

Closing Argument In Guilt Or Innocence

Mr. Davis, you have 45 minutes.

20 MR. GREG DAVIS: Thank you, Judge.

21 May it please the Court?

22 THE COURT: Yes, sir.

23 MR. GREG DAVIS: Ladies and gentlemen,

24 before I begin, and I have 45 minutes, but you will be

25 relieved to know that I am going to be the last lawyer

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1 talking to you today, and that probably does come as a

2 relief.

3 But I want to also thank you, not for

4 serving because really you didn't have a choice about

5 that, but I do want to thank you for the very close

6 attention that you have shown throughout this four weeks.

7 In my 19 years, I don't recall a more

8 attentive jury. And there were times, as we talked about

9 in the opening statement, where unfortunately you had to

10 see things that really no juror should have to look at.

11 And you had to hear things that no juror should have to

12 hear. But I appreciate the attentiveness to the facts,

13 because it's on the facts that the truth is shown in this

14 case. Not on lawyers' statements. Lawyer talk here this

15 morning. But it's on the facts that you have heard here

16 over the last four weeks. That is what really counts in

17 this case.

18 Now, you have just heard three very

19 fine attorneys. Among the five that are over here at

20 this table, they are very fine attorneys. All. And you

21 have heard now, four very fine arguments from those three

22 attorneys.

23 I hope that there wasn't a one of you

24 sitting over there in the jury box that was surprised to

25 find out that none of these attorneys over here are

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1 satisfied with the State's case.

2 In 19 years I have never seen it

3 happen. And I dare say, if I live to be a hundred, and

4 if I am still out here practicing law, I don't think I

5 will ever see it either. It just doesn't happen. If it

6 did, we wouldn't be here today, would we?

7 You know, Mr. Mulder would have you

8 believe, that there was some sort of conspiracy on the

9 part of the State of Texas here in this case to mislead

10 you good people.

11 Here is my answer to that: If there
12 is a one of you, when you go back there to that jury room
13 today, if there is even a one of you who believes that,
14 before you look at any of the evidence in this case, any
15 of the facts before you, if you believe that, you write
16 not guilty and you come back in here.
17 That is how strongly I feel about
18 that. There has been no effort at all to mislead you
19 good people. There has been an over-all effort here,
20 over this four week period here, from this side of the
21 table, any way, to try to show you the truth as best we
22 know how, and we have done that.
23 You know, if I was going to mislead
24 the people at this table over here as they claim, would
25 I, over three months ago now, have given them material
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1 that might in some way help their client? Would I have
2 done that? You know the answer is no, I would not have
3 done that. I would have swept that under the rug, under
4 the carpet and said, "We don't need that stuff."
5 But, that is not the way we operate.
6 We hand it over, good or bad, and let them use it as they
7 see fit and that is what they have done in this case.
8 I'm not going to apologize for
9 standing up here and representing the good people of the
10 State of Texas and Dallas County. I'm not ashamed to be
11 sitting at this table. I'm not ashamed at all of the
12 good people from the Rowlett Police Department who are
13 still down here in this courtroom today.
14 You know, these are the men and women
15 who protect us. These are the men and women who, when
16 they got that call on June the 6th of '96, they are the
17 ones that we sent over there to 5801 Eagle Drive, aren't
18 they? And they had to walk into literally hell that
19 morning at 2:35 in the morning and start dealing with
20 that hell and start dealing with this woman right over
21 here, Darlie Lynn Routier.
22 They didn't ask to do that, you see
23 that is their job, and that is what they did in this
24 case, and they have got absolutely nothing to be ashamed
25 of and I am proud that they are a part of our case, and I
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1 am proud that they are sitting in here where you can see
2 them this morning.
3 There is one other thing I am very
4 proud to do. I am very, very, proud most of all in this

5 case, to be the voices for Damon and Devon Routier. You
6 know the two little boys, we almost forget them. You
7 know, the pictures were put over here, I suppose after
8 Mr. Shook's argument. I don't think it takes a genius to
9 figure that out.
10 You know, these two little boys right
11 here don't have voices any more, do they? They are
12 dependent on us, Mr. Shook, Ms. Wallace and myself, and I
13 will guarantee you, I am going to use my voice this
14 morning to the best of my ability to talk for these two
15 little boys, who never had a chance as their mother
16 slaughtered them there on June the 6th, 1996.
17 May we never forget these two precious
18 children. May they always be a part of this case.
19 You know this case, I think, shows a
20 very distinct difference in good and bad. It shows you a
21 very distinct difference in what the guilty do and what
22 the innocent do.
23 It's been a textbook, almost on what
24 does a guilty woman do when she comes to trial in Kerr
25 County?
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1 The first thing she does is, she tries
2 to deceive you. Mr. Mulder used that word, misleading,
3 misleading, misleading. If there is anybody in this
4 courtroom who has tried to mislead you throughout these
5 past four weeks, it's this woman over here.
6 Just like her husband, trying to
7 materially alter her appearance for you. She doesn't
8 want you to know who she really is. That is why she sits
9 over there like she is today with this plaintive little
10 look on her face, "Poor me, I am the victim," kind of
11 look. Hoping that just one of you, because it only takes
12 one of you, one of you will buy into that game.
13 And then what do they do beyond that?
14 Well, they blame the phantom intruder.
15 Mr. Mosty made mention of Charles
16 Manson out in California. I think what we saw by this
17 team over here, was what I am going to call the Susan
18 Smith defense. That phantom intruder. You know that
19 fellow -- remember, it was a black man in South Carolina,
20 supposedly, that took those two children.
21 It's that man that we just don't know
22 where he went to. We can't describe him. My goodness, I
23 don't know. It's the phantom. And you stay with that
24 phantom until all of the evidence in this case shows that
25 that is totally impossible and inconsistent with what

1 they found out there on Eagle Drive that day.
2 And I don't have to go over that, Mr.
3 Shook did a fine job of doing that this morning earlier.
4 But you stay with that until that one doesn't work. Then
5 what do you do? You go to Glenn Mize, and you point the
6 finger through those letters at poor Glenn Mize and you
7 say, "I know it's Glenn Mize." Not that: "The
8 investigators have told me that maybe it was Glenn Mize.
9 I know it's Glenn Mize." And you stick with that until
10 poor Glenn Mize has to trot into this courtroom and stand
11 before this accuser, and where she finally has to admit,
12 it can't possibly be Glenn Mize.
13 Then what do you do? You go to a man
14 named Gary Austin. And you say, "I guess maybe it's this
15 Gary Austin," you know, this guy that lives all the way
16 down the block, who can magically, I guess, look over the
17 horizon, into her backyard and watch her while she is in
18 this hot tub.
19 If that one doesn't work, then you go
20 to Angelia Rickels, and you say, "Well, it must have been
21 those two guys over there on Miami Drive that morning."
22 But, there's a couple of problems with
23 that. Angelia Rickels, you had a chance to see her. Did
24 you really believe that she can accurately recall what
25 happened to her that night? I mean, a man is supposedly
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1 bumping on that doorknob for ten minutes solid and this
2 woman says she is alone, her husband is not there, and
3 she doesn't call the police.
4 Maybe that happened, and maybe it
5 didn't, but what you do know is this: That the
6 description of the two men that she saw there at her
7 house, don't in any way match the description that this
8 woman over here gave to the Rowlett Police Department,
9 does it?
10 Cowboy hat, cowboy shirt, long sleeved
11 for one of them. That is not the man that she described
12 out there on June 6th, or any other date.
13 Another man is wearing a toboggan with
14 a dark jogging suit, long sleeves, that is not the
15 description either, is it? So even if those men were
16 there, for whatever reason they were there, we can rest
17 assured that they are not the man that came into her home
18 that morning on June the 6th.
19 And, as a last resort then, what do

20 you do? You go for this man in the dark T-shirt and dark
21 cap that was talked to, not the morning of June the 6th,
22 but the afternoon of June the 6th, some 14 hours after
23 this thing happened.
24 And you see, it's kind of like that
25 Paul Harvey show. You didn't hear the rest of the story.
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1 Mr. Mulder knows his name as I do. His name is Wilford
2 Davis.
3 And Mr. Mulder told you something that
4 wasn't true. Maybe inadvertently he did that. But he
5 said to you, we didn't get his fingerprints and match
6 them to the ones on that window out there on Eagle Drive.
7 And I'll stand before you right now, and I will tell you
8 that the State of Texas did, when we called --
9
10 MR. RICHARD C. MOSTY: That is outside
11 the record, your Honor.
12 MR. DOUGLAS MULDER: Judge, if they
13 did, they haven't told us.
14 MR. GREG DAVIS: That is not
15 exculpatory evidence.
16 THE COURT: Just a minute, gentlemen.
17 The jury is instructed to remember the
18 testimony as they heard it, and be guided by the Charge
19 of the Court, and both sides are reminded to stay within
20 the record.
21 MR. GREG DAVIS: Yes, sir.
22 As invited argument, I'm going to tell
23 you that is not true.
24 MR. DOUGLAS MULDER: Judge --
25 MR. RICHARD C. MOSTY: That is an
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1 absolute misstatement. We have -- there is no --
2 MR. DOUGLAS MULDER: No one has ever
3 told us --
4 MR. RICHARD C. MOSTY: There is no
5 evidence of that --
6 THE COURT: Just a minute, gentlemen.
7 One defense attorney at a time, please.
8 MR. RICHARD C. MOSTY: That is not in
9 the record anywhere anyhow.
10 THE COURT: Both sides are ordered to
11 stay within the record, and the jury is ordered to
12 remember the testimony as they heard it, and be guided by
13 the Charge of the Court.

14 Please continue.

15 MR. GREG DAVIS: Yes, sir.

16 And then, I guess finally, it is some
17 drug crazed maniac, I think that was Mr. Mosty's term,
18 -- you know, where is this drug crazed maniac, and where
19 does that idea come from?

20 If there is some drug crazed maniac
21 out there that is a suspect, then I want to know this:
22 Where are those investigators that were hired by the
23 defense to go out to that neighborhood?
24 And don't you know that if they had
25 found someone like that, there is no way in this world
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1 that they wouldn't have been sitting on that witness
2 stand telling you people about the folks that they found
3 out there. But that is not what happened is it?
4 All right. Next one. When all of
5 that doesn't work, what you do is this: You blame the
6 police. I don't know of an older defense. It's the most
7 regularly used defense certainly. But you look at these
8 police officers and you say, they just didn't do the job
9 right. They either didn't do enough, or they did too
10 much. You kind of take your pick on most of these cases.
11 And you say to them, "You know, you put her in the cross
12 hairs immediately, and you weren't careful enough."
13 Ask yourselves this: If the Rowlett
14 police had gone out there on June the 6th and decided,
15 this is it, Darlie Routier is the one and only. We don't
16 care about anybody else, we're not going to look for
17 another suspect, this is our suspect right here and we're
18 going to make our case against her. You just wonder, I
19 guess somebody forgot to tell Charles Hamilton about that
20 that morning, didn't they?
21 I mean, here is poor old Charles
22 Hamilton out there for five hours trying to lift
23 fingerprints from that house. Now, why would they have
24 done that? Gone to that trouble of trying to find the
25 fingerprints of that intruder if they had already decided
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1 this is our one and only suspect? And why would they
2 wait for James Cron? Why not just go ahead and get in
3 that house, and go through there and say it all matches
4 Darlie Routier?
5 They didn't do that though, did they?
6 They waited until a man with 39 years experience in crime
7 scene search went out there and assisted them. Why would

8 you call for Charlie Linch and Kathryn Long from SWIFS if
9 you already know who you want to charge over here? Why
10 go to the trouble of finding the blood evidence? Why go
11 to the trouble of having over a hundred blood samples DNA
12 tested, like we did in this case?
13 Why do you do all of those things, if
14 you have already made up your mind that this is our
15 suspect? You don't do that. You do that because you
16 want to know the truth, the most complete truth possible,
17 and that is exactly what they did and that is exactly
18 what we did in this case right here.
19 The next person that you blame, must
20 be the medical community. You say, the nurses -- you
21 don't remember what you remember, about what she told you
22 out there that day. And when it comes to the bruising,
23 you six skilled nurses and you doctors don't know what
24 you were doing out there, you missed this obvious bruise
25 out here. You were negligent in your duties toward this
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1 woman.
2 You know, it's interesting, I watched
3 Mr. Mulder while he showed where that bruise was in that
4 polaroid. Did you notice the arm? Did Mr. Mulder point
5 here to the inside of the arm? No, he didn't, did he?
6 He pointed on the outside, where that wound was, where
7 you would expect to see a redness on June the 6th. Not
8 over here on the inside of the arm where that bruise
9 shows up on June the 10th of 1996, did he?
10 And then to buttress your case against
11 the nursing profession out there, what do you do? You
12 bring in family and friends who might as well have been
13 sitting on the front row of this gallery throughout the
14 case, they know as much about this case as you do as
15 jurors.
16 And after all of the evidence is in
17 from the State, they all get up here, with a very clear
18 memory apparently, with no photographs to back them up,
19 because you see it wasn't important back then.
20 They all tell you, "Oh sure, I know
21 that bruise was there all the way from here up to there."
22 Except for one, it was curious, Karen Neal. Of all of
23 them that came in here, who is the registered nurse of
24 the lot? It was Karen Neal. And what did Karen Neal
25 tell you about that bruise? Do you remember?
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1 When Mr. Shook asked her about the
2 location, she didn't point to the inside of the arm where
3 the family and friends had pointed to. I was watching
4 her very closely, as I hope you were also.
5 She went right to that outside, didn't
6 she? Right to where you would expect the wound to be.
7 Not to where the others said they saw that bruising, and
8 she is the registered nurse, just like the others from
9 Baylor Hospital, who know what they saw and know what
10 they didn't see. There was no bruise at Baylor Hospital.
11 Who do you blame next? You blame
12 James Cron. What you do, you call him that old bearded
13 man who came out there. You call him a fingerprint man.
14 Even though you know he is a senior crime scene analyst.
15 I mean, that is what the man does. And you say, he just
16 waltzed through that house, and he came up with this
17 conclusion like that.
18 Folks, it wasn't rocket science that
19 we were dealing with out there. A man with 39 years
20 experience walked through that house, and it just stuck
21 out like a sore thumb.
22 Her story doesn't match the evidence.
23 And now, you have had the opportunity to see what he did
24 and you can see why he walked through there and said, "It
25 doesn't match up. We need to look at some things. You
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1 people know what you are doing, let's do the testing,
2 let's do the printing, let's do all of this stuff, but I
3 am telling you right now, from what I know and from what
4 I see, it doesn't match up."
5 And he was the starting point in this
6 case. He was not the finishing touch, he was the
7 starting point. And then what do they do? After they
8 blame Cron, they come in here against Charlie Linch and
9 they say Charlie Linch gave -- I think the quote from Mr.
10 Mosty was -- he gave you a bunch of unfounded opinions.
11 I think unfounded opinions are opinions that they don't
12 like. I think that is the definition that we can
13 conclude unfounded opinions are.
14 What did Charlie Linch tell you? He
15 told you that he found that fiberglass rod, and he found
16 that rubbery material on that knife. Up to that time, he
17 had never seen a compound before, under the microscope,
18 like the rubber compound that he found on that knife that
19 just happened to come out of the butcher block, out of
20 whose kitchen? This woman's kitchen. Never seen that.
21 What did he see when he looked at that
22 window screen? What did he see right here? He saw the

23 same two things. He saw fiberglass, and he saw this
24 rubbery material that he had never seen before.
25 And there was one more thing that he
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1 saw there that the defense just didn't mention during the
2 arguments. He saw embedded in that rubbery material,
3 fragments of glass. Fiberglass that were wed to the
4 rubber material, and from that, he told you that he could
5 conclude scientifically, that the rubbery material, and
6 the fiberglass in it were placed on that knife blade at
7 the same time.

8 Now, we know that Charlie Linch was
9 right about one thing in this case: He was right about
10 that sock, wasn't he?

11 When he told you those fibers were
12 consistent with that shoe. Darin Routier's shoe. Was
13 Charlie Linch right or was Charlie Linch wrong?
14 We know he was right, because Darin
15 Routier, thanks to Corrine Wells, had to get up here and
16 tell you.

17 MR. JOHN HAGLER: Excuse me, your
18 Honor, I believe he is going into something that is not
19 in evidence.

20 THE COURT: The jury is instructed to
21 remember the testimony and evidence you have heard, and
22 both sides are instructed to remain within the record.

23 MR. GREG DAVIS: Yes, sir.

24 MR. JOHN HAGLER: Could we have a
25 ruling on that, your Honor?

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1 THE COURT: Well, I'll overrule that.

2 MR. JOHN HAGLER: He is going to go
3 into a matter that is not in evidence.

4 MR. GREG DAVIS: No, sir, I am not.

5 THE COURT: No, he is not, I don't
6 think he is. If he does, then the objection will be
7 sustained.

8 MR. GREG DAVIS: Yes, sir.

9 THE COURT: Stay within the record.

10 MR. GREG DAVIS: And what did Darin

11 Routier say to you good people, he said, "That is my sock
12 and it came out of that utility room. It's my sock."

13 Just like Charlie Linch had told you after his
14 microscopic examinations.

15 Now, let's talk about the sock for

16 just a second here before I go on. You know, I'm not

17 telling you that this defendant went down there in some
18 clever effort to plant this sock. I'm not saying that.
19 Mr. Shook is not saying that either. What we are saying
20 to you is, that this woman knew very well that this sock
21 right here came out of her house.
22 She knew good and well that she was
23 going to get it out of that house and try to disassociate
24 it from that house. You see, she never counted on that
25 knife being found in that butcher block with that
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1 fiberglass.
2 But she knew that that sock right
3 there had blood on it, and how is she going to ever
4 explain that? Get it out of the house. It wouldn't take
5 her very long at all, and that is exactly what she did in
6 this case. And the telltale thing is the blood that is
7 on there. Whose blood is on the sock? Is it the blood
8 that we would expect to see from some intruder who came
9 over there and stuffed it down her mouth, attacked her,
10 stabbed her, slashed her throat? Is it her blood? No,
11 it's not. It's only the two boys and about a
12 nickel-sized stain. Not her blood.
13 You know, the next man to attack was
14 Tom Bevel. Well, let me back up to Charlie Linch one
15 more time here.
16 You know, we know as they criticized
17 Charlie Linch, we know that back in August of last year,
18 that there was an expert by the name of Bart Epstein, a
19 trace evidence analyst there at SWIFS on behalf of the
20 defendant. And we know that back there in August that
21 Charlie Linch said, "Here, I will show you everything
22 that I am doing out here." He let him look at the
23 slides, let him examine the evidence.
24 Basically, he looked over Charlie
25 Linch's shoulder and graded his work out there at SWIFS.
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1 And don't you know, don't you know, that if Bart Epstein
2 had any disagreement whatsoever with the findings of
3 Charles Linch, that you would have seen him up here on
4 this witness stand? Because we know that this defense
5 team here, when they need a witness like Richard Coons,
6 hey, you can place a phone call at 9:00 P.M. and they
7 will get him here the next morning.
8 So where is Bart Epstein? You know
9 why he is not here, because there is nothing wrong with
10 Charles Linch's work in this case.

11 As we look to Tom Bevel, as they
12 criticized Tom Bevel on his opinions. That videotape,
13 and you have got the T-shirts back here, as you look at
14 that videotape with that motion demonstrated by Tom Bevel
15 and you will find that they weren't long on the back.
16 Those blood stains. They are the same size and
17 consistent with the size of Devon Routier's blood that
18 was deposited on the back of this defendant's shirt.
19 That is what the videotape and the T-shirt will show you.
20 Mr. Mosty demonstrated about picking
21 up this vacuum cleaner. Listen, it's not that hard, and
22 you can try it yourself. You don't have to hold it down
23 here by the neck. If you hold it right up here and you
24 roll it around, as this defendant did that day, what do
25 you get? You look at my hand and you will see, you get
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1 the blood smear right on the right side of this handle,
2 exactly like she did that day.
3 You know, here is the bottom line on
4 Tom Bevel. You know out there at SWIFS there is another
5 expert, Terry Labor. He is the DNA blood spatter expert
6 who went out there on behalf of the defendant also, along
7 with Bart Epstein. And if they want to quarrel with Tom
8 Bevel and tell you that he is wrong, and that he is a
9 witch doctor of some sort, where is Terry Labor then?
10 Where is their blood spatter expert?
11 Don't you know that if he had any
12 criticism of the opinions rendered by Tom Bevel, that
13 just like Bart Epstein, you would see them right up here,
14 and he would be detailing for you what those criticisms
15 are. But he is not here either, is he? And for a very
16 good reason.
17 There is one other thing that we need
18 to ask also. Where are the samples from the T-shirt
19 taken by Terry Labor? Where are they? You remember
20 those first dubs samples that Terry Labor took from the
21 defendant's T-shirt back in August? Before Tom Bevel
22 even had a chance to look at the T-shirt. Terry Labor,
23 the defendant's expert, went to Dallas and was given an
24 opportunity to take several samples from that T-shirt.
25 Did you see those samples in this
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1 courtroom at any point in this trial? No, you didn't.
2 Don't you wonder why? You really
3 don't have to wonder long about that question. It's
4 obvious to you. Why those best samples taken by the

5 defense, why you never saw them, and why you never heard
6 a test result or a DNA result on any of the samples.
7 It speaks volumes to you sometimes
8 what you don't see and hear. And it speaks volumes in
9 this case with regards that T-shirt.
10 Well, after you have beat up on the
11 police and you beat up on the nurses, the forensic
12 experts, next to last you try to change your story.
13 You see, you can still win this case
14 if you are the defendant, if you can change the facts.
15 And if you can go back and say, "By the way, you know, I
16 remember my wife, she was right over there with me doing
17 that CPR on Devon, even though I have never said it to
18 anybody before. Yeah, she was over there at that sink.
19 Now that I know that the sink has been cleaned up and
20 there is traces of blood, by golly, I just happened to
21 remember that she was over by that sink."
22 And then when her blood is found on
23 the vacuum cleaner, the DNA results come back, you say:
24 "Well, by golly, I guess that just slipped my mind too.
25 My wife was over there using that as a cane or a crutch."
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1 Then, if you are the defendant, you do
2 the very same thing. All of a sudden, through this
3 traumatic amnesia, you remember the Devon CPR, you
4 remember the sink, you remember the vacuum cleaner. You
5 remember the bruises on your arm, and then even you
6 remember that you didn't wear panties that night, or they
7 were taken from you.
8 So if you change enough facts, folks.
9 I mean, nobody is ever guilty if you can do that.
10 And when that one failed, as it did in
11 this case, what is the last thing that you do? What you
12 do is you say, traumatic amnesia.
13 You know, I think it would be fair to
14 term that the "I can't remember" or "I won't remember"
15 defense. It's just like Mr. Shook talked about with some
16 of these doctors, you know if you say "I don't remember."
17 How do you get at that? I mean, if I told you people, "I
18 don't remember something," is there any number of
19 questions that you could ask to make me remember
20 something like that?
21 It's convenient, isn't it? It's very
22 convenient in this case. And in order to try to prove
23 that defense, they bring Dr. Lisa Clayton, and I have got
24 no quarrel with her. But it really seems strange to me,
25 that when Mr. Mulder said that she had freedom to do

1 whatever she wanted on this case, it just strikes me as
2 just a little bit funny the very limited number of things
3 that she chose to do.
4 Who does she talk to? Well, she talks
5 to the defendant quite a bit for 12 hours. You know she
6 is a real objective source of information, don't you?
7 She talks to her husband. You have all had a chance to
8 see Darin Routier. Need I say more? Okay.
9 The family, her in-laws, kind of a
10 one-sided picture that we're getting here, put that is
11 the picture that Lisa Clayton chose to see.
12 No paramedics, no police officers, no
13 nurses, no doctors, no one outside of the immediate
14 family of Darlie Routier. And then she comes to this
15 startling conclusion that she thinks that Darlie Routier
16 is telling her the truth. You know?
17 I mean, it's a bit mind-boggling that
18 she would do that. But then again, this is the doctor,
19 the psychiatrist who would have you and I believe, that
20 there is nothing inappropriate, eight days after your
21 children have been slaughtered, to go out to their
22 graves, and shoot some Silly String and laugh and carry
23 on.
24 You see, when we look at that tape,
25 according to Dr. Clayton, and our stomach turns a little
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1 bit, because we still have consciences and those things
2 bother us. It's our fault, don't you understand, because
3 we don't know what is appropriate and not appropriate.
4 That is Dr. Clayton's take on this case.
5 And then, I guess maybe she doesn't do
6 a good enough job, and so Richard Coons is called in. I
7 guess coincidences happen in life, but this one seems a
8 bit farfetched that he calls at 9:00 o'clock on
9 Wednesday, what, about four hours after the defendant
10 testifies in this case.
11 I can imagine that call going out, "Is
12 there a doctor in the house, the defendant has mortally
13 wounded her case, and we need a doctor down here now."
14 And so, Richard Coons comes to
15 Kerrville. And I have got no quarrel with him, believe
16 me. He is an eminently qualified psychiatrist and a fine
17 gentlemen, and I think he told you the truth, as he sat
18 on that stand.
19 There is only one problem with Dr.

20 Coons though. They didn't give him any facts, did they?
21 Oh, they gave him a lot of hypothetical questions from
22 Mr. Douglass here. A lot of assumptions that were all
23 favorable to the defendant, and then he answers the
24 questions.
25 But you see what happens when you
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1 change those a little bit, as Mr. Shook did, and you
2 start talking about some of the facts, the actual true
3 facts in the case, his opinion started to change, didn't
4 it? And I think it's very clear why they chose as they
5 did, because that is their witness. It's very evident
6 why they chose not to give him any facts at all to work
7 with. Because they knew, as you do, that if you give
8 that man -- because he is honest, if you give him the
9 facts, he may give you an answer that you don't like.
10 MR. RICHARD C. MOSTY: Your Honor, I'm
11 going to object to that. He was called as a rebuttal
12 witness. He could only rebut, he can only be called to
13 rebut what the State has put on. That is the only
14 purpose that he can be called for.
15 THE COURT: Thank you. The jury is
16 instructed to remember the testimony as they heard it,
17 and be guided by the Charge of the Court. You have 15
18 minutes left.
19 MR. GREG DAVIS: Thank you, Judge.
20 Well, I told you what a guilty woman
21 does and very quickly, as we walk through here, let's
22 talk about what an innocent woman does and doesn't do.
23 You ask yourselves these questions, as
24 I go through here, using the common sense test, and
25 really that is your best thing to hang on to. You have
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1 heard a lot, hang on to your common sense. But as I go
2 through here very quickly,
3 Does an innocent woman, a light
4 sleeping innocent woman, does she sleep through the
5 stabbing of a child that is five feet away from her?
6 No, she doesn't.
7 Does an innocent woman sleep through
8 the stabbing of her child as he is one foot away from
9 her?
10 No, she doesn't.
11 What do innocent women do? They come
12 to the defense of their children, is what they do.
13 And does an innocent woman then sleep

14 through her own attack. Puncture wound to the arm,
15 slashes to the neck, stab to the left shoulder. Does an
16 innocent woman sleep through her own attack?
17 You know, I don't even have to answer
18 that one. Your common sense gives you the answer.
19 Absolutely not.
20 But in all three cases, this is what
21 this woman claims to have done, and she did it because
22 she is not an innocent woman.
23 When she wakes up, does an innocent
24 woman look up and see an intruder and not immediately
25 yell upstairs for her husband? No.
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1 And does an innocent woman wake up,
2 see her children here bleeding, and then leave them and
3 chase into a darkened kitchen and utility room, after an
4 armed intruder? No.
5 But that is not what this woman did;
6 is it? What she did is not consistent with what an
7 innocent woman does. And, does an innocent woman, while
8 her children are literally bleeding at her feet, look
9 around the room, and make sure that none of her jewelry
10 is gone?
11 Heaven help us if that is what
12 innocent women and mothers do, and that is what parents
13 do. No. They don't do it, but that is exactly what she
14 did that morning. Looking around to make sure the
15 goodies aren't gone from that kitchen bar.
16 And do innocent women, innocent
17 mothers, again, as their children are bleeding, do they
18 worry about leaving fingerprints on a knife handle? Of
19 course not. But that is exactly what this woman did
20 because she is not an innocent woman.
21 And do innocent women have to give
22 eight accounts of what happened? All different accounts?
23 I'm not going to run through all of
24 them. But basically, to Waddell, the fight was at the
25 kitchen bar. To Walling, the fight was at the couch. To
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1 Jody Cotner, Damon shook her and woke her up and followed
2 her in the kitchen.
3 To Dianne Hollon, there is an intruder
4 over her immediately, and she felt pressure and there is
5 a fight at the couch.
6 To Paige Campbell, the intruder is
7 over her, and he tried to stab her. She grabbed at the

8 knife. She never saw his face.
9 To Denise Faulk, Damon was crying to
10 wake her. Struggle at the neck. Wrestling on the couch.
11 Barbara Jovell, Damon woke her by
12 saying "Mommy, Mommy," and pressure on the legs. And in
13 her voluntary statement she just says a man is walking
14 away from her.
15 Listen, folks, if you are telling the
16 truth it doesn't take eight shots at it to get it.
17 Because the truth never changes. Once is enough. But
18 that is not what this woman did, because this woman right
19 here is not an innocent woman. This woman here is guilty
20 of capital murder.
21 And does an innocent woman, can you
22 imagine, in your wildest nightmares, an innocent mother
23 sitting across the table from Bill Parker, and having
24 Bill Parker accuse her of killing her own flesh and blood
25 several times, and remaining polite for a three hour
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1 period.
2 Or never denying the fact that she
3 killed her children, and can you imagine an innocent

4 mother sitting across the table from Bill Parker and he
5 says, "I know you killed your children." And an innocent
6 mother just saying: "Hum." (Shrugging shoulders.)
7 No, they don't. That is not what she
8 did, you see, because this woman right here is not an
9 innocent woman. Guilty of capital murder, Darlie
10 Routier.
11 You know you have got a very simple
12 choice here. You have got a choice of either this woman
13 sitting over here, Darlie Lynn Routier, killed her two
14 children, or some mysterious, lucky intruder did it. And
15 he, indeed, has to be a lucky intruder, doesn't he?
16 Happened to pick the night that the
17 window is open. Happens to pick the night where a sock
18 is left conveniently in a utility room. We haven't even
19 mentioned how he got in.
20 I guess the guy just had to slip down
21 the chimney, to get the knife, then go out and then cut
22 the screen, and then come through the utility room. But
23 when he got in there, lucky fellow, the knife is in the
24 butcher block. Lucky fellow that he kills two children
25 without the mother waking. Lucky fellow that when he
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1 cuts this woman over here, she can't describe him.
2 Lucky fellow that he drops a knife on
3 the floor as he leaves, arming his victim, and she
4 doesn't pick it up and wound him. Lucky fellow that he
5 leaves no trace in the garage. Lucky fellow that he
6 leaves no trace in the backyard as he leaves.
7 Those are your choices here. And as
8 you go through here, and as you look at the hard,
9 scientific, physical evidence, as Mr. Mosty asked you to,
10 and I will also. When you look at that screen being cut
11 by that knife inside the house, as it was, that is really
12 as far as you have to go with the hard, scientific stuff.
13 Because, if that fact is true, that that screen on that
14 window was cut with a knife inside of that kitchen of the
15 defendant, that answers all of the questions that you
16 have in this case right here that you need to answer.
17 Now you know from the scientific
18 evidence that was the case. And as you look at Devon's
19 blood on the back of that T-shirt, you know how that was
20 deposited. And as you look at the boys' blood on the
21 front of the T-shirt, you know how that was transported
22 to her T-shirt.
23 As you look at that utility room
24 floor, you know that the floor is totally inconsistent
25 with the story that she gave. There is no cast off
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1 pattern, and you know from the scientific evidence that
2 that was the case.
3 The blood on the vacuum, the roll
4 marks that she made in the kitchen as she staged that
5 scene. And the sink being cleaned with the blood hidden
6 behind the closed drawers and doors to that sink.
7 The physical evidence is there. It
8 points not at many people, not at some people, but it
9 points very clearly to this woman right here, Darlie Lynn
10 Routier. And only Darlie Lynn Routier.
11 You know she did it, and they keep
12 saying that I didn't show you why they did it, and I
13 think I did. We have got a pretty good snapshot look at
14 what this woman's life was like back then.
15 It's so desperate that on May 3rd of
16 1996, in this beautifully normal American home, with no
17 problems in it, this woman is contemplating suicide. You
18 know it wasn't good in there. You know the pressures
19 were building up with the children. You know she was
20 unhappy that she hadn't had a girl. She was unhappy with
21 her weight and with her appearance. She is unhappy that
22 she is not getting the attention from her husband that

23 she wants to get out there, and she is unhappy about that
24 financial situation.

25 Those numbers don't lie there. You
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1 can see that if you average it out these people are going
2 to take in ninety thousand dollars less than they took in
3 in '95.

4 That is not bad money but when you are
5 used to 260, 170 is not going to cut it. You know the
6 pressure was there. You know why she did it. You have a
7 very good idea.

8 Only God and she knows exactly why she
9 did it. But we have a pretty darn good idea, don't we,
10 of the kind of pressure that was building up that night
11 on June 6th of 1996.

12 You know, these two children here,
13 well, they lived in Rowlett and I never had the pleasure
14 of meeting them, but you know, once upon a time they were
15 ours too. They weren't just Darlie Routier's children,
16 they were ours.

17 You see, they were our neighborhood
18 kids too. The kids we saw running up and down the
19 streets on their bicycles. They were our classmates.
20 They were our students. These children right here.

21 In a real sense they were our future.
22 You know, and as these two precious children, laid on
23 that carpet, looking up with those opened eyes, literally
24 drowning in their own blood as they laid on that carpet,
25 as Mr. Shook said to you, the very last thing that each
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1 of these two children saw was their killer.
2 Can you imagine what it must have been
3 like for those two children that morning as they saw this
4 woman right here?

5 THE DEFENDANT: Liar, liar.

6 MR. GREG DAVIS: She says liar now --

7 THE DEFENDANT: You are a liar.

8 MR. GREG DAVIS: See. See. But --

9 THE DEFENDANT: I did not kill my
10 kids.

11 MR. GREG DAVIS: But they looked up
12 there, and they saw this woman right here, in a rage,
13 coming down on them with that knife, and that is the very
14 last thing that they saw. They saw their killer, and
15 after these four weeks, you have seen her too. Her name
16 is Darlie Lynn Routier. She sits here before you. And

17 I'll ask you now to go back to that commitment that you
18 all gave to us.
19 You said that if we proved our case
20 beyond a reasonable doubt, as we have in this case, that
21 not only could you, but you would, find this woman guilty
22 of capital murder, and that is exactly what I am going to
23 ask you to do at this time, because the facts in this
24 case show her to be guilty of capital murder.