7 A. Yes.  
8 Q. What types of jobs were those?

9 A. I worked for 15 years in the factory  
10 where they were making parts for the cars.

11 Q. Did you recently move to the Dallas  
12 area?

13 A. Yes.

14 Q. When was that?

15 A. Sixth of April.

16 Q. Of this past year, '96?

17 A. '96.

18 Q. And who do you live with?

19 A. With my daughter.

20 Q. What is her name?

21 A. Barbara Jovell, J-o-l-l-e (sic).

22 Q. Do you have a nickname that your  
23 daughter and other people call you?

24 A. Babcia.

25 Q. And what does that mean?

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1 A. It means grandmother.

2 Q. Okay. Let me ask you, ma'am, after  
3 you moved here, did you meet a woman by the name of  
4 Darlie Routier?

5 A. Yes.

6

7 MR. RICHARD MOSTY: Judge ---

8 THE COURT: Ma'am. Speak only in  
9 Polish. Now wait until the translator -- the interpreter  
10 gives you the questions in Polish. Answer only in  
11 Polish.

12 THE WITNESS: I am sorry.

13 THE COURT: That's all right.

14 THE INTERPRETER: Yes.

15

16 BY MR. TOBY L. SHOOK:

17 Q. And who is Darlie Routier?

18 A. She was a friend of my daughter.

19 Q. Okay. Do you see Darlie Routier in  
20 the courtroom today?

21 A. Yes.

22 Q. Okay. Could you point her out,  
23 please?

24 A. She is sitting over there.

25 Q. Are you pointing to the woman here in  
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1 the green checkered dress?

2 A. Yes.

3

4 MR. TOBY L. SHOOK: Your Honor, if the  
5 record could reflect, the witness has identified the  
6 defendant.

7 THE COURT: Yes.

8

9 BY MS. TODY L. SHOOK:

10 Q. Now then, in between June and April of  
11 1996, how many times did you meet Darlie Routier?

12 A. About five or six times.

13 Q. Did you go over to her house?

14 A. Four times I was in her house.

15 Q. Did you ever meet up at a work place?

16 A. Excuse me?

17 Q. Did you ever meet up at your  
18 daughter's work place? I'm sorry, let me try that again.

19 Did you ever meet her at your daughter's work place?

20 A. Yes, my daughter took me there.

21 Q. Where did your daughter work at that  
22 time?

23 A. In Darlie's business.

24 Q. Do you remember the name of that  
25 place?

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1 A. Electronics something. Something  
2 connected with electronics, but she (sic) -- I don't  
3 remember.

4 Q. Okay. Let me ask you: Did you talk  
5 to Darlie in June about working for her?

6 A. Yes.

7 Q. Okay. Did Darlie call you up?

8 A. Yes.

9 Q. And what did she say?

10 A. She asked me if I would be willing to  
11 come to her home three days to work.

12 Q. Okay. And what days were you to work  
13 there?

14 A. On Tuesday and Wednesday, and I was  
15 suppose to work also on Friday.

16 Q. Okay. Is that Tuesday, June 4th, and  
17 Wednesday, June 5th?

18 A. Excuse me? Could you -- June --

19 Q. June 4th and June 5th?

20 A. Yes.

21 Q. What did you tell Darlie?

22 A. I told her to call first my daughter.  
23 Q. Okay. And what type of work did she  
24 want you to do?  
25 A. Laundry, and in case I had time, I  
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1 would do some cleaning.  
2 Q. And were you to be paid?  
3 A. Yes.  
4 Q. How much?  
5 A. \$50 for three days.  
6 Q. Okay. Did you agree eventually to  
7 work for her?  
8 A. Yes.  
9 Q. And did you go over to her house on  
10 June 4th, that Tuesday?

11 A. Yes.  
12 Q. About what time did you get there?  
13 A. 8:15 or 8:20, about.  
14 Q. And who took you there?  
15 A. Daughter.  
16 Q. Okay. Did your daughter go on to work  
17 after she dropped you off?  
18 A. She just -- she went with me to pick  
19 up Darlie's husband for work.  
20 Q. Okay. Did Darlie's husband leave with  
21 your daughter?  
22 A. Yes.  
23 Q. And what is his name?  
24 A. Darin.  
25 Q. Okay. Is that who Barbara works for  
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1 at her job?  
2 A. She was working.  
3 Q. Okay. And why did your daughter need  
4 to give him a ride to work?  
5 A. Because his car was broken.  
6 Q. Okay. What type of work did you do  
7 there that day at Darlie's house?  
8 A. Laundry.  
9 Q. Was anyone else there besides Darlie?  
10 A. A girl named Rebecca.  
11 Q. Okay. And who was Rebecca?

12 A. Darlie told me that she was a  
13 babysitter.



14 Q. And about how old was Rebecca?  
15 A. I don't know exactly, about 11 to 12  
16 years old, about this age. I am not sure.  
17 Q. Had you seen Darlie's boys, Devon and  
18 Damon?  
19 A. No.  
20 Q. They were not there at the house when  
21 you got there?  
22 A. No.  
23 Q. You have met them before, haven't you?  
24 A. I don't understand the question.  
25 Q. Okay. You had seen and met Darlie's  
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1 children before you went to work there that day, hadn't  
2 you?  
3 A. Yes.  
4 Q. Okay. Was there also a baby in the  
5 house?  
6 A. Yes.  
7 Q. Did you see the boys around lunchtime?  
8 A. Yes.  
9 Q. Okay. Where did they come from when  
10 you saw them at lunch?  
11 A. From the outside.  
12 Q. Okay. After lunch, what did they do?  
13 A. Darlie told them, "You either go  
14 upstairs or outside."  
15 Q. And what did they do?  
16 A. She -- they went outside.  
17 Q. Okay. What time did the girl,  
18 Rebecca, leave?  
19 A. It was about 10 till 3:00 or 15 till  
20 3:00 P.M.  
21 Q. And why did she leave?  
22 A. Because her mama came from work.  
23 Q. Okay. Had you been doing laundry all  
24 day long?  
25 A. Yes, because it was a lot of laundry.  
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1 Q. And where was Darlie during the day  
2 while you were doing laundry?  
3 A. She was upstairs and also downstairs.  
4 Q. Okay. And where was the girl,  
5 Rebecca?  
6 A. They were together.  
7 Q. Okay. How did you get home that day?

8 A. Darlie took me to my home.  
9 Q. Okay. And about what time was that?  
10 A. About 5:00 P.M.  
11 Q. Did you want to go back the next day?  
12 A. No.  
13 Q. Why is that?  
14 A. I didn't want to go back because I

15 didn't feel comfortable, because I felt that Darlie and  
16 Rebecca were making fun of me behind my back.  
17 Q. Okay. How was Darlie acting that day?  
18 A. Some days she was a very, very joyful  
19 person, sometimes not. And sometimes she talked to me,  
20 but sometimes she was upstairs.  
21 Q. Okay. Did you decide to go back the  
22 next day?  
23 A. Yes, because of my daughter.  
24 Q. Okay. And again, what time did you  
25 arrive there on Wednesday, June 5th?  
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1 A. About 8:15 or 8:20.  
2 Q. Okay. And who was at the house when  
3 you got there that day?  
4 A. Darlie and Rebecca.  
5 Q. Where were they in the house?  
6 A. Darlie was sitting in the armchair and  
7 Rebecca was sitting across her (sic) on the couch.  
8 Q. What room was that?  
9 A. Family room.  
10  
11 MR. RICHARD C. MOSTY: Your Honor, may  
12 we approach?  
13 THE COURT: Yes.  
14  
15 (Whereupon, a short

16 Discussion was held  
17 Off the record, after  
18 Which time the

19 Proceedings were resumed  
20 As follows:)  
21  
22 THE COURT: Ladies and gentlemen of  
23 the jury, will you step into the jury room briefly,  
24 please.  
25

1 (Whereupon, the jury  
2 Was excused from the  
3 Courtroom, and the

4 Proceedings were held  
5 In the presence of the  
6 Defendant, with her  
7 Attorney, but outside  
8 The presence of jury

9 As follows:)

10

11 THE COURT: Let the record reflect  
12 that these proceedings are being held outside the  
13 presence of the jury and all parties in the trial are  
14 present.

15 Go ahead, please. Next question.

16 MR. TOBY SHOOK: Sister, do you need  
17 some water?

18 THE INTERPRETER: Yes, I do.

19 THE COURT: All right. We have some  
20 water there.

21 THE INTERPRETER: I'm sorry, I have a  
22 sore throat.

23 THE COURT: Do you need some water?

24 THE WITNESS: Yes.

25 THE COURT: We will still do this in  
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1 Polish and English, keep it the same way.

2 All right. Next question, Mr. Shook.

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

4

5 BY MR. TOBY L. SHOOK:

6 Q. Okay. Again, where were Darlie and  
7 Rebecca?

8 A. They were sitting in the family room.

9 Q. Okay. And what was going on when you  
10 went in that room?

11 A. Yeah. I was -- I said good morning.

12 Q. Okay. And what happened next?

13 A. Because it was very quiet, I was

14 looking where was the baby.

15 Q. Okay. What did you say?

16 A. And I asked, "Where is the baby?"

17 Q. Okay. And what happened next?  
18 A. Nobody answered me.  
19 Q. Okay.  
20  
21 MR. RICHARD C. MOSTY: May I move over  
22 there, your Honor?  
23 THE COURT: Yes.  
24 MR. RICHARD C. MOSTY: I can't hear.  
25  
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1 BY MR. TOBY L. SHOOK:  
2 Q. Then what happened?  
3 A. Yes, I asked for the second time,  
4 where was the baby?  
5 Q. Then what happened?  
  
6 A. It was silent again.  
7 Q. Okay. And then what happened?  
8 A. And when I asked for the third time,  
9 Rebecca pointed her finger toward Darlie's lap.  
10 Q. Okay. Did you look at her lap at that  
11 time?  
12 A. Yes.  
13 Q. Describe what you saw.  
14 A. Well, yeah, I thought she was holding  
15 a bundle of laundry.  
16 Q. Okay. She had a blanket in her lap?  
17 A. Yes.  
18 Q. And what is the next thing that  
19 happened?  
20 A. I told Darlie, "Give me the baby."  
21 Q. Okay. What did Darlie do?  
22 A. Nothing.  
23 Q. Then what happened?  
24 A. For the second time, I repeated my  
25 question, my request.  
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1 Q. And what happened?  
2 A. She told me that the baby liked it  
3 this way.  
4 Q. Okay. Then what happened?  
5 A. And then I asked please -- asked,  
6 "Please, give me the baby."  
7 Q. What happened next?  
8 A. And she handed me this baby.  
9 Q. How did she hand you the baby?

10 A. In a strange manner, not the way I  
11 expected a mother to hand in the baby.  
12 Q. Okay. How was that? Show the Judge.  
13 A. She was holding the baby here, on the  
14 lap. And she gave me this way.  
15 Q. Then what did she do?

16 A. Darlie went upstairs.  
17 Q. How did she go upstairs?  
18 A. Very quickly.  
19 Q. Okay. And what did you do?  
20 A. Very slowly, I started to uncover the  
21 baby.  
22 Q. Was the baby's face covered?  
23 A. Yes.  
24 Q. Okay. And describe the baby once you  
25 uncovered his face?  
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1 A. The face was very perspired, very red,  
2 and the lips were light blue.  
3 Q. What did the baby do once you  
4 uncovered it?  
5 A. Very slowly, I uncovered the face, and  
6 then the baby started to catch the breath.  
7 Q. Okay. And then what happened?  
8 A. And then, still, when I was uncovering  
9 the baby slowly, the baby started to cry.  
10 Q. Okay. Were you able to settle the  
11 baby down eventually?  
12 A. Yes.  
13 Q. Okay. Later that morning in that same  
14 room, did you see the baby by the glass table?  
15 A. Yes.  
16 Q. Okay. Were Darlie and Rebecca in the  
17 room again?  
18 A. Yes.  
19 Q. Okay. Did you see something that  
20 caused you some concern at that time?  
21 A. Yes.  
22 Q. And what was that?  
23 A. I finished my laundry and I was coming  
24 toward the couch, to sit on the couch. And I saw that  
25 the baby was falling towards the table.  
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1 Q. Falling towards the table?  
2 A. Yes, towards the table.

3 Q. And what did you do?  
4 A. I shouted, "Oh, my God." And very  
5 quickly, I caught the baby.  
6 Q. Did you catch the baby?  
7 A. Yes.  
8 Q. And what did Darlie and the girl,  
9 Rebecca, do?  
10 A. They started to laugh.  
11 Q. What did you say?  
12 A. I told them, "It is not funny."  
13 Q. Okay. Later on that day, did you come  
14 across the baby again in the laundry room?  
15 A. Yes.  
16 Q. And what time of the day was that?  
17 A. It was right after she gave the  
18 children lunch.  
19 Q. Okay. And what was the baby doing  
20 when you came upon it?  
21 A. She (sic) was in the laundry room, the  
22 baby was in the laundry room.  
23 Q. Was any adult near it at that time?  
24 A. No.  
25 Q. And what did you do?  
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1 A. I picked up the baby in my arms.  
2 Q. Okay. Then what happened?  
3 A. Then I called Rebecca.  
4 Q. Where was Rebecca?  
5 A. Darlie and Rebecca were upstairs.  
6 Q. And did Rebecca come to you then?  
  
7 A. Yes, she came, she picked up the baby  
8 and she went upstairs.  
9 Q. What did you tell her?  
10 A. I told her -- I told her not to leave  
11 the baby in this way.  
12 Q. Okay. A little while later, did you  
13 come into the kitchen again and find the baby in a high  
14 chair?  
15 A. Yes.  
16 Q. And did you become alarmed at that  
17 time?  
18 A. Yes. I was folding the laundry and I  
19 heard the cry of the baby.  
20 Q. Did you find the baby in the high  
21 chair at that time?  
22 A. Yes.  
23 Q. And how was the baby positioned in the

24 high chair?

25 A. The baby slipped down from the seat of  
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1 the chair.

2 Q. It slipped out from the seat?

3 A. Yes.

4 Q. And what was the baby doing?

5 A. It was crying.

6 Q. And where was Darlie and the girl,

7 Rebecca?

8 A. Upstairs. Upstairs.

9

10 THE COURT: Wait till they ask you the

11 question, ma'am.

12

13 BY MR. TOBY L. SHOOK:

14 Q. Okay. What did you do?

15 A. I shouted. I called very loudly for

16 Rebecca to come downstairs.

17 Q. And did Rebecca come downstairs?

18 A. Yes.

19 Q. And what did you tell her?

20 A. I told them not to leave baby in this

21 situation anymore.

22 Q. Was Darlie present at that time?

23 A. No.

24 Q. Was she still upstairs?

25 A. Yes.

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1 Q. Okay.

2

3 MR. TOBY SHOOK.: Judge, that's all

4 the questions I have on those four instances involving

5 the child on that Wednesday.

6 THE COURT: All right. Any cross

7 examination, Mr. Mosty? All right. Who will do the

8 cross examining? Mr. Mosty?

9 MR. RICHARD C. MOSTY: I don't think I

10 want to cross examine her right now, Judge. Is it crime

11 to -- well, I'll let Mr. Hagler address that.

12 THE COURT: All right. Do you have

13 any objections?

14 MR. JOHN HAGLER: Yes, your Honor. I

15 couldn't hear the very beginning of it, but it was my

16 understanding that we have identified four specific

17 instances here. And, it's my understanding that each one  
18 of these involve Drake as opposed to either one of the  
19 boys; is that correct?

20 MR. TOBY L. SHOOK:: That's correct.

21 MR. JOHN HAGLER: According to her  
22 testimony.

23 THE COURT: Apparently showing  
24 careless behavior or treatment of the infant son, Drake.

25 Is that correct?

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1 MR. TOBY L. SHOOK: Judge, yes, it  
2 shows --

3 THE COURT: In summary.

4 MR. TOBY L. SHOOK: It shows strange  
5 behavior, careless behavior, and I think it goes to the  
6 defendant's state of mind a few hours before the murder  
7 in regards to one of her children. And I think it's  
8 relevant in that way.

9 This happened on the 5th and the

10 murders occur into the early morning hours of the 6th.

11 And this shows very odd behavior towards one of her  
12 children just a few short hours before.

13 So, I think it's relevant in that

14 manner. It goes to the state of mind of the defendant  
15 only a few hours prior to the offense.

16 And it goes to the relationship under,  
17 I believe it's 38.36, between the victims because this is  
18 their little brother, it goes to the -- it's relevant in  
19 that way also. Although, it doesn't directly involve  
20 Devon and Damon as children in those situations,  
21 obviously, they are present in that household, that is  
22 their little brother.

23 It shows the defendant's state of  
24 mind, and it's relevant to show the relationship in that  
25 way.

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1 THE COURT: Mr. Hagler.

2 MR. JOHN HAGLER: Okay. The State's  
3 indicated, your Honor, normally, of course, under article  
4 38.36, the State is entitled to show the relationship  
5 between the defendant and the deceased. And clearly that  
6 section is not applicable because we're not talking  
7 about -- we are talking about Drake and not the  
8 complainant and/or, either one of the decedents in this



9 case.

10 Secondly, your Honor, again, I have  
11 identified four specific instances of what I would  
12 consider irrelevant and extraneous offenses under 404-B.  
13 The first one having to do with the  
14 incident, the alleged incident where the child was in the  
15 defendant's lap. As I interpret this witness, she is  
16 stating something to the effect that the defendant was  
17 involved in some kind of smothering incident or what have  
18 you.  
19 Your Honor, that clearly is an  
20 extraneous offense under rule 404-B and furthermore, we  
21 would submit that it's irrelevant under 401 because of

22 the fact that it deals with a different individual.  
23 In addition to that, your Honor, as  
24 the Court knows, in order to show an extraneous offense  
25 of this nature, they are required to make a prima facie  
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1 showing beyond a reasonable doubt that the incident  
2 occurred, of the smothering incident. And I would submit  
3 to the Court that they have failed to elicit sufficient  
4 fact, to establish beyond a reasonable doubt that such an  
5 extraneous offense occurred.  
6 I might also add that also to the  
7 incidents two, three and four.  
8 Secondly, your Honor, and again the  
9 other ones deal with -- they are specific 404-B matters.  
10 Again, in dealing with someone other than the  
11 complainant, and furthermore, clearly indicate the clear  
12 404-B material.  
13 It doesn't necessarily have to be an  
14 extraneous offense to constitute 404-B material. It can  
15 be any type of so-called bad acts. It's pretty apparent  
16 that they are attempting to offer the incidences, the  
17 second, third and fourth incidences to show some type of  
18 child abuse, or failure to properly maintain a setting

19 for the child, what have you.  
20 These again, would be bad acts under  
21 404-B. And again, in order to do that, they have to  
22 establish some relevancy to show that there is a  
23 probative value between the incidences and I'm not even  
24 going to get to 403 matters, yet. But again, they

25 clearly fall within the review of 404-B materials.  
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1 Again, 401 relevancy, the fact that we  
2 are dealing with different parties than are named in the  
3 indictment.  
4 So, you know, based on 401 and based  
5 on 404-B and based on the fact that they have failed to  
6 establish their necessary -- their prima facie showing of  
7 these incidents beyond a reasonable doubt, we would  
8 submit that the Court suppress the testimony that has  
9 been elicited at this point during this hearing.  
10 THE COURT: All right. Well, does the  
11 State have another witness to put on now?  
12 MR. TOBY L. SHOOK: We could call  
13 another witness, yes, Judge.  
14 THE COURT: Do so. I'm going to -- I  
15 will hold a ruling on this in a -- this is all of the

16 testimony you are eliciting from this witness; is that  
17 correct?  
18 MR. TOBY L. SHOOK: No, there's other  
19 areas. I think those are the areas --  
20 THE COURT: Well, it's break time  
21 right now. Let's take a 10 minute break and I will rule  
22 on it then.  
23  
24 (Whereupon, a short

25 Recess was taken,  
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1 After which time,  
2 The proceedings were  
3  
4 Resumed on the record,  
5 In the presence and  
6 Hearing of the defendant  
7 Without the jury, as follows:)  
8  
9 THE COURT: We will not go into any of  
10 those four incidences now, we are going to skip over that  
11 for now. We can't bring that in now. Do you understand  
12 that?  
13 THE WITNESS: Yes.  
14 THE COURT: Make sure she understands  
15 it in Polish.  
16 THE INTERPRETER: Yes, sir.  
17 THE COURT: We are going to start a  
18 new series of questions and forget the old ones.

19 All right. Does the witness  
20 understand that?  
21 THE INTERPRETER: Yes.  
22 THE COURT: All right. Let's bring  
23 the jury back in, please.  
24 Let the record reflect at this time  
25 all parties in the trial are present and the jury is  
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1 seated.  
2  
3 (Whereupon, the jury  
4 was seated in the  
5 Courtroom, and the  
6 Proceedings were had  
7 In the presence and  
8 Hearing of the

9 Defendant as follows:)  
10  
11 THE COURT: All right. Mr. Shook, you  
12 may continue.  
13  
14 DIRECT EXAMINATION (Resumed)  
15  
16  
17 BY MR. TOBY L. SHOOK:  
18 Q. When you got to the house on  
19 Wednesday, who was present at the house?  
20 A. In Darlie's house?  
21 Q. Yes. Darlie's house.  
22 A. Darlie and Rebecca.  
23 Q. Okay. Did you see the boys, Devon and  
24 Damon at that time?  
25 A. I saw them at lunch.  
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1 Q. Okay. Did they come in for lunch and  
2 eat again?  
3 A. Yes, they ate lunch.  
4 Q. And what did they do after lunch?  
  
5 A. Darlie told them, "You either go  
6 upstairs or outside".  
7 Q. And what did they do?  
8 A. They went outside.  
9 Q. Okay. What work did you do there on  
10 Wednesday?

11 A. I was doing laundry, but not so much.  
12 Q. What else did you do?  
13 A. I was dusting.  
14 Q. And what part of the house did you  
15 dust?  
16 A. In the family room, where is the TV,  
17 and everything, what is by the kitchen.  
18 Q. Okay. What else -- excuse me. What  
19 else did you do?  
20 A. And I was vacuuming.  
21 Q. Okay. And where did you vacuum?  
22 A. Downstairs.  
23 Q. Okay. Did you vacuum the entire  
24 downstairs?  
25 A. Yes.  
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1 Q. Okay. What did you do with the vacuum  
2 cleaner when you finished?  
3 A. Darlie told me just to put it by the  
4 kitchen.  
5 Q. Okay. And where did you put the  
6 vacuum cleaner in the kitchen?  
7 A. Okay. Between the table or the  
8 cabinet where they had wine, and between the cabinet that  
9 I call a storage room.  
10  
11  
12 (Whereupon, the following  
13 mentioned item was  
14 marked for  
15 identification only

16 after which time the  
17 proceedings were  
18 resumed on the record  
19 in open court, as  
20 follows:)

21  
22  
23 BY MR. TOBY SHOOK:  
24 Q. Okay. Let me show you a photograph  
25 that has been marked as State's Exhibit No. 99, and ask  
Sandra M. Halsey, CSR, Official Court Reporter  
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1 you, let me ask you: Do you see the area where you left  
2 the vacuum?  
3 A. Here.

4 Q. Next to the wine rack here?  
5 A. Yes.  
6 Q. And is this the storage room you were  
7 speaking of?  
8 A. Yes. This is the place where we kept  
9 the cereal and salt and pepper.  
10  
11 MR. RICHARD C. MOSTY: I'm sorry. I  
12 can't hear.  
13 THE COURT: Please speak into the  
14 microphone. Thank you. All right.  
15 MR. TOBY SHOOK: We will offer State's  
16 Exhibit No. 99.  
17 THE COURT: Any objection?  
18 MR. RICHARD C. MOSTY: No objection,  
19 your Honor.  
20 THE COURT: State's Exhibit 99 is  
21 admitted.  
22  
23 (Whereupon, the item  
24 Heretofore mentioned  
25 Was received in evidence  
Sandra M. Halsey, CSR, Official Court Reporter  
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1 As State's Exhibit No. 99  
2 For all purposes,  
3 After which time, the  
4 Proceedings were resumed  
5 As follows:)  
6  
7 BY MR. TOBY L. SHOOK:  
8 Q. Now, let me show you the photo again.  
9 And if you would point for the jury the area where you  
10 left the vacuum?  
11 A. Here.  
12 Q. Is there a door open here where we see  
13 supplies, groceries, things like that?  
14 A. Yes.  
15 Q. Okay. And is that the pantry we're  
16 talking about?  
17 A. Yes.  
18 Q. The area I'm pointing to, is that  
19 where you left the vacuum cleaner?  
20 A. Yes.  
21 Q. Okay. And if you could mark an "X"  
22 where the vacuum cleaner is.  
23 A. Yes.  
24 Q. When you left that day, is that where  
25 the vacuum cleaner was?

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- 1 A. Yes.  
2 Q. Okay. What was Darlie doing that day?  
3 Where was she in the house?  
4 A. She was cooking the dinner.  
5 Q. Okay. Had she done any vacuuming that  
6 day?  
7 A. Yes.  
8 Q. And where was that?  
9 A. Upstairs.  
10 Q. Okay. What time did the girl named  
11 Rebecca leave that day?  
12 A. It was about 3:00 or 3:15 p.m.  
13 Q. After Rebecca left, did Darlie show  
14 you anything in her family room?  
15 A. She brought a jewelry box.  
16 Q. Where did she bring the jewelry box  
17 from?  
18 A. From the upstairs.  
19 Q. Okay. Where did she take the jewelry  
20 box to?  
21 A. Excuse me?  
22 Q. Where did she take the jewelry box to?  
23 A. She brought it downstairs.  
24 Q. Okay. To what room did she bring it?  
25 A. To the family room.

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- 1 Q. What did she do then?  
2 A. She was showing me and so we were  
3 looking at it.  
4 Q. At the box or the jewelry in the box?  
5 A. At the jewelry in the box.  
6  
7  
8 (Whereupon, the following  
9 mentioned item was  
10 marked for  
11 identification only  
  
12 after which time the  
13 proceedings were  
14 resumed on the record  
15 in open court, as  
16 follows:)  
17  
18 BY MR. TOBY SHOOK:

19 Q. Okay. Let me show you what's been  
20 marked as State's Exhibit 99-A. Is this a photo of the  
21 jewelry box?

22 A. This is.

23 Q. Okay. And was it later placed in the  
24 chair where we see it?

25 A. No.

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1 Q. Where was the box when you left that  
2 day?

3 A. The box was just by the armchair.

4

5 MR. TOBY L. SHOOK: We will offer

6 State's Exhibit 99-A.

7 MR. RICHARD C. MOSTY: No objection.

8 THE COURT: State's Exhibit 99-A is

9 admitted.

10

11 (Whereupon, the item

12 Heretofore mentioned

13 Was received in evidence

14 As State's Exhibit No. 99-A

15 For all purposes,

16 After which time, the

17 Proceedings were resumed

18 As follows:)

19

20 BY MR. TOBY L. SHOOK:

21 Q. And again, if you could point out for

22 the jury where the jewelry box is?

23 A. Now it is in the armchair.

24 Q. Did you talk with Darlie about the

25 jewelry that she had in the box?

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1 A. Yes.

2 Q. And what did she tell you about the

3 jewelry?

4

5 MR. JOHN HAGLER: Your Honor, this is

6 all irrelevant under 401.

7 THE COURT: What is the relevance?

8 MR. TOBY L. SHOOK: Judge, we're about

9 to get into the relevancy about that.

10 THE COURT: All right. I'll let you  
11 go a few more questions. Let's get right to the point,  
12 please. It's getting late.

13

14 BY MR. TOBY L. SHOOK:

15 Q. What did she tell you about the  
16 jewelry?

17 A. She was telling me about some of  
18 the --

19

20 MR. JOHN HAGLER: Your Honor, excuse  
21 me, could we approach the bench?

22 THE COURT: Yes, sure.

23

24 (Whereupon, a short

25 Discussion was held

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1 Off the record, after

2 Which time the

3 Proceedings were resumed

4 As follows:)

5

6 THE COURT: All right. Back on

7 record. If we could keep all of our questions on point,  
8 please. Thank you.

9

10 BY MR. TOBY L. SHOOK:

11 Q. As she showed you the jewelry, did the  
12 question of money come up?

13 A. She was telling me that she needed  
14 \$10,000.

15 Q. Okay. And did she make a comment  
16 about how much her jewelry was worth?

17 A. No, I didn't see any jewelry that was  
18 expensive.

19 Q. Did you tell her anything about  
20 selling her jewelry?

21 A. No, we didn't talk about this.

22 Q. Okay. What did you do with the  
23 jewelry after she showed it to you?

24 A. There were also rings on the kitchen  
25 counter, so she asked me to bring them.

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1

2 (Whereupon, the following

3 mentioned item was



4 marked for  
5 identification only

6 after which time the  
7 proceedings were  
8 resumed on the record  
9 in open court, as  
10 follows:)

11

12

13 BY MR. TOBY SHOOK:

14 Q. Let me show you a photograph marked  
15 State's Exhibit 99-B. Are those the rings you are  
16 talking about on the counter?

17 A. Yes.

18

19 MR. TOBY L. SHOOK: We will offer

20 State's Exhibit 99-B.

21 MR. RICHARD C. MOSTY: No objection.

22 THE COURT: State's Exhibit 99-B is

23 admitted.

24

25 (Whereupon, the item  
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1 Heretofore mentioned

2 Was received in evidence

3 As State's Exhibit No. 99-B

4 For all purposes,

5 After which time, the

6 Proceedings were resumed

7 As follows:)

8

9 BY MR. TOBY L. SHOOK:

10 Q. Showing the photograph 99-B, are these  
11 the rings you took from the counter?

12 A. Yes.

13 Q. And had you seen these rings there all  
14 day on Wednesday?

15 A. Yes.

16 Q. Okay. After you took the rings to

17 Darlie, what did you do with them?

18 A. I handed them to Darlie and she look

19 at them and she gave me them and she told me to put them  
20 in the same place I took them from.

21 Q. And did you do that?

22 A. Yes.

23 Q. What time did you leave that day?

24 A. At 5, after 5 p.m.

25 Q. And who picked you up?  
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1 A. My daughter took me home.  
2 Q. Okay. As you left Darlie's house, did  
3 you see another car?  
4 A. Yes, I saw a black sport car.  
5 Q. And where was the black sports car?  
6 A. It was coming from the left side.  
7 Q. And what did the car do?  
8 A. The car stopped for a while and the  
9 second person entered the car.  
10 Q. Okay. And where were you when this  
11 happened?  
12 A. I was with my daughter by the car.  
13 Q. Okay. And was your car in front of  
14 Darlie's house?  
15 A. Yes.  
16 Q. Okay. What did the black sports car  
17 do then?  
18 A. It passed by very quickly, that even I  
19 got frightened a little.  
20 Q. Okay. And could you describe the men  
21 or the man you saw in the car?  
22 A. I didn't see the driver in the car,  
23 but I saw the person on the right side of the car.  
24 Q. What did he look like?  
25 A. It was young, maybe Mexican, it was  
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1 dark face, maybe a black face.  
2 Q. Okay. Now later that next day in the  
3 early morning hours, did you all receive a phone call?  
4 A. Excuse me?  
5 Q. That next day in the morning hours,  
6 did you receive a phone call?  
7 A. Yes.  
8 Q. Okay. And did your daughter leave the  
9 house soon after that?  
10 A. Yes.  
11 Q. You learned what happened over at the  
12 house, that a murder happened at the house; is that  
13 right?  
14 A. Yes, at 3:00 o'clock.  
15 Q. Okay. A couple of days later, did you  
16 and your daughter go to the Rowlett Police Department?  
17 A. Excuse me?  
18 Q. A couple of days later, one or two

19 days later, did you and your daughter go to the Rowlett  
20 Police Department?

21 A. Yes.

22 Q. And did you tell the police about this  
23 car that passed you in front of Darlie's house?

24 A. Yes.

25 Q. And did you tell them, or did your  
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1 daughter tell them?

2 A. I told them.

3 Q. Okay. Did you tell them about another  
4 occasion that you saw a black car?

5 A. Yes.

6 Q. Okay. And what day was it that you  
7 saw that car?

8 A. It was a week after I came here and  
9 when I went to Darlie's house for dinner.

10 Q. Would that be back in April then?

11 A. Yes.

12 Q. And where did you see the black car  
13 then?

14 A. It was coming from the same side.

15 Q. Okay. And in front of Darlie's house?

16 A. Yes, it was just following -- the car  
17 was driving on the street.

18 Q. Did you tell the police about seeing  
19 that car?

20 A. Yes.

21 Q. And did you see the driver of that car  
22 on that day in April?

23 A. No.

24 Q. Do you know if these were the same car  
25 or different cars?

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1 A. One was sports car and the other was  
2 also sports car.

3 Q. Are those the only two times you have  
4 seen a dark car over there at Darlie's house?

5 A. Yes.

6

7 MR. TOBY SHOOK: Okay. That's all the  
8 questions, Judge.

9 THE COURT: Thank you. Anything, Mr.  
10 Mosty?

11 MR. RICHARD C. MOSTY: Yes, sir.

12 THE COURT: All right.

13

14 CROSS EXAMINATION

15

16 BY MR. RICHARD C. MOSTY:

17 Q. Is it Miss Czaban?

18 A. Czaban.

19 Q. Miss Czaban, you have understood the  
20 questions in English, have you not?

21 A. Yes.

22 Q. All of the questions that Mr. Shook  
23 asked you, you understood in English, didn't you?

24 A. No, not everything.

25 Q. Not everything? Most of them you did?

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1 A. Yes.

2 Q. And you were able to answer some of  
3 them even before they had been interpreted into Polish?

4 A. Yes.

5 Q. When you went down to the police  
6 department to tell your story, did you need an  
7 interpreter?

8 A. No, because there was not so many  
9 questions.

10 Q. Was the police officer able to ask you  
11 questions?

12 A. Yes.

13 Q. And you understood those questions?

14 A. Not everything, because my daughter  
15 was helping me.

16 Q. What was the police officer's name?

17 A. I don't know because I wasn't  
18 interested in that.

19 Q. Did the police officer write things  
20 down as you talked to him?

21 A. Yes.

22

23 MR. RICHARD C. MOSTY: May I have a  
24 brief moment to confer with the State's attorney?

25 THE COURT: Yes. Sure.

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1

2 (Whereupon, a short

3 Discussion was held

4 Off the record, after  
5 Which time the  
6 Proceedings were resumed  
7 As follows:)

8

9 BY MR. RICHARD C. MOSTY:

10 Q. Miss Czaban, then you told the police  
11 officer that you had seen black cars on two occasions at  
12 the Routier residence?

13 A. About what car do you -- are you  
14 talking about?

15 Q. Let me move over here so the  
16 interpreter doesn't have to spin in circles.  
17

18 THE INTERPRETER: Okay. Thank you  
19 very much.

20

21 BY MR. RICHARD MOSTY:

22 Q. You went to the police department a  
23 couple of days after this incident?

24 A. Yes.

25 Q. And at that time you told the police  
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1 officer that on two different occasions you had seen  
2 black cars?

3 A. It was the same street. I saw the  
4 cars on the same street. One was driving very fast and  
5 the other time it was driving slower.

6 Q. These are two separate occasions?

7 A. Yes.

8 Q. And were these cars in the alleyway  
9 behind the house?

10 A. Yes.

11 Q. Both times in the alley?

12 A. Yes.

13 Q. Okay. And you thought this was  
14 suspicious, didn't you?

15 A. When it happened, everything, then I  
16 started to think and I thought maybe somebody was  
17 watching, maybe somebody was around, so it started to  
18 interest me. It concerned me.

19 Q. Right. Those cars had the appearance  
20 of somebody watching the Routier home?

21 A. I didn't say exactly this. I meant

22 that I was concerned because the street was very narrow

23 and there are children, and I was concerned that the cars  
24 were driving so fast.

25 Q. Okay. So you went to the police  
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1 department two days after the incident to report unsafe  
2 driving?

3 A. I just simply said what I saw.

4 Q. Well, you weren't concerned about the  
5 children -- but two days after this incident you were  
6 concerned that these were suspicious cars, weren't you?

7 A. Excuse me, sir, could you repeat the  
8 question?

9 Q. Two days after the incident you went  
10 to the police because you thought these were suspicious  
11 cars?

12 A. It was suspicious because I thought  
13 how come that on such a narrow street the cars are  
14 driving so fast. So, I was concerned about those cars.

15 Q. Okay. So you concerned about how fast  
16 those cars were driving?

17 A. Yes, because they, one car almost hit  
18 my daughter, Basia.

19 Q. Okay. And so, you thought you needed  
20 to report that driving to the police?

21 A. The police was asking me if I saw any  
22 cars.

23 Q. Did the policeman call you and ask you  
24 to come down to the station?

25 A. Yes.

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1 Q. Okay. And he asked you if you saw any  
2 cars driving unsafely?

3 A. Yes.

4 Q. That is what he asked you?

5 A. Well, no. He just asked me if I have  
6 not seen any cars.

7 Q. Okay. He just said, "Tell me every  
8 car you have seen on that street?"

9 A. No.

10 Q. No? What did he ask you? In the best  
11 you can recall, exactly what were his words?

12 A. I said, in this way: "When I left,

13 and with my daughter we were by the car, and the car was  
14 driving and that car was driving very fast." And I told  
15 the policeman that I saw the car that was driving very  
16 fast.

17 Q. When you first saw the car, was it  
18 sitting still?

19 A. Excuse me, sir?

20 Q. When you first saw the car, was it  
21 sitting still?

22 A. Sitting? You mean standing?

23 Q. Standing still.

24 A. First time not.

25 Q. It was --

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1 A. And the second time I saw as there was  
2 somebody was entering the car, sit down and they left.

3 Q. Okay. Well, let's talk about the  
4 second time. Is that the time that the car was driving  
5 too fast?

6 A. Yes.

7 Q. And they drove down the alley?

8 A. Excuse me, sir. Could you clarify the  
9 word alley?

10 Q. The street behind the house?

11 A. Oh, no, no.

12 Q. Where was the car when the people got  
13 in it?

14 A. In the front.

15 Q. Okay. The house was in front -- the  
16 car was in front?

17 A. No. Behind the house.

18

19 THE COURT: Ask the witness to get  
20 down and point, if that is satisfactory to both sides.

21 MR. RICHARD C. MOSTY: Well, I sort of  
22 enjoy being confused myself.

23

24 BY MR. RICHARD C. MOSTY:

25 Q. But, let me show you, ma'am --

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1 A. Yes.

2 Q. -- Exhibit 8. This is an aerial  
3 photograph of the house.

4 A. Yes.

5 Q. All right. Now, now let be clear.

6 A. I speak Polish.

7 Q. I'm talking about the second time you

8 saw the car, the day before the murders? What time was

9 it?

10 A. About 5:15.

11 Q. Okay. And you were leaving the house

12 with your daughter?

13 A. Yes.

14 Q. When you first saw the car, you saw

15 one man in it and one man getting in it?

16 A. Yes.

17 Q. So the car was stopped?

18 A. It wasn't exactly completely was

19 standing. It wasn't turned off. The engine wasn't

20 turned off.

21 Q. Okay. It was not moving forward?

22 A. No.

23 Q. All right. We're getting there. When

24 you saw the car when the man was getting in it, where was

25 the car?

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1 A. Right there.

2 Q. Could you point on the map?

3 A. There is garage -- this way here,

4 here, here, sir.

5 Q. All right. It was sitting on the --

6 A. Right here. More over there.

7 Q. Okay.

8 A. Um-hum. (Witness nodding head

9 affirmatively).

10 Q. So it was behind the house, but on the

11 street?

12 A. On the street -- see, because like --

13

14 THE COURT: Ma'am, speak only in

15 Polish.

16 THE WITNESS: Yes. Because when I

17 left the house, so I was very comfortable and I just

18 walked a little on the sidewalk.

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Okay. So the car is over here?

22 A. Yes.

23 Q. Let me show the jury where you pointed

24 to. (Showing to each juror.)

25 Okay. Now, then, after the car was

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1 stopped and after the man got in it, then the car drove  
2 off at an unsafe speed?

3 A. Yes.

4 Q. Like they were in a hurry?

5 A. I have seen very often car driving so  
6 fast, but on such a street I just told them that they  
7 should not drive so fast.

8 Q. You told these men that?

9 A. I told my daughter.

10 Q. Oh, okay. But you thought it was  
11 unusual that that car drove off that fast?

12 A. I was on the street two or three  
13 times, so I don't know. I don't know how the cars are  
14 driving there on the street.

15 Q. Okay.

16 A. But there was a young one, young man.

17 Q. Driving?

18 A. The one that was driving the car, I  
19 have not seen. I saw just the one that was sitting by  
20 the driver.

21 Q. Okay. And which way did this car go?

22 A. Here, like this.

23 Q. It came around the Routier house?

24 A. No, not here, not here.

25

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1 THE COURT: Ma'am, speak only in

2 Polish.

3 THE INTERPRETER: The witness has a  
4 problem, because she says, "I cannot see this." And she  
5 wants to explain.

6 THE COURT: Well, I think, Mr. Mosty,  
7 if you would get someone to hold that, and have her step  
8 down so she can see it. Mr. Hagler or somebody can hold  
9 it.

10 MR. RICHARD C. MOSTY: All right.

11 Ma'am, would you step down there, please? All right.

12 THE COURT: Step down, please, and  
13 just point for them.

14 MR. RICHARD MOSTY: Ma'am, excuse me,  
15 you all are going to have to sort of move so that the

16 people can see behind you. You need to stand to the  
17 side.

18 THE WITNESS: Okay.

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Okay. Now, when I make that -- I made  
22 the motion going like this, didn't I?

23 A. It was coming from this way. Not from  
24 this street.

25 Q. Why do you point that out so much that  
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1 it wasn't on that street?

2 A. Because I didn't know that there was a  
3 street. I even did not know that there was a street,  
4 only my daughter just told me that there was a street.

5 Q. Where was your daughter's car parked?

6 A. Here.

7 Q. On the street?

8 A. Yes.

9 Q. So you are saying your daughter had  
10 left the house out the back door?

11 A. No, by front door.

12 Q. Okay. How did you and your daughter  
13 happen to be back over by -- on the back side of the  
14 house?

15 A. How can you say we were on the back  
16 when the daughter was coming from here. We were here and  
17 the car was driving over there.

18 Q. So you were in your car when you saw  
19 this car?

20 A. No. No, I was in this street.

21 Q. You were in the street? Where in the  
22 street?

23 A. Which one was driving? I went -- I  
24 was going on the driveway.

25 Q. Okay.

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1 A. Yeah, going here, my daughter. My  
2 daughter was following me just a little behind me, and I  
3 stood over there, and then I saw the car coming from  
4 the side.

5 Q. So, you walked out of the house  
6 through the front door?

7 A. Yes.

8 Q. And your daughter's car, was it parked  
9 right in front of the house?

10 A. Yes.

11 Q. And you saw this black car drive down  
12 this street at an unsafe speed?  
13 A. Yes.  
14 Q. Okay. Now, let's talk about the --  
15 well first, how many times have you ever been to the  
16 Routier house?  
17 A. I think about four times.  
18 Q. Okay. About four times. And on two  
19 of those occasions, you have seen black cars?  
20 A. Yes, because I always look at the cars  
21 when they are driving.  
22 Q. All right. And in April, you saw a  
23 black car out there?  
24 A. Yes.  
25 Q. And you thought it was suspicious?  
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1 A. No. I only just said that I saw the  
2 car that was driving so fast.  
3 Q. Two cars, two black cars driving too  
4 fast?  
5 A. Yes.  
6 Q. Did you ever see any other color cars  
7 driving too fast on that street?

8 A. I think, yes.  
9 Q. You didn't report those to the police  
10 though?  
11 A. No, because just when the police asked  
12 me about what I saw, I just simply said that I saw this.  
13 Q. And so the only two cars that were  
14 important enough to describe to the police were the two  
15 black ones?  
16 A. Yes.  
17 Q. The first car that you saw, was it  
18 also parked when you first saw it?  
19 A. No.  
20 Q. It was driving?  
21 A. Yes, it was driving this way.  
22 Q. And did you say it was driving very  
23 slow?  
24 A. No. Very quickly.  
25 Q. It was driving very quickly?  
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1 A. Yes.  
2 Q. All right. I'm about to give up on  
3 the cars.

4 A. Okay. I tell them what I saw, sir.  
5 Q. Okay. You described only two  
6 incidents of the four times you were there, and you  
7 described two black cars?

8 A. Yes.

9 Q. Okay. Let's move on to something  
10 else.

11

12 MR. RICHARD MOSTY: Ma'am, I'll try it  
13 over here.

14

15 (Whereupon, the witness

16 Resumed the witness

17 Stand, and the

18 Proceedings were resumed

19 On the record, as

20 Follows:)

21

22 BY MR. RICHARD MOSTY:

23 Q. Did you tell anyone else about those  
24 cars, other than the police?

25 A. To my daughter, my daughter and you.  
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1 Q. Did you ever tell Mrs. Routier that  
2 you had seen a suspicious car in the alley?

3 A. Excuse, me, sir, could you repeat?

4 Q. Did you ever tell Mrs. Routier that  
5 you had seen a suspicious car in the alley?

6 A. One time to her husband, when he came  
7 from work.

8 Q. And I didn't mean to use the word  
9 alley, I don't want to go down that street again. You  
10 reported to Mr. Routier that you had seen a suspicious  
11 car near their house?

12 A. I didn't see him at all and I didn't  
13 talk to him when I was at the cemetery.

14 Q. Did you ever tell Mr. Routier that you  
15 had seen a suspicious car near their house?

16 A. No.

17 Q. I thought you just said you did?

18 A. No. I only told my daughter, and my  
19 daughter told Darlie in the hospital.

20 Q. Okay. You told your daughter that you  
21 had seen a suspicious car near the Routier's house?

22 A. I told my daughter on such a street  
23 the cars should not drive in this way.

24 Q. And you wanted your daughter to go  
25 tell Mrs. Routier that in the hospital?  
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1 A. No, I didn't want my daughter to go to  
2 the hospital.

3 Q. Did you ever see any people, any  
4 suspicious people in the alley?

5 A. I didn't walk on those street.

6 Q. So you never saw any suspicious  
7 persons on the street?

8 A. No, never, never.

9 Q. Now, when you looked at this jewelry,  
10 what had you been doing right before that?

11 A. Excuse me, sir, before that, right?

12 Q. Before that.

13 A. I was -- I put the laundry on the  
14 kitchen.

15 Q. Were you watching TV with Mrs.  
16 Routier?

17 A. No.

18 Q. Do you have a lot of jewelry?

19 A. Well, no.

20 Q. Okay. Did you start to answer the  
21 last question in English?

22

23 THE COURT: Let's answer everything in  
24 Polish like we agreed to do. Next question.

25 MR. RICHARD C. MOSTY: Well, there is  
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1 a bit of a problem, your Honor.

2 THE WITNESS: I'm sorry.

3 THE COURT: Please speak only in  
4 Polish, ma'am.

5 THE WITNESS: Okay.

6 THE COURT: Thank you. Go ahead.

7

8 BY MR. RICHARD C. MOSTY:

9 Q. Do you have a lot of jewelry?

10 A. I don't care to answer this question.

11 Q. You don't care to answer that  
12 question?

13

14 THE COURT: Ma'am, please answer the  
15 question if you know the answer.

16 THE WITNESS: I don't have a lot.

17

18 BY MR. RICHARD C. MOSTY:

19 Q. How much jewelry do you have?

20 A. If you would like, I can show you,  
21 see.

22 Q. You're showing me a ring? And a  
23 necklace?

24

25 THE COURT: Let the record reflect  
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1 that the witness is showing the ring on her finger and a  
2 necklace. Thank you. You may proceed. Go ahead.

3 THE WITNESS: This is a Madonna.

4

5 MR. RICHARD C. MOSTY:

6 Q. Is that all of the jewelry you have?

7 A. Well, why should I answer this  
8 question?

9

10 THE COURT: Ma'am, please, answer the  
11 question.

12 THE WITNESS: Yes, I have also a  
13 golden bracelet.

14

15 BY MR. RICHARD C. MOSTY:

16 Q. You have quite a bit of jewelry?

17 A. Excuse me, sir?

18

19 MR. TOBY L. SHOOK: Judge, we will  
20 object to relevance at this point.

21 THE COURT: Overruled. I'll let her  
22 answer the questions. Please answer the question, ma'am.

23 THE INTERPRETER: Excuse me, sir,  
24 could you repeat that?

25

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1 BY MR. RICHARD C. MOSTY:

2 Q. You have quite a bit of jewelry?

3 A. No, I don't have.

4 Q. Well, how much jewelry do you have?

5 A. I am poor woman.

6

7 THE COURT: Ma'am.

8 THE WITNESS: I am too poor a woman to  
9 have a lot of jewelry.

10 THE COURT: We have answered that

11 question. Let's move on to the next one. I think she  
12 has shown us --

13

14

15 BY MR. RICHARD MOSTY:

16 Q. Well, is your testimony that all of  
17 the jewelry you have, is what you have on you?

18 A. No, I have one more ring that I got  
19 from my family, and I have it in my room.

20 Q. And that's all?

21 A. And I have a bracelet.

22 Q. And that's all?

23 A. That's it.

24 Q. Have you given a lot of jewelry to  
25 your daughters?

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1 A. Yes.

2 Q. So you are knowledgeable about  
3 jewelry?

4 A. Yes, I have knowledge about jewelry  
5 because when my grandmother died, they sent me jewelry  
6 from Poland.

7 Q. And on the day that you were looking  
8 at the jewelry, you and Mrs. Routier were talking about  
9 the jewelry that you had or that you had inherited and  
10 talking about her jewelry?

11 A. There were small rings and so she was  
12 telling me that she got those rings from her grandmother.

13 Q. And you told her that you had also  
14 received jewelry from your family?

15 A. Yes, correct.

16 Q. And some of the jewelry you had gotten  
17 from your family was pretty valuable jewelry, wasn't it?

18 A. For me, yes.

19 Q. Okay. And Mrs. Routier's jewelry was  
20 sort of cheap jewelry, wasn't it?

21 A. No, those jewelry that were all lying  
22 on the counter, they were very expensive.

23 Q. And you discussed cleaning of that  
24 jewelry, didn't you?

25 A. No.

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1 Q. And you were not going to clean that  
2 jewelry the next time you came to work?

3 A. No, never.

4 Q. Never discussed at all?  
5 A. No. I didn't talk about this.  
6 Q. Okay. Mrs. Routier just brought down  
7 the jewelry and laid it out and started showing it to  
8 you?  
9 A. No. She came downstairs, she brought  
10 the jewelry, she sit in the armchair, and she told me,  
11 she asked me to come to her and see what she had.  
12 Q. But she, at no time, discussed with  
13 you you cleaning that jewelry?  
14 A. No. I have never cleaned anybody's  
15 jewelry.  
16 Q. And this is about the fourth or fifth  
17 time you have been around Mrs. Routier?  
18 A. Four times I was there.  
19 Q. Four times. And she told you -- was  
20 it in this conversation that she told you she needed  
21 \$10,000?  
22 A. Yes.  
23 Q. Before or after she showed you the  
24 jewelry?  
25 A. During the time she was showing me the  
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1 jewelry.  
2 Q. On the fourth occasion that you have  
3 ever been around her, she is telling you that she needs  
4 \$10,000?  
5 A. Yes.  
6 Q. It was not \$9,000 and it was not  
7 \$15,000, it was 10?  
8 A. Yes.  
9 Q. Now, Mrs. Routier had done some nice  
10 things for you, hadn't she?

11 A. What kind?  
12 Q. Well, she brought you a cake?  
13 A. What cake, when?  
14 Q. Did Mrs. Routier bring you a cake?  
15  
16 MR. TOBY L. SHOOK: Judge, we will  
17 object to relevancy.  
18 THE COURT: No. I'll let him develop  
19 this. Overruled. Go ahead.  
20 A. When I came, I didn't know her very  
21 well, and I had a birthday. When I had a birthday, she  
22 came to my house with boys and the boys brought me  
23 flowers.  
24



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1 BY MR. RICHARD C. MOSTY:

2 Q. Okay. Did they also bring you a cake?

3 A. No.

4 Q. But it was your birthday, wasn't it?

5 A. Yes.

6 Q. And during the day that you were there

7 or the days that you were there, Mrs. Routier cooked for

8 her children, didn't she?

9 A. Yes.

10 Q. Just a couple more things. Did --

11 when you talked to the police, you said that the police

12 asked you to come down to the police station?

13 A. Yes.

14 Q. Can you describe the man you talked

15 to?

16 A. It was a very tall man with dark hair.

17 Q. Did he seem particularly interested in

18 black cars?

19 A. Yes, he was asking.

20 Q. Okay.

21

22 MR. RICHARD C. MOSTY: Pass the

23 witness.

24 THE COURT: Anything, Mr. Shook?

25 MR. TOBY L. SHOOK: May we approach

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1 the bench for a moment?

2 THE COURT: Yes, you may.

3

4 (Whereupon, a short

5 Discussion was held

6 Off the record, after

7 Which time the

8 Proceedings were resumed

9 As follows:)

10

11 THE COURT: Any further questions?

12 MR. TOBY L. SHOOK: Not at this time,

13 Judge.

14 THE COURT: You may step down, ma'am.

15 Ladies and gentlemen of the jury, I

16 know we agreed to stay until 5:00, but in view of the

17 lateness of the hour, we're not going to start another  
18 witness.  
19 Now, we will start promptly at 9:00  
20 tomorrow morning. Everybody be here, witness in the  
21 chair, ready to go. See you then.