

Testimony of William Gorsuch

DIRECT EXAMINATION

11

12 BY MR. TOBY L. SHOOK:

13 Q. State your name, please.

14 A. William Walter Gorsuch.

15 Q. Would you spell your last name, please.

16 A. G-O-R-S-U-C-H.

17 Q. Where do you live, sir?

18 A. 8401 Eagle Drive, Rowlett, Texas.

19 Q. Okay. And, are you originally from

20 Rowlett, Texas?

21 A. No, I'm not.

22 Q. Where were you born and raised?

23 A. I was born and raised in Maryville,

24 Missouri, Nodaway County.

25 Q. Okay. And when did you move here to

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1 Texas?

2 A. September of 1984.

3 Q. Okay. Do you have family?

4 A. Yes, I do.

5 Q. What does your family consist of?

6 A. My wife and two children, a 9-year-old

7 and an 11-year-old.

8 Q. Okay. Boy and girl?

9 A. Yes.

10 Q. Which one is the 9-year-old?

11 A. The boy.

12 Q. Okay. What's his name?

13 A. Jonathan.

14 Q. Okay. How long have you lived in

15 Rowlett?

16 A. I've lived in Rowlett since April of

17 '86.

18 Q. Okay. And, to kind of orient the jury,

19 tell the jurors where Rowlett's located near Dallas.

20 A. Rowlett, Texas, is located to the east

21 of Dallas, on Lake Ray Hubbard, the city reservoir. It's

22 about approximately 35 miles from downtown Dallas. It's a

23 suburb of Dallas, just east of Garland.

24 Q. The portion of Rowlett that you live

25 in, is that in Dallas County?

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1 A. Yes, it is.

2 Q. And for the record, in the State of
3 Texas?

4 A. In the State of Texas.

5 Q. Okay. And how long have you have lived
6 at the location you're at now?

7 A. I've lived at that house since November
8 of '92.

9 Q. Okay. Prior to that, were you also
10 living in Rowlett?

11 A. Yes, I was.

12 Q. Okay. And where did you live then?

13 A. I lived at 8501 Woodside, which is
14 approximately three blocks south of there.

15 Q. Okay. And how long had you lived
16 there?

17 A. Since April of '86.

18 Q. Okay. What brought you to Texas in the
19 first place?

20 A. Job. I worked originally for Rockwell
21 International.

22 Q. Okay. Where do you work now?

23 A. I work for the same company, but it has
24 since changed hands. It's now Alcatel Telecom.

25 Q. Okay. And what type of work do you do
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1 with them?

2 A. I'm a telecommunication's engineer,
3 support, third tier.

4 Q. Okay. And you moved in to that
5 residence in 1992?

6 A. November of '92. Correct.

7 Q. Okay. Describe that neighborhood for
8 the jury. Is that a relatively new neighborhood or an old
9 neighborhood?

10 A. Dalrock Heights is a relatively new
11 neighborhood. When we moved to Rowlett in April '86, that
12 neighborhood was an open field.

13 It started being built, I don't
14 remember the exact date. It filled up rather quickly. We
15 were probably the first 60 percent of the new homes being
16 built in that area. Most of the homes in that area are

17 100,000 plus.

18

19 MR. TOBY L. SHOOK: Okay. May I
20 approach the witness, your Honor?

21 THE COURT: You may.

22 All right. Whoever has a beeper on,
23 turn it off.
24
25 (Whereupon, the following
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1 mentioned items were
2 marked for
3 identification only as
4 State's Exhibits 6-A
5 and 6-B, after which time
6 the proceedings were
7 resumed on the record
8 in open court, as
9 follows:)

10
11 BY MR. TOBY L. SHOOK:
12 Q. Let me show you what's been marked as
13 State's Exhibit 6-B. Do you recognize this as being a map
14 of Rowlett?

15 A. Yes, I do.

16 Q. Okay. Is this how Rowlett appears in
17 the Dallas area, and a greater closeup of the area that
18 you live in Rowlett?

19 A. Yes, sir.

20

21 MR. TOBY L. SHOOK: Okay. We'll offer
22 State's Exhibit 6-B.

23 MR. DOUGLAS MULDER: No objection.

24 MR. TOBY L. SHOOK: Okay. We'll offer
25 6-A and 6-B.

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1 MR. DOUGLAS MULDER: We don't have any
2 objection to either one of them.

3 THE COURT: State's Exhibits 6-A and
4 6-B are admitted.

5

6 (Whereupon, the items
7 Heretofore mentioned
8 Were received in evidence
9 As State's Exhibit 6-A
10 And 6-B for all purposes,
11 After which time, the
12 Proceedings were resumed
13 As follows:)

14

15 MR. TOBY SHOOK: Could I have the

16 witness step down for a moment, Judge.

17 MR. COURT: You may.

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 BY MR. TOBY L. SHOOK:

2 Q. Mr. Gorsuch, let me get you to step

3 back so that all of the jurors can see, but let me hold

4 the exhibit up. And if you could just, first, on the

5 lower portion of the exhibit, point out where Dallas is

6 and where Rowlett is located in relation to Dallas.

7 A. This is the Dallas area. Rowlett is a

8 little bit northeast of Dallas. The upper map shows a

9 closer view of Rowlett. And Rowlett is basically

10 dissected in the center with Dalrock Road, which this is

11 Rockwall County, this is Dallas County. Eagle Drive is

12 located in this area right here where the red dot is.

13 Q. And 5801 Eagle Drive, is that a

14 neighbor's residence?

15 A. It is a neighbor's residence.

16

17 THE COURT: Mr. Shook, could you move

18 back just a little bit so the defense can get a good view

19 too, please. Thank you.

20 THE WITNESS: 5801 address, even though

21 my address is 8401, Eagle Drive comes up directly north

22 and then turns directly west. The numbering system

23 changes as it turns to go back south. The north-south

24 street is a lowered numbered system than what my address

25 is.

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1 BY MR. TOBY L. SHOOK:

2 Q. And, are you familiar with how big the

3 city of Rowlett is?

4 A. Yes.

5 Q. Is it a big or small city?

6 A. It's fairly large. It's approximately

7 35,000. When we moved there in '86 it was only 6.

8 Q. All right. If you could take your seat

9 up there.

10

11 (Whereupon, the witness

12 resumed the witness

13 stand, and the

14 proceedings were resumed

15 on the record, as

16 follows:)

17

18 BY MR. TOBY L. SHOOK:

19 Q. The neighborhood that you live in now,

20 you've lived there since 1992; is that right?

21 A. That's correct.

22 Q. And previous to that, you lived about

23 three blocks away?

24 A. Correct.

25 Q. Okay. Describe that particular

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1 neighborhood to the jury. What is it like?

2 A. It's a fairly upscale neighborhood, as

3 it's been described before. The neighborhood is mostly

4 family oriented, lots of small children, and kind of a

5 bedroom community, so to speak. Most of Rowlett is a

6 bedroom community. I mean, most people go to work between

7 7:00 to 8:00 o'clock in the morning, and return home

8 between 5:00 and 6:00 o'clock at night. Rowlett's pretty

9 much deserted during the day.

10 Q. Do the Rowlett Police, do they have a

11 high profile presence in your neighborhood?

12 A. Very.

13 Q. Okay. What areas do they patrol around

14 your home?

15 A. Any specific areas, they really don't

16 have any. The police are in the area quite often. As,

17 according to the map there, Rowlett is kind of split by

18 the lake, by Lake Ray Hubbard, so there's a part of

19 Rowlett that's kind of by itself. It's almost a

20 peninsula.

21 The police are out in that area quite

22 often, because it is hard to get there. There's only

23 really two roads that you can get to that side of Rowlett.

24 So the police have kind of stations that they sit at in

25 that area.

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1 Q. So, is it unusual to see police

2 officers coming down your street, at all times during the

3 day or night?

4 A. No.

5 Q. Okay. What about in the evening, as
6 far as traffic down your street? Is there a lot of
7 traffic on your street?

8 A. No, there isn't. Our street, as the
9 map here shows, which is actually a little incorrect, it
10 shows Eagle Drive going all the way to 66 Highway, which
11 is now Lake Pointe Drive. Eagle Drive does not go all the
12 way to 66.

13 So, it's for the most part, it
14 basically services our neighborhood and our neighborhood
15 only. It does not have a major thoroughfare connection
16 other than off of Dalrock Road.

17 Major traffic through the area, up
18 until about 5, 6, or 7:00 o'clock that night, is typical
19 for a normal neighborhood. After that it drops off, until
20 probably about 10:00 o'clock, 11:00 o'clock, then it'll
21 drop again to almost nothing.

22 Q. Okay. Now, living in that
23 neighborhood, have you come to meet several of your
24 neighbors?

25 A. Yes.

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1 Q. Okay. Did you meet Darlie and Darin
2 Routier when they moved in?

3 A. Yes, I did.

4 Q. Okay. Were you moved in the
5 neighborhood first or were they?

6 A. We were.

7 Q. Okay. When did they move into that
8 particular neighborhood?

9 A. It would have probably been in the
10 spring of '93 to the summer of '93, sometime in there.

11 Q. Okay. Was there a house there when you
12 first moved in or was it built?

13 A. No, it was built.

14 Q. Okay. So, they were the first
15 residents of the house?

16 A. Yes.

17 Q. Okay. And where is their house in
18 relation to your house?

19 A. Directly across the street. My house
20 faces to the south, their house faces to the east. It's
21 almost a direct corner from my house.

22 Q. Okay. And did they have children with
23 them when they moved in?

24 A. Yes, they did.

25 Q. Okay. How many children did they have?

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1 A. Two boys.
2 Q. And did you come to learn their names?
3 A. Yes, I did.
4 Q. And what are their names?
5 A. Devon and Damon.
6 Q. Okay. Now, you said you had a 9 year
7 old; is that right?
8 A. Yes.
9 Q. Okay. Eventually did your 9 year old
10 become friends with them?
11 A. Yes, he did.

12
13 (Whereupon, the following
14 mentioned items were
15 marked for
16 identification only as
17 State's Exhibits 9-A and
18 9-B, after which time the
19 proceedings were
20 resumed on the record
21 in open court, as
22 follows:)

23
24
25

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1 BY MR. TOBY SHOOK:

2 Q. Okay. Let me show you what's been
3 marked as State's Exhibits 9-A and 9-B. Do you recognize
4 those photographs?

5 A. Yes, I do.

6 Q. And are they photographs of Damon
7 Routier and Devon Routier?

8 A. Yes, they are.

9

10 MR. TOBY L. SHOOK: We'll offer State's
11 Exhibits 9-A and 9-B.

12 MR. DOUGLAS MULDER: No objection.

13 THE COURT: State's Exhibits 9-A and
14 9-B are admitted.

15

16 (Whereupon, the items
17 Heretofore mentioned
18 Were received in evidence
19 As State's Exhibit No. 9-A

20 And 9-B for all purposes,
21 After which time, the
22 Proceedings were resumed
23 As follows:)
24
25
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1 BY MR. TOBY L. SHOOK:
2 Q. Let me show you State's Exhibits 9-B.
3 Is this a photograph of Devon Routier?
4 A. Yes, it is.
5 Q. Okay. And was he the older boy?
6 A. Yes, he was.
7 Q. Okay. And, do you know how old he was?
8 A. When? I don't understand the question
9 exactly. When?
10 Q. Okay. Let's go back to the summer of
11 this year, June of '96. Do you know how old he was at
12 that time?
13 A. Six, I believe.
14 Q. Okay. Was he younger than your boy?
15 A. Yes.
16 Q. How old was your boy back in June of
17 '96?
18 A. Eight.
19 Q. Okay. Then State's Exhibit 9-A is this
20 a photograph of Damon Routier?
21 A. Yes, it is.
22 Q. Was he the youngest boy between Devon
23 and Damon?
24 A. Yes, he was.
25 Q. And how old was he back in June of '96?
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1 A. I believe he was two years younger,
2 approximately.
3 Q. Okay. Since your boy became friends
4 with them, did you see them a lot?
5 A. Yes, I did.
6 Q. Okay. Did they play together a lot?
7 A. Yes.
8 Q. Okay. And where did they play?
9 A. The Routier's home, my home, yards,
10 backyards, front yards, boys play about anywhere.
11 Q. Okay. Did you get to know Devon and
12 Damon pretty well?
13 A. Yes.

14 Q. Okay. How often did they play with
15 your boy, Jonathan?
16 A. We lead kind of a hectic life with
17 soccer and school and scouts and everything. It was
18 nothing uncommon to play two or three times a week, and on
19 the weekends when available.
20 Q. Okay. If your boy was around, were
21 they usually out playing with each other?
22 A. That or one of the other neighborhood
23 kids, and he would join in, yes.
24 Q. Okay. So, you've had them in your home
25 and your boy went over to the Routier's home?
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1 A. Yes.
2 Q. The Routiers themselves, did you know
3 them very well?
4 A. Not very well, no. I knew them by
5 sight.
6 Q. Okay. Let me ask you, do you see
7 Darlie Routier in the Courtroom today?
8 A. Yes, I do.
9 Q. Okay. If you could point her out,
10 please.
11 A. The fourth chair from the left.
12 Q. The woman here in the dress seated at
13 the table?
14 A. Yes.
15
16 MR. TOBY L. SHOOK: Your Honor, if the
17 record could reflect the witness has identified the
18 defendant.
19 THE COURT: Yes, sir.
20
21 BY MR. TOBY L. SHOOK:
22 Q. And did you meet her husband, Darin,
23 after they had moved in?
24 A. Yes. I actually met him before they
25 moved in.
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1 Q. Okay. Now, you weren't close friends
2 with either of the adult Routiers; is that right?
3 A. No.
4 Q. How many conversations have you had
5 with the defendant, Darlie Routier?
6 A. One, possibly.
7 Q. Okay. How about Darin Routier? How

8 many conversations have you had with him?

9 A. Four, possibly.

10 Q. Okay. Were these at either one of your

11 homes, inside the homes, or where did these take place?

12 A. Basically in front of the homes,

13 different places. Beside the homes, in front of the

14 homes, in the street.

15 Q. Okay. But you weren't close friends

16 with them; is that right?

17 A. No.

18 Q. Okay. Were they closer friends with

19 other neighbors that are in the neighborhood other than

20 yourself?

21 A. Yes.

22 Q. Okay.

23

24 MR. TOBY L. SHOOK: May I approach the

25 witness?

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1 THE COURT: You may.

2

3 (Whereupon, the following

4 mentioned items were

5 marked for

6 identification only

7 as State's Exhibits

8 Numbers 7, 8, & 8-A,

9 after which time the

10 proceedings were

11 resumed on the record

12 in open court, as

13 follows:)

14

15 BY MR. TOBY L. SHOOK:

16 Q. I want to show you a couple of aerial

17 photographs, one marked State's Exhibit 8, the other

18 marked State's Exhibit 7. Do you recognize both of these

19 photographs as being aerial photographs of your

20 neighborhood?

21 A. Yes, they are Dalrock Heights.

22 Q. Okay. And, do they accurately reflect

23 how your neighborhood looked, how the streets were

24 situated back in June of '96?

25 A. Yes, they do.

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1
2 MR. TOBY L. SHOOK: We'll offer State's
3 Exhibits 7 and 8 at this time.
4 MR. DOUGLAS MULDER: No objection, your
5 Honor.
6 THE COURT: State's Exhibits 7 and 8
7 are admitted.
8
9 (Whereupon, the items
10 Heretofore mentioned
11 Were received in evidence
12 As State's Exhibit Nos. 7
13 and 8 for all purposes,
14 After which time, the
15 Proceedings were resumed
16 As follows:)
17
18 MR. TOBY L. SHOOK: Your Honor, could I
19 have the witness step down for a moment?
20 THE COURT: You may.
21 Step down, please, sir. Watch your
22 step.
23
24 (Whereupon, the witness
25 Stepped down from the
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1 Witness stand, and
2 Approached the jury rail
3 And the proceedings were
4 Resumed as follows:)
5
6 BY MR. TOBY L. SHOOK:
7 Q. Now, Mr. Gorsuch, let me turn this
8 display around and get on the other side. Looking at
9 State's Exhibit No. 7, we're looking at kind of an aerial
10 photograph --
11
12 THE COURT: Mr. Shook, do you need a
13 pointer or anything? Okay. Go ahead.
14
15 BY MR. TOBY L. SHOOK:
16 Q. -- of the entire neighborhood -- what
17 do you call it, the Dalrock?
18 A. Dalrock Heights area.
19 Q. Dalrock Heights area. Is this what
20 this reflects?
21 A. Yes, it is.
22 Q. Okay. The street labeled Dalrock,

23 could you describe that for us.

24 A. Dalrock Road is basically a road that

25 runs between Highway 66, a little point, or a little point

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1 north of Highway 66, which is about another quarter of a

2 mile beyond what the picture encompasses here. It runs

3 all the way to I-30, which is approximately two and a half

4 miles south.

5 Q. Okay. And how far is Highway 66 in

6 relation to this photograph?

7 A. About a quarter of a mile beyond, it

8 probably in relation to the picture in the scale, is

9 somewhere in this area.

10 Q. Okay.

11 A. It's east-west. Dalrock Road is in

12 north-south. It's also the Dallas/Rockwall county line.

13 Q. Okay. Eagle Drive is located right

14 along here; is that right?

15 A. Correct. Until the corner, and then it

16 turns around this way.

17 Q. Okay. Is it still named Eagle Drive

18 once it comes down this way?

19 A. Yes, it is.

20 Q. All right. And, I think I'll give you

21 the pointer, and if you could point, first, of all, where

22 your house is located on this exhibit.

23 A. My house is located right here at this

24 corner facing north and south.

25 Q. Okay. And there's a marker on there,

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1 5801 Eagle. Whose home is that?

2 A. That's the Routier's.

3 Q. Okay. So you're directly across the

4 street?

5 A. Yes.

6 Q. And, where does Eagle Drive eventually

7 wind up over here as you go down?

8 A. It would probably wind up in a dead end

9 approximately over here at a street that goes back south

10 only to Highgate.

11 Q. Okay.

12 A. And then continues back through the

13 other older division.

14 Q. Okay. So, you were talking about

15 earlier, you don't get a lot of traffic coming down Eagle

16 during the evening hours?

17 A. No.

18 Q. Okay. But in this general area, the

19 Rowlett Police are usually out making patrols all the time
20 during the day?

21 A. Making patrols, or you'll see them
22 sitting also.

23 Q. Okay. And do they sit in this area,

24 just kind of sit and watch traffic go by or whatever?

25 A. Yes, they do. The Lake Pointe Baptist

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1 Church at that time, there is another part of the parking

2 lot, up in this area, that has a sign that sits in the

3 middle of the driveway. A lot of times they'll sit in one

4 of these four driveways, and they'll just sit there and

5 watch traffic go up and down Dalrock.

6 Q. Okay. Let me show you State's Exhibit

7 8. We're looking at a little more closeup of the

8 neighborhood. 5801, is this the Routier's home?

9 A. Yes, it is.

10 Q. Okay. Can you -- first of all, let's

11 point out to your house again. Can we see it on the

12 photograph?

13 A. 8401 right here.

14 Q. Okay. And do you know the other

15 neighbors close to you?

16 A. Directly east of me, this would be

17 Terry and Karen Neal.

18 Q. Okay.

19 A. There's an elderly couple that lives

20 here. I don't know their names. There's an oriental

21 family that lives here. I do not know their name.

22 There's a house that's not on this picture, it's on the

23 larger one, in this area and that would be the Adams.

24 Q. Okay. Now, you're not close personal

25 friends of the Routiers; is that right?

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1 A. That's correct.

2 Q. Just across-the-street neighbors?

3 A. Yes.

4 Q. Are there other neighbors here that are

5 closer friends with them?

6 A. Yes.

7 Q. Okay. Who would that be?

8 A. The Neals.

9 Q. The Neals, right here?

10 A. And the Adams, which is not on this

11 picture. They would be located in this area.
12 Q. Okay. Do you know the Adams's -- is
13 that their last name?
14 A. Mercedes and Mike, I believe.
15 Q. Okay. Real quickly, can we see their
16 house in this photograph?
17 A. It would be this one here.
18 Q. Okay. So it's just a couple houses
19 down also?
20 A. Yes.
21 Q. Okay. All right. And as far as the
22 boys playing, can you -- your child, where did he play
23 with the Routiers?
24 A. Again, behind my house, which is
25 located back here. In front of the houses, the Neal's
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1 yard, their yard, behind the house, beside the house, kind
2 of anywhere in this area is fair game.

3 Q. Okay. You can have a seat.

4 A. All right.

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

14 BY MR. TOBY L. SHOOK:

15 Q. Now, Mr. Gorsuch, let me turn your

16 attention to the morning hours of June 6th, 1996 and ask

17 you if you had to go into work that evening?

18 A. Yes, I did.

19 Q. Okay. Actually, I guess, let me turn

20 your attention to June 5th, the day before that. Did you

21 go into work those late evening hours?

22 A. Yes, I did. I went into work at

23 approximately 10:00 o'clock.

24 Q. Okay. And, do you recall what day of

25 the week that was?

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1 A. Wednesday, I believe.

2 Q. Okay. Was it unusual for you to go

3 into work for late hours?

4 A. It's not unusual, it's not common

5 either, it's only when required.

6 Q. Okay. And, what was your occasion for
7 going into work on that day?

8 A. Customer support of a
9 telecommunications system that needed some work done to
10 it, which we had to perform after hours, because they
11 don't like to take the telephone systems down during the
12 middle of the day.

13 Our work can only be done after
14 midnight. The system was located in Pennsylvania, which
15 is on the east coast, which was 11:00 o'clock our time,
16 midnight their time, which is when we could do the work.

17 Q. Okay. Had you been home earlier during
18 the evening hours at your house?

19 A. Yes, I had.

20 Q. Okay. Had you seen the Routier
21 children?

22 A. Yes, I had.

23 Q. Devon and Damon?

24 A. Yes.

25 Q. Now, the Routiers also had a small
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1 infant; is that right?

2 A. Correct.

3 Q. Okay. Did you have any contact with
4 the infant?

5 A. No.

6 Q. You just dealt with Devon and Damon?

7 A. Yes, sir.

8 Q. Where did you see Devon and Damon on
9 the night of the 5th?

10 A. They were playing with my son. Again,
11 kind of, fair game area. They were in my backyard. I was
12 mowing my yard, so I asked them to get out of the backyard
13 and go to the front yard. Whenever I went to the front
14 yard and started mowing, they were gone. The assumption
15 was they probably went across the street to the Routiers.

16 I later saw them riding bicycles, I believe,
17 in the area around their side of the street, again,
18 staying away from my mowing.

19 Q. Okay. You were just doing that as a
20 safety precaution?

21 A. Yes.

22 Q. Okay. How long did they play with your
23 son, Jonathan, that night?

24 A. It was approximately until dark,
25 probably 8:00 or 8:30.

1 Q. Okay. Where's the last place that you
2 saw Devon and Damon that evening?
3 A. That I actually saw them, was riding
4 their bicycles in that area north of their home on the
5 sidewalk.
6 Q. When you were out mowing the lawn?
7 A. Yes.
8 Q. Okay. Did you see Darlie Routier
9 outside of her home that evening?
10 A. No.
11 Q. Okay. How about Darin Routier? Did
12 you see him?
13 A. No.
14 Q. All right. You just saw the boys out
15 there.
16 A. Yes.
17 Q. Was that unusual not to see them
18 outside of their home?
19 A. No, not really.
20 Q. Okay. And you went to work around
21 10:00 p.m. that evening?
22 A. Correct.
23 Q. Okay. How long did you stay at work?
24 A. Until approximately 25 after 1:00.
25 Q. Okay. So, 1:25 in the morning?
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1 A. Correct.
2 Q. And, did you leave work at that time?
3 A. Yes, I did.
4 Q. Prior to leaving work, did you make any
5 phone calls?
6 A. Yes, I did.
7 Q. Who did you call?
8 A. I called my wife to let her know that I
9 was on my way home. Anytime I work late in the night I
10 always call my wife and let her know that I'm on my way
11 home. She knows approximately how long it takes me to
12 drive home. So it's safe for me to enter the house, so to
13 speak.
14 Q. Do you own a handgun?
15 A. Yes, I do.
16 Q. And she knows how to use it?
17 A. Yes, she does.
18 Q. Okay. You want to let her know you're
19 on the way home?

20 A. Correct.

21 Q. Okay. How long did it take you to get
22 home that day, that early morning of June 6th?

23 A. In the early morning hours, driving

24 from my workplace in Richardson to Rowlett is only about a
25 20 or 25 minute drive.

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1 Q. Okay. Anything unusual happen to you
2 on the way home?

3 A. No.

4 Q. Okay. As you -- what route did you

5 take to get home? How do you get into the neighborhood
6 there?

7 A. How I get into the neighborhood is come

8 down Dalrock, which actually connects the future 190.

9 Dalrock Road comes across 66. Dalrock then comes to Linda

10 Vista, which is the cross street there you saw coming from

11 Dalrock, the first one from the north, Dalrock or Linda

12 Vista then enters into the subdivision. It dead ends

13 there on Eagle, make a right turn on Eagle and park right

14 in front of my house.

15 Q. Okay. Looking at the larger

16 photograph, then you would have come down Dalrock past the

17 Lake Pointe Baptist Church; is that right?

18 A. That's correct.

19 Q. Did you see anything at the Lake Pointe

20 Baptist Church when you came home?

21 A. A police officer sitting in the

22 driveway.

23 Q. Okay. And, he was sitting right here

24 by Dalrock Road?

25 A. A little bit to the -- beyond where you

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1 can see on that picture again. It's a sign that sits down

2 in the driveway. He was sitting here. They usually sit

3 behind the driveway, or behind the sign a little bit.

4 Q. Nothing unusual about that?

5 A. No.

6 Q. Okay. About what time in the morning

7 would this have been?

8 A. This would have been probably a quarter

9 to 2:00, to 10 till 2:00.

10 Q. Okay. 1:45 to 1:50 a.m.?

11 A. Correct.

12 Q. Okay. Then you just turned down, is it

13 Linda Vista?

14 A. Linda Vista Drive.
15 Q Then make a turn and come down Eagle?
16 A. Correct.
17 Q. And parked right there in front of your
18 house?
19 A. Correct. Right there beside that blue
20 van that's there now.
21 Q. Is that where you always park?
22 A. Yes, it is.
23 Q. Okay. And looking at the larger
24 photograph, it would be next to this blue van; is that
25 right?
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1 A. Yes.
2 Q. And then just go up the walkway, and in
3 the house.
4 How many cars were out here in this
5 little turn-around, this little cul-de-sac that evening?
6 A. Other than my two vehicles, they were
7 the only ones in that cul-de-sac.
8 Q. Okay. And what kind of vehicle were
9 you driving?
10 A. '85 red Nissan pickup.
11 Q. Okay. And, there were no other cars in
12 this area; is that right?
13 A. Correct.
14 Q. Where were your vehicles parked?
15 A. Directly in front of my sidewalk there,
16 where you see the manhole cover, little dot, right in
17 front of the sidewalk. And the van is parked
18 approximately where it is right now.
19 Q. Okay. Does anyone else park out here?
20 A. They do occasionally.
21 Q. Who is that?
22 A. The Neals.
23 Q. Okay. Your next door neighbors here at
24 8405?
25 A. Correct.
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1 Q. Okay. Were their cars parked out there
2 that morning?
3 A. No.
4 Q. Okay. Any cars parked out in front
5 5802?
6 A. No.
7 Q. How about this side of the street, the

8 right side on the photograph. Did you see any vehicles
9 parked out there?

10 A. No.

11 Q. Okay. Now, once you parked and got out
12 of your car, what did you do?

13 A. That being that time of morning, it was
14 fairly warm that night, fairly muggy. I stood around and
15 kind of looked at the stars, looked around at the sky. I
16 like looking at the stars, the moon, the sky, whatever may
17 be out that night, probably three or four minutes.

18 Q. Okay.

19 A. Also, going in to the house that time
20 of morning, the house is locked, so I just, I kind of
21 check the neighborhood, look around a little bit, and make
22 sure that somebody is not going to follow me into the
23 house, follow me up to the house. I'm fairly good size,
24 but that doesn't prevent some people.

25 I looked around, didn't see anything
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1 unusual or anything, after I had looked at my stars and
2 whatever, and went into the house.

3 Q. Where were you standing when you were
4 just kind of standing out relaxing, and looking up at the
5 stars, and looking around the neighborhood?

6 A. Probably right beside my pickup, or
7 right in front of it.

8 Q. Okay. So just right out here in the
9 street?

10 A. No, to the left and forward.

11 Q. Okay. Up here by the curb?

12 A. Correct.

13 Q. Okay. Did you take a look down both
14 ends of Eagle that night?

15 A. Yes, I did.

16 Q. Okay. This was your practice to do
17 this -- to make sure to see if there was anyone around?

18 A. Correct.

19 Q. Okay. Could you see the Routier's
20 home?

21 A. Yes.

22 Q. Okay. Do you recall if it was lit up
23 at that time or not?

24 A. No, I do not recall. There is a
25 fountain that you can see there in the picture, just to
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1 the left of their sidewalk.

2 Q. This fountain here?

3 A. Yes.

4 Q. Okay.

5 A. It has three flood lights that are on

6 the fountain, which illuminates the front of the home, and

7 most of the area around it pretty well. There's also a

8 street light over on the corner, on our side of the

9 street.

10 Q. Here?

11 A. To the right. The right of the van.

12 Q. Okay.

13 A. You can see the pole barely there.

14 Q. Okay.

15 A. I did not notice any lights out of the

16 ordinary or unusual, no.

17 Q. So, the flood lights were on, but that

18 was the usual, is that right?

19 A. Correct.

20 Q. Overall, would you describe this corner

21 of the neighborhood as pretty well lit?

22 A. Yes.

23 Q. Okay. You got a street light here by

24 your house. The Routier home has their flood lights. Are

25 there any other street lights along there?

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1 A. There's another street light down west

2 on Eagle, just to the left, I believe, of 8313 would be

3 the next house. I think there's a street light there at

4 that corner.

5 Q. Okay.

6 A. There's another one down this way at

7 the stop sign on the east.

8 Q. Okay. Just down here?

9 A. Yes.

10 Q. Okay. Now, as far as any vehicles that

11 are parked out there, there's only your two vehicles that

12 are in front of your house?

13 A. Correct.

14 Q. And nothing in front of your two

15 neighbors here; is that right?

16 A. That's correct.

17 Q. Anything along this side of the street

18 at all?

19 A. Not that side of the street, no.

20 Q. What about in front of the Routier's

21 home, did you see any vehicles?

22 A. Their Pathfinder.

23 Q. Okay.

24 A. It's a green, I don't know what year,

25 Pathfinder, dark green Pathfinder.

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1 Q. Okay.

2 A. Which was usually parked there just to

3 the -- straight out area from their sidewalk.

4 Q. In this area here?

5 A. Approximately there where the blue car

6 is now, yes.

7 Q. And that was the usual place it was

8 parked?

9 A. Yes.

10 Q. Okay. How many cars did the Routier's

11 have?

12 A. Actually own, I don't know. Two that I

13 have seen.

14 Q. Okay. Two that you've seen? The

15 Pathfinder?

16 A. Correct.

17 Q. What other car do they have?

18 A. A Jaguar of some type.

19 Q. Where is that usually parked?

20 A. Usually that's parked there in the

21 back. Sometimes, yes, there in the driveway. Sometimes

22 it would be parked out front, in front of the Pathfinder.

23 Q. Okay. So sometimes they were both

24 parked out there?

25 A. Correct.

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1 Q. But that morning, just the Pathfinder

2 here?

3 A. Yes, sir.

4 Q. Did you notice any other unusual cars

5 parked in front of 5717 or the other houses here?

6 A. Not that I recall, no.

7 Q. So, how about down the other side of

8 Eagle, did you take a look down there?

9 A. The 8317 home, they only own one car.

10 He is a retired doctor. He only owns one car and always

11 parks it in the garage, so there's never any cars, hardly

12 ever, in front of their house.

13 8313, again, they park in the back.

14 The red car that you see there, just part of in that

15 picture, that car's there most of the time. So I believe

16 it was there that night also.

17 Other than that, those are about the
18 only cars that park on the street. Everybody else uses
19 their driveways or garages.
20 Q. Okay. Anything else, any cars parked
21 on this side of the Routier's home?
22 A. No.
23 Q. Or down here along this side street?
24 A. No.
25 Q. Okay. And, while you were out there
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1 for, what would you say five minutes or so?
2 A. Maybe five minutes, yes.
3 Q. Did you see anyone walking around?
4 A. No. Nothing unusual.
5 Q. Hear any unusual noises?
6 A. No.
7 Q. Okay. And this was -- you got home
8 around, about 1:50 or so?
9 A. 1:50, quarter till 2:00.
10 Q. Okay. Then you go into the house, I
11 take it?
12 A. Yes.
13 Q. Okay. I guess you safely made it in
14 the house, with your wife knowing you were coming home?
15 A. Correct.
16 Q. Okay. And where was your wife located?
17 A. In the bedroom upstairs.
18 Q. Okay. Where is your bedroom located at
19 in the house?
20 A. In the picture there, you see the
21 sidewalk going up to the house. There are two windows to
22 the left of that sidewalk, that's the first floor. The
23 second floor is cut off.
24 Q. Right here?
25 A. Yes. The master bedroom is located
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1 above those two windows.
2 Q. Okay. So, your windows, do they face
3 the Routier's home?
4 A. Yes, they do.
5 Q. Okay. And, do you recall how long it
6 took you to get upstairs and into your bedroom?
7 A. I came in, locked the door, turned on
8 the alarm system, checked the other doors and windows
9 downstairs, got a drink, put my things up for the night,
10 and went upstairs, it was probably in the neighborhood of

11 10 to 15 minutes.

12 Q. Okay. You have an alarm system there
13 in your house?

14 A. Yes, I do.

15 Q. Who installed that?

16 A. I did.

17 Q. Okay. You turned that on?

18 A. Yes.

19 Q. Okay. Is that your usual practice?

20 A. Yes, it is.

21 Q. And, you also secured the rest of the
22 downstairs?

23 A. Yes.

24 Q. Okay. So, give us your best estimate
25 as to when you got upstairs into the bedroom.

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1 A. Estimate of time, probably sometime 5
2 after 2:00 to 10 after 2:00.

3 Q. Okay. And does it take you long to get
4 into bed?

5 A. No.

6 Q. Okay. Now, Mr. Gorsuch, was your
7 windows up or down that evening?

8 A. It was a warm evening, and my wife and
9 I do not care for air conditioning very much, so we have
10 our windows open most of the time. They were open that
11 evening, yes.

12 Q. Okay. So, it's not unusual for you to
13 not run the air conditioner in the evening?

14 A. No.

15 Q. And it wasn't running that night?

16 A. No.

17 Q. Okay. Window was open?

18 A. Yes.

19 Q. Okay. Do you have any problem hearing
20 noises with the window open there?

21 A. No.

22 Q. Okay.

23 A. The design of the area, the houses are
24 kind of in arc, as well as with the wind. There's is
25 usually a pretty good wind that comes directly up the
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1 street. It's usually very quiet at that time of morning,
2 so noises are not a problem, no.

3 Q. Okay. And then did you try to go to
4 sleep?

5 A. Yes, I did.

6 Q. About what time would it have been then
7 when you tried to go to sleep?

8 A. Again, probably 10 after, 15 after
9 2:00, somewhere in that vicinity.

10 Q. Okay. And, were you able to go to
11 sleep?

12 A. Yes.

13 Q. Okay. Now, did something wake you up
14 soon after that?

15 A. Yes.

16 Q. Okay. What time was that that you were
17 awakened?

18 A. The first time that I was awoken, I
19 really don't know. I did not look at the clock. It
20 didn't break my sleep completely. I felt something, a
21 noise of some kind that did wake me.

22 Q. What noise, do you know?

23 A. I do not know. A loud noise of some
24 type. Again, it's, if you hear something in the dark, or
25 the night, you hear it only once, and you're asleep, or
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1 trying to go to sleep, it's hard to tell what the noise
2 was. All you know is it was a noise.

3 Q. Okay.

4 A. I don't know what time that was. It
5 was sometime after I tried to go to sleep or after I did
6 go to sleep and it woke me. A short time thereafter, I
7 was awoken again though. And this time it was a full
8 awakening.

9 Q. Okay. And what woke you at that time?

10 A. What woke me at that time was Darin
11 Routier running from the front of the home, down the
12 sidewalk, yelling that, "someone has stabbed my children,"
13 or, "my kids and my wife".

14 Q. Okay. "Someone has stabbed my children
15 and my wife"?

16 A. Yes.

17 Q. Is that your best recollection of what
18 he was yelling?

19 A. That is my best recollection, yes.

20 Q. Okay. And tell the jurors how he was
21 yelling that. Was he --

22 A. Very loudly. Almost broadcasting it to
23 the neighborhood as a danger. You know, he wanted
24 somebody to hear him.

25 Q. Okay. And you had no trouble hearing

1 him?

2 A. No.

3 Q. Okay. When you heard that, what did
4 you do?

5 A. I immediately sat up in bed. And
6 naturally, when you hear something like that, you're going
7 to listen to see what's going on. I immediately sat up in
8 bed, and as I set up in bed, I have a waterbed that sits
9 up fairly high, I can look directly out the window,
10 directly down, and I saw Darin approximately even with the
11 fountain.

12 Q. Okay. Do you recall what he was
13 wearing?

14 A. I recall it was blue jeans, I believe,
15 only.

16 Q. Okay. Just blue jeans?

17 A. Yes.

18 Q. Okay. And, he was standing near the
19 fountain?

20 A. Yes.

21 Q. Okay.

22 A. Well, he was running near the fountain,
23 he wasn't standing.

24 Q. Okay. Did you see anyone else out
25 there?

1 A. Yes, I did.

2 Q. Who did you see?

3 A. I saw a policeman coming up over the
4 bank. As I leaned up in bed, I could look out the window
5 and see a pretty good picture, or pretty good view of the
6 street. There's a police car sitting a little bit ahead
7 of where the car is there now.

8 Q. Okay. Let me get you -- if we could,
9 with the Court's permission, if we could have the jurors
10 step down for a moment.

11

12 THE COURT: All right. That's fine.

13 Maybe you can use the pointer, Mr. Shook.

14 MR. TOBY L. SHOOK: Okay.

15 THE COURT: If you will just wait a
16 minute for everyone to find a position around there.

17 Okay. Can the jury all see that?

18 Okay.

19

20 BY MR. TOBY L. SHOOK:

21 Q. Mr. Gorsuch, if you can step over here
22 to the side.

23 A. Okay.

24 Q. And again, on the photograph, point to
25 the area that you first saw Darin Routier.

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1 A. Okay. Darin Routier was approximately
2 in this area here. There was a police squad car parked
3 away from the curb, a little bit in this area, a little
4 bit ahead of the direct front line of the home.

5 Q. Which is --

6 A. -- parked close to the front. He was
7 actually parked around to the side, about in this area.

8 Q. Okay. And, which way was he pointed?

9 A. He was pointed west.

10 Q. Okay. Did you see a police officer out
11 in that area?

12 A. Yes, I did. He was approximately in
13 this area. There is a small bank here. It comes up from
14 the sidewalk into the yard. It runs approximately around
15 in about this area. He was already up over the side of
16 that bank and was coming up about in this area here, at
17 the corner of the house, whenever I sat up in bed.

18 Q. Okay. That's the first thing you see
19 when you look out?

20 A. Correct.

21 Q. Okay. What was the next thing that you
22 saw happen?

23 A. The next thing I saw happen was Darin
24 stopped about in this area, and he came around between the
25 fountain and the house, and met the police officer in this
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1 area. They both came back between the house and the
2 fountain and then went into the house.

3 Q. Okay. Now, did you hear anything said
4 between Darin and the police officer at that time?

5 A. I heard something said, but I could not
6 understand what was said.

7 Q. Okay. And then they go into the house?

8 A. Yes.

9 Q. Okay. What do you do at that time?

10 A. I got out of bed. My wife was awake at
11 that time, she heard basically the same thing. So she and
12 I both got out of the bed. We kind of went to the window
13 and looked, of course, to see what was going on. At that

14 time all we could see was a police car sitting here.

15 Q. Okay. Did you look around the street

16 to see if you could see anything else?

17 A. Yes, I did.

18 Q. Okay. Did you see anything else there

19 in the neighborhood?

20 A. No. Nothing in this area, other than

21 what I've already describe, my pickup, the Pathfinder

22 here, and my van here, the police car here.

23 Q. Okay. So there's your two cars in

24 front of your house?

25 A. Yes.

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1 Q. Now the police car is parked here?

2 A. Yes.

3 Q. And the Routier's Pathfinder is in

4 front of their house?

5 A. Yes.

6 Q. Are there any other cars out there that

7 you see?

8 A. No.

9 Q. Any other cars at your neighbors here

10 at 5802 or anything like that?

11 A. No.

12 Q. Okay. What's the next thing that you

13 saw?

14 A. The next thing I saw were the police

15 officer and Darin come back out of the house.

16 Q. Okay.

17 A. The police officer and Darin then --

18 the police officer basically told Darin to go find

19 somebody else in the neighborhood, ask him if there was

20 somebody else. Darin said "yes." Darin came across the

21 street, went to the Neals' house and beat on their door.

22 Q. Okay. Now, did another police officer

23 arrive soon after that other officer?

24 A. Yes.

25 Q. Okay. Where was his car located?

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1 A. It was parked somewhere in this area

2 here. He had pulled up and stopped fairly quickly,

3 somewhere out here in the middle of this area.

4 Q. Okay. And where did he go?

5 A. He went to the house also.

6 Q. Okay. Now, you didn't have a stop

7 watch on or anything, did you?

8 A. No.
9 Q. Okay. Do you know how long it took
10 this other officer to arrive on the scene?
11 A. No, I do not.
12 Q. Okay. But another officer pulled up
13 soon thereafter?
14 A. Very soon thereafter.
15 Q. When Darin Routier emerged from the
16 house again, was this other police officer there also?
17 A. Not yet.
18 Q. Okay. Did he arrive soon after that?
19 A. Yes.
20 Q. Okay. And you're observing this from
21 your bedroom window; is that right?
22 A. That's correct.
23 Q. Okay. What's the next thing that you
24 remember happening?
25 A. The next thing I recall happening was
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1 when Darin was here beating on the Neals' door, with the
2 second officer arriving, and what I had already heard, it
3 occurred to me that, you know, that maybe there is
4 somebody around that I need to find for them, or look to
5 see if there is anybody.
6 My house has windows across the back of
7 it, on the second story, as well as the one on the west
8 side. I had a pretty good view of everything in the
9 alley. There's a large fence that runs between our
10 property here and the church.
11 I can see the alley several houses down
12 to the west. I can see across the church parking lot
13 through the fence, or over the fence. The fence is
14 approximately a nine foot fence, so it's pretty hard to
15 scale. I can also see the alley going this way for
16 probably about down to the corner here.
17 I immediately went and looked out that.
18 After I didn't see anybody there, I went back to my
19 bedroom, picked up my pistol and went downstairs.
20 Q. Okay. And, again, were you timing
21 that, how long it took to look out the windows, that sort
22 of thing?
23 A. No.
24 Q. Okay. When you last heard and looked,
25 Darin was next door beating on the door; is that right?
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1 A. That's correct.
2 Q. And you said the Neals live there?
3 A. The Neals live there, Terry and Karen.
4 Q. That's Terry and Karen Neal?
5 A. Yes.
6 Q. And those are close friends of the
7 Routiers in the neighborhood?
8 A. In my opinion, yes.
9 Q. Okay. You went outside your home; is
10 that right?
11 A. That's correct. After I went
12 downstairs, I turned off the alarm system and came out the
13 front door. I have two large cut pillars here with an
14 archway above my door, and I stood approximately here to
15 this of the door beside the pillar.
16 Q. Okay. Once you got outside the house,
17 had some more cars arrived on the scene?
18 A. Yes.
19 Q. Okay. What cars were those?
20 A. They were some more police officers,
21 and an ambulance. There's an ambulance approximately
22 right here.
23 Q. Okay.
24 A. There was another ambulance that came
25 and parked in this area with the police car behind it.
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1 The ambulance was just in front of the Pathfinder. The
2 police car was back in this area. There were starting to
3 be more and more cars. There's also a MCU fire truck that
4 came and parked in this area. There were fire, again,
5 fire response vehicles, ambulances and police cars. How
6 many, and where exactly, it's hard to keep track.
7 Q. Okay.
8 A. From the time this ambulance arrived --
9 before this ambulance arrived here though, there was a car
10 that came into this area. It was dark colored car, older
11 model, Cutlass, I believe is what it was. It had some
12 younger people in it. And the police officer that had
13 come in this car was over here. They came across and
14 stopped this vehicle.
15 Q. Okay. That's the second officer that
16 arrived on the scene?
17 A. Yes. The second officer was actually
18 the one that -- I do not believe he actually made it to
19 the house yet.
20 Q. Okay.
21 A. When he stopped the vehicle, the other
22 officer came out as well. The ambulance came during that

23 timeframe. The car here was stopped, the individuals in
24 the car, I believe there were four of them, they got the
25 individuals out at gunpoint and basically spread eagle on
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1 the car.

2 Q. Okay. So this other car you saw, was
3 that the first car that you saw moving that was not a
4 police vehicle, or an ambulance or a fire truck?

5 A. Yes.

6 Q. Okay. And, were you downstairs when
7 you observed this car come by the house?

8 A. Yes.

9 Q. The police officers immediately stopped
10 that?

11 A. Yes.

12 Q. And take the people out by gunpoint?

13 A. Yes.

14 Q. Okay. Did you see them do anything to
15 the car at that time?

16 A. They searched the car, interior, as
17 well as trunk, while they had the people out of the car,
18 they questioned the people. It looked like they were
19 looking at licenses, I.D.'s, things like that.

20 Q. Did they also search those individuals?

21 A. Yes, they did.

22 Q. Okay. Did they let those people go on
23 their way?

24 A. Yes, they did, after a period of time.

25 Q. Okay. And you're observing this all
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1 from your porch, I take it?

2 A. Yes.

3 Q. Okay. Where was Darin Routier at this
4 time?

5 A. Darin was coming back across the
6 street. Before, or it was right after, actually, this car
7 was stopped. He was still over here with Terry and Karen.
8 Terry came out of the house first with Darin and came back
9 across the street. Karen came out afterwards.

10 Q. Okay. It took Terry, evidently, awhile
11 to get up out of bed once he was awakened?

12 A. Yes.

13 Q. He was the first out though?

14 A. Yes.

15 Q. Okay. Had the paramedics gone into the
16 house at that time?

17 A. Yes. As Terry and Darin were coming
18 across the street, the paramedics, again, did arrive. And
19 they were coming into the house at that time, yes.

20 Q. Okay. What's the next thing that you
21 observed?

22 A. The next thing I observed was, once
23 Terry and Darin came across the street, they came up to
24 the front of the house. There was another officer that
25 had arrived at that time also. He was there in front of
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1 the house also. He was watching this that was going on
2 here. He was here.

3 Darin and Terry came across the street.

4 Karen came out shortly thereafter, I think before Terry
5 and Darin even entered the home. Karen came out and came
6 across the street also. They waited and the three of them
7 entered the home.

8 Q. Okay. And, how long were Terry and
9 Karen in that home?

10 A. I'm not real sure. It was a short
11 period of time.

12 Q. Okay. Again, you didn't have a
13 stopwatch on it?

14 A. No.

15 Q. But it was a short period of time?

16 A. Yes.

17 Q. And, did they leave with anyone at that
18 time? Did you see anyone leave when they left the house?
19 Where they with anyone?

20 A. They were with a police officer, yes.

21 Q. Okay. Could you describe how they left
22 the house?

23 A. They were basically being escorted. It
24 was a police officer, I think, and possibly a paramedic, I
25 think.

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1 Q. Okay.

2 A. It was either a paramedic or a police
3 officer. Again, it was somebody in uniform.

4 Q. Okay. And they --

5 A. They were both on the scene at that
6 time.

7 Q. They weren't physically throwing them
8 out?

9 A. No. No. They were helping them
10 almost.

11 Q. Okay.

12 A. It was more of a help escort than a
13 forceable escort.

14 Q. But it was a short period of time that
15 they were in there?

16 A. Yes.

17 Q. Okay. What's the next thing that you
18 observed? Did you observe anyone else coming out of the
19 house after that?

20 A. After that period of time, other than
21 the police officers, no.

22 Q. Okay. What about any of the children?

23 A. It was a period of time again, exactly
24 how long, I don't know. The smallest one, to be honest
25 with you, I never could keep their names straight. Devon
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1 and Damon, you always saw them in pairs, so it was just
2 always Devon and Damon.

3 I don't know which one it was, it was
4 the smallest one, was brought out through this area and
5 placed in this ambulance with two paramedics.

6 Q. Okay. And, did you see Darlie Routier
7 being brought out?

8 A. Not at that time.

9 Q. Okay. Sometime later was she brought
10 out?

11 A. She was brought out, and she was placed
12 in an ambulance here behind, the second ambulance.

13 Q. Okay. Did more police officers
14 continue to arrive upon the scene?

15 A. Definitely.

16 Q. Okay. Did neighbors start to come out
17 and gather around?

18 A. Yes, they did. Neighbors from
19 basically all over the neighborhood came and started
20 gathering, basically in this area, as well as this area
21 here.

22 Q. Okay. Why were they gathering across
23 the street here?

24 A. The gathering was kind of controlled by
25 the police and their tape. There was a taped area, and it
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1 went, kind of, from this area up and across, through this
2 light pole, through these mailboxes and down through this
3 area to this corner of this house. Somewhere in that
4 vicinity. Exactly where the tape was, I don't recall. It

5 was in two or three different places.

6 Q. Are you talking about the yellow police
7 tape?

8 A. Yes.

9 Q. Okay. So, it stretched actually across
10 the street and went along the other side of the street; is
11 that right?

12 A. That's correct.

13 Q. Okay. Did it enclose your cars?

14 A. Yes, it did.

15 Q. Okay. How quickly did the police put
16 that particular tape up?

17 A. It was up very quick. When the
18 ambulance here that had the smallest child in it had first
19 pulled out, it was almost as soon as it pulled out, the
20 tape went up.

21 Q. Okay.

22 A. They had to actually lift the tape up
23 to allow the second ambulance out.

24 Q. Okay. And you said that the neighbors
25 gathered. They gathered on the other side of the tape?

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1 A. Yes. In this area here behind the
2 tape.

3 Q. Okay. Were any of the neighbors
4 allowed to go beyond that tape?

5 A. No.

6 Q. From your observations, did the police
7 keep everyone out, from outside of that tape?

8 A. Most definitely.

9 Q. Even before the tape was up, did you
10 observe the police officer's actions, as far as letting
11 people on the property, things like that?

12 A. As far as the police officers
13 themselves, the police officers themselves were the only
14 ones, other than Terry and Karen that I saw try to enter
15 the property, and Darin.

16 Q. Okay.

17 A. Other than that, I saw no one else
18 attempting to even enter the property.

19 Q. Okay. So, the only persons you saw go
20 in the house were Darin and Karen and Terry?

21 A. Well, the paramedics and the police
22 officers.

23 Q. The paramedics and the police officers?

24 A. Correct.

25 Q. By the time you saw Karen and Terry go

1 in, they were in just a short time?

2 A. Correct.

3 Q. Where they went, do you have any idea?

4 A. I don't have any idea. From what Karen

5 said, whenever she came back out, the assumption is that

6 she did go into the area where the boys were. She did

7 describe it to a little bit of detail, not much.

8 She became -- she is a nurse. She's a

9 registered nurse. She knew the paramedics, they knew her.

10 Somehow, through the confusion that when she came over,

11 she was confused and she thought that she was supposed to

12 help. So she did attempt to help.

13 Q. Okay. But was she in there

14 resuscitating these boys or anything like that?

15 A. No. She's a -- they basically -- they

16 turned around to follow -- or to walk back to the area, I

17 guess. From what she said, just from what she had told

18 me, that she went to the area, but they wouldn't let her

19 do anything. That's when they escorted her and Terry back

20 out. So, again, it was a very few minutes that that

21 actually occurred.

22 Q. Okay. Steps in, goes in, but doesn't

23 help, and is escorted out?

24 A. Correct.

25 Q. Okay. And, from the short time you saw

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1 them enter and come back out, would that be consistent

2 with what you saw there? She was not in there a long

3 time?

4 A. Correct.

5 Q. Okay. Did you see anyone else, any

6 other civilians, anyone else, other than police and

7 paramedics then go in that house?

8 A. No.

9 Q. Okay. And then after they had the

10 scene tied off, did you see anyone other than police

11 officers going inside that house?

12 A. No.

13 Q. Okay. Even before the tape was up, did

14 the officers have this area shut down pretty good?

15 A. Yeah, they had the area shut down

16 pretty well. This entire area down through here was

17 choked with emergency vehicles, fire trucks, police cars,

18 ambulances here, police car -- there was another police

19 car up in this area. There was a car that did try to come

20 from the west direction, but it was stopped, backed up and
21 went down the Allen Street. There wasn't really any way
22 anybody could go through this area.

23 Q. Okay.

24 A. Via a vehicle.

25 Q. The only other car you saw, other than
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1 an emergency vehicle, was that this first car that the
2 police stopped?

3 A. That's correct.

4 Q. Okay. And when you first woke up on
5 hearing Darin Routier saying, "Someone's stabbed my wife
6 and my kids," you looked out. Did you see any other
7 vehicles, other than the ones you have described?

8 A. No.

9 Q. One police officer and then the
10 Routier's vehicle and your two cars?

11 A. Correct.

12 Q. No other vehicle?

13 A. Correct.

14 Q. Okay. From that time on, did you
15 pretty much stay out in this area?

16 A. Basically stayed up here in this area.

17 I didn't venture too far out from the house. The only
18 reason was, I still had my pistol in my hand. With the
19 shock of what was going on and everything, it didn't dawn
20 on me till the last minute that there's police cars all
21 over the place here, and I'm standing in front of my house
22 with a gun in my hand.

23 Q. Not too safe a thing to do?

24 A. No, it wasn't. Wasn't too smart, but,
25 again, I was in shock, didn't understand what was going on
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1 really. Once I realized that, I went back, directly
2 inside the door at some point, put the gun back on my file
3 cabinet in the top drawer, and came back out the door.
4 From that point forward, I was in the front of my house,
5 down my sidewalk, back to the front of my house. I was
6 outside from that point on, until probably 9:00 or 10:00
7 o'clock in the morning.

8 Q. Okay. Where was Darin Routier?

9 A. Darin, most of the time, was escorted,
10 basically, by Terry over and sat here in this area, at the
11 end of the sidewalk at the Neals. During the whole time
12 of them bringing the smallest child out, bringing Darlie
13 out, he was in this area, and was allowed to escort across

14 by the police officers, once Darlie was started being
15 brought out.

16 Q. Okay. Did he go to the ambulance area
17 at that time?

18 A. Yes, he did.

19 Q. Okay. And, did someone eventually take
20 him away from the scene?

21 A. Yes, they did.

22 Q. Who was that?

23 A. Terry Neal.

24 Q Okay. The neighbor again there at
25 8405?

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1 A. Yes.

2 Q. That's the one he woke up?

3 A. Yes.

4 Q. Okay. And, whose vehicle did they
5 leave in?

6 A. The Routier's Pathfinder.

7 Q. Okay. And, who was driving?

8 A. Terry.

9 Q. Did you see an officer out there with a
10 dog?

11 A. Yes, I did. The Garland K-9 unit
12 arrived at sometime and it was parked down in this area,
13 so exactly when they arrived, I don't know. They did
14 search, with the dog, around in this area in the front of
15 the home, down the alley, down the side, as well as in
16 between the homes. They really didn't go across the
17 midpoint of the street anywhere. They searched this area,
18 and both back and behind and in front of the home, that's
19 about it.

20 Q. Okay. So, you saw him out front, and
21 then you saw him go up behind the home?

22 A. Yes.

23 Q. Okay. And, again, I guess a crowd was
24 gathering there on the outside of the tape?

25 A. Yes.

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1 Q. Okay.

2

3 MR. TOBY L. SHOOK: You can go ahead
4 and have a seat up there.

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. TOBY L. SHOOK:
14 Q. So it's clear, did you -- were you able
15 to determine what time it was when you woke up with Darin
16 yelling?
17 A. It was approximately 2:40.
18 Q. Okay.
19 A. I have a clock, an alarm clock beside
20 the bed, and, as I recall it was around 2:40.
21 Q. Okay. Did you look at the clock when
22 you woke up?
23 A. Yes.
24 Q. At 2:40 in the morning?
25 A. Yes.
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1 Q. Okay. Now, the Routiers have an infant
2 son. Do you know what his name is?
3 A. I don't recall.
4 Q. Okay. Did someone take that baby out
5 of the house sometime during the morning?
6 A. Yes, they did.
7 Q. Okay.
8 A. The police officers took it out of the
9 upstairs bedroom somewhere. That's where Karen said they
10 took the baby from and gave it to Karen.
11 Q. Okay. And, they took it out of the
12 residence and then they gave it to Karen; is that right?
13 A. That's correct.
14 Q. Okay. Eventually, did you and your
15 wife take custody of the baby sometime that morning?
16 A. Yes, we did.
17 Q. Okay. And, in fact, did y'all care for
18 the baby later on through the day?
19 A. Yes, we did.
20 Q. How long did y'all have the baby there?
21 A. We had the baby probably from around
22 11:00 a.m. until maybe 3:00 or 4:00 o'clock in the
23 afternoon.
24 Q. Okay. Did the police ever get anyone
25 to help them retrieve the Routier's dog from the house?
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1 A. Yes, they did. Karen again, who knew
2 the inside of the home, as well as the pet. A police
3 officer, from what Karen said, also was that -- a police
4 officer had almost been bitten by the dog at some point.
5 The dog was in the home, and they
6 wanted the dog out. They were afraid to do anything with
7 the dog. And they wanted to know if anybody thought they
8 could get it. So, again, they allowed Karen to go in the
9 home and retrieve the dog.

10 Q. Okay. Did she go in there by herself or
11 was she escorted into the house?

12 A. She was escorted.

13 Q. How many police officers?

14 A. Two.

15 Q. Okay. And, how long were they in the
16 house?

17 A. Minutes, very few minutes.

18 Q. Okay. Do you know where they went in
19 the house?

20 A. No, not for sure.

21 Q. Okay. But did Karen emerge with the
22 dog soon after that?

23 A. Yes.

24 Q. Okay.

25

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1 MR. TOBY L. SHOOK: That's all the
2 questions I have. We'll pass for cross-examination.

3 THE COURT: Mr. Mulder?

4

5 CROSS EXAMINATION

6

7 BY MR. DOUGLAS MULDER:

8 Q. Yes, sir. Mr. Gor -- is it Gorsuch?

9 A. Yes, it is.

10 Q. Mr. Gorsuch, just a thing or two.

11 Gosh, have you -- have you made any notes?

12 A. No, I have not.

13 Q. You didn't need to make any notes about
14 this?

15 A. No, it was pretty well fixed in my mind
16 whenever I saw it.

17 Q. Did you -- when was the first time you
18 were contacted by the police?

19 A. That morning? It was approximately
20 7:00 o'clock.

21 Q. Do you remember who the police officer
22 was that contacted you?

23 A. No, I do not. I didn't ask his name.
24 Q. What did he look like?
25 A. He was in a blue uniform. That's all I
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1 I can recall.
2 Q. That's the best you can do?
3 A. By 6:00 o'clock in the morning, that's
4 the best I can do, yes, sir.
5 Q. So, it was a male?
6 A. Yes, it was.
7 Q. Okay. And I guess you told him
8 basically what you have told the jurors?
9 A. Yes, I did.
10 Q. And, gosh, that must have taken you
11 some time?
12 A. It did.
13 Q. Okay.
14 A. He interviewed both my wife and I.
15 Q. Okay. I assume he took notes.
16 A. Yes, he did.
17 Q. Okay. Would you recognize him if you
18 were to see him again?
19 A. Probably not.
20 Q. Okay. Did you notice what he was
21 writing down?
22 A. No. I did not pay attention to what he
23 was writing.
24 Q. Did he seem to be taking voluminous
25 notes? Or was he noting things appropriately?
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1 A. I felt he was noting things
2 appropriately, probably, yes.
3 Q. But you say you saw him making some
4 notes as you went along?
5 A. Yes.
6 Q. Okay. About how long did you visit
7 with him?
8 A. Fifteen to 20 minutes, probably.
9 Q. Okay. And told him basically the same
10 thing that you told the folks here?
11 A. Basically, yes, to the extent, no.
12 Q. Well, now, I kind of got lost in the
13 dialogue there, but as best as I recall, you had to go to
14 work and you left the office -- and I think you left at
15 1:25 and called your wife, again, as you explained to us
16 why, and you made it home, I said -- I think you said you

17 were home -- I think the prosecutor said 1:50 and you said
18 1:45?

19 A. Between 1:45 and 1:50, that's correct.

20 Q. All right. And then you did the

21 business with the stars and the moon, and went on in and
22 checked the windows and turned on the alarm that you had

23 installed and went on up to bed?

24 A. Correct.

25 Q. Okay. All right. Now, you were first

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1 awakened, and like you said, you didn't understand what
2 the noise was, but apparently you drifted back off to
3 sleep?

4 A. Correct.

5 Q. And then were awakened -- what awakened

6 you the second time, do you know?

7 A. Darin yelling.

8 Q. Okay. And, is that when you looked at

9 the clock?

10 A. Yes, it is.

11 Q. Okay. Is your -- you know, sometimes

12 I'll set my clock a little bit fast just so that hopefully

13 I get where I'm supposed to be on time. Do you set yours

14 right -- I bet you set yours right on the money, don't

15 you?

16 A. Yes, I do.

17 Q. Okay. So, it was 2:40 you're telling

18 us?

19 A. Yes.

20 Q. A guy like you would keep an accurate

21 clock, wouldn't he?

22 A. I suppose so, yes.

23 Q. All right. And, you're telling this

24 jury that it was 2:40 when Darin started to yell?

25 A. Correct.

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1 Q. And, I believe you said that he was

2 going down there -- this is the walk to his front door,

3 isn't it?

4 A. Yes, it is.

5 Q. Okay. And the police officers had

6 pulled up here, just down from you. Can you see that?

7 A. Um-hum. (Witness nodding head

8 affirmatively).

9

10 THE COURT: I think you better turn it

11 a little bit more, Mr. Mulder, so those two end jurors can
12 see it.

13

14 BY MR. DOUGLAS MULDER:

15 Q. All right. I believe you said the
16 police car went right here.

17 A. No.

18 Q. I'm sorry?

19 A. Back a little bit.

20 Q. Here?

21 A. Almost a full car length in front of
22 where that car is shown there in the picture.

23 Q. Here?

24 A. Yes. Somewhere is that vicinity.

25 Q. Okay. But more in front of your
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1 neighbor's house than in front of your house?

2 A. No, not really. The neighbor's house
3 there you can see in. It was actually almost sitting
4 directly on our property line. There is a white line
5 there in the picture.

6 Q. Yeah.

7 A. That's a mow line between his and my
8 house, that always keeps the grass dead for some reason.
9 The car was parked almost even with that line. Somewhere
10 in that vicinity, almost right there by that mailbox.

11 Q. The back or the front?

12 A. The back or the front of the car?

13 Q. Squad car, yes. If you remember.

14 A. About the middle actually.

15 Q. About the middle.

16 A. Whenever I make a reference, it's
17 usually the middle of the vehicle.

18 Q. All right. Fair enough. And it was
19 headed in this direction?

20 A. West. Correct.

21 Q. Right. Going this way?

22 A. Yes.

23 Q. Okay. Was it parked up close to the
24 curb?

25 A. No.

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1 Q. About how far was it from the curb?

2 A. Three feet, four feet.

3 Q. All right. And, did you see the police
4 officer actually get out?

5 A. I didn't see the police officer get out
6 of the car. By the time I heard Darin yelling, the police
7 officer was already across the street and was going up the
8 small embankment there by their home, right there where
9 your finger is, from the sidewalk.

10 Q. Okay. And, he and Darin met?

11 A. Yes.

12 Q. On the sidewalk?

13 A. No. Basically a little bit to the --
14 move your finger. Okay. If you look at the fountain and
15 the house, draw a direct line between them, the corner of
16 the house about halfway in between.

17 Q. In here?

18 A. About in there.

19 Q. Okay. They met there and then went
20 directly into the house?

21 A. Yes.

22 Q. Okay. Now, how long were they in the
23 house before the next thing that attracted your attention
24 happened? Did they come out of the house, or did another
25 car come up, or what?

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1 A. They weren't in the house very long.

2 They were in the house for awhile.

3 Q. Okay.

4 A. Minutes, again, I don't know.

5 Q. Okay. Would you say a couple of
6 minutes maybe?

7 A. Probably longer than that. Probably
8 three --

9 Q. About the time it took you to look at
10 the stars, five minutes?

11 A. Three to four, five, somewhere in that
12 vicinity. Again, I don't know for sure.

13 Q. All right.

14 A. I don't --

15 Q. By this time, no other car is there
16 yet?

17 A. No.

18 Q. Okay. So both of them came out; is
19 that right?

20 A. Correct.

21 Q. Came out together?

22 A. Yes.

23 Q. And no other police cars or ambulance
24 or anything like that yet?

25 A. Not yet.

1 Q. Okay. They've been inside for five
2 minutes doing, of course, you have no idea of knowing what
3 they have been doing in there?
4 A. No, I don't.
5 Q. All right. But anyway, they came out
6 together five minutes later. And where did they go?
7 A. They were eventually at the front door.
8 And the officer asked Darin if he had somewhere in the
9 neighborhood that he could go.
10 Q. You heard him ask that?
11 A. Yes, I did.
12 Q. Okay. And you're in your perch up
13 there on the second floor in your bedroom on the waterbed?
14 A. Yes.
15 Q. Where you can look out?
16 A. Yes.
17 Q. Okay. And you heard him ask Darin, is
18 there somebody in the neighborhood from whom you can get
19 some assistance?
20 A. Yes.
21 Q. Medical help?
22 A. No.
23 Q. All right. Just assistance?
24 A. Just assistance.
25 Q. And he said there's a nurse across the
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1 street?
2 A. No.
3 Q. He said what?
4 A. He basically asked Darin if there was a
5 friend in the neighborhood that he could go to, and Darin
6 said, "yes".
7 Q. And you heard this dialogue between
8 them?
9 A. Yes, I did.
10 Q. Okay. And where did Darin go?
11 A. Darin then went to 8405 Eagle.
12 Q. All right. And that's the nurse?
13 A. The Neals, yes.
14 Q. And, she's a registered nurse?
15 A. She is, yes.
16 Q. Okay. Where did the police officer go?
17 A. He went back in the house.
18 Q. Okay. No other ambulances or police
19 cars or anything at that point?

20 A. Not at that point.
21 Q. Now, looking at your clock, it's now
22 2:45, and then some?
23 A. I don't know.
24 Q. Okay.
25 A. Again, I didn't look at my clock at
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1 that point.
2 Q. All right.
3 A. From that point forward, I didn't pay
4 any attention to time.
5 Q. Does he make it over to the Neals'
6 house before anything else happens?
7 A. Yes.
8 Q. Okay. So he's in the Neals' house, and
9 there are no other police officers here or ambulances or
10 anything else?
11 A. I don't recall whether he went in the
12 house or not. I know he was beating on the door.
13 Q. Okay.
14 A. Whether he entered the Neal home or
15 not, I don't know.
16 Q. What was he saying?
17 A. I did not hear that conversation.
18 Q. Okay. And you don't know -- was he
19 saying something? Was he saying, "help", or something
20 like that?
21 A. I did not hear the conversation.
22 Q. But you could hear him banging on the
23 door?
24 A. Very well, yes.
25 Q. Okay. How long was it before he
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1 started back across the way with the Neals?
2 A. Minutes-wise, again, a few minutes. By
3 that time the second officer had arrived and parked there
4 in front of 5802.
5 Q. Okay. What had this officer done?
6 A. He was already back in the house.
7 Q. He had gone back in the house?
8 A. Correct.
9 Q. And then the second officer parked in
10 front of 5802 over here?
11 A. Yes.
12 Q. Okay. And that would be the -- let's
13 see, the retired couple?

14 A. The retired couple. I don't know their
15 names.
16 Q. All right. And the police officer
17 parked in that area?
18 A. Yes.
19 Q. Do you remember how he was parked
20 there?
21 A. Kind of north, northeast. He was
22 pulled in to an angle.
23 Q. So, he would be headed in this
24 direction?
25 A. No, north, northeast, headed the other
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1 direction.
2 Q. This way?
3 A. Yes. The top of the map is north.
4 North, northeast would be about 45 degrees pointed in the
5 opposite of -- there you go. Right there.
6 Q. All right. So, had he come from this
7 direction, and pulled in there?
8 A. It appeared that he had, yes.
9 Q. Did you see him as he was coming down
10 here?
11 A. No. He had arrived as I was coming
12 back to the window.
13 Q. Okay. All right. Did you see him get
14 out of his vehicle?
15 A. Yes, I did.
16 Q. Okay. And where did he go?
17 A. He started across the street.
18 Q. In the direction of this residence?
19 A. Yes.
20 Q. Okay. Where was -- was Darin knocking
21 on the door at that time?
22 A. Darin was waiting at the door.
23 Q. Okay.
24 A. Apparently he was waiting for Terry.
25 Q. All right. He would just be a stone's
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1 throw from where that police officer pulled his squad car
2 up, would that be about the distance from here to the back
3 of the court room, wouldn't it?
4 A. Well, most of those homes are 25 to 30
5 feet off of the sidewalk line by the Rowlett ordinance, so
6 that would probably be about 40 feet to 50 feet, yes.
7 Q. All right. So, did he make it over to

8 this house before Darin left the Neal house?

9 A. No, he did not.

10 Q. All right. What happened?

11 A. The officer actually started over

12 towards the house, as I recall. This is whenever I was

13 coming out the front door.

14 Q. All right.

15 A. And standing by my column there at my

16 house. The officer had --

17 Q. Is that where you were?

18 A. Excuse me?

19 Q. That's where you were, right here?

20 A. That's correct.

21 Q. All right.

22 A. The officer had possibly entered the

23 home and come back out, or had not entered the home yet.

24 Q. Which officer?

25 A. Exactly which one -- the second officer

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1 to arrive, I believe.

2 Q. Okay. So, he either entered this house

3 and come back out, before Darin and the Neals got over

4 there?

5 A. Terry Neal. Yes.

6 Q. Okay.

7 A. Both Neals did not come together.

8 Q. Okay. Terry was first, wasn't he?

9 A. Terry was first.

10 Q. Okay. And the -- I want to make sure I

11 understand you. This officer, who parked over here, the

12 second officer to arrive, made it into the house and back

13 out of the house?

14 A. I said I think he might have, I don't

15 know for sure. Again, I was in the process of going down

16 my stairs.

17 Q. Okay.

18 A. Whenever I came out the door, this car

19 had come from the west and was being stopped by the two

20 police officers. There's another officer that had arrived

21 down beyond Eagle Drive there, down below. Those two

22 officers, I believe, were the two that stopped the car.

23 Again, which two officers they were, I don't know. They

24 were in blue uniforms.

25 Q. All right. You don't know whether it

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1 was the same two officers who had originally --?
2 A. No.
3 Q. Okay. Where is -- I'm interested in
4 this officer over here that stopped here.
5 A. Okay.
6 Q. Okay. He was the one who was pulling
7 up when you came back to your vantage point there at your
8 house?
9 A. Well, he had already pulled up. He was
10 stopped.
11 Q. But he was getting out of the vehicle?
12 A. Yes.
13 Q. All right. Was he hurrying toward this
14 house?
15 A. He was not running. You know, I mean,
16 a police officer carrying a gun and full belt and
17 everything, they don't run real fast, but he was moving
18 quickly, yes.
19 Q. Moving in a fast walk?
20 A. Yes.
21 Q. Okay. And, again, where was Terry
22 Neal?
23 A. Terry and Darin, again, were at the
24 front of their home.
25 Q. At the front of the Neal home here?
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1 A. Yes.
2 Q. Okay. Well, he had a head start on
3 them heading toward the Routier house, didn't he?
4 A. Yes, he did.
5 Q. It makes sense that he would arrive
6 there first?
7 A. I would assume.
8 Q. Okay. And, when did Darin Routier get
9 back to his house, if he did?
10 A. After the car was stopped.
11 Q. After the car was stopped over here?
12 A. Approximately in that area, yes. Right
13 there where your finger is.
14 Q. All right.
15 A. Somewhere in that vicinity.
16 Q. So after the car was stopped here, in
17 this vicinity, this is the little Cutlass, I think you
18 said it was?
19 A. I believe it was a Cutlass. It was a
20 dark car of some type. It looked like a Cutlass, or that
21 body style. It was an older, late model car.
22 Q. Older late model?

23 A. Older car, early model. Pardon me.
24 Q. Okay. Would you venture a guess as to,
25 I mean, '85 or '86, something like that? Is that what you
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1 are talking about?
2 A. I would say probably late '70s, or
3 early '80s. It was a smaller body style like a Cutlass.
4 Q. Okay. Could you see the people that
5 got out of the vehicle? I think you said the police had
6 them out spread eagle.
7 A. Yes.
8 Q. Okay. And gosh, by now it's got to be
9 by your count, 2:50, 2:55?
10 A. Again, I wasn't looking at the clock.
11 I don't know.
12 Q. Well, would you imagine --
13 A. Somewhere in that vicinity probably.
14 Q. It was at least pushing 3:00 o'clock,
15 isn't it? Wouldn't you say?
16 A. Probably.
17 Q. Okay.
18 A. Again, I don't know.
19 Q. All right. But, we do know this: That
20 Darin has left, and he has not come back in. Right?
21 A. That's correct.
22 Q. Okay. So they get these people
23 stopped. How many were in the car, as best you recall?
24 A. As best I recall, four.
25 Q. All right. And were they all men?
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1 A. As I recall, yes.
2 Q. All men. Okay.
3 A. From my distance, about 50 feet, they
4 looked like men. Young men.
5 Q. Okay. Could you tell about how old
6 they were?
7 A. Late teens, probably.
8 Q. Could you describe them?
9 A. No.
10 Q. You just could tell that they were men?
11 A. I could tell that they were men.
12 Q. Do you know whether they were black or
13 white, long hair, or short hair, anything like that?
14 A. I believe they were all Caucasian, yes.
15 Q. Do you remember how they were dressed?
16 A. No.

17 Q. Okay. I mean, did they have, just long
18 pants on, I guess?
19 A. I believe they had on jeans, probably.
20 Again, I don't recall.
21 Q. Okay. And, however long it took to
22 check them out, the police checked them out and they let
23 them go. Right?
24 A. Correct.
25 Q. All right. And they drove on. And was
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1 it then that Darin came back to the residence here?
2 A. It was actually during the time that
3 they had them stopped,
4 Q. During the time that they had them
5 stopped, Darin came back to the residence?
6 A. Darin and Terry came across the
7 street --
8 Q. And did --
9 A. -- and entered into the residence, yes.
10 Q. And I believe you said that Mr. Neal --
11 actually, he was ahead of Darin, wasn't he, didn't you
12 say?
13 A. No. I don't believe I did say that.
14 Q. Okay. Was Karen behind them?
15 A. Karen was behind them. Yes.
16 Q. Okay. They came over. Did Terry and
17 Darin go into the residence?
18 A. No, not yet. They waited for Karen.
19 Q. Okay. And, I guess Karen came along
20 shortly?
21 A. Yes.
22 Q. By now it's got to be 3:00 o'clock, is
23 that fair to say?
24 A. I don't know.
25 Q. Okay. All right. And all three of
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1 them went in together?
2 A. Yes.
3 Q. Okay. How long was it before they came
4 out?
5 A. Again, minutes.
6 Q. A couple of minutes?
7 A. Couple of minutes, three minutes maybe,
8 if that long.
9 Q. All right. Did all three of them come
10 out?

11 A. Yes, they did.
12 Q. All right. And, where did they --
13 A. They were escorted out, actually. They
14 didn't come out under their own power.
15 Q. Okay. The police escorted them out?
16 A. It was actually an ambulance crew that
17 had arrived while that car was being stopped.
18 Q. Okay. So the first ambulance crew that
19 arrived, arrived while this car was being stopped here?
20 A. Yes.
21 Q. All right. You're sure about that?
22 A. Yes.
23 Q. Okay. You're sure that there wasn't an
24 ambulance crew that came up at the same time that this
25 officer did?
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1 A. No.
2 Q. All right.
3 A. If it was there at the same time, it
4 was very close to the same time, but it was after.
5 Q. All right. Well, wait a minute now.
6 When I asked you if he went in the house the second time,
7 you were talking about the police officer from here?
8 A. Again, I assume he went into the house.
9 I don't know for sure.
10 Q. Okay. And you said that then some
11 police officers stopped a car here?
12 A. Further around the corner.
13 Q. Right here?
14 A. Further around the corner.
15 Q. Right here?
16 A. Further around the corner.
17 Q. Here?
18 A. Approximately in that area.
19 Q. Okay. Stopped them here?
20 A. Yes.
21 Q. Got them out of the car, frisked them
22 and threw them up against the car, didn't they?
23 A. Yes.
24 Q. Okay. And, let them go on their way.
25 Right?
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1 A. Yes.
2 Q. And then the ambulance arrived?
3 A. No, the ambulance arrived while the car
4 was stopped.

5 Q. While the car was stopped?
6 A. Correct.
7 Q. Okay. And how many people -- was that
8 the first ambulance to arrive?
9 A. Yes.
10 Q. And where did it park?
11 A. Almost directly across the street from
12 the police car.
13 Q. Which police car, this one here?
14 A. Yes.
15 Q. So they parked along here?
16 A. Yes. Out from the curb again.
17 Q. All right. How many attendants in that
18 ambulance?
19 A. Two, I believe.
20 Q. Okay. Do you know about how far it is
21 from the 5,000 block of Highway 66 to your house?
22 A. The 5,000 block of 66?
23 Q. Um-hum. (Nodding head affirmatively).
24 A. If you cut across the church parking
25 lot?
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1 Q. Yeah.
2 A. In a direct line in other words?
3 Q. Right.
4 A. Is that your question?
5 Q. Yes.
6 A. In a direct line, probably less than a
7 half mile.
8 Q. Less than a half mile. It wouldn't
9 take you very long, at that time of night, to cover that
10 much ground, would it?
11 A. No.
12 Q. What, maybe a minute?
13 A. Probably a minute, two minutes,
14 depending on your gait.
15 Q. We'll, I'm talking about if you were in
16 a car. I mean, if you were going 60 miles an hour, you
17 could cover a half mile in how long?
18 A. Well, I don't have a calculator on me,
19 I don't know.
20 Q. Half a minute?
21 A. Very quick.
22 Q. And it might take a little longer if
23 you're going 30. But police officers don't drive 30 when
24 they're in a hurry, do they?
25 A. No.

1 Q. Okay. Did Darin ever go back in after
2 he was escorted out?

3 A. No. No one went back in the home,
4 except for officers, paramedics. Once Karen, Terry and
5 Darin were escorted out, Darin was asked to go over and
6 sit on the end of the sidewalk in front of the Neals'
7 house with Terry and Karen. No one went back in the home
8 except for Karen, whenever she got the dog. And that was
9 between, like I said, maybe 6:00 or 7:00 o'clock that
10 morning. It was after sunrise.

11 Q. Okay. While you were standing out
12 there, I guess other neighbors were gathering around, were
13 they?

14 A. After a period of time, not real soon.

15 Q. Did you see the Watts, the folks right
16 here talking to the police?

17 A. Yes, I did.

18 Q. Okay. And, did you see the police
19 officers writing down what they were saying -- or appeared
20 to be writing down, taking notes of what they were saying?

21 A. It wasn't actually the Watts. It was
22 actually Mrs. Watts that talked to the police officer.

23 Q. Mrs. Watts talked to the police
24 officer?

25 A. Yes.

1 Q. Okay. Now, as far as -- is this your
2 van?

3 A. Yes, it is.

4 Q. And, in addition to that, you've got a
5 red Nissan?

6 A. Correct. Pickup.

7 Q. Pickup truck.

8 A. Yes.

9 Q. And you're telling us, that to the best
10 of your recollection, that the Nissan was parked in here
11 too that night?

12 A. To the best of my recollection, that's
13 where I always park.

14 Q. All right. Are you telling us that you
15 parked it there that night, or do you remember it because
16 that's the way you always did things?

17 A. No, that's where I parked that night.

18 Q. Okay.

19 A. There was nothing there to prevent me

20 from parking there that night. That's where I always park
21 it. That's where I parked it that night.

22 Q. Okay. And Darin kept his car parked
23 along here, didn't he?

24 A. His Pathfinder right at the end of the
25 sidewalk or thereabouts.

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1 Q. And he kind of did that to slow people
2 down coming through the neighborhood. Wasn't that
3 discussed among your neighbors?

4 A. Um --

5 Q. Speed bumps or something, and he would
6 keep his car parked here, because the kids were out
7 running around, and he didn't want people driving fast.

8 A. It would make a good deterrent. I
9 don't know whether that was ever discussed with myself or
10 not, not that I recall. Speed bumps were discussed at one
11 point. The city will not use them.

12 Q. There was even some talk about Darin
13 putting some out there himself, wasn't there?

14 A. That I don't know. It was not to me.

15 Q. Okay. Your boys would go over and play
16 with the Routier children in their home?

17 A. Yes.

18 Q. And you were comfortable with that,
19 weren't you?

20 A. Yes.

21 Q. Okay.

22

23 MR. DOUG MULDER: I believe that's all.

24 Thank you, Mr. Gorsuch.

25 THE COURT: Mr. Shook?

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1 MR. TOBY L. SHOOK: Just a couple of
2 more questions, Judge.

3

4 REDIRECT EXAMINATION

5

6 BY MR. TOBY L. SHOOK:

7 Q. Mr. Gorsuch, talking about speed bumps.

8 Did you, yourself, have some concerns about the street
9 there and cars going by?

10 A. Yes. Quite often.

11 Q. And what was your concern?

12 A. The concern is, it's kind of a blind

13 corner, because of the way the corner is fairly sharp

14 there. You have a long street that leads to the west, and
15 a long street that leads to the south. And people -- in
16 one of the photographs there, you can see black marks,
17 that are very evident in the pavement there. It's not
18 uncommon for people to squeal their tires when they round
19 that corner.

20 With my children, as well as the
21 Routier children, it was always a concern of almost
22 everybody in the neighborhood of that corner. The
23 children playing -- children when they play, they don't
24 pay attention to streets or sidewalks.

25 Q. Okay.

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1 A. There were a lot of times when there
2 were some near misses.

3 Q. Near misses with who?

4 A. Children.

5 Q. Okay. What about the Routier children,
6 in general? Did a situation ever come out there where
7 cars had to brake for them?

8 A. I'm sure they did, yes.

9 Q. Okay. Did you give specific
10 instructions to your son not to go out there?

11 A. Most definitely. My son catches the
12 worst in most ends. Whether he's involved with it or not,
13 he always gets a lecture on whatever happened.

14 Q. Were you ever out there when these cars
15 almost hit the Routier children?

16 A. Not directly, no.

17 Q. Okay. You heard about that?

18 A. Yes.

19 Q. Did you ever see the Routiers out there
20 supervising their children?

21 A. Supervising?

22 Q. Yes.

23 A. No.

24 Q. Okay. Now, as far as this incident
25 that occurred, nothing like this had ever happened in the
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1 neighborhood before, had it?

2 A. I don't understand the question.

3 Q. Is this something just totally out of
4 the ordinary, as far as someone being -- or a murder like
5 this occurring in your neighborhood?

6 A. It's out of the ordinary for Rowlett.

7 Q. Okay.

8 A. Period.

9 Q. Do you feel you have a pretty safe
10 neighborhood there?

11 A. I believe so, yes.

12 Q. And, as far as describing who went in
13 the Routier house, or how long they were in there, you
14 didn't have a stop watch on any of these things; is that
15 correct?

16 A. No. After getting kind of adjusted to
17 what happened, and what was going on, of course, I mean,
18 it's immediate shock. As I said, the timeframes become
19 very convoluted at that point. It then becomes very hard
20 to keep track of time. There are some things though that
21 you can't wipe from your mind.

22 Q. Okay.

23

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

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1 MR. DOUGLAS MULDER: We have nothing
2 further at this time.

3 THE COURT: All right. You may step
4 down, sir. Thank you.

5 MR. TOBY L. SHOOK: May this witness be
6 excused?

7 THE COURT: May this witness be
8 excused?

9 MR. DOUGLAS MULDER: Yes, sir. Subject
10 to recall.

11 THE COURT: Subject to recall, yes.

12 All right. Thank you very much. We
13 appreciate your coming.

14 All right. Ladies and gentlemen of the
15 jury, we're going to adjourn now until 9:00 o'clock
16 tomorrow morning. Same instructions as always. Don't
17 talk about the case among yourselves. Don't do any
18 investigation.

19 If everybody in the spectators will
20 please remain seated.

21 This will be on the news tonight, and
22 in the newspapers and on the radio. Please ignore it.

23 Don't talk about it with the people at home, about the
24 same thing.

25 You will decide this case on the
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1 testimony you hear and the evidence you receive in this
2 courtroom.

3 Now -- and wear your juror badges at
4 all times.

5 If someone tries to talk to you about
6 the case, tell the bailiff you happen to be with at the
7 time.

8 Members of the spectating audience out
9 there, the rule in this jurisdiction is that you are to
10 remain seated until the jury leaves, please.

11 So the jury, you may leave right now.

12 Mr. Birdsong will tell you when it's all right for y'all
13 to leave. Thank you.

14 See you tomorrow morning.

15

16 (Whereupon, the jury
17 was excused from
18 the courtroom, after
19 which time the
20 proceedings were resumed
21 on the record, outside
22 the presence of the
23 jury, as follows:)

24 THE COURT: Now, the spectators may
25 leave at this time.

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1 (Whereupon the
2 spectators left the
3 courtroom, and the
4 proceedings were
5 resumed as follows:)

6

7 THE COURT: Okay. Back on the record
8 now. My orders on Ms. Routier remains the same, her
9 telephone privileges are canceled.

10 The defense attorneys may appear in
11 jail anytime they want to. They may call into Ms.
12 Routier. She can receive their calls, but nobody else's.

13 MR. DOUGLAS MULDER: Well, now, wait a
14 minute, Judge. Just to clarify this. I don't know
15 whether you know what the situation there is or not. But,
16 I was there to see her yesterday, and it was about 2:30,
17 and they said that I could see her at 3:30. So, you know,
18 apparently I can't see her at anytime. I thought that I
19 would be able to see her at any time.

20 THE COURT: Well, let's go off the
21 record. Well, let's go off the record for just a minute.

22 Let's go back on the record.

23 Mr. Mosty, or Mr. Douglass, what are
24 the local rules?

25 MR. PRESTON DOUGLASS, JR.: Judge, it's
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1 impossible for me to call one of my clients in the jail.

2 Now, maybe you can part the seas. And

3 it's different for me to talk to Ms. Routier, but it
4 doesn't work that way.

5 MR. RICHARD MOSTY: But if we happen to
6 call, and, it may take an hour for them to get her,
7 because it maybe at 9:00 o'clock at night and they don't
8 have anybody else. They've got to get female guards to go
9 get her and come up there. It just doesn't make sense.

10 MR. DOUGLAS MULDER: Well, Judge, as a
11 matter of fact, when I went to see her last night, I did
12 see her, and they were good about accommodating me, but
13 they asked me in the future to call and make an
14 appointment. I can't always call and make an appointment
15 because I don't always know when it's going to be not
16 convenient, but simply when I'm going to be available to
17 get over there and see her, so --

18 THE COURT: I'll discuss that with
19 Sheriff Kaiser tonight, and I will have an answer for you
20 tomorrow morning.

21 MR. DOUGLAS MULDER: We would like to
22 have her be able to call out to her attorneys.

23 MR. RICHARD C. MOSTY: That's part of
24 the communication. Because she might think of something
25 that happened during the trial, that strikes her, that she
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1 needs to convey to me or Mr. Mulder, and the next morning
2 it's gone.

3 THE COURT: I will discuss all of this
4 with Sheriff Kaiser. I'll have an answer for you in the
5 morning.

6 MR. PRESTON DOUGLASS, JR.: Judge,
7 beside the phone, if I might, I tried to go see her on her
8 birthday, and I called at 5:30, and they said you have to
9 call back at 9:00. So, obviously, there is the time
10 pressures we're working on in a trial, sometimes we need
11 to be able to go right then.

12 THE COURT: I understand.

13 MR. PRESTON DOUGLASS, JR.: And if you
14 might talk to her about that.

15 THE COURT: I will talk to her about
16 that.

17 MR. DOUGLAS MULDER: Judge, it's
18 imperative that we speak to her tonight. Can she call us
19 tonight?
20 THE COURT: I think that I'll have an
21 answer for you tomorrow morning, Mr. Mulder. If you want
22 to speak to her tonight, I am sure you can go to the jail
23 and talk to her tonight, or remain here if you want to.
24 We'll stay here and let you talk now. Do you want to
25 visit with her right now? We'll get out of your way.
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1 Feel free to do so. Thank you.
2 That is all for the record.
3 See everybody in the morning, 9:00
4 o'clock.
5 (Court leaves the courtroom.)
6 MR. DOUGLAS MULDER: Well, we would
7 like to discuss this with her, but we don't want to
8 discuss it in front of y'all, with all due respect.
9 DEPUTY SHERIFF J. BIGGERSTAFF: Well,
10 there is the little holding cell, and that's the only room
11 I know of.
12 MR. DOUGLAS MULDER: All right, let's
13 get back on the record. Let me get the Judge.
14 (Court comes back into courtroom.)
15 THE COURT: All right. Back on the
16 record again, in the Darlie Routier matter.
17 These proceedings are being held
18 outside the presence of the jury.
19 And present for the State we have Mr.
20 Toby Shook, for the defense Mr. Richard Mosty and Mr.
21 Preston Douglass.
22 Gentlemen, I have talked with Sheriff
23 Frances Kaiser, the Sheriff of Kerr County. And it's now
24 4:55 p.m. on Monday, January the 7th (sic).
25 Present also, during this conversation,
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1 we also have now Mr. Greg Davis. And present also during
2 this conversation with Sheriff Kaiser was Mr. Kerry Young,
3 a briefing attorney for the district Judges in Dallas
4 County.
5 I have told Sheriff Kaiser, and she
6 agrees, that Ms. Routier may call Doug Mulder at 896-8942,
7 which is a condominium over in the River Hills Area.
8 She may call Mr. Richard Mosty at
9 896-3811, which is his residence. Or 257-6585, which is
10 his office. These are the only numbers she can call.

11 MR. RICHARD C. MOSTY: That's just
12 backwards.

13 THE COURT: Well, okay. Whatever, they
14 have both. The residence number is 257-6585 and the
15 office is 896-3811. Those are the only people she can
16 call.

17 The way that will be handled is as
18 follows: A sheriff's deputy will dial the number, to make
19 sure that Douglas Mulder or Richard Mosty is on the line,
20 and that time the phone will be handed to Ms. Routier.
21 The sheriff deputy will withdraw,
22 keeping her in sight, so they can't hear what she is
23 saying, but nonetheless can see her. And, as soon as she
24 is through with that conversation, the phone will be taken
25 away. She is not to call anyone else.

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1 Visiting hours are as follows in the
2 jail: They're 1:00 to 5:00 on Saturday, Sunday, Monday
3 and Tuesday. Sheriff Kaiser has advised the Court that
4 you may visit her at any time. Call first. If you don't
5 get prompt access to her, to call her. Sheriff Kaiser's
6 number is 896-1216.

7 And, I want both of you gentlemen to
8 tell Mr. Mulder that, that we are -- and tomorrow. Okay.
9 Anything else before we get into something else? Is that
10 it?

11 All right. Then I think we've
12 adequately satisfied everybody, as regards to the
13 telephone privileges of Ms. Routier.
14 I want to tell both sides, the first
15 time she talks to anybody else, the telephone privileges
16 will be totally rescinded. If you visit out there, you
17 might tell her that too. Thank you.