

IN THE UNITED STATES DISTRICT COURT

circumstantial evidence was material, and that there is sufficient evidence of Ms. Routier's innocence to preclude her execution.

The Standards Governing Discovery

Under Habeas Corpus Rule 6(a), the District

sock that had blood stains from both boys and her own skin cells on it, then cut her own throat before she commenced the 911 call – tasks that could not possibly have been accomplished in that amount of time. Petition at 10-12.

In the Texas Court of Criminal Appeals’ recent decision requiring limited DNA testing, the court recognized that these facts made the case against Ms. Routier not significantly more plausible than her own case:

[T]he State’s theory is hardly unassailable. As the appellant points out in her

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Ms. Routier repeatedly moved the

8.

Report, December 2, 1996 at 2) (test results of

was bleeding outside. The presence of Ms. Routier's blood on this sock would therefore demonstrate that the sock was used in a crime against her, not one committed by her own hand.

The discovery of saliva stains on the sock and possible DNA recovery from those stains would confirm Ms. Routier's insistence that she was attacked by an unknown intruder and gagged during the attack. There is good cause for this testing, which would allow Ms. Routier to demonstrate her actual innocence and substantiate her claim of ineffective assistance of counsel.

3. Human limb hairs from the tube sock.

Ms. Routier seeks DNA testing on human limb hairs that were recove

4. Previously tested blood stains from the tube sock.

Five blood stains from the sock were tested be

In addition, it is possible that the perpetra

33g-‘garage door outside.’” *Id.*, Page 4.⁶ Although the SWIFS report is not clear, the window and window screen – which were m(Id)T(e onlyd winId)T(ow)]TJ200.835 0 TD0.0003 Tc0.4003 Tw[(and scre

- *Unidentified facial hair belonging to a non-family member.* The January 7, 2007 GeneScreen report references an unidentified facial hair that yielded a result “which [was] not consistent with any of the Routier family memb

Obviously, if the fingerprint on State's Exhibit 85-J was not made by any member of the Routier family or any of the people who responded to Darlie's 911 call, it had to have been made by an intruder. Ms. Routier's post-conviction counsel have repeat

Vol. 37, pp. 2862:11-2863:2. The forensic experts engaged by Ms. Routier's original defense counsel recommended that definitive testing be conducted on the fiber, but her substitute trial counsel ignored that recommendation, and no such testing was conducted – leaving Linch's testimony completely un rebutted. *See* Labor Affidavit ¶ 6b. With th

CERTIFICATE OF CONFERENCE