

Testimony of Larry Byford

DIRECT EXAMINATION

11

12 BY MR. GREG DAVIS:

13 Q. Sir, would you please tell us your
14 full name.

15 A. Larry Wayne Byford.

16 Q. Are you employed by the Rowlett Fire
17 Department?

18

19 THE COURT: Just for the record, can
20 we spell that last name every time they get up here to
21 make sure Ms. Halsey has it?

22 THE WITNESS: B-Y-F-O-R-D.

23 THE COURT: All right.

24

25

Sandra M. Halsey, CSR, Official Court Reporter

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1 BY MR. GREG DAVIS:

2 Q. And, are you employed by the Rowlett
3 Fire Department?

4 A. Yes.

5 Q. Are you a fire fighter?

6 A. Yes, sir.

7 Q. Are you also a paramedic?

8 A. Yes.

9 Q. How long have you been a fire fighter
10 with Rowlett?

11 A. Since May of '89.

12 Q. May of '89?

13 A. Yes.

14 Q. How long have you been a paramedic?

15 A. Since 1990.

16 Q. Okay. Back on June the 5th, 1996,
17 were you on duty that day?

18 A. Yes.

19 Q. What were your hours at work?

20 A. 7:00 a.m. to 7:00 a.m. the next
21 morning.

22 Q. All right. So you were scheduled to
23 work until 7:00 a.m. on June 6th. Right?

24 A. That's correct.

25 Q. All right. Were you at the same fire

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1 station as Brian Koschak and Jack Kolbye?
2 A. No.
3 Q. Okay. Where was your first station
4 located?
5 A. 4418 Main Street.
6 Q. All right. Is that going to be west
7 of where Dalrock and 66 intersect?
8 A. Yes.
9 Q. All right. So, in relationship to
10 5801 Eagle, you're west of that location. Right?
11 A. That's correct.
12 Q. Sometime after 2:30 in the morning did
13 you receive a call at your fire station to go to 5801
14 Eagle?
15 A. Yes.
16 Q. And were you assigned to an ambulance
17 that evening?
18 A. Yes.
19 Q. Okay. Who was your partner on that
20 ambulance?
21 A. Eric Zimmerman.
22 Q. And did you and Eric Zimmerman then go
23 in an ambulance to 5801 Eagle Drive?
24 A. Yes.
25 Q. Can you tell us whether or not Brian
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1 Koschak and Jack Kolbye were already at that location
2 when you arrived?
3 A. Yes, they were there.
4 Q. When you first got there, what's the
5 first thing that you did then, Paramedic?
6 A. Proceeded to the front of the house
7 there, the front door of the house.
8 Q. Was anybody up there?
9 A. Yes.
10 Q. All right. Who was at the front door
11 or on the front porch?
12 A. Brian Koschak was triaging Mrs.
13 Routier.
14 Q. Is that the lady over here in the
15 green dress who's reading?
16 A. Yes.
17
18 MR. GREG DAVIS: Your Honor, may the
19 record please reflect that this witness is identifying
20 the defendant in open court?
21 THE COURT: Yes.
22

23 BY MR. GREG DAVIS:

24 Q. Okay. So the defendant was up there,

25 and was Brian Koschak also up there?

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1 A. Yes.

2 Q. Remember anybody else being out there

3 at that time?

4 A. I remember someone, an officer,

5 possibly standing to the left of the door.

6 Q. A police officer?

7 A. Yes.

8 Q. Okay. And what was Brian Koschak

9 doing with the defendant?

10 A. Assisting her with -- or rendering

11 care.

12 Q. Okay. And did you start to assist him

13 in helping her?

14 A. She was being cared for by Brian, so I

15 stepped just inside the house to see if there was anyone

16 else.

17 Q. All right. How far into the house did

18 you go?

19 A. I went far enough into the foyer there

20 in the hallway there where I could see the living room

21 floor and I could see part of a service area, I suppose

22 the kitchen.

23 Q. Okay. Did you actually go into the

24 family room, or the room that you're talking about?

25 A. No, that's as far as I remember going

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1 into the house itself there, was just that area right

2 there in the --

3 Q. Okay. Did you ever go into the

4 kitchen?

5 A. No.

6 Q. How long did you stay in the house

7 then before you left?

8 A. It was a matter of seconds, less than

9 a minute.

10 Q. Okay. Did you leave the same way as

11 you had come in?

12 A. Yes.

13 Q. All right. When you came back out,

14 was the defendant and Brian Koschak still out there on

15 the porch or had they left?

16 A. No, they were still on the front
17 porch.

18 Q. Did you start to do anything at that
19 time then?

20 A. Yes, I assisted Brian with care.

21 Q. Was it apparent that the defendant had
22 some injuries to her?

23 A. Yes.

24 Q. Okay. Did she have any injuries to
25 her neck area?

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1 A. Yes.

2 Q. And what, if anything, did you start
3 to do with regard to the neck injury?

4 A. I believe we first bandaged the arm.

5 Q. All right.

6 A. The right arm here. And then she had
7 a rag. Either she was holding a rag or he was holding
8 it. It looked like a -- a cup towel comes to mind. And
9 I opened up some sterile four-by-fours and I got those
10 ready and put them in place, and then we taped them.
11 Taped the four-by-fours in place.

12 Q. Okay. So you actually then took a
13 four inch by four inch sterile gauze pad; is that right?

14 A. That's correct.

15 Q. Put it over the wound on the neck?

16 A. Yes.

17 Q. Was that to stop the bleeding?

18 A. Yes. It was to cover the wound.

19 Q. I'm sorry. Did you also then put some
20 sort of a gauze pad over the injury on the right arm?

21 A. Yes.

22 Q. Okay. During that period of time --
23 and Brian Koschak is still with you. Right?

24 A. That's correct.

25 Q. At some point did you transport the
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1 defendant out to an ambulance?

2 A. Yes.

3 Q. Would that have been the ambulance
4 that you drove to the scene?

5 A. That's correct.

6 Q. That night, were you the driver or
7 were you going to be the other individual in the van?

8 A. I was the driver.

9 Q. Okay. How did you transport the

10 defendant out to the ambulance?

11 A. We had a cot brought up to the front

12 porch there, and we escorted her to the cot and set her

13 on that, and then took her to the ambulance on the cot.

14 Q. Okay. When you got out to the

15 ambulance then, was she placed into it?

16 A. Yes.

17 Q. And what was done at that point then,

18 Mr. Byford?

19 A. Todd Higgins was the EMT off of the

20 first engine there. He was attaining a blood pressure.

21 Brian was looking for an I.V. site. And I was

22 charting -- I was sitting at the head of the cot and I

23 was charting.

24 Q. What do you mean "you were charting"?

25 A. I was writing down -- writing on my

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1 report there of what her medications she was taking, if

2 she was allergic to any medications, any medical history

3 that she may have, her name, age, things of that nature.

4 Q. Okay. I'll just ask you: Was she

5 able to give you her name?

6 A. Yes.

7 Q. How about date of birth? Was she able

8 to give you her date of birth?

9 A. I believe so, but I couldn't answer

10 positive without reviewing my run report there.

11 Q. Okay.

12

13

14 (Whereupon, the following

15 mentioned item was

16 marked for

17 identification only

18 after which time the

19 proceedings were

20 resumed on the record

21 in open court, as

22 follows:)

23

24 BY MR. GREG DAVIS:

25 Q. Mr. Byford, let me show you what's

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1 been marked for identification for record purposes only

2 as State's Exhibit 20-L. And if you would, just take a

3 moment to look at that.

4 A. Yes, sir.

5 Q. Is that, in fact, the report that you
6 prepared?

7 A. Yes, that's correct.

8 Q. This is the report that you're talking
9 about?

10 A. Yes.

11 Q. Okay. Let me ask you again: You had
12 indicated that you asked for her name and she was able to
13 give you a name. Right?

14 A. Yes.

15 Q. Darlie Routier?

16 A. Yes.

17 Q. You asked for her date of birth next;
18 is that right?

19 A. That's correct.

20 Q. Was she able to give you a date of
21 birth?

22 A. Yes.

23 Q. You asked about patient medication; is
24 that right?

25 A. Yes.

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1 Q. Why is that important to know?

2 A. It tells us, in a lot of cases, if a
3 patient has a medical history, if she had been taking
4 Lasix we might suspect that she was in need of a
5 diuretic, she retains too much water, and that's, you
6 know, that would give us a hint there.

7 Q. So if she's taking a certain
8 medication it might react badly to some other medication
9 that you need to give her?

10 A. That's correct.

11 Q. When you ask for past patient
12 medication, did she seem to understand what you were
13 asking for?

14 A. Yes.

15 Q. Was she, in fact, able to give you a
16 medication that she was taking?

17 A. Yes.

18 Q. For weight loss?

19 A. Yes.

20 Q. Did you ask her about allergies?

21 A. Yes.

22 Q. Again, are you asking if she's
23 allergic to certain medications?

24 A. Any medication that she knows of that
25 she's allergic to.

1 Q. And that would be important to know.
2 Right?
3 A. That's correct.
4 Q. Did she seem to understand what you
5 asking when you asked for that?
6 A. Yes.
7 Q. And did she give you an answer that
8 she had no known drug allergies?
9 A. That's correct.
10 Q. Okay. So, as I understand then, Brian
11 Koschak has begun the I.V. Correct?
12 A. Yes.
13 Q. Todd Higgins has taken her blood
14 pressure. Right?
15 A. Yes.
16 Q. You've now charted. Correct?
17 A. Yes, sir.
18 Q. How long did it take you to chart this
19 information on the report here on State's Exhibit 20-L?
20 A. The initial assessment there with the
21 information about the medication, less than a minute, two
22 minutes.
23 Q. Okay. During this time then, you've
24 had a chance to chart some other things that have been
25 done. What's the next thing that is done with the
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1 defendant in the ambulance?
2 A. Once we got her into the ambulance I
3 disrobed her and checked for further injuries. We
4 initiated the I.V., oxygen, put her on a heart monitor.
5 Q. All right. Let me back you up and ask
6 you: What kind of clothing was the defendant wearing
7 that morning?
8 A. A gown.
9 Q. Okay. Anything else besides the gown?
10 A. No.
11 Q. Okay. Was this a light colored sort
12 of T-shirt sort of gown?
13 A. Yes, it was a T-shirt type material.
14 Q. You said that you disrobed her. Can
15 you describe for us the method that you used to remove
16 this T-shirt or this nightgown from the defendant?
17 A. I used shears. We call them trauma
18 shears. And I cut down the middle of the gown, down the
19 front here, and then I cut from the neck down the

20 sleeves, each side like that, and it just falls away.

21 Q. Okay. So, you just, first you cut

22 down the middle of the gown; is that correct?

23 A. Yes, that's correct. From the opening

24 here at the neck down to the bottom, to the hem.

25 Q. And then around the neck area you then

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1 take it down one sleeve?

2 A. Yes. From the neck opening to the

3 sleeve opening, both sides.

4 Q. Do both sides. Right?

5 A. Yes.

6 Q. Okay. And is that what you did that

7 morning?

8 A. Yes.

9 Q. And when you did that then this gown

10 fell open so that you could examine the defendant to

11 determine if there were any other injuries that you might

12 have missed. Right?

13 A. That's correct.

14 Q. Okay. And now, by this time, you --

15 did you still have the gauze pad over her neck?

16 A. Yes.

17 Q. Okay. And when you started to examine

18 the defendant, did you notice whether or not she was

19 wearing any jewelry around her neck?

20 A. After we got into the ambulance and I

21 had cut the shirt off, I realized that there was -- that

22 I had taped a necklace under the bandage.

23 I had put the bandage on -- on the

24 porch there not knowing, or I couldn't see that there was

25 a necklace there.

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1 Q. All right. And did you remove the

2 necklace while you were in the ambulance with the

3 defendant?

4 A. No. I tried to move it just a little

5 bit, but it irritated her, and so I left it alone.

6 Q. What do you mean it irritated her?

7 A. She grimaced.

8 Q. Okay. So as the necklace went over

9 her neck it caused some pain; is that right?

10 A. Yes, sir.

11 Q. Okay. As a matter of fact, did you

12 leave that necklace underneath that dressing until you

13 got her to Baylor Hospital?

14 A. That's correct.
15 Q. If we may, let's go back to the scene
16 again. You're in the ambulance with the defendant.
17 What's her demeanor? How is she acting out there at the
18 time that you're with her still there at the scene?
19 Is she saying things? Is she
20 screaming? Is she loud? I mean, what is she doing?
21 A. Anxious would be my best description.
22 Q. Okay. Could you tell what she was
23 anxious about?
24 A. I would suppose the scene there.
25 Q. All right. Did she ever make any
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1 comments to you that led you to believe that she was
2 anxious?
3 A. On the scene, no, in route she acted
4 anxious. And some of the things, or what she was asking
5 me and the tone of her voice there, it was, you know,
6 "How much further to the hospital? Are we there yet?"
7 Things of that nature.
8 Q. Okay. So she's asking: "How much
9 longer until you get me to the hospital." Right?
10 A. That's correct.
11 Q. Okay. And from that comment you
12 thought that she was anxious on the way to the hospital.
13 Right?
14 A. Yes, sir.
15 Q. Okay. How long did you remain there
16 at the scene with the defendant in the ambulance?
17 A. I'm not quite sure of the exact length
18 of time.
19 Q. Short period of time, long?
20 A. Short period of time. I would say, if
21 I were to guess, it would be less than 10 minutes.
22 Q. Okay. And once you left the scene,
23 did you go to Baylor Hospital in Dallas.
24 A. Yes, sir.
25 Q. Just an approximation, how long did it
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1 take you to get the defendant from scene to Baylor
2 Hospital downtown?
3 A. It would be approximately 20 to 30
4 minute drive from Rowlett.
5 Q. Okay. What kind of care are you
6 rendering to the defendant on the way to the hospital?
7 A. Oxygen, I.V. therapy, or we have I.V.

8 access that is for fluid replacement if we need it, a
9 heart monitor.

10 Q. On the way from the scene to the
11 hospital, did you administer any sort of pain medication
12 to the defendant?

13 A. No.

14 Q. How about tranquilizers or any other
15 medication to her?

16 A. No.

17 Q. So the only thing she had was the I.V.
18 that Brian Koschak had started. Correct?

19 A. That's correct.

20 Q. You've told us about the defendant's
21 comments about "When are we going to get to the
22 hospital?" Do you recall her making any other statements
23 or was she relatively quiet on the way down there?

24 A. She had remarked once about doing CPR
25 on one of the boys.

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1 Q. All right. Did she describe how she
2 did that?

3 A. No.

4 Q. Okay. Any other comments that you can
5 recall?

6 A. No, sir.

7 Q. Any other comments about the condition
8 of the children? Did she ever make any inquiry about
9 either of the two boys who had been patients there at the
10 scene?

11 A. No.

12 Q. Any comment in particular about the
13 child that was being transported to Baylor Hospital where
14 she was headed?

15 A. No.

16 Q. Now, as you are going down to the
17 hospital, did you see any change in the defendant's
18 condition?

19 A. No.

20 Q. You're monitoring her blood pressure;
21 is that right?

22 A. Yeah, we have her on a heart monitor.

23 Q. Okay. So did you see anything -- any
24 irregularities, any drop in blood pressure, anything that
25 would indicate that you would need to give her some sort

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1 of treatment?

2 A. No.

3 Q. Now, as a part of being a paramedic

4 have you received training in assessing people for signs
5 of shock?

6 A. Yes.

7 Q. And, just, if you will, briefly

8 describe the kind of training that you received in order
9 to make that kind of assessment.

10 A. Our training includes for just a

11 paramedic certification is 680 hours, classroom,

12 clinicals, rotations through the Dallas Fire Department,

13 this is with the Medical Center of Dallas. They are one

14 of the area trauma hospitals.

15 Q. Okay. At that time you had been a

16 paramedic for, what, about six years? You started in
17 '90?

18 A. Yes.

19 Q. Let me just ask you Paramedic Byford,

20 during the entire period that you were with the defendant

21 on the porch, transporting her to the ambulance, while

22 you're in the ambulance at the scene, and while you're

23 transporting her to the hospital, did you ever believe

24 the defendant to be in shock?

25 A. No.

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1 Q. Was she ever exhibiting any signs of

2 shock that you thought needed any sort of treatment

3 whatsoever?

4 A. No.

5 Q. Okay. And were you looking for signs

6 of shock?

7 A. Yes.

8 Q. Okay. Is that important for you to

9 do?

10 A. Yes. In a trauma situation, it is.

11 Q. What kinds of things were you looking

12 for?

13 A. Blood pressure, rate, rhythm, the

14 patient's level of consciousness.

15 Q. Okay.

16 A. And skin color.

17 Q. All of those were good?

18 A. Yes.

19 Q. Paramedic Byford, let me ask you:

20 Before we came to Kerrville did you and I have a chance

21 to meet?

22 A. Yes, sir.

23 Q. Do you recall how many times we have
24 met and discussed your testimony and what you did out
25 there that morning?

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1 A. Two or three.

2 Q. Did we meet at the Rowlett Police
3 Department one time?

4 A. Yes.

5 Q. And did we meet down at the
6 courthouse?

7 A. Yes.

8 Q. Did we meet in a courtroom down there?

9 A. Yes.

10 Q. All right. And did I ask you to get
11 on the witness stand and tell me what you've told this
12 Jury this afternoon?

13 A. Yes.

14 Q. Besides those meetings, did we also --
15 let's see, I believe sometime in November, did you come
16 by 5801 Eagle Drive to meet with me briefly?

17 A. Yes.

18 Q. Since we've been here in Kerrville,
19 did you get in on Monday?

20 A. Yes, Monday night.

21 Q. How many times have we met to discuss
22 your testimony and what you did?

23 A. Briefly.

24 Q. Okay.

25 A. Once, briefly.

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1 Q. Was that today?

2 A. That was today.

3 Q. Okay. Let me also ask you if on June
4 the 12th, of 1996, if the Rowlett Police Department asked
5 you to give an affidavit concerning what you remembered
6 out there that day. Do you recall that?

7 A. No, I don't recall that.

8 Q. Okay.

9

10

11 (Whereupon, the following

12 mentioned item was

13 marked for

14 identification only

15 after which time the

16 proceedings were

17 resumed on the record
18 in open court, as
19 follows:)

20

21

22 BY MR. GREG DAVIS:

23 Q. Let me just show you what appears to
24 be an affidavit. In fact, this is State's Exhibit 20-J,
25 for record purposes. It's one page of handwritten
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1 material with a diagram.

2 A. Yes.

3 Q. All right. And it's dated June 12th.

4 Right?

5 A. Yes.

6 Q. Okay. Is this the affidavit and the
7 diagram that you did for the police on June 12th?

8 A. That's correct, that's my signature.

9 Q. Okay. And also, let me ask you:

10 Prior to coming to Kerrville, do you recall having your
11 deposition taken?

12 A. Yes.

13 Q. All right. And was that deposition
14 taken by an attorney representing Mrs. Routier in Dallas?

15 A. Yes.

16 Q. And did he have an opportunity to ask
17 you questions about what happened out there?

18 A. Yes.

19 Q. And what you did?

20 A. Yes.

21 Q. And a record was made of that
22 deposition. Correct?

23 A. Yes.

24 Q. Okay.

25

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1 MR. GREG DAVIS: Your Honor, at this
2 time we'll tender State's Exhibits 20-J and 20-L to
3 counsel and pass the witness for cross-examination.

4 THE COURT: Well, okay.

5 Mr. Mosty.

6 MR. RICHARD C. MOSTY: May I have a
7 few moments, your Honor?

8 THE COURT: You may indeed.

9

10

11 CROSS EXAMINATION

12

13 BY MR. RICHARD C. MOSTY:

14 Q. Okay. Officer Byford, how many people
15 were already at the scene when you arrived?

16 A. Fire related?

17 Q. Total.

18 A. Total? I don't know.

19 Q. A lot?

20 A. I don't have an exact number. There

21 was an engine company, which would have been three men

22 there. The first in ambulance had two men on it. Our

23 ambulance had two men. And I recall one officer at the

24 door. So I can account for that many people.

25 Q. You can account for seven paramedics

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1 and an officer?

2 A. Yes.

3 Q. What about other people, civilians?

4 A. I recall seeing a man standing in the

5 yard with no shirt and jeans on.

6 Q. Okay. Anyone else?

7 A. Not to my knowledge.

8 Q. How many vehicles at the scene?

9 A. We pulled up, I remember -- I recall

10 the first in engine, first in ambulance, and then a squad

11 car, and then around about the corner there.

12 Q. All right. Now, you came with who?

13 Who's the paramedic with you?

14 A. Eric Zimmermann.

15 Q. All right. Zimmermann. So it's you

16 and Zimmermann together. Who are the other paramedics

17 you saw there at the scene?

18 A. Brian Koschak.

19 Q. All right. Where was he?

20 A. He was attending Ms. Routier on the

21 porch.

22 Q. Okay. On the porch?

23 A. Yes.

24 Q. Okay. Who else?

25 A. There was officers -- an officer

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1 standing at the door.

2 Q. You know his name?

3 A. No, I don't recall.

4 Q. Okay. Who are the other paramedics

5 and where were they?

6 A. The captain on the engine company was
7 standing just inside the door.

8 Q. Inside the residence?

9 A. Right.

10 Q. And that's captain?

11 A. Vrana.

12 Q. Okay. Inside door. All right. Who
13 else?

14 A. The rest of them -- I don't know where
15 Higgins was whenever we first arrived, but he came up to
16 assist with Darlie with Brian and I.

17 Q. Do you know if he came from inside or
18 outside?

19 A. No, he wasn't inside, no.

20 Q. He came from somewhere outside?

21 A. He either came from 902 or engine 2.

22 Q. Okay. Meaning coming from the
23 other --

24 A. Coming from the other vehicles.

25 Q. Okay.

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1 A. The rest of the crew were at the
2 ambulance.

3 Q. Okay. Who was there?

4 A. Jack Kolbye.

5 Q. Do you know where he was?

6 A. I assume that he was in 902.

7 Q. Inside the ambulance?

8 A. Inside the ambulance.

9 Q. Did you ever see him?

10 A. Not until we got to the hospital.

11 Rick Coleman.

12 Q. Where was Coleman?

13 A. I assume he was inside 902 as well.

14 Q. Okay. Anybody else there?

15 A. Not that I came in contact with.

16 Q. Okay. What about Youngblood? You
17 don't remember him being there?

18 A. I don't recall if he was there or not.

19 I don't recall ever making any personal contact with him.

20 Q. Okay. And when you exited your
21 vehicle, you went where?

22 A. To the front porch.

23 Q. And you went up there and you saw Ms.
24 Routier sitting on the front porch?

25 A. Correct.

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1 Q. And she was sitting down at that time?

2 A. Yes.

3 Q. And where was -- Koschak was attending

4 to her?

5 A. He was kneeling beside of her.

6 Q. Kneeled beside her. And he was

7 actually in the process of attending to her?

8 A. That's correct.

9 Q. Okay. And then both of y'all attended

10 to her?

11 A. Yes.

12 Q. And you inadvertently got the necklace

13 under the gauze then?

14 A. Yes. The lighting was poor.

15 Q. You didn't notice that at the time?

16 A. I didn't notice it.

17 Q. All right. And then, if I understand

18 you, you attended to her briefly and then took her to the

19 ambulance?

20 A. That's correct.

21 Q. How did you transport her to the

22 ambulance?

23 A. On a cot. We assisted her in

24 standing, walked her to the cot which is just a short

25 distance. It was right there beside the porch, placed

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1 her on the cot.

2 Q. By cot, is that one that is on wheels?

3 A. That's correct.

4 Q. Okay.

5 A. And one that folds up. The legs fold

6 up to go inside of --

7 Q. Okay.

8 A. An ambulance, an MICU.

9 Q. Okay. So somebody had gotten that out

10 and had walked it up, I guess the sidewalk?

11 A. Yes.

12 Q. And then did you and Koschak assist

13 her on to that?

14 A. That's correct.

15 Q. And I assume she was laying on her

16 back?

17 A. Yes.

18 Q. Okay. And you moved her to the -- to

19 90 --

20 A. 901.
21 Q. 901?
22 A. Yes.
23 Q. And where was it parked?
24 A. We were parked at the front of the
25 house, or there close to the house, right there in a
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1 corner.
2 Q. Sort of a -- did you sort of go
3 straight out from the sidewalk into that ambulance?
4 A. I don't remember exactly where we
5 parked.
6 Q. But in any event, you went over and
7 folded up the legs of the -- what I would call a
8 stretcher, you call it a cot?
9 A. Stretcher, cot, yes.
10 Q. You folded up the legs and pushed it
11 into the unit?
12 A. Yes.
13 Q. Okay. Who did that?
14 A. I don't recall who was on it.
15 Generally the, -- whoever is on the foot of the cot
16 pushes it in. I don't recall who was on the foot.
17 Q. Okay. Was Higgins already inside the
18 unit?
19 A. I don't recall.
20 Q. Okay. But in any event you and
21 Higgins and Koschak all went inside the unit?
22 A. That's correct.
23 Q. And what did you direct your attention
24 to first?
25 A. Assessing for other wounds.
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1 Q. Okay. And that's -- y'all carry a
2 little pouch for those scissors, don't you?
3 A. Yes. Our department supplies what we
4 call paramedic pants. They have large pockets, several
5 pockets, straps, carry pen lights, scissors, gloves, your
6 radio.
7 Q. Okay. And so you took out your
8 scissors, and you cut, if I understood, almost like a T.
9 You cut that shirt off like a T?
10 A. Yes.
11 Q. You cut the entire front open?
12 A. That's correct.
13 Q. You cut the entire right shoulder

14 open?
15 A. Yes.
16 Q. You cut the entire left shoulder open?
17 A. Yes.
18 Q. So it's in two pieces, the shirt is by
19 that time?
20 A. Actually, it's in one large piece.
21 Q. One large piece?
22 A. Yes.
23 Q. Okay. But you --
24 A. It just falls to the side there. You
25 don't have to move the patient to disrobe, I mean to
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1 inspect. It just falls to the side.
2 Q. Okay. Did you then -- did it fall to
3 the side or did you need to --
4 A. Well, I just, you know, you have to
5 push it in the armpits here, to expose here, and the
6 shoulders, it just falls away.
7 Q. Okay. And there was a lot of blood on
8 that shirt?
9 A. There was blood on the shirt.
10 Q. Okay. You wouldn't describe it as a
11 lot?
12 A. A lot has a different meaning to
13 different people.
14 Q. But you --
15 A. As a paramedic, in my experience,
16 there -- a lot to me may be devastating to someone who
17 has never seen anyone bleeding.
18 Q. But you wouldn't use the word "a lot"?
19 A. I'd say substantial.
20 Q. Okay. Had substantial blood on it?
21 A. Yes, sir.
22 Q. Was it wet to the touch?
23 A. I don't recall.
24 Q. Was it running, dripping?
25 A. No, I don't recall an active bleeding
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1 there.
2 Q. No, I'm talking about the shirt
3 itself. Was the shirt dripping blood?
4 A. Well, that's something that I didn't
5 examine. That's not something that I focus my attention
6 on.
7 Q. You really didn't care about the

8 shirt, you cared about the patient?

9 A. That's correct.

10 Q. Okay. Was it soaked, or could you

11 even tell that? Or did you even take note of that?

12 A. I didn't even -- there was blood on

13 the shirt, and our standard procedure, we wear gloves,

14 and it's -- I just didn't examine the shirt to see if it

15 was dripping or the amount of blood in it.

16 Q. Okay. All right. And does it sort of

17 fall open on the cot, on both sides of the cot?

18 A. Yes, it falls down to the side there

19 on the cot.

20 Q. Okay. Did you move that shirt at all?

21 A. No, I left it under her.

22 Q. Okay. So it's sort of laying open on

23 her?

24 A. That's correct.

25 Q. And that's when you did your quick

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1 visual examination?

2 A. Yes.

3 Q. To locate other injuries perhaps?

4 A. Yes.

5 Q. Okay. When you did all that, did you

6 get blood on your gloves?

7 A. Yes.

8 Q. And blood on other places on you?

9 A. No, not that I recall.

10 Q. If you just recall that your gloves --

11 were those latex?

12 A. Yes.

13 Q. That your latex gloves were bloody?

14 A. Yes.

15 Q. And that was from the shirt?

16 A. Yes.

17 Q. Okay. And those latex gloves, they

18 don't soak in, they don't absorb blood, do they?

19 A. No, sir.

20 Q. Okay. It falls off, cast off?

21 A. We peel them off and get another pair.

22 Q. Okay. How many times would you be --

23 how many did you peel off, do you think in this -- I

24 guess if they get dirty, or they get wet you peel them

25 off and get you another one?

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1 A. To prevent contamination of your
2 sheet, your clothing, anything else you might touch, I.V.
3 tubing, you change gloves, our equipment.

4 Q. Okay.

5 A. It's easier to change gloves than go
6 decontaminate an entire ambulance.

7 Q. Okay. So you pop those gloves off,
8 and what do you do with them?

9 A. We have a biohazard bag, a red bag is
10 what we call it, beside there at the head of the
11 ambulance there.

12 Q. Okay. It's a particular one?

13 A. It's a particular bag and nothing but
14 biohazard goes in that bag.

15 Q. And that's needles?

16 A. No.

17 Q. No? That's something else?

18 A. We have a sharps container for
19 needles.

20 Q. Okay. So anything that is not sharp
21 that's contaminated with blood you throw it in that bag?

22 A. That's correct.

23 Q. That red bag?

24 A. Yes.

25 Q. How many separate gloves do you think
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1 you went through?

2 A. I know I changed once.

3 Q. Okay. Would that also be true if you
4 were treating one patient and you went to another, would
5 you change gloves?

6 A. You would change gloves.

7 Q. You would?

8 A. Yes.

9 Q. You should?

10 A. Yes, you should.

11 Q. Okay. And then after you made that
12 assessment -- I'm back in the ambulance now. You made
13 that assessment, after having disrobed her, and then
14 about that time y'all were taking off for Baylor?

15 A. Yes.

16 Q. Okay. Did I understand you that when
17 Mr. Davis asked you about did you handwrite a report,
18 that you didn't recall doing that?

19 A. I don't recall if -- I didn't recall
20 before I looked at the report if I had written down her
21 birthdate or her age or something.

22 Q. Now, what I was talking about was

23 toward the end of your examination, that I thought he
24 asked you: Do you remember going down to the Rowlett
25 Police Department and writing out a report, and you
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1 couldn't remember doing that until you --

2 A. No, I didn't recall that incident

3 there.

4 Q. Actually, you didn't recall going down

5 there at all?

6 A. Well, we respond to the Police

7 Department quite often on calls, and we also go down

8 there for regular meetings, CE, and we have business back

9 and forth with that part of the department. So I'm there

10 quite often.

11 Q. Okay. I'm not fussing with you, you

12 just didn't remember that?

13 A. But that is my handwriting, and that

14 is my diagram.

15 Q. And it was done on June 12th?

16 A. Yes.

17 Q. Do you need to see it?

18 A. Is that the date that's on it?

19 Q. Or will you take my word for it?

20 A. Yes, sir.

21 Q. Okay. It was done on June 12th.

22 And they -- I guess they asked you

23 to -- who asked you to do it?

24 A. I believe it was Officer Patterson.

25 Q. All right. Patterson was asking, and

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1 this is on June 12th, some 6 days later?

2 A. Yes. He had asked me to briefly

3 describe how I cut the shirt off.

4 Q. Did he ask you to, you know, sit down

5 and tell me everything that you can remember that was of

6 significance?

7 A. On that particular day I don't recall.

8 Q. Okay.

9 A. I don't recall what all --

10 Q. Okay. Well, you described some of

11 what you had seen that day, didn't you?

12 A. I didn't read all of that report

13 whenever he showed it to me here.

14 Q. Okay.

15 A. I just looked at the signature and

16 confirmed that that's my writing and that's my diagram.

17 Q. Okay. You would agree with me, of
18 course, that everyone is a unique individual who reacts
19 differently to situations?

20 A. That's correct.

21 Q. And you see that frequently, don't
22 you?

23 A. Yes.

24 Q. And I guess you go to automobile
25 accidents?

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1 A. Yes, sir.

2 Q. People react differently?

3 A. Yes.

4 Q. Two people in the same vehicle will
5 react differently?

6 A. Yes.

7 Q. Right?

8 A. Yes.

9 Q. One might be hysterical, the other one
10 might be calm?

11 A. Yes, sir.

12 Q. Okay. And you oftentimes visit with
13 those people who have been in that sudden traumatic
14 event, don't you?

15 A. Yes, I try to be reassuring.

16 Q. And you need at least a little bit of
17 history if you can get it. I mean, if they're --

18 A. Yes.

19 Q. -- able to talk to you?

20 A. In my business the physical history is
21 the most important thing. And I stress to anyone who is
22 hysterical that if they are in a risky situation that
23 their being able to tell me, or telling me what their
24 physical needs are is very important.

25 Q. You're telling them to calm down for
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1 you? You're reassuring them?

2 A. Basically I'm telling them to calm
3 down and work with me.

4 Q. Tell me what's going on?

5 A. Yeah.

6 Q. And sometimes those people don't have
7 a very good recollection of what happened?

8 A. Not often.

9 Q. Okay. Not often that they do have
10 good recollection?

11 A. It's not often that they don't
12 recollect what's going on.
13 Q. Well, for instance, you've been in
14 automobile accidents and had people who didn't know how
15 they got out of a vehicle? That's happened to you,
16 hasn't it?
17 A. It has.
18 Q. Somebody has been in an automobile
19 accident, they don't remember undoing their seat belt?
20 A. Well, yeah, that could be an instance.
21 Q. But they know they got out of the car,
22 for instance?
23 A. Yes.
24 Q. That kind of thing happens to you,
25 doesn't it?
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1 A. Yes, there's degrees of decreased
2 level of consciousness.
3 Q. Okay.
4
5 MR. RICHARD C. MOSTY: That's all I
6 have.
7 THE COURT: Thank you.
8 MR. GREG DAVIS: Would you mark this,
9 please.
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
24
25 REDIRECT EXAMINATION
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1
2 BY MR. GREG DAVIS:
3 Q. Let me ask you, Paramedic Byford, what
4 did you do with the T-shirt after you cut it off the

5 defendant once you got to the hospital?

6 A. The -- she -- the T-shirt, our

7 stretcher sheet and all slid over onto the Baylor's table

8 there.

9 Q. All right. Let me ask you, was -- did

10 a Rowlett Police Officer at some point take possession of

11 the T-shirt?

12 A. Yes.

13 Q. All right. Let me ask you to look at

14 State's Exhibit No. 25.

15 A. Okay.

16 Q. Do you recognize that exhibit, sir,

17 State's Exhibit 25?

18 A. Yes.

19 Q. Okay. Is this the T-shirt that Darlie

20 Routier, the defendant, was wearing on June 6th, 1996,

21 when you came in contact with her?

22 A. Yes.

23

24 MR. GREG DAVIS: Your Honor -- well,

25 let me go further.

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1

2

3 BY MR. GREG DAVIS:

4 Q. Well, let me just ask you: The

5 condition of the T-shirt has changed somewhat since you

6 saw it. Right?

7 A. Yes.

8 Q. There are a lot of defects and holes

9 in here that weren't here when you treated her; is that

10 right?

11 A. That's correct.

12 Q. But this is, in fact, the T-shirt that

13 she was wearing?

14 A. Yes.

15

16 MR. GREG DAVIS: Your Honor, at this

17 time we'll offer State's Exhibit No. 25.

18 MR. RICHARD C. MOSTY: May I take the

19 witness on voir dire very briefly?

20 THE COURT: You may indeed.

21

22

23

24

25 VOIR DIRE EXAMINATION

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1

2 BY MR. RICHARD C. MOSTY:

3 Q. With respect to Exhibit 25, when is

4 the last time you saw it?

5 A. That T-shirt?

6 Q. Yes.

7 A. Well --

8 Q. Well, let me just put it this way:

9 You never picked it up and collected it as evidence, did

10 you?

11 A. I didn't pick it up and collect it as

12 evidence.

13 Q. Somebody else did?

14 A. That's correct.

15 Q. And so, you don't know what happened

16 to it between the time that you last saw it and when that

17 other person picked it up and collected it as evidence?

18 A. Eric Zimmerman is -- has gone through

19 police officer's school. I don't know the proper

20 terminology for that. On that night, whenever we --

21 after we had delivered her, he gathered that shirt and

22 gathered the child's clothes as well.

23 Q. But you didn't?

24 A. I didn't. I did not.

25 Q. You cut it off?

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1 A. I cut it off and left it laying with

2 her, and delivered her, patient, and my stretcher sheet

3 to Baylor.

4 Q. And it went off with the stretcher,

5 didn't it? The shirt?

6 A. Yes.

7 Q. Or do you even know what happened to

8 it?

9 A. Yes. The shirt -- she, her shirt, and

10 my stretcher sheet, we have disposable stretcher sheets.

11 All went over on to their examining table.

12 Q. And someone else collected it?

13 A. That's true.

14 Q. Okay.

15

16 MR. RICHARD C. MOSTY: We will object

17 to the offer at this time on the basis that the chain of

18 custody is not proven.

19 THE COURT: All right. Overruled.

20 State's Exhibit 25 is admitted.
21
22 (Whereupon, the item
23 Heretofore mentioned
24 Was received in evidence
25 As State's Exhibit No. 25
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1 For all purposes,
2 After which time, the
3 Proceedings were resumed
4 As follows:)
5
6 MR. GREG DAVIS: Thank you.
7
8
9 REDIRECT EXAMINATION (Continued)

10
11 BY MR. GREG DAVIS:
12 Q. Officer, would you please step down
13 for just one moment. And just briefly, if we may, show
14 the jury, if you see here in the T-shirt, the cuts that
15 you actually made on the T-shirt.

16 A. Okay.
17

18 (Whereupon, the witness
19 stepped down from the
20 witness box, and approached
21 the jury rail, for the
22 purpose of further describing
23 the exhibit to the jury.)
24

25 BY MR. GREG DAVIS:
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1 Q. If you will step back here so that
2 everyone on the jury can see.
3 You indicated that you had cut
4 straight down the front of the T-shirt; is that right?

5 A. Yes, sir.

6 Q. Do we see a cut down the entire length
7 of the shirt?

8 A. Yes.

9 Q. Starting at the neck all the way down
10 to the bottom?

11 A. Yes, it's been fixed together.

12 Q. Right. It's been fixed. Right, but
13 this is actually the cut line. Right?

14 A. Yes.

15 Q. On each one of the sleeves do we have
16 a first on the left sleeve, do we have a cut line that
17 goes from the neck area back to the left sleeve?

18 A. Yes.

19 Q. And on the right sleeve, do we have a
20 corresponding cut mark that goes from the neck all the
21 way out the length of the sleeve?

22 A. That's correct.

23 Q. All right. Are those the cut marks
24 that you made on State's Exhibit No. 25, on June the 6th
25 of 1996?

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1 A. Yes.

2 Q. Did you make any other cut marks or
3 any other defects in this T-shirt while you had it in
4 your possession, sir?

5 A. No.

6 Q. Okay.

7

8 (Whereupon, the witness

9 Resumed the witness

10 Stand, and the

11 Proceedings were resumed

12 On the record, as

13 Follows:)

14

15 BY MR. GREG DAVIS:

16 Q. As far as the other holes, other
17 defects, that occurred at some later time and you don't
18 know how those happened. Right?

19 A. No.

20 Q. Okay.

21

22 MR. GREG DAVIS: No further questions,

23 your Honor.

24 THE COURT: All right. Anything else?

25 Anything, gentlemen?

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1 MR. RICHARD C. MOSTY: No.

2 THE COURT: All right. You may step
3 down.

4 All right. Ladies and gentlemen --

5 you may step down, sir. Thank you.

6 We'll adjourn now until 9:00 o'clock

7 on Monday morning. Same instructions as always. Do no

8 investigation on your own. If you hear anything from the
9 radio, TV or newspapers, please ignore it. If you hear
10 anything about this case in any of those media, please
11 ignore it.
12 And, Monday morning, come rain or
13 shine, as the Kerrville Chamber of Commerce would say,
14 "heavy solidified dew," in this area we don't have ice,
15 we'll be here. So come on down as best you can.
16 If the spectators will just remain
17 standing or seated until the jury gets outside.
18 Okay. If you will vacate the
19 courtroom, please.