

Testimony of Tom Bevel (2)

DIRECT EXAMINATION (Resumed)

16

17 BY MR. GREG DAVIS:

18 Q. Mr. Bevel, yesterday, as we were

19 leaving, we were talking about the vacuum cleaner,

20 State's Exhibit No. 93, and you described the blood that

21 you found on that vacuum cleaner. Would the blood that

22 you found on the vacuum cleaner, would it be shown here

23 in the photographs?

24 A. Yes, sir.

25 Q. That I'm holding, State's Exhibit 46-A

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1 through 46-G?

2 A. Yes, sir. That would be correct.

3 Q. Okay. Again, the top two show the

4 blood on the handle; is that right?

5 A. Yes, sir.

6 Q. Okay. And then we have additional

7 photographs. You talked about a plastic covering over

8 the bag portion. Would that be in State's Exhibit 46-C?

9 A. That is correct, sir.

10 Q. And then the other photographs, D and

11 E, would they show the back portion of the vacuum cleaner

12 that would be exposed when it is laying on the floor?

13 A. That's correct, sir.

14 Q. And finally, F and G, would they show

15 the base, and the drops that you saw there on the base,

16 sir?

17 A. Yes, sir.

18 Q. All right. Mr. Bevel, I want to now

19 turn your attention to the utility room again, and, do

20 you recall in your review in this case examining a

21 photograph of the utility room door leading into the

22 garage, sir?

23 A. Yes, sir, I do.

24

25 (Whereupon, the following

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1 mentioned item was

2 marked for

3 identification only

4 after which time the
5 proceedings were

6 resumed on the record
7 in open court, as
8 follows:)

9

10 BY MR. GREG DAVIS:

11 Q. Take a look at State's Exhibit 132.

12 Do you recognize that photograph, sir?

13 A. Yes, sir, I do.

14 Q. Is that one of the crime scene

15 photographs that you reviewed in Dallas, taken by the

16 Rowlett Police, on June the 6th of 1996, sir?

17 A. Yes, sir.

18 Q. Okay.

19

20 MR. GREG DAVIS: Your Honor, at this

21 time, we will offer State's Exhibit 132

22 MR. RICHARD C. MOSTY: No objection.

23 THE COURT: State's Exhibit 132 is

24 admitted.

25

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1 (Whereupon, the item
2 Heretofore mentioned

3 Were received in evidence

4 As State's Exhibit No. 132

5 For all purposes,

6 After which time, the

7 Proceedings were resumed

8 As follows:

9

10 BY MR. GREG DAVIS:

11 Q. Mr. Bevel, again let me show this to

12 you first, do you recognize that to be the utility room

13 door?

14 A. I do, sir.

15 Q. Okay. And, as I show this to the

16 jury, would you describe for us please, what we see on
17 this photograph.

18 A. Yes, sir. There is blood that is

19 exhibited on the edge of the doorway. There is a

20 transfer, as well as what is referred to as a blood run.

21 The blood is voluminous enough that

22 instead of just simply transferring to the door, it is
23 continuing to run down the door as gravity is pulling on
24 it.

25 Q. The blood we see here on the door,
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1 would it be consistent with an individual holding or
2 touching this door while they have blood on their hands,
3 sir?

4 A. Yes, sir, that would be consistent.

5 Q. All right. And the drippage, do we
6 see that going down toward the actual locking mechanism
7 of the door?

8 A. That's correct sir.

9 Q. Now, sir, I want you to assume for me
10 for a moment, Mr. Bevel, that the individual -- an

11 intruder who had stabbed two children, and had also
12 attacked another individual, is running through the
13 kitchen, into the utility room door, and at the point

14 that they reach this door, sir, they still have enough
15 blood on their hands to cause this transfer smear on this
16 door, and to cause this drippage. Okay?

17 A. Yes, sir.

18 Q. Given that scenario, sir, would you
19 expect that intruder to still have blood on at least one
20 of his hands at the time that he enters into the garage
21 area?

22 A. Under that scenario I certainly would.

23 Q. Why would you expect that that person
24 would still have some blood on his hands, even after
25 leaving this kind of stain on the door?

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1 A. To leave that volume of blood that is
2 on this door, it certainly would be an indication of a
3 good volume of blood on the hand. You never have a
4 complete transference of the primary area that has the
5 blood to a secondary area. There will always be
6 evidence, and in most cases, the volume of blood on the
7 original item will still be greater than that on the
8 secondary item that is touched.

9 Q. Okay. Now, I would like for you to
10 assume that that same intruder, with blood on his hands,
11 still as he goes through the garage, if he touched the

12 window, the point of exit, or the window screen, or if he
13 got out into the back yard and touched the gate, or the
14 fence in order to leave that back yard, would you expect
15 another transfer from his hand onto one of those objects?

16 A. Anything that he is touching with that
17 hand, I would certainly anticipate there would be
18 evidence of it.

19 Q. Okay. Mr. Bevel, I now want to turn
20 your attention to another item, a sock, a white tube sock
21 recovered down the alley in this case. Are you familiar
22 with the sock that I am talking about?

23 A. I am, sir.

24 Q. Have you had an opportunity to look at
25 that sock or to look at photographs of that sock?

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1 A. I have.

2 Q. And, did you notice a blood stain on
3 that sock?

4 A. Yes, sir.

5 Q. How would you characterize the blood
6 stain that you see on that sock?

7 A. It is in two different locations. If
8 you had the sock on, and what would normally be the sole,
9 or the part if you were walking it becomes slightly
10 soiled.

11 There is an area of blood there that
12 is consistent with a very light transfer. And then, if
13 you were to, again, imagine the sock on your foot, if you
14 were to come up to the side of the foot.

15 In other words, that area does not
16 touch the first thing that we're referring to. There is
17 an area in between, that there is no blood connected to.
18 So we have one that is down here, and another one that is
19 up towards the edge in the sock, as you would normally
20 wear it.

21 Again, it is a light transfer of blood
22 that comes from some other area and then getting on to
23 the sock area.

24 Q. Okay. Just so I understand then, you
25 have got two areas of stain on the sock, is that right?

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1 A. Yes, sir.

2 Q. All right. If I was wearing that sock
3 today with the shoes that I'm wearing here today, just
4 low top shoes, okay, would either of those stains

5 actually be visible without me taking off my shoe?

6 A. They would not.

7 Q. Okay. So, do I understand you to say

8 that in order for that stain to be exposed, I would have

9 to take off my shoe, in order for that stain to be seen;

10 is that right?

11 A. Yes, sir.

12 Q. Would you expect -- and I want you to

13 now assume again, that an intruder is wearing that sock,

14 that he is wearing low top shoes, either tennis shoes or

15 leather shoes. That he goes in, he stabs a child four

16 times in the back, that he stabs another child twice in

17 the chest, and then he inflicts a neck wound, a shoulder

18 wound, and an arm wound to another adult victim, gets

19 into a struggle while holding a knife, and then leaves

20 through the kitchen, the utility room, and then either

21 drops or throws the knife down in the utility room.

22 Would you expect the stains that you

23 saw on that sock to be produced by that sort of action on

24 the part of the intruder? Would the sock be exposed, so

25 that those stains could be produced?

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1 A. No, sir, they would not.

2 Q. Okay. Why not?

3 A. The shoe was covering that area that

4 would be exposed to where the blood is getting to on the

5 sock. The shoe would simply have to be off.

6 Q. Okay. The shoe would have to be off?

7 A. Yes, sir.

8 Q. Well, let me change the scenario a

9 little bit. This time I want you to assume that the

10 intruder, as he comes into the house, is wearing the sock

11 over his hand.

12 That as he comes into the house, he is

13 now wearing the sock on his hand, he now stabs the child

14 four times in the back. He then stabs a child twice in

15 the chest, and finally, after both children have been

16 stabbed, he goes to an adult, and inflicts a slash wound

17 across the neck, a wound to the left shoulder area, and a

18 wound to the right arm area.

19 That he then wears that sock during a

20 struggle with that adult. That he is carrying a bloody

21 knife in that hand, and that as he leaves the residence

22 again, he drops or throws the knife down on the utility

23 room floor, and then leaves the residence, and then three

24 houses down, drops the sock in the alley. Okay?

25 A. Yes, sir.

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1 Q. Under that scenario, what blood would
2 you expect to see on that sock when it is recovered in
3 that alley way?

4 A. I would expect to see the possibility
5 of blood actually from any one of the three victims.

6 There is a greater probability that the person who is
7 offering the greatest resistance, is going to have a

8 heightened opportunity to deposit blood on to the sock.

9 So, in the scenario given, I would

10 anticipate that I would find more blood from the adult
11 victim that you described, as opposed to the younger

12 victims.

13 Q. In this case, sir, are you aware that
14 there were only two blood types detected on that sock,
15 and they both belong to the two children in this case,
16 Devon and Damon Routier; are you aware of that?

17 A. I am.

18 Q. Are you aware that there was no blood
19 found on the sock belonging to Darlie Routier?

20 A. I am, sir.

21 Q. Would you expect to see that under the
22 scenario that I have just given to you, assuming that the
23 two children attacked, in my scenario, were Devon and
24 Damon Routier, and that the adult that was attacked and
25 resisted, or struggled with the intruder was Darlie

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1 Routier, would you expect to see only the two boys' blood
2 on that sock?

3 A. I would expect to see hers also.

4 Q. Now, Mr. Bevel, I want to turn your
5 attention to a T-shirt. That T-shirt has been marked as
6 State's Exhibit No. 25.

7 Let me show you State's Exhibit No. 25
8 and ask you, prior to your testimony today, if you have
9 had an opportunity to inspect and exam this T-shirt, sir?

10 A. I have, sir.

11 Q. Okay. When is the first time that you
12 have had a chance to look at the T-shirt?

13 A. The first time I saw it was on

14 September the 11th.

15 Q. Okay. And, was that in the Dallas
16 County Courthouse?

17 A. That is correct, sir.

18 Q. Okay. And, at the time that you
19 examined the T-shirt, did it appear to you that certain
20 samples had already been taken from the T-shirt for
21 testing?

22 A. Yes, sir, that is correct.

23 Q. And, do you recall what samples had
24 actually been taken?

25 A. I just recall that samples had been
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1 taken. I couldn't tell you exactly which ones.

2 Q. All right. When you looked at the
3 T-shirt then, on September the 11th, did you determine

4 that additional samples should be taken from the T-shirt?

5 A. I did.

6 Q. And, how did you chose the areas that
7 you wanted us to test for DNA?

8 A. By looking at the over-all T-shirt,
9 front and back, and trying to find stains that, number 1,
10 that were not totally blood soaked.

11 In the areas that were totally blood
12 soaked, that is about all that you can really say about
13 it. Even if it's a mixture of blood, it's just simply

14 blood soaked, and we were trying to identify blood that
15 you can have a history of, an occurrence that could have
16 produced it.

17 So I'm looking for either blood
18 spatter, or blood cast off, which is usually looking for
19 the stains that are somewhat smaller, and certainly have
20 gotten there, as a result, not of just simply a blood

21 soak, or a transfer, but from an action, such as force
22 being applied, or an object being swung.

23 Q. Okay. So, you are differentiating
24 between a blood soak and a transfer, versus a cast-off or
25 a spatter; is that correct?

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1 A. That's correct.

2 Q. Again, what would be the significance
3 or the value of seeing a cast-off or a spatter, as
4 opposed to the others?

5 A. If you find spatter or cast-off on an
6 item that is going to place the person within a relative
7 area where an occurrence is actually taking place.

8 That could be somebody who is just
9 simply close enough to get spatter on them. It could
10 also be indicative of a person who is a person creating
11 this spatter or the cast-off.

12 Q. And, I want to ask you, in particular
13 about a sample. I believe that you labeled 3-TB, and I
14 believe it's also been labeled as T-10. Do you see this
15 stain, sir, or where this sample has been taken?

16 A. Yes, sir, I do.

17 Q. Okay. And, on the right upper
18 shoulder area; is that right?

19 A. Yes, sir.

20 Q. Is there also another stain here, down
21 approximately three inches or maybe four inches downward,
22 that have you labeled as TB-2, T-9?

23 A. Yes, sir, that's correct.

24 Q. Again, these are basically on the
25 right shoulder area, of the front of the T-shirt; is that
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1 right?

2 A. Yes, sir.

3 Q. Are those two of the samples that you
4 indicated that you wanted to see tested in this case?

5 A. Yes, sir, that's correct.

6 Q. And as you looked at those two blood
7 spots, how -- what did they appear to you to be?

8 A. They appeared to be one of two
9 possibilities, that is either a spatter or a cast-off.
10 Usually cast-off will be a little bit greater in volume
11 than spatter. These were directional, and consistent

12 with an occurrence taking place, which would either cast
13 or spatter the blood.

14 Q. Okay. You said that they appear to be
15 directional. What do you mean by that?

16 A. If you have, for example, a blood
17 droplet, if it's falling through space, if it lands on my
18 hand, and it's in a horizontal position, it's likely to
19 be circular.

20 But, as I start angling my hand, and
21 the blood hits it, because of the surface tension of the
22 blood droplet interacting with the friction created by my
23 hand, and inertia trying to keep the blood to continue

24 going the same direction and speed, and this being a
25 liquid, eventually it will form a point.

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1 Well, blood points in the direction of
2 travel. That is what we are referring to with
3 directionality. We're talking about the direction that
4 the blood is actually traveling.

5

6 MR. RICHARD C. MOSTY: Mr. Davis,
7 would you give me those two numbers again?

8 MR. GREG DAVIS: Yes, sir, those are
9 going to be TB-3 will be T-10 and TB-2 will be T-9

10 MR. RICHARD C. MOSTY: Thank you.

11

12 BY MR. GREG DAVIS:

13 Q. Mr. Bevel, I'm now holding photographs
14 120-A and 120-B. Do you see those photographs, sir?

15 A. Yes, sir.

16 Q. If you wouldn't mind, if you could
17 step down here for the jury and let's go over, TB-2 and
18 TB-3 here.

19 State's Exhibit 120-A does this show
20 the stain that you marked as 3-TB?

21 A. Yes, sir, it does.

22 Q. Okay. And that is also later
23 identified as T-10; is that right?

24 A. Yes, sir, that's correct.

25 Q. Okay. Describe this stain, if you
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1 would, and tell the members of the jury what that stain
2 says to you, as a blood stain analyst, sir?

3 A. Yes, sir. The stain has a direction
4 of travel going from -- as I am looking at it from the
5 bottom portion of the photograph with an upward
6 trajectory and going slightly to the left.

7 There is a possibility that that is

8 two stains. One coming in conjunction with another one,
9 because of how they possibly over lay, and I'm not able
10 to say that it's either one or two, but both of them, or
11 one stain, all that has the long axis, and that is what
12 we have to identify, is the long axis of a stain will

13 help us to identify the direction that it is going.

14 Q. Okay. When you talk about the long

15 axis, are you talking about this direction, up and down
16 axis?

17 A. Yes, sir. On a blood stain, the short
18 axis would be basically the shortest dimension of the

19 actual measurement of the stain, and then as it becomes
20 elongated, if it's not a 90 degree, then that is what
21 we're referring to as the long axis, is the longer
22 measurement of the geometry of the stain.

23 Q. Okay. Now looking at TB-2, which is
24 T-9, describe for us what we see with this particular
25 blood stain?

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1 A. Okay. On this blood stain, again, we
2 have a direction that is coming from down to up. This

3 one is also, slightly going a little bit to the left as
4 you are looking at the photograph, and once again we have
5 a stain, that it could be either two stains, or it could
6 be one stain. And again, the reason I'm saying that is,
7 you go to the end of the long axis on the larger stain,
8 to the bottom there is additional stains that is up
9 above, that can either be an additional stain that is
10 touching, or it can be simply a continuation.

11 A lot of times on fabric it's
12 difficult to make that determination. So the only thing
13 I can say is, that if it is two, they are still
14 indicative of going in an up and down direction, even if
15 it is one stain, it is still indicative of going with an
16 upward trajectory.

17 Q. Okay. Now, you see the results here
18 that we indicate on 3-TB, which is T-10, we show that to
19 be a mixture of the blood of Devon Routier and Darlie
20 Routier, and T-9 or TB-2, that is marked as a mixture of
21 Darlie Routier and Damon Routier?

22 A. Yes, sir.

23 Q. Now, Mr. Bevel, let me ask you, let's
24 talk about each of these stains. Using State's Exhibit
25 No. 67?

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1 A. Yes, sir.

2 Q. Okay. Let me ask you, sir, whether or
3 not, first of all 3-TB, which is T-10 that is the mixture
4 between Devon and Darlie Routier. If that stain, as we

5 see it in State's Exhibit 120-A would be consistent with
6 the defendant in this case, kneeling down over the body

7 of Devon Routier, and with two motions, raising the knife
8 up, stabbing him in the chest, then withdrawing the knife
9 up, and then striking again in the chest, and stabbing
10 and then withdrawing the knife again, after that second
11 stab wound.

12 Would that stain here on 120-A be
13 consistent with that sort of motion by the defendant with
14 State's Exhibit No. 67?

15 A. It certainly could be consistent. I
16 think we need an explanation here, however.

17 Q. Yes, sir. Why do you think it's
18 consistent with that?

19 A. Well, again as you are coming back,

20 you can certainly have blood stains that are being cast
21 off of the weapon, and they could be cast off, certainly
22 going in front of you, coming back towards you, or it
23 could also go back behind you.

24 But it certainly is consistent with
25 stains that can be cast off. And the explanation that I
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1 think that is needed here, since we have again two blood
2 types. If it is two separate stains, then obviously, she
3 has to also be bleeding.

4 If it is one stain, and I cannot make
5 that determination, she still has to be bleeding, but
6 it's a mixture with her blood, with the other blood and

7 again, I'm not -- with that stain, able to say which it
8 is.

9 Q. Okay. Now, when you talk about cast
10 off with this sort of motion coming back, what is the
11 blood casting off of? What is it coming off of to land
12 here on this shirt?

13 A. Well, there's two areas that are most
14 common, and that is, if I may?

15 Q. Yes, sir.

16 A. It's either going to be off of the
17 edge which is the area that is receiving the most
18 centrifugal force, it can also in times be off of this
19 edge. It is not uncommon if the hand is bloody enough
20 that you can also get some off of the hand.
21 In most instances it's going to be on

22 the longest appendage, whatever that may be. On this
23 case, it would be the end of the knife.

24 Q. Okay. Again, the direction of this

25 would be down to up; is that right?

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1 A. Yes, sir, from down to up.

2 Q. Again, would that be consistent with

3 the blood coming off this knife blade from a downward

4 position travelling up and then actually landing on the

5 T-shirt in this area?

6 A. It would be consistent with that, yes,

7 sir.

8 Q. Looking at TB-2 which is T-9, that

9 being a mixture between Damon and Darlie Routier. Would

10 that particular stain here, would that also be consistent

11 with the defendant down over the body of Damon Routier,

12 and then with the same sort of stabbing motion retracting

13 the knife up over her shoulder to inflict additional stab

14 wounds in this fashion, sir?

15 A. It would be consistent, yes, sir.

16 Q. Okay. Again, the path of travel of

17 this blood stain, is this one also down to up?

18 A. Yes, sir.

19 Q. Would it be consistent with the blood

20 actually travelling from the knife tip or the knife blade

21 from downward, upward and then depositing on the T-shirt

22 in this area, sir?

23 A. It would be consistent with the blood

24 being deposited with the upswing as opposed to a

25 downswing.

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1 Q. So, the motion as you are actually

2 bringing the knife back up from the stab wound over the

3 shoulder; is that correct?

4 A. That is correct.

5 Q. Okay. Now, I want to turn your

6 attention to the stains on the left shoulder area, Mr.

7 Bevel. These were marked as LS-1 and LS-3. And you see

8 the indications that we have there. LS-1, you see we

9 have a mixture between, again, Damon Routier and Darlie

10 Routier on LS-1 and on LS-3 we have indicated a mixture

11 between Devon Routier and Darlie Routier.

12 A. Yes, sir.

13 Q. On the left of the area. Okay. Now,

14 with regards to these two stains, first of all LS-1, how

15 would you categorize, classify stain LS-1?

16 A. LS-1 is this one?

17 Q. Yes, sir.

18 A. LS-1 is an individual stain that is

19 very well formed. There is no indication of another

20 stain that is overlapping it.

21 It is a downward direction going from

22 the top of the photograph going to the bottom portion of

23 the photograph. And consistent again, either with

24 cast-off or I could not rule out entirely blood spatter.

25 Q. Okay. How about LS-3 over here?

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1 A. LS-3 is another bloodstain. In this

2 case, the directionality is from the lower right-hand

3 corner going slightly upward to the upper left-hand

4 corner as far as the directionality.

5 Q. All right. Now, let's talk about

6 these two stains. And I want you to again assume for me,

7 that the defendant -- let's talk about LS-1 first, the

8 mixture between Damon and Darlie Routier.

9 I want you to assume for me again that

10 the defendant is over the body of Damon Routier which is

11 State's Exhibit No. 67 and is inflicting stab wounds to

12 the back. And I want you to assume that one of those

13 stab wounds travels 4-and-3/8ths inches into his body.

14 A. Yes, sir.

15 Q. That there are four stab wounds to the

16 trunk area of his back with State's Exhibit No. 67, with

17 this motion again.

18 A. Okay.

19 Q. Would that motion be consistent with

20 the production of stain LS-1 over here on the left

21 shoulder area?

22 A. Yes, sir, it would.

23 Q. Okay. Could you explain to the jury

24 how that motion that I have just demonstrated here could

25 produce stain LS-1?

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1 A. Okay, sir. That is the stain that

2 has, again, and let me reconfirm, that is the downward

3 direction stain, which is the first one that we talked

4 about in this area?

5 Q. Yes, sir.

6 A. That stain is again coming from above.
7 There are again two possibilities that I have to
8 consider, and one of those would be simply cast off. And
9 what would occur there is that the blood -- anything that
10 goes up certainly has to come down at some point.
11 And as it is, in this case, if it was
12 actually a cast-off, it had started its downward
13 trajectory and that is the reason that in this parabolic
14 arc we are having the downward trajectory.
15 The other possibility, whenever you

16 have multiple wounds and you have very deep wounds that
17 are being created to where once the blood is starting to
18 pool, if there is any contact from the side of the hand
19 into that area, it's the same thing as if you had a
20 punch.
21 As long as the blood is there, this
22 can also separate the blood which can again go out in

23 kind of a radiating fashion. If that was the cause,
24 again, the same thing that you have is that the parabolic
25 arc is already taking place and it's going in a downward
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1 trajectory.
2 Q. Let me ask you if this is consistent
3 with what you are talking about on the collision there.
4 If we just poured some blood out here on this carpet so
5 that it's actually standing and not all absorbed and I

6 took my fist, the heel of my hand and I actually came in
7 contact with that --

8 A. Yes, sir.

9 Q. Is that the type of motion that you're
10 talking about?

11 A. That can produce either spatter or
12 also as you are lifting your hand, the cast-off.

13 Q. Okay. And you talked about multiple
14 stab wounds, when you have those, blood then deposited at
15 times on the surface of it, if you continue to strike
16 that the heel of your hand will come in contact with that
17 blood and actually collide with it and produce a spray?

18 A. Yes, sir. In fact, you typically with
19 a knife have to have multiple wounds for that to even
20 occur.

21 Q. Would you consider four stab wounds to
22 the back to be multiple wounds?

23 A. I certainly would.

24 Q. Now, with regards to State's Exhibit

25 LS -- this is going to be LS-3 as shown as State's
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1 Exhibit 120-C. Again, I'm going to ask you to assume
2 that the defendant is over the body of Devon Routier

3 again, with State's Exhibit No. 67, and that she inflicts
4 two stab wounds to the chest of Devon Routier, one of
5 them, two inches deep and the other one five inches deep
6 into his chest.

7 Would that stabbing motion also be
8 consistent with producing State's Exhibit -- I mean LS-3
9 over here as shown on State's Exhibit 120-C?

10 A. That could be consistent, yes, sir.

11 Q. Again, how would that be consistent
12 with producing that particular bloodstain?

13 A. Instead of the bloodstain being
14 overcome with a parabolic arc, this one is still in a
15 trajectory that is going upward.

16 For that particular stain with where
17 it's located, the person wearing the gown would have had
18 to have been oriented just slightly canted, if you would,
19 as opposed to a perfect 90 degree, in order for that
20 trajectory to be upward in the location that it is.

21 Q. Okay. Do you believe that would be --
22 cause this LS-3, do you think that would be caused from
23 the withdrawal of the knife blade cast-off, or do you
24 believe that it would be produced by the heel of the hand
25 again coming in contact with blood on the body surface of
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1 Devon Routier?

2 A. I can only identify it as being
3 consistent with one of the two, because either one of
4 them can produce that upward trajectory.

5 Q. Either one then?

6 A. Yes, sir.

7 Q. Now, Mr. Bevel, I want to direct your
8 attention to State's Exhibit 121-A. Do you see the

9 bloodstain that is identified there. I believe your
10 marking was TB-8; is that right?

11 A. That is correct, sir.

12 Q. And on the diagram we have that also
13 as T-15. Do you see that one, sir?

14 A. I do, sir.

15 Q. And as we look on the T-shirt here,
16 State's Exhibit No. 25, is that on the front of the

17 T-shirt or is that one on the back of the T-shirt?

18 A. That is on the back.

19 Q. Okay. And, as we look on the back, do

20 we see TB-8, which is also T-15 here?

21 A. Yes, sir, that is correct.

22 Q. If you could, just indicate on your

23 shirt, as we show this to the jury, what portion of the

24 T-shirt are we looking at here?

25 A. As best I can, it's going to be in

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1 this area in here.

2 Q. Okay. Over the right shoulder on the

3 back?

4 A. Yes, sir.

5 Q. Okay. Now, just looking at this

6 stain, first of all, the size of the stain?

7 A. Yes, sir.

8 Q. How would you describe the size of it?

9 A. Well, it's fairly small, in actual

10 measurement would be 1 millimeter by 1 point 1

11 millimeter.

12 Q. Okay. Again, what was the appearance

13 of this particular stain? How would you classify it?

14 A. It is consistent with a cast-off

15 stain, the direction, because of the long axis, however,

16 we don't have a point on either end of the long axis. It

17 is either going from down to up or it is going from up to

18 down, and I'm not able to actually distinguish it. But

19 the long axis is in this manner as opposed to some other

20 manner.

21 Q. So again, the long axis is in an up

22 and down trajectory; is that correct?

23 A. Yes, sir.

24 Q. But on this one you can't tell us

25 whether the blood was travelling upward or travelling

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1 downward to produce this stain; is that right?

2 A. Not conclusively, no, sir.

3 Q. Now, with regards to T-10 or T-15 here

4 on the back of the T-shirt, I want you now to assume

5 again that the defendant is wearing State's Exhibit No.

6 25, that she is bending over the body, kneeling over the

7 body of Devon Routier with State's Exhibit No. 67, again,

8 that she inflicts two stab wounds to his chest, again,

9 one of them two inches deep, another one five inches

10 deep, with State's Exhibit 67 as I am doing at this time
11 here on the floor.

12 Sir, let me ask you if that motion
13 also is consistent with having produced State's Exhibit,
14 excuse me, I mean, T-15 the stain that you marked as
15 TB-8?

16 A. Yes, sir, it is.

17 Q. Okay. Could you explain to the jury
18 how that particular stabbing motion can produce this
19 stain on the back of this T-shirt over the right
20 shoulder?

21 A. Yes, sir. In the drawback of the
22 knife, once the blood is being released from the knife
23 and following the same trajectory, the same direction as
24 the force, what it is doing is just simply coming over,
25 parabolic arc is taking over and at some point as it
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1 comes back down it is going to land on whatever is there.
2 In this case, it would be consistent
3 with the T-shirt being the target that it ultimately
4 lands on.

5 In fact, on the motion that the
6 counselor was just demonstrating, if you watch the end of
7 the knife, you can actually see, if you just simply

8 follow the end of the knife, you could see blood, or
9 imagine blood coming and follow the trajectory of it.

10 Q. If you could, demonstrate the motion

11 that you are talking about and show the jury what you are
12 mentioning there.

13 A. I'll go slow, but what we're trying to
14 do is envision blood coming down to the end of the knife
15 due to the centrifugal force of being drawn back.

16 And if you can, again, envision the
17 blood coming off, it's going to go in the same direction
18 of travel. And in this instance it would just simply go
19 back over the shoulder and at some point as it comes down
20 it would land.

21 Q. Let me ask you, Mr. Bevel, your office
22 is in Oklahoma; is that correct?

23 A. Yes, sir.

24 Q. Okay. After you examined the T-shirt
25 here as shown in State's Exhibits 120 and 121, did you
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1 make any effort to take a T-shirt and determine whether
2 or not this particular kind of motion could in fact
3 produce this size stain on the back of a T-shirt?

4 A. I attempted to do a demonstration to
5 make an exemplar, so we could supplement my verbal
6 testimony.

7 Q. All right. Just explain to the
8 members of the jury what you did in order to produce
9 that?

10 A. Okay. Taking a knife that was the
11 same diameter of the knife in question, I just simply, in
12 this case I went down to my knee after placing a clean
13 T-shirt on my body, put blood on the knife, on both
14 sides, again, held it up and allowed it to just simply
15 stop it's dripping.

16 Now, I'm not trying to say that if I
17 held it there for another five minutes there may not be
18 an additional drop.

19 But what I'm talking about, for all
20 practical purposes, the continued dripping had ceased.
21 And then just simply did a motion such as this, I think
22 on the first time I did it with two swings, if you would,
23 without adding any additional blood, to see if in fact we
24 get the blood that would be on the back that would be
25 consistent in size, direction, location as the blood in
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1 question on the T-shirt.

2 Q. Okay. What was the result of that?

3 A. I was able, multiple times, to get

4 bloodstains that were the same size, location, with the
5 long axis up and down in that area and on other areas of
6 the back of the shirt.

7 Q. Did you bring the T-shirts to Court
8 this morning that you used in those demonstrations in
9 Oklahoma?

10 A. Yes, sir, I did.

11 Q. Okay. Where are they?

12 A. I have them at the witness stand.

13 Q. Okay. Could you please show those to
14 us?

15

16 MR. RICHARD C. MOSTY: Your Honor,
17 could we approach?

18 THE COURT: You may.

19

20 (Whereupon, a short

21 Discussion was held
22 Off the record, after
23 Which time the

24 Proceedings were resumed
25 As follows:)
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1
2 THE COURT: Okay. This should be but
3 a brief moment.
4 MR. JOHN HAGLER: Excuse me, your
5 Honor, while we're waiting for them, I believe we have an
6 agreement that we could put something on the record at a
7 later point regarding this.
8 THE COURT: You do indeed.
9 MR. JOHN HAGLER: Thank you, your
10 Honor.
11 THE COURT: Thank you.
12 Are we ready?
13 MR. GREG DAVIS: Yes, sir, I believe
14 we are.
15 THE COURT: All right. Thank you.
16 MR. GREG DAVIS: Thank you.
17
18 BY MR. GREG DAVIS:
19 Q. Mr. Bevel, you had indicated I believe
20 in your testimony that when you did these demonstrations,
21 if you will, up in your office in Oklahoma, that you were
22 wearing clean T-shirts each time; is that right?
23 A. Yes, sir, that is correct.
24
25 (Whereupon, the following
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1 mentioned item was
2 marked for
3 identification only
4 after which time the
5 proceedings were

6 resumed on the record
7 in open court, as
8 follows:)
9

10 BY MR. GREG DAVIS:
11 Q. Let me show you, Mr. Bevel, what's
12 been marked as State's Exhibits 133 and 134. Do you

13 recognize these two white T-shirts, sir?

14 A. Yes, sir, I do.

15 Q. Again, looking at 133?

16 A. I do, sir.

17 Q. Okay. Are these in fact the T-shirts

18 that you were wearing while you attempted to duplicate

19 the bloodstain patterns that we see on State's Exhibit

20 No. 25?

21 A. They are, sir.

22 Q. Okay. Just for the record, State's

23 Exhibit 133 is dated 12-13-96; is that correct?

24 A. Yes, sir.

25 Q. And State's Exhibit 134 is dated 1-2

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1 of 1997; is that right?

2 A. Yes, sir, that's correct.

3

4 MR. DAVIS: Your Honor, at this time

5 we will offer State's Exhibits 133 and 134.

6 THE COURT: All right. State's

7 Exhibits 133 and 134 are admitted.

8

9 (Whereupon, the items

10 Heretofore mentioned

11 Were received in evidence

12 As State's Exhibits No. 133

13 And 134 for all purposes,

14 After which time, the

15 Proceedings were resumed

16 As follows:)

17

18 BY MR. GREG DAVIS:

19 Q. Mr. Bevel, if you could again,

20 stepping down in front of the jury, can you explain to us

21 what we see on State's Exhibit 133, please?

22

23 (Whereupon, the witness

24 Stepped down from the

25 Witness stand, and

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1 Approached the jury rail

2 And the proceedings were

3 Resumed as follows:)

4

5 A. The front of the T-shirt has stains
6 that are in this area and most of them go to
7 approximately the edge of the right edge of the collar or
8 the opening of the T-shirt.

9 And then if you turn the T-shirt
10 around, we again have bloodstains that are getting to the
11 shoulder area as well as to the right shoulder and then
12 back of the actual T-shirt.

13

14 BY MR. GREG DAVIS:

15 Q. Okay. And again, that was on December
16 the 13th of 1996; is that right?

17 A. That is correct, sir.

18 Q. Did you again do that demonstration in
19 your office on January 2nd, 1997?

20 A. Yes, sir, I did.

21 Q. And looking at State's Exhibit 134, is
22 this the T-shirt that you were wearing during that
23 demonstration, sir?

24 A. Yes, sir, it is.

25 Q. Could you please, again, show the jury
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1 what was found there on State's Exhibit 134?

2 A. Yes, sir. On the front of the shirt,
3 we got stains that are going to the right front sleeve,
4 and another one that is going from right to left with an
5 upward trajectory that is where my finger is locating,
6 this would be the upper area of the right shoulder.

7 Then, as we look at the back of the T-shirt, we have
8 stains that are -- let me hold it this way -- they are,
9 where I am pointing to, in multiple areas, with one
10 fairly large one to about the center of the back.

11 Q. Okay.

12

13 (Whereupon, the witness

14 Resumed the witness

15 Stand, and the

16 Proceedings were resumed

17 On the record, as

18 Follows:)

19

20 BY MR. GREG DAVIS:

21 Q. Mr. Bevel, I want to take each of
22 these five stains we have talked about and ask you some

23 questions about them. I want you first of all to look at
24 the stain which is TB-8 or T-15 here on the back over the
25 right shoulder on State's Exhibit 25.

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1 A. Yes, sir.

2 Q. Sir, do you have an opinion whether or
3 not this particular stain was caused by some soaked
4 through or transfer of blood from another part of the

5 T-shirt to where it's located here on State's Exhibit
6 121-A?

7 A. I do, sir.

8 Q. Okay. What is your opinion about
9 possible soak through or transfer for that stain?

10 A. That it is neither a transfer nor a
11 soak through.

12 Q. Okay. And why did you conclude that?

13 A. Again, whenever you have another
14 object that has the original blood and when it comes in
15 contact with another item, especially on clothing, the
16 transference from the original item to the new secondary

17 item creating the transfer, under magnification, and this
18 doesn't have to be very great magnification, but what I
19 looked at this one was from 2-X to 20-X magnification.

20 If it is a transfer the inner weave of

21 the thread, if you would, will not typically have a
22 complete soak through, as opposed to something that is
23 impacting the clothing because it is being driven into
24 the fabric, the stain will be distributed evenly between
25 the outer fabric, and under magnification, now this kind

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1 of looks like mountains and valleys.

2 But if it is an impact stain, it will
3 be evenly distributed from the outer to the inner. Where
4 as if it is a transfer, especially stains this side, you
5 will end up having some voids or some of the threads that
6 are clean because the blood was not driven down into it.

7 As far as a transfer from some other
8 area -- I'm sorry.

9 Q. Let me just stop you. Did you
10 actually look at this particular stain T-15 or TB-8 under
11 a microscope?

12 A. I looked under it with a magnification
13 which was from 2-X to 20-X. That is not really a true
14 microscope, but it is magnification to that extent.

15 Q. All right. And when you looked at the
16 weave underneath, did you see it to be an even soak or
17 did you see it to have these hills and valleys?

18 A. It is an even soak amongst all of the
19 thread in that area.

20 Q. That even soak tells you what?

21 A. That it is consistent with blood that
22 has impacted the thread and upon that impact, it doesn't
23 stop on the outer threads, it goes on in and also
24 saturates the inner thread.

25 Q. Okay. If it was just a transfer from
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1 some other region, you would expect to see it uneven
2 underneath; is that right?

3 A. That is correct, sir.

4 Q. You didn't see that?

5 A. I did not.

6 Q. Okay. You were about to say something
7 else about the stain before I interrupted you. What were
8 you intending to say?

9 A. That whether or not it's a soak
10 through possibly from the opposing side. You can, in
11 most instances, unless you are talking about a very large
12 volume of blood, such as the front of the shirt there,

13 there are areas there that it would be difficult to tell
14 which side it's coming from.

15 But when you get individual patterns
16 of blood, in most instances you are able to look at both
17 the outer portion of the fabric and then the inner

18 portion of the fabric looking at the stain from both
19 sides.

20 And it becomes obvious, for some of
21 the same reasons that we talked about the impact, the
22 distribution, the blood soak as to which side it is
23 heaviest on and which side that it is a little bit
24 lighter on. And with this particular stain, this has
25 occurred, in my opinion, from being deposited from the
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1 outside as opposed to being from the inside.

2 Again, that determination was made by
3 looking at both sides as to the saturation of blood.

4 Q. Okay. And, on what side was TB-8
5 heaviest? Was it -- was the stain heaviest on the
6 outside of the material or heaviest on the inside of the
7 material?

8 A. On the outside.

9 Q. Okay. Now, did you make the same kind
10 of microscopic examinations of LS-1 and LS-3?

11 A. I did, sir.

12 Q. Okay. Let's start with LS-3 here.

13 Again, do you have an opinion as to whether or not LS-3
14 is the product of a transfer from some other portion of
15 the T-shirt?

16 A. I have an opinion, yes, sir.

17 Q. What is your opinion about LS-3?

18 A. For the same reasons that this is a
19 deposit from the outside of the garment as opposed to
20 coming from the inside.

21 Q. Okay. And, you had talked about a

22 spatter or a cast-off. Was the distribution -- again, I
23 guess going back to this idea of transfer, was the

24 distribution of the soak even when you looked at the
25 weaves under the microscope or was it uneven?

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1 A. It is even.

2 Q. Again, what does that tell you about
3 LS-3?

4 A. That the blood is being forced down to
5 the outer weave as well as the inner weave.

6 Q. Okay. That would be consistent with
7 what?

8 A. Okay. An impact, basically.

9 Q. Okay. And as far as soaked through,
10 on what side of the garment was the stain heaviest? Was
11 it on the outside or on the inside?

12 A. On the outside.

13 Q. And again, what does that tell you
14 about LS-3?

15 A. That this has come in contact with the
16 garment from the outside as opposed to seeping from the
17 inside and being visible to the out.

18 Q. Okay. LS-1 here, did you see, as you
19 looked at it under the microscope, did you see an even
20 saturation below, or did you see this uneven saturation?

21 A. It's an even saturation.

22 Q. And the even saturation told you what

23 about LS-1?

24 A. Again, that it is consistent not with

25 a transfer, but rather with an impact, some velocity of

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1 the still liquid blood impacting into the fabric.

2 Q. Okay. As far as soak through, on what

3 side of the garment was this most heavily saturated, on

4 the outside or the inside?

5 A. From the outside.

6 Q. And what did that tell you?

7 A. Again, that it has been deposited from

8 the outside of the garment as opposed to a bleed through,

9 if you would, from the inside out.

10 Q. Okay. Now let's look at TB-2 which is

11 T-9. Same question about that as you looked at TB-2

12 underneath the microscope?

13 A. I'm sorry, which one?

14 Q. As you looked at TB-2, which is also

15 going to be designated T-9.

16 A. Yes, sir.

17 Q. Okay. As you looked at that stain

18 underneath the microscope, was the saturation underneath,

19 was it even or uneven?

20 A. It is even.

21 Q. And what did that tell you?

22 A. Again, that it is consistent with

23 being deposited from the outside of the garment as the

24 garment is normally worn as opposed to the inside.

25 Q. And again, most heavily saturated on

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1 the outside?

2 A. That is correct, sir.

3 Q. TB-3 which is also T-10, same question

4 about that, an opinion as to whether it was caused by a

5 transfer or not?

6 A. It is my opinion that it is not

7 consistent with a transfer.

8 Q. Again, did you look at this stain

9 under the microscope, also?

10 A. Yes, sir.

11 Q. Was the saturation even as you looked

12 at the weave?

13 A. It is.

14 Q. And, same question about the

15 saturation. Was this stain most heavily saturated on the

16 outside of the fabric or on the inside of the fabric?

17 A. On the outside.

18 Q. And again, what does that tell you
19 about the stain?

20 A. That it is consistent with being
21 deposited from the outside as opposed to a bleed through
22 from the inside.

23 Q. Okay. Mr. Bevel, just a couple more
24 questions here for you. Have you ever met with any of
25 the attorneys representing Mrs. Routier?
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1 A. Yes, sir, I have.

2 Q. Who have you met with?

3 A. Let's see, let me get the names so I
4 don't mispronounce them. Mr. Mosty, Mr. Mulder, I
5 believe an investigator, Lloyd Harrell and then a Mr.
6 Glover.

7 Q. Okay. When did you meet with these
8 gentlemen?

9 A. December 30th, 1996.

10 Q. Where did that meeting take place?

11 A. In Oklahoma City.

12 Q. Okay. And how long did the meeting
13 take?

14 A. Well, their plane was late an hour, so
15 actual meeting time was approximately four hours.

16 Q. Did you ever give the attorneys your
17 personal notes that you had made in this case?

18 A. They requested them at that meeting
19 and they were faxed on 1-2 of '97 to the attorneys'
20 office.

21 Q. So January 2nd for the personal notes.

22 Since January the 2nd, have you made
23 any additional personal notes concerning the work that
24 you have done in this case?

25 A. I'm sure that I have made some notes.
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1 For example, making sure that I was aware of what the
2 blood typings was for the various bloodstains, because
3 they have different numbers by different people.

4 Q. Okay. Have you been keeping your time
5 also on what you have been doing?

6 A. Yes, sir, I have.

7 Q. Finally, Mr. Bevel, let me ask you
8 about the -- what you did out there at the residence on
9 November 26, 1996, when you dropped the knife on the

10 floor of the utility room floor and when you also took
11 the same knife and you placed it on the carpet or you

12 tossed it or threw it on the carpet. Do you recall those
13 instances?

14 A. I do, sir.

15 Q. Sir, would you consider those to be
16 scientific tests or would you consider them to be
17 something else?

18 A. Well, I consider them to be something
19 else.

20 Q. What would you consider them to be?

21 A. When, for example, in your office when
22 I was asked my opinion as to whether or not there was
23 evidence of the knife being dropped, I stated my opinion.

24 And, when we were at the residence,
25 the counselor asked me if I could show him a
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1 demonstration as to what I am actually talking about as
2 to what I would expect to find. And that was exactly
3 what was done.

4 The photographs were taken in an
5 effort to further supplement with a visual aid, my verbal
6 testimony on what my opinion actually was.

7 For it to actually be a scientific
8 experiment, you have to identify all of the variables and
9 this can be a great number of them, and then you have to
10 test each one of those variables one at a time, and then
11 ultimately, you have to come back and consider the
12 interaction between each one of those variables, one at a
13 time, and you have to take precise measurements of
14 humidity, temperature, distance, volume, just a whole
15 bunch of different possible factors that could impact
16 what the unknown is.

17 In this case, I offered my opinion,
18 and this was nothing more than a demonstration with
19 photographs taken as a visual aid to supplement my verbal
20 testimony as to what my opinion was.

21 Q. Would the same be true for the
22 demonstrations that you did for me concerning the knife
23 in the carpet?

24 A. It would, sir.

25 Q. Basically, you did that at my request,
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1 right?

2 A. Yes, sir.

3 Q. Okay.

4

5 MR. GREG DAVIS: Your Honor, I'll pass

6 the witness at this time.

7 THE COURT: All right. Ladies and

8 gentlemen, in view of the fact that cross examination may

9 be somewhat lengthy, let's take a break until 10:15,

10 please.

11

12 (Whereupon, a short

13 Recess was taken,

14 After which time,

15 The proceedings were

16 Resumed on the record,

17 In the presence and

18 Hearing of the defendant

19 And the jury, as follows:)

20

21 MR. RICHARD C. MOSTY: As soon as the

22 jury is out, can we make a couple of inquiries?

23 THE COURT: Oh, yes, yes. All right.

24

25 (Whereupon, the jury

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1 Was excused from the

2 Courtroom, and the

3 Proceedings were held

4 In the presence of the

5 Defendant, with her

6 Attorney, but outside

7 The presence of jury

8 As follows:)

9

10 THE COURT: Ladies and gentlemen, if

11 we can have quiet in the Courtroom, please.

12 All right. Let the record reflect

13 that these proceedings are being held outside of the

14 presence of the jury, and all the parties of the trial

15 are present.

16 Mr. Hagler, you wanted to speak first

17 and then I am going to let you speak.

18 Go ahead.

19 MR. JOHN HAGLER: I wanted to -- by
20 the agreement between the parties, we do have a running
21 objection to all of the testimony of this witness
22 regarding his expert opinion testimony, and also that
23 objection further applies to the exhibits that were --
24 the T-shirt exhibits that were used as a demonstration
25 and attempt by this witness to reconstruct the acts, the
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1 so-called acts that constituted the offense.

2 THE COURT: You do.

3 MR. JOHN HAGLER: Thank you.

4 THE COURT: Thank you. Mr. Mosty.

5

6 VOIR DIRE EXAMINATION

7

8 BY MR. RICHARD C. MOSTY:

9 Q. Two inquiries of Mr. Bevel, one is or

10 the State whomever, what are the additional notes that

11 you have taken, and can I have a copy of them?

12 A. The additional notes would be, for

13 example, coming here since Sunday, adding to my time

14 sheet, the additional notes would be identifying my TB-8

15 is identified by somebody else's other means of

16 identification, understanding what those are, writing

17 them down, and then putting what the results of the

18 examination is. And that is --

19 Q. May I get a copy of those, please?

20 A. They are right here, yes, sir.

21 Q. And the second inquiry is, did you

22 tape record our meeting in Oklahoma City?

23 A. No, sir, I didn't. Did you?

24 Q. No, sir, I didn't.

25

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1 THE COURT: All right. Thank you. Is

2 that it? Okay. Thank you.

3 We're on break.

4 MR. RICHARD C. MOSTY: Will you make

5 me a copy of that?

6 MR. GREG DAVIS: Yes, in the back.

7

8 (Whereupon, a short

9 Recess was taken,
10 After which time,

11 The proceedings were
12 Resumed on the record,
13 In the presence and

14 Hearing of the defendant
15 And the jury, as follows:)
16

17 THE COURT: All right. Bring the jury
18 back 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: All right. Let the record
6 reflect that all parties in the trial are present and the
7 jury is seated. Mr. Mosty.
8
9

10 CROSS EXAMINATION
11

12 BY MR. RICHARD MOSTY:

13 Q. Mr. Bevel, during the break, I got, I
14 guess, an update on your notes. If I understand that the
15 sum total of all of the notes that you took in this case
16 consists of 15 pages?

17 A. I don't know the number. That's
18 probably accurate.

19 Q. Okay. And of those, some of those
20 were sketches provided to you by Rowlett, were they? Or
21 sketches that you then took notes on?

22 A. Yes, there were some sketches, and to
23 be honest with you, I am not sure who provided -- that is
24 the diagrams of the residence.

25 Q. Well, while we're doing this, why

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1 don't we cover this so we will be certain of it. I'll
2 substitute my last page for the new last page you just
3 gave me.
4 A. Okay.

5 Q. Let me make sure my numbers are right.
6 And just to be clear, I will just show you, does this
7 appear to be what I am sending, showing you is a fax you
8 sent to me? There are two pages of number nine in there,
9 in the new one.

10 A. Yes, sir, they are.

11 Q. Okay. That is 14 pages which is the
12 sum total of your entire file?

13 A. The sum total of my
14 personally-generated file.

15 Q. Okay.

16 A. It is considerably bigger than that,
17 but not what I generated.

18 Q. Okay. Well, what I'm talking about is
19 every note that you took, you know, so you could document
20 things and so that you could identify and remember. That
21 is included in these 14 pages?

22 A. To the best of my knowledge, yes, sir.

23 Q. Okay. And all of that, count with me
24 if you will, 2, 3, 4, 5 -- 5 of those pages are a sketch
25 on which you did some notes?

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1 A. Yes, sir.

2 Q. One is -- two are impressions?

3 A. Yes, sir.

4 Q. One is your time sheet with some
5 additional notes?

6 A. Yes, sir.

7 Q. And then, the other one here is the
8 time sheet again. And then there are 1, 2, 3 pages of
9 notes, and then one, a sketch of a knife?

10 A. Yes, sir.

11 Q. So, three, actually in three pages are
12 really all of the notes that you did on your own pad?

13 A. That are written documentation, that
14 is correct.

15 Q. Okay. Is there any other kind of -- I
16 guess, the word written documentation seems to confuse me
17 here. I thought that documents are writings?

18 A. Well, I also consider photographs
19 taken of evidence a document. Maybe that is incorrect, I
20 don't know.

21 Q. All right. These are all the pieces
22 of paper and then there's some photographs?

23 A. Yes, sir.

24 Q. Now, let's cover a little bit about
25 exactly what you did. You first went to Dallas, I
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1 believe, it was on September 11th?

2 A. Yes, sir.

3 Q. At that time, had you seen the -- had
4 you seen anything?

5 A. I did have some photographs prior to
6 arriving to September the 11th which was, let's see,
7 there was a photograph, several photographs of a -- the
8 gown that was being worn which was the T-shirt. And, I
9 believe what I had was also a few of the autopsy
10 photographs, but they were -- that was about the extent
11 of what I had.

12 Q. And did you keep those or did you give
13 them back to somebody?

14 A. Sir?

15 Q. Do you have a file that has those
16 photos in it?

17 A. I don't believe that I do. I am not
18 sure whether I gave those back. I don't believe that I
19 have them, no.

20 Q. Well, did you bring your file down
21 here?

22 A. Yes, sir.

23 Q. Okay. And you have looked at it
24 before?

25 A. Certainly.

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1 Q. So you would remember if those
2 photographs were in it, wouldn't you?

3 A. Well, I don't believe they are in
4 there, no.

5 Q. All right. And you had not seen any
6 of the crime scene photographs?

7 A. The original photographs that were

8 sent? There is a possibility that some of those could
9 have been in there. And I'm sorry I can't identify as to

10 which time I got all the photographs. I don't know.
11 Q. You didn't take any notes to identify
12 photo 1, 2, 3, 4, 5?
13 A. No, sir.
14 Q. And didn't take any notes to identify
15 this photo that was taken on June 6th or June 8th or what
16 date it was taken?
17 A. Well, I didn't take any of these.
18 So --
19 Q. Did you take any notes in your files
20 so that you can, you know, so that you can go back and
21 say, such and such photo on 6-6, I saw this?
22 A. No, sir, I did not.
23 Q. Mr. Bevel, you have testified hundreds
24 of times?
25 A. Yes, sir.
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1 Q. Thousands?
2 A. No, sir.
3 Q. How many hundreds of times do you
4 reckon you have testified?
5 A. Probably something around 200 or more.
6 I don't know.
7 Q. How many lawyers do you reckon have
8 cross-examined you?
9 A. Well, I would say in each one of those
10 instances I have been cross-examined.
11 Q. Any lawyer more than once?
12 A. Yes, sir.
13 Q. So, I mean would it be near 200
14 lawyers who have examined you?
15 A. And you're just simply talking about
16 trial, not depositions or anything else?
17 Q. Let's just talk about trials first, we
18 will move on.
19 A. Okay.
20 Q. I'm talking about when you're sitting
21 in court testifying with a defense lawyer cross-examining
22 you?
23 A. Well, again, I don't have an exact
24 number. Each time that I have testified, certainly there
25 has been either one or more defense attorneys that has
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1 had an opportunity to cross-examine me.
2 Q. And, in addition, in depositions or
3 out-of-court statements, and of course those were under

4 oath, weren't they?

5 A. The depositions certainly were.

6 Q. Okay. And how -- in addition to the

7 approximately 200 times you have testified in court, how

8 many depositions have you given?

9 A. I'm just guessing, but I would say

10 probably 10.

11 Q. Okay. So it would be fair to say that

12 you have heard pretty much everything there is to hear in

13 terms of cross-examination?

14 A. No, I doubt that.

15 Q. You doubt that?

16 A. Yes, sir.

17 Q. Okay. But you are an experienced

18 testifier, you would agree with me on that, wouldn't you?

19 A. Yes, sir.

20 Q. Let's talk a little bit about then --

21 moving on from your September 11th -- let's make sure

22 we've covered your September 11th visit.

23 A. Yes, sir.

24 Q. You met, and did you look at

25 photographs?

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1 A. Yes, sir.

2 Q. Were those the crime scene

3 photographs?

4 A. Those were included in the

5 photographs, yes, sir.

6 Q. Let's talk about those photographs.

7 Were -- was there any of those photographs that were

8 identified, for instance, with a log? They would say,

9 this is this item?

10 A. No, sir.

11 Q. Okay. How were the photographs

12 explained to you?

13 A. Verbally.

14 Q. By?

15 A. A combination of different people at

16 various times. I would say the majority of the time it

17 was by Mr. Davis.

18 Q. Okay. And he would say, this is a

19 photograph of kitchen counter or whatever it might be?

20 A. Yes, sir.

21 Q. Was the man who took the photographs

22 there?

23 A. No, sir.

24 Q. Mr. Mayne was not at this meeting?

25 A. No.
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1 Q. Were the photographs arranged in any
2 kind of order or sequence?
3 A. Some of them were, yes.
4 Q. And some weren't?
5 A. Yes, sir.
6 Q. Were some of them taken on June 6th?
7 A. Yes, sir.
8 Q. Were some of them taken on June 8th?
9 A. I do not know the dates that the
10 various photographs were taken.
11 Q. Because you didn't take any notes?
12 A. I didn't take the photographs.
13 Q. Nor did you take any notes to say that
14 this is a photograph of the vacuum cleaner taken on 6-8?
15 A. I did not take any notes of that, no,
16 sir.
17 Q. Can you tell me today whether or not
18 the photographs you saw were taken on the 6th or the 8th?
19 A. I cannot.
20 Q. All right. You looked at these
21 photographs at Mr. Davis's office?
22 A. Yes, sir.
23 Q. And Mr. Davis was present. Who else
24 was present?
25 A. At various times, there were different
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1 people. It would depend upon -- if we're talking about
2 September the 11th?
3 Q. September 11th.
4 A. Okay.
5 Q. And you knew by that time that Mrs.
6 Routier had already been indicted in two separate cases,
7 didn't you?
8 A. I don't know that I was aware it was
9 two separate cases.
10 Q. You knew she had already been
11 indicted?
12 A. Been indicted, yes, sir.
13 Q. Other than looking at the photographs,
14 what else did you do? Did you, at that time, look at the
15 shirt?
16 A. Yes, sir.
17 Q. Anything else?

18 A. There were a number of things that was
19 there. And I can't remember -- on the 11th or 12th, I

20 looked at the vacuum cleaner. And I'm not sure whether
21 that was originally looked at at Mr. Davis's office or
22 Dallas County or if that was actually at SWIFS.

23 Q. You were down there two days?

24 A. Yes, sir.

25 Q. All right. So you looked at the
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1 photographs, you looked at the T-shirt, you looked at the
2 vacuum cleaner. Anything else?

3 A. There was a number of police reports:

4 Autopsy, medical records in reference to treatment at the
5 hospital, a large number of statements that were made by
6 various people, such as --

7 Q. Excuse me. Without -- I don't want --

8 I just want you to describe for me generically what you
9 saw. I don't want to go into the details of what some of
10 these things said, as they may be hearsay.

11 A. Okay.

12 Q. So you saw autopsy material, reports,
13 statements?

14 A. Yes, sir.

15 Q. Anything else?

16 A. At that particular meeting, I think

17 that pretty well encompasses the primary items that were
18 looked at.

19 Q. Okay. And you had not had those
20 reports before the meeting?

21 A. No, sir.

22 Q. Did you make -- did you get copies of
23 them?

24 A. I got copies of some of them. What I
25 did the evening that -- or the afternoon actually that I
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1 left, I went to a motel. I borrowed the, at that time,
2 fairly complete copy that the DA's office had of the
3 various reports that had been collected. And I read them
4 that night while in the hotel.

5 Q. And then did you maintain copies of
6 them or did you give them back to the district attorney?

7 A. I gave those back to the district

8 attorney and subsequently requested copies of some of it,
9 such as some of the statements, some of the autopsy
10 findings and some of the original police officers'
11 reports.

12 Q. Okay. And was this a fair stack that
13 you read?

14 A. I would say it was considerable, yes.

15 Q. Six inches high?

16 A. Well, in a three-ring binder, and I'm
17 guessing that it would be about like that. (Witness
18 gesturing).

19 Q. Okay. Similar to the binder like this
20 that I have here?

21 A. Yes, sir. However, considerably
22 thicker. The pages -- it holds considerably more than
23 that.

24 Q. A lot more materials than what I am
25 showing you here?

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1 A. And of course, some of those included
2 photographs.

3 Q. Okay. They were in a binder, too?

4 A. They were in a manila envelope about
5 the size of an 8 by 10 that was included in the -- I
6 don't believe that they were attached, no.

7 Q. So you had a notebook larger than this
8 one and a manila envelope of photographs?

9 A. Photographs, yes, sir.

10 Q. All right. And you sat and read them
11 in your motel room that night?

12 A. Yes, sir.

13 Q. Did you take any notes -- of all of
14 that documentation, did you take any notes whatsoever?

15 A. I don't believe so.

16 Q. Now, then, you asked for certain of
17 those other -- certain of the documents you had seen to
18 be sent to you?

19 A. Yes, sir.

20 Q. And I guess you just called upon your
21 memory when you got back to Oklahoma, to say, "I want
22 this, and that"?

23 A. Well, no. Upon meeting on the
24 following morning on the 12th, I expressed some of the
25 copies that I would like to have.

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1 Q. Okay.
2 A. Subsequently, upon getting back to
3 Oklahoma, they were sent.
4 Q. All right. And I guess when you did
5 that, Mr. Davis took some notes about which ones you
6 wanted?
7 A. Yes, sir.
8 Q. Or somebody did?
9 A. Well, let me back up. I think I

10 actually wrote down and handed him a piece of paper
11 stating, these are some of the items I would like to have
12 copies of.

13 Q. Okay. Now, are those presently in
14 your file?

15 A. I believe that they are, yes.

16 Q. Do you have your file up there with
17 you?

18 A. Yes, sir, I do.

19 Q. May I see it?

20 A. Yes.

21 Q. Now, I note in your file that there
22 are a number of photographs now?

23 A. Yes, sir.

24 Q. When did you get those?

25 A. I have had those -- collecting some of
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1 those from September the 11th. Some of them were given
2 to me on October the 1st, and there may have been some
3 since October 1st.

4 But I believe that either all or the
5 majority of them had been received prior to that.

6 Q. Okay. I'm not going to belabor this

7 right now. Maybe during the break or something, we will
8 identify what is in there.

9 A. Yes, sir.

10 Q. Okay. On the 11th, did you express
11 your opinions about this case to Mr. Davis?

12 A. Some of them.

13 Q. Did you look at the carpet at that
14 time in the September trip?

15 A. September the 12th I did.

16 Q. Okay. And it was rolled out for you
17 out at the -- where, PD?

18 A. Yes, sir.

19 Q. And then, is there anything else we
20 have not covered on that trip, at least in general terms?

21 A. In general terms, I think that we have
22 covered everything with one exception, that would be
23 making imprints of the vacuum wheels while at SWIFS.
24 Q. Okay. And, did you -- you had
25 adequate time on those two days to do what you felt like
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1 you needed to do?

2 A. No, sir.

3 Q. To get -- you know, did you want to

4 stay over and do some more or --

5 A. No, there was additional days that

6 additional work was done. And what I am saying is that

7 if we had stopped then, it certainly was not adequate.

8 Q. And certainly I didn't mean to imply

9 that. But for whatever the purpose of your trip on that

10 first trip, you had adequate time to do all of your

11 initial evaluations and figure out what kind of follow-up

12 you wanted to do?

13 A. Yes, sir.

14 Q. And then you came back on the first of

15 October?

16 A. October the 1st, yes, sir.

17 Q. And was that -- that was two days?

18 A. That was the first and second, that's

19 correct.

20 Q. Okay. And, during that trip, did you

21 again look at evidence?

22 A. Yes, sir.

23 Q. Look at the carpet again?

24 A. No, sir.

25 Q. Not on that trip?

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1 A. No, sir.

2 Q. What did you do, look at the

3 photographs?

4 A. Photographs, there were basically a

5 conference that was given to go over --

6 Q. Excuse me. I'm not interested in the

7 details of what happened. I'm just interested in the

8 general description. I don't want to know, you know, a

9 report that said. I just want to hear the description of

10 what it was. You had a conference?

11 A. Yes, sir.

12 Q. You had -- did you again look at the

13 photographs?

14 A. Yes, sir.
15 Q. Did you again look at the T-shirt?
16 A. Yes, sir.
17 Q. By that time you had received some
18 reports?
19 A. Yes, sir. The majority of the reports
20 that I have in the file was received by September the
21 19th.
22 Q. And then your next trip was a one-day
23 trip to Dallas on November the 26th; is that right?
24 A. Yes, sir.
25 Q. And that concludes all of your trips
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1 to Dallas? Three trips?
2 A. Yes, sir.
3 Q. And in those trips, did you have
4 adequate time to do whatever you needed to do?
5 A. At those locations, yes, sir.
6 Q. I'm curious. Why didn't you do that
7 carpet experiment in October?
8 A. We didn't -- well, the carpet that I
9 had looked at, it was discussed on what was found at that
10 particular point.
11 In order to do it, I could have used
12 synthetic blood, which I had with me. I did not have
13 whole human blood. And it was my feeling that we should
14 use whole human blood in order to do the experimentation.
15 Arrangements had to be made in order to do that and that
16 was at a later time.
17 Q. SWIFS couldn't get you whole human
18 blood in October?
19 A. I'm sure that they could have,
20 certainly. But they prefer if they have a little bit of
21 advance notice, as opposed to saying on the telephone,
22 get me some blood out at such and such a place now.
23 Q. It just didn't occur to you before you
24 went down there in October to run experiments on the
25 carpet and to make arrangements for it?
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1 A. When in September? Are you referring
2 to September 12th.
3 Q. No, I'm talking about the October
4 trip. I'm sorry. Let me restate that. It didn't occur
5 to you when you were going down there on your second trip
6 in October to make arrangements in advance to do an
7 experiment on that carpet?

8 A. Well, I'm not sure that I can state
9 that it didn't occur to me, it was not set up to be done
10 then.

11 Q. Well, if it occurred to you, you
12 didn't follow up on it? How about that?

13 A. That would be okay.

14 Q. All right. Mr. Bevel, I have quite a
15 number of areas to cover. And I'm going to more or less
16 try to cover them sort of in the order you did, so we can
17 go through them.

18 If you think that I am getting off
19 from one time to another or something or we get confused,
20 then stop me and we will get back so that you and I are
21 clearly talking about the same time. Fair enough?

22 A. Yes, sir.

23 Q. Let's talk about the vacuum cleaner
24 right here.

25 A. Yes, sir.

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1 Q. You observed this vacuum cleaner, of
2 course, now it's been cleaned, has it not?

3 A. It's been cleaned?

4 Q. Yes.

5 A. I have not inspected it since it's
6 been cleaned, if it has. I don't know.

7 Q. The -- you said, did you not, that
8 there was a smear on the handle?

9 A. Yes, sir, that is correct.

10 Q. Whereabouts?

11 A. It is basically the top portion of the
12 handle and more of it was to the right side. And there
13 is actually traces of blood around the entire area of the
14 handle.

15 Q. Okay. So, like that, sort of?

16 A. It could be.

17 Q. Can you say it was -- can you say
18 whether or not the hand was this way or that way?

19 A. It could be either way. I can't say.

20 Q. And can you say whether or not that
21 smear came from a hand that had a glove on it, a latex
22 glove or not?

23 A. I cannot.

24 Q. You can't make that determination, can
25 you?

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1 A. No, sir.
2 Q. Okay. But that was the only blood on
3 the handle area?
4 A. Yes, sir.
5 Q. And you looked at the vacuum cleaner,
6 did you tell me on the 11th?
7 A. It was either the 11th or the 12th. I
8 believe I saw it on the 11th, but the imprint of the
9 wheel was actually done on the 12th.
10 Q. Okay. First trip, let's just call it
11 the first trip.
12 A. Okay.
13 Q. And at that time you looked at the
14 wheels, the back wheels, I guess?
15 A. I looked at them, yes, sir.
16 Q. Were you able to observe blood on
17 them?
18 A. To actually visually see blood, no.
19 Q. Could not see blood on the wheels?
20 A. No.
21 Q. Okay. But all these other places, you
22 could actually visibly --
23 A. Let me correct that because I am
24 mistaken. On the -- what you would refer to as the part
25 of the wheel that would come in contact with the floor,
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1 no, I did not see any blood. As you get up to areas that
2 would be to the side of the wheel, there was some traces
3 of blood that you could see visually. What I was
4 thinking of was the actual tread portion.
5 Q. Well, you're correct, because that is
6 really what I was asking you. I was not very accurate in
7 my question.
8 The part that is now taped?
9 A. Yes, sir.
10 Q. You were not able to see blood?
11 A. That's correct.
12 Q. And, did you, carefully of course,
13 look at the whole wheel?
14 A. I did.
15 Q. Careful not to contaminate it or knock
16 off a blood flake or something like that?
17 A. Certainly.
18 Q. Did you do it with finger or did you
19 do it with something like a --
20 A. It was done with a gloved finger,
21 basically.
22 Q. Okay. A latex gloved finger?

23 A. Yes, sir.

24 Q. Okay. But you were able to see blood

25 on, am I saying this right? On the side of the wheel?

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1 A. There were some areas of blood that

2 was visible. Again, we're not talking about a lot of

3 blood, but there was some areas there was visible blood.

4 Q. Okay. Now, if this vacuum were rolled

5 through blood like you have described?

6 A. Yes, sir.

7 Q. Wouldn't you expect to see at least

8 some blood on the wheel part?

9 A. I would certainly look for it, yes,

10 sir.

11 Q. And you did?

12 A. And I did.

13 Q. Because you expected to see it?

14 A. Well, I certainly looked for it

15 because there is a good indication that it could

16 certainly be there. That is the reason we didn't stop by

17 just looking.

18 Q. Okay. All right. Then, you told us

19 that you saw what these, what you call furrows, in how

20 many locations?

21 A. I'm sorry, sir, what?

22 Q. Furrows. Didn't you mention the word

23 furrow in there?

24 A. Your talking about the floor?

25 Q. Yes.

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1 A. Yes, sir.

2 Q. Okay. In how many locations?

3 A. The one that is visible without the

4 amido is in front of the sink area and that would be to

5 the left.

6 There are, additionally, let's see,

7 one, two, at least three, possibly four, not furrows but

8 tracks that would be consistent with the width of the

9 wheels of the vacuum cleaner.

10 And that would be, if you are looking

11 at the sink, that would be to the right from where the

12 first one that we're indicating is.

13 Q. Okay. So, am I right that there is
14 the one that we will call the furrowed one?

15 A. Yes, sir.

16 Q. Then there may be four others?

17 A. Three to four others, yes, sir. That
18 would be to the right of that one.

19 Q. And of course, you can't tell us three
20 to four because you don't have any notes, do you?

21 A. No, but we can easily look at the
22 photographs and make that determination.

23 Q. Okay. I want to talk to you about the
24 photographs in just a minute as soon as I finish this.

25 A. Okay.

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1 Q. So there is one, if I am at the sink,
2 there is one that is sort of here on my left and some
3 others that are more or less in front of me? Or are they
4 scattered around?

5 A. Well, it depends on your definition of
6 scattered, I guess.

7 Q. Well, then let me withdraw that
8 question.

9 How far apart in feet or inches, or
10 whatever measurement you are comfortable with, were
11 these?

12 A. I did not measure the distance from

13 the one that is to the left to the others that are over.
14 What I actually did was to measure the diameter of the
15 wheel.

16 Q. Okay. Well, give me an estimate of
17 the one that was on the left to the others that were on
18 the right, how far is that?

19 A. Again, by looking at the photographs,
20 I think we could be more accurate. However, my best

21 estimation without looking at the photographs is going to
22 be within, well, certainly less than three feet.

23 Q. All right. And, is that other area
24 that you call it, to the right, are those sort of closer
25 together, or are they also spread out?

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1 A. No. There is two of them that are
2 very close and another one that is somewhat over from the
3 two that are close, and I believe that there is another

4 one that is again separate from that.
5 Q. Okay. So, it was your opinion that

6 the vacuum cleaner was picked up between each of those?

7 A. Well, not necessarily between each of
8 those, but certainly between the ones that are further
9 apart.

10 Q. Okay. And, did you demonstrate how
11 that was done the other day, yesterday?

12 A. I just did a demonstration of where I
13 said that the vacuum cleaner would have had to have been
14 picked up --

15 Q. Come down and repeat that
16 demonstration for me the way you did it yesterday.

17 A. Okay.

18

19 (Whereupon, the witness

20 Stepped down from the

21 Witness stand, and

22 Approached the jury rail

23 And the proceedings were

24 Resumed as follows:)

25

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1 A. We talked about it being rolled.

2 Q. Right.

3 A. And then going from one location to

4 another and then being rolled again.

5 Q. Okay. Thank you, you can go ahead and
6 have a seat.

7 A. Okay.

8

9 (Whereupon, the witness

10 Resumed the witness

11 Stand, and the

12 Proceedings were resumed

13 On the record, as

14 Follows:)

15

16 BY MR. RICHARD C. MOSTY:

17 Q. You put your hand right here, didn't
18 you?

19 A. I don't know.

20 Q. You don't recall?

21 A. I simply grabbed it and moved it. I

22 don't know where I exactly placed my hand.

23

24 MR. RICHARD C. MOSTY: Could the
25 record reflect that's where he put his hand, your Honor?
Sandra M. Halsey, CSR, Official Court Reporter
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1 THE COURT: Well, I think the jury saw
2 where he put his hand. The jury is instructed --
3 MR. RICHARD C. MOSTY: I did. I saw
4 it.
5 THE COURT: -- to remember the

6 testimony and view the evidence as they see it and
7 remember it.

8 MR. RICHARD C. MOSTY: I saw it.
9

10 BY MR. RICHARD MOSTY:

11 Q. And there was no blood at this
12 location, was there?

13 A. Not that I recall, no, sir.

14 Q. Okay. And, you wouldn't call me a
15 tall man, would you?

16 A. About my height.

17 Q. Okay. I would have to pick that up
18 like that, and then my arm is -- I would have to lift my
19 arm, to get it off the ground. I would have to get my
20 arm up parallel to the floor, wouldn't I?

21 A. Parallel, no.

22 Q. Pretty much. This part of my arm?

23 A. The way you have it is parallel. You
24 don't have to do that.

25 Q. Okay. Well, then -- all right. Well,
Sandra M. Halsey, CSR, Official Court Reporter
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1 let me -- is that about as close as I can get it?

2 A. Without touching the floor, that is
3 what you're saying?

4 Q. Yes. Um-hum. (Attorney nodding head
5 affirmatively).

6 A. That is going to be pretty close, yes,
7 sir.

8 Q. All right. So if somebody is going to
9 pick it up, you would expect them to pick it up a little
10 higher than that, wouldn't you?

11 A. I would.

12 Q. Okay. If somebody is going to pick
13 that up, and then move it three feet?

14 A. Yes, sir.

15 Q. Okay. But they can't, let's see, it's
16 got to be like this, doesn't it, because the front wheels
17 are not touching?
18 A. To move it, why do any of the wheels
19 have to touch?
20 Q. Well, you found no evidence of the
21 front wheels being in blood, did you?
22 A. No, sir. I'm not clear on your
23 question.
24 Q. Well, you are the one that said, it's
25 picked up, I guess, straight up, or would you say it was
Sandra M. Halsey, CSR, Official Court Reporter
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1 picked up like this?
2 A. I have no way of knowing.
3 Q. All right. It would be pretty hard to
4 pick it up like that, wouldn't it?
5 A. Well, you just did it.
6 Q. Yeah, and look at my position.
7 A. I don't think that is difficult, no,
8 sir.
9 Q. You don't think that is difficult?
10 You think that is how a lady of Mrs. Routier's height
11 would have picked up that vacuum cleaner?
12 A. I didn't say that. I simply said I
13 don't believe that that is difficult.
14 Q. All right. That would be difficult,
15 wouldn't it?
16 A. By holding it out in front of you,
17 it's more like a weight. Yes, sir.
18 Q. Okay. And of course, the main smear
19 that you saw on the handle, was on the right side, wasn't
20 it?
21 A. There was more of the blood that I saw
22 on the right side, but it continued all the way around.
23 Q. Okay. And so, if somebody picked it
24 up like this, for instance, you would expect to see more
25 blood on the left side?
Sandra M. Halsey, CSR, Official Court Reporter
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1 A. If that hand is bloody.
2 Q. Okay. But it's clear to you that
3 between those marks on the floor that that vacuum cleaner
4 was picked up and moved to another location?
5 A. In my opinion, it would have had to
6 have been, yes, sir.
7 Q. Okay. And that would be consistent
8 with -- and you found no evidence of the front wheels

9 anywhere, rolling?

10 A. Okay. As far as the front wheels

11 rolling through blood, no, sir.

12 Q. Okay. Well, I'm going to get to the

13 floor in a minute.

14 Let's go to the utility room. And you

15 first went in this house on November 26th?

16 A. That's correct, sir.

17 Q. How long were you there that day?

18 A. I would say approximately -- well,

19 with time out for lunch, it would have been total

20 cumulative time, somewhere approximately five hours.

21 Q. Okay. And you brought the whole blood

22 this time, or did somebody else bring it?

23 A. Mr. Linch brought it.

24 Q. Okay. And, you -- what areas did you

25 inspect of the linoleum before you were doing your

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1 experiments?

2 A. Well, basically the -- there is a kind

3 of like a closet, I'm not sure exactly what it was, but

4 as you are in the kitchen, there's some doors that will

5 fold, I looked at that area.

6 Q. Would you call that a pantry?

7 A. Could be a pantry, I'm really not sure

8 what it is.

9 Q. Okay.

10 A. The linoleum that is to the outside of

11 that, or what appeared to be the dining room and then

12 toward the utility room, and simply the area in front of

13 the sink and surrounding an island that is in the sink.

14 Q. I want to show you State's Exhibit 10.

15 Can you see it all right from where you are?

16 A. Yes, sir.

17 Q. Okay. And, are you saying, that this

18 that I am pointing to that has the --

19 A. The doors that open.

20 Q. -- the doors that open, that is what

21 you called a closet of some kind?

22 A. Closet, pantry, I'm not sure what it

23 is.

24 Q. Okay. So you looked in front of that

25 area?

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1 A. Yes, sir.

2 Q. And on the kitchen sink side?

3 A. Yes, sir.

4 Q. And in the utility room?

5 A. Yes, sir.

6 Q. Or have you covered that yet?

7 A. Yes, sir. I did.

8 Q. Okay. And that is where you were

9 looking at the linoleum?

10 A. Yes, sir.

11 Q. Okay. At that time, all of the

12 furniture had been moved out of the house?

13 A. That is correct, sir.

14 Q. And was there evidence of sort of the

15 ordinary trash that people sometimes leave behind when

16 they have moved out? You know, paper, things like that.

17 A. At various places in the house, yes.

18 And in fact in those areas, I would say there was some,

19 yes.

20 Q. It had not been cleaned up in other

21 words?

22 A. That's correct.

23 Q. And gone back and swept or vacuumed or

24 any of that stuff?

25 A. That is correct.

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1 Q. But it was obvious -- did you go out

2 to the garage?

3 A. Yes, sir.

4 Q. And it was obvious that all of the

5 furniture had been moved out of the house?

6 A. Yes, sir.

7 Q. It sort of had a typical look of a

8 house that had been moved out of?

9 A. Yes, sir.

10 Q. And how did you conduct this

11 inspection of the linoleum floor?

12 A. Just basically visually.

13 Q. Okay. No photographs?

14 A. Well, at that time, no.

15 Q. No notes?

16 A. That's correct -- well, let me back up

17 again here.

18 We have notes comparing -- well, that

19 was not done there, I'm sorry. I was about to talk about

20 the measurement of the wheels, but that actually was done

21 at a later time. I'm sorry.

22 Q. I'm talking about your notes.

23 A. That's what I'm talking about also.

24 Q. You didn't take any notes?

25 A. At that particular point, no, sir.

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1 Q. With respect to what you saw on the

2 linoleum floor?

3 A. That is correct.

4 Q. Okay. How long did you just look at

5 the floor?

6 A. Well, at various times you are looking

7 at the floor, then doing other things and then looking at

8 another area of the floor. It's difficult to give you an

9 actual time frame.

10 Q. That was a silly question. All of the

11 blood was dried?

12 A. While I was there.

13 Q. This is six months nearly?

14 A. Yes, sir.

15 Q. After that?

16 A. Yes, sir.

17 Q. And you, of course, have no way of

18 knowing how many people have been going in and out of

19 that house?

20 A. I have no way of knowing that.

21 Q. And if I walk through there and I drag

22 my feet on a spot of blood, it's dusty by then, isn't it?

23 A. Certainly.

24 Q. And I just walk through, I could kick

25 it and destroy a pattern, couldn't I?

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1 A. You certainly could.

2 Q. If I had a box of furniture or pots

3 and pans, say pots and pans. If I had a box of cleaning

4 materials and I took them out of something, and I put

5 them in a box and I kicked the box across the floor or

6 moved it while I packed another box, I could destroy

7 dusty blood, couldn't I?

8 A. Certainly.

9 Q. And there are innumerable ways that

10 that could have happened?

11 A. Certainly.
12 Q. So then, if I understand then, the
13 next thing that you did was you then started on the

14 experiment?

15 A. Well, we are going to have a problem
16 here because I don't think that that is experiments that
17 we are doing.

18 Q. Well, I expected we would have a
19 problem about that. Tell me what they were.

20 A. Mr. --

21 Q. In your description of what is this?

22 A. Yes, sir.

23 Q. I'm not asking you how we did it, we
24 will get to that in a minute. What is it you were
25 calling it?

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1 A. I was calling it a demonstration to
2 show what my verbal opinion was as to what a knife would
3 look like if it was bloody and fell in that area, and at
4 Mr. Davis' request, we did a demonstration with a bloody
5 knife impacting so that we could show it.

6 Q. And you used the word, I'm sure,
7 demonstration?

8 A. I very well may have used an
9 experiment, but when we start talking about scientific
10 experiments, that certainly does not qualify.

11 Q. There is no stretch of the imagination
12 that could call this a scientific experiment, is there?

13 A. I agree with you.

14 Q. Beyond any doubt, there is no --

15 A. I agree with that.

16 Q. Because in a scientific experiment you
17 first do a hypothesis?

18 A. Yes, sir.

19 Q. And then you take out all of the
20 variables and then you test your hypothesis?

21 A. With each one of the variables.

22 Q. In this event, this time you formed
23 your opinion first?

24 A. I gave an opinion as to what I would
25 look for. Mr. Davis wanted to know, instead of just

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1 verbally what that would look like, he wanted to know
2 what would it actually look like through a demonstration.

3 Q. And of course, this is after Mrs.

4 Routier has been indicted?

5 A. Yes, sir.

6 Q. And you have come to your opinion and
7 then you conduct a demonstration that supports your
8 opinion?

9 A. That creates a visual aid so that

10 instead of just verbally talking about it, you can look
11 at the photographs and see or compare that to the verbal
12 statement.

13 Q. And you have demonstrated how you did
14 that, or testified a little bit about it, and you said
15 that you dipped the knife in blood on both sides, right?

16 A. Yes, sir.

17 Q. Is this sort of a low pan?

18 A. Well, yes, it was.

19 Q. To where you can get the whole knife
20 blade in there?

21 A. Not dipping it down that way, no. You
22 have to lay it basically on its side. And actually what
23 I had to do was to get some of the blood almost into a
24 scooping motion to where it would run over the knife.

25 Q. Okay. So you put it in till you get
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1 actually blood on the handle?

2 A. There was probably some blood that got
3 on the handle, yes.

4 Q. And on -- what do you call that part
5 of a knife?

6 A. That is a good question. I don't
7 know.

8 Q. All right. How about we call it the
9 back side?

10 A. That will work for me.

11 Q. All right. You got blood on the back
12 side?

13 A. Yes, sir.

14 Q. And you of course testified that that
15 is one of the areas that can be a cast-off source?

16 A. Yes, sir.

17 Q. And you have got -- you dipped the

18 blood. Did you get your finger -- did you do this with
19 one hand or two hands, do you remember?

20 A. At various times I probably used one
21 and another time I probably used two.

22 Q. Because I just found myself sort of

23 using two, but I don't know that that is --
24 A. Most of the time I believe that the
25 other hand was holding on to the container so that I
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1 didn't spill it or knock it over. I believe most of the
2 time it was done with one hand.

3 Q. Did you actually get blood on your
4 gloves?

5 A. Yes, sir, I did.

6 Q. Okay. So you got that knife fully
7 bloody on both sides, right?

8 A. Yes, sir.

9 Q. And then you dropped it from, what you
10 call, waist high?

11 A. Well, you are missing one part.

12 Q. I'm sorry. I'll add it. You held it
13 up?

14 A. Yes, sir.

15 Q. And until the -- as you said, for all
16 practical purposes, it had stopped dripping?

17 A. Right. The continuous drip on the end
18 of the knife had ceased.

19 Q. I said those words correctly, didn't
20 I; for all practical purposes?

21 A. You probably did.

22 Q. Then, you took it and you dropped it
23 like that?

24 A. Well, there it would have hit the pan,
25 so I had to turn.

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1 Q. All right. I have turned.

2 A. Okay.

3 Q. And you dropped it like that?

4 A. Yes, sir.

5 Q. You didn't decide to drop it like
6 that?

7 A. At that location, no.

8 Q. Okay. Of course, we don't know
9 because there is no -- there is no protocol for any of
10 these demonstrations that says how you dropped it.

11 A. Nor do we know how it dropped
12 originally.

13 Q. Yeah, you know, that is a very good
14 point, isn't it?

15 A. Sure.

16 Q. And that undermines the whole of your
17 demonstration, doesn't it.

18 A. No, sir.

19 Q. You don't know if someone dropped it
20 like that?

21 A. I don't know that.

22 Q. That would be a different pattern in
23 all likelihood?

24 A. It also should in that tile have had
25 the tip point demonstrated as impacting it.

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1 Q. Okay. So you looked, you forgot to
2 tell us that earlier, you looked in the linoleum for a
3 place where a knife had stuck in the linoleum?

4 A. Matter of fact, I did, yes, sir.

5 Q. But you didn't mention that earlier,
6 did you?

7 A. I wasn't asked.

8 Q. Of course, you didn't take any notes
9 about that, did you?

10 A. Not specifically, no, sir.

11 Q. Okay. Now how did you decide to drop
12 it like that as opposed to like that?

13 A. Well, at various times it was dropped
14 differently.

15 Q. Okay.

16 A. Once while running.

17 Q. Once while running?

18 A. Yes, sir.

19 Q. Did you ever drop it onto a carpet?

20 A. Yes, sir.

21 Q. Did you ever drop it onto a rug on the
22 linoleum?

23 A. No, sir, I did not.

24 Q. Didn't do that, did you?

25 A. No, sir.

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1 Q. You know there were multiple rugs in
2 this kitchen, didn't you?

3 A. In the kitchen, yes, sir.

4 Q. And in the utility room door you know
5 there was one, don't you?

6 A. I don't remember that.
7 Q. Okay. On Exhibit 10, is there not a
8 rug depicted in front of the utility room door?
9 A. If we're talking about in front of the
10 utility room door, that may be accurate. I don't
11 recognize just what that is, but that may be accurate.
12 Q. I don't think anybody is going to
13 swear to the scale of where that rug is. If they are, I
14 have not heard them yet.
15 A. Well, but earlier, I understood your
16 question to be, in the utility room.
17 Q. I'm sorry. I don't mean to be that --
18 I'm just saying, at any time did you take a flowered rug
19 and drop the knife on it; a flowered rug like this one
20 and drop the knife on it?
21 A. I never did that.
22 Q. Did you tell us yesterday that there
23 were eight to ten of these experiments?
24 A. I believe that is accurate.
25 Q. Okay. And, someone was in charge of
Sandra M. Halsey, CSR, Official Court Reporter
3420

1 the photography?
2 A. Well, in charge -- there was somebody
3 who was taking photographs.
4 Q. Okay. Were you directing them?
5 A. I requested that some photographs be
6 taken. I did not direct them on each and every
7 photograph, no, sir.
8 Q. Okay. And, of the eight to ten times
9 you say that you dropped the knife in different ways?
10 A. Yes, sir.
11 Q. On State's Exhibit 125, which shows
12 test one and two, can you tell the jury whether or not
13 these were the experiments where you dropped the knife
14 running?
15 A. They were not.
16 Q. Can you tell whether that they were
17 the ones that you dropped the knife at waist high?
18 A. They are from waist high.
19 Q. They are from waist high?
20 A. Yes.
21 Q. How was the knife held? Flat, like I
22 was holding it?
23 A. On either one of those I can't tell
24 you whether it was held upright or flat, I don't know

25 that.
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1 Q. Can you tell me whether it was even
2 held the same? Can you even tell me that, between these
3 two tests?
4 A. I can't positively state that, no.
5 Q. And if you had some notes, we would be
6 able to know that, wouldn't we?
7 A. If this was a scientific experiment,
8 you would have notes.
9 Q. Well, a demonstration is to, did you
10 say, aid your testimony?
11 A. Verbal testimony, as to my opinion as
12 to what you would have, in this instance, if a bloody
13 knife was to fall to the floor.
14 Q. Mr. Bevel, my question was simply, you
15 described this demonstration as something that would aid
16 the jury, is that what you thought?
17 A. Yes, sir.
18 Q. In understanding your testimony?
19 A. Yes, sir.
20 Q. And don't you think it might aid the
21 jury, if we knew exactly how you conducted these
22 demonstrations? Do you think that would aid the jury?
23 A. There is a possible --
24 Q. I think that is a simple yes or no.
25 Would that aid the jury or not?
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1
2 MR. GREG DAVIS: I'm sorry. Please.
3 Can the witness please be allowed to answer the question?
4 THE COURT: Let the witness answer the
5 question. Let's ask our questions once and move on to
6 another area.
7 MR. RICHARD C. MOSTY: I'll ask it
8 again.
9 THE COURT: Thank you.
10
11 BY MR. RICHARD C. MOSTY:
12 Q. Do you think it would be of some aid
13 to the jury to understand how you conducted tests one and
14 two?
15 A. I think the jury understands how I
16 conducted those tests.
17 Q. Okay.
18

19 THE COURT: Thank you. Next question.
20 MR. RICHARD MOSTY: Your Honor, I have
21 got a lot more questions on this subject.
22 THE COURT: Oh, I know you do, just
23 ask the next question.
24 MR. RICHARD C. MOSTY: I'll just try
25 not to ask that one again.
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1 THE COURT: All right. Thank you.
2 MR. DOUGLAS MULDER: We're not going
3 to ask the same one again, Judge.
4 THE COURT: All right. Please don't.
5 All right. Thank you.
6
7 BY MR. RICHARD C. MOSTY:
8 Q. Were all of the experiments
9 photographed?
10 A. Were all of them --
11 Q. On the linoleum. On -- just on the
12 linoleum. Were all of the eight to ten experiments
13 photographed?
14 A. Were all of the knife drops in that
15 particular area photographed?

16 Q. On linoleum.
17 A. On linoleum. I don't know. I was not
18 taking the photographs nor do I have a photographic log.
19 Q. Were more than these four taken?
20 A. Yes, sir.
21 Q. Okay. How many more?
22 A. I don't know.
23 Q. And I guess we will never know?
24 A. Well, I'm sure that the prosecution
25 has those and you can request them. I don't know.
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3424

1 Q. Indeed they do. And indeed I'm going
2 to show them to you.
3 Let me hand you a file and you tell

4 me, how many photographs in there, you can -- you can
5 identify as being on the linoleum?
6 A. Okay. There are four in here, and
7 with the four photographs that are there, that would be a
8 total of eight photographs.
9 Q. Okay. Where were those four, toward
10 the top?

11 A. Yes, sir.
12 Q. Have I pulled out the four photographs
13 that are of the linoleum testing?
14 A. Yes, sir.
15 Q. So now we think maybe there were eight
16 photographs taken?
17 A. We have identified eight that is here,
18 so I assume that is correct.
19 Q. Well, I'll represent to you that these
20 are the photographs that were handed to me yesterday
21 evening.
22 A. Yes, sir.
23 Q. Okay. Do you have any reason to doubt
24 that?
25 A. I certainly don't.
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3425

1 Q. So of the eight experiments, there are
2 eight, or was it eight to ten experiments, approximately
3 eight?
4 A. Eight to ten occurrences of dropping.
5 I still don't identify them as experiments.

6 Q. I'm sorry. I apologize.
7 A. Yes, sir.
8 Q. Are we comfortable with eight to ten?
9 A. Somewhere in that range, yes, sir.
10 Q. Of these events?
11 A. Yes, sir.
12 Q. Okay. And on one and two, test one
13 and two -- of course, we don't know that those are tests
14 one and two, do we?
15 A. We don't know which order those were
16 photographed, no, sir.

17 Q. It could have been tests nine and ten?
18 A. I don't know. It could be.
19 Q. And nobody knows?
20 A. Well, I disagree with that.
21 Q. Who does?
22 A. If you take the roll of photographs,
23 they are numbered and I doubt that number eight was taken
24 before number one.
25 Q. Okay. But you don't have -- you have
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3426

1 never seen that roll of photographs?
2 A. I have not --

3 Q. The negatives?

4 A. I have not seen the negatives.

5 Q. All right. Who do you reckon put

6 these together, test one with test one?

7 A. Somebody in the DA's office. I don't

8 know.

9 Q. You didn't?

10 A. No, sir.

11 Q. And you didn't take any photographs?

12 A. I did not.

13 Q. And you didn't take any notes or make

14 any sketches of number one so that we could see in fact

15 that 125-A goes with 125-B?

16 A. You can look at them and tell.

17 Q. And the same thing of 126-A and 126-B?

18 A. You can look at those and recognize

19 those as being the same.

20 Q. In 126-A and B, what is all this dark

21 stuff back there?

22 A. I believe that is fingerprint powder,

23 but I do not know conclusively what it is.

24 Q. Okay. I mean, it could -- I thought

25 it was dirt.

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1 A. It could be.

2 Q. That could obliterate a bloody print

3 that was under it, couldn't it?

4 A. If the item that was previously above

5 that was missing blood got there, yes.

6 Q. Okay. Now Mr. Bevel, this may be a

7 little hard, but let me see if I can do it. I'm going to

8 need some exhibits.

9 MR. RICHARD C. MOSTY: What's my next

10 number?

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 BY MR. RICHARD MOSTY:

23 Q. Mr. Bevel, I'm going to hand you what
24 has been marked as Defendant's Exhibit 54. Does that

25 appear to be one of the photographs that you just took
Sandra M. Halsey, CSR, Official Court Reporter
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1 out of the State's file?

2 A. Yes, sir.

3

4 MR. RICHARD C. MOSTY: We'll offer 54.

5 MR. GREG DAVIS: No objection.

6 THE COURT: Defendant's Exhibit 54 is
7 admitted.

8

9 (Whereupon, the item

10 Heretofore mentioned

11 Was received in evidence

12 As Defendant's Exhibit No. 54

13 For all purposes,

14 After which time, the

15 Proceedings were resumed

16 As follows:)

17

18 BY MR. RICHARD MOSTY:

19 Q. I want you to look at 54 next to

20 126-A?

21 A. Yes, sir.

22 Q. Now you tell me, is that a photograph

23 of the same event?

24 A. Yes, sir. That is simply a different

25 distance.

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1 Q. Okay. So a minute ago when we talked

2 about these photographs being of the other experiments,

3 that is incorrect, isn't it?

4 A. I said that they were --

5 Q. I'm sorry. You didn't say the word

6 experiments.

7 A. That is not what I'm disagreeing with.

8 Q. What did you say these were four

9 photos of?

10 A. Four photographs depicting the knife

11 being dropped onto the -- I did not say that those were

12 not the same, I just said there was a total of eight

13 pictures.

14 Q. Okay. So, how many of the

15 experiment/demonstrations were photographed?
16 A. We would have to lay them out here and
17 then I could tell you.
18 Q. Okay. Mr. Bevel, it's good practice,
19 is it not, when you are photographing bloodstains --
20 Mr. Bevel, it is good practice, is it
21 not when you are photographing blood spatter or
22 bloodstains to place a scale or a ruler or an object of a
23 known size in the photograph, isn't it?
24 A. That is not a bad idea.
25 Q. You recommend it, don't you?
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1 A. It depends on what you are going to be
2 doing.
3
4 (Whereupon, the following
5 mentioned items were
6 marked for
7 identification only

8 after which time the
9 proceedings were
10 resumed on the record
11 in open court, as
12 follows:)
13

14 BY MR. RICHARD MOSTY:
15 Q. Let me show you 55, 56 and 57. Are
16 those the other three photographs from the State's file?
17 A. Yes, sir, they are.
18 Q. Okay.
19
20 MR. RICHARD C. MOSTY: Now may I see
21 them for a moment? We would offer 55, 56 and 57.
22 MR. GREG DAVIS: Okay. No objection.
23 THE COURT: Defendant's Exhibits 55,
24 56 and 57 are admitted.
25
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1 (Whereupon, the above
2 Mentioned items were
3 Received in evidence

4 As Defendant's Exhibits
5 Nos. 55, 56, and 57

6 For all purposes, after
7 Which time, the

8 Proceedings were
9 Resumed as follows:)
10

11 BY MR. RICHARD C. MOSTY:

12 Q. Now, let me get this easel, Mr. Bevel.

13 I think this might be easier for the jury.

14

15 THE COURT: All right. Would someone
16 please help Mr. Mosty get that out there. All right.

17

18 BY MR. RICHARD MOSTY:

19 Q. All right. Mr. Bevel, would you maybe
20 step down here?

21 A. Yes, sir.

22

23 (Whereupon, the witness

24 Stepped down from the

25 Witness stand, and

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1 Approached the jury rail

2 And the proceedings were

3 Resumed as follows:)

4

5 BY MR. RICHARD MOSTY:

6 Q. Let's go with 55. Can you tell me

7 whether or not 55 matches up with one of the State's

8 125-A, B or 126-A, B?

9 A. Okay. It does not.

10 Q. Okay. Let's put it down here. What

11 about 56? Is that a part of 126-B?

12 A. No, sir. It does not match the four

13 that is up there.

14 Q. Okay. So, 55 and 56 do not match.

15 What about 57? Let me ask you this question: Do 55 and

16 56 match each other?

17 A. Well, let me do one thing at a time.

18 Q. Okay.

19 A. Okay. This does not match the four

20 photographs on the poster.

21 Q. Okay. Now, do either 55, 56, 57 match

22 each other? Are they in the same demonstration?

23 A. Okay. Your prior question, 55 and 56

24 do not match each other.

25 Q. How can you tell that from that
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1 distance?

2 A. Well, by looking at the patterns.

3 Q. Well, you are talking about -- how big

4 are these? What is this area? How long is that ruler?

5 Can you tell that?

6 A. It's a 6-inch.

7 Q. All right. So, what is represented in

8 that area is 12 inches by 18 inches, maybe, in the whole

9 photograph?

10 A. Somewhere in that range.

11 Q. Now, 55 and 56 don't match. Does 57

12 match either 55 or 56?

13 A. No, sir.

14 Q. Okay. So now, if I am right, we have

15 photographs of five of the demonstrations?

16 A. That's correct.

17 Q. 125-A and B is one. And 54 and 126-A

18 are the same thing?

19 A. Yes, sir.

20 Q. Different --

21 A. Distances.

22 Q. Distances. And so, on the right side,

23 test two, there are three photographs of it. And then

24 on, for lack of a better phrase, test three, four, and

25 five -- that isn't going to work. Three, four and five

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1 are shown in the ones at the bottom?

2 A. Yes, sir.

3 Q. Okay. Now, I am curious why these

4 photographs are all done differently?

5 For instance, in the 126 series, you

6 take two of the knife at rest, and one after, am I right?

7 A. Well, I didn't take them, but there

8 are two photographs taken of the knife at rest and one

9 after it.

10 Q. Was it important to you to document

11 this?

12 A. What was important to me was to be

13 able to supplement my verbal testimony through showing

14 what I am talking about, if a bloody knife hits the

15 floor.

16 Q. Was it important to you to document

17 what you were doing through photography?

18 A. Through photography to show examples
19 of what I'm talking about, yes.
20 Q. But you didn't say to the

21 photographer, "Here is what I want you to do. I want you
22 to take a photograph of the knife at rest, then we're

23 going to pick it up, I want a photograph of that. Then
24 I'm going to put a scale in it, I want a photograph of
25 that." You didn't do any of that, did you?
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1 A. I did not.

2 Q. You left it up to -- what's this guy's
3 name?

4 A. I don't know who it was.

5 Q. Was it Officer Mayne?

6 A. I don't know who it was.

7 Q. Did you leave it to Officer Mayne's
8 discretion as to what photographs should be done?

9 A. Well, I guess I did because I did not
10 point out specific occurrences to photograph.

11 Q. And of course, from Officer Mayne's

12 photographs, we can see there is no consistency of what
13 he did, is there?

14 A. Oh, I totally disagree.

15 Q. You do?

16 A. Yes, sir.

17 Q. Okay. This one has two photographs of
18 the knife and one of the floor?

19 A. What is consistent is that in any one
20 of those photographs, I can look at the various distances
21 and compare the bloodstains that are there and I have no
22 problem with what is shown.

23 Q. You see, Mr. Bevel, I know that but
24 that was not my question. My question was about the
25 documentation of this demonstration.

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1 There is no consistency to the
2 document -- to the photography and the documentation done
3 by camera in your demonstration, is there?

4 A. I don't totally agree with that
5 statement, no.

6 Q. Okay. You are saying that this series
7 of photographs, the 126 series is consistent with the 125

8 series?

9 A. In what we're trying to show, yes.

10 Q. Well, you know, that sort of depends

11 on what you are trying to show, doesn't it?

12 A. Yes.

13 Q. You know, I can choose, if I want to

14 show that an indicted person is guilty, and I want to

15 show that my opinion is correct, I can pick and choose

16 what to photograph, can't I?

17 A. In this instance, since I didn't

18 direct the photographer, I didn't choose.

19 Q. Of course, Officer Mayne can pick and

20 choose, can't he?

21 A. I guess he can.

22 Q. And on 55, 56 and 57, apparently there

23 is no attempt made or no effort made to photograph the

24 knife?

25 A. That is correct.

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1

2 MR. RICHARD C. MOSTY: Go ahead and

3 have your seat, if you will.

4 THE WITNESS: Okay.

5

6 (Whereupon, the witness

7 Resumed the witness

8 Stand, and the

9 Proceedings were resumed

10 On the record, as

11 Follows:)

12

13 BY MR. RICHARD MOSTY:

14 Q. Let's -- while we're on the subject of

15 Officer Mayne's photography, let's talk about that a

16 little bit.

17 Now, assume that I am in the corner of

18 this room, and if I am a photographer, my first order of

19 business is not to mess anything up, I guess?

20 A. Certainly.

21 Q. Okay. And my second order of business

22 is to take a 360 degree pan of the whole room, if I don't

23 have a wide angle?

24 A. That would not be a bad practice.

25 Q. Well, you recommend it?

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1 A. Well, it depends on what we are
2 talking about. If you are talking about a crime scene,
3 for example, this one, yes, I would.
4 Q. Okay. And of course, you know that
5 was not done?
6 A. Yes, sir.
7 Q. Then, after that is done, and would
8 you say first do that from all four corners?
9 A. Yes, sir.
10 Q. And that would be the very first
11 thing?
12 A. There are so many variables on a crime
13 scene, you have to make some decisions as to, you know,
14 preservation of evidence and life.
15 Q. Sure?
16 A. And, that is not necessarily the first
17 thing that is going to be done, but at some point --
18 Q. I understand that.
19 A. Yes.
20 Q. But you recommend, if, all things
21 being equal, if your cameraman has that ability and it
22 doesn't interfere with saving a life, go take a full pan
23 of every room from all corners?
24 A. At some point, as soon as possible,
25 yes.
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1 Q. Before the evidence is moved?
2 A. Hopefully.
3 Q. Okay. And then you recommend that
4 they go and take, what you call, a 90 degree photograph,
5 do you not?
6 A. Are you talking about evidence?
7 Q. I'm talking about bloodstains now.
8 A. Okay. Yes, sir.
9 Q. You want a 90 degree photograph?
10 A. I do.
11 Q. Okay. That is because if I take a

12 photograph from here, the directionality of that blood
13 drop can be distorted?
14 A. The directionality, no.
15 Q. Well, what you're able to determine
16 from the directionality can be distorted?
17 A. No, sir.
18 Q. Can't be distorted?

19 A. The directionality?
20 Q. Angle of impact could be distorted?

21 A. It could, yes, sir.

22 Q. Okay. So you can't -- and there is a

23 way that we can go and take a spatter, matter of fact,

24 there are sort of standardized blood dropping that talk

25 about 80 degrees and 90 degrees, and you can take from a

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1 measurement, from a formula, and you can determine what

2 you believe to be, within some parameters, the angle of

3 impact of that blood, can't you?

4 A. Considering the surface that it is on,

5 yes, sir.

6 Q. Okay. And, but to do that, one of the

7 things you need is a 90 degree photograph?

8 A. To determine the impact angle, it is

9 best to have a 90 degree photograph, yes, sir.

10 Q. That is what you recommend.

11 A. Well, we have to -- you cannot do that

12 with all of the bloodstains, there may be a very bloody

13 scene.

14 Q. Um-hum. (Attorney nodding head

15 affirmatively.)

16 A. I recommend that you do it on stains

17 with which you are going to try and establish something

18 with.

19 Q. All right. And then you recommend

20 that somebody get a ruler and place it alongside that

21 drop or droplets or whatever it is?

22 A. If you're going to try to do something

23 with that individual stain, that is necessary, yes, sir.

24 Q. Because you need to try to determine

25 the dimensions of that stain, perhaps, at a later date?

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1 A. That is correct, sir.

2 Q. Were those 90 degree photographs taken

3 in this case?

4 A. There are some instances of 90 degree,

5 by far, there are very few.

6 Q. Okay. And that is not good

7 photography practice so far as what you need to evaluate

8 those blood drops, is it?

9 A. If we're going to do an impact angle

10 on an individual stain and that is not done, then I would

11 not have the ability to do that.

12 Q. Of course, impact angle can be

13 important in determining, for instance, if I am walking
14 at this pace or if I am walking briskly?
15 A. It is important, yes, sir.
16 Q. Yes, sir. And of course we don't know
17 what the impact angle of any of the blood on the linoleum
18 is, do we?
19 A. Well, I would disagree with that.
20 There are a great number of them that are just simply 90
21 degree.
22 Q. On the floor?
23 A. Yes, sir.
24 Q. There are a number of them that are
25 not?
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1 A. Yes, sir.
2 Q. And there are a number of them that
3 you just can't tell what they are?
4 A. To an exact impact angle, I would have
5 to agree with that.
6 Q. And for instance, if I am walking
7 briskly, you can't rule out that someone walked briskly
8 through that utility room, can you?
9 A. Through the utility room?
10 Q. Through the kitchen, to the utility
11 room?
12 A. Yes, sir, I believe that I can.
13 Q. You can't rule out someone walked
14 through there with a fast walk, can you?
15 A. I cannot rule out that they went
16 through there with a fast walk depending upon again your
17 definition of a fast walk.
18 Q. Well, you said slow walk.
19 A. Yes, sir.
20 Q. And I guess that is a subjective
21 statement, isn't it?
22 A. It shows there is little velocity with
23 which the blood could go forward from -- separate from
24 the blood source, yes, sir.
25 Q. But you don't want to agree with what
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1 I call a fast walk because you don't understand what I
2 mean by fast walk; is that right?
3 A. Well, we -- back up just a second,
4 Counselor. If we're talking about a run, those
5 photographs can, without a doubt, identify whether or not
6 we are talking about a run.

7 If you're talking about somewhere
8 between a slow walk to just simply a little bit faster
9 than that, I probably cannot make that determination.

10 Q. Okay. How long is that kitchen?

11 A. I don't know from memory.

12 Q. Okay. But someone could have been
13 walking through that at a fast pace, brisk pace, whatever
14 you want to call it, with a good pace to them, and that
15 would be consistent with the blood drops you found,
16 wouldn't it?

17 A. There may be some of those blood

18 droplets that that could be consistent with, but the
19 majority of them, I would say no. They are closer to
20 just simply a 90 degree blood droplet at low velocity.

21 Q. So, if I am understanding, then some
22 of the drops are consistent with fast walk, some are

23 consistent with slow walk and some are consistent with
24 maybe standing still?

25 A. I think that I could better answer
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1 that if we would look at the individual stains that we
2 are talking about.

3 Q. Well, of course, we really can't do
4 that, can we?

5 A. Yes, sir, we can.

6 Q. Because we don't have all the
7 photographs? And we don't have all of those 90 degree
8 photographs, do we?

9 A. We can look at the photographs that we
10 do have present and make a determination as to the --
11 whether or not those are consistent with a 90 degree or
12 they are otherwise.

13 Q. And the point is that some of them are
14 consistent with 90 degrees, some of them are consistent
15 with a slow walk and some of them are consistent with a
16 faster walk?

17 A. I don't remember again where the fast
18 walk stains that you're referring to are.

19 Q. Do you know -- well, you cannot rule
20 out someone walking through that room at a fast pace, can
21 you?

22 A. Depending upon our definition of fast.

23 Q. I guess it depends on your definition
24 of slow too, doesn't it?

25 A. It probably would.

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1 Q. You didn't have any problem answering
2 the prosecutor's question about a slow walk, but you
3 understood what he meant by slow, I guess?

4 A. I can eliminate a run.

5 Q. Well, Mr. Bevel, my question was: Did
6 you understand what the prosecutor said when he said a
7 slow walk?

8 A. Yes, sir.

9 Q. Did you not understand what I said
10 when I said a fast walk?

11 A. I'm trying to differentiate between a
12 run, and a fast walk, and a slow walk.

13 Q. Have I asked you about a run?

14 A. I'm not sure whether you did or not.

15 Q. I asked you about a fast walk. And

16 you said you couldn't define what I meant by fast.

17 A. Well, maybe that is where I am

18 introducing a run. Are you running or are you just
19 simply -- I mean, what is your definition?

20 Q. I'm asking the questions pretty

21 directly, I think.

22

23 MR. GREG DAVIS: I'll object to the
24 side-bar, if he could just ask the questions.

25 THE COURT: Sustained. Let's get out
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1 of the side-bar. Let's ask the next question and move
2 on.

3 MR. RICHARD C. MOSTY: Well, then the
4 witness needs to be instructed not to make side-bar
5 comments.

6 THE COURT: Well, both sides are so
7 instructed. The witness is too. Let's ask the next
8 question.

9 THE WITNESS: Yes, sir.

10 THE COURT: No, he asks them, you
11 don't. All right.

12

13 BY MR. RICHARD C. MOSTY:

14 Q. Let's talk about this sock. And you

15 understand that this sock was found three houses down?

16 A. Yes, sir, that is the information that
17 I understand.
18 Q. Okay. And, you don't have any
19 understanding of how that sock was used in this crime, do
20 you?
21 A. I do not.
22 Q. Okay. And, you -- did you say that
23 you would expect to see more of Mrs. Routier's blood on
24 that sock?
25 A. I did state that under the scenario
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1 that was given, yes, sir.
2 Q. Okay. Of course, there could be other
3 scenarios, couldn't there?
4 A. There could always be other scenarios.
5 Q. That is true of every crime scene,
6 isn't it?
7 A. There can always be different
8 scenarios, yes, sir.
9 Q. That is always true of blood spatter
10 analysis, isn't it? There can more than one explanation?
11 A. It depends on the particular area of
12 bloodstain pattern that you are referring to.
13 Q. Of course, we -- when we talk about
14 patterns --
15 A. Yes, sir.
16 Q. One spatter does not a pattern make?
17 A. That is correct.
18 Q. That -- matter of fact, that is sort
19 of gospel, isn't it?
20 A. Well, I'm not sure that I equate it to
21 the Bible, but --
22 Q. Well, the Bible in blood spatter world
23 is Mr. McDonald, is it not? Or the closest thing there
24 is to a Bible?
25 A. The closest thing probably that there
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1 is, yes.
2
3 THE COURT: Well, in view of the time,
4 gentlemen, it is now 20 minutes of 12, we will take a
5 break. We will take a lunch break until 10 minutes after
6 1:00 Okay. If everyone will remain seated please until
7 the jury clears the courthouse. Thank you.
8
9 (Whereupon, the jury

10 Was excused from the
11 Courtroom, and the

12 Proceedings were held
13 In the presence of the
14 Defendant, with her

15 Attorney, but outside
16 The presence of jury
17 As follows:)
18

19 THE COURT: All right. Bring the jury
20 in please.

21 Are both sides ready to bring the jury
22 in?

23 MR. GREG DAVIS: The State is ready.

24 MR. RICHARD C. MOSTY: The defense is
25 ready.

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1 THE COURT: All right. Bring the jury
2 in, please.

3

4 (Whereupon, the jury

5 Was returned to the
6 Courtroom, and the
7 Proceedings were

8 Resumed on the record,
9 In open court, in the
10 Presence and hearing
11 Of the defendant,
12 As follows:)
13

14 THE COURT: All right. Be seated,
15 please. Let the record reflect that all parties in the
16 trial are present and the jury is seated.

17 Mr. Mosty.

18

19 CROSS EXAMINATION (Resumed)

20

21 BY MR. RICHARD MOSTY:

22 Q. Mr. Bevel, did you have the

23 opportunity during lunch to review any other materials or
24 discuss the case or your testimony any further?

25 A. I did not review anything, no, sir.
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1 Q. Did you discuss your testimony with
2 anyone?

3 A. Not directly, no, sir.

4 Q. Okay. How do you -- what is the
5 difference between an indirect discussion and a direct
6 discussion?

7 A. If somebody was to make a comment, of,
8 "You're doing okay," or if you -- what I am saying is,
9 the comments about my testimony, we did not delve into it
10 at all.

11 Q. Okay. Who did you have lunch with?
12

13 MR. GREG DAVIS: I'm going to object
14 to that. That is irrelevant who he ate lunch with.

15 THE COURT: I'll sustain the
16 objection. Let's move on.

17

18 BY MR. RICHARD C. MOSTY:

19 Q. Just one other thing I need to cover
20 on this vacuum cleaner. You testified about the roll
21 marks. Do you recall that?

22 A. Yes, sir, I do.

23 Q. Okay. Now, and let me show you
24 State's Exhibit 43-C. You have seen that before, I'm
25 sure?

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1 A. Yes, sir.

2 Q. Okay. And that shows the cord of the
3 vacuum cleaner out on the ground?

4 A. It does.

5 Q. I was wondering, did you find any
6 evidence in the blood of that cord being jerked around as
7 that vacuum cleaner was?

8 A. Not that I could associate with the
9 cord, no, sir.

10 Q. You were not able to do that?

11 A. I was not.

12 Q. Now when you talked about, in a lot of
13 Mr. Davis's questions you talked about, that something is
14 consistent, that an observation you made was consistent
15 with perhaps a certain act?

16 A. Yes, sir.

17 Q. Okay. And when you say that, is what

18 you are telling us is that you can't rule out that that
19 act led to what you observed?
20 A. That there could be other
21 possibilities, yes, sir.
22 Q. Right. And you can't say that that
23 one can just be eliminated. That, you know, if you say

24 something is consistent, it means that I cannot eliminate
25 that as one of the possibilities that could have led to
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1 what I observed?
2 A. Yes, sir.
3 Q. And all the time when you used the
4 word consistent, is that the sense that you're going to
5 be using it in?
6 A. I would say so.
7 Q. Okay. So, that is when something is
8 consistent we might substitute, that is one possibility?
9 Those would be synonymous, wouldn't they?
10 A. I think each time that you are going
11 to have to direct it to what is actually being talked

12 about.
13 But in most instances, consistent with
14 that occurrence as described, I would not be able to
15 eliminate that, but I'm not saying that there could not
16 be other possibilities.
17 Q. Right. Okay. Maybe that event caused
18 what I observed and maybe that event didn't cause what I
19 observed?

20 A. Again, I think we need to talk
21 specifics, but there are other possibilities, generally
22 in most instances, that you have to consider.
23 Q. And that is pretty much true in all
24 bloodstain analysis, isn't it? Is that there are almost
25 always more than one possibility of how some event
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1 occurred?
2 A. No, I would not agree with that, no.
3 Q. Not almost always?
4 A. No, sir.
5 Q. All right. Now, you would agree with
6 me that the account given by the actual participants at a
7 crime are oftentimes unreliable?
8 A. For many reasons, yes, sir.
9 Q. Okay. One is the ability to observe?

10 A. Yes, sir.

11 Q. One is that things are happening so
12 fast?

13 A. That is certainly a possibility.

14 Q. And the mind tends to try to fill in
15 those gaps, doesn't it?

16 A. I'm sure that it does.

17 Q. Sometimes, someone will say, "I don't

18 remember this, but I know that I had to have done it,"

19 you know, "I had to have unbuckled my seat belt after the

20 accident," for instance, "I don't remember it, but I know

21 it happened."

22 A. Yes, sir.

23 Q. And that is consistent with your
24 experiences as a police officer, isn't it?

25 A. That does happen, yes, sir.

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1 Q. Now, let's turn to the sock. You were
2 advised that that sock was some three -- it was the fifth
3 house down, about where it was found?

4 A. As I recall, it was three houses.

5 Q. Well, I was counting the Routier
6 house, fifth house down, three in between?

7 A. I don't remember exactly. All I
8 remember is three houses down.

9 Q. Okay. When did you first look at that
10 sock?

11 A. I believe that was October 2nd.

12 Q. Did you look at it under your
13 microscope?

14 A. I had magnification, but again that is
15 not the same as a microscope.

16 Q. What do you call those things? Do you
17 have one of those things you carry in your pocket?

18 A. I have one of those and I also have
19 another one.

20 Q. And the magnification of those is?

21 A. One of them is 2-X and one of them is
22 20-X.

23 Q. Okay. Did you testify about looking
24 at the sock under magnification or not?

25 A. I don't actually recall being asked.

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1 Q. Okay. Did you? Do you recall?

2 A. I looked at the sock with the 2-X. I
3 never looked at it with a 20-X.

4 Q. All right. And the shirts, while
5 we're just hitting on magnification --

6 A. Yes.

7 Q. -- the shirts that you talked about,
8 what did you look at those under?

9 A. Both.

10 Q. Both. And when did you look at
11 those -- well, let's separate what shirts we are talking
12 about. Mrs. Routier's shirt?

13 A. Okay.

14 Q. When did you look at that under
15 magnification, if you did?

16 A. I believe that was actually the same
17 date we looked at the sock, which would have been October
18 the 2nd.

19 Q. Okay. Now, if I understood your
20 testimony, you were testifying about the sock and the
21 stains, you identified the stains of Damon and Devon on
22 that sock?

23 A. It was reported to me that they had
24 been identified.

25 Q. And those stains of the boys' blood
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1 were consistent with wipes, were they not?

2 A. Wipes, or I think a little bit more
3 accurate would be a light transfer.

4 Q. Okay. That meaning, that if I had
5 that sock in my hand, and I came in contact with it
6 lightly --

7 A. I can't see what you are doing. I'm
8 sorry.

9 Q. All right. Let me find my sock. I'll
10 do it without a sock. If I had a sock in my hand, and I
11 just lightly touched a spot of blood, that would lead to
12 that kind of light transfer?

13 A. It certainly could, yes, sir.

14 Q. All right. So, and there were two
15 types of light transfers -- or I'm sorry. There were two
16 different light transfers with different types of blood?

17 A. Two different areas, yes, sir.

18 Q. Now, did you then say that in the
19 hypothetical that Mr. Davis gave you, that you would have
20 expected to see Mrs. Routier's blood on that sock?

21 A. In the hypothetical that was given,
22 yes, sir, I did.

23 Q. Okay. Of course, now that
24 hypothetical assumed only one sock, didn't it?

25 A. That was all that I was asked about,

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1 yes, sir.

2 Q. Okay. So if someone came in, picked

3 up two socks, and to, just to cover their fingerprints,

4 they might have a sock just in their hand to cover up

5 their prints and have a sock in the other hand or on, I

6 don't know, one sock could be bloody and never recovered.

7 Now, that is my hypothetical. And in

8 that circumstance, it would be consistent that you might

9 only find a small, faint transfers of the boys' blood on

10 one sock?

11 A. Yes, sir.

12 Q. And of course, you can't rule out how

13 many socks or rags or gloves or whatever assailants had

14 in that house, can you?

15 A. No, sir, I can't.

16 Q. You can't rule out or rule in that

17 there was only one assailant, can you?

18 A. Not conclusively, I sure can't.

19 Q. You have been investigating these

20 kinds of crimes for how many years? Violent crimes in

21 general?

22 A. I would say approximately close to 27

23 years now.

24 Q. Close to how many?

25 A. Twenty-seven.

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1 Q. All right. And in that time, you have

2 seen articles like a sock, or a glove that is sometimes

3 called throw-down evidence?

4 A. I have, sir.

5 Q. And it's your experience that with

6 throw-down evidence, throw-down evidence is typically

7 found at or next to the body?

8 A. Yes, sir, so it would be obvious.

9 Q. Because the assailant, whomever it is,

10 doesn't want to take the chance that the police officers

11 might not find that piece of evidence?

12 A. I would agree with that statement.

13 Q. And throw-down evidence is typically

14 exaggerated, isn't it?

15 A. Yes, sir.

16 Q. In other words, if I have a sock and I

17 want to get someone's blood on it, I don't just faintly
18 transfer it, I go and I douse it in that blood and most
19 likely leave it at or near the body, don't I?

20 A. Yes, sir.

21 Q. That has been your experience?

22 A. That is correct.

23 Q. And the sock that is three houses down
24 with faint transfers is inconsistent with your
25 experience?

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1 A. With it being a throw-down as you have
2 described, yes, sir.

3 Q. Okay. And when you are talking about
4 throw-down evidence, you are talking about evidence that
5 a person or a perpetrator wants the police to find, is
6 that --

7 A. That is generally the purpose in
8 leaving it there, yes, sir.

9 Q. And, the purpose of that -- well, I
10 think we have covered that.

11 Let's move to the demonstration on the
12 carpet. And again, you did not direct the photography of
13 that, I suppose?

14 A. I did not.

15 Q. You left that to the discretion of
16 Officer Mayne?

17 A. I did.

18 Q. And you didn't direct him at all to
19 photograph this, watch that, be sure that we document
20 this, none, not at all?

21 A. I did not.

22 Q. Of course, you are the expert, aren't
23 you?

24 A. Yes, sir.

25 Q. Weren't you the pro from Dover down
Sandra M. Halsey, CSR, Official Court Reporter
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1 there?

2 A. Dover, where?

3 Q. You must not have seen MASH?

4 A. Apparently not that episode anyway.

5 Q. All right. No, this is the movie.

6 All right.

7 Did -- were there any photos of that
8 experiment introduced? I don't recall so.

9 A. Of the carpet?

10 Q. Of the carpet.
11 A. I don't believe so, no, sir.
12 Q. Okay. How many times was that done,
13 the carpet?
14 A. I do not know how many times.
15 Q. Didn't take any notes?
16 A. I did not.
17 Q. Didn't write any reports?
18 A. I did not.
19 Q. Why didn't you write a report?
20 A. I made the offer and was told that it
21 would not be necessary.
22 Q. Who told you that?
23 A. Mr. Davis.
24 Q. You think this is a pretty important
25 case, don't you?
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1 A. I certainly do.
2 Q. But apparently it was not important
3 enough to write a report?
4
5 MR. GREG DAVIS: I'll object to that.
6 That is speculation as to any reasoning on my part. I'll
7 object to that.
8 THE COURT: I'll sustain the
9 objection. Let's move on.
10
11 BY MR. RICHARD C. MOSTY:
12 Q. Well, you recommend writing reports,
13 don't you?
14 A. Well, I can't say I disagree with
15 that.
16 Q. Does that mean that you and I are in
17 agreement for the first time today?
18 A. No, we agreed about our height
19 earlier.
20 Q. That is true. No, you agreed, I don't
21 think I agreed to that.
22 Okay. And of the photos of this
23 carpet experiment, of course, we can't tell which time,
24 which drop led to which result, can we? You need to look
25 at the photos?
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1 A. I'm not sure exactly -- I believe what
2 you are saying is, can I identify which drop produced
3 which pattern?

4 Q. Right.

5 A. Sequentially or in order, no, sir, I
6 could not do that.

7 Q. Tell me this: When you loaded the
8 knife for these experiments, did you clean it in between?

9 A. No, I did not.

10 Q. And again, you were loading that knife
11 fully with both sides and then dripping it?

12 A. That is correct.

13 Q. Allowing it to drip?

14 A. That is correct.

15 Q. Do you know whether or not the knife
16 that was found at this scene had blood on the other side?

17 There is a photograph of it you have seen, I suppose?

18 A. Yes, sir, I have seen the photographs.

19 Q. Okay. And have you ever seen a
20 photograph of the other side?

21 A. I have seen the other side. I don't
22 know for sure whether or not that was simply a photograph
23 or just simply the knife.

24 Q. When did you -- well, of course, if
25 you saw the other side, that would have been after the
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1 knife had been through a few months of testing?

2 September would have been the earliest?

3 A. Are you referring to taking some
4 samples off of it for blood?

5 Q. No, I'm talking about the first time
6 you saw it.

7 A. There were some samples taken off for
8 blood analysis, yes, sir.

9 Q. And was there still -- first time you
10 saw it, was there still some blood on the knife?

11 A. There was a considerable amount of
12 blood on both sides.

13 Q. On both sides?

14 A. Yes, sir.

15 Q. Have you seen a photograph of the
16 other side?

17 A. I don't honestly remember.

18 Q. But in your experiments it would be
19 fair to say that the entirety of the blade was, how would
20 I say that, had a sheen of blood on it?

21 A. I wouldn't say that 100 percent
22 coverage, but I certainly attempted to get as much
23 coverage as possible.

24 Q. You tried to get as much on there as
25 possible?

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1 A. Yes, sir.

2 Q. Then you dropped it from, more or
3 less, waist high?

4 A. And, we are on the carpet?

5 Q. On the carpet.

6 A. Yes, sir, that's correct.

7 Q. Now, I could change this experiment

8 around a little bit, couldn't I? I'm sorry, this

9 demonstration around a little bit, couldn't I?

10 A. Any time you change an occurrence,

11 there is a possibility that you are changing something.

12 Q. I could drop it flat, couldn't I?

13 A. You could.

14 Q. I could drop it point down?

15 A. Yes, sir.

16 Q. I could drop it tilted?

17 A. Certainly.

18 Q. I could drop it this way?

19 A. Yes, sir.

20 Q. I could drop it this way?

21 A. Yes, sir.

22 Q. And a man of your expertise would have

23 an idea of how those different things would affect what

24 you saw on the floor, wouldn't you?

25 A. Yes, sir.

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1 Q. And of course, there is no way for us
2 to now know if you did any of those things?

3 A. Other than asking me.

4 Q. Okay. Of course, we can't verify it
5 through any documentation?

6 A. There is no video of me dropping it,
7 no, sir, or written report.

8 Q. And let me show you these exhibits,
9 and I think maybe I put the carpet ones on top for you,
10 but double-check me, please?

11 A. Yes, sir, they are on top.

12 Q. This experiment was done November
13 26th?

14 A. Yes, sir.

15 Q. Actually, after the jury was selected
16 in this case, or do you know that?

17 A. I don't know.

18 Q. All right. Now, on the photographs of
19 the carpet experiment, you looked at all of them?

20 A. I believe so.

21 Q. Have -- are any of those, do any of
22 those show the knife in there; like 125 and 126 do?

23 A. No, sir.

24 Q. Okay. Why is that?

25 A. We were --

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1 Q. Or can you tell me?

2 A. Well, again, I didn't take the
3 photographs, but we were interested in demonstrating the
4 pattern that results either from the knife being laid
5 down or dropped or thrown, and what you are seeing is a
6 result of those various occurrences.

7 Q. Of course, none of those show the
8 knife where it came to rest?

9 A. These do not, no, sir.

10 Q. Okay. And again, there are no notes,
11 there is no measurements, there is no nothing that can
12 document any of that?

13 A. The only documentation is the
14 photographs that we have here.

15 Q. Okay. Do you recommend that people
16 take notes; investigators?

17 A. Again, it depends on the circumstance
18 that you're referring to.

19 Q. Well, our memories are not very good,
20 are they?

21 A. Well, I don't know. I don't know
22 whether yours is better than mine or mine is better than
23 yours, but certainly things can be forgotten.

24 Q. Right. And that is the purpose of
25 taking notes, isn't it?

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1 A. Certainly, especially in those cases
2 that you go to trial five or six years later.

3 Q. Yeah, you bet. That the best

4 recollection is that which you are observing and
5 documenting right then and there?

6 A. Yes, sir, and that is one of the
7 reasons that photographs were taken.

8 Q. Okay. And, do you know that?

9 A. Do I know what?

10 Q. That that is why photographs were
11 taken?

12 A. I requested that photographs be taken.

13 I did not direct which stains, but yes, that is one of
14 the reasons I requested it.

15 Q. Well, if it's so important to document
16 it with photographs, didn't you think it was important
17 enough for you, who the State had flown down from
18 Oklahoma, to tell Officer Mayne --
19

20 MR. GREG DAVIS: I'm going to object
21 to that. There is no evidence that Officer Mayne took
22 any of these photographs. In fact, I don't think he did
23 that day.

24 MR. RICHARD C. MOSTY: I'll withdraw
25 that question.

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1 THE COURT: All right. The question
2 has been withdrawn. The objection would have been
3 sustained.

4 Let's move on.

5

6 BY MR. RICHARD MOSTY:

7 Q. All right. And yet, you didn't think
8 it was important enough for you, who had been flown down
9 from Oklahoma City, to direct the photographer to say
10 what you just said to the Jury, "It is important that we
11 document this. And this is how I want you to do it."

12 A. I thought it was important that
13 photographs be taken so that we could have a visual to
14 compare to my verbal and we have that.

15 Q. Okay. But you didn't think it was

16 important enough to instruct the officer on how to take
17 those photographs?

18 A. No, sir.

19 Q. Now, let me show you 111, State's

20 111-A, B and C. I'm going to try to -- the middle
21 photograph is -- has a red arrow to it and a line in the
22 carpet there?

23 A. Yes, sir.

24 Q. Do you know if that line was tested to
25 be blood or not?

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1 A. It was tested, yes, sir.
2 Q. Okay. By whom, do you recall?
3 A. I do not recall that.
4 Q. Okay. And on that one the knife is
5 not laid into the stained area, the bloodstained area?
6 A. It is beside it.
7 Q. Okay. And in the bottom exhibit, C,
8 is laid into the bloodstained area?

9 A. That is correct.
10 Q. Now, it is curious to me that this
11 bloodstain in exhibit C actually extends out past the end
12 of the knife, doesn't it?
13 A. It does, sir.
14 Q. That is a continuous stain, isn't it?
15 A. It is.
16 Q. And so that is all part of one
17 occurrence, in your judgment?
18 A. I believe that it is.
19 Q. Okay. However, when the knife is laid
20 in here for comparison purpose, there is still -- how far
21 is that? An inch?
22 A. It could well be.
23 Q. An inch more of that same stain
24 sticking out in front of the knife?
25 A. That is correct.
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1 Q. Incidentally, did you look at these
2 other stains that are shown in 111-A?
3 A. Let me see.
4 Q. Upward, the middle of the picture?
5 A. Yes, sir, I did look at it.
6 Q. Okay. And you were able to look at
7 those from whatever angle or whatever extent you wanted
8 to?
9 A. Yes, sir.
10 Q. Now, was it your testimony that the
11 knife, when you dropped it on the carpet, that it left
12 different impressions than what you observed in 111?
13 A. Did I testify to that? Is that what
14 you are asking me?
15 Q. Yes, sir.
16 A. I don't recall testifying to that, no,
17 sir.
18 Q. Did it? Or sometimes did, sometimes
19 not?
20 A. Yes, sir. There are similarities

21 between each and every one of them. The extension past
22 the end of the knife was not typically done.

23 Q. Okay. That, this extension did not
24 consistently show up in your experiments? Is that fair?

25 A. That is correct.

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1 Q. Did a line consistently show up in
2 your experiments?

3 A. It would depend upon how the knife
4 impacted the carpet each time.

5 Q. Yeah. And then again, that really
6 depends upon as it falls -- of course, even as the knife
7 falls, this is not a balanced instrument, is it?

8 A. Certainly not.

9 Q. Even if -- even if I took meticulous
10 care to have it flat and drop it very carefully, it could
11 skew one way or the other just because of its weight?

12 A. Certainly.

13 Q. Well, you can see that by trying to
14 balance it. It's going to fall differently.

15 A. Certainly.

16 Q. And of course, when the knife was
17 dropped -- the knife you dropped in your experiments was,
18 of course, a fully loaded with blood knife?

19 A. It was, sir.

20 Q. And if that is a knife -- now, of

21 course, we -- all you can say about 111 is really that
22 that stain could be consistent with the shape of 67?

23 A. Well, not could be, it is consistent.

24 Q. It is, all right, I'm sorry. It is

25 consistent. That one of the possibilities for that stain

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1 is Exhibit 67?

2 A. Certainly.

3 Q. And of course, if in fact it were 67
4 that caused that stain, when the knife was dropped you

5 have no way of knowing how much blood was on it, do you?

6 A. I think there is an indication because
7 that is what the extension is from the end of the knife.
8 That is a drip. And in my opinion, it was not dropped.

9 Q. How long is that extension?

10 A. I honestly don't know the exact

11 measurement.
12 Q. Can you give me a reasonable estimate?
13 A. I wouldn't disagree with your prior
14 estimate of approximately one inch or less.
15 Q. Okay. And your testimony -- your
16 statement is that that in your judgment is a drip?
17 A. It certainly is.
18 Q. I view a drip as a gravitational
19 thing.
20 A. I'd agree with that.
21 Q. That carpet is flat, is it not?
22 A. Well, it is -- I'm not sure that I can
23 agree with that in the essence that we have to consider
24 the fibers that are projecting up from the floor.
25 Relatively flat like this board in
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1 front of me, no.
2 Q. But, your statement is that that one
3 inch extension off that knife is a gravitationally caused
4 drip?
5 A. In my opinion, that is what caused
6 that.
7 Q. Okay. And that is -- is that
8 different than a transfer?
9 A. Certainly.
10 Q. Are drips consistent like that?
11 A. Drips, depending upon the volume of
12 blood that could be the source for the drip, can be quite
13 consistent.
14 Q. Okay. Sometimes consistent, sometimes
15 not?
16 A. That is true.
17 Q. That carpet has a wicking effect,
18 doesn't it?
19 A. It certainly does.
20 Q. And so, as blood is dripping,
21 gravitational flow of that drop is -- it's being wicked
22 into the carpet, is it not?
23 A. Yes, sir.
24 Q. So at the point of the knife, you
25 would expect more wicking where the drip begins?
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1 A. Well, now does it begin there or does
2 it end there?
3 Q. Well, golly, it would seem to me like
4 that if the knife caused it -- if the knife caused this

5 stain, that it would have to be dripping that way?
6 A. Prior to the knife coming in contact
7 with the carpet, which would mean that is the end.
8 Q. Well, you are the one who told me it
9 was a gravitational drip?
10 A. And I still agree with that.
11 Q. Tell me which direction that drip is
12 moving.
13 A. The point of the drip that is out in

14 front of the knife is going back towards the point of the
15 knife and it is simply dripped off in that combination of
16 taking the knife to the carpet.
17 Q. That one -- did that happen first?
18 A. It has to happen first.
19 Q. That one inch spot of blood was the
20 very first one to hit the floor?
21 A. It would have to have hit the floor
22 prior to the knife getting there.
23 Q. Okay. And then, that then flows
24 downhill, toward the knife tip where the knife tip is in
25 116-C?

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1 A. I don't see where you are getting
2 downhill.
3 Q. Well, does blood flow uphill?
4 A. No, sir.
5 Q. You called it a gravitational flow,
6 didn't you?
7 A. Off of the end of the knife.
8 Q. So, is it your statement then that the
9 point of the knife hit at the end of that mark?
10 A. It certainly is, but we're not talking
11 about dropping.
12 Q. When did the gravitational flow occur?
13 A. As the knife is being held above and
14 then as it is being laid down, the tip end is in
15 conjunction with the end of that line.
16 Q. Okay. So what you're telling the jury
17 happened there, is that this knife is put down point
18 first, am I right?
19 A. Yes, sir.
20 Q. And then laid down?
21 A. In order to get that extending line,
22 it has to be pointed downward prior to coming in contact
23 with the carpet.
24 Q. Pointed downward and then actually
25 pulled, huh?

1 A. Well, I don't see any evidence of
2 pulled.

3 Q. Well, if I laid it down, I don't
4 understand why the point isn't right there?

5 A. It is right there.

6 Q. Then I don't understand what this one
7 inch of blood out on the end of it is?

8 A. That is where the blood dropped from
9 the end of the knife as the knife is coming down, and as
10 the knife, in it's movement toward the floor, once it

11 comes in contact with the floor, the point of the knife
12 is on the end of the line closest to the front of the
13 knife.

14 Q. So, did the knife actually come in

15 contact with the point on 116-C, or is that a drop off of
16 the knife before it touches the floor?

17 A. Are you talking about at the point of
18 the knife or the point of line?

19 Q. The end of -- at the very end of the
20 stain?

21 A. Okay. No, I don't believe that the
22 knife came in contact with the very end of the stain.

23 Q. So your testimony, maybe I've got it
24 right now, your testimony is that this one inch is
25 because of blood falling on the carpet before the knife

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1 hits the carpet?

2 A. Before it comes in contact, that is
3 correct.

4 Q. Okay. And the remaining part of the
5 stain is after it comes in contact?

6 A. That is correct.

7 Q. And, just coincidentally, the drip is
8 in a perfect line with where the knife was later laid
9 down?

10 A. I don't think it's coincidental at
11 all.

12 Q. You don't think that it might be
13 fairly likely that if I were laying that down and there
14 is some movement, are you saying that it was put down

15 like this? Of course, there has to be some movement,
16 doesn't it?

17 A. There has to be some movement or you
18 wouldn't get the line extending in front of it.

19 Q. So it's got to move at least some?

20 A. A short distance, yes, sir.

21 Q. At least an inch?

22 A. I can't say at least an inch.

23 Q. Well, the stain is an inch.

24 A. That is your estimation, and I'm

25 saying that that could well be. Whatever that distance

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1 is, it would have moved.

2 Q. So, this is coming and it leaves a
3 stain which is later approximately an inch?

4 A. Yes, sir.

5 Q. And then it is -- as it's laid down,
6 it is laid down so that there is no break in the one inch
7 that is off the end of it from the back edge?

8 A. That is correct.

9 Q. That is a continuous line?

10 A. That is correct.

11 Q. And, of course, that would be
12 consistent with someone stabbing and then getting up?

13 A. Getting up with the knife still in
14 hand?

15 Q. Yes. I'm doing this. I'm stabbing
16 and then I use that -- I'm on my knees, say.

17 A. Yes, sir. I think what has to
18 happen --

19 Q. I'm stabbing --

20 A. I think what has to happen --

21 Q. Well, I don't know which hand this is
22 in?

23 A. Can I finish?

24 Q. Well, as soon as I finish my question.

25 A. Okay.

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1 Q. I'm stabbing, and then, I can do
2 something with that knife and get up?

3 A. Yes, sir.

4 Q. I can stab like this. I can get up.

5 A. If you will look at your hand right
6 now. With the knife on the carpet, your fingers are

7 preventing the back side of that knife from coming in

8 contact with the carpet.
9 Q. Of course, you don't know how it was
10 held, do you, for this to happen?
11 A. If you can put your fingers on the
12 very edge of the handle, I couldn't say that is not

13 impossible.
14 Q. Well, for this to happen, I have to
15 put my hand on the edge, don't I?
16 A. No, sir, you don't.
17 Q. I could do it like this?
18 A. But your fingers ultimately have to be
19 removed.
20 Q. That is what you are saying?
21 A. They have to be removed, yes, sir.
22 Q. And of course, that is -- in my
23 example, that is true, too.
24 A. The fingers would have to be removed.
25 Q. I am not going to smush my fingers
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1 under there, if I am using it. You have seen people lots
2 of times be down on their knees, use their hands to get
3 up with?
4 A. Certainly.
5 Q. It's not unusual, is it?
6 A. No, sir, it's not.
7 Q. On that stain on the carpet floor,
8 whose blood was on that?
9 A. I would have to now refer to the
10 report. I do not remember at this point.
11 Q. Have you got those reports in your
12 file?
13 A. I don't have those, no, sir.
14 Q. Well, how do you go about remembering
15 that kind of stuff?
16 A. I would refer to the report.
17 Q. Okay. Which one would you like to
18 see?
19 A. The one that has the results.
20 Q. You don't know which one that is?
21 A. Not offhand.
22 Q. Okay. You don't know -- I guess you
23 didn't pay much attention to the numbering system from
24 Gene Screen to whomever?
25 A. I didn't pay any attention to it?
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1 Q. Yes. How they numbered things
2 compared to SWIFS, for instance?
3 A. I do note that they do try and
4 correlate it, yes, sir.
5 Q. You, I guess, have seen all of the DNA
6 reports?
7 A. No, sir, I have not.
8 Q. You have seen the one that describes

9 whose blood is on this carpet where that photo is taken?

10 A. I don't recall that information, no,
11 sir.

12 Q. Let me show you a report from SWIFS
13 dated November 1st, 1996. Have you seen that report
14 before?

15 A. I don't recall this, no, sir.

16 Q. Okay. Does that tell you whose blood
17 is on this carpet stain?

18 A. Well, I have to read it. I don't
19 know.

20

21 THE COURT: Would you direct him to
22 the appropriate part, Mr. Mosty, so we can save some

23 time.

24 MR. RICHARD C. MOSTY: Judge, I am
25 very confused about these reports. I have to tell you.
Sandra M. Halsey, CSR, Official Court Reporter
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1 Maybe somebody could help me.

2 MR. GREG DAVIS: Well, I believe that
3 the results we're looking for is on the Gene Screen
4 report.

5 MR. RICHARD C. MOSTY: First one?

6 MR. GREG DAVIS: Well, I am not sure
7 if it is the first one or the second one, but it should
8 be --

9 MR. RICHARD C. MOSTY: Mr. Davis is
10 right, let me --

11 MR. GREG DAVIS: 105 is there.

12 MR. RICHARD C. MOSTY: We'll do it

13 this way. I'm sorry. I should have thought of that.

14 THE COURT: Thank you.

15

16 MR. RICHARD C. MOSTY:

17 Q. I am going to refer to the State's

18 Exhibit, and you have seen this exhibit, have you not?

19 A. I have.

20 Q. That has the DNA results?

21 A. Yes, sir.

22 Q. Okay. Now, can you tell us, tell the
23 jury, the stain that you have just been describing is
24 whose blood?

25 A. Well, let me look here. I'm sorry,
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1 from that I would not be able to tell you which it is.

2 Q. You still can't?

3 A. I still can't.

4 Q. Where was it found?

5 A. It is over in this area but as to
6 which one of those dots accurately represents it, I'm not
7 sure.

8 Q. It's in the area on the other side of
9 Devon's body?

10 A. On the other side, I don't know --

11 Q. On the fireplace side of Devon's body?

12 A. I believe that that is correct.

13 Q. You are sure of that?

14 A. No, sir, I'm not.

15 Q. Of course, it would help if you had
16 some notes, wouldn't it?

17 A. No, it would help to look at the
18 photograph overall showing it, and then I could point it
19 out.

20 Q. Now, it's found in front of the chair,
21 isn't it?

22 A. Well, I see also the fireplace up in
23 that direction, but yes, the chair is in front of it.

24 Q. Well, looking at 111 and 122, can you
25 tell the jury where -- whose blood the bloodstain had and
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1 where it was located?

2 A. The only stains that are in that area
3 are Darlie.

4 Q. In front of this chair which is shown
5 in 111-A?

6 A. That is correct.

7 Q. Okay. So that means that when this

8 bloodstain is placed there by whatever means, that at
9 that point Mrs. Routier has been stabbed?

10 A. That is correct.

11 Q. She is actively bleeding?

12 A. Yes, sir.
13 Q. When this -- you called it a knife
14 laid down?
15 A. Yes, sir.
16 Q. Or consistent with a knife laid down,
17 I guess we should say.
18 A. Yes, sir.
19 Q. Did you also testify that there was --
20 that there was some blood evidence that was consistent
21 with a -- what do you call that?
22 A. An impact.
23 Q. An impact. Did you testify about
24 that?
25 A. I testified that some of the blood on
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1 the shirt -- I could not tell the difference between or
2 decide which it was.
3 It could either be blood spatter,
4 which could be from an impact, or it could be from
5 cast-off.
6 Q. Okay. And, cast-off and spatter are
7 both airborne blood?
8 A. Quite typically, yes, sir.
9 Q. And, did Mr. Davis ask you a
10 hypothetical about that? I thought I recalled that he
11 did.
12 A. I believe that he did.
13 Q. And, was his hypothetical that assumed
14 that Mrs. Routier stabbed -- was it Damon or Devon?
15 A. I don't recall it being either one in
16 his description.
17 Q. But that she stabbed one of the
18 children sufficient to cause her fist to hit that child,
19 and cause the spatter?
20 A. That was in the scenario, yes.
21 Q. That is the gist of that statement?
22 A. It was.
23 Q. And you said, that that would be
24 consistent with one of the spatters that you observed?
25 A. That would be consistent with one of
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1 the spatters or that could also be from cast-off.
2 Q. Okay. Which of those spatters could
3 that scenario be consistent with? Do you need to see the
4 shirt?
5 A. No, sir. We're talking specifically

6 about the -- and I don't know the stains, but the ones
7 that are identified on the chart up to the left front
8 shoulder area.

9 Q. Okay. I'm showing you the chart of

10 the -- so which ones would that action that I have just

11 described be consistent with?

12 A. I'm sorry. I can't quite see it.

13 Just a second.

14 Q. All right. Take whatever time you
15 need.

16 A. That would be referred to as LS-1 --

17 Q. Which shoulder is that on?

18 A. That is on the left.

19 Q. All right. That is the higher one or
20 the lower one?

21 A. That is this one here.

22 Q. All right.

23 A. And I'm having difficulty reading, but
24 it looks like LS-2.

25 Q. Give me the location of LS-2.

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1 A. I'm sorry. That is LS-3. It would be
2 in this area right here.

3 Q. Okay. So both of those would be the
4 left shoulder?

5 A. Left shoulder, yes, sir.

6 Q. Did you say that those could be a
7 cast-off or spatter?

8 A. I did.

9 Q. And your statement was that that would
10 be consistent with a stabbing and then -- or hand
11 impacting a child's body that already had blood on it?

12 A. In the scenario, I agreed that that is
13 possible, yes, sir.

14 Q. And those bloodstains that you are
15 talking about are mixed blood?

16 A. That is correct.

17 Q. So for that scenario to be possible,
18 Mrs. Routier would have to already be bleeding?

19 A. If those are individual single stains,
20 if they are not overlying one another, that would be a
21 true statement.

22 Q. Okay. And for that to happen, there
23 would have to be a wound at least to the depth of where
24 my hand is?

25 A. Yes, sir.

1 Q. So, how -- so, how long is this knife
2 blade?

3 A. I have got it written down but I don't
4 recall right at the moment.

5 Q. Do you want to give me an estimate?

6 A. Certainly. Okay. In inches, it's
7 going to be a little over seven inches.

8 Q. Did you know that neither of the
9 children had a wound seven inches deep in them?

10 A. Yes, sir.

11 Q. Okay. So, in the scenario that I just
12 described with you, you would have to have this knife at
13 least seven inches in someone's body in order to have the
14 hand impact and spatter blood out?

15 A. The hand has to come in contact with
16 that area.

17 Q. Has to actually hit whatever the
18 source of the blood is?

19 A. That is correct.

20 Q. And in the hypothetical, that was a
21 child?

22 A. Yes, sir.

23 Q. So the depth of the wounds would make
24 that scenario inconsistent, wouldn't it?

25 A. If we're able to allow for any
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1 compression, I would have to agree with your statement as
2 stated.

3 Q. Because in fact compression would be
4 less up the knife, wouldn't it?

5 A. It would.

6

7 THE COURT: Gentlemen, can just one
8 lawyer ask the questions, please? Thank you.

9 MR. RICHARD C. MOSTY: May Mr. Mulder
10 and I confer?

11 THE COURT: You may, but please do it
12 in a, shall we say, a quieter tone of voice.

13

14 BY MR. RICHARD C. MOSTY:

15 Q. And of course, in Mr. Davis's example,
16 let's see, he got down on one knee, didn't he?

17 A. I do not recall whether it was one or
18 two.

19 Q. All right. Well one or two, it

20 doesn't matter. And of course, he made this motion, like
21 that, didn't he?

22 A. Yes, sir.

23 Q. Okay. And for your scenario to be

24 true, or Mr. Davis's scenario to be true, Mrs. Routier

25 has to be bleeding, am I right?

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1 A. If the blood is a mixture --

2 Q. Yeah.

3 A. -- and it's not a separate occurrence,

4 then she has to be bleeding in order for her blood to be

5 there, yes, sir.

6 Q. I wonder why in all of your expertise,

7 you all didn't find any knee impressions with blood on
8 them?

9 A. Well, that is not too uncommon.

10 Q. Not too uncommon to not find that kind

11 of thing?

12 A. That is correct.

13 Q. You wouldn't call that an

14 inconsistency?

15 A. I would not.

16 Q. Just a non-event.

17 A. Well, the blood has to be at a

18 location when the knee is going to go into it and that is

19 typically some time later when the blood is starting to

20 pool. It is not common for it to occur at the actual

21 immediate attack.

22 Q. Okay. I'm going to come back to that

23 because I do want to cover that. Let me make a note of
24 it.

25 Now, were you also asked a

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1 hypothetical about the stabbing of Damon, in that same
2 regard with respect to the blood, the mixed blood -- when
3 we were in Oklahoma, did you tell us that that was mixed
4 blood?

5 A. I told you there was some mixed blood.

6 I don't know if we specifically addressed that stain. I

7 don't recall.

8 Q. Well, you told us that in your

9 judgment, that that was mixed blood in one stain?

10 A. I don't recall specifically stating

11 that it was one stain. Now, which one are we referring

12 to here?

13 Q. I'm talking about these, I'm talking
14 to all four of them on the front of the shirt, all four
15 of them mixed?

16 A. The only one that I can say is really
17 consistent without any hesitation, is the one that is up
18 in this area here, which is going to be LS-1.

19 Q. You are talking about the highest one
20 on the left shoulder?

21 A. That is correct.

22 Q. Okay. But you didn't tell us when we

23 were up there that you thought all of those others were a
24 stain that was mixed before it hit the shirt?

25 A. I don't believe so.

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1 Q. Okay. And your testimony -- let's
2 turn to Damon now. And Damon is, for your recollection
3 is red. And I'm going to show you -- let's talk about
4 those stains that you have testified about.
5 You said that those were consistent

6 with someone being with Mrs. Routier, because that is her
7 shirt, kneeling over Damon and stabbing him in this
8 motion that was described to you; is that right?

9 A. I believe that's correct.

10 Q. And did I do that fairly, the way Mr.
11 Davis did it?

12 A. Other than he was on one knee or two
13 knees when he did it, but the movement is certainly --

14 Q. The arm movement is the same?

15 A. Well, actually, I believe yours is a
16 little bit more to the side, but --

17 Q. More out?

18 A. But I, again, I don't know.

19 Q. Okay. Now, to get that cast-off,
20 would that have to be from a kneeling position?

21 A. It would not have to be, no, sir.

22 Q. And if someone were down, going to
23 stab a child, and there is a couch right here, and a

24 coffee table right here, they can't hardly do that motion
25 up like that, can they, getting it outside of their

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1 shoulder?

2 A. Well, I don't think I can agree with
3 that.

4 Q. Well, you would stab like this,
5 wouldn't you?

6 A. Sir, if you continue on with your arm,
7 you will have no problem clearing that.

8 Q. Sure. If I come up like this?

9 A. Certainly.

10 Q. Is it your experience that people take
11 their knife back like this to stab somebody, all the way
12 back here?

13 A. It has not been my experience
14 necessarily at all, no.

15 Q. It seems to me like if I was going to
16 stab somebody, I would go -- (Counsel hits table three

17 times) -- as quick as I could.

18 A. Well, doing that, you won't inflict
19 the wounds that are on those bodies.

20 Q. You don't think so?

21 A. Not the way you was doing just a
22 second ago.

23 Q. But I could do it very hard like that,
24 can't I?

25 A. Certainly.

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1 Q. As a matter of fact, you would expect
2 that the drawback motion to be the slower and the stab
3 motion to be the hardest?

4 A. Not necessarily at all and that has
5 been proven through experimentation.

6 Q. Okay. You know, I cut my finger doing
7 that.

8 A. Good point.

9 Q. That is a good point, isn't it?

10 A. Yes, sir, it is.

11 Q. Because had that scenario that Mrs.
12 Routier did like that, had that been true, and had her
13 hand had blood on it, there is a good possibility that it
14 would have slipped and cut her hand, wouldn't it?

15 A. Well, there is that possibility, yes,
16 sir.

17 Q. And that would be a cut in the palm
18 area?

19 A. Depending upon how the knife is being
20 held.

21 Q. On those, on these stains that are
22 marked with both blood, do you remember in Oklahoma, Mr.
23 Mulder asking you specifically: Does that mean that the
24 knife had to be wet with the blood of both parties at the
25 time that these multiple DNA results are shown? I'm
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1 talking about the front of the shirt.

2 A. I don't remember Mr. Mulder asking me
3 any questions.

4 Q. You don't?

5 A. No, sir. I remember him making some
6 statements.

7 Q. I'm going to come back to the shirt,
8 because I want to cover it, at one time.

9 You have --

10

11 THE COURT: What have we covered so
12 far? We are out of the utility room and where are we

13 going now? Have you got all the stuff so far?

14 We're not going back over things, I

15 hope?

16 MR. RICHARD C. MOSTY: I wouldn't do
17 that.

18 THE COURT: Thank you very much, Mr.

19 Mosty. I appreciate that.

20

21 BY MR. RICHARD C. MOSTY:

22 Q. I'm going to mention the word vacuum

23 cleaner, but this is a new subject.

24 You observed the photographs of the

25 vacuum cleaner. Let me give you an example of 43-C.

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1 A. Yes, sir.

2 Q. And, there is a good bit of -- let me
3 give you another example of Defendant's 41?

4 A. Yes, sir.

5 Q. There is a substantial amount of blood

6 at the sink and in the vacuum cleaner area and --

7 correct?

8 A. Yes, sir.

9 Q. Okay. And we know from, do we not,

10 from Exhibit 122 that that is Mrs. Routier's blood?

11 A. That is correct.

12 Q. Okay. And that is the blood that is

13 shown in front of the sink between the island and what we

14 call the counter?

15 A. Yes, sir.

16 Q. Okay. And, you see, or have seen a

17 footprint there?

18 A. Yes, sir.

19 Q. And do you see glass there?

20 A. There are some areas that could be

21 glass. I'm not actually able to identify them.

22 Q. In other photographs, have you

23 identified glass in that area?

24 A. In that general area, yes, sir.

25 Q. Okay. I take it you draw no

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1 conclusions from glass being on top of blood in that

2 area?

3 A. Well, if the blood was there first.

4 Q. Okay. But how it got there, you have

5 not testified about any conclusions about how that glass

6 could have gotten there?

7 A. I have not.

8 Q. Okay. Now, so, at the time that this

9 Exhibit is taken, you know that Mrs. Routier is bleeding?

10 A. Yes, sir.

11 Q. You know that there is glass that has

12 come on to that area of blood?

13 A. Yes, sir.

14 Q. And you know that a vacuum cleaner has

15 come on to that area of blood?

16 A. Yes, sir.

17 Q. And you can, in fact, in 41, see

18 evidence of movement in the blood?

19 A. Yes, sir.

20 Q. That someone is moving about?

21 A. Yes, sir.

22 Q. Incidentally, on 43-C, have you ever

23 seen that green towel, that green rug?

24 A. If I have, I do not recall it.

25 Q. Okay. All right. So these

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1 photographs tell us that Mrs. Routier was bleeding first,

2 and then the vacuum cleaner comes to that area and then

3 the glass comes to that area?

4 A. Yes, sir.

5 Q. Okay.

6

7 MR. RICHARD C. MOSTY: Your Honor, I

8 would like to stand by Mrs. Routier. And, so that we get
9 a comparison of our heights.

10 THE COURT: Please stand, ma'am.

11

12 (Whereupon, the defendant

13 complied with the request

14 by standing next to her

15 attorney Mr. Mosty.)

16

17 BY MR. RICHARD C. MOSTY:

18 Q. How much taller am I than Mrs.

19 Routier?

20 A. Very little.

21 Q. A couple of inches?

22 A. No.

23 Q. Or an inch?

24 A. No.

25 Q. She is bleeding, and there is glass

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1 there. Wouldn't it be consistent that if she went to a

2 wine rack and reached up and got a wine glass and broke

3 it, that she would have left blood on the wine rack?

4 A. If it is done at that instant, yes,

5 sir.

6 Q. Well, we know that it's done after she

7 is bleeding, don't we?

8 A. We know that the glass is broken after

9 she is bleeding?

10 Q. Yes.

11 A. How?

12 Q. Because it's on top of the blood?

13 A. That is assuming nobody has moved it

14 on top of the blood at some later point.

15 Q. Assuming no police officer kicked it

16 over there?

17 A. Or anyone else.

18 Q. Okay. Let's assume that. Assume that

19 Mrs. Routier is bleeding and there is no one in the house

20 but her. There is no one downstairs except her and the

21 children in the other room, and she is bleeding.

22 And there is glass on top of her

23 blood. Then necessarily, she would have had to go after

24 she was bleeding to get the wine glass and break it?

25 A. Assuming that, that's correct.

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1 Q. Okay. And when you break a wine
2 glass, that is a cast-off movement, isn't it?

3 A. Well --

4 Q. If I broke a wine glass?

5 A. It is similar to that movement, yes,
6 sir.

7 Q. Well, that kind of movement --

8 A. Yes, sir.

9 Q. Matter of fact, you could see water
10 casting out of this thing. Did you see that?

11 A. No, I didn't.

12 Q. Look. That wasn't staged either. It
13 just happened to be that way.

14 A. And I still can't see it, but I'll
15 take your word for it.

16 Q. Okay. I saw it. But anyway, that

17 kind of movement is -- when you are talking about a
18 cast-off, that kind of movement is what causes cast-off?

19 A. That is correct, sir.

20 Q. Or one of the movements that can?

21 A. Certainly.

22 Q. It is a moving object that flings a
23 liquid?

24 A. Yes, sir.

25 Q. It could be my hand?

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1 A. Yes, sir.

2 Q. It could be a wine glass?

3 A. Yes, sir.

4 Q. So it would be consistent that if Mrs.

5 Routier was bleeding and she reached up to get a wine
6 rack (sic) up on this shelf --

7 A. Yes, sir.

8 Q. -- and broke it, that there would be
9 blood on that wine rack?

10 A. If that hand is the bleeding hand,
11 yes, sir.

12 Q. Um-hum. (Attorney nodding head
13 affirmatively.)

14 Of course, she has got, by this time,
15 by the time you have this much blood, as shown in front
16 of that kitchen, we're talking about a neck wound by
17 then, aren't we?

18 A. I believe that's correct, yes, sir.

19 Q. I mean, you are not going to have that
20 much blood without a neck wound, in all likelihood?

21 A. I cannot agree with that.

22 Q. Under these circumstances, under what
23 has been described to you as Mrs. Routier's wound?

24 A. I think you could have that much blood
25 even without a neck wound.

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1 Q. Okay. But of the ones that have been
2 described to you of Mrs. Routier's wounds, you would

3 think that her neck is bleeding by the time all that
4 blood is on that kitchen floor?

5 A. Well, that is a very good possibility.

6 Q. And it would be consistent that
7 somehow some of that blood, soaking, dripping, moving,
8 would be on the wine rack?

9 A. Under that scenario, yes, sir, it
10 would.

11 Q. Okay. Well, somehow, if Mrs. Routier
12 broke the wine glass, she had to reach and get it, didn't
13 she?

14 A. I would say so.

15 Q. Okay. And we know the vacuum cleaner
16 is there?

17 A. Yes, sir.

18 Q. On top of the blood?

19 A. Yes, sir.

20 Q. Now, if the vacuum cleaner, this and
21 this, Exhibit 122, this blue dot represents the wine
22 rack.

23 A. Yes, sir.

24 Q. And, of course, there is no blood on
25 the front of that wine rack, or anyplace that has been
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1 testified to?

2 A. Yes, sir.

3 Q. And you know that?

4 A. Yes, sir.

5 Q. And if the vacuum cleaner was over
6 here, this is -- you want to see that other one that

7 shows the pantry? Let me get that one, because that is
8 the one you and I talked about earlier. On Exhibit -- on
9 Exhibit 10.

10 Again, the wine rack is shown in

11 green, and the pantry is over here.

12 A. Yes, sir.

13 Q. Okay. If Mrs. Routier were bleeding

14 from the neck, as you think she was when this blood was

15 deposited in this area, and she went over here to get a

16 vacuum cleaner, you would expect that there would be

17 evidence of that, wouldn't you?

18 A. I would.

19 Q. Okay. And so, if there is not

20 evidence of going over to that pantry area to get a

21 vacuum cleaner --

22 A. Yes, sir.

23 Q. -- and there is no blood, that that

24 would be inconsistent with her going over there and

25 getting the vacuum cleaner after she was bleeding.

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1 A. That would be correct as so described.

2 Q. Let's move to the T-shirt now.

3

4 THE COURT: Before we move to the

5 T-shirt, let's take a 10 minute break, please.

6 MR. RICHARD MOSTY: Yes, sir.

7 THE COURT: Can I see both sides up

8 here, please?

9 MR. RICHARD MOSTY: All right.

10

11 (Whereupon, a short

12 Recess was taken,

13 After which time,

14 The proceedings were

15 Resumed on the record,

16 In the presence and

17 Hearing of the defendant

18 And outside of the presence.

19 of the jury, as follows:)

20

21 THE COURT: All right. Whenever the

22 State closes, whenever they close, be prepared to go

23 forward with your witnesses at that time. Is that clear?

24 MR. RICHARD C. MOSTY: Is that because

25 I'm taking so long to cross examine him?

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1 THE COURT: Oh, no. We are going --
2 we are going -- you have been on cross examination right

3 now and they had an hour and 49 minutes on direct. We're
4 going, over and over and over.

5 MR. RICHARD C. MOSTY: This lady's
6 life is on the line, Judge.

7 THE COURT: I understand that.

8 MR. RICHARD C. MOSTY: I apologize if
9 I overdo it.

10 MR. DOUGLAS MULDER: Judge, I would
11 like this on the record.

12 THE COURT: It's my discretion as to
13 when to have it put on the record.

14 MR. DOUGLAS MULDER: Judge, nobody

15 understands that better than I do. I understand just
16 exactly what your discretion is, but I'll remind the

17 Court, that back when we began this, and I asked for an
18 estimate so that we would know when it was going to be
19 our turn, so on and so forth, the Court advised me that
20 we would be given that estimate.

21 And I said, Judge, we just want to be
22 shown the same consideration so that we can start our

23 case and have the same continuity that the State has.

24 THE COURT: We're going to. That's
25 right. Go ahead.

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1 MR. DOUGLAS MULDER: Judge, excuse me
2 for interrupting you. If you have something to say, I'll
3 wait until you are finished.

4 THE COURT: No, you go ahead.

5 MR. DOUGLAS MULDER: No, I'll be happy
6 to wait for you.

7 THE COURT: We agreed that we would
8 finish this thing today. We are, obviously, at the rate
9 we are going now, not going to finish today.

10 MR. DOUGLAS MULDER: Well, maybe we

11 are and maybe we aren't. I don't know. I can't predict
12 that because I don't know who the State's witnesses are
13 and the Court has never required that they tell me.

14 THE COURT: And the Court will not
15 require that and be clear about it.

16 MR. DOUGLAS MULDER: I understand

17 that.

18 THE COURT: Thank you.

19 MR. DOUGLAS MULDER: Yes, sir. But I

20 can't predict how long we're going to take on anything.

21 And I would remind the Court that they spent, they would

22 use six and seven witnesses to testify about the same

23 event.

24 They took five days to do what you and

25 I both know they could have done in two days.

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1 THE COURT: All we need to do is get

2 on with the thing and get this done as quickly as we can.

3 Now, the jury is staying late tonight

4 also and so be prepared for that.

5 MR. DOUGLAS MULDER: Judge, that is

6 fine. We will stay as late as you want to stay.

7 THE COURT: Thank you.

8 MR. DOUGLAS MULDER: But I just ask

9 that you show us the same consideration that you have

10 shown the State throughout this.

11 THE COURT: You will be shown the

12 same courtesy, Mr. Mulder. You always have and you

13 always will be. Do not be alarmed about that.

14 But I would appreciate appropriate

15 questions being asked that are on point instead of being

16 repetitious.

17 MR. RICHARD C. MOSTY: Well, your

18 Honor, I personally take offense at that because I think

19 that I am covering different ground.

20 THE COURT: Thank you.

21 MR. RICHARD C. MOSTY: And this lady's

22 life is literally on the line and this man has walked in

23 here with all his opinions, and I think that I need --

24 and I feel compelled, in my good oath as a lawyer to take

25 whatever time is necessary for me to defend this lady's

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1 life.

2 THE COURT: I think that is right, and

3 I'm going to give it to you, if you would just move the

4 points on.

5 MR. RICHARD C. MOSTY: Then, I would

6 ask that the Court not reprimand me in front of the jury

7 for doing that.

8 THE COURT: I am not reprimanding you
9 in front of the jury. I am just saying let us get on
10 with this succinctly.

11 MR. DOUGLAS MULDER: Judge, you have
12 done that repeatedly.

13 THE COURT: Thank you.

14 MR. DOUGLAS MULDER: Yes, sir. I
15 would just like this on the record too, if you don't
16 mind.

17 THE COURT: Um-hum. (Judge nodding
18 head affirmatively).

19 MR. DOUGLAS MULDER: But you have not
20 hastened the State when they have been the one who has
21 been dragging this on, and have done really, literally,

22 they have covered in 13 days what they could have done in
23 five.

24 THE COURT: Well, of course, the State
25 feels the other way, Mr. Mulder. Thank you.
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1 MR. DOUGLAS MULDER: That is not the
2 consensus.

3 THE COURT: Thank you.

4 MR. GREG DAVIS: Well, it is over
5 here. Take a poll.

6 THE COURT: All right.

7

8 (Whereupon, a short

9 Recess was taken,
10 After which time,

11 The proceedings were
12 Resumed on the record,
13 In the presence and

14 Hearing of the defendant
15 And the jury, as follows:)
16

17 THE COURT: All right. Are both sides
18 ready to bring the jury back?

19 MR. GREG DAVIS: Yes, sir, the State
20 is ready.

21 MR. DOUGLAS MULDER: Yes, sir, the
22 Defense is ready.

23 THE COURT: All right. Bring the jury
24 back.

25 MR. RICHARD C. MOSTY: We are ready,
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1 your Honor.
2 THE COURT: All right. Bring the jury
3 back, please.
4
5 (Whereupon, the jury

6 Was returned to the
7 Courtroom, and the
8 Proceedings were

9 Resumed on the record,
10 In open court, in the
11 Presence and hearing
12 Of the defendant,
13 As follows:)
14

15 THE COURT: All right. Be seated,
16 please. Let the record reflect that all parties in the
17 trial are present and the jury is seated. Mr. Mosty.
18 MR. RICHARD C. MOSTY: Yes, your

19 Honor.
20
21 CROSS EXAMINATION (Resumed)
22
23 (Whereupon, the following
24 mentioned item was
25 marked for
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1 identification only
2 after which time the
3 proceedings were

4 resumed on the record
5 in open court, as
6 follows:)
7

8 BY MR. RICHARD C. MOSTY:
9 Q. Mr. Bevel, let me hand you what has
10 been marked as Defendant's Exhibit No. 58. Is that a
11 photograph that you have observed before?
12 A. Yes, sir.
13 Q. Does that appear to be -- is it taken

14 on the 6th?

15 A. The child is still in place, so I

16 would believe that to be accurate.

17 Q. Isn't there -- no, on the front, isn't

18 there a stamp over there? Can you see it? You might not

19 be able to see it.

20 A. No, sir.

21 Q. 6-6.

22 A. No, sir.

23

24 MR. RICHARD MOSTY: Okay. We will

25 offer Defendant's Exhibit No. 58.

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1 THE COURT: Any objection?

2 MR. GREG DAVIS: No objection.

3 THE COURT: Defendant's Exhibit 58 is

4 admitted.

5 THE COURT: All right. It's a picture

6 of what now?

7 MR. RICHARD C. MOSTY: 58, Defense.

8 THE COURT: What's the photo?

9 MR. RICHARD C. MOSTY: Carpet,

10 bloodstains.

11

12 (Whereupon, the above

13 mentioned item was

14 received in evidence

15 as Defendant's Exhibit

16 No. 58 for all purposes,

17 After which time, the

18 proceedings were

19 resumed on the record,

20 in open court,

21 as follows:)

22

23 BY MR. RICHARD MOSTY:

24 Q. Exhibit 58, Mr. Bevel, shows some

25 bloodstains in the carpet, doesn't it, when Devon

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1 Routier's body is still out there at the scene?

2 A. Yes, sir.

3 Q. Okay. And, Defense 32, which is in

4 evidence, would that appear to be a little farther back

5 shot of the same area but after the body is removed?

6 A. Yes, sir.

7 Q. And do you see that white rag up on

8 the coffee table?

9 A. Yes, sir.

10 Q. Mr. Bevel, do you recommend that if

11 there is a bloody rag that is touching a body, would you

12 recommend that that rag be picked up?

13 A. Yes, sir.

14 Q. And collected as evidence?

15 A. Yes, sir.

16 Q. I'm going to try -- and I don't know,

17 since I don't have an enlargement of this, I want to

18 point some things out, and I'm going to have to walk down

19 to the jury as you and I talk about them, and let me get

20 as far back as I can so they can see.

21 This area appears to have an

22 assortment of different types of bloodstains in it, does

23 it not?

24 A. It does, yes.

25 Q. All right. This area here, would

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1 those be a -- would you call that a smudge or a transfer?

2 A. I would call it a combination. There

3 is some soaked blood in there as well as movement beyond

4 the area of the soaked blood.

5 Q. All right. So probably some blood

6 there, and then something has happened to cause that

7 blood to be moved around?

8 A. That is correct.

9 Q. And again, we're talking about -- I'll

10 show them my finger. Now, is that consistent with --

11 would that be consistent with Mrs. or Mr. Routier going

12 to assist this child and disturbing some blood that was

13 on the carpet?

14 A. It would be consistent with somebody

15 being in that area. As far as me identifying who, I

16 wouldn't be able to.

17 Q. Well, somebody includes Mrs. Routier,

18 doesn't it?

19 A. Certainly.

20 Q. Okay. Now, is also -- tell the jury

21 what expectorate is?

22 A. Yes, sir. If you have blood that is

23 down into the air passages, such as the throat, mouth,

24 nose and a person is still fighting to breathe. There

25 will frequently be a coughing action which is expelling
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1 the blood out of the mouth or nose as the person is
2 attempting to breathe.

3 Q. An expectorate is typically a finer
4 pattern?

5 A. It is typically, yes, sir.

6 Q. Not always?

7 A. It's generally a combination of
8 varying sizes, but there is certainly some fine mist.

9 Q. I was wondering, is this area nearest
10 his head, is that consistent with expectorate?

11 A. I could not identify it on this carpet
12 as necessarily being consistent. What you would really
13 need to do, in order to corroborate that, is to look at
14 the mouth and nose area, to see if those are surrounding
15 the bloodstains that are consistent with going over to
16 the carpet in that area.

17 Q. Of course, now, the mouth and the nose
18 are not the only sources of expectorate, are they?

19 A. They are the most common, and they are
20 the ones that produce the most broken up blood.

21 Q. Um-hum. (Attorney nodding head
22 affirmatively). However, a wound that can cause -- you
23 can have expectorate come out of a wound, can't you?

24 A. I don't believe that I recall that
25 expectorate in the same sense that we just described.

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1 There can certainly be blood that is pushed out. If
2 there, for example, is a flow of air coming out of that
3 wound.

4 Q. You have already told us about Herb
5 McDonald, haven't you?

6 A. I don't believe that I did, no, sir.

7 Q. Okay. Well, Herb McDonald is sort of

8 credited with being the pioneer of bringing blood spatter
9 evidence into the 20th century, should I say? How about
10 just taking the word pioneer.

11 A. I would say that he is credited with
12 popularizing, or making it more used in the modern day.
13 But he more or less rediscovered something that was well
14 in front of him.

15 Q. Okay. And, you recognize Mr. McDonald
16 as being an authority in the field, don't you?

17 A. I do.

18 Q. And you recognize his book, Bloodstain

19 Patterns, to be authoritative?

20 A. Yes, sir.

21 Q. Don't you?

22 A. Yes, sir.

23 Q. And would you agree with me that Mr.

24 McDonald in his book, says, "That it should be remembered

25 that penetrating wounds to the chest, that open a channel

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1 for expiration of blood may also produce bubbles in the

2 blood, and there may be -- in these cases there may not

3 be obvious blood accumulated in the mouth or the nasal

4 passage."

5 That is a correct statement, isn't it?

6 A. Unless I look at it, I am not going to

7 comment. I prefer to read what you're reading.

8 Q. Matter of fact, you tell people, that

9 if on the witness stand if they are asked that kind of

10 question, you counsel people to give that response that

11 you just gave?

12 A. Because of what has been done to me by

13 the defense, yes, sir.

14 Q. But you counsel other people to do

15 that?

16 A. I certainly do.

17 Q. Would you like to read that quote?

18 A. I would.

19 Q. I am quoting from -- well, I'm quoting

20 from page 82 of McDonald. I believe this is the third

21 edition, isn't it?

22 A. I'm not sure.

23 Q. I'm quoting from page 82 of McDonald's

24 book. It's highlighted.

25 A. Yes, sir.

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1 Q. Okay. You would agree with me that an

2 open wound to the chest, such as was suffered by Devon

3 Routier, it could open a passageway for expired blood?

4 A. As what Mr. McDonald is talking about

5 there, it can open the possibility of blood going into

6 the mouth or the nose because of a penetrating wound.

7 Q. Well, you would agree with me that

8 blood can come out of a wound such as Devon Routier?

9 A. It can.

10 Q. And would have the appearance of

11 expired blood?

12 A. I don't know that I would agree that

13 it appears to be like expired blood, no, sir.

14 Q. Okay.

15 A. Typically, it is larger, does not go

16 as far, and again, the only way that you can actually get

17 it is to have an air flow going back up out of one of the

18 wounds.

19 Q. Okay. That is fair enough. Expired

20 blood can travel how far, typically?

21 A. Depends on the size of the blood

22 droplets you're referring to. If it is 1 millimeter in

23 diameter or less, about the maximum that it could

24 possibly travel is about 46 inches.

25 Q. Forty-six inches.

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1 A. If it is larger, it certainly could

2 go -- travel considerably farther distance.

3 Q. Okay. Four foot and on, do you have

4 any outward boundary of how far you would say, for

5 instance, a large droplet of expired blood might go?

6 A. I would only state that it certainly

7 could travel further than four feet.

8 Q. All right. Now, assume with me that

9 Devon Routier has been stabbed, and that Mr. Routier and

10 Mrs. Routier go to him, and that Mr. Routier attempts

11 mouth-to-mouth resuscitation, and blows in his mouth,

12 that is part of mouth-to-mouth resuscitation, isn't it?

13 A. Yes, sir.

14 Q. Blows in his mouth and reports that

15 air and blood are coming out of his chest?

16 A. If he reports that?

17 Q. Yes. And assume that to be the facts.

18 A. Yes, sir.

19 Q. And in that instance, you could very

20 well have expired blood?

21 A. You could certainly have some blood

22 that would be coming out of a wound. I would not

23 anticipate that it would look quite like what I would

24 expect to come out of a mouth or a nose.

25 Q. Okay. And how would it be different?
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1 Would it be larger, do you think?

2 A. Typically larger, yes, sir.

3 Q. Now, what we have been talking about
4 here in Exhibit 58, some of those droplets are larger
5 than what you would ordinarily find in expired blood,
6 aren't they?

7 A. They certainly are.

8 Q. Do some appear also to be consistent
9 with the size that you would find with expired blood,
10 or do they all appear to be a little too large?

11 A. There are some there that would be
12 about the right size.

13 Q. Okay. And those -- and so that kind
14 of expired blood you might think might go up to 46
15 inches?

16 A. That, that is approximately 1
17 millimeter in diameter and less, and that is the outside
18 limit.

19 Q. Okay. Can you, for my help and the
20 jury's help, can you estimate or is it unfair because of
21 scale, to try to estimate the size of some of these
22 droplets?

23 A. From that, I certainly could not, no,
24 sir.

25 Q. You wouldn't want to do that?
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1 A. No, sir.

2 Q. Okay. But it's fair to say that that
3 bloodstain in that area could be consistent with
4 expired blood?

5 A. Some of the smaller drops that are
6 there are approximately the right size and could be, yes,
7 sir.

8 Q. And once a blood drop is in the air,

9 whether it be cast off or projected, the physics of how
10 it impacts an object are not going to change, are they?

11 A. No, sir.

12 Q. That the source of energy does not in
13 any manner affect the impact. Well, that is not a fully
14 correct statement, is it?

15 A. No, sir.

16 Q. Because it could affect the size, for
17 instance, gunshot and so forth?

18 A. Size and distance.

19 Q. Size and distance and those things.

20 But assuming that something is cast off or projected with
21 the same energy?

22 A. Yes, sir.

23 Q. And the same volume of blood drop?

24 A. Yes, sir.

25 Q. Those would appear identical?

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1 A. As far as how they would land on an
2 object?

3 Q. Yes.

4 A. Yes, sir.

5 Q. So in that instance you could not say
6 that that drop was cast off or that it was projected.

7 You might be able to draw some other conclusions from it?

8 A. Well, that it was projected into --

9 Q. I'm sorry. I'm sorry. Expired, I
10 didn't mean projected, I meant cast off, cast off or
11 expired.

12 A. I'm sorry, sir. Would you start
13 again?

14 Q. You are right. That if you have a
15 blood drop that is either cast off or expired, and you
16 know, the same energy, the same volume of blood, those
17 drops would appear identical on the same target surface?

18 A. They could, yes, sir.

19 Q. Okay. And you would not, even with
20 all of your training and knowledge, be able to say that
21 one is expired and that one is cast off?

22 A. Again, it would depend. If there are
23 air bubbles, which is quite frequent with expired
24 blood, even after the air bubble burst, you are able to
25 identify that.

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1 Q. Of course, that is expired blood
2 that comes out of the mouth, isn't it?

3 A. Well, now, if it is air also pushing
4 it out of the wound, would there not be air mixed with
5 it? I believe it could be either way.

6 Q. It could. It could be air mixed, or
7 could not be air mixed.

8 A. Sure.

9 Q. And, as a matter of fact, that is one
10 of the things in expired blood, that you look for is,
11 is it a little bit pinker in color?

12 A. If it is coming from the mouth, yes,
13 sir.

14 Q. That could be a telltale sign of some
15 oxygen in that drop?

16 A. Well, it is mixed with saliva,
17 typically, is what you are identifying that with.

18 Q. But that is not always true either?

19 A. Not 100 percent, no, sir.

20 Q. All right. So, we have said that the
21 stains -- and maybe we ought to circle these. And let
22 me -- let's talk about the first one -- you know, I have
23 drawn a circle around that whole area?

24 A. That we first talked about?

25 Q. Yes, sir.

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1 A. Yes, sir.

2 Q. And I will call that 1. And then the
3 next area we talked about is, here?

4 A. In that general area, yes, sir.

5 Q. Is 2, correct?

6 A. Yes, sir.

7 Q. Okay. Now, this area, sort of between
8 those, is that a transfer?

9 A. I can't see where you are pointing.

10 Q. Okay.

11 A. I wouldn't necessarily call that a
12 transfer. It looks to me like there has been a deposit
13 of blood and then something has come in contact, smearing
14 the blood.

15 Q. Okay.

16 A. It's a transfer beside it, but there
17 is a deposit of blood first.

18 Q. Again, that is consistent with there
19 being blood on the carpet and then some object dragging
20 through it, or pushing over it, or somehow coming in
21 contact with it?

22 A. Yes, sir.

23 Q. All right. Let's talk about these
24 here. Is that a fair group to talk about, before I put
25 my circle on there?

1 A. I would guess so, I mean --

2 Q. I'm going to call that 3. Those drops

3 you would call what velocity?

4 A. They are probably going to be close to

5 a low velocity, very close to what you have got on the

6 kitchen floor. The absorbency of the carpet is the

7 reason that they are not as large.

8 Q. All right. And, in that instance, can

9 you tell directionality with those kind of drops in a

10 carpet-type of fabric?

11 A. Typically, no.

12 Q. All right. Those drops in Number 3,

13 would be consistent with Mrs. Routier coming to help her

14 child and dropping blood?

15 A. Well, it could be consistent with

16 that, yes.

17 Q. Okay. And again, the area that we're

18 talking about in these photos is in the family room on

19 the other side of the coffee table, am I right?

20 A. On which side -- yes, sir. Yes, sir.

21 I thought you were pointing to the other side.

22 Q. On what I call the fireplace side?

23 A. Yes, sir.

24 Q. Okay. Mr. Bevel, you first looked at

25 the T-shirt in Dallas on the 9th -- I'm sorry, the 11th

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1 of September. And did you take notes at that time of

2 what your observations were?

3 A. Well, the only thing that would have

4 been marked at that point was some of the circles around

5 stains that I requested the analysis to be done on.

6 Q. Did you make a sketch?

7 A. Yes, sir.

8 Q. And at that time in your sketch, you

9 noted some marks on the front, right shoulder?

10 A. Yes, sir.

11 Q. Of the T-shirt?

12 A. Yes, sir.

13 Q. And some on the back?

14 A. Yes, sir.

15 Q. I was curious. You didn't note any on

16 the left shoulder.

17 A. On that date, I did not.

18 Q. Why is that? Did you just overlook

19 them?
20 A. No, I didn't necessarily overlook
21 them. I was looking for those that were consistent with
22 an impact into the clothing that could either be spatter
23 or cast-off.
24 And you could have kept circling
25 samples all day long and those were just simply the ones
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1 that I thought were the most promising as far as trying
2 to determine whose blood it was.

3 Q. Most promising for the prosecution?

4 A. Most promising to determine who it was
5 that was consistent with that impact of cast-off.

6 Q. All right. Let's -- I'm going talk
7 briefly about this.

8

9 MR. RICHARD C. MOSTY: I am not going
10 to be long enough for you to -- if you want to, you can,
11 but --

12 MR. GREG DAVIS: That is all right.

13

14 BY MR. RICHARD C. MOSTY:

15 Q. You -- after you looked at the shirt,
16 you formed some opinions about what you had observed?

17 A. Yes, sir.

18 Q. Okay. And, then at a subsequent time

19 and I think you have testified about this, you went and
20 made a demonstration to show -- to demonstrate what your
21 opinion was?

22 A. To demonstrates that that can occur.

23 Q. Okay.

24 A. In my opinion, yes, sir.

25 Q. And you did that by means of a video
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1 that you prepared?

2 A. A video was taken, yes, sir.

3 Q. Okay.

4

5 (Whereupon, the following
6 mentioned item was
7 marked for
8 identification only

9 after which time the
10 proceedings were
11 resumed on the record

12 in open court, as
13 follows:)

14

15 BY MR. RICHARD MOSTY:

16 Q. And, I'm going to hand you, Mr. Bevel,
17 what I've marked as Defendant's Exhibit 59. And ask you
18 if you believe that to be a copy of your video
19 demonstration that you prepared, is it?

20 A. I believe so.

21 Q. All right.

22

23 MR. RICHARD C. MOSTY: Your Honor, at
24 this time, we would like to play this video.

25 THE COURT: All right. Just a minute,
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1 Mr. Mosty. I'm trying to have that noise stopped.

2 All right. You can move it out there.

3 Get it ready.

4 MR. RICHARD C. MOSTY: Your Honor, we
5 offer Defendant's Exhibit 59.

6 MR. GREG DAVIS: No objection.

7 THE COURT: Defendant's Exhibit 59 is
8 admitted. I think we have stopped the noise.

9

10 (Whereupon, the item

11 Heretofore mentioned

12 Was received in evidence

13 As Defendant's Exhibit No. 59

14 For all purposes,

15 After which time, the

16 Proceedings were resumed

17 As follows:)

18

19 BY MR. RICHARD MOSTY:

20 Q. All right. I started it. Let me
21 play -- let me rewind it. And before we start let me --
22 does it appear -- did you make me a full copy of your
23 video?

24 A. Of what I had, yes, sir.

25 Q. Okay. And, let me just play it
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1 through, and then maybe we will talk about it some.

2 A. That will be fine.

3 Q. Okay.

4 A. Okay.

5

6 (Whereupon, the videotape.

7 was played for the jury,

8 after which time, the

9 proceedings were

10 resumed on the record,

11 as follows:)

12

13 BY MR. RICHARD MOSTY:

14 Q. If I understand correctly, the second

15 experiment that you referred to there, the camera broke.

16 A. I turned the camera off, replaced the

17 T-shirt and upon trying to turn it back on, it did not

18 come on.

19 Q. Okay. So, and we could play this

20 again because I am not sure some of the jury heard all of

21 it, but the first part of this is an experiment where you

22 are focussing on throwing the blood onto your back, that

23 is what you are trying to do?

24 A. I'm trying to see if it will go there,

25 yes, sir.

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1 Q. Okay. And the second one is where you

2 are really trying to see what it does out in front of

3 you?

4 A. In front and in back.

5 Q. Okay. All right. Let's play it

6 again. It looks like it's about two minutes long?

7 A. Yes, sir.

8 Q. Okay.

9

10 (Whereupon, the Videotape

11 was played for jury, in

12 open court, Which is

13 Defendant's Exhibit No. 59,

14 after which time the

15 proceedings were resumed

16 on the record, as follows:)

17

18 BY MR. RICHARD C. MOSTY:

19 Q. Let me stop. Where I just stopped,

20 that was the end of the first experiment, am I right?

21 I'm sorry, demonstration.

22 A. Well, I'm not even sure that it was
23 absolutely the end. There were several times that this
24 was done and that was not videoed for all of them.

25 Q. I'm sorry, the end of the video.
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1 A. Yes, sir.

2 Q. On that part.

3 A. Yes, sir, that's correct.

4 Q. And that second part where there was a
5 flash where you were trying to do a strobe?

6 A. I was trying to use a high speed
7 strobe to actually stop some motion, but it was not quite
8 fast enough.

9 Q. But both of those were all sort of the
10 one demonstration?

11 A. Yes, sir.

12 Q. And again, you have, there are a few,
13 maybe -- how many times on the film?

14 A. On this one?

15 Q. Three?

16 A. Facing one direction, there's at least
17 two, and the other direction at least two, one of them
18 maybe three, I'm not sure.

19 Q. Okay. And, but there were -- you did
20 a lot of other things that same day. I mean, those --
21 that were not on the video?

22 A. That is correct.

23 Q. And you did multiple times with this
24 movement?

25 A. Without re-wetting the knife, yes,
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1 sir.

2 Q. And in all of those you were getting
3 the knife, essentially as far back as you could get it,
4 were you not? As far as your arm would reach?

5 A. It was a good swing, I believe that I
6 could have gotten it back further.

7 Q. But in any event, it's beyond -- what
8 would that be, beyond the vertical?

9 A. Yes, sir, it would be.

10 Q. And, when a knife goes like that, the
11 point of stopping of the knife -- for instance, if it's
12 the point that cast, where that -- the direction that
13 that point is moving at the time the drop separates from
14 the knife, that is the direction that the blood drop

15 flies?

16 A. Well, we have to be careful here. If

17 you're talking about while it is still in motion and now

18 it actually stops?

19 Q. I'm talking about when the drop exits

20 the knife?

21 A. Yes, sir.

22 Q. That the direction that -- assuming

23 it's off the point. If the point is moving like that,

24 then, the drop is initially, until gravity -- is going to

25 head that direction?

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1 A. Yes, sir.

2 Q. And if I stop like that, then the

3 motion is up (indicating)?

4 A. Could be, yes, sir.

5 Q. Are you a fisherman?

6 A. Not really.

7 Q. Okay. Then, I guess I can't talk to

8 you about that direction. But it's the same principle,

9 is it not, that the direction that the object is moving,

10 is the direction that it initially starts heading?

11 A. At the point of separation, yes, sir.

12 Q. So, if I come back like this, then

13 that is going to be the movement? (Attorney

14 demonstrating.)

15 A. Some of it would be, yes, sir.

16 Q. And have I sort of -- that is the

17 direction of the point?

18 A. Yes, sir.

19 Q. If I come like this, then it's going

20 to go up?

21 A. Some of it can do that, yes, sir.

22 Q. If I go like this, also some of it may

23 go out in front?

24 A. Certainly.

25 Q. And that is the next experiment we're

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1 going to see?

2 A. Yes, sir.

3 Q. Okay.

4

5 (Whereupon, the Videotape
6 played for the jury,

7 which is Defendant's
8 Exhibit No. 59, after

9 which time, the proceedings
10 were resumed as follows:)

11

12 BY MR. RICHARD C. MOSTY:

13 Q. And again, the -- in your work there,
14 including all, but not limiting myself to the ones that
15 were videoed, in all of those you first, before starting
16 your swings, loaded the knife fully?

17 A. That would be correct.

18 Q. And of course, you know, do you not,
19 that if someone is stabbed, that the skin actually has
20 sort of a cleansing effect?

21 A. That can happen, yes, sir.

22 Q. And that, in fact, even though there
23 might be blood there, the skin just as it comes out
24 cleans that knife off?

25 A. That is something that can occur, yes,
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1 sir.

2 Q. And, in the video, you were trying to
3 throw blood onto the wall and onto your back?

4 A. Yes, sir.

5 Q. Of course, if I change that a little
6 bit and stab like this, (indicating), then you wouldn't
7 have gotten the results that you got, would you?

8 A. They would have been in a different
9 location.

10 Q. They would have been over here
11 somewhere?

12 A. Some of them would, yes, sir.

13 Q. Some of them would be out there?

14 A. They would.

15 Q. But you wouldn't expect any behind?

16 A. Well, I don't think I can state that.

17 Depends on how far you are going.

18 Q. That's right. But come back here.

19 But somehow or another I have to get that direction
20 coming around behind my back?

21 A. Coming back, yes, sir.

22 Q. If I do like this, it's never going to

23 be on the back.

24 A. It is certainly much less probable,

25 what you just did, would ever be there.

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1 Q. And, of course, I guess it's somewhat

2 depends on how you hold that knife. How did you choose
3 to hold it?

4 A. I held it different ways at different

5 times. The ones in the video is actually to the side,

6 kind of like you're holding it there.

7 Q. Like that?

8 A. Yes, sir.

9 Q. And of course, that can have a

10 difference too, on how you hold that knife could have a
11 difference on where the blood is slung?

12 A. Well, you are going to have more of a

13 factor on how it's slung rather than how it's held.

14 Q. Yeah, how it's slung is so important,
15 isn't it?

16 A. It is a factor, yes.

17 Q. Of course, the volume of the blood is

18 very important, too, isn't it?

19 A. That was the reason I was concerned

20 that we got all the dripping off.

21 Q. Well, but even so, the volume of the

22 blood -- I can sit here with my pen and dip it in red

23 food coloring and red food coloring would have

24 essentially the same effect as blood, wouldn't it, in

25 terms of the directionality and --

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1 A. Well, I have used red food coloring

2 and unless you are going to add something like Karo syrup

3 so that you can thicken the viscosity, actually it --

4 Q. But I am just talking about the

5 physical properties of it. If I dip my knife in red food

6 coloring or my pen and I throw it on a wall one time, two

7 times, three times, four times, these spatters of the

8 first are going to be larger than the next one?

9 A. You are saying that you are not adding

10 any additional food coloring?

11 Q. No, I'm not.

12 A. Okay.

13 Q. Do you want to see my experiment?

14 A. I would love to.

15 Q. Okay.

16

17 MR. RICHARD C. MOSTY: Actually, my
18 experiment is with a knife.

19 Do you want to see it first?

20 MR. GREG DAVIS: Well, that's kind of
21 the way we do things, isn't it?

22 THE COURT: I think so.

23 MR. GREG DAVIS: I'll object to it
24 being shown. It's not in evidence. I'll object to it as
25 hearsay.

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1 THE COURT: Sustained. Let's move on.

2

3 BY MR. RICHARD C. MOSTY:

4 Q. Would you agree with me, that if I

5 take a knife and I load it with blood, and the first
6 time -- and I throw it, that there on the first throw,
7 there would be more spatters than the second, than the
8 third, and the fourth?

9 A. Yes, sir.

10 Q. And that is because the volume of
11 liquid on the knife is being reduced?

12 A. It is decreasing, that is correct.

13 Q. And so, that next set of spatters is
14 going to tend to be smaller in decreasingly smaller
15 numbers?

16 A. Smaller numbers.

17 Q. And likely smaller size?

18 A. That is not always true. But, it
19 certainly could correlate that way.

20 Q. And in this instance, of course, if I
21 throw it like this, these here likely are going to be 90
22 degrees?

23 A. When it's coming off of the knife,
24 when it's at a 90-degree angle, yes, sir.

25 Q. And then as they go down, there's
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1 going to start showing some directionality?

2 A. Yes, sir.

3 Q. More so and more so?

4 A. Well, all of them are showing
5 directionality, they simply become more elongated as you
6 go further down.

7 Q. Okay. And in your instances, in your

8 demonstrations, you -- as you come up, you actually threw
9 blood out onto an area in front of you, didn't you?

10 A. That is correct.

11 Q. Three feet or so?

12 A. Yes, sir.

13 Q. And as a matter of fact, very often,

14 there's blood on the ceiling?

15 A. Well, not in my experiments but, yes,

16 in a lot of crime scenes you will see it on the ceilings.

17 Q. And in your experiments you didn't

18 look for blood on the ceiling?

19 A. I certainly did.

20 Q. In the video?

21 A. Not with the video, but with my eyes.

22 Q. Okay. And how -- you looked for blood

23 on the ceiling of those experiments that we saw here?

24 A. I certainly did, sir.

25 Q. Was there any?

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1 A. No.

2 Q. It's not true that there is always

3 blood on the ceiling with that kind of motion?

4 A. Certainly not.

5 Q. Let me ask you this: Does it make a

6 difference or might it make some difference in the size

7 depending on the volume of blood, but are these general

8 propositions true, no matter what the casting object is,

9 that there will be a casting probably there, there, there

10 and depending on how far back you go, and that principle

11 stays uniform?

12 A. Yes, sir.

13 Q. So, if I cast with a hammer, or a

14 club, or a knife, or a pen, or a finger, those similar

15 principles would be true?

16 A. Similar, there would be some

17 differences specifically in volume.

18 Q. Right. But as far as the spatter you

19 would expect in terms of some 90 degree and in the

20 directionality, that principle would not change?

21 A. That is correct, sir.

22 Q. You said that these stains on the

23 T-shirt on the right shoulder were consistent with the

24 right-hand stab that Mr. Davis did?

25 A. Yes, I said it could be consistent

1 with that, yes, sir.

2 Q. That is one of the possibilities?

3 A. That is correct.

4 Q. And you said that that same

5 right-handed motion is consistent with the left shoulder?

6 A. With one of them that is over there,

7 you have to angle -- the lower stain, you have to angle

8 the shoulder slightly in order to get it there. So it

9 can't be the same position as the --

10 Q. All right. So if I'm -- on the one,

11 for the right shoulder, I have got one movement?

12 A. Yes, sir.

13 Q. But to get it on the other shoulder,

14 does this shoulder have to turn like this?

15 A. I don't believe it is that --

16 Q. That dramatic?

17 A. No, sir, that's correct.

18 Q. But it's some -- instead of being

19 square, for it to get over here, there has to be some

20 kind of movement like this?

21 A. For one of the stains, which is the

22 lower one.

23 Q. The lower one?

24 A. Yes, sir.

25 Q. And what about the upper one?

1 A. The upper one, you don't have to have

2 that canted movement.

3 Q. Could be like this?

4 A. Yes, I would say that, yes, it could.

5 Q. Even though that knife blade is going

6 up like this?

7 A. Well, now, you just changed it. If

8 you are going off to the side --

9 Q. Well, I'm talking -- I want you to

10 watch the end of the knife blade.

11 A. Yes, sir.

12 Q. I'm not so much interested in my hand.

13 Am I far enough back, compared to your experiments?

14 A. Well, I don't think so, but, certainly

15 that --

16 Q. Like that?

17 A. That is certainly within it.

18 Q. Okay. And, the lower stain is which
19 direction?
20 A. I believe that it is slightly up,
21 going toward the left.
22 Q. Slightly up going to -- did you ever
23 make any notes of that?
24 A. Not that I recall.
25 Q. The left shoulder. Did you make any
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1 measurements of it?
2 A. Of those things, I did not measure
3 them.
4 Q. Okay. So the lower one is slightly
5 left, meaning that way?
6 A. No, sir.
7 Q. Left meaning --
8 A. Well, toward the center of the body,
9 slightly that direction, yes, sir.
10 Q. Towards the center of the body, but
11 going up?
12 A. In an upward trajectory, as best I
13 remember, yes, sir.
14 Q. And that one is consistent with what?
15 A. I couldn't rule it out from either a
16 cast-off or a spatter.
17 Q. It's going in this direction; am I
18 about right?
19 A. A little bit more upward. And again,
20 I think it would be best to look at the photograph, but
21 that is going to be close.
22 Q. And this motion, you say can cause
23 that upward stain?
24 A. With the way that you swung the knife,
25 I would say likely not.
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1 Q. Isn't that -- is that the way Mr.
2 Davis demonstrated it?
3 A. Well, I'm not sure exactly, but if it
4 is --
5 Q. That motion wouldn't create this
6 stain, would it?
7 A. The exact motion that you just did
8 would not. As you start coming closer to mid-point, it
9 is certainly getting to be more possible.
10 Q. Okay. Let's say I do almost a back
11 hand?

12 A. Yes, sir.

13 Q. Would that cause it?

14 A. It certainly could.

15 Q. Well, it seems to me like that still

16 would be this way?

17 A. Well, again, we have to take into fact

18 the parabolic arc that is occurring.

19 Q. Parabolic arc doesn't change

20 direction?

21 A. It doesn't?

22 Q. Doesn't change the direction that

23 thing is moving.

24 A. Well, it certainly does.

25 Q. Once an object is in motion, it's

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1 going to go straight, except it's going to drop; isn't

2 that right?

3 A. Well, yes, sir, all of that is a

4 change in direction.

5 Q. Okay. But this, this directionality

6 is not going to change?

7 A. Once it impacts, that is correct.

8 Q. Well, once it's airborne, unless

9 something interferes with it, like wind?

10 A. Well, again, once you start talking

11 about the parabolic arc, it's a continual change in

12 direction.

13 Q. Well, but that is in a downward

14 direction, isn't it?

15 A. Yes, sir.

16 Q. Okay. It's not going to change the

17 direction from this to this?

18 A. Oh, I understand your point, yes, sir,

19 I agree with that.

20 Q. And now, the other stain on the left

21 shoulder?

22 A. Yes, sir.

23 Q. Is consistent with -- how did you

24 describe it?

25 A. With either blood spatter from an

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1 impact to a blood source or cast-off.

2 Q. You were not able to tell?

3 A. No, sir.

4 Q. And, those stains that you have just
5 described in each instance are a mixed blood?

6 A. Yes, sir.

7 Q. That would mean that in order for this
8 occurrence to happen, that all three of these people have
9 to be bleeding; Devon, Damon and Mrs. Routier?

10 A. Well, two of them for one stain and
11 two of them for the other, certainly.

12 Q. Right. So that in those -- the
13 possibilities that you have described, if that happens,
14 that before it happened, Mrs. Routier would have to have
15 her own blood on this knife?

16 A. If it is a single occurrence.

17 Q. Right. Well, for each single
18 occurrence. Let's just talk about each single
19 occurrence.

20 Before the top one, she would have to
21 have her blood and Damon's, before this spatter occurred?

22 A. I'm sorry, sir, I cannot see what you
23 are pointing to.

24 Q. Okay. Red is Damon's blood.

25 A. Yes, sir.

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1 Q. For that to spatter, to have both
2 blood, she would -- Damon would have to be stabbed?

3 A. There has to be his blood bleeding,
4 yes, sir.

5 Q. And Mrs. Routier would have to be
6 stabbed?

7 A. Both of them would have to be
8 bleeding.

9 Q. And for Mrs. Routier to have a
10 significant amount of blood on that knife, she would have
11 had to have cut her throat?

12 A. Well, I can't agree with that
13 wholeheartedly.

14 Q. Do you think that self-inflicted
15 wounds to an arm, punctures, that those would create
16 sufficient blood to where that combination would happen?

17 A. I can't rule that out, no.

18 Q. You can't rule it in, can't rule it
19 out?

20 A. Correct.

21 Q. But in any event, there had to be
22 sufficient blood to get that mix?

23 A. Yes, sir.
24 Q. And that is true of the other one,
25 which is Devon's blood?
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1 A. Yes, sir.
2 Q. That by the time these two stains were
3 there, all three of these people had to be bleeding?
4 A. Yes, sir.
5 Q. And that is true on the right shoulder
6 as well?
7 A. Yes, sir.
8 Q. Okay. Now, let's talk about the right
9 shoulder. Those are upward cast-offs?
10 A. The ones that are on the right front?
11 Q. Right front shoulder.
12 A. Yes, sir.
13 Q. And the direction of those is what?
14 A. Upward.
15 Q. Straight upward?
16 A. I don't know that I can say they are
17 perfectly straight upward, but they are in an upward
18 trajectory.
19
20 MR. RICHARD C. MOSTY: Do you want to
21 look at this?
22 MR. GREG DAVIS: We object to that as
23 hearsay.
24 MR. RICHARD C. MOSTY: Let me go
25 through my offer.
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1 THE COURT: Okay.
2
3 (Whereupon, the following
4 mentioned item was
5 marked for
6 identification only

7 after which time the
8 proceedings were
9 resumed on the record
10 in open court, as
11 follows:)
12
13 BY MR. RICHARD C. MOSTY:
14 Q. Let me show you Exhibit 60, Mr. Bevel,
15 and ask you if you can identify that?

16 A. Yes, sir.

17 Q. Okay. That is an enlargement of your
18 notes?

19 A. It is.

20 Q. And it has the description of what you

21 observed on the right shoulder in the back of the shirt?

22 A. Yes, sir.

23

24 MR. RICHARD C. MOSTY: We would offer

25 60, your Honor.

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1 THE COURT: Any objection?

2 MR. GREG DAVIS: No, I'm not going to

3 object. That's fine.

4 MR. COURT: All right. That is

5 Defendant's Exhibit No. what?

6 MR. RICHARD C. MOSTY: Sixty.

7 THE COURT: Defendant's Exhibit 60 is

8 admitted.

9

10 (Whereupon, the above

11 mentioned item was

12 received in evidence

13 as Defendant's Exhibit

14 No. 60, for all purposes,

15 After which time, the

16 proceedings were

17 resumed,

18 as follows:)

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Exhibit 60, Mr. Bevel, is what?

22 A. That is some notes that I took in

23 reference to some of the bloodstains that I requested to

24 have analysis on.

25 Q. Okay. And these are describing the

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1 right shoulder stain and the left shoulder stain and the

2 back --

3 A. Yes, sir.

4 Q. -- stains? And, in that the stains

5 that we are talking about as the yellow and green one is

6 your number, what?

7 A. Well, let me look there.
8 Q. Okay.
9 A. Let me double-check the number right
10 quick.
11 Q. Do you want to look at this note?
12 A. All right. I'm sorry, the mix on the
13 stains you are referring to, is what?
14 Q. Right shoulder?
15 A. No, I mean the participants, the
16 people that are bleeding.
17 Q. Damon. Now, let's go to the top one.
18 A. Okay.

19 Q. Damon?
20 A. Okay. And mom?
21 Q. Right.
22 A. That is TB-2.
23 Q. That is TB-2. And you showed TB-2 to
24 be in your chart, in what direction?
25 A. Upward and slightly, just very
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1 slightly toward the mid-center.
2 Q. Okay. And 3 is that shown on Exhibit
3 120, your Number 3?
4 A. Yes, sir. That would be, I believe,
5 T-10 which is a mix of Devon and mom.
6 Q. Okay. T-10, that is in your second
7 round of samples?
8 A. No, sir.
9 Q. Okay. Well, did you draw another
10 sketch? This one only goes as high as --
11 A. I'm sorry T-10 is the number they have
12 assigned. It is TB-3. I'm sorry, because we used so
13 many numbers it gets confusing.
14 Q. All right. I agree. TB-3 is yours
15 here?
16 A. That is correct, sir.
17 Q. A little bit higher on the shoulder?
18 A. That is correct.
19 Q. And that is upward in a --
20 A. Slightly toward midline.
21 Q. Okay. So, the higher one is sort of
22 in this, is that fair?
23 A. Similar, yes.
24 Q. Okay. And, it's upward?
25 A. Yes, sir.
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1 Q. And your statement is that this motion
2 can cause that?
3 A. Yes, sir.
4 Q. And this motion that I am doing is
5 actually -- is more pointing out that way, isn't it?
6 A. The more you go to a side swing, the
7 less probable it is.
8 Q. Um-hum. (Attorney nodding head
9 affirmatively).
10 And to get -- if you come like this,
11 you can, you are pretty much in line with it?
12 A. Certainly.
13 Q. And the more I go straight vertically,
14 I am off-line with it?
15 A. Well, you are certainly off-line, but
16 you are more off-line whenever you start doing the strike
17 off.
18 Q. The farther I go out this way, the
19 farther off-line I get with that?
20 A. That is correct.
21 Q. And in your experiments, is this
22 pretty much how you did it?
23 A. I would say that is similar.
24 Q. Okay. And it's sort of on the outside
25 of my shoulder here?
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1 A. Yes, sir.
2 Q. Now, let's turn to the back of the
3 shirt now, which is this on the right side here.

4 On the back of the shirt, you
5 identified four areas, am I right?

6 A. That is correct.
7 Q. Okay. And, they, are more or less,
8 right, back shoulder?
9 A. Yes, sir.
10 Q. Fair enough. Right, back shoulder,
11 sort of more toward the middle?
12 A. Yes, sir.
13 Q. A little bit lower?
14 A. Yes, sir.
15 Q. This one over here is on the left
16 shoulder?
17 A. That's correct.
18 Q. And that one is going in that
19 direction?
20 A. That is correct.

21 Q. And then you have six that are going
22 down that way?

23 A. That's correct.

24 Q. So you have one going that direction?

25 A. Yes, sir.

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1 Q. One going that direction?

2 A. Yes, sir.

3 Q. One going that direction?

4 A. Yes, sir.

5 Q. And one going that direction?

6 A. Yes, sir.

7 Q. So they are all different directions
8 to those?

9 A. Slight difference.

10 Q. As you drew them up, they are?

11 A. That is correct.

12 Q. Of course, some of them are fairly
13 significant, like 7 is a pretty significantly different
14 direction, isn't it?

15 A. It is a different direction. I don't
16 know, it's not drastically different. It is significant,
17 yes.

18 Q. That was my question. Now, when we
19 were in Oklahoma, you thought that those stains had mixed
20 blood on them, didn't you?

21 A. That is correct. Some of the lower
22 stains, at that point, I thought was a mixture of Darlie
23 and one of boys.

24 Q. Okay. And now, these stains are all
25 at different angles, aren't they?

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1 A. They are at slightly different angles,
2 yes, sir.

3 Q. Well, from 65 degrees to 18 degrees,
4 is that a slight difference?

5 A. You are talking about the impact, not
6 the direction.

7 Q. What -- how do you measure direction?

8 A. You identify the long axis of the
9 stain and follow it.

10 Q. And then from that you determine the
11 angle of impact?

12 A. Not just from that, no, sir.

13 Q. Well, you do that, you take that and

14 then you go to your co-sign tables and you make that
15 determination?

16 A. You first have to measure the short
17 axis as well as the long axis.

18 Q. Okay. And how does that --

19 A. Then you can go to a table and
20 identify the impact angle.

21 Q. Okay. And I have taken the liberty of
22 doing that.

23 Number 8, is a 65 degree angle, isn't
24 it?

25 A. By the measurements, and we have to be
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1 very careful here because we have to talk about the
2 surface that it's on as well as the impact angle that
3 it's calculated to.

4 Q. And that core surface can cause you
5 some -- to skew your liability of your angle?

6 A. It certainly can.

7 Q. Okay. But in this instance, you wrote
8 65 degrees for No. 8, didn't you?

9 A. Yes, sir, I did.

10 Q. Okay. No. 7, have you calculated
11 that?

12 A. I did not calculate any other than the
13 No. 8.

14 Q. Would No. 7 appear to you to be at
15 about 10 degrees?

16 A. Well --

17 Q. Number 7 is 3 by 17 millimeters?

18 A. That is correct, sir.

19 Q. Okay. Tell me if that calculates to
20 be 10 degrees?

21 A. Yes, sir.

22 Q. Okay. And, you want to do 5 -- does
23 it calculate to be 30 degrees?

24 A. Yes, sir.

25 Q. And does 6 calculate to be 19 degrees?

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1 A. I'm sorry. Calculate to be what?

2 Q. 19 degrees.

3 A. 19 degrees, yes, sir.

4 Q. So, on 8, we're -- all right. First,
5 just bear with me, I am holding this up straight.

6 A. Would you like for me to hold that?

7 Q. 90 degrees is like this. Hold it

8 right there. If you need to step down, feel free to do
9 so. But on 8, 90 degrees means that, does it not?
10 A. Yes, sir.
11 Q. Okay. And 65 degrees?
12 A. That is going to be approximating it.
13 Q. Well, let's get a little closer.
14 A. Okay.
15 Q. I will let you verify with my
16 instruments I've got a square, and see if I have marked
17 correctly on there each line representing 10 degrees
18 difference.
19 A. They are going to be close enough --
20 Q. For us to discuss?
21 A. Yes, sir.
22 Q. So you will feel comfortable?
23 A. Yes, sir.
24 Q. All right. So, if 8 is at 90
25 degrees -- can you see my lines?
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1 A. Yes, sir.
2 Q. That would be 80, that would be 70 and
3 that would be 65?
4 A. Yes, sir.
5 Q. Is that a fair representation of that
6 angle?
7 A. Yes, sir.
8 Q. Okay. Five -- 5 which is how far from
9 8? Do you recall about?
10 A. In actual distance, no.
11 Q. Okay. Maybe I can do it like this: 5
12 is at a 30 degree angle, which is that?
13 A. Yes, sir.
14 Q. Okay. And would you say that is
15 significantly different than the 65 degree angle?
16 A. As far as an impact angle, it
17 certainly is.
18 Q. Okay. Seven is 10 degrees?
19 A. Yes, sir.
20 Q. Okay. This one is going to be a
21 little hard for me, because it's going this direction.
22 A. Rotate that, it's still going to be
23 the same.
24 Q. All right. There you go. I can't see
25 my line. Is that about that angle, is that about 10?

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1 A. It's going to be close.
2 Q. Okay. So that one is coming from this
3 angle that way?
4 A. And impacting, yes, sir, that's
5 correct.
6 Q. And 6 --
7
8 MR. DOUGLAS MULDER: Richard, you
9 can't see it over here.
10
11 BY MR. RICHARD C. MOSTY:
12 Q. Okay. Let's do that one again. Am I
13 right about that?
14 A. What you are going to have to do is
15 move this in this direction. You need to tilt it.
16
17 THE COURT: I don't think the jurors
18 can see that on the end down there.
19 MR. RICHARD C. MOSTY: I'm trying to
20 get it --
21 THE WITNESS: You can stand to the
22 side and we can do the same thing.
23
24 (Whereupon, the witness
25 stepped down from the
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1 witness box, and approached
2 the jury rail, for the
3 purpose of further describing
4 the exhibit to the jury.)
5
6 MR. RICHARD C. MOSTY:
7 Q. All right. Am I about there?
8 A. Yes, sir.
9 Q. Okay. And that is a sharp angle?
10 A. It is quite a sharp angle.
11 Q. Significantly different than a 65
12 degree angle?
13 A. It is significantly different, yes.
14 Q. Okay. And let's do 6 down there. Is
15 that No. 6 at about 19 degrees? Is that --

16 A. That is going to be fairly close, yes,
17 sir.
18 Q. Is that about right?

19 A. Yes, sir.
20 Q. That is again, at a sharp angle
21 downward?
22 A. That is correct.
23 Q. Now, Mr. Bevel, you would agree with
24 me that this does not show a blood pattern, does it?
25 A. To describe a blood pattern, typically
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1 you have to have multiple stains that you can connect
2 with an occurrence, and those, you cannot do that, no,
3 sir.

4 Q. Okay. And that is the old adage of "a
5 few spatters -- a few spatters does not a pattern make"?

6 A. Well, I believe it says, "One pattern,
7 or one bloodstain does not a pattern make."

8 Q. I think McDonald says a few.

9 A. Well, he may. We will look at it.

10 Q. All right. Let's do that right now.

11 A. Okay.

12

13 (Whereupon, the witness

14 Resumed the witness

15 Stand, and the

16 Proceedings were resumed

17 On the record, as

18 Follows:)

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Let's me show you McDonald's book,

22 page 171, what he calls his general rule. The 20

23 Fundamental Rules of Blood Spatter Analysis, I believe.

24 And, number 9, does he make that statement, "It should be

25 remembered that a few spatters does not a pattern make"?

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1 A. He does say a few, yes, sir.

2 Q. Okay. All of those patterns on the

3 back have at least somewhat different directions,

4 sometimes a lot more than others and significantly

5 different angles of impact.

6 A. Yes, sir, as calculated.

7 Q. And your stains that you identified as

8 cast-offs on the shoulders are generally in an upward

9 direction?

10 A. Yes, sir.

11 Q. And as a general rule, did you say

12 that you did not agree that the greatest velocity is
13 usually on the striking force?

14 A. I did state that, yes, sir.

15 Q. Okay. And you and McDonald don't
16 agree on that, do you?

17 A. It depends on which volume you have,
18 because he said it both ways.

19 Q. All right. My volume says that the
20 greatest impact is -- that the greatest velocity is
21 downward?

22 A. Well, he has also stated just the
23 reverse in the first text in the LEAA, in 1971.

24 Q. But in his third text and it was --
25 this is the godfather of blood spatter. His third was
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1 in -- it was copyrighted in, when, '93?

2 A. I'm not sure of the year on this one.

3 Q. Okay.

4

5 THE COURT: All right. At this time
6 we will take another 10 minute break, please.

7

8 (Whereupon, a short

9 Recess was taken,

10 After which time,

11 The proceedings were

12 Resumed on the record,

13 In the presence and

14 Hearing of the defendant

15 And the jury, as follows:)

16

17 THE COURT: Are both sides ready to
18 bring the jury in and continue with this witness?

19 MR. TOBY SHOOK: Yes, your Honor, we
20 are ready.

21 MR. RICHARD MOSTY: Yes, your Honor, I
22 believe we are ready now.

23 THE COURT: All right. Let's bring
24 the jury back.

25

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1 (Whereupon, the jury
2 Was returned to the
3 Courtroom, and the
4 Proceedings were

5 Resumed on the record,
6 In open court, in the
7 Presence and hearing

8 Of the defendant,
9 As follows:)

10
11 THE COURT: Let the record reflect
12 that all parties in the trial are present and the jury is
13 seated. Go ahead, Mr. Mosty.

14
15
16 CROSS EXAMINATION (Resumed)

17
18 BY MR. RICHARD C. MOSTY:
19 Q. Mr. Bevel, with respect to TB-8, a/k/a
20 T-15, those are the same things, aren't they?

21 A. Yes, sir.
22 Q. Now, it's now my understanding that
23 you expressed no opinion whatsoever about the
24 directionality of that spot of Devon's blood on the back
25 of Mrs. Routier's shirt?

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1 A. Well, that is entirely true. It's
2 either going up or down, certainly not going sideways.

3 Q. I'm getting in trouble for stealing
4 pens. It's going --
5

6 MR. DOUGLAS MULDER: Do you want me to
7 hold that?

8
9 BY MR. RICHARD C. MOSTY:
10 Q. -- slightly toward the middle of the
11 back?

12 A. Yes, sir.
13 Q. Okay. And it could be going down or
14 it could be going up?

15 A. That is correct.
16 Q. And of course, if it's going up, it's

17 inconsistent with all of the stabbing motions that you
18 have been describing?

19 A. It would.

20 Q. With each and every one of them?

21 A. That is correct.

22 Q. Okay. Now, that stain TB-15 (sic), on

23 Mrs. Routier's back, would that be consistent with a

24 paramedic going over and helping Devon Routier and

25 getting blood on him, and then coming, and, to the back

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1 of Mrs. Routier, and as he is reaching up, perhaps, cast
2 off some blood?

3 A. Okay. I may have misunderstood you.

4 Did you say TB-15?

5 Q. T-15, also known as TB-8.

6 A. TB-8. We are still talking about --

7 Q. I'm talking about 15, Devon's blood on

8 Mrs. Routier's back.

9 A. Okay. Identified as my TB-8?

10 Q. Right. T-15 on State's Exhibit 121.

11 A. Yes, sir.

12 Q. Would that be consistent with a

13 paramedic running to her and not paying much attention to

14 how his arms are going, but coming up to her to check

15 her?

16 A. As long as, again, you have got the

17 arm in a consistent manner with the long axis. I could
18 not say that that is impossible.

19 Q. No. It would be consistent, wouldn't

20 it?

21 A. It could be consistent with that as

22 described.

23 Q. And it could be consistent with a

24 paramedic tending to Devon Routier, getting his hands

25 bloodied, and popping off as he is coming to her, his

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1 playtex -- his latex gloves?

2 A. I guess that's possible.

3 Q. That would cast blood off, couldn't

4 it?

5 A. It could.

6 Q. Those are all possibilities, aren't

7 they? That is consistent?

8 A. I cannot eliminate those as

9 possibilities.

10 Q. And you cannot eliminate that as
11 expired blood?

12 A. Well, in my opinion it is not
13 expired blood.

14 Q. Okay. But you can't eliminate it?

15 You can't rule it out?

16 A. With 100 percent scientific certainty,
17 no, I could not.

18 Q. Of course, all of the blood spatter is
19 really something done within parameters, isn't it?

20 A. The majority of it, yes, sir.

21 Q. In your experiments in this video, you
22 proved that Tom Bevel could throw blood onto his back,
23 didn't you?

24 A. Yes, sir.

25 Q. A man of your knowledge of blood
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1 spatter was capable of doing that?

2 A. Certainly.

3 Q. The video does not prove that a woman
4 could do that, does it?

5 A. That video doesn't, no, sir.

6 Q. Okay. And in fact, good likelihood
7 that a woman's movement, of her arm, of a swinging motion
8 or whatever we want to call it, a woman's movement might
9 be significantly different than yours?

10 A. Any person's movement may be
11 significantly different than mine. In studies of
12 cast-off found on the back through the courses that we
13 teach --

14

15 MR. RICHARD C. MOSTY: Excuse me, your
16 Honor, I'm going to object to him testifying --

17 MR. GREG DAVIS: I'm going to object
18 to him interrupting --.

19 THE COURT: Just let him answer the
20 question. Answer the question.

21 THE WITNESS: In the experimentation
22 of schools that are taught, we find that there is just
23 about an equal difference between people that are casting
24 blood onto their back, from old to young, from male to
25 female, any of them are perfectly capable of doing that.

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1

2 BY MR. RICHARD C. MOSTY:

3 Q. Just about equal? What does that
4 mean?
5 A. I would say within a range of about 40
6 to maybe 60 percent, it's going to fall within there.
7 Q. And where are these experiments done,
8 at your shop?
9 A. Well, all over the United States.
10 Q. Can you quote me one of those?
11 A. Can I quote you?
12 Q. Yeah, where I could go read that.
13 A. You bet.
14 Q. Who -- where do I get --
15 A. Mr. McDonald has a database
16 specifically on that.
17 Q. Now, you are paid for your testimony,
18 are you not?
19 A. I am paid for my time.
20 Q. And, what is that rate?
21 A. It is, whichever is the lesser of 125
22 per hour or 15 hundred per day.
23 Q. And how much have you billed -- or
24 where are we right now as to how much the State owes you?
25 A. I have not added it up nor have I
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1 billed them nor you.
2 Q. Where are we on -- how much time have
3 you spent on this?
4 A. I have not calculated it up.
5 Q. You can't give me an estimate?
6 A. I can calculate it up if that is what
7 you would like.
8 Q. Mr. Bevel, isn't it true that you

9 recommend to people to write reports, to bloodstain
10 analysts to write reports, isn't that true?
11 A. I do recommend that you write reports,
12 and I also recommend that you work with whoever it is
13 that has employed you, as far as that recommendation.
14 And that applies both to defense and prosecution.
15 Q. And, you agree that the analyst should
16 investigate and prepare reports in each case with an eye
17 on the witness stand, don't you?
18 A. Certainly.
19 Q. You teach that? You preach it?
20 A. Well, I don't know that I teach or
21 preach it. I would not doubt but what I have stated it
22 in lectures, yes, sir.
23 Q. Okay. And you would agree that your

24 own report can sometimes come back to destroy you?

25 A. It can go either way.

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1 Q. Okay. And, that is why you talk about

2 how important reports are, isn't it?

3 A. I don't go around lecturing that

4 reports can destroy you or make you. A report is

5 certainly important.

6 Q. You don't make that statement, that a

7 report may destroy you?

8 A. I can't state that I have never said

9 that. I don't recall saying it specifically.

10 Q. Okay. Of course, if you have not

11 written a report, then you can remain flexible on the

12 witness stand, can't you?

13 A. Only as far as the notes that have

14 been provided to you and that I have written.

15 Q. Okay. Well, that is the only thing

16 that could pin you down to some opinion, isn't it?

17 A. Well, I believe that the photographs

18 that have been taken at the various locations, the video,

19 so it's not just simply a report, no, sir.

20 Q. Well, but the only thing that could

21 really pin down what your conclusions were before today

22 and before you testified would be if you had prepared a

23 report in advance that I could compare today to what you

24 testified to?

25 That would be the only way to really

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1 pin you down, wouldn't it?

2 A. Well, I'm not sure that I can totally

3 agree with that. It would be a way of doing it, yes,

4 sir.

5 Q. Okay. And you go so far as to tell

6 police officers how to answer questions from defense

7 attorneys, don't you?

8 A. I do do that, yes, sir.

9 Q. You go through things like, make sure

10 that you look at the jury during a long answer, and

11 during a short answer, just look at the lawyer who is

12 asking you questions?

13 A. That is consistent with what is taught

14 in basic police training.

15 Q. Of course, you do that stuff, don't

16 you?

17 A. I try to, but I'm not as good at
18 looking over at the jury as I should be.
19 Q. All right. And matter of fact, you
20 have said that every action in the courtroom must be used
21 to your advantage?
22 A. I'm sorry. When did I say that?
23 Q. You do not recall making that
24 statement or writing that statement?
25 A. That -- say that again.
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1 Q. Every action in the courtroom should
2 be used to your advantage?
3
4 MR. GREG DAVIS: I'm going to object
5 unless we can go to a specific time and place where that
6 statement supposedly was made --
7 THE COURT: Sustain the objection.
8 Let's move on, please.
9
10 BY MR. RICHARD C. MOSTY:
11 Q. You don't recall making such a
12 statement?
13 MR. GREG DAVIS: Same objection,
14 unless he can cite a specific statement.
15 THE COURT: Same ruling. Let's move
16 on. Ask your next question.
17
18 BY MR. RICHARD C. MOSTY:
19 Q. Let me just sort of wrap up one thing

20 on this shirt. The fact of the matter is that a shirt is
21 significantly different than, for instance, this board?
22 A. Significantly.
23 Q. You know, and a lot of stuff is just
24 common sense, isn't it?
25 A. I say life is common sense.
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1 Q. But a lot of what you have said today
2 is just common sense, isn't it?
3 A. There is a good portion of it, yes,
4 sir.
5 Q. It's just got to stand the good test
6 of common sense?
7 A. A good portion of it, yes, sir.
8 Q. And the reason that that T-shirt is so
9 different than this board is that that T-shirt can be

10 moved?

11 A. So can the board.

12 Q. Um-hum. (Attorney nodding head

13 affirmatively). But if I'm not touching it?

14 A. Well, if you're not touching the

15 T-shirt, then the T-shirt isn't moving.

16 Q. Of course, you suspect that T-shirt

17 was on Mrs. Routier, don't you?

18 A. Yes, sir.

19 Q. Okay. And that is a moving object,

20 isn't it? What is called a moving target?

21 A. If she is in motion and the shirt is

22 on her, then it is certainly moving.

23 Q. Okay. And those kinds of objects,

24 those kinds of targets and the conclusions you draw from

25 them should be viewed with great suspicion, shouldn't

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1 they?

2 A. No, sir.

3 Q. They should be viewed with suspicion,

4 shouldn't they?

5 A. No, sir.

6 Q. No? Mr. Bevel, let me hand you a

7 document. Ask you if you can identify that?

8 A. Yes, sir.

9 Q. Okay. May I have it back?

10 A. Yes, sir.

11 Q. In this document that you have

12 identified, these are your statements, aren't they?

13 A. Mine and Ross Gardner's.

14 Q. Okay. Let me ask you if you and Mr.

15 Gardner made this statement, "The analyst should" -- can

16 you see?

17 A. No, I can't.

18 Q. All right. "The analyst should

19 investigate and prepare reports for each case with an eye

20 on the witness stand. Your own report could later

21 destroy you." Did you make that statement?

22 A. That is written there, yes, sir.

23 Q. Okay. Who's statement is that? Who

24 is Gardner? I mean, you rely on Mr. Gardner? He is a

25 reputable fellow?

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1 A. I do.

2 Q. Whose statement is that, yours or

3 Gardner's?

4 A. That book was written somewhere around
5 probably, now 10 years ago, and I'm not sure actually
6 whose it is. But as far as thinking about what the
7 defense attorney can do to you in reference to a report,
8 I don't disagree with that.

9 Q. Okay. Do you remember making the
10 statement, "Every action in the courtroom must be used to
11 your advantage"?

12 A. That is in reference to, for example,
13 how you walk up and hold your hand, how you swear,
14 because every eye is on you, certainly I'm not going to
15 do something like pick my nose, to take to my
16 disadvantage.

17 Q. So you have identified that, because
18 you are a professional at testifying?

19 A. You certainly want to be represented
20 as professional, yes, sir.

21 Q. Now, let's go to what got us started
22 on this. My question was, and you did not agree with it,
23 that stains found on objects capable of moving must be
24 viewed with suspicion.

25 That was the statement that you didn't
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1 agree with, wasn't it?

2 A. That was not my understanding.

3 Q. What was it?

4 A. We were talking about just simply the
5 T-shirt in motion, and as to whether or not my opinion as
6 to what that was consistent with, had to be treated with
7 great suspicion.

8 Q. Then I took the word out, "great," and
9 I said just suspicion, didn't I?

10 A. I don't recall, you could have.

11 Q. Conclusions drawn about objects
12 capable of moving, such as the T-shirt, should be viewed
13 with suspicion, shouldn't they?

14 A. Your opinion formed should be quite
15 careful, yes, sir.

16 Q. Okay. See if this is the statement
17 you made. "Stains found on any object which is capable
18 of motion during the assault must be viewed with
19 suspicion. This is particularly true of stains found on
20 the body of a victim. Stains on stationary objects
21 should be considered the most reliable."

22 A. And they should be considered the most
23 reliable, yes, sir.
24 Q. And stains on objects capable of
25 moving should be viewed with suspicion?
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1 A. And there should be a parameter set
2 whenever you are doing an impact angle, such as we did
3 previously.

4 Q. If you wrote this again, you would add
5 that parameter language?

6 A. When we are talking about these
7 impacts on this stain, through the demonstration that you
8 and I did, it certainly would be there.
9

10 MR. RICHARD C. MOSTY: Pass the
11 witness.

12

13

14 REDIRECT EXAMINATION

15

16 BY MR. GREG DAVIS:

17 Q. Mr. Bevel, if Mrs. Routier is wearing
18 this particular T-shirt, State's Exhibit 25, as she is
19 stabbing her two sons to death, would you consider her to
20 be a victim?

21 A. No, sir.

22 Q. Well, let's go to Mr. McDonald here,
23 the godfather, for a moment. If we looked in his book,
24 would we find citations and references to you, Mr. Bevel?

25 A. Yes, sir, you would.

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1 Q. Okay. Of what sort?

2 A. One thanking me for some of the
3 photography that was included within the book, and
4 another one, for just simply recognition.

5 Q. Let's talk about the utility room
6 floor once again. The --

7

8 MR. DOUGLAS MULDER: Judge, we are
9 going to object to anything -- if he is going over this
10 again, we have already plowed this field.

11 THE COURT: This is redirect. Go
12 ahead, please.

13 MR. GREG DAVIS: Thank you, Judge.

14

15 BY MR. GREG DAVIS:

16 Q. With regards to the additional
17 photographs that Mr. Mosty showed you, that have been
18 admitted into evidence, do you recall those, sir?

19 A. Yes, sir.

20 Q. Okay. Showing additional testing done
21 on the floor?

22 A. Yes, sir.

23 Q. Okay. Those additional photographs,
24 if we were to look at those, in comparison to the
25 photographs shown in State's Exhibit 38-A through 38-D,
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1 would those additional photographs of your additional
2 tests be consistent, or inconsistent, with the type of
3 bloodstains that we see here on 38-A through 38-D?

4 A. I am a little bit confused. Are we
5 talking about the experiments that I did?

6 Q. Yes, sir.

7 A. That have been introduced?

8 Q. Yes, sir. The additional ones that

9 you did. Would they be consistent with these stains or
10 would they be inconsistent? Do you recall them?

11 A. They would be inconsistent still.

12 Q. And would they be consistent in the
13 nature of the stains that we had already seen in the

14 photographs shown here on test 1 and test 2 on 125-A, B,
15 126-A, and 126-B?

16 A. That is correct.

17 Q. They would be consistent with those?

18 A. Yes, sir.

19 Q. Did I understand you to say that when
20 you went out there and looked at that linoleum floor out
21 there on November 26th, that you were looking for tip
22 impact on this floor?

23 A. I got down on my hands and knees and
24 looked for a tip impact on that floor.

25 Q. Why were you looking for a tip impact
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1 on the utility room floor?

2 A. Again, it would be consistent with the
3 pointed end of the knife impacting that area.

4 Q. So, that if an individual took State's

5 Exhibit No. 67 in his hand, and he dropped it on the way
6 out, you would expect the tip to hit that floor just like
7 it hit this carpet just a moment ago when I dropped it?

8 A. Yes, sir.

9 Q. When you looked at this utility room
10 floor, did you see any tip impacts, sir?

11 A. I did not see any, no, sir.

12 Q. The lack of tip impacts, would that be
13 consistent or inconsistent with this knife, 67, being
14 dropped on that floor on June 6th?

15 A. It would not be consistent, simply
16 because there is no evidence that would correlate to it.

17 Q. Let's talk about the sock for a
18 moment.

19 A. Yes, sir.

20 Q. Mr. Mosty asked you about throw-down
21 evidence to be found. Let me ask you about the sock.
22 Would that be more consistent with the assailant wanting
23 to disassociate that sock from that crime scene?

24 A. For the reason of the distance, yes,
25 it would.

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1 Q. That especially be true in your
2 opinion if that sock came from the crime scene
3 originally?

4 A. Yes, sir.

5 Q. Now, if we can, let's turn to the
6 outline of the knife on the carpet. Do you recall the
7 photographs we're talking about there?

8 A. Yes, sir.

9 Q. And rather than have me go through
10 this on demonstration, could you please step down and
11 take State's Exhibit No. 67, here on this carpet today.
12 And can you indicate and demonstrate

13 for the members of the jury, the motion that you feel, in
14 all probability, caused this imprint on this carpet.

15 Just, if you will, turn around so everybody can see you.
16

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

24 MR. RICHARD C. MOSTY: Your Honor, I'm
25 going to object to that. That is the rankest form --

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1 MR. GREG DAVIS: I'll object to his
2 statements. If he will please just state the objection
3 without the side-bar.

4 THE COURT: Gentlemen.

5 MR. GREG DAVIS: Thank you, Judge.

6 THE COURT: Let's just state -- Mr.

7 Mosty, do you have an objection?

8 MR. RICHARD C. MOSTY: It calls for
9 pure speculation.

10 THE COURT: Overruled.

11 MR. RICHARD C. MOSTY: And it's not a
12 proper opinion testimony under Daubert.

13 THE COURT: Thank you. Overruled.

14 MR. GREG DAVIS: Thank you.

15

16 BY MR. GREG DAVIS:

17 Q. Sir, would you please step down here
18 and show us at this time the motion that you believe
19 produced the imprint on 111-B and 111-C?

20 A. Yes, sir. The knife has to be held
21 above that area, to where the blood is dripping, and

22 there has to be some backward motion, and you are just
23 simply laying it down.

24 Q. Okay.

25 A. And again, it's going to depend on
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1 which way the knife is being held as to which way it's
2 likely to turn.

3 Q. All right. Thank you, sir.

4

5 (Whereupon, the witness

6 Resumed the witness

7 Stand, and the

8 Proceedings were resumed

9 On the record, as

10 Follows:)

11

12 BY MR. GREG DAVIS:

13 Q. And, Mr. Bevel, now that we know that
14 the blood shown in the extension, if you will, this

15 one-inch extension, is Darlie Routier's blood, and we now
16 know that the blood contained on the outline is also

17 Darlie Routier's blood, would that indicate that this
18 knife was then laid on the carpet after Darlie Routier
19 was bleeding?

20 A. It would.

21 Q. And if you will, assume for a moment
22 that the assailant in this case first stabbed Devon
23 Routier twice in the chest, then stabbed Damon Routier

24 four times in the back, and then cut Darlie Routier along
25 the neck, the shoulder and the arm, would that be
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1 consistent then with that assailant disarming himself
2 after he has then attacked the adult in the house?

3 A. By laying the knife down, that would
4 be consistent with that, yes, sir.

5 Q. All right. So in other words, would
6 it be consistent then with the assailant going to Darlie
7 Routier, injuring her and then disarming himself by
8 placing the knife down on the floor after he has done
9 that to an adult?

10 A. That would be correct.

11 Q. You have been investigating homicide
12 or violent offenses for 27 years; is that right?

13

14 MR. DOUGLAS MULDER: Object to the
15 leading. That is the epitome of a leading question.

16 THE COURT: Overruled. Correct the
17 question. In other words, just rephrase the question,
18 please.

19 MR. GREG DAVIS: Yes, sir.

20

21 BY MR. GREG DAVIS:

22 Q. How many years have you been
23 investigating crime scenes involving violent crime, sir?

24 A. Approximately 27 years.

25 Q. And in your experience, sir, as an
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1 investigator over the homicide division, would you expect
2 an assailant to disarm himself voluntarily after he has
3 injured an adult in a home?

4

5 MR. JOHN HAGLER: Your Honor, that

6 just calls for pure speculation.

7 THE COURT: Overruled. If you know

8 the answer, answer it.

9 THE WITNESS: I would not expect that

10 to occur, no, sir.

11

12 BY MR. GREG DAVIS:

13 Q. Mr. Bevel, let me direct your

14 attention to, again, this is going to be the stain of

15 Devon Routier on the back of the T-shirt. This is T-15

16 and your T-8 (sic).

17 A. Yes, sir.

18 Q. Would it be necessary for Darlie

19 Routier to be bleeding at the time that T-15 is deposited

20 onto the back of this T-shirt, sir?

21 A. No, sir.

22 Q. Now, if we look at T-10, which is your

23 3-TB. Now, if we assume that the stains shown here in

24 3-TB are in fact two separate occurrences?

25 A. Yes, sir.

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1 Q. And not one occurrence. Would it be

2 necessary for Darlie Routier to be bleeding at the time

3 that Devon Routier's blood is deposited up here at 3-TB?

4 A. No, sir.

5 Q. If we look here at LS-3, and if we

6 assume that that is also two occurrences and not one,

7 would it be necessary for Darlie Routier to be bleeding

8 at the time that Devon Routier's blood is deposited on

9 that T-shirt, sir?

10 A. No, sir.

11 Q. And when we talk about two

12 occurrences, what do you mean by that term?

13 A. What I would mean is, when one

14 bloodstain is deposited whatever the occurrence, and then

15 if there is a second bloodstain, that we're talking about

16 two different actions or two different occurrences.

17

18 MR. DOUGLAS MULDER: Excuse me, Judge.

19 I'm not clear on that. Does he mean one on top of the

20 other?

21 THE COURT: You can have it on cross

22 examination in just a minute.

23 Go ahead, Mr. Davis.

24 MR. GREG DAVIS: Thank you, your

25 Honor.

1

2 BY MR. GREG DAVIS:

3 Q. Again, looking at T-15, the stain on

4 the back of this T-shirt. What was the approximate size

5 of this particular stain, Mr. Bevel?

6 A. One millimeter by 1.1 millimeter.

7 Q. All right. And, did you testify upon

8 cross examination as to the maximum distance that a drop

9 this size could travel?

10 A. Sometime today I have testified to

11 that, yes, sir.

12 Q. Well, you have been testifying since,

13 what, 9:00 o'clock this morning?

14 A. Yes, sir.

15 Q. All right. Well, let me just ask you

16 then: What is your opinion about the maximum lengths

17 that a stain the size of T-15 could travel, to be

18 deposited on that particular T-shirt?

19 A. When you start getting to

20 approximately 1 millimeter in diameter, a stain will

21 usually travel at a maximum of approximately 46 inches.

22 Q. Okay. Would it then be true, sir,

23 that this T-shirt would have to be within 46 inches of

24 the source of this blood shown in T-15?

25 A. Yes, sir.

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1 Q. Do you recall Mr. Mosty asking you to

2 assume that Darin Routier reported that the defendant was

3 next to him while he was doing CPR on Devon Routier?

4 A. I remember that.

5 Q. Well, I want you to assume that Darin

6 Routier reported that the defendant was in the kitchen on

7 the telephone to 911 at the time that he performed CPR on

8 Devon Routier.

9 A. Yes, sir.

10 Q. If that is the case, is it possible

11 that any of the stains shown in T-15, LS-3, LS-1, T-9 or

12 T-10 could have been deposited on the defendant's T-shirt

13 as a result of any CPR that Darin Routier did on Devon

14 Routier?

15 A. With that distance, that would not be

16 possible.

17 Q. Now, I want to take you through

18 another fact situation. I noted in your video that you

19 had a demonstration there at the last, did you not, where
20 you actually had blood projecting forward onto a T-shirt;
21 is that correct?
22 A. That is correct.
23 Q. And you did that, I believe, did you
24 not, with a T-shirt in a vertical, I mean in a
25 horizontal, and then turned up and down like we would
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1 normally see a T-shirt in the vertical; is that right?
2 A. That is correct.
3 Q. Okay. Now, if -- I want you to assume
4 that the defendant at the time, that Devin and Damon
5 Routier are stabbed, that the defendant is laying on a
6 couch --
7 A. Okay.
8 Q. -- in a prone position. She is not
9 standing up, she is not sitting up, either facing or
10 facing away from the victims.
11 She is simply laying down on the couch
12 on her back. In your opinion, is it possible for any of
13 the these stage, T-15, LS-3, LS-1, T-9 or T-10, to have
14 been deposited on her T-shirt, if she is in that
15 position, while these two boys are being stabbed to
16 death?
17 A. That would not be possible.
18 Q. Why not? What is wrong with that?
19 A. Well, there are several things: One,
20 if she is on her back, that area certainly is protected.
21 The horizontal position, the angularity of the direction
22 of the bloodstains because of the T-shirt fiber, it is
23 much more difficult to even determine the directionality.
24 Whereas, if it is running in the same
25 direction as the weave, if you would, on the fabric, is
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1 much easier to determine the direction and the angularity
2 is simply wrong here.
3 Q. Okay. When you talk about the
4 angularity, are you talking about the up and down
5 direction of T-15?
6 A. The long axis of any of the stains,
7 yes, sir.
8 Q. Okay. If the defendant were laying on
9 a couch, and her back were exposed to these two boys when
10 they were being attacked, when Devon is being attacked,
11 how would you expect the long axis to be? Would it be up
12 and down as shown in this photograph, or would it be

13 different?

14 A. With her laying on her side, and on

15 the back, it should be in this manner, as opposed to this
16 manner.

17 Q. Okay. So is it going to be different

18 from what we see here in this photograph?

19 A. It should, yes, sir.

20 Q. Okay. How about the direction of

21 these other stains shown in the other three photographs,
22 120-A, 120-B and 120-C.

23 Are the angles also going to be

24 different on those stains if this woman is laying on the

25 couch while these two boys are being butchered?

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1 A. Yes, sir.

2 Q. Okay. Mr. Bevel, when you were

3 looking at this T-shirt, there was some questioning

4 about -- does this represent a blood pattern.

5 Were you looking for a blood pattern

6 on this T-shirt or something else?

7 A. Well, I would have to admit that I am

8 always looking for a blood pattern.

9 Q. Okay. What else would you be looking

10 for in this particular case with this T-shirt?

11 A. For individual stains as opposed to

12 very large soak stains, you are looking for, simply what

13 may be there from transfers to impact to cast offer to

14 spatter, whatever simply is there.

15 Q. And those are the types of samples

16 that you had gathered, correct?

17 A. That is correct.

18 Q. One last thing. I'm a little hesitant

19 to get into it; the cosigned factors and all of these

20 impact angles. Do you remember the cosigns and the other

21 instruments here?

22 A. Yes, sir.

23 Q. In this case, how significant are any

24 of those impact angles?

25 A. I don't believe that they are very

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1 significant at all.

2 Q. Okay. Why not?

3 A. Number 1 on a hundred percent cotton

4 T-shirt, there have been studies that have been shown

5 that from the known to the calculated impact angle on
6 such material, can be as far as, on a used shirt, 30
7 degrees off, and you would have to include that 30

8 degrees within your parameters, which greatly enlarges it
9 to a new T-shirt, or a new fabric. It can be as much as
10 38 degrees off from the calculated to the known. So you
11 have to be very careful on establishing exact angles.

12 Q. Okay.

13

14 MR. GREG DAVIS: I'll pass the
15 witness, your Honor.

16

17

18 RECROSS EXAMINATION

19

20 BY MR. RICHARD C. MOSTY:

21 Q. Of course, that is part of the reason

22 why you got to view clothing which is on someone with
23 such suspicion, isn't it?

24 Because, it would make a difference if

25 I had my coat buttoned, or if I had my coat open? It

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1 could make a difference where I could get spatter?

2 A. Certainly, it could.

3 Q. And, of course, if I am moving and

4 there is blood in the air, then that can make a
5 difference?

6 A. It can, yes, sir.

7 Q. And those are all of those things --

8 those are all of those variables when you have two

9 objects in motion, one being blood and one being a shirt?

10 A. Yes, sir.

11 Q. During the break we just had, did you

12 have an opportunity to visit with Mr. Davis?

13 A. Yes, sir.

14 Q. How -- about how many blood spatters

15 do you think are on that shirt? Can you even estimate
16 for us?

17 A. I would be hesitant to give you an

18 estimation.

19 Q. Hundreds and hundreds?

20 A. Well, are you talking about individual

21 stains separate from the soaked stains?

22 Q. Yes.

23 A. Hundreds and hundreds. I would say

24 that that is approaching the outside limits.

25 Q. All right. And of course, you don't

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1 I know how many knives were used in this attack, do you?
2 A. I do not know that.
3 Q. And you don't know what was going on
4 with one, while one victim was having something happen
5 and what the other victim may or may not have been doing?
6 A. I cannot answer that.
7 Q. And you couldn't tell the order of
8 this happened first, and that happened second, and this
9 happened third, you can't do that?
10 A. No, I can't answer that specifically,
11 no, sir.
12 Q. And, you said that you thought that
13 carrying a sock three houses down would be -- that
14 someone was trying to, did you say, disassociate that
15 evidence from the house?
16 A. That was the question asked, and I did
17 agree with that, yes, sir.
18 Q. And, you said that would be
19 consistent?
20 A. That would be consistent with that,
21 yes, sir.
22 Q. Do you think it would be consistent
23 that a lady would do that, run down there without her
24 underwear on?
25 A. I would certainly hope not.

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1 Q. Do you think it would be consistent
2 that if I wanted to disassociate something from a crime
3 scene that I would take the most obvious thing and
4 disassociate that from the crime scene?
5 A. Well, there would have to be some
6 reason for a desire for this disassociation.
7 Q. That's right. And disassociating a
8 sock from a crime scene doesn't make a lot of sense, does
9 it?
10 A. I'm not sure that I can --
11 Q. You can't get a fingerprint off of it,
12 can you? Highly unlikely?
13 A. Highly unlikely.
14 Q. But disassociating a knife, a weapon
15 from a scene, that makes sense, doesn't it?

16 A. I would have to agree.

17 Q. That is a lot more consistent than

18 disassociating a sock, isn't it?

19 A. I would agree.

20 Q. And your statement of this cast-off

21 blood of Darlie Routier, the consistency you describe is

22 that she threw her own blood onto her own back with this

23 motion?

24 A. With that motion, whether there was a

25 knife in her hand or not.

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1 Q. And of course, that -- we didn't

2 really cover this, but casting off could be anything?

3 A. That is a bloody object in motion,

4 yes, sir.

5 Q. I can cast off with this?

6 A. Certainly.

7 Q. I can cast off with a towel or a rag?

8 A. If it's a bloody object, yes, sir.

9 Q. If it's got enough blood to where that

10 friction breaks, just the amount of --

11 A. The surface tension.

12 Q. Surface tension?

13 A. Yes, sir.

14 Q. No matter what the object is that is

15 generating the motion, it can cast blood?

16 A. It can.

17 Q. So in that sense, really, anything

18 that is capable of movement and capable of getting blood

19 on it is capable of casting blood?

20 A. Certainly.

21

22 MR. RICHARD C. MOSTY: Pass the

23 witness.

24

25

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1 FURTHER REDIRECT EXAMINATION

2

3 BY MR. GREG DAVIS:

4 Q. Mr. Bevel, just one more question.

5 Of all the possibilities that you have

6 been presented today with how Devon Routier's blood got

7 onto the shirt of Darlie Routier, what is the most
8 probable occurrence that you believed caused his blood to
9 be on her shirt?

10 A. In my opinion --

11

12 MR. JOHN HAGLER: That is pure

13 speculation, your Honor.

14 THE COURT: Overruled. Go ahead and

15 answer it.

16 THE WITNESS: In my opinion, it is

17 consistent -- or more consistent with the action of the
18 knife coming over the shoulder, with that deposit onto
19 the back.

20

21 BY MR. GREG DAVIS:

22 Q. How about Damon Routier's blood? Most
23 likely occurrence of all that you have heard today, to
24 produce his blood on her shirt?

25

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1 MR. RICHARD C. MOSTY: Your Honor, I'm
2 going to object. The witness testified he can't ever
3 testify about most likely. He can testify within
4 parameters.

5 THE COURT: Well, I'll overrule the
6 objection. If you know the answer, answer it.

7 THE WITNESS: I'm sorry, sir?

8

9 BY MR. GREG DAVIS:

10 Q. What do you believe to be the most
11 likely occurrence that deposited Damon Routier's blood up
12 on to the defendant's T-shirt?

13 A. Again, excuse me. Would you tell me
14 which one specifically you were referring to?

15 Q. Yes. Let's talk about T-9 here.

16 A. Okay. My TB-2? I'm sorry. Go ahead.

17 Q. Yes, sir.

18 A. That has an upper trajectory, again,
19 that is consistent with the movement with the blood going
20 in an upward direction. It's consistent with impact.

21 All of those encompassed together, I believe it is more
22 likely from that motion, of the stabbing motion.

23 Q. Okay. Thank you.

24

25 MR. GREG DAVIS: Pass the witness.

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1

2 FURTHER RECROSS EXAMINATION

3

4 BY MR. RICHARD C. MOSTY:

5 Q. And one final thing, just to remind,

6 when you talk about consistent, what you told me, and

7 agreed with me was, that that is something you cannot

8 rule out?

9 A. That is correct.

10

11 MR. RICHARD C. MOSTY: Thank you.

12 MR. GREG DAVIS: No further questions.

13 THE COURT: Mr. Mosty, anything else?

14 MR. RICHARD C. MOSTY: No, sir.

15 THE COURT: All right. Thank you.

16 You may step down, sir. You are subject to recall. You

17 know that.

18 THE WITNESS: Yes, sir.

19 THE COURT: All right.

20 THE WITNESS: Yes, sir.

21 THE COURT: All right. Step down,

22 please. Thank you.

23 All right. Ladies and gentlemen, in

24 view of the hour, we will recess today until -- just a

25 minute, folks, everybody sit tight -- until tomorrow

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1 morning at 9:00 o'clock.

2 Remember the same instructions as

3 always. Do no investigation on your own. Decide this

4 case from the testimony you hear and the evidence you

5 receive in this Courtroom.

6 Do not discuss this case among

7 yourselves, nor with anybody else. You will discuss this

8 case among yourselves after you have heard both sides of

9 the case, received the charge of the Court, heard

10 arguments and then you go into the jury room. That is

11 when you discuss it by yourselves.

12 Finally, you are going to -- probably

13 this will be on TV, radio and the newspapers, if you see

14 or hear any of it, please ignore it.

15 We will see everybody down here

16 tomorrow morning at 9:00 o'clock. Thank you.

17

18 (Whereupon, the jury

19 Was excused from the

20 Courtroom, and the

21 Proceedings were held

22 In the presence of the

23 Defendant, with his

24 Attorney, but outside

25 The presence of jury

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1 As follows:)

2

3 THE COURT: All right. If both sides

4 will stay for a moment, so we can iron out some

5 housekeeping details.

6 If the spectators will remain in the

7 courtroom, please, until the jury has cleared the

8 courthouse.

9 When the jury is cleared, we're going

10 to ask all of the spectators to step outside and then you

11 will be brought back into view whichever exhibit you

12 wanted to view, the reporters particularly.

13 Mr. Biggerstaff will give you the nod

14 when they have cleared.

15 Mr. Mosty, or whoever to represent the

16 defense? Okay. You have got three or four more, I

17 assume?

18 MR. GREG DAVIS: I have got at least

19 one more, yes, sir.

20 THE COURT: Okay. And you have some

21 easy ones that you said you could put on right away.

22 MR. DOUGLAS MULDER: Yeah.

23 THE COURT: Okay. Well, we will

24 just -- whenever we get through with the one, if you will

25 have your easy ones ready.

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1 MR. DOUGLAS MULDER: How long is your

2 one going to take?

3 MR. GREG DAVIS: Well, that kind of

4 hard to judge. If it is anything like today, probably 10

5 to 5 tomorrow.

6 MR. DOUGLAS MULDER: If he's is

7 anything like today, if it takes that long to get the
8 truth out of him.

9 THE COURT: Hey, guys, just a minute,
10 let's just stop all of this bickering. What we will do,
11 Mr. Mulder, if we finish tomorrow morning, we will pick
12 your others up at 1:30.

13 MR. DOUGLAS MULDER: How long is
14 direct going to take?

15 MR. GREG DAVIS: Probably about an
16 hour.

17 THE COURT: Okay. We will pick yours
18 at 1:30 and go until we're through with them, and you'll
19 have them in tomorrow and early on Friday.

20 MR. DOUGLAS MULDER: Yes, I have got
21 about 20.

22 THE COURT: And your hard core, you
23 will have coming down Monday?

24 MR. DOUGLAS MULDER: Yes, sir.

25 THE COURT: All right.