

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED

Jan 21 2025

S.C. SUPREME COURT

Certiorari to Newberry County

Honorable B. Alex Hyman, Circuit Court Judge

CLIFTON CURTIS BOOZER,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000920

APPENDIX

DAVID ALEXANDER
Deputy Chief Attorney for Capital Appeals

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ZACHARY W. JONES
Assistant Attorney General
P.O. Box 11629
Columbia, SC 29211

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED AUGUST 6-10, 2018	1
APPLICATION FOR POST-CONVICTION RELIEF	893
RETURN, PARTIAL MOTION TO DISMISS, AND MOTION FOR A MORE DEFINITE STATEMENT	900
AMENDED APPLICATION FOR POST-CONVICTION RELIEF	911
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED	913
ORDER OF DISMISSAL	984
INDICTMENT AND SENTENCE SHEET	997

INDEX OF WITNESSES

HARRY BODIFORD

Direct By Mr. Daniel 55
Cross By Mr. Verner 67

ROBERT DENNIS

Direct By Mr. Daniel 71
Cross By Mr. Verner 74

COREY JONES

Direct By Mr. Daniel 75
Cross By Mr. Verner 81

CLIFTON BOOZER

Direct By Mr. Verner 85
Cross By Mr. Scott 92
Redirect By Mr. Verner 96

TERRI LAWSON

Direct By Mr. Daniel 133
Cross By Mr. Verner 139

HARRY BODIFORD

Direct By Mr. Daniel 143
Cross By Mr. Verner 156

JAMES TALLON

Direct By Mr. Scott 162
Cross By Mr. Verner 191
Redirect By Mr. Scott 208

LAURA KNEECE

Direct By Mr. Daniel 226
Cross By Mr. Verner 245
Redirect By Mr. Daniel 263

TIM GRAMBOW

Direct By Mr. Scott 267
Cross By Mr. Verner 279

VERONA HERRERA

Direct By Mr. Scott 291
Cross By Mr. Verner 296

MARYANN BOEHM

1	Direct By Mr. Scott	.298
	Cross By Mr. Verner	.311
2	Redirect By Mr. Scott	.325
3	WALTER BENTLEY	
4	Direct By Mr. Daniel	.327
	Cross By Mr. Verner	.338
5	Redirect By Mr. Daniel	.351
	Cross By Mr. Verner	.353
6	VANISSIA WRIGHT	
7	Direct By Mr. Scott	.354
	Cross By Mr. Verner	.372
8	Redirect By Mr. Scott	.388
9	JANICE ROSS	
10	Direct By Mr. Scott	.392
	Cross By Mr. Verner	.413
11	Redirect By Mr. Scott	.428
	Recross By Mr. Verner	.432
12	JENNIFER BROKOB	
13	Direct By Mr. Daniel	.435
14	CHRIS JOHNSON	
15	Direct By Mr. Daniel	.444
	Voir Dire By Mr. Verner	.447
16	Cross By Mr. Verner	.460
	Further Redirect By Mr. Daniel	.470
17	Cross By Mr. Verner	.521
	Redirect By Mr. Daniel	.540
18	Recross By Mr. Verner	.544
	Direct By Mr. Daniel	.553
19	Cross By Mr. Verner	.563
20	BRANDY COUNTS	
21	Direct By Mr. Scott	.573
	Cross By Mr. Verner	.577
22	HEATHER HOBBY	
23	Direct By Mr. Daniel	.586
	Cross By Mr. Verner	.591
24	BRANDY COUNTS	
25	Direct By Mr. Scott	.603
	Cross By Mr. Verner	.614

1 HEATHER HOBBY

2 Direct By Mr. Daniel 626
 3 Cross By Mr. Verner 632
 4 Redirect By Mr. Daniel 639

5 NIYLA WILLIAMS

6 Direct By Mr. Scott 642
 7 Cross By Mr. Verner 662

8 EVE WILLIAMS

9 Direct By Mr. Scott 670
 10 Cross By Mr. Verner 675
 11 Cross By Mr. Verner 701
 12 Redirect By Mr. Scott 707

13 CLIFTON BOOZER

14 Examination By The Court 711

15 NATASHA ROBINSON

16 Direct By Mr. Verner 715
 17 Cross By Mr. Scott 729

18 SHERWIN JESSIE

19 Direct By Mr. Verner 737
 20 Cross By Mr. Scott 743

21 » > ○ < «

22 Opening Statement by Mr. Daniel 114
 23 Opening Statement by Mr. Verner 122
 24 Closing Statement by Mr. Verner 777
 25 Closing Statement by Mr. Scott 815
 Jury Charge 856
 Sentencing 882
 Certificate of Reporter 892

26 STATE EXHIBITS

27	<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
28	1	CAD Report	50	136
29	2	911 Call	50	137
30	3	Photograph	50	150
31	4	Photograph	50	150

1	5	Photograph	50	150
2	6	Photograph	50	150
3	7	Photograph	50	150
4	8	Photograph	50	150
5	9	Photograph	50	150
6	10	Photograph	50	150
7	11	Photograph	50	166
8	12	Photograph	50	166
9	13	Photograph	50	166
10	14	Photograph	50	166
11	15	Photograph	50	166
12	16	Photograph	50	166
13	17	Photograph	50	166
14	18	Photograph	50	166
15	19	Photograph	50	166
16	20	Photograph	50	166
17	21	Photograph	50	166
18	22	Photograph	50	166
19	23	Photograph	50	166
20	24	Photograph	50	166
21	25	Photograph	50	166
22	26	Photograph	50	166
23	27	Photograph	50	166
24	28	Photograph	50	166
25	29	Photograph	50	166

1	30	Photograph	50	166
2	31	Photograph	50	166
3	32	Photograph	50	166
4	33	Photograph	50	166
5	34	Photograph	50	166
6	35	Photograph	50	166
7	36	Photograph	50	166
8	37	Photograph	50	166
9	38	Photograph	50	166
10	39	Photograph	50	166
11	40	Photograph	50	166
12	41	Photograph	50	166
13	42	Photograph	50	166
14	43	Crime Scene Sketch	50	184
15	44	Boozer's Buccal Swab	50	191
16	45	Cigarette Butt	50	186
17	46	Pink Shirt	50	170
18	47	Scissors	50	188
19	48	Photograph	50	406
20	49	Photograph	50	402
21	50	Photograph	50	399
22	51	Photograph	50	397
23	52	Photograph	50	397
24	53	Photograph	50	403
25	54	Autopsy Report	50	408

1	55	Diagram	50	
2	56	Rape Kit	50	244
3	57	DNA	50	
4	58	Photograph	50	231
5	59	Miranda Warnings	50	479
6	60	CD	50	483
7	61	Phone	50	502
8	62	Photo Line-up	50	369
9	63	CD	50	515
10	64	CD	50	453
11	65	Toxicology Report	142	274
12	66	Serology Report	142	296
13	67	DNA Report	142	301
14	68	Phone Report	142	
15	69	Map	142	184
16	70	Order of Protection	142	
17	71	Fingernail Scrappings	142	188
18	72	Swabs	142	304
19	73	Statement	357	
20	74	Aerial Map	364	364

21

22

23

24

25

DEFENDANT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Death Certificate	256	258
2	Autopsy Authorization	256	
3	Burial Permit	256	263
4	Body Diagram	414	

COURT EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EV</u>
1	Defendant's Request to Charge	773	

ALL EXHIBITS WERE RETAINED BY THE
NEWBERRY CLERK OF COURT.

August 6, 2018

(General qualifications of the jury venire was
not on the record. However, The Judge invited
jurors to come speak with him on the record.
The following is where the record starts.)

THE COURT: What's your name?

PROSPECTIVE JUROR: It's 143, I think.

THE COURT: Yes, ma'am, what can I do for you?

PROSPECTIVE JUROR: Two of the girls over here
go to the middle school that I work at.

THE COURT REPORTER: I'm sorry, I can't hear
you.

1 PROSPECTIVE JUROR: The girls over here go to
2 the school that I work at.

3 THE COURT: The ones sitting over here?

4 PROSPECTIVE JUROR: Yes. And then the one on
5 the end, she cuts my hair sometimes.

6 THE COURT: Okay.

7 PROSPECTIVE JUROR: I mean, I don't know if that
8 matters or not.

9 THE COURT: We're probably getting ahead of
10 ourselves, but it's a homicide case that we're about
11 to pick a jury on. Are you familiar with the facts
12 of any of this?

13 PROSPECTIVE JUROR: I am.

14 THE COURT: Okay. And you know the two -- two
15 of the kids that --

16 PROSPECTIVE JUROR: Not, personally, but I deal
17 with them everyday. They come in -- I work in the
18 cafeteria.

19 THE COURT: Gotcha.

20 PROSPECTIVE JUROR: I'm the assistant manager
21 there.

22 THE COURT: All right. Ms. Pie, if you were
23 picked as a juror on that particular case, would that
24 affect your ability to be fair to both the Defendant
25 and the State or, if you like, you can be objective

1 on it or you feel like it might just make you
2 nervous?

3 PROSPECTIVE JUROR: Make me nervous.

4 THE COURT: Make you nervous, all right. You're
5 going to get -- just by sticking around, you'll get a
6 three-year get out of jury service free exemption, so
7 hang out. But you're not going to be serving on that
8 first case that we're going to pick a jury on.

9 PROSPECTIVE JUROR: And I know I've been here,
10 but I don't remember when it was before I served on
11 another case.

12 THE COURT: Okay. Since I'm about to release --
13 since we're about to pick and release, why don't you
14 hang around and you'll get another three-year
15 exemption. You can re-up.

16 PROSPECTIVE JUROR: All right. Thank you.

17 THE COURT: All right. 143 will stay with us,
18 but we won't use her on the jury.

19 THE CLERK: Okay. Yes, sir, Your Honor.

20 THE COURT: What's your name, ma'am?

21 PROSPECTIVE JUROR: Branna Davenport, Juror No.
22 45.

23 THE COURT: Yes, Ms. Davenport.

24 PROSPECTIVE JUROR: I suffer from anxiety, PTSD
25 and OCD --

1 THE COURT REPORTER: I'm sorry, Judge, I cannot
2 hear her.

3 PROSPECTIVE JUROR: I would have gotten a
4 doctor's excuse, but I wasn't able to get a doctor's
5 appointment for any time soon.

6 THE COURT: So anxiety, PTSD?

7 PROSPECTIVE JUROR: And OCD.

8 THE COURT: All right. Is it a little bit
9 anxious -- causing you a little bit of anxiety being
10 in open court?

11 PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Ms. Davenport, I'll let you go then,
13 okay. Have a good day.

14 PROSPECTIVE JUROR: Thank you.

15 THE COURT: Forty-five is excused for statutory
16 reasons.

17 PROSPECTIVE JUROR: Eighty-one. Amy Hawkins.

18 THE COURT: Ms. Hawkins, yes, ma'am.

19 PROSPECTIVE JUROR: I don't have a problem
20 serving, but I taught two of those girls.

21 THE COURT: How long ago was that?

22 PROSPECTIVE JUROR: It's when they were in
23 fourth and fifth grades. I'm not really sure, it's
24 been three or four years probably. I'm not sure what
25 grade they're in now.

1 THE COURT: Okay. But you're not teaching them
2 now? You don't see them now?

3 PROSPECTIVE JUROR: No, I'm not teaching them
4 now.

5 THE COURT: What we're going to do is we're
6 going to be picking a jury on a homicide case here
7 shortly, have you heard anything about that?

8 PROSPECTIVE JUROR: I mean, I know that their
9 mother was killed.

10 THE COURT: Right, okay. Is that all you know
11 about the situation?

12 PROSPECTIVE JUROR: Uh-huh.

13 THE COURT: Okay. If you're selected as a juror
14 on that particular jury, you don't know anything
15 other than their mother is deceased?

16 PROSPECTIVE JUROR: Right.

17 THE COURT: Okay. Would your knowledge of them,
18 your interaction with them affect your ability to be
19 fair and impartial to both sides or is this just --

20 PROSPECTIVE JUROR: No, I can be.

21 THE COURT: You can be fair?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: Okay. Good enough, Ms. Hawkins.

24 PROSPECTIVE JUROR: I just wanted you to know.

25 THE COURT: Yeah, we're getting ahead of

1 ourselves, but that's information I needed to know.

2 Thank you, Ms. Hawkins.

3 Eighty-one is okay. Eighty-one will stay with
4 us.

5 PROSPECTIVE JUROR: William Felker, 57.

6 THE COURT: All right. Fifty-seven. Yes, sir,
7 Mr. Felker.

8 PROSPECTIVE JUROR: I think I would be highly
9 prejudice. I really don't believe in a jury trial, I
10 believe in bench trials. I just don't think I would
11 do good.

12 THE COURT: Okay. So you don't feel like you
13 would be able to follow the law?

14 PROSPECTIVE JUROR: If somebody is on trial, I
15 feel -- if they've made it this far, I feel they're
16 guilty.

17 THE COURT: All right. Mr. Felker, I'll let you
18 go then. Have a good day.

19 Fifty-seven is excused.

20 What's your name, ma'am, again?

21 PROSPECTIVE JUROR: I'm Robin Pitts.

22 THE COURT: Ms. Pitts, yes, ma'am, what can I do
23 for you?

24 PROSPECTIVE JUROR: I don't know if this makes a
25 different, but I just want to put it out there that

1 those girls' father is my cousin.

2 THE COURT: The girls' father is your cousin?

3 First cousin? Second cousin?

4 PROSPECTIVE JUROR: Third cousin.

5 THE COURT: We're about to pick a jury on a
6 homicide case, do you know anything about the
7 allegations? What we're going to do -- stick around,
8 okay? I will be asking some questions later on when
9 we specifically pick this jury. All right. If any
10 of them apply to you, like, if you know anything
11 about the case or whatever, you can come forward and
12 talk to me then.

13 PROSPECTIVE JUROR: All right.

14 THE COURT: Good enough, Ms. Pitts.

15 138 will stay with us.

16 What's your name, sir?

17 PROSPECTIVE JUROR: Arnold Queen, 144.

18 THE COURT: Yes, sir.

19 PROSPECTIVE JUROR: I'm 70 years old and I don't
20 want to dodge the draft or anything, but I noticed
21 today -- I'm not ignorant of court or anything --

22 THE COURT: Sure.

23 PROSPECTIVE JUROR: I noticed that I could hear
24 you fine.

25 THE COURT: Okay.

1 PROSPECTIVE JUROR: But when they were taking
2 roll, I couldn't always hear what she was saying.
3 Now, if I can hear, if they use mics, I'm good. I've
4 been listening to jet engines for about 40 years and
5 lost a little bit of it.

6 THE COURT: I've been listening to rock and roll
7 music for 50 years, I've lost a little bit of it. I
8 think you'll be okay. Usually, what I do is if a
9 juror can't hear, I tell them to raise their hand and
10 people talk up.

11 PROSPECTIVE JUROR: Okay.

12 THE COURT: I think you'll be all right.
13 144 will stay with us.

14 PROSPECTIVE JUROR: Tera Davenport.

15 THE COURT: Ms. Davenport, yes, ma'am.

16 PROSPECTIVE JUROR: I want to ask, I have been
17 in prison, but I just want to make sure. But I'll
18 stay and serve if y'all want me to.

19 THE COURT: How long ago was it that you served?

20 PROSPECTIVE JUROR: Twenty-five, 30 years ago.

21 THE COURT: Twenty-five to 30 years ago?

22 PROSPECTIVE JUROR: And I was at SCDC.

23 THE COURT: What was that for, ma'am, if you
24 don't mind me asking?

25 PROSPECTIVE JUROR: Assault and battery.

1 THE COURT: It must have been high and
2 aggravated nature or something like that?

3 PROSPECTIVE JUROR: Fighting.

4 THE COURT: Ms. Davenport, you haven't gotten a
5 pardon on anything?

6 PROSPECTIVE JUROR: Huh-uh.

7 THE COURT: No? Okay. In that case, I'll let
8 you go. You could probably get a pardon it's been so
9 long, Ms. Davenport.

10 PROSPECTIVE JUROR: I mean, in Saluda, I can do
11 it.

12 THE COURT: Say it again.

13 PROSPECTIVE JUROR: I served on Saluda jury.

14 THE COURT: You served on a Saluda jury?

15 PROSPECTIVE JUROR: After that, uh-huh. That's
16 been years ago.

17 THE COURT: Y'all have anything on
18 Ms. Davenport?

19 MR. DANIEL: You went to SCDC?

20 PROSPECTIVE JUROR: Uh-huh, that's been years
21 ago.

22 THE COURT: Assault and battery, resisting
23 arrest, and public disorderly, those are all
24 magistrate level offenses.

25 PROSPECTIVE JUROR: Oh, yeah, that was Newberry

1 County, too.

2 MR. DANIEL: It doesn't specify what degree A &
3 B. 1990.

4 THE COURT: 1990, okay. The records are
5 sometimes screwed up. You actually went to prison,
6 though, for it?

7 PROSPECTIVE JUROR: For three months.

8 THE COURT: For three months. Was it for
9 resisting arrest?

10 PROSPECTIVE JUROR: Yeah.

11 THE COURT: Okay. All right. That only carries
12 a year, so you're qualified to serve.

13 PROSPECTIVE JUROR: Okay.

14 THE COURT: You're good.

15 PROSPECTIVE JUROR: I just wanted to make sure.

16 THE COURT: You probably got three 30-day
17 sentences is probably what happened.

18 PROSPECTIVE JUROR: Yeah. It was only 90 days.

19 THE COURT: Good enough. That's fine,
20 Ms. Davenport.

21 Juror No. 46 is fine.

22 PROSPECTIVE JUROR: Juror No. 120.

23 THE COURT: Yes, sir, Frank McDowell, good to
24 meet you, sir. What can I do for you?

25 PROSPECTIVE JUROR: Well, I want to serve. The

1 problem is in 2002, I had a simple possession charge
2 in Newberry County.

3 THE COURT: Was it marijuana?

4 PROSPECTIVE JUROR: It was marijuana, yeah.

5 MR. DANIEL: That only carries 30 days.

6 PROSPECTIVE JUROR: Okay. Then I had another
7 one for -- it was receiving stolen property -- I
8 guess it was receiving stolen property, four dollars
9 and 84 cents. That was dismissed.

10 THE COURT: Okay. Y'all showing anything else?

11 MR. DANIEL: Did you live in Pennsylvania at
12 some point?

13 PROSPECTIVE JUROR: A long time ago, yes, sir.
14 I grew up in Pennsylvania.

15 MR. DANIEL: I have a burglary from Pennsylvania
16 in 1980.

17 PROSPECTIVE JUROR: Okay.

18 THE COURT: Was there any kind of conviction out
19 of Pennsylvania?

20 PROSPECTIVE JUROR: There was --

21 MR. DANIEL: Five years probation maybe?

22 PROSPECTIVE JUROR: I know I didn't get five
23 years probation.

24 MR. DANIEL: The charge is burglary. I'm not
25 seeing it right now, but I have some notes.

1 PROSPECTIVE JUROR: I can tell you what that one
2 was. That was actually my cousin.

3 THE COURT: That was your cousin? Okay.

4 The marijuana charge isn't a problem. Your
5 cousin has the same name as you?

6 PROSPECTIVE JUROR: No, he -- I took the blame
7 for him on something he did. He was trying to become
8 a policeman.

9 THE COURT: Gotcha. And you took the hit?

10 PROSPECTIVE JUROR: I took the hit for him.

11 THE COURT: I'm going to let you be excused
12 then, okay, just out of an abundance of caution.

13 MR. DANIEL: 120.

14 THE COURT: 120.

15 Mr. McDowell, I appreciate you coming. You're
16 free to go.

17 PROSPECTIVE JUROR: Thank you.

18 THE COURT: Yes, sir. Take care of yourself.

19 120 is excused for statutory reasons.

20 Anything else?

21 Ladies and gentlemen, what we're going to do, I
22 know that many of you have been here -- when I came
23 in at 9:00, many of y'all were still sitting out
24 front, so we may need a few people to have a chance
25 to have a comfort break. We're going to be at ease

1 for about 15 minutes.

2 I want to meet the attorneys in chambers. Any
3 witness list, voir dire that y'all want. Then we'll
4 resume with jury selection at 11:15.

5 Okay. We'll synchronize our watches based on
6 the clock back there on the wall. So please be back
7 in the courtroom at quarter after 11:00. Go ahead
8 and use the restroom and we'll move forward with jury
9 selection at that particular point.

10 So, we're at ease for 15 minutes. See y'all at
11 11:15. Thank you.

12 (WHEREUPON, a short break was taken.)

13 THE COURT: All right. Solicitor, if you would,
14 call the case that we're going to select a jury on,
15 please, sir.

16 MR. DANIEL: Thank you, Your Honor. The first
17 case up for trial is the State vs. Clifton Curtis
18 Boozer, Jr., Indictment 2017-GS-36-00290. This is a
19 true bill indictment for murder. True billed
20 July 14th, 2017.

21 THE COURT: All right, ladies and gentlemen,
22 we're about to begin the process of jury selection in
23 the case of the State of South Carolina vs. Clifton
24 Curtis Boozer. I've been presented with an
25 indictment that charges Mr.~Boozer with the offense

1 of murder.

2 As a preliminary matter, ladies and gentlemen, I
3 will let you know that this indictment is nothing
4 more than a piece of paper. It's nothing more than
5 the document that contains the allegations made
6 against Mr.~Boozer. This indictment, of course, is
7 not proof of any of the allegations contained
8 therein. Mr.~Boozer has pled not guilty to this
9 charge. Of course, that plea puts the burden firmly
10 on the State to prove each and every element of this
11 charge beyond a reasonable doubt.

12 Now, ladies and gentlemen, I'll be asking you
13 some questions which are specific to this case.
14 We'll use the same process as before. If I ask any
15 question that applies to you, I'm going to ask that
16 you simply stand up and, unless I direct you
17 otherwise, just to stand and give me that answer.

18 Now, ladies and gentlemen, in this case, the
19 State of South Carolina is being represented by Dale
20 Scott and Mr. Taylor.

21 Mr. Scott, stand up and introduce yourself, your
22 investigator and all those seated at counsel table
23 with you.

24 MR. SCOTT: Thank you. I'm Dale Scott, Deputy
25 Solicitor of the Eighth Circuit. Your circuit is the

1 Eighth Circuit, comprised of Newberry, Abbeville,
2 Greenwood and Laurens County. I generally practice
3 in Laurens and Newberry. I'm going to try this case
4 and present it to you guys this week. Assisting me
5 is Harry Bodiford, he's a Prosperity police officer.
6 Taylor Daniel is assistant solicitor, who's going to
7 be trying the case with me. Investigator Walter
8 Bentley, he helps us get ready for trials and then
9 present them to the jury. And Jackie Lawrence is our
10 office manager.

11 THE COURT: Thank you, Mr. Scott.

12 In this case, Mr.~Boozer is being represented by
13 Charles Verner of the Newberry bar.

14 Mr.~Verner, if you could introduce yourself and
15 Mr.~Boozer to the jury panel, please.

16 MR. VERNER: I'm Charles Verner. I'm a lawyer
17 here in Newberry. I practice law with my father, Jay
18 Verner, across the street on Boyce Street. Clifton
19 Boozer is charged with this offense. Clifton Boozer
20 is from Newberry, a lifelong resident. Thank you.

21 THE COURT: Thank you, Mr.~Verner.

22 First question, ladies and gentlemen, is there
23 any member of the jury panel who is currently being
24 represented or has previously been represented by any
25 of the attorneys involved in this case, either

1 Mr. Scott, Mr. Daniel or Mr.~Verner, or is there any
2 member of the jury panel who has any close business
3 or social relationships with any of the lawyers
4 involved in this case? If so, please stand.

5 What's your name, please, ma'am?

6 PROSPECTIVE JUROR: Jacquelyn Graham.

7 THE COURT: Ms. Graham, who do you know?

8 PROSPECTIVE JUROR: Charles Verner.

9 THE COURT: How do you know Mr.~Verner?

10 PROSPECTIVE JUROR: He was my divorce attorney.

11 THE COURT: How long ago was that, Ms. Graham?

12 PROSPECTIVE JUROR: 2006.

13 THE COURT: 2006, okay. He's not currently
14 representing you, though?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: The fact that Mr.~Verner is
17 representing Mr.~Boozer, would that affect your
18 ability to be fair to both the State and the Defense
19 in this case?

20 PROSPECTIVE JUROR: I can be fair.

21 THE COURT: You can be fair? Good enough.

22 Thank you, Ms. Graham.

23 Yes, sir, what's your name, please?

24 PROSPECTIVE JUROR: James Shinn.

25 THE COURT: Last name, please, sir?

1 PROSPECTIVE JUROR: Shinn.

2 THE COURT: Shinn. Yes, sir.

3 PROSPECTIVE JUROR: Charles was also my divorce
4 attorney?

5 THE COURT: How long was that, Mr. Shinn?

6 PROSPECTIVE JUROR: Twenty years ago.

7 THE COURT: The fact that he represented you in
8 a domestic action, would that affect your ability to
9 be fair to both sides? No? Good enough. Thank you
10 sir.

11 Anyone else?

12 (There was no response.)

13 THE COURT: No one is standing.

14 Again, ladies and gentlemen, the Defendant in
15 this case, his name is Clifton Curtis Boozer. The
16 decedent's name in this case is Clatie Stribble,
17 that's spelled C-L-A-T-I-E, Stribble,
18 S-T-R-I-B-B-L-E.

19 The next question, is there any member of the
20 jury panel who is related by blood or marriage, has
21 any close business or social relationships with the
22 Defendant in this case, Mr.~Boozer? Anyone who knows
23 the Defendant or has any relationships with him or
24 related to him?

25 Yes, ma'am, what's your name, please?

1 PROSPECTIVE JUROR: Laffarrat Robinson.

2 THE COURT: Ms. Robinson, how do you know
3 Mr.~Boozer?

4 PROSPECTIVE JUROR: I'm related.

5 THE COURT: You're related? How so, ma'am?

6 PROSPECTIVE JUROR: On my dad's side.

7 THE COURT: On your father's side. Y'all are
8 cousins?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Do you know what relationship,
11 first, second?

12 PROSPECTIVE JUROR: Second.

13 THE COURT: Second cousin. Do you see
14 Mr.~Boozer on occasion?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: So you really don't have much of a
17 relationship with him?

18 PROSPECTIVE JUROR: No, sir.

19 THE COURT: But you are related by second
20 cousin, so you're great-grandfathers or great-grand
21 parents who were brothers or siblings?

22 PROSPECTIVE JUROR: No, my dad was his uncle.

23 THE COURT: Your father was his uncle. Okay.

24 In that case, I'll let you sit this one out,

25 Ms. Robinson. Just stay with us, but you won't serve

1 on this jury. All right?

2 PROSPECTIVE JUROR: Okay.

3 THE COURT: Thank you.

4 Anyone else?

5 (There was no response.)

6 THE COURT: All right. No one is standing.

7 Is there any member of the jury panel who is
8 related to the decedent in this case, Clatie
9 Stribble, or anyone who had any close business or
10 social relationships with the decedent in this case,
11 Clatie Stribble? If so, please stand.

12 (There was no response.)

13 THE COURT: No one is standing.

14 I'm going to read the list of possible witnesses
15 in this case. When I'm done reading this list, I'll
16 ask if there's any member of the jury panel related
17 by blood or marriage to any of these folks or anyone
18 who has close business or social relationships with
19 these possible witnesses.

20 Here are the potential witnesses who may be
21 called in this case: Terri Lawson, T-E-R-R-I,
22 Lawson, who's a 911 dispatcher; Harry Bodiford,
23 B-O-D-I-F-O-R-D, with Prosperity Police Department;
24 James Tallon, who is an analyst with SLED's crime
25 scene department; Dr. Janice Ross, who's a forensic

1 pathologist; Laura, L-A-U-R-A, Kneece, K-N-E-E-C-E,
2 that's Newberry County coroner; Harry Bodiford -- I
3 already mentioned that name. Tim Grambow with SLED,
4 they work in the toxicology department, last name is
5 spelled G-R-A-M-B-O-W; Verona Herrera, H-E-R-R-E-R-A,
6 also with SLED serology; Maryann Boehm, B-O-E-H-M,
7 with DNA, SLED; Vanissia Wright, who works, I
8 believe, as a cab driver; Chris Johnson, also with
9 SLED; Brandy Counts; Jenifer Brokob, B-R-O-K-O-B;
10 Heather Koon Hobby; Walter Bentley, who is the
11 investigator with the solicitor's office; Niyla
12 Williams, N-I-Y-L-A Williams; Evelyn "Eve" Williams;
13 Natasha Boozer; Lillie Boozer and Sherwin Jessie,
14 S-H-E-R-W-I-N Jessie, J-E-S-S-I-E, who works at DHEC.

15 Is there any member of the jury panel who is
16 related by blood or marriage or anyone who has any
17 close business or social relationships with any of
18 those witnesses?

19 Your name, please, ma'am?

20 PROSPECTIVE JUROR: Ingrid Trotter.

21 THE COURT: Ms. Trotter, who do you know?

22 PROSPECTIVE JUROR: Laura Kneece.

23 THE COURT: Laura Kneece, the coroner?

24 PROSPECTIVE JUROR: Uh-huh.

25 THE COURT: How do you know Ms. Kneece?

1 PROSPECTIVE JUROR: She is married to my
2 stepfather's nephew and, also, I work in the
3 emergency department and she comes in often.

4 THE COURT: Okay. All right. If the coroner --
5 if Ms. Kneece were to testify in this case, would
6 that affect your ability to be fair and impartial to
7 both sides?

8 PROSPECTIVE JUROR: No.

9 THE COURT: All right. Good enough. Thank you,
10 ma'am. You can have a seat.

11 Your name?

12 PROSPECTIVE JUROR: Kendall Hamm.

13 THE COURT: Ms. Hamm.

14 PROSPECTIVE JUROR: I know Harry Bodiford and
15 Laura Kneece personally.

16 THE COURT: How do you know Bodiford and Kneece?

17 PROSPECTIVE JUROR: They both frequent my
18 shop -- well, actually, all the time and I've done
19 both their kids.

20 THE COURT: So you know them pretty well and
21 maybe this is a little uncomfortable?

22 PROSPECTIVE JUROR: Yeah.

23 THE COURT: In that case, I'll let you -- do you
24 recall your juror number, ma'am?

25 PROSPECTIVE JUROR: Seventy-eight.

1 THE COURT: Seventy-eight. Okay. Thank you,
2 ma'am. You can have a seat.

3 PROSPECTIVE JUROR: I talked to you earlier, the
4 girls are my cousin.

5 THE COURT: Right, the girls are your cousins.
6 What's your name again for the record?

7 PROSPECTIVE JUROR: Robin Pitts.

8 THE COURT: Those are your cousins, they're how,
9 your third cousins?

10 PROSPECTIVE JUROR: Their father is.

11 THE COURT: You'll have to speak up.

12 PROSPECTIVE JUROR: Their father is my cousin,
13 yes.

14 THE COURT: Their father is your cousin, okay.
15 Yeah, that would be in the third degree of
16 relationship, I'll let you sit this one out, too,
17 okay.

18 Anyone else?

19 Ma'am, just stay with us, okay. I'm going to
20 say good-bye to you in a moment. You wouldn't want
21 to miss that.

22 So anyone else?

23 (There was no response.)

24 THE COURT: No one is standing.

25 Ladies and gentlemen, the State alleges that

1 this homicide took place on May 3rd of 2017, last
2 year, sometime in the early morning hours of between
3 6:00 and 8:30 a.m. The incident location is 188
4 Conifer, C-O-N-I-F-E-R, Drive, that's over in
5 Prosperity. Again, ladies and gentlemen, the
6 allegation in this case is that Clatie Stribble, the
7 State has alleged that she died as a result of
8 homicide, namely murder.

9 Is there any member of the jury panel who thinks
10 that they may know anything about the allegations
11 involved in this case or has formed or expressed any
12 opinion about the factual allegations in this case?
13 If so please stand. Anything?

14 (There was no response.)

15 THE COURT: No one is standing.

16 Ladies and gentlemen, is there any member of the
17 jury panel who has any strong feelings that if a
18 person is accused of a crime, like murder or other
19 serious crime, anything that causes you to feel like
20 if someone is accused of the crime, they're
21 automatically guilty of the crime? If so, please
22 stand.

23 (There was no response.)

24 THE COURT: No one is standing.

25 There may be some allegations of domestic

1 violence in this particular case. Is there any
2 member of the jury panel who because of any personal
3 experience or personal involvement with domestic
4 violence, either you've got a relative that was that
5 accused of it, was a victim of it, close relative who
6 was a victim of it, anyone who feels so strongly
7 about domestic violence that allegations of domestic
8 violence could affect your ability to be fair and
9 impartial? Anyone who this is sitting so close to
10 home, you're just not comfortable serving? If so,
11 please stand.

12 (There was no response.)

13 THE COURT: No one is standing.

14 Is there any member of jury panel who knows of
15 any reason whatsoever why you cannot give both the
16 State of South Carolina and the Defendant in this
17 case a fair trial, judging this case based solely on
18 the evidence presented and on the laws the court
19 instructs? If so, please stand. Any reason you want
20 to sit this out?

21 (There was no response.there

22 THE COURT: No one is standing.

23 Is there any member of the jury panel who has
24 any deeply held moral or religious beliefs which
25 prohibit you from serving on a jury? If so, please

1 stand.

2 (There was no response.)

3 THE COURT: No one is standing.

4 Is there any member of the jury panel who is a
5 member of any organization, the primary purpose of
6 which is the promotion of law enforcement or victim's
7 rights? Such organizations might be things like
8 Mothers Against Drunk Driving or Citizens Against
9 Violent Crime, or organizations such as that. If so,
10 please stand.

11 (There is no response.)

12 THE COURT: No one is standing.

13 Any additional voir dire from the State?

14 MR. DANIEL: No, Your Honor, just the request in
15 chambers regarding prosecution.

16 THE COURT: Oh, yes, of course.

17 MR. DANIEL: But, also, just minor request,
18 Natasha Boozer, I believe is the Defendant's sister,
19 I'm told she may go by the name Natasha Robinson.

20 THE COURT: Natasha Robinson. Okay.

21 An additional possible witness, ladies and
22 gentlemen, is Natasha Robinson. Is there any member
23 of the jury panel --

24 Is she present in the courtroom?

25 MR. VERNER: No, Your Honor.

1 THE COURT: Is there any member of the jury
2 panel who's related by blood or marriage or has any
3 close business or social relationships with the
4 potential witness, Natasha Robinson? If so, please
5 stand.

6 (There was no response.)

7 THE COURT: No one is standing.

8 Is there any member of the jury panel or any
9 member of the jury panel who has a close relative who
10 has previously or is currently being prosecuted by
11 the Eighth Circuit Solicitor's Office? If so, please
12 stand.

13 (There was no response.)

14 All right, no one is standing.

15 Additional voir dire from the State?

16 MR. DANIEL: None, Your Honor, thank you.

17 THE COURT: Any from the Defense?

18 MR. VERNER: No, Your Honor.

19 THE COURT: All right, strikes will be ten and
20 five.

21 Ladies and gentlemen, in a moment, the clerk is
22 going to seat the jury. If your name is called, what
23 I need for you to do is come forward and stand right
24 here where this microphone is, then turn around and
25 face towards the back of the courtroom where you came

1 in this morning. Bring with you any items which you
2 brought to the courthouse, purse, umbrella, books,
3 whatever, anything that you brought with you. Just
4 come up and stand right there. And at that point in
5 time, the State will have an opportunity to either
6 seat you or to excuse you and the Defense, of course,
7 will have a similar opportunity.

8 Ladies and gentlemen, I'm going to tell you what
9 I tell every jury that I impanel, okay. If for some
10 reason, one of the lawyers ask that you not serve on
11 this jury, folks, don't take it personally, okay.
12 They're not -- it ain't personal, it's business.
13 They're just trying to do their job. So, if they
14 excuse you, again, don't get out of shape about it.
15 They're just trying to do what the law requires them
16 to do. All right.

17 Madam Clerk, if you'll give me a jury at your
18 leisure, please.

19 THE CLERK: Juror No. 79, Tytrevaus Harmon.

20 (Tytrevauis Harmon, a black male, came forward.)

21 THE CLERK: What says the State?

22 MR. SCOTT: Please present the juror.

23 THE CLERK: The Defense?

24 MR. VERNER: Please seat Mr. Harmon in the jury
25 box.

1 THE CLERK: Mr. Harmon, you can go have a seat
2 in the jury box, please.

3 Juror No. 6, Jordan Barnes.

4 (Jordan Barnes, a white female, came forward.)

5 THE CLERK: What says the State?

6 MR. SCOTT: Please present the juror.

7 THE CLERK: The Defense?

8 MR. VERNER: From today's case, Ms. Barnes, I'm
9 going to excuse you.

10 THE CLERK: You can have a seat. Thank you.

11 Juror No. 69, Aja Gaulden.

12 (Aja Gaulden, a black female, came forward.)

13 THE CLERK: What says the State?

14 MR. SCOTT: Please present the juror.

15 THE CLERK: The Defense?

16 MR. VERNER: Seat Ms. Gaulden.

17 THE CLERK: Ms. Gaulden, have a seat in the jury
18 box, please.

19 Juror No. 33, Hannah Caudill.

20 (Hannah Caudill, a white female, came forward.)

21 THE CLERK: What says the State?

22 MR. SCOTT: Please present the juror.

23 THE CLERK: The Defense?

24 MR. VERNER: From today's case, I'm going to
25 excuse Ms. Caudill.

1 THE CLERK: You can go back and have a seat.

2 Thank you.

3 Juror No. 147, Dawn Roberts.

4 (Dawn Roberts, a white female, came forward.)

5 THE CLERK: What says the State?

6 MR. SCOTT: Please present the juror.

7 THE CLERK: The Defense?

8 MR. VERNER: From today's case, I'm going to
9 excuse Ms. Roberts.

10 THE CLERK: You can go back and have a seat.

11 Thank you.

12 Juror No. 91, William Johnston.

13 (William Johnston, a white male, came forward.)

14 THE CLERK: What says the State?

15 MR. SCOTT: Please present the juror.

16 THE CLERK: The Defense?

17 MR. VERNER: Please take a seat, Mr. Johnston.

18 THE CLERK: Have a seat in the jury box.

19 Juror No. 14, Jessica Boozer.

20 (Jessica Boozer, a white female, came forward.)

21 MR. SCOTT: Please--

22 MR. VERNER: I apologize, the number?

23 THE CLERK: Fourteen.

24 What says the State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: The Defense?

2 MR. VERNER: From today's case, I'm going to
3 excuse Ms. Boozer.

4 THE CLERK: You can go back and have a seat.
5 Thank you.

6 Juror No. 67, Ebony Garmany.

7 (Ebony Garmany, a black female, came forward.)

8 THE CLERK: What says the State?

9 MR. SCOTT: Please present the juror.

10 THE CLERK: The Defense?

11 MR. VERNER: Please seat Ms. Garmany in the jury
12 box.

13 THE CLERK: You may have a seat in the jury box,
14 please.

15 Juror No. 129, Henry Nicholson, Jr.

16 (Henry Nicholson, Jr., a white male, came
17 forward.)

18 THE CLERK: What says the State?

19 MR. SCOTT: Please --

20 MR. VERNER: One more time?

21 THE CLERK: 129.

22 What says the State?

23 MR. SCOTT: Please present the juror.

24 THE CLERK: The Defense?

25 MR. VERNER: Please seat Mr. Nicholson in the

1 jury box.

2 THE CLERK: You can have a seat in the jury box,
3 please.

4 Juror No. 41, Tammy Cooper.

5 (Tammy Cooper, a white female, came forward.)

6 THE CLERK: What says the State?

7 MR. SCOTT: Please present the juror.

8 THE CLERK: The Defense?

9 MR. VERNER: From today's case, I'm going to
10 excuse Ms. Cooper.

11 THE CLERK: You can go back and have a seat.

12 Juror No. 194, Brandy Wix.

13 (Brandy Wix, a white female, came forward.)

14 THE CLERK: What says the state?

15 MR. SCOTT: Please present the juror.

16 THE CLERK: The Defense?

17 MR. VERNER: From this week's case, I'm going to
18 excuse Ms. Wix.

19 THE CLERK: You can you back and have a seat.

20 Juror No. 76, Jacquelyn Graham.

21 (Jacquelyn Graham, a white female, came
22 forward.)

23 THE CLERK: What says the State?

24 MR. SCOTT: Please excuse the juror from this
25 trial.

1 THE CLERK: You can go back and have a seat.

2 Juror No. 70, Catherine Geiger.

3 (Catherine Geiger, a black female, came
4 forward.)

5 THE CLERK: What says the State?

6 MR. SCOTT: Please excuse Ms. Geiger from the
7 trial.

8 THE CLERK: You can go back and have a seat.

9 Thank you.

10 Juror No. 10, Kristy Berley.

11 (Kristy Berley, a white female, came forward.)

12 THE CLERK: What says the State?

13 MR. SCOTT: Please present the juror.

14 THE CLERK: The Defense?

15 MR. VERNER: Please seat Ms. Berley.

16 THE CLERK: Have a seat in the jury box, please.

17 Juror No. 134, Andrea Patterson.

18 (Andrea Patterson, a white female, came
19 forward.)

20 THE CLERK: What says the State?

21 MR. SCOTT: Please present the juror.

22 THE CLERK: The Defense?

23 MR. VERNER: From this week's case, I'm going to
24 excuse Ms. Patterson.

25 THE CLERK: You can go back and have a seat.

1 Juror No. 186, Paul Gerald Werts.

2 (Paul Gerald Werts, a white male, came forward.)

3 THE CLERK: What says the State?

4 MR. SCOTT: Please present the juror.

5 THE CLERK: The Defense?

6 MR. VERNER: Seat Mr. Werts.

7 THE CLERK: You may have a seat in the jury box,
8 please.

9 Juror No. 75, Monica Goggans.

10 (Monica Goggans, a white female, came forward.)

11 THE CLERK: What says the State?

12 MR. SCOTT: Please present the juror.

13 THE CLERK: The Defense?

14 MR. VERNER: Please seat Ms. Goggans in the jury
15 box.

16 THE CLERK: You can have a seat in the jury box,
17 please.

18 Juror No. 15, Baylee Bouknight.

19 (Baylee Bouknight, a white female, came
20 forward.)

21 THE CLERK: What says the State?

22 MR. SCOTT: Please present the juror.

23 THE CLERK: The Defense?

24 MR. VERNER: On this week's case, I'm going to
25 excuse you.

1 THE CLERK: Thank you. Have a seat.

2 Juror No. 118, Sara McCall.

3 (Sara McCall, a white female, came forward.)

4 THE CLERK: What says the State?

5 MR. SCOTT: Please present the juror.

6 THE CLERK: The Defense?

7 MR. VERNER: Please seat Mr. McCall in the jury
8 box.

9 THE CLERK: Have a seat in the jury box, please.

10 Juror No. 148, Erika Roberts.

11 (Erika Roberts, a white female, came forward.)

12 THE CLERK: What says the State?

13 MR. SCOTT: Please present the juror.

14 THE CLERK: The Defense?

15 MR. VERNER: From this week's case, I'm going to
16 excuse you.

17 THE CLERK: Thank you. You may have a seat.

18 Juror No. 27, James Busby.

19 (James Busby, a white male, came forward.)

20 THE CLERK: What says the State?

21 MR. SCOTT: Please--

22 MR. VERNER: Twenty-seven?

23 THE CLERK: Yes, 27.

24 What says the State?

25 MR. SCOTT: Please present the juror.

1 THE CLERK: The Defense?

2 MR. VERNER: Please seat Mr. Busby in the jury
3 box.

4 THE CLERK: Have a seat in the jury box.

5 Juror No. 104, Bruce Legrand.

6 (Bruce Legrand, a white male, came forward.)

7 THE CLERK: What says the State?

8 MR. SCOTT: Please present the juror.

9 THE CLERK: The Defense?

10 MR. VERNER: Please seat Mr. Legrand in the jury
11 box.

12 THE CLERK: You can have a seat in the jury box,
13 please.

14 Juror No. 47, Ossie Davis.

15 (Ossie Davis, a black female, came forward.)

16 THE CLERK: What says the State?

17 MR. SCOTT: Please excuse the juror from this
18 trial.

19 THE CLERK: You can go back and have a seat.

20 Juror No. 86, Sherrill Jarner.

21 (Sherrill Jarner, a white female, came forward.)

22 THE CLERK: What says the State?

23 MR. SCOTT: Please present the juror.

24 THE CLERK: The Defense?

25 MR. VERNER: Please seat Ms. Jarner.

1 THE CLERK: You may have a seat in the jury box.

2 MR. VERNER: Is that 12?

3 THE CLERK: Yes, sir.

4 THE COURT: We'll go with one alternate.

5 Strikes will be one and two.

6 THE CLERK: Juror No. 65, Margaret Fulmer.

7 (Margaret Fulmer, a white female, came forward.)

8 THE CLERK: What says the State?

9 MR. SCOTT: Please present the juror.

10 THE COURT: The Defense?

11 MR. VERNER: One and two, Your Honor?

12 THE COURT: Yes.

13 MR. VERNER: I will excuse Ms. Fulmer this week.

14 THE CLERK: Go back and have a seat.

15 Juror No. 153, James Shinn.

16 (James Shinn, a white male, came forward.)

17 THE CLERK: What says the State?

18 MR. SCOTT: Please excuse Mr. Shinn from the

19 trial.

20 THE CLERK: You can go back and have a seat.

21 Juror No. 60, Stefanie Fowler.

22 (Stefanie Fowler, a white female, came forward.)

23 THE CLERK: Any challenge for cause by the

24 State?

25 MR. SCOTT: No. Please present the juror.

1 THE CLERK: What says the Defense?

2 MR. VERNER: Please seat Ms. Fowler.

3 THE CLERK: Have a seat in the jury box.

4 MR. VERNER: Are we going for two, Your Honor,
5 or one?

6 THE COURT: I was just planning on going with
7 one.

8 MR. VERNER: That's fine.

9 THE COURT: All right. Any issue concerning
10 selection or composition of the jury from the State?

11 MR. SCOTT: Beg the Court's indulgence one
12 moment.

13 THE COURT: Yes, sir.

14 MR. SCOTT: No, Your Honor.

15 THE COURT: Any issues from the Defense?

16 MR. VERNER: No challenges to the jury.

17 THE COURT: Ladies and gentlemen, we're picked
18 on this case. What I need you to do is adjourn back
19 there for just a few moments. I'm probably going to
20 bring you back out here in about five minutes or so
21 and release you, but I want to give further
22 instruction to the jury pool on what to do.

23 So, adjourn to the back, don't talk about the
24 case and I'll have you back out here as soon as
25 possible. Thanks.

1 (WHEREUPON, the jury left open court at
2 approximately 12:08 p.m.)

3 THE COURT: Solicitor, do you want me to put
4 them on standby or would you rather we just release
5 them?

6 MR. SCOTT: I think we can release them, Your
7 Honor.

8 THE COURT: Release them?

9 MR. SCOTT: Yes, sir.

10 THE COURT: Okay. Ladies and gentlemen who were
11 not selected on this particular jury, I'm sorry,
12 because the solicitor is telling me we're good to go.
13 I do anticipate this case will last the remainder of
14 the week. So, at this point in time, I'm going to be
15 in a few moments in a position to excuse you.

16 The clerk will be sending you your checks for
17 showing up today. Y'all get paid \$15 a day and 30
18 cents a mile. So, you'll be getting a check
19 probably -- I don't think they run until later this
20 week, so it will probably be maybe sometime next week
21 before you get it. If you don't get it in two weeks,
22 call the clerk's office and be polite and just remind
23 them, okay. But you should receive your check.

24 If you have not had a chance in the past to
25 serve on a jury, I do hope at some point in the

1 future you get that opportunity, okay. I've often
2 said that there are really only three things our
3 country can make us do against our will, you know,
4 every April 15th, we've got to show up and pay taxes.
5 We're not given a choice on that. Technically, if we
6 were to go to war, the government can still draft us,
7 put a gun in our hand against our will. It happened
8 to my father, it happened to my grandfather, it
9 happened to my great-grandfather. Didn't happen to
10 me. And then finally, they can force you to show up
11 and serve on a jury.

12 All right. Now, I don't know anything about
13 what it's like to be in combat. Some of you
14 gentleman might know what it's like to be drafted. I
15 do know what it's like to pay taxes. I find that
16 very unpleasant. In the grand scheme of things, you
17 know, if you think about it, being on jury duty isn't
18 really that bad when you consider the other things
19 that our government can make us do against our will.
20 All right. It is a civic responsibility that
21 everybody has. So, even though y'all were not able
22 to do it this week, I hope that at some point in the
23 future, if you are summoned again, you embrace the
24 idea of jury service, you're willing to do it.
25 Because sometimes, we just need 12 people to come in,

1 serve as a jury and resolve whatever dispute exist
2 between either the State and a defendant or between
3 two private citizens.

4 With that, I'm not going to keep you any longer.
5 You are free to go about your normal business.

6 THE CLERK: If they need a statement for their
7 job before we mail them out with their check, they
8 can get it downstairs.

9 THE COURT: Okay. You will get a statement for
10 your employer with your check. If you absolutely
11 need one today, if you're going to get in trouble
12 with your boss because you don't have one today, you
13 can get one in the clerk's office downstairs. You
14 walk right -- well, you go a little bit further past
15 the metal detector where you came in. So, if you
16 absolutely need a work statement or a school excuse
17 today, go to the clerk's office. They'll provide one
18 for you. Otherwise, I'm not going to keep you any
19 longer. Y'all take care, have a wonderful week. See
20 y'all again some other time.

21 (WHEREUPON, the jury venire was excused at
22 approximately 12:09 p.m.)

23 THE COURT: Solicitor, we'll be at ease for a
24 few moments. The bench is very crowded, so if you
25 want to relocate some of the folks here on the bench,

1 feel free to. Otherwise, whoever wants to sit
2 wherever is fine with me.

3 We'll be at ease for about five minutes. My
4 intention is to release the jury for lunch, then
5 proceed with the Jackson V. Denno and anything else
6 that we need to deal with pre-trial.

7 MR. VERNER: On that note, Judge, could you just
8 ask them -- just the La Fogata today, the parties
9 need it as a staging area or just -- you don't need a
10 reason at all, but just until I get to La Fogata,
11 just advise them not to go to lunch at that place.
12 Just a possible reason might be that the parties
13 might need it as a staging area.

14 THE COURT: La Fogata's, the Mexican restaurant
15 that's -- for the benefit of the court reporter who
16 is from Greenville, it's out as if you were going to
17 the highway, there are reasons that Mr.~Verner is
18 asking this request. So, I'll just ask them to stay
19 away from the Mexican place.

20 MR. VERNER: Just for today.

21 MR. SCOTT: I think it might be El Poblano, so
22 it's used to be La Fogata.

23 THE COURT: Somebody spell that for the court
24 reporter.

25 (WHEREUPON, State's Exhibits Nos. 1-64 were

1 marked for identification only.)

2 THE COURT: All right. Let's have the jury,
3 please.

4 (WHEREUPON, the jury came into open court at
5 approximately 12:22 p.m.)

6 THE COURT: Ladies and gentlemen, don't get too
7 comfortable. Here's what we're going to do. There's
8 a few pre-trial matters that the Court needs to
9 address on this case. There's also a deferred
10 sentencing, another judge had deferred sentencing
11 until today at 2:00 and he asked me to handle it.
12 So, what I'm going to do is ask that you return to
13 the courthouse, come straight to the jury room and be
14 back by 2:15. At that time, I anticipate we will be
15 in a position to proceed with this case in earnest.
16 So, 2:15 is when I need you back.

17 Just a few ground rules. First, don't ask why,
18 just trust me. First of all, the Mexican place,
19 don't eat lunch there. Again, don't ask me why.

20 What's the name of that place?

21 MR. VERNER: El Poblano, La Fogata.

22 THE COURT: Yeah, the Mexican joint that's just
23 down as you head to the interstate. So, don't eat
24 lunch there today. I'm not going to tell you why,
25 you don't need to know.

1 Secondly, please, during the course of the
2 trial, certainly, anytime that we're on break, don't
3 discuss this case with anyone. Also, please do not
4 perform any kind of independent investigation of
5 these circumstances or these facts. I'll give you
6 more detailed instructions on this later as far as
7 why, but don't go Googling anyone's name, don't go do
8 any kind of independent investigation or any kind of
9 internet research.

10 The reasons for this, I think you guys can
11 probably surmise. When you come back from lunch, you
12 will be sworn to decide this case based solely on the
13 evidence and the law as I instruct you. You will
14 take a oath to that effect. Part of that is that you
15 can't be influenced by anything that takes place
16 outside this courtroom, all right.

17 As you well know, a lot of the stuff that's put
18 on line, it's garbage. There's no filter to it,
19 there's no way to verify it, there's no way to make
20 sure whether what's said online is true or not, all
21 right. The rules of evidence are time tested,
22 they're designed over centuries to give you the best
23 information possible. So again, please don't perform
24 any kind of independent research about the
25 allegations in this case. I promise you will get the

1 information you need to judge this case fairly based
2 solely on what happens in this courtroom.

3 All right. With that, enjoy your lunch. Be
4 back at 2:15. Wear those juror stickers back, they
5 will help identify you with the security people. And
6 they'll show you probably the quickest way to get out
7 of here.

8 PROSPECTIVE JUROR: Is the air turned down in
9 there? It's a meat locker in there.

10 THE COURT: It is a meat locker in there.

11 Are they still controlling your thermostat out
12 of Columbia?

13 They'll cut it down for you. I've tried a lot
14 of cases in this Newberry courthouse and where you
15 two ladies and you gentleman, where you guys are
16 sitting, it can get a little bit cold, okay. It will
17 get a little cold there. So, we'll cut the air down.
18 If you happen to run home, you may want to grab maybe
19 a spare light jacket, windbreaker or shawl or
20 something like that in the event that you find
21 yourself sitting somewhere where it gets cold. All
22 right.

23 But with that, be back at 2:15. Enjoy your
24 lunch. We'll start the case then. Thank you very
25 much. You're excused until 2:15. We will cut the

1 air down in there.

2 (WHEREUPON, the jury left open court at
3 approximately 12:26 p.m.)

4 THE COURT: Am I correct that Jackson V. Denno
5 is the only thing we need to address pre-trial?

6 MR. SCOTT: That's my understanding. We
7 referenced a Neal V. Biggers hearing, but I think
8 we're going to address that when it comes up at trial
9 is my understanding.

10 MR. VERNER: I don't have a Neal V. Biggers
11 motion, Judge.

12 THE COURT: All right.

13 MR. VERNER: The only other issue I would raise
14 with the Court in-camera was the prior bad act that
15 the State would intend to -- and until the Court
16 rules on that, we would ask that the State refrain
17 from -- or if they're going to use it in their
18 opening statement, then we need to be heard on it.

19 THE COURT: Were y'all anticipating alluding to
20 the Restraining Order from 2013 or the allegations of
21 DV in your opening?

22 MR. VERNER: I don't mean to correct the Court,
23 but it's my understanding it was not a Restraining
24 Order, but it was an Order of Protection --
25 technically an Order of Protection from the Family

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Court.

2 MR. DANIEL: Your Honor, I think just saying
3 this case is riveted in domestic violence and leave
4 it at that for purposes of the opening.

5 THE COURT: I think that's fair enough. That
6 gives the implication that this is domestic violence
7 and any ongoing domestic violence between the
8 parties.

9 Do you have the witness here on the Jackson V.
10 Denno?

11 MS. DANIEL: Yes, sir, Your Honor.

12 THE COURT: You may proceed.

13 MR. DANIEL: Your Honor, the State calls
14 Lieutenant Harry Bodiford.

15 HARRY BODIFORD, after being duly sworn,
16 testified as follows:

17 THE CLERK: Have a seat and state your name for
18 the record.

19 THE WITNESS: It's Lieutenant Harry Bodiford.

20 DIRECT EXAMINATION

21 BY MR. DANIEL:

22 Q Lieutenant Bodiford, you are a police officer
23 with the Town of Prosperity Police Department, correct?

24 A Yes, sir.

25 Q How long have you been employed with that

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 agency?

2 A I've been with the Town of Prosperity since
3 November of 2015.

4 Q Okay. All right. I want to take you back to
5 May 3rd, 2017, morning hours about 8:30 or so, maybe a
6 little bit before. Were you on duty that morning of May
7 3rd of last year?

8 A Yes, sir.

9 Q Were you dispatched out to a residence at 188
10 Conifer Drive in Prosperity?

11 A Yes, sir.

12 Q And what was that in reference to?

13 A I was dispatched approximately 8:26 in this
14 morning. It was in reference to a dispatch call that came
15 in through Newberry County dispatch that an individual had
16 just killed his girlfriend, who was later identified on
17 the 911 tape as Clifton Boozer.

18 Q Okay. All right. And where are you at the time
19 you get this call from dispatch?

20 A I'm at our police department at 250 School
21 Drive.

22 Q Okay. So you were able to respond directly from
23 the police department to this incident location?

24 A Yes, sir.

25 Q Approximately what time did you arrive on scene

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 at this 188 Conifer Drive address?

2 A I believe the time they had was -- well,
3 dispatch has was 8:31.

4 Q So, that's what time you get there, 8:31?

5 A Yes, sir.

6 Q When arrive on scene, what do you observe?

7 A Well, prior to arriving on scene, I notified
8 dispatch that if they could notify the suspect that he
9 needed to come out with his hands showing. When I
10 responded and arrived, Mr.~Boozer was walking out of the
11 only entrance door to 188 Conifer Drive, at which time, he
12 had his hands in his hoodie that he was wearing.

13 Q Okay. Mr.~Boozer is seated in the courtroom
14 beside Mr.~Verner, correct?

15 A That's correct.

16 Q All right. Tell me what you're doing. Do you
17 have your weapon drawn?

18 A I do have my weapon drawn. I position my
19 vehicle tactically, that was so -- more for officers'
20 safety, I positioned at the roadway. I drew my weapon, at
21 which point, I ordered Mr.~Boozer to show me his hands
22 multiple times. When I asked him to, after he showed me
23 his hands, he walked down off the porch and started
24 walking towards the roadway, at which point, I told him to
25 lower himself onto his knees, then lower himself onto his

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 stomach.

2 Q Okay. And that point, did Mr.~Boozer make any
3 type of statements?

4 A As I was moving in to handcuff Mr.~Boozer, at
5 which point, he said, I quote, Things went too far.

6 Q Was he in custody or was he in handcuffs before
7 he made that statement?

8 A That was -- as I cuffing him up, he was saying,
9 Things went too far.

10 Q Did you elicit any questions for him to make
11 that statement?

12 A I did not.

13 Q So, this was more or less a spontaneous
14 statement from Mr.~Boozer?

15 A Yes, sir.

16 Q Now, tell me what happens after you get him into
17 handcuffs.

18 A As soon as he made the statement, Things went
19 too far.

20 I then pulled my Miranda warning card out
21 of my wallet and began reading Miranda to him.

22 Q Okay. Do you have that same Miranda card with
23 you?

24 A Yes, I do.

25 Q Okay. Read the Miranda Warnings you issued to

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Mr.~Boozer.

2 A You have the right to remain silent, anything
3 you say can and will be used against you in a court of
4 law. You have the right to speak to an attorney, have an
5 attorney present during any questioning. If you cannot
6 afford a lawyer, one will be provided for you at
7 government expense. Knowing and understanding your rights
8 as I've explained them to you, are you willing to answer
9 my questions without an attorney present?

10 Q Okay. At this time, did Mr.~Boozer appear to be
11 under the influence of any drugs or alcohol?

12 A No, he did not.

13 Q Did Mr.~Boozer appear to understand the Miranda
14 Warnings?

15 A Yes.

16 Q After these Miranda Warnings were given, did
17 Mr.~Boozer make any statements to you?

18 A He just said that he didn't want to talk right
19 now.

20 Q Okay. So, you're first on scene, correct?

21 A Yes.

22 Q You're the only law enforcement at this time on
23 scene?

24 A Yes, sir.

25 Q Tell me who arrives next from either law

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 enforcement or EMS.

2 A Newberry County Sheriff's Office shows up, and
3 it was about four or five different personnel from
4 Newberry County Sheriff's Office. I couldn't tell you
5 exactly who showed up first.

6 Q So, sheriff's office kind of arrives as kind of
7 reinforcements?

8 A Yes, sir.

9 Q Or as backup, I guess?

10 A Yes.

11 Q Within minutes after your arrival?

12 A Yes.

13 Q Okay. And tell me where is Mr.~Boozer at this
14 point?

15 A He is laying in the driveway at that point.

16 Q In handcuffs?

17 A Yes.

18 Q Okay. All right. Did any other law enforcement
19 personnel have a chance to speak with Mr.~Boozer at this
20 time?

21 A Captain Robert Dennis came over to where I was
22 at as his personnel went into the house to clear the
23 residence, at which point, he began to recite Miranda to
24 Mr.~Boozer. And at that time, I notified Captain Dennis
25 that he had already said he didn't walk to talk right now.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q Okay. All right. Now, SLED crime scene also
2 showed up within a short time of this; is that correct?

3 A That's correct, probably within a hour, hour and
4 a half.

5 Q So, at that point, is your focus still on
6 Mr.~Boozer or are you engaging in any kind of crime scene
7 processing?

8 A At the time that the coroner and crime scene
9 showed up, I was actually obtaining a search warrant on
10 the house for SLED crime scene.

11 Q Okay. How long from the time you get there did
12 Mr.~Boozer stay on scene at Conifer Drive?

13 A I would say approximately about two hours. Just
14 along enough for SLED crime scene to show up and read over
15 the warrant to make sure everything was covered in there.
16 Then, at that time, they photographed Mr.~Boozer prior to
17 him being transported to Newberry County Detention Center.

18 Q So, within -- would you say within two hours of
19 your arrival, Mr.~Boozer is then transported to the
20 Newberry County Detention Center?

21 A Yes, sir.

22 Q Who transported Mr.~Boozer from the scene to the
23 detention center?

24 A Officer Corey Jones with the Prosperity Police
25 Department.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q All right. Now, tell me, later that day, did
2 you have a chance to have a formal interview with
3 Mr.~Boozer?

4 A I did.

5 Q Okay. Approximately what time later that day?
6 And we're talking about May 3rd of last year still,
7 correct?

8 A Yes, sir.

9 Q Okay.

10 A I believe the time I had on my Miranda Warning
11 and waiver form was 4:40 in the evening.

12 Q Okay. So, how did this formal interview later
13 that day or later that afternoon come about?

14 A After Officer Corey Jones transported Mr.~Boozer
15 to Newberry County Detention Center, he responded back out
16 to the scene to assist the coroner's office and also
17 assist SLED crime scene with anything they needed with
18 their process. And at which time, he stated to me that
19 Mr.~Boozer made a statement in the car, When will I be
20 able to talk to the investigator?

21 Q Okay. So, it was your understanding Mr.~Boozer
22 initiated conversation with Officer Jones during transport
23 to the jail?

24 A Yes, sir.

25 Q All right. And then later on that day, who goes

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 back out to the jail to pick Mr.~Boozer up for this
2 interview?

3 A Officer Corey Jones.

4 Q Okay. And then where does this interview take
5 place?

6 A It takes place at 250 School Drive in our old
7 police department that we have kind of reconditioned as
8 our interview room.

9 Q Okay. All right. So, Officer Corey Jones then
10 goes back out to the jail later that afternoon to take him
11 to the police department so you and Officer Jones could
12 interview Mr.~Boozer?

13 A That's correct.

14 Q All right. I'm going to hand you what's been
15 marked as Court's Exhibit -- been marked as a Court's
16 Exhibit. I don't have the number. Do you recognize this?

17 A Yes, sir, that's going to be the copies of the
18 Miranda Warning from not only May 3rd, but also May 5th.

19 Q All right. Focusing on the May 3rd Miranda
20 Warnings, all right. So, tell us -- and this has all the
21 information about what time the interview starts?

22 A That's correct, at the top of the page.

23 Q Okay. And the place of the interview is 250
24 School Drive. That's the Prosperity Police Department,
25 right?

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 A That's correct.

2 Q All right. And you go through the Miranda
3 Warnings again with Mr.~Boozer?

4 A That's correct.

5 Q Is it the same Miranda Warnings you just read
6 out from your card, essentially?

7 A It's a little bit more detailed, I would say.

8 Q Okay. All right. And at this point, did
9 Mr.~Boozer waive these rights and agree to speak with you
10 without a lawyer present?

11 A That's correct.

12 Q Okay. And you said at 4:40 p.m., this interview
13 takes place. Did Mr.~Boozer appear to be under the
14 influence of any alcohol or drugs at 4:40 p.m.?

15 A No, sir.

16 Q And he appeared to understand his Miranda
17 Warnings?

18 A That's correct. He actually notated -- every
19 time that I would read line by line, I would ask him if he
20 understood, and he would say yes. And as soon as he would
21 do that, he would initial the line right next to it.

22 Q And Mr.~Boozer did sign this Miranda form
23 indicating he understood his rights and agreed to waive
24 them, correct?

25 A That's correct.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q It also has his address, phone number, social
2 security, et cetera?

3 A That's correct.

4 Q Did Mr.~Boozer provide a written statement to
5 you?

6 A He did not. He stated he wanted to provide a
7 statement later when he had a chance to think about it.

8 Q Okay. So, he did not provide a written
9 statement?

10 A That's correct.

11 Q But he did agree to question and answer
12 interview with you?

13 A That's correct.

14 Q And it was tape recorded?

15 A Yes, sir.

16 Q All right. And do you recognize the second
17 Court's Exhibit here? Do you recognize this?

18 A Yes, that's actually the interview from the May
19 3rd interview.

20 Q That we were just referring to?

21 A Yes.

22 Q All right. And approximately how long of an
23 interview is this?

24 A It roughly about an hour, a little bit short of
25 an hour.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q All right. Did you -- did you offer anything in
2 exchange for this interview, any offers of leniency to
3 Mr.~Boozer for talking to you?

4 A No, sir.

5 Q Did you exert any undue influence on him to talk
6 to you?

7 A No, sir.

8 Q So, nothing was offered in exchange for this
9 interview, no plea offers, anything of that nature?

10 A No, sir.

11 Q All right. And he appeared to understand his
12 rights?

13 A That's correct.

14 Q Okay.

15 MR. DANIEL: Your Honor, at this time, I would
16 offer for purposes of this hearing the recorded
17 interview, at least, the portion where the Miranda
18 Warnings were issued. I don't know if Mr.~Verner
19 wants to play the entirety of the taped interview.

20 THE COURT: Mr.~Verner, you've had a chance to
21 listen to the audio, is there any dispute that
22 Miranda was given in the audio?

23 MR. VERNER: No, Your Honor. My sole question
24 is -- well, I don't need the Court to listen to the
25 enter portion of it, perhaps, the portion of him

HARRY BODIFORD-CROSS BY MR. VERNER

1 being Mirandized.

2 THE COURT: All right. If y'all want to go
3 ahead and play it, that will be perfectly fine.

4 MR. DANIEL: Yes, sir.

5 (WHEREUPON, portion of interview was published.)

6 MR. DANIEL: Your Honor, it is our intent,
7 obviously, to try to play the entirety of that
8 recording. I don't know if Mr.~Verner has any
9 objections to any other portions of that recording.

10 THE COURT: All right. Anything else with this
11 witness on this limited issue?

12 MR. DANIEL: Not on this limited issue, Your
13 Honor.

14 THE COURT: Mr.~Verner, any questions?

15 CROSS-EXAMINATION

16 BY MR. VERNER:

17 Q Lieutenant, explain to me one more time, you
18 first encountered Mr.~Boozer at the home where Ms. Clatie
19 Stribble was living?

20 A Yes, sir.

21 Q And he said, Things went too far, sometime when
22 you were putting him into custody?

23 A Yes, that's correct.

24 Q And at that point, you read him orally from your
25 card his Miranda Warnings?

HARRY BODIFORD-CROSS BY MR. VERNER

1 A That's correct.

2 Q And you referenced that in the audio tape, I
3 guess, from your memory to the Defendant saying, I've
4 already gone over this with you?

5 A Can you repeat that?

6 Q You were the one who read him his Miranda Rights
7 in the field?

8 A That's correct.

9 Q And you were still aware of that at the time you
10 were during the second interview?

11 A That's correct.

12 Q And after you read him the same -- what you read
13 him in the field was the same as what you went over orally
14 with him?

15 A It is actually the card that I've carried around
16 for the past nine years.

17 Q It is essentially the same as what you orally
18 read in the recorded interview?

19 A Yes.

20 Q And at that time, Mr.~Boozer indicated he did
21 not want to talk?

22 A Yes, right now, yes.

23 Q Tell me -- explain -- if he was there as long as
24 two hours at the crime scene, then that would be about
25 10:30 in the morning when he was taken, give or take?

HARRY BODIFORD-CROSS BY MR. VERNER

1 A That's correct.

2 Q Then you reinterviewed him about -- a little
3 after 4:30 in the afternoon?

4 A That's correct.

5 Q What happened between 10:30 and 4:30 for you to
6 resume the interview with Mr.~Boozer?

7 A At that time, Officer Corey Jones had responded
8 back out to 188 Conifer Drive after transporting
9 Mr.~Boozer and he stated to me that Mr.~Boozer initiated
10 contact with him in the patrol vehicle and stated
11 something to the effect of, When will I be able to talk to
12 the investigator.

13 Q Okay. And that was Officer Boozer?

14 A No, that was Officer Corey Jones.

15 Q Jones, I'm sorry.

16 A That's correct.

17 Q Was Officer Jones there when you had Mirandized
18 Clifton Boozer at the scene?

19 A No, he was not.

20 Q All right. Was he aware that you had Mirandized
21 him?

22 A He was. However, I don't have a cage in my
23 patrol car. So, whenever we put Mr.~Boozer in the rear of
24 Officer Jones' patrol car, I did notify him at that time
25 that he's already been given his Miranda warning.

HARRY BODIFORD-CROSS BY MR. VERNER

1 Q Okay. Did you tell him that he had declined to
2 talk?

3 A Yes.

4 Q Okay. So, the only thing that changed to your
5 knowledge was that Officer Jones later on, at some point
6 later that day said he wanted to give his side of his
7 story to the investigators?

8 A That, as well as there was a time where Coroner
9 Kneece actually was asking Mr.~Boozer some questions at
10 the back of Officer Corey Jones' patrol car while Officer
11 Jones was present. And also, former Chief David
12 Bedingfield was present as well. That was -- that was
13 within that two-hour time frame while I was getting the
14 search warrant.

15 Q All right. And Kneece would be a Prosperity
16 officer?

17 A She is the coroner with the Newberry County
18 Coroner's Office.

19 Q Okay. Obviously, Bedingfield is the captain or
20 chief of police in Prosperity?

21 A He was the chief at the time.

22 Q Were they aware that Mr.~Boozer had been
23 Mirandized and invoked his right to remain silent?

24 A Yes, they were.

25 Q Do you know why they were questioning him at the

HARRY BODIFORD-CROSS BY MR. VERNER

1 back of the vehicle?

2 A I was not there at the time.

3 Q But one or both of them came to you later and
4 indicated something had changed?

5 A As well as Coroner Kneece, she explained to me
6 that she expressed to Mr.~Boozer, Do you want to talk to
7 me with these two guys here?

8 At which time he said, Yes.

9 Q At the scene?

10 A At the scene.

11 Q Okay.

12 A But I was not there at the time.

13 Q Are you aware of whether the coroner was aware
14 that he had already been Mirandized and invoked his right
15 to remain silent?

16 A As far as I know, Officer Corey Jones stated to
17 Coroner Kneece that he was under Miranda at the time.

18 Q Okay.

19 MR. VERNER: Thank you, Lieutenant.

20 THE COURT: All right, sir, you can step down.

21 MR. DANIEL: Your Honor, the State calls Captain
22 Robert Dennis.

23 ROBERT DENNIS, after being duly sworn, testified
24 as follows:

25 THE CLERK: State your full name for the record.

ROBERT DENNIS-DIRECT BY MR. DANIEL

1 THE WITNESS: Robert Dennis, Captain Newberry
2 County Sheriff's Office.

3 DIRECT EXAMINATION

4 BY MR. DANIEL:

5 Q Captain Dennis, May 3rd of last year, did you
6 respond to 188 Conifer Drive in reference to a homicide?

7 A I did, along with the investigations unit from
8 the sheriff's office.

9 Q So, you received a call from dispatch that a
10 homicide had occurred at this location?

11 A I did, yes.

12 Q Do you remember approximately what time you
13 actually arrived at this location?

14 A No, I do not. I would say within about five
15 minutes of receiving the call, five to seven minutes.

16 Q All right. When you arrived on scene, who else
17 was also there?

18 A The only person on scene from Prosperity was
19 Lieutenant Bodiford. I arrived along with the
20 investigations unit, which were four other investigators
21 as well as our victim's advocate, who we share with
22 Prosperity.

23 Q Was the suspect, Clifton Boozer, on the scene at
24 this time?

25 A He was. He was laying on the ground in

ROBERT DENNIS-DIRECT BY MR. DANIEL

1 handcuffs.

2 Q Okay. Did you have any interaction with
3 Mr.~Boozer?

4 A The only interaction I had with him was while he
5 was laying there, I instructed the investigation unit to
6 go clear the house, because Lieutenant Bodiford had not
7 done that, he was covering Mr.~Boozer. I went ahead and
8 administered the Miranda Rights to Mr.~Boozer as he was
9 laying on the ground.

10 Q Okay. And do you remember exactly what were the
11 Miranda Rights you administered?

12 A I do. Those rights were You have the right to
13 remain silent. Anything you say can and will be used
14 against you in court. You have the right to an attorney
15 and consult with an attorney before and while answering
16 questions. If you cannot afford an attorney, one will be
17 provided without cost to you.

18 He was asked if he understood those rights.

19 He said, Yes.

20 He was asked if he was willing to talk
21 without a lawyer.

22 He said, No.

23 Q So, in other words, did Mr.~Boozer request an
24 attorney?

25 A He said -- he asked for an attorney.

ROBERT DENNIS-CROSS BY MR. VERNER

1 Q All right. And was anyone else present, any
2 other law enforcement present to hear you administer these
3 Miranda Warnings to Mr.~Boozer?

4 A Lieutenant Bodiford was there and he stopped me
5 about midway in and let me know that he had already
6 administered the Miranda Rights.

7 Q Lieutenant Bodiford administered Miranda
8 Warnings prior to your arrival?

9 A That's correct.

10 Q All right. Was that, essentially, the extent of
11 your involvement in this case?

12 A It is. Chief Bedingfield arrived on scene and
13 stated that they would be handling the case, that they had
14 already called SLED. So my unit, we left the scene,
15 leaving Connie Johnson there to assist with victim
16 notification.

17 Q So, Town of Prosperity PD and SLED have
18 jurisdiction at this point?

19 A That is correct.

20 MR. DANIEL: Thank you, Captain.

21 CROSS-EXAMINATION

22 BY MR. VERNER:

23 Q So, Captain, you didn't actually take the
24 statement from him, you just restated the Miranda Warnings
25 to him?

ROBERT DENNIS-CROSS BY MR. VERNER

1 A That is correct.

2 Q Okay. Were you aware that Lieutenant Bodiford
3 had also Mirandized him at the scene?

4 A Lieutenant Bedford advised me that he had
5 already done that.

6 Q And you just out of an abundance of caution
7 because this could likely be kind of a dual investigation
8 possibly?

9 A It could have been, yes.

10 Q Okay. But the -- but you did not take a
11 statement from Mr.~Boozer?

12 A No, sir, we did not.

13 Q Were you prepared to had he started complying or
14 did he remain silent, or what was his reaction when you
15 read him his Miranda?

16 A He was laying on the ground face down. He did
17 look up to acknowledge that he understood his rights.
18 Then advised that he didn't want to talk at the time, he
19 wanted a lawyer.

20 MR. VERNER: Thank you, Captain.

21 THE COURT: All right, sir, you can step down.

22 Thank you.

23 Solicitor.

24 MR. DANIEL: Your Honor, the State would call
25 Officer Corey Jones.

COREY JONES-DIRECT BY MR. DANIEL

1 COREY JONES, after being duly sworn{,}testified
2 as follows:

3 THE CLERK: Have a seat, state your name for the
4 record.

5 THE WITNESS: Officer Corey Jones, Prosperity
6 Police Officer.

7 DIRECT EXAMINATION

8 BY MR. DANIEL:

9 Q All right. Officer Jones, you're employed with
10 the Town of Prosperity Police Department, correct?

11 A Yes, sir.

12 Q All right. How long have you been with that
13 agency?

14 A Since December of 2015.

15 Q Okay. All right. Going back to May 3rd last
16 year, were you working or on duty that morning?

17 A I was about to come on shift. I received a
18 phone call telling me to get down to 188 Conifer Drive.
19 They just had an incident occur there. I arrived shortly
20 after Newberry County arrived on scene.

21 Q Do you recall approximately what time you
22 arrived at 188 Conifer Drive?

23 A I do not. It had to be between 8:30 and 8:40.

24 Q All right. Who was on scene when you arrived,
25 what law enforcement?

COREY JONES-DIRECT BY MR. DANIEL

1 A I remember seeing Robert Dennis there and
2 Lieutenant Bodiford. Mr.~Boozer was still on the ground
3 at the time.

4 Q All right. Was Mr.~Boozer in custody at that
5 point?

6 A Yes, sir.

7 Q Had handcuffs on him?

8 A Yes, sir.

9 Q And he was lying on the ground?

10 A Yes, sir.

11 Q All right. Tell me what did you do next after
12 that point, after you arrived?

13 A Lieutenant Bodiford asked me if I could put
14 Boozer -- Mr.~Boozer in the back of my patrol car, it was
15 a marked unit. The reason we put him there is because we
16 had a cage. At that point, he advised me that Mr.~Boozer
17 was already under Miranda and advised me that he did not
18 want to speak to us.

19 Q All right. So, it was your understanding that
20 he had invoked his right to remain silent?

21 A Yes, sir.

22 Q Were you under the impression he also asked for
23 an attorney?

24 A No, sir.

25 Q All right. So, at that point, you put

COREY JONES-DIRECT BY MR. DANIEL

1 Mr.~Boozer -- when you arrived, you put Mr.~Boozer into
2 your patrol car because you have a secure cage to put
3 Mr.~Boozer in?

4 A Yes, sir.

5 Q At that point, how long did Mr.~Boozer stay at
6 the crime scene?

7 A I'd say anywhere from an hour and 30 to two
8 hours, roughly. Laura Kneece arrived on scene -- Coroner
9 Kneece arrived on scene at that point and she came over
10 there to look over Mr.~Boozer. At that point, he started
11 talking to her about the incident that had occurred. I
12 advised her that he was under Miranda and does not want to
13 speak to us and he continued to talk at that point.

14 Q Okay.

15 A Also, myself and Chief Bedingfield was there at
16 the time.

17 Q All right. Since Mr.~Boozer was in your patrol
18 car, were you responsible for then transporting him to the
19 detention center?

20 A Yes, sir.

21 Q Do you remember approximately what time you
22 transported Mr.~Boozer from the crime scene to the
23 detention center?

24 A I cannot recall that.

25 Q Would it have been an hour or so of your

COREY JONES-DIRECT BY MR. DANIEL

1 arrival?

2 A Yes, sir, within that one hour and 30 minutes to
3 two-hour range, so been anywhere between 10:00 and 10:30.

4 Q All right. Do you have any type of verbal
5 exchange with Mr.~Boozer while transporting him to the
6 detention center?

7 A Normal chitchat, nothing about the incident. At
8 which point, during that conversation, he stated that he
9 wanted to know when he could speak to an investigator. I
10 said I would have to get back to him.

11 Q So, Mr.~Boozer initiated that conversation?

12 A Yes, sir.

13 Q All right. His exact words as you can recall,
14 what did he say?

15 A He said when can he talk to an investigator.

16 Q All right. And what was your response?

17 A I told him I did not know. Because at that
18 point in time, I didn't know what else we had to do on
19 scene. So, I dropped him off the Newberry County
20 Detention Center, checked him in, then I went back to 188
21 Conifer Drive.

22 Q Did you try to elicit any kind of incriminating
23 statements from Mr.~Boozer while transporting him to the
24 to jail?

25 A No, sir.

COREY JONES-DIRECT BY MR. DANIEL

1 Q All right. Later that day, were you able to
2 arrange for Mr.~Boozer to have a formal interview with
3 either you or someone else from your department?

4 A Yes, sir, Lieutenant Bodiford asked me to go
5 pick him up around 4 o'clock, then I transported him back
6 to the Prosperity Police Department.

7 Q And were you doing this upon Mr.~Boozer's
8 request to transport him to the police department?

9 A This was the request that I was given while I
10 was transporting him to the Newberry County Detention
11 Center. And then upon Lieutenant Bodiford's request to go
12 pick him up, I obliged that.

13 Q Were you present when Lieutenant Bodiford
14 Mirandized Mr.~Boozer?

15 A No, sir, not the first time.

16 Q I'm sorry, I should have specified. The second
17 time, the interview at the police department around 4:40?

18 A Yes, sir.

19 Q Were you present during that 4:40 p.m.
20 interview?

21 A Yes, sir, I was sitting right there.

22 Q Now, the recording we just played, you're
23 familiar with that recording?

24 A Yes, sir.

25 Q Did you participate in this interview?

COREY JONES-CROSS BY MR. VERNER

1 A I was sitting there beside Lieutenant Bodiford
2 while he was doing the entire interview.

3 Q And did Mr.~Boozer appear to be under the
4 influence of any alcohol or drugs?

5 A Not that I'm aware of.

6 Q Did Mr.~Boozer appear to understand his Miranda
7 Warnings?

8 A Yes, sir.

9 Q Did Mr.~Boozer freely and voluntarily agree to
10 speak to Lieutenant Bodiford?

11 A Yes, sir, he signed line by line.

12 Q Anything offered in exchange for Mr.~Boozer's
13 cooperation?

14 A No, sir.

15 Q Any offer of leniency?

16 A No, sir.

17 Q Any threats?

18 A No, sir.

19 Q Nothing of anything quid pro quo in exchange for
20 Mr.~Boozer's statement?

21 A No, sir.

22 MR. DANIEL: Thank you.

23 CROSS-EXAMINATION

24 BY MR. VERNER:

25 Q Officer, did you have any other conversations

COREY JONES-CROSS BY MR. VERNER

1 with Clifton Boozer on the ride from Prosperity to
2 Newberry?

3 A Just normal chitchat.

4 Q Okay. Do you recall what you were chitchatting
5 about?

6 A No, sir. I mean, just fooling around
7 conversation.

8 Q By chitchat, I take it you mean non-case
9 related?

10 A Yes, sir.

11 Q Information?

12 A Yes, sir.

13 Q Did you radio in -- if he had told you that he
14 wanted to speak to the investigators, that would be
15 important, wouldn't it?

16 A Did I radio in?

17 Q It would be important if the Defendant had told
18 you I want to speak to the investigators, right?

19 A Yes, sir.

20 Q Would be significant for you to -- did you radio
21 in?

22 A No, sir, I do not radio in. I talked to
23 Lieutenant Bodiford when I arrived back on scene because
24 that's where I was going back to.

25 Q If he had indicated he wanted to speak to

COREY JONES-CROSS BY MR. VERNER

1 anyone, would it make some sense to have gone ahead and
2 taken him to the Prosperity Police Department?

3 A No, sir, because we still had evidence on scene
4 that needed to be secured.

5 Q Were you aware that Lieutenant Bodiford had
6 already Mirandized -- read the Miranda Warnings to
7 Mr.~Boozer?

8 A Whenever I arrived on scene, Lieutenant Bodiford
9 told me that he was already Mirandized and he did not want
10 to speak to us at that point in time.

11 Q Okay. Did you see Captain Dennis of the
12 sheriff's department read the Miranda Warnings?

13 A No, sir.

14 Q Did you see Coroner Kneece or Chief Bedingfield
15 at that time?

16 A Yes, sir, I saw them there.

17 Q Were they speaking to Clifton Boozer at the
18 scene?

19 A Laura Kneece was speaking to Clifton Boozer
20 after he had already initiated a conversation. Myself and
21 former Chief Bedingfield were standing by. We were
22 present at that point in time.

23 Q Who is the he you're talking about?

24 A Say again -- oh, Chief Bedingfield. Myself and
25 Chief Bedingfield were standing by near the vehicle

COREY JONES-CROSS BY MR. VERNER

1 whenever Laura Kneece was sitting there talking to Clifton
2 Boozer.

3 Q When you were standing by the vehicle, was
4 Clifton Boozer there with you kind of at the back of the
5 car?

6 A He was sitting in the patrol car.

7 Q In the patrol car?

8 A In the patrol car on the right side.

9 Q And at that time, the coroner would have arrived
10 and, I guess, said is this the Defendant or --

11 A Say it again. I don't understand.

12 Q The coroner would have -- when you and Mr. --
13 Chief Bedingfield were standing in the back of the patrol
14 vehicle and Clifton is in the back, I assume the coroner
15 would come up and say is this the suspect or something --

16 A Yes, sir. She was looking him over seeing if he
17 had any cuts, abrasions, stuff like that.

18 Q But at the end of the day -- did the back
19 windows of the patrol cruiser roll down?

20 A The back windows?

21 Q Right.

22 A Yes, sir.

23 Q Did they pull Mr.~Boozer out of the vehicle or
24 did he roll the windows down or do you recall --

25 A You can roll the window down, but Coroner Kneece

COREY JONES-CROSS BY MR. VERNER

1 needed to get him out to take pictures of him.

2 Q So, they pulled him out of the vehicle and she
3 took photographs and whatnot. Do you recall what her
4 conversation was with him?

5 A I do not recall.

6 Q Okay. But just remember them speaking to him?

7 A Yes, sir.

8 Q Okay.

9 MR. VERNER: Okay. Thank you, Officer.

10 THE WITNESS: Yes, sir.

11 THE COURT: You can step down.

12 Any additional witnesses?

13 MR. DANIEL: No, Your Honor.

14 THE COURT: Mr.~Verner, any argument? Anything
15 you want to put on the record?

16 MR. VERNER: Briefly, Your Honor.

17 THE COURT: Sure.

18 MR. VERNER: Your Honor, Mr.~Boozer is going to
19 briefly, for the purpose of this pre-trial motion,
20 testify.

21 THE COURT: All right. If you come on up,
22 Mr.~Boozer, and be sworn, please.

23 CLIFTON BOOZER, after being duly
24 sworn{,} testified as follows:

25 THE CLERK: Have a seat, state your name for the

1 record.

2 THE WITNESS: Clifton Boozer.

3 DIRECT EXAMINATION

4 BY MR. VERNER:

5 Q Now, Mr.~Boozer, I am going to ask you how far
6 did you go through school, sir?

7 A To the 9th.

8 Q Okay. The -- you remember May 3rd of last year?

9 A Yes.

10 Q The -- do you remember Lieutenant Bodiford
11 approaching you at the house?

12 A Yes.

13 Q Do you remember whether or not he read you your
14 Miranda Rights?

15 A No, he did not.

16 Q You don't remember or you remember clearly that
17 he didn't?

18 A He did not.

19 Q Tell me what happened then when he approached
20 you.

21 A I was already sitting down on the steps to the
22 house when he approached me. He said that -- when he came
23 in -- when he came and he approached me that --

24 Q Well, did he have a gun in his hand?

25 A No, he did not have a gun in his hand at this

CLIFTON BOOZER-DIRECT BY MR. VERNER

1 point, but he said when he approached me that I was coming
2 out the house with my hands inside my hoodie --

3 Q I'm not asking you to testify what he testified,
4 I'm asking you what happened. How do you remember him
5 approaching you at the house?

6 A He pulled up on the side of the road and he told
7 me to put my hands in the air.

8 Q Okay.

9 A He pulled out his weapon and told me to put my
10 hands in the air and that's when I put my hands up.

11 Q Okay. Well, tell me what happened up until to
12 the point where you put your hands up. What was your
13 interaction?

14 A He came up -- he came -- excuse me, I'm a little
15 nervous. You got to excuse me.

16 Q You want a cup of water?

17 A Yes, sir.

18 Q Okay. But what happened? You said that the
19 officer --

20 A When he pulled up -- I was sitting on the steps
21 when he pulled up. I was on the phone with -- I was on
22 the phone with 911 already. She was advising me
23 everything what to do. She told me --

24 Q You were still on the phone with the 911
25 operator?

CLIFTON BOOZER-DIRECT BY MR. VERNER

1 A Yes, I was still on the phone with the 911
2 operator. She told me to go outside. She gave me the
3 directions what to do. She told me to go outside because
4 she said that there was police already on the way. As he
5 approached -- as he approached the house, he got out his
6 vehicle and he pulled out his weapon and he told me to get
7 down and put my hands on top of my head.

8 Q Did you?

9 A Yes, sir.

10 Q Okay. Then what happened when you were on the
11 ground with your hands on your head?

12 A He just -- he secured me, he put the cuffs on,
13 put my hands behind my back and he went inside the
14 residence.

15 Q Okay. And you're cuffed on the ground? Is
16 anybody else there?

17 A No, he's the only one there.

18 Q He left you alone?

19 A Yeah.

20 Q Cuffed on the ground?

21 A Yeah. He went inside the residence.

22 Q Do you recall him speaking to you?

23 A No.

24 Q Or asking you about what happened?

25 A No. He just handcuffed me, made sure that I

CLIFTON BOOZER-DIRECT BY MR. VERNER

1 was -- that the handcuffs was, you know, pretty tight,
2 that I wasn't going nowhere and he entered the residence.

3 Q Did he cuff your legs, too?

4 A No, just my arms behind my back.

5 Q All right. Do you recall him ever reading,
6 prior to the recorded interview, the Miranda Warning at
7 that home scene to you?

8 A No, sir.

9 Q Okay. The -- do you know who Captain Robert
10 Dennis is?

11 A This is my first time seeing him in this
12 courtroom today.

13 Q Okay. Do you recall him reading you Miranda
14 Warnings?

15 A This is my first time seeing him today in this
16 courtroom.

17 Q Is it possible -- were there other officers
18 there?

19 A After he had -- they had came later, the
20 Newberry officer had came later, but as soon as they got
21 there and they seen that the scene was, I guess, secured
22 and everything was all right, all of them left.

23 Q Is it possible Captain Dennis was there and you
24 just don't remember him?

25 A No, sir. I never knew what he looked like. I

CLIFTON BOOZER-DIRECT BY MR. VERNER

1 have heard his name, but I never what he looked like until
2 I seen him today.

3 Q Do you recall him or anyone reading the Miranda
4 Warnings while you were cuffed on the ground?

5 A No. Only when they arrived at the police
6 station in Prosperity.

7 Q Do you remember Officer Jones of the Prosperity
8 Police Department driving you to the Newberry Detention
9 Center?

10 A Yes.

11 Q Were you familiar with Officer Jones? Did you
12 know him prior to that date?

13 A No, sir.

14 Q Did you have any kind of conversation with
15 Officer Jones?

16 A He was asking me that -- he was -- he was -- he
17 was asking me questions about, you know, what was going on
18 about the case. And he was letting me know that the best
19 thing to do -- you know, because I had gave a brief report
20 about what had happened. He was letting me know that the
21 best thing to do is go ahead and tell the truth because if
22 we find out something different, it's going to be worse
23 for you. You know, I just remained silent.

24 Q Okay. What do you mean you already had given a
25 brief? Are you talking about to the dispatcher or to

CLIFTON BOOZER-DIRECT BY MR. VERNER

1 whom?

2 A To the officer, the one that arrived on the
3 scene.

4 Q Lieutenant Bodiford who testified first?

5 A Yes, and to the coroner. I gave a statement to
6 both of those -- you know, both of them took a statement
7 at the same time.

8 Q Do you remember meeting the coroner, the lady
9 coroner, Ms. Kneece?

10 A Yes, sir.

11 Q Do you remember Chief Bedingfield being there,
12 too?

13 A Yes, sir.

14 Q Where did you talk to them?

15 A I was sitting in the back of the police car.

16 Q Okay. Do you recall if either of them had read
17 you Miranda Warnings?

18 A No.

19 Q Did they ask you questions about what had
20 happened?

21 A Yes, they were asking me questions about what
22 happened.

23 Q So, those were the only ones, the law officers
24 that you had spoken to?

25 A Yes, they was the only ones I spoken to.

CLIFTON BOOZER-CROSS BY MR. SCOTT

1 Q Did you indicate to -- did you have anything to
2 say to Officer Jones on the ride to the jail?

3 A No, I didn't have anything to speak to him
4 about.

5 Q Did you initiate any kind of conversation or
6 small talk about anything?

7 A No, he was doing most of the talking.

8 Q Okay. Did you indicate to Officer Jones that
9 you wanted to give a statement to the investigators?

10 A No, sir.

11 MR. VERNER: If the prosecutors have any
12 questions, you can answer their questions.

13 CROSS-EXAMINATION

14 BY MR. SCOTT:

15 Q Tell me about the brief account of what happened
16 you told the officer?

17 A Say it again.

18 Q You said you gave the officers a brief account
19 of what happened.

20 A I gave the captain and the coroner.

21 Q Who's the captain?

22 A The gentleman sitting right here in front.

23 Q All right. You talking about Bodiford?

24 A Bodiford, yes.

25 Q Because Robert Dennis is a captain.

CLIFTON BOOZER-CROSS BY MR. SCOTT

1 A I thought he was captain of Prosperity Police.

2 Q He's with the Prosperity Police. Robert Dennis
3 is with the sheriff's department.

4 A Well, I had them --

5 Q That's Bodiford.

6 A Well, he's the one -- he's the same one that
7 arrived at the scene with him.

8 Q What did you tell him? You said you gave a
9 brief account of what happened. What did you tell him?

10 A They had asked me what had happened. You know,
11 she was asking me about --

12 Q Who's she?

13 A The coroner.

14 Q Okay. What did you say?

15 A She was asking me about -- well, first, she was
16 asking me about the girls, you know, she needed to get in
17 touch with the girls because she needed to get them out of
18 school early. You know, I gave them the information what
19 schools they was in and all of that.

20 Q Then what was your brief account of what
21 happened?

22 A What you mean? Say that --

23 Q Listen, you said you gave officers a brief
24 account of what happened.

25 A Yes, sir.

CLIFTON BOOZER-CROSS BY MR. SCOTT

1 Q I'm very simply asking you what that account
2 was. What did you tell them?

3 A He asked me --

4 Q Who's he?

5 A Bod --

6 Q You just named Bodiford.

7 A Bodiford.

8 Q Okay.

9 A He was asking me that -- you know, what
10 happened. And I was telling him that we had got into an
11 argument, you know, we had got into a little altercation.
12 And I told him that things had -- I did -- I said -- I
13 told him that things had went too far because, you know,
14 she, Ms. Clatie, has came up and she was attacking me and
15 I couldn't get her to stop. So, I told them that things
16 had went too far.

17 Q Did he threaten you to get that brief account
18 from you?

19 A No, sir.

20 Q Were you high?

21 A No.

22 Q Were you drunk?

23 A No.

24 Q And you gave him that version of events?

25 A Yes.

CLIFTON BOOZER-CROSS BY MR. SCOTT

1 Q It is possible -- now, they said that they
2 handcuffed you and put you face down on the ground. Is
3 that how you remembered being handcuffed?

4 A Yeah. Yeah.

5 Q It is possible that Captain Dennis when he
6 Mirandized you, you couldn't see him because you were face
7 down on the ground? Is it possible that's why you don't
8 remember seeing him?

9 A Well, he said that I looked up and seen him.
10 But this my first time seeing him in this courtroom today.
11 I never seen him before.

12 Q Are you from Prosperity?

13 A I'm from Newberry.

14 Q Okay.

15 A I've heard of him, but I've never seen him until
16 just now.

17 Q Okay. And then that is your voice on that disk
18 we listened to, was it not?

19 A Yes, that's my voice.

20 Q And you graduated 9th grade?

21 A No, I didn't graduate, that's the last grade I
22 completed.

23 Q Why did you drop out?

24 A Just I had -- I had had kids and, you know, I
25 had to get a job to support them.

CLIFTON BOOZER-CROSS BY MR. SCOTT

1 Q Okay. In 9th grade?

2 A Yeah.

3 Q And -- but you can read and write?

4 A Uh-huh.

5 Q You were not high? You were not drunk?

6 A Huh-uh.

7 Q What part of those Miranda Warnings did you not
8 understand?

9 A At what point?

10 Q Whenever he -- that recording we just heard,
11 what I just recall was Bodiford reading you Miranda
12 Warnings, then you indicated you understood as he read
13 each one and you initialed the warnings on the paper,
14 didn't you?

15 A Yeah.

16 Q So, you understood what Miranda Warnings were?

17 A Yeah. At that point, yeah.

18 Q Then you gave that statement, is that correct?

19 A Yes.

20 MR. SCOTT: Beg the Court's indulgence briefly.

21 THE COURT: Yes, sir.

22 MR. SCOTT: Your Honor, that's all from the
23 State.

24 THE COURT: All right.

25 MR. VERNER: Your Honor, I just want to clarify

CLIFTON BOOZER-REDIRECT BY MR. VERNER

1 something.

2 THE COURT: Go ahead.

3 REDIRECT EXAMINATION

4 BY MR. VERNER:

5 Q Is it possible -- when you were speaking to the
6 lady coroner, is it possible it was Chief Bedingfield and
7 not Lieutenant Bodiford? Is it possible that was a
8 different officer you were talking to?

9 A Yes.

10 Q All right.

11 THE COURT: You can step down. Thank you.

12 Anything else on this issue?

13 MR. VERNER: Not testimony, unless the State has
14 any rebuttal.

15 MR. DANIEL: No, Your Honor.

16 THE COURT: It looks like we're kind of dealing
17 with three statements. One is the allegedly
18 spontaneously made statement when the responding
19 officer initially arrives there and, quote, Things
20 went too far.

21 The tape recorded statement and the statement to
22 Coroner -- let's address this separately. Were you
23 intending to call the coroner to relate what the
24 Defendant said?

25 MR. DANIEL: No. She will be called as a

1 witness, but not regarding any statement that was
2 given to her.

3 THE COURT: So, any statement that was given to
4 the coroner or the other officer who was there,
5 you're not planning on using that in your case in
6 chief?

7 MR. DANIEL: That's correct.

8 THE COURT: All right. So, we're really dealing
9 with just the initial statement of, Things went too
10 far. And the one given at law enforcement. Can I
11 see what y'all have marked as a exhibit as far as the
12 Miranda sheet, please?

13 MR. DANIEL: Miranda Warnings, Your Honor, and
14 then, of course the disk, the recorded interview, two
15 exhibits.

16 MR. SCOTT: Looks like State's No. 59 -- well,
17 you don't need that disk.

18 THE COURT: Mr.~Verner, you want to argue as it
19 relates to the recorded statement or the other one?

20 MR. VERNER: As far as the first statement, Your
21 Honor, I would -- if the Court finds the officers'
22 testimony convincing, it would come close to it being
23 an excited utterance. Of course, my client denies
24 saying that or remembers saying that.

25 The custodial interview is more my concern. And

1 I would just note, Your Honor, that State v.
2 Wannamaker, when a defendant invokes his right to
3 remain silent, the officers must cease. By all
4 accounts, the officer did cease the interview. I
5 guess the subsequent interview becomes the issue.
6 That then is State v. Benjamin case, which is really
7 on the second or repeat interviews of the suspect.

8 The five factors they have is whether Miranda
9 was initially given, whether the officers immediately
10 ceased the interview after his first invocation of
11 rights. The third element would be that there would
12 have to be a substantial lapse of time that they can
13 reinterview a suspect after a substantial period of
14 time. In candor, in that case, the significant
15 period of time was a matter of hours. The fourth is
16 whether the fresh Miranda Warning was given for the
17 second interview. Then the fifth element is that the
18 interview must be of a different -- the new interview
19 must be of a different crime.

20 The -- now, in the case I was reading, the
21 Supreme Court indicated they kind of got rid of that
22 fifth element and said it can be of the same crime,
23 but the other four elements -- in this case, Your
24 Honor, though, either the defendant has to himself
25 indicate that he wants to speak with the officers or

1 that there has to be scrupulous compliance with his
2 right to remain silent. I would submit the testimony
3 of the conversation with Officer Jones would not be
4 scrupulous respect of his right to remain silent,
5 which would render the second statement involuntary.

6 And the second case is State v. Franklin, which
7 is the Supreme Court case that kind of dispensed with
8 there has to be a separate crime for the second
9 interview. It's a totality of the circumstances
10 argument. The legal question for the Court is do the
11 police have to scrupulously honor a defendant's
12 invocation of his right to remain silent? Which
13 means the interview has to cease for a significant
14 period of time and cannot be -- a defendant can't
15 continue to be prodded with requests for an
16 interview.

17 And in here, we have this intervening of Chief
18 Bedingfield, the coroner, as an agent of the state
19 and law enforcement, then the Officer Jones. I would
20 argue, Your Honor, that the State cannot show that
21 law enforcement scrupulously honored Clifton Boozer's
22 right to remain silent. Of course, he denies that he
23 himself initiated the resumption of the interview.

24 THE COURT: Anything from the State on this
25 issue?

1 MR. SCOTT: Yes, Your Honor. The State would
2 note that clearly he's got the right to invoke his
3 Miranda rights under the law. But any defendant also
4 has the right to reengage, reinitiate conversations.
5 And that's what it looked like, that he wanted to
6 explain himself. The statement's largely
7 self-serving. I mean, so it's a little --
8 essentially, at the scene, he would get out his
9 statement, Things went too far. He's Mirandized and
10 he invokes his right. Then all questions cease at
11 that moment. Two hours after being processed at the
12 scene and SLED coming to take pictures, taking him
13 off to jail, that's when he reengages law enforcement
14 with Corey Jones.

15 And it's noteworthy, Jones says, I can't talk
16 with you right now, I've got to get back to the scene
17 to help process.

18 So he drops him off at the detention officer.
19 Later on that afternoon is when they bring him back
20 in. Clearly, he's read his Miranda Warnings. He
21 sounds very lucid, very understanding when they're
22 reading them to him. At no point after reading those
23 Miranda Warnings did he hesitate or give any kind of
24 indication he did not wish to talk. We think -- and
25 I've got a couple of cases, too, Your Honor, that

1 stands for the proposition they can't reinitiate
2 after invoking rights.

3 THE COURT: Well, insofar as there's a
4 credibility question for the Court to pass upon, the
5 Court finds the testimony of the State's witnesses
6 credible when they testified as to the Miranda being
7 given and they offered those rights as well as the
8 testimony of Mr. Jones, Officer Jones, who
9 transported the Defendant. The Court finds that
10 testimony to be credible. Because clearly when
11 Bodiford initially gave the Miranda rights, clearly,
12 he did not engage in any interrogation at the scene.
13 It was only after -- the Court concludes that this is
14 what happened. It was only after Officer Bodiford
15 was informed that the Defendant wanted to speak that
16 he engaged the Defendant again. It states correctly
17 that somebody may reengage. Wannamaker and a lot of
18 those cases were aimed at the State preventing the
19 State from continually badgering someone for a
20 statement and they just break down. It's a different
21 matter entirely when the defendant asks to speak to
22 law enforcement.

23 And as it relates to the recorded statement,
24 clearly, Miranda was given. State's 59 shows that
25 all the necessary rights were advised at the time the

1 recorded statement was made. So, the Court will
2 conclude based upon the evidence presented thus far
3 that Mr.~Boozar was advised of his rights, was not
4 intoxicated, otherwise promised anything or under any
5 kind of duress. Accordingly, the initial statement
6 that, Things went too far, that's basically an
7 excited utterance or spontaneous statement at the
8 scene. That will be admissible. And the statement
9 given to law enforcement, which was recorded, will
10 also be admissible.

11 All right. We need to eat as quickly as we can
12 and try to be back around 2:15. We'll be at ease
13 until about 2:15. Very good, we're on break.

14 (WHEREUPON, a lunch break was taken.)

15 THE COURT: We'll go on the record in the case
16 of the State vs. Clifton Boozar. Is there anything
17 prior to the jury being brought into the courtroom?

18 MR. DANIEL: No, Your Honor.

19 MR. VERNER: No, Your Honor.

20 THE COURT: All right, let's get the jury in
21 here, please.

22 (WHEREUPON, the jury came into open court at
23 approximately 3:00 p.m.)

24 THE COURT: Ladies and gentlemen of the jury,
25 welcome back. Thank you for being here on time. I

1 just want to let you know that I have heard that you
2 were downstairs. We didn't get a chance to break
3 here until about 1:35. I needed to eat something,
4 court personnel needed to eat something. Then I had
5 not one, but two different matters that I needed to
6 address. So, that's the reason why we have kept you
7 waiting. It wasn't like we're up here twiddling our
8 thumbs. I had some matters that needed to get
9 addressed.

10 Now, ladies and gentlemen, we're about to begin
11 the trial of the State of South Carolina vs. Clifton
12 Curtis Boozer. And before we begin the trial, I just
13 have a few opening remarks that I want to give to you
14 by way of interview. First, ladies and gentlemen, I
15 want to let you know that this case is obviously
16 going to be a lot different from what you see when
17 you see trials depicted on TV or in the movies. What
18 we see in popular culture, we often get the idea that
19 cases like this are full of intense drama and a lot
20 of emotion. Certainly, sometimes, that is the case,
21 but more often than not, ladies and gentlemen, what
22 you see in the court is going to be markedly
23 different than what you come to expect to see in
24 cases depicted on TV. And that's because, obviously
25 ladies and gentlemen, this is real life. This isn't

1 for anyone's entertainment. This is real life and
2 real parties involved. And, obviously, this case is
3 very important to both the State of South Carolina
4 and the Defendant in this case, Mr.~Boozer.

5 I realize that none of you volunteered for this
6 duty. I realize none of you wanted to come in here
7 today and sit as jurors. I want to thank you first
8 for your willingness to abide by your civic
9 responsibility and willingness, for lack of a better
10 word, to be drafted to do this duty here today. I
11 want to assure you that we're going to do everything
12 we can to minimize any inconvenience to you and
13 hopefully make this a pleasant week. I want to thank
14 you again for your service here. I assure you that
15 your presence here is the only way this case could be
16 resolved. All right. So sometimes, the only way we
17 can get a case like this resolved is by putting 13
18 people in the jury box, letting y'all make a
19 decision, which you will do later on this week, and
20 get a resolution of this particular case. Again,
21 thank you for your attention, thank for your patience
22 going forward.

23 With that, I'm going to ask that you stand where
24 you are, raise your right hand so the clerk can
25 administer your oath to you as jurors.

1 (WHEREUPON, the jury was sworn.)

2 THE COURT: Please have a seat.

3 All right. Now, ladies and gentlemen, the first
4 order of business for the Court is to appoint a
5 foreperson. Who is William Johnston? Mr. Johnston.

6 Well, Mr. Johnston, it's a matter of fate.
7 You're actually sitting where the foreperson is
8 supposed to sit. So, clearly, fate preordained that
9 you be the foreperson of the jury. I'm going to make
10 you the foreperson, if that's okay, sir. I'll tell
11 you that basically your job is to -- once the case is
12 submitted to the jury, your job would be to make sure
13 everybody has a fair chance to have their fair say
14 during deliberations. You will sign the verdict form
15 once the verdict is reached. If it's okay with you,
16 I'll let you be the foreperson.

17 He is not objecting, so Mr. Johnson will be the
18 foreperson.

19 If you'll stay in that seat, Mr. Johnston.

20 The alternate is Ms. Fowler. I think that's the
21 proper seat for the alternate.

22 Correct?

23 Okay. The two of y'all, if you could, stay in
24 those seats throughout the trial.

25 The rest of you, feel free to move about if you

1 want to or if you need to, especially in light of
2 where the air conditioning blows in the jury box. If
3 at any point in time, anyone has any trouble hearing
4 any of the testimony that's being given or hearing
5 any of the attorneys, I want you to simply raise your
6 hand, all right. That will be my queue to ask the
7 witness or the lawyer to speak up. So if you can't
8 hear what's being said or you can't hear what's going
9 on, hand goes up, I'll tell them to speak up.

10 Similarly, if you need a bathroom break or a comfort
11 break for any reason. We usually go about an hour
12 between breaks, maybe a little bit more. But if at
13 any point in time, you need a break, just wave your
14 arm and get my attention and let me know you need a
15 break, we'll take a break. Okay.

16 Ladies and gentlemen, what I now state to you is
17 intended to serve as an introduction to the trial of
18 this case. Of course, these remarks are not an
19 instruction on the law. I will instruct you on the
20 law at the conclusion of the trial before you begin
21 your deliberations. Again, this is just an overview
22 of the process that we're going to use so that you
23 can better understand what to expect.

24 In this case, ladies and gentlemen, the
25 Defendant, Clifton Boozer, is charged with an

1 indictment filed in this court with the crime of
2 murder. I'll explain the elements of those charges
3 to you later. Again, as I said earlier this morning,
4 ladies and gentlemen, an indictment is nothing more
5 than the means by which a case is brought into court.
6 Mr.~Boozer has pled not guilty to this charge and
7 that leaves the burden on the State to prove each and
8 every element of this charge beyond a reasonable
9 doubt. It will be up to you to decide whether the
10 State has met this burden.

11 Your purpose as jurors is to find and determine
12 the facts in this case. Please understand that
13 you're the sole judge of the facts. So, if at any
14 time, I make any comment concerning the facts, you
15 have to disregard that comment. Because again, you
16 are the only judges of the facts. You determine the
17 facts from the testimony that you hear and other
18 evidence which is presented during the course of the
19 trial. It is up to you to determine the inferences
20 that you think can probably be drawn from the
21 evidence presented.

22 Ladies and gentlemen, it's especially important
23 that you perform your duty in determining the facts
24 diligently and conscientiously because, ordinarily,
25 there is no way to correct an erroneous determination

1 of facts by a trial jury.

2 Ladies and gentlemen, the same law that makes
3 you the judge of the facts makes me the judge of the
4 law. The law given by the Court is the only law that
5 you could consider. You have to accept it and apply
6 it even though you may disagree with me about what
7 the law is. Again, I'm not permitted to tell you
8 what the facts are, you're not allowed to disagree
9 with me about what the law is or what the law should
10 be. Your job will be to take the law as I give it to
11 you, apply it to the facts as you find them to be and
12 after doing that, render your verdict under the oath
13 that you have just taken as jurors.

14 Now, as I mentioned before lunch, until you
15 begin your deliberations, please don't talk to anyone
16 about this particular case, not friends, family
17 members, not even your fellow jurors. Once the case
18 is submitted to you, you can only talk about it in
19 the jury room.

20 Now, ladies and gentlemen, I told the attorneys
21 and the other parties in this case that they're to
22 have nothing to do with you while the case is going
23 on. So, if you happen to bump into one of the
24 participants or one of the litigants coming or going
25 from the courthouse and they don't even say hello to

1 you, understand, they're not being rude, they're just
2 following my instructions to have nothing to do with
3 you while the case is going on. You can probably
4 appreciate the reason for this rule. If the other
5 side were to see you talking to one of the lawyers,
6 even if it's just an innocent conversation about the
7 weather, that can be easily misinterpreted as a
8 method of jury tampering. The easiest way to keep
9 that issue from even arising in the first place is
10 just to say the jurors are off limits while the case
11 is going on.

12 Ladies and gentlemen, I don't anticipate that
13 there's going to be any media coverage of this case.
14 As I said earlier, please don't conduct any sort of
15 independent research, don't read anything about this
16 case, whether that's before or whether that's
17 during -- or at some point during the course of the
18 trial. You're not to consider anything that you may
19 have heard outside this courtroom about this case,
20 whether that's before or during the trial.

21 Accordingly, ladies and gentlemen, please keep
22 an open mind. Don't decide any issue in this case
23 until all the evidence has been presented, you've
24 heard the attorneys closing arguments and you have
25 received my instruction on the law. Understand it's

1 your responsibility to determine the guilt or
2 innocence of the Defendant and your verdict has to be
3 based solely on the evidence and the law that's
4 presented.

5 Now, in a moment, ladies and gentlemen, the
6 attorneys are going to make to you what's known as
7 their opening statements in which they will contend
8 what the issues are. They will argue to you what the
9 issues are in this case. I'll remind you or I'll
10 tell you now that what the lawyers say during their
11 opening argument is not evidence, it's merely their
12 contention of what will be proven. Even though it's
13 not evidence, you can still pay attention to their
14 opening because it will kind of be an overview or a
15 road map of how this case is going to unfold for you.
16 Again, the evidence will be presented through the
17 testimony of sworn witnesses and any exhibits.

18 From time to time during a trial -- from time to
19 time during most trials that I try, it's necessary to
20 take brief breaks where I take up an issue of law
21 with the attorneys. During those breaks, I sometimes
22 need to excuse you from the courtroom and ask that
23 you return to the jury room.

24 The reason that I'm doing this, ladies and
25 gentlemen, is that sometimes in ruling on issues of

1 law, it's necessary for me to make a comment about
2 what testimony or what facts have been presented.
3 Since you're the sole judges of the facts, I don't
4 want anything that I say have any effect on what you
5 ultimately find the facts to be. That's why I ask
6 that you leave, go to the jury room so I can have a
7 candid discussion with the attorneys here on the
8 record. I can be sure that anything that I say about
9 the facts doesn't affect what you ultimately find
10 those facts to be. Of course, please don't speculate
11 about what I'm saying concerning the facts.

12 In determining what the true facts are, ladies
13 and gentlemen, you have to decide whether or not the
14 testimony of a witness is believable or not. It's my
15 job to rule on whether certain testimony can be
16 admitted. Once that testimony is admitted, whether
17 you believe it is solely up to you. In deciding
18 whether to believe a witness, you can consider the
19 interest of any witness, the bias of any witness, the
20 prejudice of any witness, the opportunity for the
21 witness to have seen the things about which they
22 testify. You can also consider the way they act
23 while on the witness stand. You have the right to
24 consider anything that's in the record in this case
25 which will help you evaluate the testimony of the

1 witnesses. That means it's your obligation to pay
2 attention to them, listen to them, observe them, keep
3 your thoughts from wandering. Instead, please give
4 strict attention to what's going on here in the
5 courtroom. At the conclusion of the trial, I assure
6 you, you will be in the best position possible to
7 determine what the facts are, thus render a verdict
8 under the oath that you have just taken.

9 In order to preserve everyone's rights, I will
10 give the lawyers a chance to object to anything that
11 I have said to you during opening remarks, then
12 proceed to trial. Okay.

13 Any objections from the State?

14 MR. SCOTT: None, Your Honor.

15 THE COURT: From the Defense?

16 MR. VERNER: No objection, Your Honor, but I
17 apologize at this late -- I would move to sequester
18 the witnesses before they see what everybody
19 testifies to. I apologize for the late timing.

20 THE COURT: Not at all. I meant to bring that
21 up before we began the trial.

22 Solicitor, obviously, you'll keep your chief
23 investigator here, any of the victims or relatives of
24 the victims who are going to testify --

25 MR. VERNER: I don't mind them coming back in

1 after they testified, but I just don't them to hear
2 what --

3 THE COURT: Sure.

4 Do you have -- I think you indicated that two of
5 the victims were going to testify?

6 MR. SCOTT: That's correct. I think under the
7 victim's bill of rights, they have the right to be in
8 the courtroom.

9 THE COURT: When were they going to testify,
10 fairly early in the case?

11 MR. VERNER: Towards the end.

12 THE COURT: Towards the end. All right, I'll
13 let them stay in subject to the -- I assume their
14 testimony is related to matters not connected to the
15 investigation, correct?

16 MR. SCOTT: Correct.

17 Brandy Counts is a friend of Ms. Stribble. She
18 would not fall under the family provisions. Really,
19 she would be about the only one we think we would
20 have to sequester.

21 THE COURT: We need to sequester her. The SLED
22 agents are here, they can be the first ones up.

23 MR. SCOTT: The coroner's here, too.

24 Laura, y'all need to go back.

25 THE COURT: All right. Solicitor, you're

1 recognized for your opening, sir.

2 MR. DANIEL: Thank you, Your Honor. May it
3 please the Court?

4 THE COURT: Yes, sir.

5 OPENING STATEMENT

6 MR. DANIEL: Good afternoon, ladies and
7 gentlemen, I'll kind of get to the point. This is a
8 case that's rooted in domestic violence. You can't
9 understand the dynamics of this case without me
10 indicating domestic violence. We're here today
11 because Clatie Stribble, the victim in this case, is
12 not here. Thirty-five year-old woman, mother of
13 four, was murdered May 3rd of last year at her home
14 in Prosperity, 188 Conifer Drive. She died at the
15 hands of her on-again, off-again boyfriend, Clifton
16 Boozer, standing before you on trial.

17 And they dated sporadically throughout the
18 years, lived together on and off. By all accounts, a
19 tumultuous, toxic relationship. In a sense, her fate
20 was sealed when she met Mr.~Boozer, because,
21 ultimately, it ended with her death in the most
22 violent, brutal fashion that you can imagine. She
23 was strangled to death, suffered a horrible stab
24 wound to the neck. She died a very bloody, painful,
25 agonizing death. That's why it's a murder case.

1 Unlawful, unjustifiable, inexcusable killing of
2 another person is what he's charged with. That's it,
3 that's the case in a nutshell.

4 Take you back to May 3rd, 2017, early morning
5 hours. Clifton Boozer doesn't live with Clatie
6 Stribble at the time this happens. Goes to her
7 house, we believe, a little after 5:00 a.m., gets a
8 cab to drop him off. He's on the outs with Clatie.
9 Of course, they're on-again, off-again throughout
10 their entire dating history. Clatie, as I said, has
11 four kids, three of them lived with her, three
12 daughters, who are present in the courtroom today.
13 They live with her -- they did live with her on
14 Conifer Drive in Prosperity.

15 Mr.~Boozer takes a cab there that morning, goes
16 there, waits on the kids to leave to go to school,
17 get on the bus. He's lying in wait. Then makes his
18 way into the house for a final confrontation with
19 Clatie and it ended with her death. Again, this
20 doesn't happen in a vacuum. They had been dating for
21 years. They had a toxic, turbulent, tumultuous
22 relationship. That's how you would describe it,
23 that's a very fair and accurate way to describe it.
24 So, that's what this case is about. You can't
25 understand it without understanding their history.

1 You'll hear Mr.~Boozer's side of the story. He
2 actually calls 911 and reports that he killed his
3 girlfriend. You'll hear the 911 call. And I submit
4 to you later on, he's interviewed by police after he
5 makes that 911 call. He gives a very self-serving
6 interview. You'll get to consider this interview as
7 evidence. And based on that interview, you'll have
8 some choices that are going to be presented to you at
9 the conclusion of this case. You will have some
10 choices related to whether he's guilty of murder or a
11 lesser included offense of involuntary manslaughter.
12 Or you can even decide to acquit him based on
13 self-defense. This is all because he gives this
14 self-serving interview. So, you'll be presented with
15 choices. But, ultimately, it's the evidence that is
16 going to decide this case. It's the evidence that is
17 going to convict him.

18 I submit to you that the evidence points to only
19 one verdict, that's a verdict of guilty of murder.
20 We're not asking for a lesser offense because the
21 evidence does not suggest he's guilty of anything
22 other than murder. So, you will get the opportunity
23 to review the evidence, hear from all the witnesses.

24 Kind of how we'll do this is we'll start the
25 trial by playing the 911 call Mr.~Boozer makes.

1 You'll hear the dispatcher on the phone when he
2 described how he killed his girlfriend and choked
3 her. And he kind of says we've been dating for about
4 six years, and then the police show up.

5 Lieutenant Harry Bodiford, he was the first
6 officer on the scene, Town of Prosperity Police
7 Department. He was the first officer to respond to
8 that 911 call made by Mr.~Boozer. He's the one -- he
9 arrives on scene, has to detain Mr.~Boozer, who's
10 still on scene. He's also the lead investigating
11 officer as well, so he has dual roles in this
12 investigation. He's wearing two hats. He's the
13 first officer on scene and he also does the
14 investigation. He's also a part of the interview I
15 told you about where he makes what I call farfetched
16 statements that are not consistent with the evidence,
17 that are self-serving and that he concocted this
18 whole story.

19 And the story is simply this, Mr.~Boozer tells
20 the police that he goes over there that morning to
21 reconcile their relationship problems that he's
22 having with Clatie. Now, they don't have any kids
23 together. They don't have any biological kids, but
24 they've been dating for years, as I stated. But he
25 tells police he went over there that morning to

1 reconcile everything that was going on. And he tells
2 Officer Bodiford he arrived there at 8 o'clock that
3 morning, after the kids, after Clatie's kids had
4 gotten on the bus to go to school. And her daughters
5 are young teenagers. Mid-Carolina Middle School I
6 think is where her daughters were going at the time.

7 So, he waits until the kids get on the bus. He
8 goes up there about 8 o'clock, he says, to work on
9 their relationship. He tells Officer Bodiford that
10 they have a consensual sexual encounter, consensual
11 sexual encounter. And at some point after they're
12 done having their sexual encounter, Clatie just
13 snaps. She starts degrading him. She starts talking
14 about infidelity issues, things like that. And then
15 she picks up a knife and comes after him. His story
16 again. She picks up a knife that's in the bedroom,
17 comes at him with a knife. A struggle ensues over
18 the knife. Somehow she's stabbed in the process,
19 there's blood everywhere. Eventually, he's able to
20 get the knife away from her. And to prevent her from
21 getting another knife, he says he chokes her. That's
22 his story.

23 So, based on that statement alone, which is not
24 consistent with all of the evidence, which we ask you
25 to discount that version of story, you get to decide

1 whether he's guilty of murder or voluntary
2 self-defense based on that story alone.

3 So, typically, I don't talk about the lesser
4 charges you get to consider, but in this case, I
5 will. It doesn't mean you have to accept my version.
6 Again, it's our case, it's our burden of proof. And
7 the evidence, as I stated, is only going to show one
8 thing, how he got there early that morning. And he
9 actually -- it's inconsistent what he said. He said
10 he got there about 8 o'clock that morning. We have
11 testimony or we're going to present testimony from
12 the cab driver, the cab company who dropped his off,
13 her testimony is that she dropped him off around
14 5:00 a.m., a little after. We also have phone
15 records of Mr.~Boozer showing he was in the area,
16 hitting off a cell phone tower in the area of Conifer
17 Drive at about 5:45 in the morning. Okay.

18 Then there's testimony you'll hear from Laura
19 Kneece, who is the county coroner. She lives right
20 near Clatie, where Clatie lived. She even saw
21 Clatie's daughters, what time they get on the bus.
22 You'll hear from Clatie's daughters about what time
23 they got on the bus.

24 They got on the bus, the bus picks them up a
25 little before 7:00 a.m. And then Mr.~Boozer doesn't

1 call 911 until about 8:26, 8:26 a.m. So, that puts
2 him on Conifer Drive for two hours or more. So, he
3 had two hours. Even after the kids leave, at around
4 a little before 7:00, 6:45, perhaps, that still gives
5 him, at least, an hour and half where he's alone with
6 Clatie.

7 So, we'll go through all the crime scene photos.
8 You'll see the blood in the bedroom. You'll see
9 different crime scene photos, diagrams, things of
10 that nature. And you'll see how there's a cigarette
11 butt outside the bedroom window, Clatie's bedroom
12 window and how a tire that was used to hold the
13 crawlspace door secure, how that was used for
14 somebody to possibly stand on to hear in this
15 bedroom. This shows almost how calculating and
16 premeditated this crime was, how he was lying in
17 wait. How he didn't come there that day for a
18 peaceful encounter. He came there that for one
19 purpose, to hurt her, to kill her, to inflict harm,
20 to wreak havoc. That's what he was there to do. And
21 that's the evidence. There's no way around it. It's
22 inescapable, unavoidable. It really is. That's the
23 case.

24 This is not -- according to Mr.~Boozer, it's
25 self-defense. This is not about self-defense. This

1 case is not about self-defense. It's about
2 self-denial. Mr.~Boozer didn't have to kill her. He
3 decided to kill her. He chose to kill her. That's
4 why it's not a self-defense case. That's why it's
5 murder, period.

6 Like I said, you will be presented with choices
7 at the conclusion of this case. Choices. And what I
8 will tell you at the outset of the trial is it's hard
9 enough when people die through natural causes, old
10 age, cancer, things like that. It's even tougher
11 when people experience untimely deaths, accidental
12 deaths, car wrecks. But something the law can't
13 tolerate is when one person kills another person with
14 malice, malice aforethought. And that's kind of the
15 legal definition, the killing of another person with
16 malice aforethought. We'll explain that -- that's
17 murder, but we'll explain that later on in this case.

18 I'll leave you with one quote. I've used this
19 before in murder trials. And I can't think of a more
20 appropriate quote, that's why I use it again. And it
21 was said by Voltaire. To the living, we owe respect,
22 but to the dead, we owe the truth. We owe the truth.
23 The evidence is going to make you see the truth. And
24 from that, there will be justice. And I submit to
25 you, justice in this case is a guilty verdict of

1 murder. That's all it is. Nothing more or nothing
2 less, it's murder. Thank you.

3 THE COURT: All right, Mr. Daniel.

4 Mr.~Verner, recognize you for opening.

5 MR. VERNER: May it please the Court, Your
6 Honor?

7 THE COURT: Yes, sir.

8 OPENING STATEMENT

9 MR. VERNER: Mr. Foreman, ladies and gentlemen
10 of the jury, I'll clarify this some. I think the
11 solicitor was a little bit incorrect on his time, but
12 the evidence likely will be -- the evidence that
13 you'll hear, I think the call to the taxi company by
14 Clifton was 5:45 that morning, but he certainly was
15 in a taxi about 6 o'clock that morning. Clifton and
16 Clatie had been in a live-together,
17 boyfriend-girlfriend relationship for about seven
18 years. She had his name tattooed on her arm. They
19 were a couple for many, many years, seven years, and
20 living together. And again, it was off again and on
21 again, and you'll hear about that.

22 In South Carolina, murder is obviously the top.
23 We don't have first degree, second degree, third
24 degree. When we talk about murder, that is what you
25 think of as first degree murder, that is a

1 premeditated -- premeditated is you've got the time
2 to think about it and plan it. You know they call it
3 cold-blooded murder, that is you've got the time to
4 think about what you're going to do and you execute
5 it.

6 And here's why I'm going to submit to you that
7 this is not a murder. Certainly, the State -- I
8 understand why it's charged as a murder, the police
9 get there, there's a dead lady and she's been killed
10 by violence. That's murder. And that's where they
11 started their case. And then they're building it
12 down to the ground as opposed to figure everything up
13 and build it up to the appropriate charge.
14 Premeditated murder. Now, you don't have to have a
15 long time to premeditate, but they have to prove that
16 he has actually planned out a murder. He's got to
17 have malice to kill somebody and then he sets the
18 wheels in motion and completes it.

19 Why I submit to you some reasons that is just
20 right off the beginning it just doesn't fit all four
21 legs of a murder case. If I had it in my heart to
22 kill somebody, I hate that jerk. I'm going to kill
23 them. I hate them. I've got malice in my heart so
24 much I'm going to kill them. The first thing -- and
25 you've got time to think on it, that's the

1 premeditation. You've got time to premeditate. The
2 first thing I'm going to do is get a weapon. I'm
3 going to get a gun, actually. You know, if I'm going
4 to kill somebody, I'm going to get a gun. I'm not
5 going to get a knife, I'm not going to get a baseball
6 bat. If it came to it, people do it that way. They
7 get a gun. If you're going to kill somebody, you're
8 going to get a gun or you're going to get a weapon.
9 You're, at least, going to bring a weapon to the
10 place where you're going to kill somebody.

11 The second thing they're going to do is there's
12 going to be some attempt to -- if I'm going to go
13 ahead and kill somebody and I've got time to
14 premeditate it, I'm going to have some kind of
15 explanation for what I've done. I'm either going to
16 get in my car and leave. I'm not going to be dumped
17 off by a taxi and have the taxi leave at the place
18 where I'm going to kill somebody. If I'm going to
19 kill somebody, I'm going to steal a damn car and I'm
20 going to park it outside the house or I'm going to
21 have a friend drive me away, or I'm going to have the
22 taxi come back and pick me up. But I'm not going to
23 be dumped off some place I'm committing a capital
24 crime.

25 The -- I'm going to have, at least, some kind of

1 version of an excuse I can give to the police. I'm
2 going to have an alibi witness, I was with you, Bob,
3 I was with you, Ms. Georgia. Didn't you see me? I'm
4 not going to be at the scene of a murder. I'm going
5 to be gone. Either I'm leaving and going to Mexico
6 or I'm leaving this county or I'm, at least, going
7 back home and coming up with some kind of evidence
8 that I wasn't there. The last thing I'm going to do
9 is call the police immediately and call an ambulance
10 and invite them over.

11 That just don't have any -- it doesn't make
12 sense that I'm going to kill somebody and I know I'm
13 going to kill somebody, but I don't bring a weapon, I
14 don't bring a way to leave, I don't have any kind of
15 excuse of alibi, any kind of defense and I call the
16 police. None of that makes sense as a murder, other
17 than you've got Ms. Clatie Stribble, who's dead, and
18 it's violent.

19 And I am kind of struggling with the assistant
20 solicitor is stating that he gives a self-serving
21 statement to the police. I think that's cherry. But
22 if you are ever interviewed in a crime and you give a
23 state that's anything short of yes, I did everything
24 y'all said I did and I'm guilty, then it's a
25 self-serving statement. I think it's kind of a jaded

1 way to look at it.

2 What Clifton told the police the day he was
3 arrested, the day he called the police, the day he
4 called for EMS is the same story that you're going to
5 hear. That they're in a long term relationship.
6 They are still seeing each other. She was -- her car
7 was at his house the day before where he was working
8 on it. She had expected him to come that day. A
9 little bit hazy, but he doesn't come until the
10 children are gone to school, which, people do. I
11 mean, we all know that sometimes if you're seeing
12 somebody that you'll wait until their kids are gone
13 or until their friends are gone so you can see them.

14 The only question for you, it's not a really
15 forensically complicated case. We know she was
16 killed and we know how she was killed and we know who
17 did it. The reason is why. And your role as a jury
18 is not we're here to find the truth. We can't do
19 that. I wasn't there, you weren't there, they
20 weren't there. There was only one person who was
21 there. And he's going to give his side of the story
22 and you're going to have to decide whether it's true
23 or not. But he will say that they were in a sexual
24 relationship for seven years.

25 The -- I'm not going to play it out now, but

1 there's some reasons, and I'll show you, I submit
2 you'll see some reasons why she would lose her temper
3 and where the knife would come from her. He is going
4 to tell you that she was jealous and angry at him, a
5 little bit controlling, felt she was being used at
6 times. They got into an argument. She had a knife
7 and she was going to cut him. And they fought over
8 the knife the first time. It ended up with him
9 throwing her and slamming her against the couch and
10 she got cut. And they're fighting over a knife.
11 He's got a stab wound in his arm to this day that you
12 can see, which would make no sense of how he would
13 get cut if he was the one holding the knife the whole
14 time, in his upper arm. The fight resumed and he
15 tried to put a submission hold on her. He tried to
16 choke her out. He tried to hold her down and choke
17 her until she calmed down or stopped fighting. And
18 unfortunately, that's what killed her.

19 The coroner will testify that she was choked to
20 death. Which again, if you're going to knife
21 somebody, you're going to kill them with a knife.
22 What Clifton did to Clatie was a submission hold. It
23 is a painful technique. Cops do it all the time.
24 Not that particular maneuver, but you will hear
25 submission techniques or pain compliance. And we've

1 all been in a fight with our brother or little sister
2 or somebody and you get them and you hurt them until
3 they stop. That's exactly what he did to Clatie.
4 She had a knife. He put her in a pain hold, a choke
5 hold so she couldn't continue. He choked her out and
6 he killed her. But it was when she brandished a
7 knife and tried to cut him and did cut him.

8 I submit to you that that is a true version,
9 that is self-defense. It is a tragic way for
10 somebody to die. I'm not happy at all about it and
11 he's not happy. No one is happy about it. But if it
12 is likely or even possible that that is how she was
13 killed, he's entitled to a not guilty verdict. You
14 don't have to be cut with somebody -- and the judge
15 will charge you, even if it is a woman, you do not
16 have to be cut by a knife. You don't have to stand
17 there and take it. If you think that you're in
18 reasonable -- if there's a reasonable belief that you
19 might be harmed or getting harmed, you've got the
20 right to use any kind of force, even deadly force to
21 defend yourself. And I do submit to you that we're
22 starting that it's not guilty by self-defense. We're
23 starting it from the ground up and building up to
24 what the charges could be. They're starting from the
25 maximum charge and trying to build their case to

1 justify the roof. And we're trying to build floors
2 and build walls until y'all decide what the roof is.
3 We think that you start any kind of deliberation with
4 whether it's self-defense.

5 The second issue is we've got murder, which on
6 TV, they say first degree murder, but it's just
7 murder in South Carolina. Kind of what other states
8 would call second degree murder or what South
9 Carolina calls voluntary manslaughter is basically,
10 if you kill somebody unlawfully in the heat of
11 passion, there has to be provocation. The
12 provocation can be an emotionally charged argument.
13 It can be a mutual fight. It can be somebody
14 damaging your property. It can be jealous rage by
15 catching your spouse or your significant other in a
16 romantically unfaithful-type position. But it's
17 not -- the difference is between, I guess, voluntary
18 manslaughter or second degree murder and first degree
19 or murder, voluntary and murder is the lack of
20 premeditation. It's a heat of passion killing.

21 For us, we submit that that is the roof on the
22 case. But it's not murder if it's not planned. The
23 only thing they have to justify a murder is that it
24 is an up and down relationship. That's the only
25 thing they're going to ask you to build a house on.

1 And I submit to you that it's much more likely an
2 emotional situation on her end than his end. And
3 possibly, it may be a involuntary manslaughter, which
4 is if somebody is guilty of reckless behavior.
5 Reckless behavior is something that you know has the
6 likelihood or possibility of harming somebody, but
7 you do it any way and it results in death. If you
8 find that the chocking was not with the intent to
9 harm her, but that a reasonable person would have
10 done that with indifference or understanding, if
11 possible, I'm not -- we'll see how the case goes, but
12 it could be an involuntary manslaughter, which would
13 be the third degree, which is that his act of choking
14 her was not designed to kill her, but it was still
15 something that a reasonable person would know could
16 lead to harm.

17 And that's where the case is. There are going
18 to be a lot of witnesses to show where this was found
19 and that was found. But essentially, we know who
20 done it. We know when they done it. We know how
21 they done it. We know what they did. The only
22 difference is we don't know why. And they want to
23 build their charge from the top at murder and then
24 hope that you will work your way down slowly. And we
25 are asking for you to consider self-defense and build

1 the case -- if you're going to send somebody to
2 prison, build the foundation and then work your way
3 up. And that is the role of the jury. You're not
4 here to find the truth.

5 The reason we have jury trials is to protect a
6 citizen from the State. If the State is going to
7 take somebody's liberty, life or property, they have
8 to get over a jury of your peers, people who live in
9 your community. You're not here to help the State
10 find out what happened. You are here to decide if
11 the State has enough evidence to deprive somebody of
12 their liberty and to what extent. You are a gate, a
13 bar to the State. You are what protects the
14 citizens. You're not -- you know, sometimes, we --
15 it's like we're feeding the classroom, we're trying
16 to help you learn, we're not. We're hoping that you
17 exercise your duty of protecting the citizens. If
18 the State has a strong case, you are duty bound to
19 convict somebody. If the State has flaws with their
20 case, under that same oath, you are duty bound to
21 find them either guilty of what the charge is if
22 think it's appropriate or not guilty.

23 And I will tell you, this is a murder case, this
24 is unusual for Newberry. Not unique, but it's not
25 that common either, thankfully. But I've been here

1 since 2005, we've tried a lot of cases in Newberry.
2 One week of court every month of criminal court. We
3 go through a lot of trials, a lot of pleas. At the
4 end of the case, you've got nobody to help nor nobody
5 to punishment. I accept the jury's verdict, whatever
6 it is. I don't question it. And they do the same.
7 They move on, too. Short term, somebody might say
8 well, how in the hell did you lose that case on my
9 end or their end. But we've got the next guy in
10 line. We don't hold grudges. They don't hold
11 grudges. I don't hold grudges. You're duty bound
12 under your oath to do what you think is right. And
13 what I think is right is for y'all to consider to
14 start at the base of whether it's self-defense, then
15 work up. Thank you.

16 THE COURT: Thank you, Mr.~Verner.

17 Solicitor, call your first witness, please.

18 MR. DANIEL: Your Honor, the State calls Terri
19 Lawson.

20 TERRI LAWSON, after being duly sworn, testifies
21 as follows:

22 THE CLERK: Have a seat. State your full name
23 for the record.

24 THE WITNESS: My name is Terri Lawson.

25 DIRECT EXAMINATION

TERRI LAWSON-DIRECT BY MR. DANIEL

1 BY MR. DANIEL:

2 Q Ms. Lawson, where are you employed?

3 A Newberry County Sheriff's Office dispatch
4 center.

5 Q How long have you've been employed with Newberry
6 County dispatch?

7 A Twenty-four years.

8 THE COURT: Lean forward just a little bit.

9 BY MR. DANIEL:

10 Q Make sure you speak up into that microphone,
11 please. So, you've been employed at Newberry County
12 dispatch for 24 years?

13 A Yes, sir.

14 Q What exactly is your job title?

15 A I'm the supervisor of the dispatch center.

16 Q Does that mean you fill 911 calls?

17 A Yes, sir.

18 Q So, if I were to call 911 and report an
19 emergency, you would actually be an individual who would
20 take that call?

21 A I would be one of them, yes, sir.

22 Q All right. I want to go back to May 3rd of last
23 year, May 3rd, 2017. Were you working that morning?

24 A Yes, sir.

25 Q And did you have an occasion to take a 911 call

TERRI LAWSON-DIRECT BY MR. DANIEL

1 from an individual by the name of Clifton Boozer?

2 A I did.

3 Q Have you had a chance -- first of all, was that
4 911 call recorded?

5 A Yes, sir.

6 Q Have you had a chance to listen to that 911
7 recording?

8 A Yes, I have.

9 Q I'm going to hand you what's been marked for ID
10 purposes as State's No. 2. Do you recognize that?

11 A Yes, sir.

12 Q And are those your initials, TL?

13 A Yes, sir.

14 Q And what is this?

15 A It's a recording of the call.

16 Q Okay. All right. And you've listened to it.
17 Is this 911 call a fair and accurate representation of the
18 call you received from Clifton Boozer on May 3rd of last
19 year?

20 A Yes, sir.

21 Q Okay. All right. What was the substance of
22 that phone call? What emergency was being reported?

23 A He called to say that he killed his girlfriend.

24 Q Okay. Did Mr.~Boozer identify himself as
25 Clifton Boozer?

TERRI LAWSON-DIRECT BY MR. DANIEL

1 A Yes, sir, he did.

2 Q Do you recall -- we'll play the video tape -- or
3 we'll play the recording, but do you recall anything else
4 of substance that he said to you?

5 A No.

6 MR. VERNER: Your Honor, that's very open-ended.
7 The tape should speak for itself.

8 THE COURT: Fair enough. Sustained.

9 MR. DANIEL: And we'll play the tape.

10 BY MR. DANIEL:

11 Q And I know you receive a lot of calls?

12 A Yes, sir.

13 Q All right. And I want to talk to you, also,
14 about what is a CAD report?

15 A It's what generated, that's how we keep all the
16 information, keep up with times, the caller information.

17 Q What does CAD stand for?

18 A Computer-aided dispatch.

19 Q So, any time you receive a 911 call, there's a
20 computer-generated report associated with that call?

21 A Yes, sir.

22 Q I'm going to hand you what's been marked for ID
23 purposes as State's No. 1. Do you recognize this?

24 A Yes, sir.

25 Q What is that?

TERRI LAWSON-DIRECT BY MR. DANIEL

1 A That's the CAD report for this call.

2 Q Okay, for this particular case?

3 A Yes, sir.

4 MR. DANIEL: Your Honor, I offer State's No. 1
5 for admission into evidence.

6 THE COURT: Without objection?

7 MR. VERNER: No objection, Your Honor.

8 THE COURT: State's 1 is in evidence.

9 (WHEREUPON, State's Exhibit No. 1 was admitted
10 into evidence.)

11 MR. DANIEL: And did I admit State's No. 2, the
12 911 call into evidence, Your Honor?

13 THE COURT: Not yet.

14 MR. VERNER: I would like to see it to make sure
15 it's the same one.

16 THE COURT: Sure.

17 MR. VERNER: Again, without objection, Your
18 Honor.

19 THE COURT: All right. State's 1 and 2 are in
20 evidence.

21 (WHEREUPON, State's Exhibit No. 2 was admitted
22 into evidence.)

23 BY MR. DANIEL:

24 Q All right. And on State's No. 1, does it also
25 list what phone number someone's calling 911 from on the

TERRI LAWSON-DIRECT BY MR. DANIEL

1 CAD report?

2 A Yes, sir.

3 Q What phone number is on that report?

4 A 924 -- I can't see without my glasses. It's
5 924-6991, 803.

6 MR. DANIEL: Put up State's No. 1. Okay.

7 BY MR. DANIEL:

8 Q All right. This is the CAD report I now have on
9 the TV. So, the phone number -- the person calling 911,
10 their phone number should be on this CAD report?

11 A Yes, sir.

12 Q And that is (803)924-6991?

13 A Yes, sir.

14 Q That's the number that Clifton Boozer called you
15 from?

16 A Yes, sir.

17 MS. DANIEL: Your Honor, at this time, I would
18 publish State's No. 2, the 911 call, as well.

19 THE COURT: You may proceed.

20 (WHEREUPON, State's Exhibit No. 2 was
21 published.)

22 BY MR. DANIEL:

23 Q All right. Ms. Lawson, that was about a
24 four-minute phone call between you and Mr.~Boozer; is that
25 correct?

TERRI LAWSON-CROSS BY MR. VERNER

1 A Yes, sir.

2 Q Okay. And I should have asked you probably
3 earlier, what time, according to that CAD report, did that
4 phone call from Mr.~Boozer come in?

5 A 8:26.

6 Q 8:26 a.m.?

7 A Uh-huh.

8 Q May 3rd, 2017?

9 A Yes, sir.

10 Q All right. To your knowledge, are there any
11 other 911 calls that Mr.~Boozer made to dispatch, Newberry
12 County dispatch that day?

13 A Not that I'm aware of.

14 Q There's no recording where Mr.~Boozer calls in
15 to report that he had been attacked with a knife?

16 A No, sir.

17 Q Okay.

18 MR. DANIEL: Thank you, Ms. Lawson. Please
19 answer any questions that the Defense may have.

20 THE COURT: Mr.~Verner.

21 CROSS-EXAMINATION

22 BY MR. VERNER:

23 Q Ms. Lawson, are you employed by the sheriff's
24 department?

25 A Yes, sir.

TERRI LAWSON-CROSS BY MR. VERNER

1 Q Are you classified as a deputy or officer?

2 A No, sir.

3 Q But you've got speciality training in the
4 emergency department?

5 A Yes, sir.

6 Q Okay. Is 911 the same call that I would call
7 for an ambulance?

8 A Yes, sir.

9 Q So, any kind of emergency, you would use the
10 911?

11 A Yes, sir.

12 Q Okay. The -- what you played for the jury, was
13 that the full audio?

14 A Yes, sir. Both calls.

15 Q That ends where the tape ends?

16 A Yes, sir.

17 Q The -- is it fair to say that the -- assume
18 that's Mr.~Boozer, and we're not contesting that, but he
19 appears somewhat in shock or he's not in a talkative mood,
20 is he?

21 A I don't know him personally. I don't know.

22 Q Okay. And you've been with 911 dispatch for how
23 long?

24 A Twenty-four years.

25 Q Oftentimes, people -- in your experience, you

TERRI LAWSON-CROSS BY MR. VERNER

1 would agree that people call that number in a panic?

2 A Often, yes, sir.

3 Q Okay. Have you ever heard of someone
4 accidentally dialing 411 instead of 911 by accident? When
5 you're scared, 411 is another common number that we hear
6 of for information, right?

7 A I don't know about calling 411. I understand
8 they call 911 trying to get 411.

9 Q Oh, okay. Two entirely different numbers, but
10 they are kind of confusingly similar, you would agree with
11 that?

12 A Yes, sir.

13 Q Okay.

14 MR. VERNER: Thank you, Ms. Lawson.

15 THE COURT: All right. Thank you, ma'am. You
16 can step down.

17 All right, ladies and gentlemen, I neglected to
18 mention one thing to you earlier. What we're going
19 to do is I'm going to take a brief five minute break.
20 If you want to take notes during the course of this
21 trial -- and I simply forgot to mention this. Some
22 people are note takers, some people are not. I
23 usually get some note takers, at least, on every
24 jury. It's perfectly fine for you to take notes. If
25 you want a tablet, the clerk will pass some out to

TERRI LAWSON-CROSS BY MR. VERNER

1 you here in a few minutes.

2 You've got some downstairs?

3 THE CLERK: We have some up here.

4 THE COURT: You've got some up here.

5 Okay. I'll let y'all adjourn to the back for
6 just a moment. She'll pass out any note pads --
7 she'll come back and pass those out to you. Just two
8 rules about notes, first, those are your personal
9 property, but you will leave them here anytime you
10 break for the evening. They'll be collected
11 overnight and kept in a safe place where nobody can
12 look at them. The second rule about note taking,
13 please don't let the taking of notes distract you
14 from testimony of any witnesses.

15 So, we'll be at ease for a few moments. Don't
16 discuss the case, but return to the back. The clerk
17 will come in there and pass out any notebooks for
18 anyone who may want some, okay. Go in the back,
19 we'll be back on the record in five minutes. Thank
20 you.

21 (WHEREUPON, the jury left open court at
22 approximately 3:47 p.m.)

23 (WHEREUPON, a short break was taken.)

24 (WHEREUPON, State's Exhibits Nos. 65-72 were
25 marked for identification only.)

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 THE COURT: You ready for your next witness,
2 Solicitor?

3 MR. SCOTT: Yes, sir.

4 THE COURT: Let's have the jury, please.

5 (WHEREUPON, the jury came into open court at
6 approximately 4:10 p.m.)

7 THE COURT: All right. The record will reflect
8 that the jury is back and seated.

9 Solicitor, call your next witness, please.

10 MR. DANIEL: The State calls Lieutenant Harry
11 Bodiford.

12 THE CLERK: Place your left hand on the Bible
13 raise your right hand.

14 HARRY BODIFORD, after being duly sworn,
15 testified as follows:

16 THE CLERK: Have a seat and state your name for
17 the record.

18 THE WITNESS: Lieutenant Harry Bodiford,
19 Prosperity Police Department.

20 DIRECT EXAMINATION

21 BY MR. DANIEL:

22 Q Okay. Lieutenant Bodiford, as you stated,
23 you're with the Prosperity Police Department. How long
24 have you been with the Town of Prosperity Police
25 Department?

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 A Been with the Town of Prosperity Police
2 Department since November of 2015.

3 Q Okay. And what's your position there?

4 A Currently, I'm serving as the interim chief of
5 the police department, but I kind of wear every last
6 single hat. I'm investigator, admin, training,
7 coordinator, etc.

8 Q So, you wear multiple hats. So, you're an
9 investigator at times?

10 A That's correct.

11 Q And right now, apparently, you're serving as the
12 interim chief?

13 A That's correct.

14 Q Okay. All right. May 3rd of last year, were
15 you still lieutenant?

16 A I was a sergeant at that time.

17 Q And you weren't the interim chief then, were
18 you?

19 A No, sir.

20 Q At that time. So, you were on the road, road
21 patrol?

22 A That's correct.

23 Q Were you also considered an investigator as
24 well?

25 A That's correct.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q All right. May 3rd, 2017, were you on duty that
2 day?

3 A That's correct.

4 Q Okay. Would you have been working that morning?

5 A That's correct.

6 Q All right. So May 3rd, that morning, did you
7 receive a call from dispatch to head out to a residence
8 located 188 Conifer Drive in the Town of Prosperity?

9 A That's correct. I received a call about 8:26
10 that morning, approximately 8:26.

11 Q Were you already in the office?

12 A I was in the office at 250 School Drive.

13 Q So, you were advised by Newberry County
14 Communications?

15 A That's correct.

16 Q What were you advised about this 188 Conifer
17 Drive address?

18 A I was advised that a subject called in and,
19 basically, told dispatch that he had just killed his
20 girlfriend.

21 Q All right. And that was related to the 911 call
22 we just played?

23 A That's correct.

24 Q And approximately what time did you first
25 receive that call?

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 A I believe I first received that call around
2 8:26, 8:27, that's an approximation.

3 Q And you were at the police department at the
4 time you received the call?

5 A That's correct.

6 Q All right. How long did it take you to arrive
7 on scene at 188 Conifer Drive?

8 A From dispatch time, I believe the time they gave
9 me was 8:31 is when I arrived on scene, so within five
10 minutes. But I did not call out that I was on scene at
11 the time because Mr.~Boozer was coming out of the house.

12 Q So, would it be fair to say that you arrived at
13 the Conifer Drive address within five minutes of receiving
14 the call?

15 A Yes, sir.

16 Q Okay. And I have to ask you this, is 188
17 Conifer Drive in the Town of Prosperity, is that in
18 Newberry County?

19 A It is in Newberry County. It's in the municipal
20 limits of Prosperity, though.

21 Q So, you received this call related to the 911
22 tape that was played?

23 A That's correct.

24 Q All right. When you arrived on scene, you said
25 at 8:31 a.m.?

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 A Yes, sir.

2 Q Tell us what happens from there when you arrive
3 on scene.

4 A When I arrived on scene, I positioned my vehicle
5 at the roadway. While in route to the address, I actually
6 notified dispatch that they could notify the suspect --
7 because they still had the suspect on the phone at the
8 time, which was later confirmed as Mr. Clifton Boozer. I
9 notified dispatch to let him know to come outside with his
10 hands showing so we knew he didn't have any weapons at the
11 time.

12 When I arrived on scene at 8:31, he was
13 walking out of the only entry/exit doorway to 188 Conifer
14 Drive. He was wearing a hoodie at the time. He had both
15 of his hands inside the hoodie to where I could not see,
16 at which time, I drew my firearm and shouted several times
17 show your hands, show your hands. At that time, he pulled
18 his hands out, put them above his hand and dropped a pack
19 of Pall Mall cigarettes on the porch.

20 Q Do you see this individual you're describing in
21 the courtroom today?

22 A That's correct.

23 Q Could you please identify him?

24 A Sitting right there by Mr.~Verner.

25 Q Okay. Sitting beside Mr.~Verner. And that is

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Clifton Boozer, correct?

2 A That's correct.

3 Q All right. So, at that point, your weapon is
4 drawn because you're coming into a homicide scene; is that
5 correct?

6 A That's correct.

7 Q Mr.~Boozer's, did you say, coming out of the
8 front entrance or the entrance of the residence?

9 A Yeah, there's only one entry into 188 Conifer
10 besides windows, of course.

11 Q And you ordered him to get on the ground
12 immediately.

13 A I ordered for him to show me his hands. And I
14 ordered him to start walking towards me with his hands
15 above his head. As he's walking towards me and I get to
16 a -- get him to a location to where I can put him down
17 safely on the ground, I ask him to go to his knees, then
18 go to his belly and put his hands to where I can see them.
19 At that time is when I moved in and I handcuffed him.

20 Q Is Mr.~Boozer making any statements at this
21 point in time?

22 A At that time, as I'm handcuffing him, he says
23 exactly, Things went too far.

24 Q He just spontaneously said that?

25 A Yes.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q You didn't ask him any questions?

2 A I did not.

3 Q He said, Things went too far?

4 A Yes, sir.

5 Q And then, essentially, he's placed into
6 handcuffs?

7 A Yes, sir.

8 Q And take us from that point forward, when you
9 placed him in handcuffs.

10 A Well, as soon as he said, Things went too far.
11 I then pulled my Miranda Warning card out of my wallet and
12 then issued his Miranda Warning at that time. At which
13 point he told me that he didn't want to talk right now.

14 Q So, Miranda Warnings, right to remain silent,
15 anything you say can and will be used against you in a
16 court of law?

17 A Yes, sir.

18 Q You have the right to an attorney?

19 A This card right here. Been carrying it for nine
20 years.

21 Q Okay. All right. Now, you're the first law
22 enforcement officer on scene, correct?

23 A That's correct.

24 Q Anybody else on scene besides you and Mr.~Boozer
25 at this point?

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 A Not at that time, no, sir.

2 Q All right. Tell us what happens -- well, before
3 I do that, I'm going to hand you what's been premarked for
4 ID purposes as State's -- photographs, State's No. 3
5 through 10. Do you recognize -- I'll give you a second to
6 go through. Do you recognize all these photographs? Just
7 tell me after you look through them.

8 A Yes, sir.

9 Q And are all those fair and accurate -- or what
10 are those photographs of?

11 A The first one of -- photograph 3 is actually the
12 front of 188 Conifer Drive if you're looking at it from
13 the roadway. The -- No. 4 is the side view of 188 Conifer
14 Drive and the only entry doorway that actually goes into
15 188 Conifer Drive. Photo No. 5 is a photograph of
16 Mr.~Boozer. This was him fully clothed. This was what he
17 was wearing whenever he walked out of the resident on May
18 3rd.

19 Q Let me stop you. These are all photographs
20 taken from the crime scene, photographs of the house and
21 Mr.~Boozer?

22 A That's correct.

23 Q And you're on scene. Are those all fair and
24 accurate representations of what you observed on May 3rd?

25 A That's correct.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 MR. DANIEL: Your Honor, at this time, I'd offer
2 State's Nos. 3 through 10 for admission into
3 evidence.

4 THE COURT: Any objection?

5 MR. VERNER: Can I just check them, Your Honor?
6 Without objection, Your Honor.

7 THE COURT: Without objection, 3 through 10 are
8 in evidence.

9 (WHEREUPON, State's Exhibits Nos. 3-10 were
10 admitted into evidence.)

11 MR. DANIEL: At this time, Your Honor, I would
12 ask to publish these on the television.

13 THE COURT: All right. State's Exhibit 3
14 through 10.

15 BY MR. DANIEL:

16 Q All right. This is State's No. 3. All right.
17 So, walk us through this. So, you pull up on scene, where
18 in this photograph do you first observe Mr.~Boozer
19 standing?

20 A Mr.~Boozer, he's actually -- there's a storm
21 door to the only entry/exit way coming into the residence.
22 He's actually coming out of the storm door at the time.

23 Q Okay. So, at the door when you first observe
24 him?

25 A That's correct.

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 Q All right. And that is 188 Conifer Drive, the
2 brown house?

3 A That's correct.

4 Q All right. Your patrol vehicle is pulled in the
5 driveway there?

6 A My patrol vehicle would have been probably about
7 right here outside of -- I was actually on the roadway at
8 the time.

9 Q All right. And State's No. 4, just a view of
10 the house?

11 A Yes. That's actually going to be the side view.
12 It's going to have the only entry/exit doorway to it.
13 That was where Mr.~Boozer was coming out from.

14 Q Did you say he had a pack of cigarettes that he
15 placed on the walkway there?

16 A Well, as he was pulling his hand out of his
17 hoodie, they fell out of his hoodie. It was a black
18 carton -- well, I say carton, a black box of Pall Mall
19 cigarettes that was opened.

20 Q All right. State's No. 5, that's a photograph
21 of Mr.~Boozer, correct?

22 A That's correct.

23 Q That's the attire he had on that day?

24 A That's correct.

25 Q And this was May 3rd of last year, what was the

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 temperature that day?

2 A It's South Carolina in May, it was warm. I
3 can't remember exactly how hot it was.

4 Q Okay. All right. State's No. 6. This is the
5 side view of Mr.~Boozer?

6 A That's the side view.

7 Q Okay. And the reason you take photographs of a
8 suspect in custody, why do you do that?

9 A To make sure they don't have any other injuries
10 at the time. Just basically to document the scene because
11 not only is 188 Conifer Drive a crime scene, not only is
12 the body a crime scene, but also the suspect is also a
13 crime scene.

14 Q So, you're doing this to document what, if any,
15 injuries the suspect may have?

16 A That's correct.

17 Q All right. We'll keep going through, State's
18 No. 7, another side view, right side view of Mr.~Boozer?

19 A That's correct.

20 Q State's No. 8. That's obviously showing his
21 hands?

22 A That's correct.

23 Q All right. And State's No. 9. Why take a
24 picture of his boots?

25 A Because there were blood stains on his boots, as

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 you see on the right boot and also on up near the waist.

2 Q So, does it appear to be blood stains on the
3 boots?

4 A That's correct.

5 Q State's No. 10?

6 A Also, it appears to be blood on the left boot on
7 the side as well.

8 Q Did you note any injures to Mr.~Boozer's person
9 that you could see?

10 A No, sir.

11 Q Any injures to his hands?

12 A No, sir.

13 Q No injuries to his hands that would be
14 consistent with defensive wounds, anything like that?

15 A No, sir.

16 Q No cuts or nothing?

17 A No, sir.

18 Q All right. Did Mr.~Boozer at that time complain
19 of any injuries?

20 A No, sir.

21 Q Okay. All right. Tell us what happens next.

22 Who arrives -- so, you have Mr.~Boozer in handcuffs, he's
23 on the ground. Does backup, other law enforcement
24 officers or EMS arrive on scene soon?

25 A Yes, since Prosperity Police Department is a

HARRY BODIFORD-DIRECT BY MR. DANIEL

1 small municipality, we usually have one, maybe two
2 officers on duty at the time. So, we rely on the Newberry
3 County Sheriff's Office to back us up on a lot of our
4 calls. I'm not exactly sure who exactly would be first
5 Newberry County Sheriff's Office personnel was on scene,
6 but all I know is that Captain Dennis with the Newberry
7 County Sheriff's Office arrived and a few others arrived
8 shortly thereafter.

9 Q So, backup did arrive, different agencies
10 arrived on scene?

11 A That's correct.

12 Q And eventually, Mr.~Boozer, does he stay on the
13 crime scene for a while?

14 A He stays on the crime scene until we have SLED
15 show up to photograph him. He -- we removed him from the
16 ground, put him in the back of the patrol car at the time,
17 basically, for us to be able to photograph him.

18 Q So, Mr.~Boozer is detained eventually in another
19 patrol car?

20 A That's correct.

21 Q Is that so you can assist in processing the
22 scene and investigating the crime scene?

23 A That's correct.

24 Q All right. And also, not only were you the
25 responding officer in this case, did you do the

HARRY BODIFORD-CROSS BY MR. VERNER

1 investigative work as well in this case?

2 A That's correct.

3 Q Okay. Did that consist of interviewing
4 Mr.~Boozer at any point?

5 A That's correct.

6 Q Obtaining search warrants, things of that
7 nature?

8 A That's correct.

9 MR. DANIEL: Your Honor, at this time, I would
10 reserve the right to recall Lieutenant Bodiford later
11 on in this trial, but that's all the questions I have
12 for this limited purpose right now.

13 THE COURT: Mr.~Verner, cross subject to his --

14 MR. VERNER: Recall as a rebuttal witness or
15 just recall --

16 THE COURT: I'm assuming he may want him -- I
17 think know why the solicitor may have him come back
18 up. Any questions as it relates to what he's
19 testified to thus far, Mr.~Verner?

20 MR. VERNER: Just a few, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. VERNER:

23 Q Are you familiar with the CAD report? Were you
24 here for the testimony of the 911 dispatcher?

25 A Yes, sir.

HARRY BODIFORD-CROSS BY MR. VERNER

1 Q Are you familiar with CAD reports?

2 A Yes, sir.

3 Q That's not something you would generate, that's
4 a different department that does that?

5 A Dispatch actually generates the CAD report and
6 if we request it, they will send us the CAD report just
7 kind of to refresh our memory.

8 Q But, certainly, you get them enough where you're
9 familiar with the document?

10 A Yes.

11 Q The CAD report --

12 Could I have, Walter, No. 1, please?

13 The call comes in on May 3rd, 2017 at 8:26,
14 is that -- if you need the step down and see it?

15 A That's correct.

16 Q Or I can hand you this copy. And then according
17 to the CAD report, the computer CAD report, you would have
18 been dispatched about 8:27?

19 A That's correct.

20 Q So, your watch could have said 8:26, but within
21 a minute or two?

22 A Usually whenever we request a dispatch time,
23 time of arrival or anything like that from dispatch,
24 that's usually what we go by. I requested dispatch time
25 and I was told that it was -- let me look at my notes,

HARRY BODIFORD-CROSS BY MR. VERNER

1 8:26.

2 Q And what does the IR stand for, do you know?
3 would that be initial responder?

4 A I am not positive.

5 Q Okay. But is it possible that you responded to
6 the scene about 8:30, which would be about four minutes,
7 three or four minutes?

8 A I know when the call originally came out -- our
9 department actually does school traffic for
10 Prosperity-Rikard School. And I, actually, had just
11 gotten done doing school traffic for Prosperity-Rikard. I
12 don't believe I had freed up on the radio at the time. I
13 believe there was some confusion with dispatch whether I
14 was clear or not to be able to give me that call. So,
15 they ended up starting to dispatch county when I popped up
16 on the radio and informed them that I'm in route.

17 Q Okay. Could that be when the person responds,
18 perhaps?

19 A That would be a question for dispatch.

20 Q Okay. But this is the EMS -- the ambulance was
21 called out there, too, right?

22 A Let me see.

23 Q Where it says number two EMS, I assume that's an
24 ambulance?

25 A I would assume so.

HARRY BODIFORD-CROSS BY MR. VERNER

1 Q So, you would be the LSO number unit?

2 A No, I would actually be number four LPPD
3 dispatch at 8:28.

4 Q Okay. So, they've got you arrived there about
5 8:31?

6 A That's correct.

7 Q Is that consistent with your memory?

8 A That's correct.

9 Q So, the call came in at 8:26 and you were there
10 within four minutes to five minutes at the most?

11 A That's correct.

12 Q Okay. The photographs we saw, did you take
13 those of Mr.~Boozer?

14 A I believe Special Agent James Tallon with the
15 State Law Enforcement Division did.

16 Q Were you there when they were taken?

17 A Yes, sir.

18 Q All right. Was he compliant with -- I mean,
19 apparently, if you get all these different poses of him,
20 he appears to be cooperating with the police to take the
21 photographs?

22 A Yes, sir.

23 Q Okay. The pictures I'm showing you, is that
24 consistent with the pictures?

25 A Yes, sir.

HARRY BODIFORD-CROSS BY MR. VERNER

1 Q So, there are more pictures taken than just the
2 ones the jury saw?

3 A That's correct.

4 Q Okay. On his middle finger of his -- which hand
5 would that be? Of his left hand, does that not appear to
6 be a scratch across the middle finger?

7 A That would be his right hand. It could be an
8 abrasion. It's hard to tell from the black and white
9 photo.

10 Q It's a black and white photograph, but it's
11 clearly some kind of scratch or abrasion or cut across his
12 middle finger?

13 A It could be an abrasion, yes, sir.

14 Q Okay. And of course, if he had scratches on his
15 chest or upper arms, you wouldn't see those through the
16 clothes, would you, through the sweatshirt?

17 A We would actually see them when we took his
18 clothes at the Newberry County Detention Center.

19 Q Were you one of the booking officers?

20 A I was not, but Officer Corey Jones was there at
21 the time when Mr.~Boozer relinquished his clothes to
22 Prosperity Police Department.

23 Q When -- ordinarily, when you're arrested, you
24 get taken to the jail and searched again and you turn over
25 all your clothes and they give you jail issued clothes?

HARRY BODIFORD-CROSS BY MR. VERNER

1 A That's correct.

2 Q And in a case like this, I guess clothes would
3 be evidence and they were taken into custody at law
4 enforcement?

5 A That's correct.

6 Q But that's not always the case, I guess, that
7 you need somebody's clothes to investigate a case?

8 A That would be on a case-by-case base.

9 Q Sometimes they're left with them, sometimes
10 they're taken as evidence?

11 A Yes, sir.

12 Q Okay. And he had a pack of Pall Mall
13 cigarettes?

14 A That is correct.

15 Q Are you familiar with whether Ms. Clatie
16 Stribble smoked?

17 A I am not.

18 Q Okay. Did you take part in the search of the
19 house?

20 A I did.

21 Q Did you find other packs of Pall Mall
22 cigarettes?

23 A I do not recall. I know that we didn't tag any
24 other cigarettes into evidence.

25 Q Okay. The -- is it uncommon in your

JAMES TALLON-DIRECT BY MR. SCOTT

1 experience -- and I assume you've investigated in your
2 career many different kinds of cases, drug cases to murder
3 cases. Is it uncommon for a boyfriend or girlfriend of
4 somebody who are in a relationship to smoke the same brand
5 of cigarette?

6 A It's not uncommon.

7 Q Even as a non-law enforcement officer, you often
8 see friends of yours who are couples smoke the same brand
9 of cigarettes?

10 A I would guess so.

11 Q Okay. Thank you, Chief.

12 THE COURT: Redirect at this time?

13 MR. DANIEL: No, Your Honor.

14 THE COURT: Step down.

15 Call your next witness.

16 MR. SCOTT: The State calls James Tallon.

17 JAMES TALLON, after being duly sworn, testified
18 as follows:

19 THE CLERK: Have a seat, state your name for the
20 record.

21 THE WITNESS: My name is James Tallon,
22 T-A-L-L-O-N.

23 DIRECT EXAMINATION

24 BY MR. SCOTT:

25 Q James, you are with SLED?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A Yes, sir.

2 Q What is SLED?

3 A SLED is what stands for State Law Enforcement
4 Division.

5 Q How long have you been with SLED?

6 A I've been with SLED since 2014.

7 Q What are your duties?

8 A I'm a crime scene special agent.

9 Q So what does that mean?

10 A We respond to crime scenes throughout the State
11 of South Carolina and assist local agencies.

12 Q Not just homicides, but if local law enforcement
13 agency needs y'all to help, you come process any kind of
14 scene really, wouldn't you?

15 A That's correct.

16 Q But May 3rd of last year, did you have an
17 occasion to come up to Prosperity to really kind of work
18 the crime scene that involved a homicide?

19 A Yes, sir, I did.

20 Q And when did you respond?

21 A May I refer to my notes, Your Honor?

22 THE COURT: Yes.

23 THE WITNESS: We received a call at
24 approximately 9:02 a.m.

25

JAMES TALLON-DIRECT BY MR. SCOTT

1 BY MR. SCOTT:

2 Q Okay. And you're coming from Broad River, the
3 SLED headquarters?

4 A Yes, sir, we all respond from Columbia.

5 Q How long does it take you to get up to
6 Prosperity? 30, 40 minutes?

7 A I arrived on scene at 9:44 a.m.

8 Q Okay. All right. So, who do you show up with,
9 do you have any help?

10 A Yes, sir, I had my partner Margaret Pawley.

11 Q Okay. What do you bring with you? I guess, a
12 camera, what else do you bring with you when you come to a
13 crime scene?

14 A We bring a whole lot of stuff. We have big
15 pickup trucks with a slide-out bed that's full of
16 fingerprint equipment, cameras, bags, tape.

17 Q Just stuff to help you collect evidence?

18 A Correct.

19 Q All right. Tell me what you observed when you
20 responded to the scene. What's the address you responded
21 to?

22 A We responded to 188 Conifer Drive.

23 Q Okay. Who all is there when you get there?

24 A There were several Prosperity Police Department
25 members along with Sergeant Bodiford and the police chief

JAMES TALLON-DIRECT BY MR. SCOTT

1 at the time, Bedingfield.

2 Q Okay. Where was Mr.~Boozer? Was he there when
3 you got there?

4 A He was. He was detained in the back seat of a
5 patrol car.

6 Q What's the first thing you do?

7 A Once we arrived on the scene, we spoke with the
8 local agency to determine what information we had, what
9 information we needed. Then we photographed Mr.~Boozer.

10 Q Okay. Did you see -- well, you weren't in here,
11 but the pictures we had, those were 1 through 5 -- let's
12 see, 3 through 10. Let's see, I've got some pictures here
13 that were just introduced, 3 through 10, I believe. Did
14 you take those pictures?

15 A Yes, sir, either myself or Margaret Pawley would
16 have taken those photos.

17 Q Did you speak with Mr.~Boozer while you were
18 taking pictures of him?

19 A Other than telling him to turn that way or that
20 way would have been about it.

21 Q Did he appear to be in pain?

22 A No, sir.

23 Q Did he complain of any injuries to you?

24 A No, sir.

25 Q After you took the pictures of him documenting,

JAMES TALLON-DIRECT BY MR. SCOTT

1 I guess, what he was wearing and his physical state at the
2 time, what else did you do?

3 A Once we finished with him, we waited on the
4 search warrant. After we received a search warrant, we
5 entered the scene and photographed the entire area.

6 Q Okay. Did you start on the outside of the house
7 and kind of began --

8 A Yes, sir. We started from the outside,
9 photographed all the way around the property, worked our
10 way into the house photographing every single room.

11 Q I just want you to flip through these, State's
12 11 through 42, flip through those real quick.

13 A (The witness complies.)

14 Q Generally speaking, are those pictures of the
15 house, both the exterior, the interior, and the yard?

16 A That's correct.

17 Q Okay.

18 MR. SCOTT: Your Honor, I'm going to let Charles
19 take a look at these and I'm going to move them into
20 evidence as State's 11 through 42.

21 MR. VERNER: Your Honor, I just ask to be heard
22 maybe sidebar on this one.

23 THE COURT: Come over here.

24 (WHEREUPON, an off-the-record bench conference
25 was held in the presence of the jury but out of

JAMES TALLON-DIRECT BY MR. SCOTT

1 the hearing of the jury.)

2 THE COURT: The objection is noted to State's 31
3 as an exhibit and is overruled.

4 MR. SCOTT: The State's going to offer State's
5 11 through 42 admission into evidence.

6 THE COURT: Subject to objection on State's 31.
7 All those in evidence.

8 (WHEREUPON, State's Exhibits Nos. 11-42 were
9 admitted into evidence.)

10 BY MR. SCOTT:

11 Q James, can you see that TV from where you are?

12 A Yes, sir.

13 Q Let me start at State's No. 11. I'm going to
14 walk you through these pictures and you kind of explain to
15 the jury what we're looking at and what you're trying to
16 photograph. So, this is State's No. 11. What are we
17 looking at here?

18 A This would be the front door of the residence.
19 What I would consider to be the front door of the
20 residence. I believe it's the only door to the residence.

21 Q Okay. So front, back and side door of that
22 residence?

23 A Correct.

24 Q Go to State's No. 12. I guess this is where the
25 storm door opened and you're looking inside?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A Correct.

2 Q What is that that I'm looking down at the bottom
3 left corner of that picture?

4 A May I stand?

5 THE COURT: Step down if you need to. Just be
6 sure you project your voice so the jury and the court
7 reporter can hear you.

8 THE WITNESS: Down at the bottom left-hand
9 corner?

10 BY MR. SCOTT:

11 Q Yeah, did you note what that was?

12 A I did not.

13 Q Would that be a pack of cigarettes?

14 MR. VERNER: Your Honor, that would be a leading
15 question.

16 THE COURT: All right. If he can identify it,
17 he can, if not, he can't. You can't help him.

18 THE WITNESS: I'm not real sure what it is.

19 BY MR. SCOTT:

20 Q What are we looking at? What's the pink thing
21 we're looking at in that picture?

22 A That is a -- I'm not very familiar with women's
23 apparel, but I think it's some kind of tank top.

24 Q What did you notice about the tank top?

25 A One of the straps had been ripped.

JAMES TALLON-DIRECT BY MR. SCOTT

1 MR. SCOTT: Go on to the next one, Walter.

2 Q And that's just what, a closer-up picture of
3 the --

4 A That's correct.

5 Q That's State's 13 with a tank top on the ground.
6 And you said that one of the straps -- is there anything
7 of relevance in the picture?

8 A Not this specific one.

9 Q All right. State's No. 14 is next. What are
10 you trying to document here?

11 A Okay. So, I can actually see that pack of
12 cigarettes now.

13 Q Do you remember the cigarettes?

14 A I don't readily remember them, but.

15 Q All right.

16 A The door frame to the residence appeared to have
17 been damaged.

18 Q Is that noteworthy to you when you're
19 investigating a homicide case?

20 A Yes, sir, we noted it.

21 Q Appeared to be damage to the frame?

22 A Correct, previous damage. We did not cause that
23 damage.

24 Q Okay. Let's go to State's No. 15. Again, what
25 are you attempting to document in this picture?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A The damage to the door.

2 Q Okay. State's No. 16. This is the --

3 A That's the tank top dress.

4 Q Then you can see the torn strap?

5 A Correct.

6 Q All right. Did you collect that piece of
7 clothing?

8 A Yes, sir, we did.

9 Q Let me show you State's No. 46, do you recognize
10 that?

11 A Yes, sir, this is the pink shirt from the
12 kitchen that I collected with my initials and my signature
13 on the sealed tape.

14 Q That wasn't sent for any testing or anything,
15 was it?

16 A I don't believe so.

17 MR. VERNER: I couldn't hear the testimony.

18 MR. SCOTT: It wasn't sent for testing, so I'm
19 going to open it.

20 BY MR. SCOTT:

21 Q All right. Just inside the doorway, this is
22 what you found. Hold that up. Then this is how you
23 observed it? It was ripped?

24 A Correct.

25 Q The strap's broken?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A Correct.

2 Q Okay.

3 MR. SCOTT: State offers State's 46 as admission
4 into evidence.

5 THE COURT: Any objection?

6 MR. VERNER: No objection, Your Honor.

7 THE COURT: State's Exhibit 46 into evidence.

8 (WHEREUPON, State's Exhibit No. 46 was admitted
9 into evidence.)

10 BY MR. SCOTT:

11 Q Where was Ms. Stribble? Where was she located
12 in the house?

13 A Once we entered the residence, we went and
14 photographed all the rooms. She was located in what we
15 call the master bedroom, which would have been all the way
16 to the back to the left.

17 Q Okay. These pictures, 11 through 42, that I've
18 been going through, you document kind of room by room, did
19 you attempt to sketch or recreate the general layout of
20 this house?

21 A Yes, sir. We document the area in a diagram.

22 Q Okay. Is that something you typically do at
23 crime scenes?

24 A Yes, sir, almost all crimes we do that.

25 Q Basically, what is the purpose of one of the

JAMES TALLON-DIRECT BY MR. SCOTT

1 sketches like I have here in State's 43?

2 A Just makes it easier for us to go back and look
3 and see what was where and the layout of the house for
4 juries.

5 MR. VERNER: No objection.

6 MR. SCOTT: Let me get 43 up there.

7 BY MR. SCOTT:

8 Q The interior -- well, there it is. So, this is
9 just -- kind of what you're attempting to do there is
10 diagram the outside?

11 A Correct.

12 Q I want to go back. We'll go back to that
13 minute. Let me get the inside sketch. Okay, so kind of
14 label some things. It's not to scale, is it?

15 A No, sir, it's nowhere near to scale. Not
16 everything is shown. Not every item in the residence is
17 shown.

18 Q Okay. If we look at this, I guess this is the
19 door that enters the house?

20 A That is correct.

21 Q Then you got the pink tank top notated to be
22 right here just like the picture documented. This is in
23 the living room?

24 A Correct.

25 Q Then you move towards the rear. You've got a

JAMES TALLON-DIRECT BY MR. SCOTT

1 black and white bed cover notated. And this is where
2 Ms. Stribble is found in this back bedroom?

3 A That is correct.

4 Q You have a white phone cord noted beside where
5 Ms. Stribble was?

6 A That's correct.

7 Q And you've got a pair of scissors found?

8 A That is correct.

9 Q That's what you observed the general layout of
10 the house to be?

11 A General layout of the house, that's correct.

12 MR. SCOTT: Let me go, Walter, back to State's
13 17.

14 Q So, she was found, it looks kind of beside a
15 bed -- between a bed and the wall?

16 A That's correct. You can see she's -- I'm sorry.
17 In the sketch, from what we're looking at now, she's to
18 the left in between the bed and that window.

19 Q So, if we're looking at the bedroom, we have
20 this window, she's up under the window down there?

21 A That's correct.

22 Q Is she in this picture or has she been taken
23 away from the scene yet?

24 THE WITNESS: Do you mind I get up again, Your
25 Honor?

JAMES TALLON-DIRECT BY MR. SCOTT

1 THE COURT: Just be careful.

2 THE WITNESS: She's still in the photograph.

3 BY MR. SCOTT:

4 Q And that's how you observed the room? That's
5 how it appeared when you got there? Did you take the
6 sheets off the bed or anything like that?

7 A No, sir, no processing was done. It's just the
8 overall general photographs.

9 Q Okay. Let me go to State's 18 now. Okay, what
10 are you trying to document there?

11 A This is just on the way around that corner.

12 Q What, if anything, are you attempting to
13 document as far as this window is concerned?

14 A The window, as you notice, there's no curtain
15 there. It had been torn down. It appeared it had been
16 torn down.

17 Q Okay. Is that what we're seeing in State's No.
18 19?

19 A That is correct.

20 Q Okay. What did you observe about Ms. Stribble
21 whenever you got to where her body was?

22 A She was completely nude, and it appeared she had
23 two defects into her body.

24 Q Defect? What do you mean? Just --

25 A Some type of penetration or abrasion.

JAMES TALLON-DIRECT BY MR. SCOTT

1 Q Okay. So, a stab wound, is that what it looked
2 like?

3 A It did.

4 Q Let's have State's No. 20. Okay. Is that --
5 where on Ms. Stribble are we looking?

6 A If you were to use me as an example, this would
7 be here roughly approximately and over here somewhere.

8 MR. VERNER: I cannot hear the witness.

9 THE WITNESS: Sorry sir. Here and here.

10 THE COURT: All right. The witness is
11 indicating about midway down on his back, his right
12 side, then also upper torso, left side, I guess about
13 right where his pecs are.

14 BY MR. SCOTT:

15 Q All right. State's No. 21. What are we looking
16 at there?

17 A This was the white phone cord that was located
18 underneath the victim?

19 Q So, this is taken after her body is removed?

20 A That's correct.

21 Q That's the phone cord that was laying up under
22 her when she was removed?

23 A That's correct.

24 Q That's where she was lying. Is that all the
25 blood you found under her body?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A Under the body, if we're right here, yes, sir.
2 There was more throughout the room.

3 Q Okay. Let me go to State's 22. What are we
4 looking at here? That's the same area after her body is
5 removed?

6 A That is correct, that is after she has been
7 removed. And it kind of shows a few suspected blood drops
8 and some on the wall.

9 Q Okay. State's 23?

10 A This is before she had been removed. This is
11 showing the blood stains on the wall.

12 Q That's Ms. Stribble's arm at the bottom of the
13 picture.

14 A That's correct.

15 Q State's 24?

16 A Okay, this is the opposite side of the bed.
17 It's the opposite side where she had been laying. She
18 would have been on this side. This is in between -- there
19 was a couch on the side of the bed. Here's the bed
20 itself. Then there were some blood stains, suspected
21 blood stains through this area.

22 MR. SCOTT: Walter, can you put State's No. 43
23 up there at the same time, please?

24 Q All right. The last picture we were looking at,
25 we were focusing more on where her body was. That last

JAMES TALLON-DIRECT BY MR. SCOTT

1 picture you just showed me blood focuses on this area
2 between the couch and bed?

3 A That's correct.

4 Q Okay.

5 MR. SCOTT: Can you go back now, Walter?

6 Q So, there -- here it is, there's the couch on
7 the right and there's the bed on the left. And this is
8 the opposite side of the bed from where her body was
9 found?

10 A That is correct.

11 Q What you documenting here?

12 A Mainly, the blood stains.

13 Q State's No. 25? And I'm trying to orient the
14 jury, but again, we're back on the side of the bed where
15 her body is. In fact, is that her foot you see at the
16 bottom?

17 A That is correct. This is the head of the bed.

18 Q Okay. What are we trying to document in this
19 picture?

20 A Showing where the blood stains are in this area
21 as well.

22 Q All right. No. 26.

23 A This is an overall photograph of, basically, the
24 nightstand and everything that you can see from the
25 photograph that's on it.

JAMES TALLON-DIRECT BY MR. SCOTT

1 Q Okay. Did you collect anything from the
2 nightstand?

3 A Inside of this box down a little bit was a pair
4 of scissors, which was collected.

5 Q All right. State's 27, is that what you're
6 documenting?

7 A That's correct, those are the scissors.

8 Q Were these scissors dry or were they wet?

9 A They appeared to be dry.

10 Q Is that rust on them?

11 A I cannot tell you exactly what that is.

12 Q At the time, did you know whether or not the
13 scissors were relevant to this case?

14 A Did not.

15 Q State's No. 28. Is this the couch on the other
16 side of bed?

17 A That's correct, on the opposite side of bed near
18 the door to enter the room.

19 Q Okay. What are you documenting here?

20 A Just showing that all this bedding was piled up
21 in an area.

22 Q Okay. State's No. 29?

23 A This is actually some of the bedding that we
24 just took a photograph of that you just saw opened up and
25 layed out so that we could photograph it, mainly, showing

JAMES TALLON-DIRECT BY MR. SCOTT

1 suspected blood stains.

2 Q And that was on the couch, that was piled up on
3 that couch?

4 A That's correct.

5 Q State's 30, what are we looking at here?

6 A This is back in the bedroom, next to that window
7 where the victim was, showing more suspected blood stains.

8 Q All right. Tell me, State's 31, what are you
9 trying to document here?

10 MR. VERNER: Your Honor, subject to my --

11 THE COURT: Subject to your objection, State's

12 31.

13 Go ahead.

14 BY MR. SCOTT:

15 Q What are you documenting here?

16 A Photographing the top left of the television
17 that was right next to the entrance/exit door to the
18 bedroom, the television and what I believed was a Cliff
19 was here.

20 Q Okay. That's on the TV in bedroom?

21 A That's correct.

22 Q Okay. Is it drawn on there or is it carved in
23 there?

24 A It appears to be -- I use the word etched in,
25 but it was not written in pen or pencil, it was actually

JAMES TALLON-DIRECT BY MR. SCOTT

1 into the plastic itself.

2 Q Okay. State's 32, what is this?

3 A This is entry/exit screen door, I guess, you
4 would call it, to the residence. And documenting
5 suspected blood stain just behind it.

6 Q Okay. State's 33.

7 A This is behind the residence, opposite of the
8 entry/exit door, showing -- this window here is the
9 victim's bedroom or the bedroom where the victim was
10 found.

11 Q What is that up under the window?

12 A There was a tire here.

13 Q What, if anything, did you observe about the
14 tire?

15 A The tire appeared to have been moved at some
16 point. You can tell from looking at the crawlspace door
17 that the tire appeared to have been there at some point.
18 You can also see that there is mud and dirt on the tire
19 where it had been sitting for some time.

20 Q Let me show you State's No. 34, is that the tire
21 again?

22 A That is the tire again underneath the same
23 window where the victim was located.

24 MR. SCOTT: Zoom in on that crawlspace door.

25 Q Okay. Explain to me why the crawlspace door was

JAMES TALLON-DIRECT BY MR. SCOTT

1 relevant?

2 A So, what we observed, it appeared that this tire
3 may have been here. You can see a curvature, possibly
4 where the rim had been and where the tire was.

5 Q Then the mud spot, I guess, would have been --

6 A Then this mud spot.

7 Q Then I guess 35, a close-up of the tire. Okay.
8 And just your prior testimony as to why that was relevant.
9 Then State's 36, that's just a close-up of the crawlspace
10 door?

11 A Crawlspace, that's correct.

12 Q All right. State's No. 37?

13 A This is back still I guess you could say the
14 front of the house, I guess, where the front door
15 entry/exit door. Then you can see a marker one was placed
16 there to indicate where we located a knife with a blue
17 handle.

18 Q Okay. Knife just sitting in the yard like that,
19 that's how you observed it when you were there?

20 A That's correct.

21 Q You used that marker one to denote its location.

22 A So, that you could see it better in the
23 photographs do you could tell what we were trying to point
24 out.

25 Q State's 38, is that just a close-up of number

JAMES TALLON-DIRECT BY MR. SCOTT

1 one?

2 A That's a close-up of the same knife.

3 Q Let me go to State's 39. Thirty-nine, and you
4 see again -- is that the same tire -- and that's the same
5 tire at the crawlspace door?

6 A Same tire back behind the residence, same window
7 where the victim is located. See marker two there where a
8 cigarette butt was located.

9 Q That's on the back side of the house, the side
10 opposite where the door is?

11 A That's correct.

12 Q And point to the victim's window again, bedroom
13 window.

14 A It's right here.

15 Q Okay. Number two is a cigarette, you said. Let
16 me have State's No. 40. It's just a close-up, it appears
17 to have been smoked?

18 A Yes, sir.

19 Q Okay. State's 41, that's further back in the
20 backyard it looks like?

21 A That's correct. This was -- I believe it was
22 the following day, it was not the same day. We responded
23 back out there. A knife had been located right in this
24 area here.

25 Q Did that get missed on the first day?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A It is not located on the first day, that's
2 correct.

3 Q So, State's 42, how did y'all miss that? Was it
4 just covered up with some leaves or something?

5 A We can't find everything, but we did canvas the
6 area and we did not locate it that day.

7 Q Were y'all on the lookout for some other things
8 you did not find?

9 A Yes, sir. There were a few things that we went
10 around the grounds back behind the property into the woods
11 that we were looking for.

12 Q Of particular interest, what were y'all on the
13 lookout for?

14 A More bedding for the bed. We didn't see
15 anything that matched, what could have possibly been the
16 fitted sheets, things like that. We were also looking for
17 the victim's cell phone.

18 Q Okay. Did you ever find the victim's cell
19 phone?

20 A No, sir, we never located it.

21 Q Okay. Describe the area around where this house
22 was.

23 A So, where the house is, in front of it is a
24 drive, I believe it was dirt. It was paved, but a dirt
25 drive. Then behind that, it was woods for the most part.

JAMES TALLON-DIRECT BY MR. SCOTT

1 Then there was a path. It was woods, then there was a
2 path, then there was more woods. So, it was a very wooded
3 area. Then there was residences on both sides of the
4 residence.

5 Q Okay. Let me show you State's 69. Is that an
6 accurate depiction of the area you're describing?

7 A Yes, sir. That is the aerial photograph of the
8 residence.

9 MR. SCOTT: Okay, Charles.

10 MR. VERNER: What number is this?

11 MR. SCOTT: State's offers 69 for admission into
12 evidence, Your Honor.

13 MR. VERNER: No objection.

14 And that's just an aerial?

15 MR. SCOTT: Yeah.

16 THE COURT: All right, 69 is in evidence. While
17 you're at it, were you offering State's 43 as well,
18 the diagram of the residence?

19 MR. VERNER: He can put that in, Your Honor.

20 MR. SCOTT: Yeah, that's the diagram. We
21 published it.

22 THE COURT: All right, State's 43 in evidence
23 without objection.

24 (WHEREUPON, State's Exhibits Nos. 43 & 69 were
25 admitted into evidence.)

JAMES TALLON-DIRECT BY MR. SCOTT

1 BY MR. SCOTT:

2 Q And the pin drop here, this is the incident
3 location?

4 A This is the location. The residences on both
5 sides of the roadway, then you can see that there's woods
6 all the way back here. You can almost see the path right
7 here.

8 Q Just like a foot path?

9 A Probably about wide enough you could drive a VW
10 bug through there, but that would be about it.

11 Q Did you search that path, both sides looking for
12 that phone?

13 A As much as we could, yes, sir.

14 Q And did you -- were you -- how much of the
15 canvas were you involved in?

16 A I personally walked back through here and on
17 back behind the residence here, and this path and back.
18 But I observed other people canvassing different areas.

19 Q So, you weren't involved in the search on the
20 opposite side?

21 A I did not canvas this area here.

22 Q But y'all were looking for the bedding and her
23 cell phone, but were unable to locate it?

24 A That's correct.

25 Q That cigarette, did you collect that?

JAMES TALLON-DIRECT BY MR. SCOTT

1 A Yes, sir, that was collected.

2 Q Okay. What did you do with it?

3 A The cigarette was taken back to our headquarters
4 along with all the other evidence. The cigarette butt in
5 question was sent off for DNA to try to acquire a DNA
6 profile.

7 Q Okay. So, you took it from the scene and when
8 did you drop it into evidence?

9 A The cigarette would have been transferred out of
10 my custody into the custody of the evidence locker or
11 evidence custodians on the 15th of May at 11:39 a.m.

12 Q Okay. You dropped it off with Doris Yarborough
13 as indicated?

14 A That's correct.

15 Q State's 45, what is that?

16 A This is the packaging that I placed the
17 cigarette butt in as I collected it from the scene. It's
18 sealed, initialed with my initials, the case number, the
19 item number of evidence. And then once we get to SLED
20 headquarters and package it to be processed, we place it
21 in heat sealed pouch where it is heat sealed with my
22 initials and the date?

23 Q Okay.

24 MR. SCOTT: State offers State's 45 for
25 admission into evidence.

JAMES TALLON-DIRECT BY MR. SCOTT

1 THE COURT: Any objection subject to the --

2 MR. VERNER: It's the actual physical cigarette?

3 THE COURT: The actual physical cigarette.

4 MR. VERNER: No objection, Your Honor. One
5 cigarette butt.

6 THE COURT: Forty-five will be in evidence then.

7 (WHEREUPON, State's Exhibit No. 45 was admitted
8 into evidence.)

9 BY MR. SCOTT:

10 Q All right. Those scissors we talked about, you
11 collected those, too?

12 A Yes, sir.

13 Q Did you submit those for processing?

14 A Yes, sir. These are the scissors with gray
15 handles we collected with my initials, the date in which
16 it was sealed.

17 Q Why did you collect those?

18 A We were unsure or it was unknown if those had
19 been used during the commission of the crime. So, we
20 collected them to see if we could get any evidentiary
21 value out of them.

22 Q When did you drop those off and with whom?

23 A Those were also handed off on the 15th at 11:39.
24 I believe they are to Ms. Yarborough as well.

25 Q What, if anything, did you collect from

JAMES TALLON-DIRECT BY MR. SCOTT

1 Ms. Clatie Stribble?

2 A From Ms. Stribble, we collected -- on scene, we
3 collected a set of fingernail scrapings and a set of
4 post-mortem prints.

5 Q Okay. The fingernail scrapings, why do you do
6 that?

7 A Basically, the reason why we do that is we have
8 these little plastic, kind of like toothpicks, and we take
9 those and put them underneath the fingernails and scrape
10 any debris or anything that's under the fingernails onto
11 sterile paper, which is then folded up. We take it back
12 to the lab and send it off for the DNA. What we're mainly
13 looking for is someone else's DNA where if you get in a
14 fight with somebody and you scratch them, sometimes get
15 your hands on them and get their DNA underneath your
16 fingernails.

17 Q Did you send those off for testing?

18 A Yes, sir.

19 Q When did you drop those off?

20 A Those were also on the 15th at 11:39?

21 MR. SCOTT: Your Honor, the State would offer
22 State's 47 for admission -- I'm sorry, 71 for
23 admission into evidence.

24 THE COURT: 71 is the scissors?

25 MR. SCOTT: 71 is going to be the fingernail

JAMES TALLON-DIRECT BY MR. SCOTT

1 scrapings.

2 THE COURT: Any objection?

3 MR. VERNER: 71, Your Honor, which is the
4 scrapings, no objection.

5 THE COURT: Those are in evidence.

6 Are you offering the scissors, too?

7 MR. SCOTT: Yeah, I'll go ahead and offer those.
8 State's 47.

9 THE COURT: State's 47 in evidence without
10 objection.

11 (WHEREUPON, State's Exhibits Nos. 47 & 71 were
12 admitted into evidence.)

13 THE COURT: All right.

14 BY MR. SCOTT:

15 Q Tell me, what is a buccal swab?

16 A A buccal swab is where we take two swabs --
17 excuse me, two swabs like Q-tips, there's only a swab on
18 one end, we place them in the mouth between the cheek and
19 gum, rub them back and forth to collect that person's DNA.

20 Q All right. Did you collect any buccal swabs on
21 May 3rd, 2017?

22 A Not on the 3rd.

23 Q Did you take buccal swabs?

24 A Not on the 3rd of May. They were collected on
25 the 25th of May.

JAMES TALLON-DIRECT BY MR. SCOTT

1 Q Who were they collected from?

2 A They were collected from Mr.~Boozer at the
3 Newberry County Detention Center.

4 Q Who collected them?

5 A Me and my partner.

6 Q Okay. Tell the jury, I think you kind of
7 touched on it, but what's the purpose, to collect a DNA
8 sample?

9 A To collect a DNA sample, that way we know -- if
10 I collect a DNA buccal swab from me, then I know it's my
11 DNA. So, then I can run my DNA against any of the
12 evidence from whatever crime that's said to be committed
13 and see if I match.

14 Q All right. So, who did you collect the buccal
15 swab from on May 25th?

16 A That was Mr.~Boozer.

17 Q It just simply entails taking a Q-tip and
18 swiping inside his cheek?

19 A Yes, sir, rubbing in between the mouth and gum.

20 Q All right. State's 44, what is that?

21 A This is the actual buccal swab that I collected
22 from Mr.~Boozer signed with my initials and sealed.

23 Q All right. What did you do with it after
24 collecting it?

25 A We responded back to our lab and logged it in as

JAMES TALLON-CROSS BY MR. VERNER

1 evidence for DNA.

2 Q Okay.

3 MR. SCOTT: Beg the Court's indulgence, Your
4 Honor.

5 THE COURT: Yes, sir.

6 MR. SCOTT: I think I moved it in, Your Honor,
7 but I do offer State's 44 for admission.

8 THE COURT: That's the swab?

9 MR. SCOTT: Yes, sir.

10 MR. VERNER: Without objection.

11 THE COURT: Without objection, State's 44 is in
12 evidence.

13 (WHEREUPON, State's Exhibit No. 44 was admitted
14 into evidence.)

15 MR. SCOTT: Thanks, Mr. Tallon. Answer any
16 questions Mr.~Verner has for you.

17 THE COURT: Mr.~Verner.

18 CROSS-EXAMINATION

19 BY MR. VERNER:

20 Q Good evening, Agent.

21 A Good evening, sir.

22 Q As a special agent for homicide, I guess, you're
23 looking for everything to study the whole picture?

24 A As much of the picture as we can get.

25 Q Okay. Would fingerprints be part of that

JAMES TALLON-CROSS BY MR. VERNER

1 picture?

2 A Yes, sir, fingerprints are a part of the
3 picture.

4 Q You're trained -- if I left fingerprints on a
5 car window, you think if they were there that you would
6 have the knowledge to know how to pull them or retrieve
7 them?

8 A If they're there, then there's a possibility you
9 can retrieve them. Not always, but there's a possibility.

10 Q And taking pictures of crime scenes is one of
11 your functions and what you've been trained for?

12 A That's correct.

13 Q The looking for odd pieces of evidence and
14 hiding places and such not?

15 A That's correct.

16 Q Okay. Just putting everything together trying
17 to get an accurate picture of everything?

18 A Yes, sir.

19 Q Okay. The -- well, first off, on the scissors,
20 No. 47 that was put into evidence -- they stacked
21 everything on your thing?

22 A Yes, sir, the scissors.

23 Q The scissors that was put into evidence by the
24 State, are they the murder weapon?

25 A I cannot tell you that.

JAMES TALLON-CROSS BY MR. VERNER

1 Q Did they have any evidence on them, such as
2 blood or anything?

3 A I did not process them. I collected them and
4 turned them in.

5 Q Okay. It's a stabbing and they possibly could
6 have been used, so they were worth taking into evidence?

7 A That is correct.

8 Q Okay. Did Mr.~Boozar consent to you taking the
9 cotton swab and taking the DNA sample from his mouth?

10 A I believe there was a search warrant for that.

11 Q Okay. But did he open his mouth and participate
12 in that, cooperate?

13 A Yes, sir.

14 Q Okay. Are you familiar with who lived on
15 Conifer Drive, the 188 Conifer Drive location?

16 A No, sir.

17 Q Did it appear to be -- what kind of condition
18 was the home in, just in general, the killing aside? Was
19 it a very tidy house or is it fair to say it was somewhat
20 disorganized or very --

21 A That's very subjective. I mean, I can say it's
22 disorganized, but you don't know what my house looks like,
23 so.

24 Q It's fair to say that there were clothes lying
25 around in several rooms?

JAMES TALLON-CROSS BY MR. VERNER

1 A There were some clothes around.

2 Q Okay. I saw -- in some of the pictures, you can
3 see multiple laundry baskets lying out in some of the
4 rooms?

5 A That is correct, there were some laundry
6 baskets.

7 Q And clothes kind of thrown up around it?

8 A There were some clothes around the laundry
9 baskets.

10 Q And that's not unnormal, but fair to say that
11 there were clothes scattered throughout the house?

12 A There were clothes around the house. I wouldn't
13 say -- just thrown around randomly.

14 Q Did they appear to be women -- do you know how
15 many women lived in that house?

16 A I do not.

17 Q Do you know if that pink shirt belonged to
18 Clatie Stribble or could it have been one of the other
19 women or her daughters in the house?

20 A I do not know who the pink shirt belonged to.

21 Q Okay. Did you see any blood or any kind of
22 indication that there was blood on that shirt?

23 A I did not observe any.

24 Q Did you see any blood in the kitchen?

25 A I did not.

JAMES TALLON-CROSS BY MR. VERNER

1 Q Okay. Is it possible that shirt was just -- is
2 there anything other than the shirt was in the kitchen on
3 the floor that connects it to what happened in the
4 bedroom?

5 A There were a pair of earrings on the floor in
6 the kitchen as well, but I could not tell you who they
7 belonged to either.

8 Q All right. Again, do you know how many women or
9 girls live in the house?

10 A I do not. I believe she had some daughters, but
11 I do not how many lived there.

12 Q Do you know whether Cliff Boozer ever lived in
13 that house?

14 A I do not.

15 Q Okay. The tire in State's No. 33 that you said
16 use to be used to prop up the -- or is it a likely hunch
17 that it was used to keep that storm door closed?

18 A I would believe so, yes, sir.

19 Q Is it fair to say that's bigger than a typical
20 tire for like a little car?

21 A You talking about a spare?

22 Q It looks like a truck tire or that's a heavy
23 tire, isn't it?

24 A Well, I'm really not sure.

25 Q That doesn't look like a -- it doesn't look to

JAMES TALLON-CROSS BY MR. VERNER

1 you like a truck tire or some kind of heavier farm-type
2 tire?

3 A I am in no way a car guy. I'm a computer nerd.

4 Q Have ever changed a tire on your car?

5 A Possibly once.

6 Q Okay. Even little tires are heavy, aren't they,
7 with the wheels and metal stuff in them?

8 A Depending on how strong you are. For me, maybe.

9 Q Okay. The -- but to move that tire would take
10 some force and effort, right?

11 A Sure, it would take force.

12 Q And if it was dropped on the ground underneath
13 the -- you're sure that doesn't look like a bigger than
14 average tire?

15 A Honestly, sir, I cannot tell you.

16 Q And that appears to be a steel wheel?

17 A It's metal of some sort, the actual rim is
18 metal.

19 Q Have you ever moved a tire and then dropped it
20 on the ground?

21 A I'm sure I have.

22 Q Okay. And you've heard it land and it kind of
23 rolls around for a second, but it makes a noise, doesn't
24 it?

25 A If you just let it fall, yes, sir, it does.

JAMES TALLON-CROSS BY MR. VERNER

1 Q Assuming somebody just let it fall under the
2 window, that would leave -- would make a sound, wouldn't,
3 it?

4 A I'm sure it would make some sound.

5 Q Okay. Did Ms. Clatie have blinds on her
6 windows?

7 A I'm sorry.

8 Q I'll help you out. Ms. Stribble, is this, what
9 I'm handing you, one of the photographs of her room?

10 A Yes, sir, it is. There are blinds on the
11 windows.

12 Q Do they appear to be in good condition?

13 A They do.

14 Q They're not ripped down or there are no holes or
15 anything through them?

16 A Not that I remember.

17 Q Okay. And you can see closed blinds from the
18 outside of the house just as well from the inside of the
19 house, right?

20 A Sure.

21 Q Okay. If I hand you State's 39, you can see
22 both Ms. Stribble's bedroom window and the room beside it?

23 A Yes, sir, those are both -- that's
24 Ms. Stribble's room where the victim was located and I
25 believe this is the living room.

JAMES TALLON-CROSS BY MR. VERNER

1 Q Ms. Stribble's bedroom would have been the one
2 on the far left?

3 A That is correct.

4 MR. VERNER: And Walter, would you put up 39,
5 please?

6 Q Again, if you can step down?

7 A Sure.

8 Q Point out for the jury which window would be
9 Ms. Clatie Stribble's bedroom.

10 A This would be the bedroom where the victim was
11 located?

12 Q Looking from the outside, does it appear that
13 you could see in?

14 A Maybe from that little spot there, but I can't
15 really tell.

16 Q And the other window appears to have the same
17 kind of blinds?

18 A That's correct, they both appear to be the same
19 type blind.

20 Q Okay. And you've looked into a house at
21 nighttime, haven't you?

22 A I'm sure I have.

23 Q Is it easier to see through a window when the
24 lights are on or when the lights are off?

25 A When the lights are on.

JAMES TALLON-CROSS BY MR. VERNER

1 Q That's right. So, if you're looking through a
2 window at night with blinds on it, you can't see anything
3 in there, right?

4 A With the lights on inside?

5 Q If I'm standing outside of a window and the
6 lights are off in the room, ordinarily, I wouldn't see
7 anything in the room unless somebody actually stood right
8 next to the window, right?

9 A If it's fully dark, yes, sir, that would be more
10 difficult.

11 Q Six in the morning would be dark, wouldn't it,
12 even in May?

13 A It depends on what time of the year. Not real
14 sure how the sun was at that time.

15 Q Okay. And regardless if there were lights in
16 there, with the blinds closed, you couldn't see in there
17 whether you were standing close to the window or further
18 away?

19 A Depends on how well the seal is for the blind,
20 but it could make it more difficult, yes, sir.

21 Q And you could tell that from looking outside?
22 Before I even got to a window, I could tell that there was
23 a blind up in front of it?

24 A Sure, depending on how dark it was.

25 Q You took fingernail scrapings from Clatie

JAMES TALLON-CROSS BY MR. VERNER

1 Stribble?

2 A That's correct.

3 Q And what is probably the primary reason for
4 doing that?

5 A Looking for any DNA other than her own.

6 Q Okay. Such as blood, scratches or --

7 A Blood or skin or any kind of DNA.

8 Q Is it a possible reason that if somebody is
9 killed, they might fight off their attacker and they might
10 have scratched their attacker?

11 A It's possible, which is why we collect those.

12 Q And that's more likely in a stabbing or a
13 choking case than a gunshot case?

14 A If they're further away from the gunshot, that
15 would be correct.

16 Q So, if a woman were attacked and she was
17 fighting back, she would try -- even a man would try to
18 scratch her attacker?

19 A It's possible.

20 Q Okay. Did you observe any kind of fingernail
21 scratches across Mr.~Boozer?

22 A I did not observe any at the time I was taking
23 the photographs.

24 Q Okay. The -- if a woman or a man even were
25 fighting somebody in close contact and I was going to

JAMES TALLON-CROSS BY MR. VERNER

1 scratch my attacker, where is the most likely place that
2 you think I would try to scratch somebody to get them off
3 of me?

4 A Could be arms, face. I mean, if you're on the
5 ground, it could be legs.

6 Q Anywhere you can?

7 A Exactly.

8 Q But you would agree with me if I'm in a fight
9 and I'm desperate that you wouldn't try to scratch
10 somebody across the face or the eyes?

11 A It's possible. Me, I'm probably going to punch
12 instead of scratch.

13 Q The -- that's right, punching also would work,
14 but if you were going to scratch somebody, you would
15 scratch them across -- if you were punching somebody, you
16 wouldn't have fingernail debris --

17 A Correct.

18 Q Anything under your fingernail?

19 A That's correct.

20 Q But if you were scratching, you would?

21 A It's possible, yes. Doesn't mean you're going
22 to for a fact, but it is possible.

23 Q And that's one of the reasons they train you is
24 because that's what people do, they scratch their
25 attackers?

JAMES TALLON-CROSS BY MR. VERNER

1 A Sometimes, yes, sir.

2 Q And that's one of the reasons they have you look
3 at them?

4 A That's correct.

5 Q Okay. Did you see any scratches on Clifton
6 Boozer -- you took photographs of Mr.~Boozer up close and
7 I think you testified you told him to turn, turn, turn?

8 A We would have told him to take half turns and we
9 photograph all the way around him.

10 Q If you saw --

11 A I can't remember exactly if I was the
12 photographer or my partner was the photographer at the
13 time, but we were both standing there.

14 Q And you were in close proximity of Mr.~Boozer on
15 the morning of May 3rd?

16 A That's correct.

17 Q Did you see any obvious scratches or cuts,
18 wounds to his face or any other part of his body?

19 A There was, I believe it was his left index
20 finger.

21 Q That's right, he had a scratch across his
22 left -- or across one of his third birdie fingers, I call
23 it, he had scratch; is that fair to say?

24 MR. SCOTT: Charles, let him testify to it.

25 THE WITNESS: Correct, that's his right hand.

JAMES TALLON-CROSS BY MR. VERNER

1 BY MR. VERNER:

2 Q Okay. Was there any evidence that the window to
3 Ms. Clatie Stribble's room was the entranceway that was
4 used to get into the home?

5 A No, sir.

6 Q Are you able to look at fingerprints or find
7 fingerprints from on window sills?

8 A It's possible, yes, sir.

9 Q And window panes?

10 A Yes, sir, it's possible.

11 Q The -- and sometimes there's dust, particularly
12 on the outside windows that might be disturbed by
13 somebody?

14 A That's correct.

15 Q Did you observe anything like that on the window
16 to Ms. Clatie's bedroom?

17 A Not that I recall. I believe it was taller than
18 me a little bit, taller window.

19 Q You could have stood on the tire?

20 A That's correct, I could have stood on the tire.

21 Q If you were standing on the tire, is it possible
22 that you might have put your hands on that window sill to
23 keep your balance?

24 A That's correct.

25 Q Okay. But there was no evidence that you saw?

JAMES TALLON-CROSS BY MR. VERNER

1 A None that I saw, which is why we would have
2 collected the DNA swabs.

3 Q Okay. Did you see any shoe impressions on the
4 tire itself?

5 A No, sir, not that I recall.

6 Q If they were visible, do you think you would
7 have observed them?

8 A I hope so.

9 Q Is shoe impressions something that you've also
10 been trained to look for and study?

11 A It is, yes, sir.

12 Q Okay. And you thought it was suspicious that
13 you couldn't find the fitted sheets to Ms. Clatie
14 Stribble's bed, or, at least, interesting?

15 A It's definitely noteworthy that there weren't
16 any sheet on the bed.

17 Q Oftentimes, people have fitted sheets and sheets
18 on top of those on their beds?

19 A That's correct.

20 Q But it's also fair to say sometimes people just
21 sleep with blankets or comforters?

22 A Straight mattress sometimes.

23 Q Even if you had fitted sheets on the bed, if
24 somebody was bleeding on the bed, wouldn't that blood soak
25 right through the sheets into the mattress itself?

JAMES TALLON-CROSS BY MR. VERNER

1 A Depends on how much blood letting has occurred,
2 but it's very possible.

3 Q So, I mean, if I'm staying for any period of
4 time on the bed and I'm bleeding, within a matter of
5 moments, that blood will absorb right through those sheets
6 into the mattress?

7 A Into the -- there was a -- I call them an egg
8 crate on top of it, but it would have gone into that,
9 depending on how much blood letting had occurred.

10 Q If somebody peed in their bed, it would go
11 straight through the sheets and you would see the stain on
12 the mattress or egg crate?

13 A That's correct.

14 Q And it would go through an egg crate, too,
15 wouldn't it, if it was there long enough?

16 A Yes, sir. If there was enough pooling, it
17 would.

18 Q Did you see any blood on the mattress itself? I
19 guess --

20 A I do not remember seeing any.

21 Q My question is, are you sure there were fitted
22 sheets that were removed or is it possible she was just
23 one of the people who slept with like a comforter?

24 A It is very possible they may have not have never
25 been there.

JAMES TALLON-CROSS BY MR. VERNER

1 Q Worth looking into, but not necessarily showing
2 one way or the other?

3 A I cannot positively say they were there.

4 Q Okay. And in the -- was it 43 --

5 MR. VERNER: Walter, may I have 43, the second
6 page, sir? The second page, please, sir.

7 Q Step down, please, Agent Tallon. The -- as best
8 you can recall for the jury, kind of point out where you
9 found blood stains in the bedroom?

10 A It would have been between this couch and bed
11 along here where the victim was, the wall right next to
12 the victim, on the egg crate, memory foam kind of covering
13 for the bed. I believe there was some more out front
14 here, in front of the bed itself and next to the couch.
15 That's all I recall at this time.

16 Q The fact that you found blood in different parts
17 of the room, could that indicate that there was somebody
18 of struggle?

19 A It could.

20 Q You can take your seat again. That's all I have
21 for that one. If I -- if Clifton Boozer had held
22 Ms. Clatie Stribble down and stabbed her or choked her on
23 the bed, you would expect to find the blood on the bed,
24 right? Or the bulk of it?

25 A If -- well, for a choking, you said a choking,

JAMES TALLON-CROSS BY MR. VERNER

1 you wouldn't find much blood. But for the stabbing, it is
2 possible, however, even with where she was, there wasn't a
3 whole lot of blood located.

4 Q The -- but the fact that you found blood on both
5 the right side of bed and left side of the bed that should
6 suggest either one of two things, that the bodies has been
7 moved or that there was some kind of struggle or, I guess,
8 the third option would be that it's blood spatter, that is
9 blood spray, right?

10 A It could be blood spatter where it could -- that
11 is correct.

12 Q But blood spatter makes a particular type of
13 pattern, doesn't it?

14 A That is correct.

15 Q Did the blood you found on the carpet on both
16 sides appear to be blood spatter?

17 A They were not indicative of what we call a
18 total-shaped pattern to indicate an angle of impact or
19 coming from any type of speed out of the body.

20 Q Did it appear to be either more contact blood or
21 dripping blood?

22 A That is correct.

23 Q What about the blood on the wall next to
24 Ms. Clatie Stribble's body, did that appear to be contact
25 where her body -- is it possible, at least, that her body

JAMES TALLON-CROSS BY MR. VERNER

1 could have fallen off the bed into the wall and by the
2 contact of the fall transferred the blood to the wall?

3 A From -- if she had blood on her hands and other
4 areas of falling, it's possible that she could have wiped
5 some of the blood onto the wall.

6 Q Okay. The -- and how far was the edge of the
7 bed from the window?

8 A Like the foot of the bed?

9 Q The right edge of the bed as you're laying on it
10 to the window, to the outside window?

11 A Maybe three feet.

12 Q At most?

13 A An approximate guess is about three feet.

14 Q Possibly even closer?

15 A It wouldn't be too much closer, but it would be
16 about three feet.

17 Q Okay. So, a yard would be approximately -- hold
18 up with your arms what an approximate yard is to the jury.

19 A Three feet, about that long.

20 Q That would be the distance from the edge of the
21 bed to the wall?

22 A Approximately, correct.

23 Q Okay. And Ms. Clatie Stribble, her body was
24 found in the nude?

25 A When I arrived on the scene, that's correct, she

JAMES TALLON-REDIRECT BY MR. SCOTT

1 was.

2 Q Are you familiar with whether she slept in the
3 nude or whether she ordinarily wore pajamas?

4 A No, sir, I am not.

5 Q Okay.

6 MR. VERNER: Thank you, that's all I have.

7 THE COURT: Anything on redirect?

8 MR. SCOTT: Yes, just briefly, Your Honor. I
9 just want to clarify something.

10 THE COURT: Go ahead.

11 MR. SCOTT: Walter, can I have State's No. 23?

12 REDIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q Talking about the blinds and everything, what
15 are you noting right there at the bottom right of the
16 blinds?

17 A There appears to be a broken section right here.

18 Q Okay. And do you know whether Ms. Stribble
19 slept with her TV on or had a nightlight or anything like
20 that?

21 A I do not.

22 Q So, you don't know what the visibility would
23 have been into her room at 6:00 a.m.?

24 A I do not.

25 MR. SCOTT: Can I get State's 34?

JAMES TALLON-REDIRECT BY MR. SCOTT

1 Q And then from the outside, is that still the
2 bedroom window?

3 A Yes, sir. This is the same window.

4 Q Point to that defect in the blinds that allowed
5 you to see in.

6 A Appears in this area right here.

7 Q Do you necessarily even know that he put his
8 hands on the window or held onto the window while he
9 looked in?

10 A No, sir, I would not know that.

11 Q But did you attempt to get fingerprint lifts and
12 DNA from that window?

13 A We attempted the DNA swabs. The fingerprints,
14 we used what we call cross lighting where we look at the
15 object with a flashlight at a bleak angle where you can
16 see fingerprints. You can do it yourself at home or
17 looking at your TV, you will notice your fingerprints more
18 if you look at it from an angle or like coming at an
19 angle, you can see the ridge detail better. We didn't see
20 anything that led us to believe that there were any
21 fingerprints there. Plus, the type of metal that this is,
22 it's harder to get fingerprints off of it. It's oxidized
23 metal. So we just go with the DNA swabs because we
24 thought we would have a better opportunity of getting some
25 evidence.

JAMES TALLON-REDIRECT BY MR. SCOTT

1 Q Then finally --

2 Let me see No. 25, please, Walter.

3 They're asking about blood that may or may
4 not have seeped through the sheets, what do we see in this
5 picture on the phone?

6 A This was that egg crate they call it, memory
7 foam. And this would have been the blood that I was
8 indicating also on there.

9 Q So, there was some blood on the mattress cover
10 there?

11 A Correct.

12 MR. SCOTT: Okay, that's all, thank you.

13 MR. VERNER: No further questions on cross.

14 THE COURT: All right. Mr. Tallon, thank you
15 very much for coming. You're free to go. Thank you
16 very much. Drive safely back.

17 All right. Ladies and gentlemen of the jury,
18 we're going to go ahead and take our break for the
19 evening. Let me speak to the attorneys over here
20 about the first witness up.

21 (WHEREUPON, a bench conference was held in the
22 presence of the jury but out of the hearing of
23 the jury.)

24 THE COURT: Ladies and gentlemen, I'm going to
25 ask that you be back here, please, at 9:00 o'clock

1 tomorrow morning. My court reporter is commuting
2 from Greenville, she's had two accidents. I come
3 from Greenwood, so I've got logging trucks. So, she
4 battles the Interstate, I battle logging trucks. But
5 we can start hopefully right around 9:00 o'clock.

6 As I mentioned earlier, please -- I understand
7 that when you got your juror summons, you were so
8 excited and that your husband, wife, significant
9 other, whoever it is that you share a roof with, that
10 you tore open that envelope, you told them how
11 excited you were to have to show up here today.

12 And I know that your life is probably a lot like
13 mine. When you go home tonight, your husband, wife,
14 significant other, they're going to ask you, well,
15 honey, how was your day. And you're going to
16 say well, it was fine, honey. Then they're going to
17 ask you well, did you get picked for jury -- for a
18 jury? You can say yes, honey, I got picked for a
19 jury. What's the next questions they're going to ask
20 you? Well, what kind case is it? All right, that's
21 where you draw the line.

22 The decisions that you have to make in this
23 case, ladies and gentlemen, is going to belong to
24 you, not your spouse, significant other, or whoever
25 it is that you share a roof with. So, if you would,

1 just explain to them, I'd rather hear about your day
2 today than me tell you about mine and just kind of
3 let it lie there, all right.

4 With that, do wear those juror badges back
5 tomorrow morning. Be back here at 9 o'clock in the
6 jury room. Hopefully, we'll be in a position to move
7 forward quite promptly at 9 o'clock. I'm asking for
8 9:00 because I'm wanting to try to get as much in
9 tomorrow in terms of testimony so that we can get
10 this case to you sooner rather than later.

11 All right. So, enjoy your evening. I don't
12 know that we're going to have thunderstorms, but if
13 we do, stay dry, but do have a pleasant night.
14 You're excused until tomorrow morning at 9:00. Thank
15 you.

16 (WHEREUPON, the jury left open court at
17 approximately 5:41 p.m.)

18 THE COURT: We'll be at ease until tomorrow
19 morning.

20 Mr.~Verner, your client is still in custody, I
21 presume, he hasn't made bond, correct?

22 MR. VERNER: Right, right.

23 THE COURT: Just let the deputy know what time
24 you prefer to have him here in the morning and we'll
25 have him here at that time.

1 Okay, see y'all in the morning.

2 (WHEREUPON, the proceedings were concluded for

3 the day to be reconvened on August 7, 2018.)

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 August 7, 2018

2 THE COURT: Back on the record in State vs.
3 Boozer. Let the record reflect the Defendant is
4 present with counsel. I was informed in chambers
5 before I came out here that the State has an
6 additional witness they would like to add by the name
7 of Scott Williams. I think we've already discussed
8 this with Mr.~Verner. Apparently, this witness could
9 not be located, but showed up yesterday.

10 Any objection of me inquiring about
11 Mr. Williams?

12 MR. VERNER: Judge, they were supposed to
13 provide me a rap sheet prior to his testimony, but
14 with that exception. His name came out in identity
15 in the voir dire.

16 THE COURT: It was listed in the voir dire?

17 MR. VERNER: Well, he was not listed as a
18 witness, but I think one of the witnesses talked
19 about his family and knowing his dad.

20 THE COURT: One the jurors knowing his father?

21 MR. VERNER: That's right. Who was not seated.

22 THE COURT: Okay.

23 MR. VERNER: But I would like to see a rap sheet
24 prior to his --

25 MR. SCOTT: Yes, sir, we're running that now.

1 THE COURT: This is the father of Niyla and Eve
2 Williams?

3 MR. SCOTT: Yes, sir. He's here, so what I'll
4 do is, he can stand and see if they recognize him or
5 not. Then thereafter, he will leave the courtroom.
6 But as part of the sequestration order, I think there
7 may be some potential Defense witnesses who have
8 showed up today. I'm not sure, I don't recognize
9 them, but if they are Defense witnesses, they will
10 need to be sequestered as well.

11 THE COURT: I know you've added three names,
12 Mr.~Verner, but, obviously, if they're going to be
13 testifying they need to be sequestered as well.

14 MR. VERNER: Yes, sir, Your Honor.

15 THE COURT: All right, let's go ahead and get
16 the jury moving, please.

17 MR. VERNER: Judge, I understand that the
18 children -- for police witnesses, I have less of a
19 problem, but for a fact witness, I would ask that the
20 children be sequestered for any kind of, you know,
21 family-type dynamic witness.

22 THE COURT: Well --

23 MR. VERNER: I don't think the Victim's Bill of
24 Rights trumps the Defendant's right to a fair trial.

25 THE COURT: I understand your position. I

1 believe that they have been here for the testimony
2 yesterday.

3 MR. VERNER: For police witnesses.

4 THE COURT: Right. When do you expect them
5 testifying? After the audio is played, I assume?

6 MR. SCOTT: Yes, sir, I've got -- Eve is last
7 and Niyla is about next to last. So, they're two of
8 the last witnesses.

9 THE COURT: I appreciate your position
10 Mr.~Verner. They're family of the decedent, I'm
11 going to allow them to stay. I understand your
12 position, though. And my understanding is that that
13 is largely a discretionary matter. If they want to
14 stay here and witness these proceedings as children
15 of the person who lost their life, I'm going to let
16 them.

17 MR. VERNER: On a separate note, Your Honor, my
18 client -- can we approach the Court sidebar with my
19 client, Your Honor -- or I'll put it out there. He
20 indicates to me that he would like to either proceed
21 pro se or with a new attorney.

22 THE COURT: Okay.

23 MR. VERNER: So, we need to go ahead and clear
24 that issue.

25 THE COURT: Can you tell me what the problem is

1 or what's arisen here?

2 MR. VERNER: I don't know. I think he just
3 feels a little more comfortable possibly, but that
4 would be my client's motion if we could go ahead and
5 address it.

6 THE COURT: When did this arise, this morning?

7 MR. VERNER: Yes, sir.

8 THE COURT: All right. Mr.~Boozer, what's the
9 situation here? Mr.~Verner started this case in
10 earnest and, candidly, it seems like he's doing a
11 good job for you thus far. What's the issue?

12 MR. BOOZER: Yes, sir, I just had a couple of
13 personal issues that I had with the case yesterday,
14 that I had a problem with. And with that being said,
15 I'm deciding to go another way with the defense
16 attorney. I'm going to need more time to prepare my
17 case.

18 THE COURT: All right. The problem, Mr.~Boozer,
19 is that at this point in time, the jury has already
20 been impaneled and double jeopardy is attached. I
21 can't afford you additional time to obtain counsel or
22 to prepare to represent yourself. I assume that
23 Mr.~Verner has been representing you pretty much
24 since these charges arose, correct?

25 MR. BOOZER: No, sir, not the whole time. It's

1 just been recently since he started representing me.
2 I haven't had the full time to get all my preparation
3 ready for the case.

4 THE COURT: You referenced personal issues that
5 have arisen, what are you talking about, sir?

6 MR. BOOZER: Just in my paperwork and with all
7 the credible witnesses. All the paperwork is not
8 here and all the witnesses is not here that I would
9 like.

10 THE COURT: What paperwork and what witnesses
11 are you missing?

12 MR. BOOZER: Just witnesses that know more about
13 the case and -- not about the case, but know more
14 about the relationship and as me as a person and her
15 as a person.

16 THE COURT: What are their names?

17 MR. BOOZER: It's Sherwin Jessie.

18 MR. VERNER: Sherwin Jessie.

19 MR. BOOZER: Tyson Jones. And there's a few
20 more.

21 THE COURT: Okay. Well, if you want to get
22 those names to Mr. Verner, he's going to be in a
23 better position to get them subpoenaed here. You're
24 in custody. Obviously, you're at a disadvantage if
25 you proceed pro se because you're going to have to

1 rely -- to issue subpoenas, you would have to rely on
2 law enforcement to serve those on your behalf because
3 the public defender's office would be relieved from
4 further representation of you. And Mr.~Verner,
5 obviously, is not in jail. If the objective is to
6 get these people into court, then, Mr.~Boozer, you
7 need to simply provide those names. I assume that
8 you already had them pretrial because Mr.~Verner
9 seems to be familiar with the first one, Sherwin
10 Jessie. Sherwin Jessie is actually listed on the
11 witness list that Mr.~Verner handed up yesterday.

12 You want to speak to any of this, Mr.~Verner?

13 MR. VERNER: First I've heard of it, Your Honor.

14 THE COURT: All right. I assume that you have
15 met with Mr.~Boozer previously about possible
16 witnesses on his behalf because you did list three of
17 them, Natasha Boozer, Lillie Boozer and Sherwin
18 Jessie, correct?

19 MR. VERNER: Yes, sir, those are the only
20 substantive witnesses short of Mr. --

21 THE COURT: What documentary evidence are you
22 missing, Mr.~Boozer?

23 MR. BOOZER: It's more text messages that's out
24 there that would help me with my case. There's more
25 phone messages that's still out there that would help

1 me with my case. I just feel like everything is not
2 representing me the right way. I just feel like I'm
3 just not prepared with my case right now because my
4 attorney just recently started working on the case
5 with me, maybe like a couple weeks. I only
6 interviewed with him maybe like a couple of times on
7 evidence and I feel like I'm not fully prepared for
8 my case.

9 THE COURT: All right. Where is your cell
10 phone?

11 MR. BOOZER: I don't have it. They took my cell
12 phone.

13 THE COURT: Who did that?

14 MR. BOOZER: The officers when they arrested me.

15 THE COURT: Mr.~Verner.

16 MR. VERNER: That seems to be correct, Your
17 Honor. I've got the records. I don't have any text
18 messages. But I've got the printout of all the
19 activity from his phone that was given to me by the
20 State.

21 THE COURT: Okay.

22 MR. SCOTT: I've got the phone here, Your Honor.
23 It's simply a matter of charging it up and him
24 providing us his password. We never got into it
25 because he did not provide his password to us.

1 MR. BOOZER: Your Honor, I wasn't speaking on my
2 phone. I was speaking on other person's, their
3 phone, text messages from different activities,
4 that's what I was speaking on. I wasn't speaking on
5 my phone. I was speaking on other person's cell
6 phones and text messages.

7 THE COURT: So, other people's text messages
8 between you and them or between the decedent and
9 them?

10 MR. BOOZER: Them and the victim, yes.

11 THE COURT: All right. Well, I mean, if there's
12 something relevant that can be received, you simply
13 need to -- or something relevant that can be
14 introduced, you simply need to give Mr.~Verner those
15 names and have those people come in here and bring
16 their cell phones with them. Assuming for the moment
17 that text messages haven't been deleted or otherwise
18 still on the phone, then, perhaps, we can handle it
19 that way.

20 Mr.~Boozer, here's kind of where we are. I'm
21 hearing that -- I'm hearing from Mr.~Verner that
22 you're wanting to, perhaps, retain new counsel. I'm
23 hearing from you you're looking to retain new
24 counsel. And I think you understand that just in our
25 discussion here that you really have no business

1 representing yourself in this case because you're
2 going to be at a severe disadvantage. Just like I've
3 already explained to you in terms of issuing
4 subpoenas, getting witnesses attendance here at the
5 courthouse. Of course, you'd also be at a
6 disadvantage because I assume you're not trained in
7 the law, correct?

8 MR. BOOZER: No, sir.

9 THE COURT: How far did you go in school, sir?

10 MR. BOOZER: I dropped out in the ninth grade.

11 THE COURT: Ninth grade?

12 MR. BOOZER: Yes, sir.

13 THE COURT: All right. So, obviously, no post
14 secondary education, no college, no law school
15 anything like that. Did you go to tech or get your
16 GED or anything?

17 MR. BOOZER: No, sir.

18 THE COURT: Do you understand, Mr.~Boozer, that
19 puts you at a severe disadvantage if you were to seek
20 to represent yourself, do you understand that? I
21 assume this is the first time you've ever been in any
22 real trouble in court?

23 MR. BOOZER: Yes, sir. Well, I wasn't really
24 seeking to represent myself, I was going to get a
25 just another lawyer to prepare my case more than

1 what's been prepared on. Because I feel like that
2 the solicitor, they have had advantage to work on
3 their case way longer than I had. I only had a
4 couple -- a short period of time to prepare for my
5 case. I feel like at this point right now I'm not
6 ready and prepared as I should be.

7 THE COURT: Well, I'll let you know, Mr.~Boozer,
8 that last week with this solicitor, I was in trial
9 for a solid week on a criminal sexual conduct with a
10 minor case where we got a jury verdict about 4:30
11 Friday afternoon. So, you're talking about time to
12 prepare, I anticipate that Mr.~Verner has had
13 substantially more time to prepare this case than,
14 certainly, Mr. Scott because he was in trial all last
15 week in Laurens County with me.

16 Mr.~Boozer, you obviously don't want to
17 represent yourself. It's an 11th hour request to get
18 an attorney. I can't allow that. Mr.~Verner is
19 representing you going forward. If you want to
20 retain somebody else to come in and assist you while
21 this case is going on, that's your business. However
22 you choose to spend your money is entirely up to you.
23 But we've already impaneled the jury. We're on day
24 two of this case. We've got the jury back there
25 waiting. We've got the witnesses present. Any

1 additional witnesses that you want Mr.~Verner to
2 subpoena, you need to tell him those names. I'm sure
3 he will make every effort to locate those individuals
4 and have them attend court. But I'm not replacing
5 Mr.~Verner at this point in time. That's my ruling
6 on that.

7 MR. BOOZER: All right.

8 THE COURT: Thank you, sir. Let's have the
9 jury, please.

10 (WHEREUPON, the jury came into open court at
11 approximately 9:35 a.m.)

12 THE COURT: The record will reflect that the
13 jury is back and seated.

14 Ladies and gentlemen of the jury, thank you for
15 being here on time. There were just a few matters
16 the Court needed to address this morning. So, I
17 apologize for keeping you waiting.

18 One thing that we do need -- or that I do need
19 to inquire of you. There is an additional witness
20 for the State who was inadvertently left off the list
21 of witnesses yesterday. Scott Williams.

22 Are you Mr. Williams? Scott Williams. Okay,
23 there's Mr. Williams.

24 Ladies and gentlemen, any member of the jury
25 panel know Mr. Williams here or have any close

1 business, social relationships with him? If so,
2 raise your hand.

3 Yes, sir, what's your name, please?

4 PROSPECTIVE JUROR: Tytrevaus Harmon.

5 THE COURT: Do you recall your number?

6 PROSPECTIVE JUROR: 79.

7 THE COURT: You know Mr. Williams; is that
8 correct?

9 PROSPECTIVE JUROR: Yeah, I've seen him around a
10 couple times. I know his daughters.

11 THE COURT: Speak a little bit more loudly.

12 PROSPECTIVE JUROR: I seen him around a couple
13 of times. I know his daughters.

14 THE COURT: You know his daughters. And I think
15 those were the witnesses who were called out
16 yesterday, you indicated that you did know them, the
17 two young ladies, Eve and --

18 PROSPECTIVE JUROR: I didn't know them. I seen
19 them around before.

20 THE COURT: Okay. So, you've just seen him
21 around town or something?

22 PROSPECTIVE JUROR: Yes, sir. They stay close,
23 I don't like talk to him or things like that.

24 THE COURT: You never really talked to him, kind
25 of just know who he is. All right. If he were to

1 testify in this case, would that effect your ability
2 to be fair and impartial to both the State or the
3 Defense?

4 PROSPECTIVE JUROR: Kind of.

5 THE COURT: Kind of. All right.

6 Solicitor, I think it's best that he not testify
7 then.

8 All right. Thank you for your honesty.

9 PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: Solicitor, call your next witness,
11 please.

12 MR. DANIEL: Your Honor, the State calls Laura
13 Kneece.

14 THE CLERK: Raise your right hand place your
15 left hand on the Bible.

16 LAURA KNEECE, after being duly sworn, testified
17 as follows:

18 THE CLERK: Have a seat, state your full name
19 for the record.

20 THE WITNESS: My name is Laura Kneece,
21 K-N-E-E-C-E.

22 DIRECT EXAMINATION

23 BY MR. DANIEL:

24 Q You are -- Ms. Kneece, you are the Newberry
25 County coroner, correct?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A Yes, sir, I am.

2 Q That's an elected position in Newberry County,
3 right?

4 A Yes, sir.

5 Q What is the Newberry County coroner? What's
6 your job or role?

7 A The State of South Carolina charges me to
8 investigate the cause and manner of one's death.

9 Q All right. So, there's 46 counties in South
10 Carolina and there are 46 coroners, correct?

11 A Correct, yes.

12 Q So, any time somebody dies in Newberry County,
13 you investigate and determine, I guess, the manner of
14 death, that kind of thing?

15 A Correct.

16 Q And you help with issuing death certificates,
17 things of that nature?

18 A Yes, I do.

19 Q So, you would work closely with pathologists to
20 determine the cause of death as well?

21 A Yes, we charge our pathologists to conduct our
22 autopsies. Since I'm not a medical doctor, the medical
23 doctor gives us the cause of death and we assist in
24 determining the manner of death.

25 Q How long have you been the elected coroner in

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Newberry County?

2 A This is my first term and my second year.

3 Q Are you a resident of Newberry County?

4 A I am, yes.

5 Q Guess you have to be to be the coroner?

6 A Yes, the law states that.

7 Q All right. Before we get into your role as the
8 coroner and your involvement in this particular homicide
9 case, where do you live, Ms. Kneece?

10 A I live on Brown Street in Prosperity.

11 Q Okay. Actually, you -- this case kind of hits
12 close to home to you literally; is that correct?

13 MR. VERNER: Your Honor, that's not a proper
14 question.

15 THE COURT: Sustained. Sustained. She's a
16 professional. She's got a job to do. Let's just
17 stick to the professional role she plays in this.

18 BY MR. DANIEL:

19 Q Well, Ms. Kneece, so you live on Brown Street in
20 the Town of Prosperity, correct?

21 A Yes. I live on the corner of Conifer -- of
22 Brown Street and Conifer Street.

23 Q All right. And the victim in this case, Clatie
24 Stribble, she was a neighbor of hers, correct?

25 A Yes, she lived around the corner on Conifer.

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Q Okay. So, this incident occurred close to your
2 home?

3 A Yes, it did.

4 MR. DANIEL: That was what my question was
5 intended, Your Honor.

6 MR. VERNER: And again, I don't know how that is
7 a relevant question to the cause of death of the
8 crime that's alleged. I ask it be --

9 THE COURT: All right, I'm assuming that she did
10 respond to the scene and this relates to how quickly
11 she was able to get there?

12 MR. DANIEL: Well, actually, I need further
13 questions because it's far more relevant than that,
14 Your Honor.

15 THE COURT: All right. I'll give you some room.
16 Go ahead.

17 BY MR. DANIEL:

18 Q All right. Ms. Kneece, you live on Brown
19 Street, which is in close proximity to Conifer Drive where
20 Clatie Stribble lived, correct?

21 A Correct, yes.

22 Q Okay. And Clatie Stribble lived on 188 Conifer
23 Drive?

24 A Yes.

25 Q And your address was what on Brown Street?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A 356 Brown Street.

2 Q Okay. I'm going to hand you what's been ID'd
3 for identification purposes as State's 58. Do you
4 recognize this aerial map?

5 A Yes, I do.

6 Q All right. Does that depict where your house
7 is?

8 A Yes, that's from the aerial map, yes.

9 Q Does that also depict where Clatie Stribble
10 lived?

11 A Yes.

12 MR. DANIEL: Your Honor, at this time, I'd offer
13 State's 58 for admission into evidence.

14 THE COURT: Any objection?

15 MR. VERNER: I thought we already had an aerial
16 marked into evidence earlier, but I guess this one
17 only includes the coroner's house as part of it?

18 MR. DANIEL: Yes, this is a wider aerial that
19 would include where Ms. Kneece lives.

20 MR. VERNER: I'm dubious of the relevance in
21 this particular case.

22 MR. DANIEL: We can explain.

23 MR. VERNER: So, there's no need -- I'm not
24 objecting.

25 THE COURT: Without objection, State's 58 is in

LAURA KNEECE-DIRECT BY MR. DANIEL

1 evidence.

2 (WHEREUPON, State's Exhibit No. 58 was admitted
3 into evidence.)

4 BY MR. DANIEL:

5 Q At this time, Ms. Kneece -- I'm going to call
6 you Coroner Kneece, is that okay?

7 A That's fine. Thank you.

8 Q All right. State's 58 in evidence, we'll go
9 ahead and publish it on the TV. If you could, point on
10 this map where your house is in relation to where Clatie
11 live?

12 THE WITNESS: May I get off the stand, Your
13 Honor?

14 THE COURT: Please.

15 THE WITNESS: My house is kind of in this area
16 right here.

17 BY MR. DANIEL:

18 Q Okay.

19 A Where these trees are.

20 Q All right. Now, you live on Brown Street?

21 A Correct.

22 Q I've --

23 A Actually, this is my house right here.

24 Q Okay. So, that's on Brown Street where it
25 intersects with Conifer?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A Yes.

2 Q Then point -- it's kind of obvious, but point to
3 where Clatie's house is depicted on the map.

4 A (The witness complies.)

5 Q Where that yellow pin drop is?

6 A Yes.

7 Q So, distance-wise, how far is that?

8 A I want to say it's maybe a half mile, less,
9 maybe one-fourth of a mile, not very far.

10 Q Quarter of a mile?

11 A Yes.

12 Q All right. You can sit back down. So, you knew
13 Clatie Stribble, correct?

14 A I didn't know her personally, but I would see
15 her children walk to the bus stop every morning.

16 Q All right. And that's what I want to talk
17 about. Did you actually know Clatie's children at the
18 time of her death?

19 A I did not.

20 Q But you would see them in the neighborhood going
21 to the bus stop, correct?

22 A Correct.

23 Q How many children did Clatie have?

24 A I would see three girls in the morning walk to
25 the bus stop.

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Q Where exactly was the bus stop?

2 A The bus stop was at the corner of Brown Street,
3 actually, the corner of my property on Conifer Drive.

4 Q So, essentially, you would see Clatie Stribble's
5 three children, three daughters wait for the bus right in
6 front of your house?

7 A To the side of it, yes.

8 Q And so, I guess, May 3rd of last year is when
9 Clatie Stribble was killed; is that correct?

10 A Yes, that's when I received the call to do my
11 job.

12 Q I guess that school year, you had -- I guess,
13 every school day, would you pretty much see the daughters
14 go to the bus stop?

15 A I did, yes.

16 Q Okay. And did the daughters walk to the bus
17 stop or would they be at the bus stop always at a
18 particular time?

19 A The only reason I would know this is because I
20 would let my dogs out between 6:30, 6:45, that's what time
21 I would usually get up to start my day. One of my dogs
22 would always bark at the girls.

23 Q Okay. So, would it be accurate to say that you
24 would see Clatie's daughters wait for the bus between 6:30
25 and 6:45?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A Roughly, yes.

2 Q And the bus was also pretty much consistently
3 arriving at that time?

4 A Yes.

5 Q And on the morning of May 3rd of last year, do
6 you recall seeing Clatie's children at the bus stop?

7 A Yes, I do.

8 Q Do you recall seeing all three daughters at the
9 bus stop?

10 A Yes.

11 Q Okay. And would it have been between 6:30, 6:45
12 a.m.?

13 A Yes, sir.

14 Q And did you see the children board the bus as
15 well?

16 A I can't say that I remember seeing them board
17 the bus, but I do remember seeing them at the corner at
18 the bus stop.

19 Q So, it's safe to say that that's what time
20 roughly the children departed for school?

21 A Yes, sir.

22 Q Between 6:30 and 6:45 a.m.?

23 A Yes, sir.

24 Q All right. Did you respond to the scene that
25 day at 188 Conifer Drive?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A I did, yes, sir.

2 Q Do you remember approximately what time you
3 responded to the crime scene?

4 A I received the call from dispatch at 0840 a.m.

5 Q Okay. And when you arrived on scene, did you
6 enter the residence?

7 A I did not. I asked if there was -- I asked a
8 summary from the officers on scene, what had occurred.
9 And since it was considered a crime scene, I waited until
10 the search warrant was signed.

11 Q Okay. All right. But, eventually, you did
12 enter the residence, correct?

13 A Yes, sir, I did.

14 Q Why did you enter the residence?

15 A I entered the residence because it was confirmed
16 that there was a decedent, who was identified as Clatie
17 Stribble, in the residence dead.

18 Q All right. And the pictures -- I'm not going to
19 ask they be published again, they were admitted into
20 evidence yesterday. But did you observe the body of
21 Clatie Stribble inside that residence?

22 A Yes, sir, I did.

23 Q How is it positively identified as being Clatie
24 Stribble?

25 A It was known by the parties on scene as well as

LAURA KNEECE-DIRECT BY MR. DANIEL

1 I did fingerprints at the autopsy.

2 Q So --

3 A And she was the only one that lived in that
4 residence.

5 Q And she was pronounced dead -- was there an
6 official time of death where she was pronounced dead at
7 the scene?

8 A I pronounced -- well, I estimated her death to
9 be at 7:30 a.m.

10 Q Okay. All right. And how is her body found?
11 Where exactly in the house was it found?

12 A Ms. Stribble was located in what I would
13 consider the master bedroom of the home. When you enter
14 the home, you enter through the kitchen and through the
15 living room, you would turn right. Once you walk back
16 towards the house -- or bedroom where she was located was
17 the bedroom to the left. She was located in between the
18 bed and the window in the room, which would have been on
19 the far left side of the room.

20 Q How was Ms. Stribble's body positioned in that
21 bedroom?

22 A Ms. Stribble was located on the floor. And I
23 believe she was on her left side, like I said, in
24 between -- and she was nude. In between the bed and the
25 window on the floor.

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Q Okay. And we saw those photos yesterday. I'm
2 not going to publish them again, as a stated. Did you
3 observe any visible injuries to Ms. Stribble?

4 A She did seem to have some type of wound on her
5 chest area. I took photographs, of course. It didn't do
6 much -- blood was present on the right side of her neck
7 and a puncture wound on the left side of her chest near
8 the clavicle area, which would be your collarbone.

9 Q And at that time on scene, did you do a full
10 physical examination of any other injuries? At least on
11 scene?

12 A On scene, I notated through my report there was
13 blood present on the decedent's face that came from her
14 mouth. She was photographed in that position. A small
15 amount of blood on the floor where she was lying. Also,
16 we had taken latent prints on the decedent due to positive
17 identification.

18 Q Okay. Now, at that point, what's the next step
19 in doing an examination of body in a homicide case like
20 this?

21 A What occurs next is I transport the body in a
22 body bag. And what we do before we leave the scene is I
23 lock that body bag with a lock. That way, it shows
24 there's no tampering. And from there, I moved the
25 decedent to the morgue located at Newberry Hospital and

LAURA KNEECE-DIRECT BY MR. DANIEL

1 requested an autopsy by Dr. Ross with Newberry Pathology
2 and Associates.

3 Q All right. So, Ms. Stribble's body was
4 transported to the Newberry County morgue from the crime
5 scene, correct?

6 A Correct, yes, sir.

7 Q And then an autopsy was scheduled with the
8 pathologist?

9 A Yes, I called the pathologist and scheduled an
10 autopsy.

11 Q And who is the pathologist who conducts these
12 autopsies?

13 A Dr. Ross with Newberry Pathology and Associates.

14 Q Okay. And did an autopsy in this case take
15 place?

16 A It did. It occurred the next day on May 4th.

17 Q At the county hospital?

18 A It's in the basement area of Newberry County
19 Memorial Hospital.

20 Q And you were present during this autopsy?

21 A Yes, sir, I was.

22 Q Dr. Ross, she's an actual doctor who can
23 determine the cause of death, is that correct?

24 A Yes, she's a board certified forensic
25 pathologist.

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Q And she will testify later on, so I'm not going
2 to ask you certain questions that she would testify to,
3 but what did you observe Dr. Ross do at the autopsy
4 relating to any type of forensic evidence, if any?

5 A Dr. Ross photographed the decedent as per
6 protocol. From there, they remove -- or take what we call
7 toxicology. She also conducted a CSC, a criminal sexual
8 conduct, kit. All that was collected. From there, she
9 goes into her protocol of an external examination,
10 additional photographs, then, of course, her internal
11 prosecuting examination.

12 Q Okay. So, Dr. Ross is collecting blood samples,
13 correct?

14 A She collected blood samples, urine as well as
15 doing the CSC kit?

16 Q And what's a CSC kit?

17 A Criminal sexual conduct, also, known as a rape
18 kit.

19 Q Okay. So, rape kit. And what is -- tell us
20 about the rape kit?

21 A There's several things that SLED likes to have
22 for a rape kit, vaginal smears, rectal smears, oral,
23 vaginal and rectal swabs.

24 Q Okay. And what's the purpose of doing a rape
25 kit?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A It's for -- defined for the SLED analysis to
2 find semen analysis and DNA analysis.

3 Q Okay. To determine if the victim has been
4 involved in a sexual encounter, correct?

5 A Correct, yes.

6 Q So, you're looking for DNA that's foreign to the
7 victim?

8 A Correct, yes. And sperm.

9 Q And bodily fluids?

10 A Bodily fluids.

11 Q As well, okay. I'm going to hand you -- related
12 to the CSC kit, I'm going to hand you what's been marked
13 as State's 56. Do you recognize this?

14 A Yes, I do.

15 Q What is that?

16 A This is a sealed evidence bag that we turn into
17 SLED?

18 Q Okay. And what's in that sealed evidence bag?

19 A The sealed evidence bag is marked with CSC
20 slides and swabs that were collected at the autopsy.

21 Q Okay. Those were the swabs that you were
22 referring to?

23 A Yes, the swabs and slides.

24 Q Dr. Ross actually -- did you watch Dr. Ross take
25 these swabs?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A Yes, sir, I did.

2 Q That would be of the vaginal and rectal areas of
3 the victim?

4 A Yes, and the oral.

5 Q And the oral swab?

6 A Yes.

7 Q Did you submit those to SLED for testing?

8 A I did, yes.

9 Q And do you remember what date that you submitted
10 those to SLED?

11 A I submitted those via evidence lockers on May
12 19th at 2:09 -- or excuse me, 1:28.

13 Q Is there any type of case number associated with
14 that rape kit?

15 A As far as SLED's or mine?

16 Q Yeah, SLED's case number.

17 A SLED assigned the case number of L17-07320.

18 Q Okay. And once it's to SLED, that goes to their
19 analysts for testing?

20 A Correct.

21 Q And you picked up that evidence from SLED, is
22 that correct?

23 A Yes, sir. All biological evidence that belongs
24 when we do an autopsy is returned back to the coroner's
25 office.

LAURA KNEECE-DIRECT BY MR. DANIEL

1 Q And you actually brought that to court
2 yesterday, is that correct?

3 A Yes, I did.

4 Q Okay. Then also, was there -- there was blood
5 drawn from the victim for testing as well you said?

6 A Yes, sir.

7 Q All right. And it was -- what type of blood
8 evidence -- or what was the purpose of drawing blood from
9 the victim again?

10 A There are two reasons Dr. Ross draws blood from
11 a decedent. Number one is for toxicology analysis and
12 number two is for what we call lab DNA analysis if we
13 should need that.

14 Q Okay. For DNA purposes, you take a victim's
15 blood sample -- is it a known standard, is that what you
16 call it?

17 A Yes, it's called a known standard.

18 Q So, you're comparing that with blood evidence or
19 DNA evidence found at the crime scene?

20 A Correct.

21 Q I'm going to hand you what's been marked for ID
22 purposes as State's 57. Do you recognize State's 57?

23 A I recognize the bag, that is a SLED evidence
24 bag.

25 Q Okay. And what is that? What is State's 57?

LAURA KNEECE-DIRECT BY MR. DANIEL

1 A It is a DNA card.

2 Q And is that related to the blood standard we
3 were discussing?

4 A It is related, yes.

5 Q How so?

6 A This is a blood standard that SLED has taken the
7 blood from the purple top, which is our known blood
8 standard, serology, and made a DNA card in order to
9 preserve and analyze Ms. Stribble's blood.

10 Q All right. Did you submit it to SLED in like a
11 tube, the blood?

12 A Yes, sir, I did.

13 Q Obviously, does that blood have to be
14 refrigerated or preserved in a special way?

15 A Yes, sir. All blood and biological evidence
16 before testing and after testing has to be refrigerated or
17 frozen.

18 Q All right. But that right there is not a tube
19 of blood?

20 A Correct.

21 Q Is it a blood smear on a paper card?

22 A It is a special card that has preservatives and
23 is called a DNA card. That way we can preserve DNA
24 evidence without having to refrigerate it.

25 Q All right.

LAURA KNEECE-CROSS BY MR. VERNER

1 MR. DANIEL: At this time, Your Honor, I'd offer
2 State's 56 and 57 for admission into evidence.

3 THE COURT: Any objection?

4 MR. VERNER: Without objection, Your Honor.

5 THE COURT: They're in.

6 (WHEREUPON, State's Exhibits Nos. 56 & 57 were
7 admitted into evidence.)

8 BY MR. DANIEL:

9 Q And you submitted both those items into
10 evidence, correct?

11 A Yes, I did.

12 Q And you also brought them to court yesterday as
13 well?

14 A Yes, I did.

15 Q Now, as far as the analysis goes, I would have
16 to check with the SLED analyst, correct?

17 A Correct.

18 Q And the cause of death, that would be Dr. Ross?

19 A Correct.

20 Q Any other involvement in this case, Coroner
21 Kneece?

22 A No, sir.

23 MR. DANIEL: All right. Please answer any
24 questions Mr.~Verner has.

25 CROSS-EXAMINATION

LAURA KNEECE-CROSS BY MR. VERNER

1 BY MR. VERNER:

2 Q Thank you, Coroner. Good morning.

3 A Good morning, sir.

4 Q Now, the coroner is an elected position?

5 A Correct.

6 Q Okay. Do you have to be in the medical field to
7 be a coroner?

8 A No, sir, you do not.

9 Q Okay. And even if you were, you would still
10 rely on a medical doctor for the autopsy results and the
11 cause of death?

12 A As for standards in type of criminal cases, it's
13 best practice nationally to use a forensic board
14 pathologist for these type of cases.

15 Q We're fortunate in Newberry where we have a
16 full-time forensic pathologist?

17 A Yes, sir, we do.

18 Q That's Dr. Janice Ross?

19 A Yes, sir.

20 Q But the coroner is charged for determining the
21 cause of death for everybody who dies in Newberry?

22 A We're charged to determine the cause of death
23 and we have certain statutory regulations. The only time
24 that we do not have to do a cause or manner of death for a
25 decedent is if they're admitted into a hospital more than

LAURA KNEECE-CROSS BY MR. VERNER

1 24 hours or a practicing physician is willing to sign the
2 death certificate.

3 Q Now, how many different kinds of causes of death
4 are there?

5 A There's six.

6 Q What are they?

7 A They are natural, accidental, suicide, pending
8 investigation, undetermined, and homicide.

9 Q Okay. And two of those kind of overlap, pending
10 investigation and undetermined are kind of it's unknown at
11 that time, the cause of death?

12 A Not necessarily.

13 Q Okay. And homicide means that you are -- that
14 the cause of death was someone else contributed to it?

15 A The definition of a homicide is one person
16 taking the life of another.

17 Q Okay. Can a homicide be an accidental killing
18 or noncriminal killing?

19 A (There was no response.)

20 Q If I shot a man breaking into my house, that's a
21 homicide, isn't it?

22 A Correct.

23 Q That would also be self-defense of my home,
24 correct?

25 A That would be for law enforcement and court to

LAURA KNEECE-CROSS BY MR. VERNER

1 decide, sir.

2 Q Right. But a homicide can be a noncriminal
3 killing?

4 MR. DANIEL: Your Honor, just matter of law on
5 that.

6 MR. VERNER: She's the coroner.

7 THE COURT: I think we all agree that it's
8 entirely possible for a homicide to be justified. If
9 that's what you're getting at, I think that's a
10 correct statement of the law.

11 BY MR. VERNER:

12 Q Would you agree with the Court that homicide can
13 be justified?

14 A Yes, I agree with the Judge.

15 Q Okay. Was that a trick question or just I don't
16 --

17 A I'm not sure. I couldn't understand what you're
18 asking, sir.

19 Q Had you ever been into Ms. Clatie Stribble's
20 home prior to May 3rd?

21 A No, sir, I had not.

22 Q Do you recall ever talking to Ms. Clatie
23 Stribble prior to May 3rd?

24 A No, sir, I do not.

25 Q Do you recall ever talking to the children prior

LAURA KNEECE-CROSS BY MR. VERNER

1 to May 3rd?

2 A No, sir, I do not.

3 Q Do you have children of your own that are school
4 age?

5 A I don't understand.

6 Q I'm just curious about seeing the kids and the
7 bus, do you have children who take the bus that go to
8 school?

9 A No, they do not.

10 Q So, just habitually, you're up at 6:30 in the
11 morning?

12 A Yes, sir.

13 Q And just occasionally, you will hear the dogs
14 bark and when you're taking the dog out or you're in the
15 kitchen, you may see the Stribble children at the bus
16 stop?

17 A I go outside in the morning with my dogs to
18 enjoy the morning.

19 Q Is it just the Stribble children or are there
20 other children that use that bus stop?

21 A At that time, I believe it was just the Stribble
22 children.

23 Q And in general, the bus arrives about what time?

24 A 6:30, 6:45ish.

25 Q Sometimes a little bit early, sometimes a little

LAURA KNEECE-CROSS BY MR. VERNER

1 bit later?

2 A I'm assuming so, yes.

3 Q Do you know how long the Stribble children have
4 to wait for the bus before it comes?

5 A No, sir, I do not.

6 Q So, it's possible they arrive right when the bus
7 arrives or it's possible they're there for 15 minutes or
8 more?

9 A There's a possibility, but, usually, I would see
10 them walking up the road to the corner.

11 Q In ballpark of about 6:30 everyday?

12 A 6:30, 6:45, yes, sir.

13 Q Okay. The -- is their home close enough where
14 they could stay in the home and then come out when the bus
15 arrives or is it they would have to be there prior to the
16 bus arriving?

17 A I would feel that they needed to be there when
18 the bus arrived. You can't see the stop sign where the
19 bus stops from where their front door was.

20 MR. VERNER: May I ask the coroner to step down
21 for just a second to the TV screen?

22 THE COURT: Sure.

23 BY MR. VERNER:

24 Q I just want to make sure -- Coroner, I'm going
25 to give you this red pen. Just so it's clear, point out

LAURA KNEECE-CROSS BY MR. VERNER

1 where Clatie Stribble's home?

2 A (The witness complies.)

3 Q Okay. The yellow mark, that's Conifer Drive
4 right there?

5 A That's 188 Conifer Drive, yes.

6 Q Okay. The -- and your home is where again?
7 Point it out. On the corner of Conifer and Brown?

8 A Correct.

9 Q Okay. The -- what is this, is this a carport or
10 a shed or just a -- the white?

11 A That's part of our property, yes.

12 Q Where does the bus come from?

13 A Down Brown Street from Main Street.

14 Q And Prosperity would be in what direction?

15 A If you were facing out of -- this is the front
16 door, Prosperity would be this direction.

17 Q You would turn to the left to go to Prosperity?

18 A Yes, sir.

19 Q Is that the direction of the children's school?

20 A Yes. I guess that's the way the bus --

21 Q Is that where most of the schools are in
22 Prosperity?

23 A Yes, they're on 76.

24 Q Where does the bus stop?

25 A It would stop here at this intersection.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q Okay. So, the children couldn't see the bus,
2 they would have to be there well before. Just ballpark,
3 how long would it take the children to walk from Conifer
4 to the end of the street?

5 A Five minutes at tops.

6 Q There's a little bit of a walk, okay. Thank
7 you, Coroner, you can step back on the stand. How long
8 have you lived on the corner of Conifer and Brown?

9 A Five plus years.

10 Q Five plus years. Is Conifer -- are there a lot
11 of people who live on the road? It appears from the
12 aerial there's just a few houses down Conifer?

13 A Yeah, there's not many. Maybe seven, eight at
14 tops.

15 Q Okay. The -- how long -- and I understand this
16 is ball parking or an estimate, but how long had you
17 recognized the Stribble children?

18 A Well, I didn't realize they were the Stribble
19 children until this incident.

20 Q Right, but I mean, you had been seeing them come
21 to that bus stop a year, more than a year, since they were
22 small?

23 A Not since they were small. Probably the
24 beginning of the school year possibly, but that's clearly
25 an estimate on my part.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q Did you know them by name?

2 A No, I did not.

3 Q Did you know which particular house they lived
4 in?

5 A I did not.

6 Q They're just children that you saw regularly and
7 didn't really realize who they were until after May 3rd?

8 A Correct.

9 Q Okay. Would you ever have occasion or the need
10 to drive down Conifer towards the Stribble home?

11 A If there would be a need, I would drive down
12 there, yes.

13 Q Often or just infrequently?

14 A Infrequently, I suppose.

15 Q Okay. You had lived there five years?

16 A Five plus years, yes.

17 Q Were you familiar with Clifton Boozer?

18 A I was not.

19 Q Did you know that he lived in that home?

20 A I did not.

21 Q Okay. So, you no idea how long he lived in that
22 home?

23 A No, I do not.

24 Q Did you know anybody who lived in that home
25 prior to May 3rd?

LAURA KNEECE-CROSS BY MR. VERNER

1 A No, I did not.

2 Q So, whether there was a husband, father or
3 anybody else like that, you would have no more idea than I
4 would?

5 A No, sir, I would not.

6 Q Other than you did see the children on a fairly
7 frequent basis?

8 A Yes, sir.

9 Q Before school. Okay. Did you take photographs
10 of Clifton Boozer or did you -- did you examine Clifton
11 Boozer on May 3rd?

12 A I did, yes.

13 Q Did you take photographs of him?

14 A I did, yes.

15 Q Did you see any scratches or cuts or wounds on
16 him?

17 A I did not see any wounds.

18 Q Okay. You didn't see any cuts on his hand?

19 A No, sir.

20 Q Did you photograph his hands?

21 A Yes, sir.

22 Q Did you photograph under his clothing?

23 A Under his clothing?

24 Q Do you remember what Clifton Boozer was wearing
25 on May 3rd?

LAURA KNEECE-CROSS BY MR. VERNER

1 A He had on all black and boots.

2 Q All black what?

3 A Clothing.

4 Q I mean, what kind of shirt or jacket?

5 A Black sweatshirt.

6 Q Did you ask him to remove the sweatshirt and
7 take pictures of his arms or forceps?

8 A No, I did not.

9 Q Okay. The -- as part of your duties, you are
10 required -- or you issue a coroner's report?

11 A Yes, sir.

12 Q Did you do that in this case?

13 A I did.

14 Q I would -- does everybody who dies in
15 Newberry -- is an autopsy required for every death in
16 Newberry?

17 A No, sir, there's not.

18 Q Do you know what the requirement -- does it have
19 to be specially requested or what are the kind of basic
20 requirements for autopsy?

21 A By state law, a coroner has to do autopsies that
22 involved violent-related death, child death, any person
23 that is of good health that dies, generally any person
24 that has been treated in a medical facility or had a
25 surgery within 24 hours, any person -- I have the

LAURA KNEECE-CROSS BY MR. VERNER

1 discretion of ordering an autopsy of anybody, excuse me,
2 that dies of an unattended death. For instance, if you
3 are at home and you are an elder -- or 50, 60 years old
4 but you are in good health, we would order an autopsy.

5 Q So, there are certain statutory requirements,
6 such as small children?

7 A Correct.

8 Q Then there's a lot of discretion for the
9 coroner?

10 A Yes.

11 Q Okay. And I would think that the coroner works
12 pretty much hand in hand with the funeral homes in
13 Newberry?

14 A Yes.

15 Q Okay. You've got a regular working relationship
16 because they're the ones that take the bodies fairly
17 quickly after death?

18 A Yes.

19 Q The -- and when you say you conducted an
20 autopsy, the pathologist actually conducts the autopsy and
21 you attend and make notes?

22 A Correct.

23 MR. VERNER: May I approach, Your Honor?

24 THE COURT: Yes, sir.

25

LAURA KNEECE-CROSS BY MR. VERNER

1 BY MR. VERNER:

2 Q And I believe the coroner also issues a
3 certificate of death?

4 A Correct.

5 Q Did you do that in this case?

6 A I did.

7 Q May I -- can you recognize the document I'm
8 handing you?

9 A I do.

10 Q Okay. Would you hand it to the court reporter
11 and let her mark that as Defendant's 1.

12 (WHEREUPON, Defendant's Exhibit No. 1 was marked
13 for identification only.)

14 MR. VERNER: Go ahead, 2 and 3.

15 (WHEREUPON, Defendant's Exhibits Nos. 2 & 3 were
16 marked for identification only.)

17 BY MR. VERNER:

18 Q Coroner, the document I'm handing up to you,
19 what is that document?

20 A This is South Carolina Department of Health and
21 Environmental Control Death Certificate.

22 Q Certificate of Death?

23 A Yes.

24 Q That's the report that you issued?

25 A Yes.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q Can you identify item 30 in that report?

2 A Item 30 is the actual presumed time of death.

3 Q And that's your report?

4 A The funeral home --

5 Q I'm asking if that's your Certificate of Death,
6 and then you can explain.

7 A I signed the death certificate, yes.

8 Q Okay. So, that would be your document? If you
9 signed it, I'm assuming you're signing it with your
10 authority?

11 A Yes.

12 Q Okay. Now, if you need to explain it, you're
13 certainly free to or I'll move to the next question.

14 A You can move to the next question.

15 MR. VERNER: Your Honor, I would offer the
16 Certificate of Death as Defendant's 1.

17 MR. DANIEL: Your Honor, may we see it?

18 MR. VERNER: Absolutely.

19 THE COURT: Y'all go ahead and take a look at 2
20 and 3 while you're at it.

21 MR. DANIEL: No objection, Your Honor. I just
22 ask if there is any social security numbers on these
23 documents, they be redacted.

24 THE COURT: We can do that later.

25 MR. VERNER: Well, I was going to publish them

LAURA KNEECE-CROSS BY MR. VERNER

1 real quick.

2 BY MR. VERNER:

3 Q Coroner, do you know if there are social
4 security numbers on the Certificate of Death?

5 A Yes, there is. It's number three.

6 Q I see it.

7 MR. VERNER: Is there anything else, Solicitor,
8 that you would like redacted?

9 MR. DANIEL: No, sir.

10 THE COURT: Okay.

11 (WHEREUPON, Defendant's Exhibit No. 1 was
12 admitted into evidence.)

13 BY MR. VERNER:

14 Q I'm going to give you this yellow highlighter.
15 Were there other certificates of death issued for
16 Ms. Clatie Stribble or is that the official document?

17 A This is the official document.

18 Q Okay. Would you highlight number 30, please?

19 A (The witness complies.)

20 Q What is item 30 on the official Certificate of
21 Death?

22 A Number 30 is the actual or presumed time of
23 death.

24 Q What time was that?

25 A It's listed as 0825.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q 8:25 in the morning?

2 A Yes, sir.

3 Q Thank you. And in this case, did you authorize
4 the autopsy -- well, let me ask you, what am I handing you
5 on State's 2 -- or Defendant's 2?

6 A This is a Newberry County coroner's
7 authorization for autopsy.

8 Q Now, that's not your hand signature on the form,
9 is it?

10 A No, it's not, but it's my handwriting on the
11 form.

12 Q That is your official request or authorization
13 for the autopsy of Ms. Clatie Stribble body?

14 A Correct.

15 Q May I please have it for one second? And you
16 issued this request or authorization on May 3rd?

17 A Correct.

18 Q What is the listed time of the injury to
19 Ms. Clatie Stribble?

20 A The listed time of injury?

21 Q In your authorization?

22 A It is estimated at 8:20.

23 Q What time is the official -- the estimated time
24 of death?

25 A Estimated time of death is 8:25.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q Okay. The --

2 MR. VERNER: And Your Honor, I'm not offering 2
3 into evidence, or it would need to be redacted.

4 BY MR. VERNER:

5 Q And I'm going to ask you if you can identify
6 Exhibit 3?

7 A Yes. It is South Carolina Department of Burial,
8 Removal, Transit Permit.

9 Q And what's the purpose of that document?

10 A The purpose of this document has to be issued by
11 a coroner in reference to move a body. Basically, this is
12 a ticket that goes along with every decedent, whether they
13 go straight to the funeral home or if they go into an
14 autopsy suite.

15 Q So, to take custody of a deceased body, you need
16 legal authorization?

17 A Correct.

18 Q That's basically what that form is?

19 A Correct.

20 Q Okay. Do you know what day this form was filled
21 out?

22 A May 3rd, 2017.

23 Q Okay. On the top right-hand corner, is there
24 any kind of indication of the estimated time of death?

25 A Yes.

LAURA KNEECE-CROSS BY MR. VERNER

1 Q What time is it?

2 A I actually have two different times of death.

3 Q Well, explain what you have there.

4 A I have -- first, I put 0825. I crossed that out
5 and initialed it. And then I put estimated at 7:30.

6 Q When did you make that change?

7 A That day.

8 Q Okay. Are those your initials?

9 A Yes, they are.

10 Q Underneath it. Can you highlight -- do you
11 still have the yellow highlighter? Highlight that portion
12 you're talking about. Okay. What caused you to make that
13 change?

14 A Honestly, I can't recall.

15 Q And those would be your initials, Coroner,
16 underneath it?

17 A Uh-huh.

18 Q Okay. So on, at least, three -- are those all
19 government forms or official forms?

20 A Yes, sir.

21 Q Okay. You would consider them government
22 documents?

23 A Yes, sir.

24 Q Okay. They're not personal documents?

25 A Well, no, the autopsy form is what we use in my

LAURA KNEECE-CROSS BY MR. VERNER

1 office?

2 Q But none of those are your personal notes or
3 just recollections, those would all be --

4 A Yes, sir.

5 Q -- official government documents?

6 A Yes, sir.

7 Q Subject to FOIA to the extent that autopsy
8 reports are, but they could be documents you would be
9 required to keep in public records?

10 A I believe so, yes, sir.

11 Q And on, at least, three government documents,
12 you initialed the cause -- the time of death was 8:25 to
13 8:30?

14 A Yes, sir.

15 Q Okay. I understand it's a year ago, but do you
16 recall what you were wearing at 8:30 in the morning on May
17 3rd of last year?

18 A I'm assuming I was wearing a uniform.

19 Q You wear a uniform as coroner?

20 A Yes, sir.

21 Q If you were called early in the morning outside
22 of the official hour, would you go back home and change to
23 a uniform or do you remember putting on a uniform for this
24 call?

25 A I generally wear a shirt, a uniform shirt that

LAURA KNEECE-REDIRECT BY MR. DANIEL

1 shows I'm the coroner and I represent my office.

2 Q So, you generally try to, but if you were called
3 at midnight to a scene?

4 A Yes, I wear a shirt that represents the
5 coroner's office.

6 Q Okay.

7 MR. VERNER: Your Honor, I don't know if I moved
8 3 in, but I would move 3 in, 1 and 3.

9 THE COURT: Any objection to 3?

10 MR. DANIEL: No, Your Honor.

11 THE COURT: Defendant's 3 is in evidence.

12 (WHEREUPON, Defendant's Exhibit No. 3 was
13 admitted into evidence.)

14 MR. VERNER: Thank you, Coroner Kneece. The
15 prosecutor may have followup.

16 THE COURT: Redirect?

17 MR. DANIEL: Very briefly, Your Honor.

18 REDIRECT EXAMINATION

19 BY MR. DANIEL:

20 Q All right. Those rough estimations, time of
21 death on the Defense Exhibits, what time did you actually
22 arrive on scene at 188 Conifer Drive?

23 A I arrived at 8:54 a.m.

24 Q Okay. Was EMS already on scene prior to your
25 arrival?

LAURA KNEECE-REDIRECT BY MR. DANIEL

1 A Yes.

2 Q Did you receive information from EMS about
3 Ms. Stribble's vital signs or anything like that?

4 A What EMS does is they go in and they do an
5 assessment, patient assessment and there was determined
6 that there was no --

7 MR. VERNER: Your Honor, I don't think that she
8 can testify what other people determined.

9 THE COURT: I would assume that if EMS had
10 arrived there and there was any chance of saving her,
11 they would have gotten the body out of there. That's
12 a logical conclusion I think that anybody could make,
13 that they would have transported her to the hospital.

14 So, don't testify to what anybody else said,
15 just testify to the fact that they had already been
16 there and the body was still there.

17 Go ahead.

18 BY MR. DANIEL:

19 Q All right. To your knowledge, was any vital
20 signs present in Ms. Clatie Stribble when you arrived on
21 scene?

22 A No, sir.

23 Q All right. You got there at 8:54 a.m.?

24 A Yes, sir.

25 Q Okay. So, that's one way to determine when she

LAURA KNEECE-REDIRECT BY MR. DANIEL

1 died because she's already pronounced dead when you got
2 there?

3 A Yes, sir.

4 Q All right. So, but you don't know, you can't
5 say with medical precision to a reasonable degree of
6 medical certainty what time she died, can you?

7 A No, sir, I cannot.

8 Q So, for all you know, the last person to see her
9 alive and the time you arrived, she could have died
10 anywhere in between then?

11 A Correct, yes, sir.

12 Q All right. And do you know -- well, at the
13 time, you said Clatie Stribble had three daughters,
14 correct?

15 A Yes.

16 Q Are those three daughters present in the
17 courtroom today?

18 A They are.

19 Q Are they -- could you identify them?

20 A Yes, sir, I can.

21 Q Okay. Go ahead.

22 A Eve is right there with the bun in her hair,
23 Niyla right there and Isis.

24 Q And those are the same three girls that you saw
25 at the bus stop May 3rd that morning around 6:30, 6:45?

LAURA KNEECE-REDIRECT BY MR. DANIEL

1 A Yes, sir.

2 MR. DANIEL: No further questions.

3 MR. VERNER: No questions, Your Honor.

4 THE COURT: Madam Coroner, thank you very much.
5 You're free to go.

6 All right. Ladies and gentlemen, we're going to
7 take -- I don't know if you need a break, but I do.
8 So, we're going to take a break for about 10 minutes.
9 Don't discuss the case. Refresh yourself, help
10 yourself to more coffee or whatever might be back
11 there. Be back on the record in about 10 minutes.
12 Adjourn to the back, please, thank you.

13 (WHEREUPON, the jury left open court at
14 approximately 10:23 p.m.)

15 THE COURT: We'll be at ease for a few moments.

16 (WHEREUPON, a short break was taken.)

17 THE COURT: Let's go ahead and get the jury in,
18 please.

19 (WHEREUPON, the jury came into open court at
20 approximately 10:45 a.m.)

21 THE COURT: All right, the record will reflect
22 the jury is back and seated.

23 Y'all can feel free to leave any purses or
24 anything back there, okay, they will be secured. But
25 if you don't want to, that's fine, too.

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 Solicitor, you may call your next witness,
2 please.

3 MR. SCOTT: The State calls Tim Grambow.

4 THE CLERK: Raise your right hand, place your
5 left hand on the Bible.

6 TIM GRAMBOW, after being duly sworn, testified
7 as follows:

8 THE CLERK: Have a seat, state your name for the
9 record.

10 THE WITNESS: Tim Grambow.

11 DIRECT EXAMINATION

12 BY MR. SCOTT:

13 Q Mr. Grambow, you are employed with SLED?

14 A Yes, sir, I'm a forensic toxicologist at SLED.

15 Q What is a forensic toxicologist?

16 A The forensic toxicologist is a forensic analyst
17 and we analyze biological samples, whether they be blood,
18 urine, ocular fluid or tissue samples. And we look for
19 the presence or absence of drugs as they relate to
20 criminal investigations, whether it be a sexual assault, a
21 death investigation or DUI case.

22 Q Okay. How long have you worked with SLED?

23 A I've been an analyst for 16 years.

24 Q Okay. Any idea approximately how many samples
25 you've tested in those 16 years working in toxicology?

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 A Thousands. I mean, I've issued thousands of
2 reports. Each case usually has multiple tests run with
3 it. So, you know, thousands upon thousands.

4 Q Okay. What is your background education?

5 A I have a Bachelor's of Science Degree in
6 chemistry from Wake Forest University in North Carolina.
7 Once I began working at SLED, I underwent their in-house
8 training program that lasted over two years. I became
9 certified in analysis and interpretation of results
10 through SLED, through that process.

11 Since then, I've gone to several schools
12 and short courses from experts in the field throughout the
13 country. I have attended national meetings and I've
14 presented at these meetings as well. I have become
15 nationally board certified by the America Board of
16 Forensic Toxicologist, which requires you sit down for an
17 extensive exam, plus, having worked in the field for three
18 year, recommendations as well as maintaining continuing
19 education credits through that process.

20 Q Okay. Mr. Grambow, you talked about you've had
21 to do thousands and thousands of samples. SLED, overall,
22 do y'all just run one sample at a time? You were talking
23 to me early about batch testing. Describe to the jury
24 what that means.

25 A Well, there's two thoughts on a test. One is

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 for one analyst to run one particular case sample from
2 start to finish on the report. And that's how we did
3 things when I first started. And, basically, you take a
4 sample, whether it be blood or urine, and you do each
5 test, you do a follow-up test on that one particular case
6 by itself. Together it's one thing, so only one person
7 handles that sample and controls everything. That is a
8 very inefficient way to do that.

9 Pretty much, the national standard now,
10 whether it be in a state crime lab or in a commercial lab,
11 is to do batch testing. So, because we run a lot of the
12 same types of cases and do a lot of the same types of
13 tests, it makes economical and time sense to run the same
14 type of tests on multiple samples at the same time. So,
15 we will put them together in a batch.

16 Now, of course, that batch is going to have
17 quality control for that entire batch, so if anything was
18 off, that whole batch would be scrapped. But what we're
19 going to do is run that batch that's going to have all the
20 mini tests, the known standards run with it and they have
21 to be particular set criteria. When that full batch is
22 complete, before the individual samples get assigned to
23 the individual cases that they represent, that whole batch
24 data is reviewed, technically, by a senior analyst. Once
25 that whole batch is approved, then the individual case

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 data is divvied up and given to a particular analyst.

2 Q Okay.

3 A We do that throughout the process.

4 Q So, you could theoretically be testing 15 to 20
5 people in the courtroom, all of our blood samples at once
6 through a batch?

7 A Yes. And within that batch on those tests, we
8 do multiple, you know, controls throughout that run to
9 make sure everything within that particular run is good.
10 Then we also run multiple tests on things.

11 So, for instance, on an alcohol sample, if
12 we tested a case and on that particular batch, it came
13 back positive, we actually run a second test with that
14 case sample and make sure that numbers comes back and it
15 has approximately the same value as the first one. So, we
16 run things that replicate it. The same thing with the
17 drug screening. If you get a positive, you follow up.
18 You then take another sample of that same blood and run it
19 again to find out which drug was -- so things get multiple
20 tests, so it's not just one done for a particular case.
21 So, even though you're running in a batch, that batch is
22 certified as a good batch, then you going to followup
23 testing to make sure that anything that was run in a batch
24 is -- you know, everything matches up on the secondary
25 test as well.

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 Q All right. And there's a lot of peer review
2 within your department as far as the testing and other
3 people putting eyes on it to make sure the testing is
4 correct?

5 A Absolutely. Within a particular run, as a
6 technician or someone is getting that initial batch
7 together, there's multiple checks along the way. First of
8 all, a second person comes through and checks to make sure
9 that the files are in the correct order as they are on a
10 particular sequence sheet to make sure that nothing is
11 switched or flip-flopped case sample wise, so there's a
12 check there, then again with the technical reviews.

13 Then that's just for the -- after the batch
14 is completed, when the individual data goes out to the
15 analyst, that analyst in charge of that case, they have to
16 go through and check each piece of quality control and
17 certify that that's good. Then when the report is issued,
18 before the report goes out, that is technically reviewed
19 by another analyst as well. So, within any particular
20 case, even the most basic simple case, you could have
21 three, four, five, six runs of peer review before the
22 report is even issued.

23 Q All right. The July 3rd, 2017, did your
24 department have an occasion to analyze some blood that was
25 submitted to your office, femoral blood from Clatie

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 Stribble? Refer to SLED lab number L1707320.

2 A Referencing my case file notes, the toxicology
3 department did issue a report on July 3rd on -- yeah, on
4 the femoral blood.

5 Q Okay. What was your involvement in this
6 particular sample or testing?

7 A Well, I was not the toxicologist of record on
8 this, I was not the toxicologist. But as it turns out, I
9 was the -- for the batch analysis on the drug screen and
10 on the additional sample run on the blue [indiscernible]
11 substance on the second report, I was the technical
12 reviewer for that.

13 Q Okay. So, there was a batch testing done and
14 then you reviewed the results from the batch testing?

15 A Yes, to make sure all the quality control passed
16 before it went on to the individual analysis.

17 Q Okay. The document I have, which has been
18 premarked as State's No. 65, has got a forensic
19 toxicologist name of Amanda Brooking. Do you know who
20 Amanda Brooking is?

21 A Yes.

22 Q Who is she?

23 A She was formally a toxicologist in our
24 department, but subsequent to issuing this report, she has
25 moved to Hawaii.

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 Q Okay.

2 A And she works in the lab in Hawaii currently.

3 Q Okay. But you were, in fact, on this --
4 although you didn't issue the report, have you reviewed
5 the findings and confirmed the findings?

6 A I have gone through all the individual case
7 samples that she used to issue this report in the case
8 file, as well as going back through all of the
9 documentation to look at all the quality control going
10 into this. Then, of course, I did the initial review of
11 that back when the analysis was done back in 2017. So,
12 I've looked over it several times and familiar with the
13 individual analysis for this case.

14 Q Okay. Before asking you about the results of
15 the testing on Ms. Stribble's blood, I would ask the Court
16 to qualify Mr. Grambow as an expert in forensic
17 toxicology.

18 THE COURT: Any objection or voir dire from the
19 Defense?

20 MR. VERNER: No, Your Honor. I would ask that
21 the --

22 Can I borrow it to make sure we're on the same
23 page of what document you're talking about?

24 Without objection, Your Honor.

25 THE COURT: Ladies and gentlemen, normally, when

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 a witness testifies, those witnesses have to testify
2 as to something they observed with one of their
3 senses, something they saw, heard, smelled, et
4 cetera. They're not allowed to give opinion
5 testimony. However, an exception to the rule about
6 giving opinion testimony, there is an exception for
7 people who are qualified as experts in their
8 particular fields.

9 In this case, the parties agree that Mr. Grambow
10 is an expert in the field of forensic toxicology.
11 So, he's not been a witness to stuff that he saw,
12 heard, smelled, tasted what have you. He can give
13 opinion testimony is what I'm telling that you may
14 use as you deem appropriate.

15 Solicitor, you may continue.

16 MR. SCOTT: Thank you, Your Honor. The State
17 would offer State's 65 for admission into evidence.
18 That's the toxicology report.

19 THE COURT: Any objection?

20 MR. VERNER: No objection.

21 THE COURT: Without objection, State's 65 is in
22 evidence.

23 (WHEREUPON, State's Exhibit No. 65 was admitted
24 into evidence.)
25

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 BY MR. SCOTT:

2 Q Okay. I guess the battery of tests you ran on
3 Ms. Stribble's blood were pretty much looking for the
4 standard types of narcotics?

5 A The analysis that was run -- there were two
6 biological samples, there were two samples tested, blood
7 and the ocular fluid. Both blood and the ocular fluid got
8 a volatiles test, which is looking for different types of
9 alcohol. Ethanol, which is the alcohol commonly found in
10 alcohol as well as methanol, acetone, found like in nail
11 polish remover, isopropyl, rubbing alcohol. We look for
12 those as a standard battery of tests in almost every
13 sample that comes into our lab. Then we did in the blood
14 a followup on the -- we did a 12-panel drug screen, which
15 includes class of individual drugs that represent the most
16 commonly found prescription and illicit drugs that we see
17 in our lab, particularly in DUI cases.

18 Q Okay. Well, did you find any alcohol in the
19 blood, any ethanol?

20 A There was no alcohol found in the blood or the
21 ocular fluid?

22 Q So, in your opinion, had Clatie Stribble been
23 drinking alcohol around the time of her death?

24 A There's no indication of that.

25 Q In your opinion, was she drinking alcohol around

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 the time of her death, your professional expert opinion?

2 You didn't find any ethanol in the blood, right?

3 A There was not. I mean, at some point, you
4 ingest alcohol and you reach a maximum limit in the blood
5 and your body metabolizes it out, they just separate, your
6 body does that. So, not within, you know, probably an
7 hour or two, would have been a smallest amount that she
8 would have had. So, at the time of death, she was by no
9 means under the influence of alcohol.

10 Q Okay. What about any amphetamine? Did you find
11 any amphetamine in her blood?

12 A Well, we're screening at this point, so the way
13 those screens work is we're looking for representatives of
14 a particular class of drug or a specific drug. So, we
15 have a threshold, so any value that we get on a test that
16 is above that threshold is flagged as a positive, which
17 then goes on to that secondary testing that I mentioned
18 earlier where we're going to confirm the presence of the
19 compound as well as the blood. We're going to identify a
20 specific compound to find a quantitative value for
21 interpretation sake. For all these drugs listed, all the
22 results were below our threshold limit.

23 Now, we've set a threshold limit as a
24 number that is toxicologically significant and one that
25 can be reproduced over and over again. So, even though

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 all these are listed as negative, there could be a small
2 trace amount of something. But we do not deem that as a
3 significant amount to cause any sort of significant
4 toxicological finding that would require further testing.
5 So, it wasn't, you know, like I said, they all were
6 negative tests, so they were below the minimum threshold
7 we would consider well below the minimum in this
8 particular case.

9 Q Let me just walk through and they're going to
10 have your report. But for amphetamine, yes or no? I see
11 a negative.

12 A It was a negative. There was no indication.

13 Q Cocaine, yes or no?

14 A No indication of cocaine. And this is actually
15 a screen for metabolite, so that actually -- so, you take
16 apparent cocaine and that's what's going to have the
17 effects on you, then your body is going to break it down,
18 it's a foreign substance and makes a metabolite. So, that
19 metabolite was negative.

20 And the reason that's significant is
21 because the metabolite is going to stay in your system a
22 little bit longer than apparent cocaine will anyway, so
23 this will actually give you a little bit longer window of
24 insight as to whether -- you know, when the use was. But
25 again, that was negative. So, there was no indication of

TIM GRAMBOW-DIRECT BY MR. SCOTT

1 cocaine use.

2 Q Cocaine metabolite negative. Methamphetamine
3 negative?

4 A Correct.

5 Q Opiates negative?

6 A Correct. And that would include -- opiates
7 included in that would be like hydrocodone, morphine.

8 Q Heroin?

9 A Heroin -- actually, heroin when you take it, it
10 almost immediately breaks down in your body to the end
11 result being morphine, that's what gets you high, so
12 heroin becomes morphine. So again, morphine -- if the use
13 of morphine was there, it would be indicated by opioids
14 screen.

15 Q Oxycodone negative?

16 A Correct.

17 Q Tramadol negative?

18 A Correct. Tramadol is another popular narcotic.
19 That was negative as well.

20 Q Marijuana negative?

21 A Correct.

22 Q So, I don't see -- correct me if I'm wrong, I
23 don't see any positive findings for anything you tested
24 for in Clatie Stribble's blood?

25 A For the common screens that we do, everything

TIM GRAMBOW-CROSS BY MR. VERNER

1 was negative.

2 MR. SCOTT: Thank you. Answer any questions

3 Mr.~Verner has, please.

4 THE COURT: Cross?

5 CROSS-EXAMINATION

6 BY MR. VERNER:

7 Q Now, are you a special agent or agent of SLED?

8 A Yes.

9 Q SLED is just, again, the State Law Enforcement
10 Division, kind of has jurisdiction all over the state?

11 A Yes, sir.

12 Q And typically, the county law enforcement
13 agencies call you in when they need expertise or more
14 important manpower?

15 A In general, SLED -- of course, SLED is a full
16 service agency. So, we have everything from dog tracking
17 teams to forensic services to investigative services and
18 so on and so forth. Within forensics, we're a full
19 service forensic laboratory. Now, some counties have
20 their own, and cities have their own forensic testing
21 capabilities based on their budgets and physical
22 capabilities. We are the only toxicology, forensic
23 toxicology lab in the state just because of the
24 difficulties and cost associated with this. So, we handle
25 cases from the entire state whether county, city, town,

TIM GRAMBOW-CROSS BY MR. VERNER

1 whether it's a big case that they need assistance with
2 based on pure manpower or just budgetary constraints that
3 they need basic testing for.

4 Q From DUI to murder?

5 A Correct.

6 Q Okay. Now, if I wanted to become a forensic
7 toxicologist in high school or in college, is that
8 basically chemistry classes? Or what would be the best
9 studies that would lead into toxicology and forensic
10 toxicology?

11 A We have analysts throughout our department that
12 have various degrees. The majority of them do have a
13 chemistry degree. Several people have Masters Degrees in
14 forensics with specialization in toxicology. But
15 chemistry is good way to go because we use a vast amount
16 of chemistry to do the actual analysis.

17 Q Could be some other, biology, perhaps?

18 A Absolutely.

19 Q But you can come at it primarily from the
20 scientific field, but pretty much from anything, then
21 focus your skills?

22 A Yes.

23 Q Just so I understand, what does forensic mean?

24 A As it pertains to law.

25 Q Okay. So forensic in and of itself is not a

TIM GRAMBOW-CROSS BY MR. VERNER

1 special type of science, that's just using science and
2 applying it to different legal cases?

3 A Correct. Within our laboratory, we do testing
4 methods that are universally accepted. And they could be
5 used in various -- you know, whether it be a work place
6 drug testing laboratory or it be in just private testing
7 for various reasons, we use universally the same accepted
8 protocols. It's just our result are typically used in
9 some sort of legal setting, whether it be basic
10 investigations or determining results here in court today.

11 Q So my point, forensic toxicology is not a
12 different type of toxicology, it's just that you've got a
13 set of standards that you have to apply to your results
14 and to your testing methods?

15 A Generally speaking.

16 Q Okay. And tell me again what you are? I heard
17 you went to Wake Forest?

18 A Yes, sir.

19 Q Demon Deacon?

20 A Yes, sir.

21 Q What did you study at Wake Forest?

22 A Chemistry.

23 Q So, you did it from the chemistry field?

24 A Yes, sir.

25 Q And that was a Bachelor of Science?

TIM GRAMBOW-CROSS BY MR. VERNER

1 A Yes, sir.

2 Q Did you get an advanced degree?

3 A I did not.

4 Q But you get specialized training once you get
5 hired by SLED?

6 A Yes. And at the time that I graduated in 2001,
7 there weren't necessarily advanced schooling, be a Masters
8 Degree, PhD in toxicology or forensics in general as there
9 was. So, not knowing exactly which direction I wanted to
10 go, I got on with SLED and they provided the training and
11 sent me to speciality schools at the university and
12 various other national programs.

13 Q And you've been with SLED for about 16 years I
14 thought I heard you say?

15 A Yes, sir.

16 Q Okay. I congratulate you. When I first saw
17 you, I thought you were about 25 years old, so you're
18 wearing it well. Now, we tested Ms. Clatie's body and she
19 didn't have any illicit narcotics or drugs in her system?

20 A For the screens that we ran, everything came
21 back negative.

22 Q If she did, they were at such low levels that
23 they're forensically insignificant?

24 A Yes.

25 Q If I had a medical condition, such as high blood

TIM GRAMBOW-CROSS BY MR. VERNER

1 pressure or a heart medication that I was taking or
2 steroids for a joint problem, would you anticipate finding
3 those in your tests?

4 A Not on the analysis that was performed.

5 Q All right. Was this limited just to illicit or
6 illegal or most likely to be abused type substances or was
7 this for pretty much any kind of foreign substance in her
8 blood?

9 A The testing panel that was run are typical
10 panels that is run for homicide cases as well as suicide
11 cases and driving under the influence cases.

12 Q So, the drugs you test for are the ones that are
13 most likely to cause somebody to be under the influence
14 type situation?

15 A What someone would commonly think of as under
16 the influence. So, these are very commonly prescribed
17 drugs that can be mentally impairing as well as, you know,
18 frequently abused and illicit compounds. But it's not
19 going to cover say blood pressure medicine or steroids
20 like you inquired.

21 Q Okay. So, this is the same result -- if this
22 was a DUI trial, this is largely the same screen that you
23 would produce for the sheriff's department or county for
24 Prosperity?

25 A Yes, sir.

TIM GRAMBOW-CROSS BY MR. VERNER

1 Q Okay. And some of these may be -- some of these
2 drugs you tested for may be legally prescribed and some of
3 them would be automatically illegal regardless?

4 A Correct. It depends on the State's scheduling.
5 And, of course, when these drugs, even if they are
6 prescribed, depending on the type of case, the
7 interpretation is going to have an affect on the case.
8 So, obviously, the interpretation for a death
9 investigation to see if somebody overdosed on a particular
10 drug, those levels are going to be different than say the
11 interpretation of somebody who is under the influence or
12 somebody who was prescribed a drug who was supposed to be
13 taking them was, in fact, not taking them that caused
14 their demise.

15 Q Well, that's my question. Sometimes people have
16 such health issues that they're supposed to be taking
17 medicine and that not taking it could lead to their death,
18 I guess, like heart medicine or nitroglycerin?

19 A In my experience as a toxicologist, that is a
20 possibility.

21 Q Okay. And as a chemist, are you -- and as a
22 toxicologist, are you fairly familiar with some of the
23 common prescribed medications or physical health problems
24 and mental illness?

25 A I'm familiar with a decent amount of

TIM GRAMBOW-CROSS BY MR. VERNER

1 medications.

2 Q You would almost have to know -- you would have
3 to have a working knowledge of most of the major
4 medications that are prescribed, wouldn't you?

5 A We do have access to a large array of different
6 compounds, but there's so many medications out there we
7 can't know everything about every single one. You can be
8 familiar with them. So, of course, there's references
9 just like any other pharmacist or a doctor would use.

10 Q And if you found a certain chemical in a
11 person's body or blood, a lot of times, you can track back
12 and determine what their physical condition was? If you
13 found like some kind of medicine for heart disease, you
14 can trace that back and get an idea of what their health
15 was?

16 A Well, as a scientist, we can test the sample, we
17 can see what is there. We can identify what that compound
18 would be commonly used for. But as far as someone's usage
19 and whether they're supposed to be taking it, not taking
20 it or they're taking it as prescribed, we're not privy to
21 that information. We try not to venture into guesses on
22 that. We try and stick to what we test, what's there or
23 what's not there and then interpret that appropriately.

24 Q All right. You look at it blind as opposed to
25 having somebody tell you what they think would be in

TIM GRAMBOW-CROSS BY MR. VERNER

1 there?

2 A That's the absolute goal, yes, sir.

3 Q Okay. If I suffered or somebody suffered from
4 depression, what are just some of the common medications
5 that are prescribed for depression?

6 A Such drugs would be -- which we commonly see,
7 I'll just give you a generic --

8 Q The most common generic --

9 A Citalopram, Escitalopram, Duloxetine, Bupropion,
10 Venlafaxine, so a slew. There's several, say -- there's
11 several classes of those drugs as well because not
12 everyone works, you know, the same way on each person. So
13 some work better than others with whatever the cause of
14 depression is.

15 Q Those were the trade names of the drugs?

16 A Those are the generic names.

17 THE COURT: While we're on that, would you mind
18 spelling those for my court reporter to the extent
19 that you're able. Because I think she may need
20 spelling or maybe we can get -- before you leave, why
21 don't you write those down as best you can. I'll let
22 you google them.

23 THE WITNESS: As long as I can remember which
24 ones I rattled off, that will be fine.

25

TIM GRAMBOW-CROSS BY MR. VERNER

1 BY MR. VERNER:

2 Q I think you can just type random letters because
3 I didn't recognize any of them either. We don't want you
4 to answer that way again, okay. The trade names for --
5 trade names for drugs now, that we might be a little bit
6 more familiar with. Is bipolar condition a treatable
7 condition by prescription medication?

8 A It can be.

9 Q What are some of the trade names, not too many,
10 but just three or four of the common trade names that we
11 might recognize?

12 A Lithium is definitely one that is used. I'm not
13 sure what the trade name is.

14 Q We all understand Lithium.

15 A Lithium is fairly common. I'm not sure exactly
16 for bipolar what the most common ones prescribed. They
17 vary from doctor to doctor.

18 Q But there are several?

19 A As far as I know, there's, at least, a few,
20 sure.

21 Q And that's a treatable condition?

22 A To a degree. You can minimize some of the
23 bipolar actions and the manic stages that come.

24 Q Presump -- I apologize, I didn't mean to
25 interpret. But presumptively, if a doctor's issuing

TIM GRAMBOW-CROSS BY MR. VERNER

1 prescriptions for a medical condition, then the doctor and
2 the medical staff believe it's either treatable or the
3 results can be minimized as much as possible?

4 A It's my understanding that's their goal, yes.

5 Q Did you find -- did you test for any of those --
6 the alphabet that you just called out earlier of the
7 depression medicine, did you test for any of those type?

8 A No, none of those specifically. Of the ones
9 that we did test for, we test for benzodiazepines, within
10 that class of drugs is Valium and Xanax, which are
11 commonly given for either anxiety or depression that
12 causes anxiety, so those could be included in there.
13 But there are definitely numerous ones that we did not
14 specifically test for. If we were to have an indication
15 of a specific drug, we would go further into that testing.
16 But that was not included in any of the submitting
17 paperwork, so we just went with the standard policy that
18 we run on this particular type case.

19 Q And those are -- the types of drugs that you
20 test for are already told beforehand, the battery is
21 already set up, these are the drugs we're going to test
22 for in every case?

23 A Yes. This is our standard 12-panel test we run.

24 Q And when you have a need to test for a specific
25 type of drug, you would do that, but that's over and above

TIM GRAMBOW-CROSS BY MR. VERNER

1 the standard test?

2 A Yes. So typically, when a case comes in, and
3 this being a death investigation, we have known cause of
4 death and no other specific drugs indicated. So, it would
5 get the particular panel that we ran. If there was a
6 pending toxicology case or a natural death, unexplained or
7 there was a specific history, we would do more
8 comprehensive testing that would be -- use different types
9 of -- this would be included as well as additional types
10 of tests that would use, at least, two other methodologies
11 and sciences to look for specific tests.

12 Q Okay. Did you test for any of the drugs in the
13 bipolar panel, such as the Lithium or the other?

14 A No.

15 Q So, that medication may or may not be in
16 Ms. Scribble's body, but that's beyond what we would have
17 been looking for?

18 A That's not what we -- I would have no idea
19 because we did not look. That was not included in the
20 panel that we ran.

21 Q As a toxicologist, are you familiar as part of
22 that study on what some of these medical conditions do?

23 A (There was no response.)

24 Q Such as bipolar, are you familiar with bipolar?

25 A To a degree, but I'm not a medical doctor. I'm

TIM GRAMBOW-CROSS BY MR. VERNER

1 more concerned about the actual analytical testing for the
2 compounds, and then we find the compounds, be able to
3 interpret the levels for that. So, as far as what some of
4 the compounds -- some of the drugs, some of the effects
5 that they have, but as far as full range, you know, being
6 able to diagnose bipolar condition as well as the full run
7 what you would be hoping to achieve by prescribing a
8 specific medication for a specific patient, that's beyond
9 the scope of my expertise.

10 MR. VERNER: Thank you, Special Agent. The
11 prosecutor may have followup.

12 THE COURT: Any followup?

13 MR. SCOTT: No, Your Honor.

14 THE COURT: All right.

15 Mr. Grambow, thank you much for coming.

16 Call your next witness.

17 MR. SCOTT: State calls Special Agent Verona
18 Herrera.

19 THE CLERK: Place your left hand on the Bible,
20 raise your right.

21 VERONA HERRERA, after being duly sworn,
22 testified as follows:

23 THE CLERK: Have a seat, state your name for the
24 record.

25 THE WITNESS: Verona Herrera.

VERONA HERRERA-DIRECT BY MR. SCOTT

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Mr. Herrera, you're with SLED as well?

4 A Yes, sir.

5 Q How long have you been with SLED?

6 A A little over 10 years.

7 Q Okay. And tell us about your education that you
8 went through before you got your job at SLED?

9 A I have a two Associate Degrees. One in science
10 and one in criminal justice with a forensics certificate.
11 I also have a Bachelor of Science Degree from Liberty
12 University in forensic sciences.

13 Q Okay. 10 years at SLED. Were you in the --
14 tell us what department you're in?

15 A I am a forensic serologist in the DNA case work
16 department.

17 Q How long have you been in DNA at SLED?

18 A The entire time I've been with the agency, I've
19 been a part of the DNA department. I started out as an
20 evidence processing technician and that job kind of
21 morphed in forensic serology.

22 Q How long specifically have you been in forensic
23 serology?

24 A Forensic serology, three and a half years.

25 Q What is serology?

VERONA HERRERA-DIRECT BY MR. SCOTT

1 A Serology kind of has two parts. The forensic
2 evidence processing I was talking about became part of
3 serology. So, that is taking large pieces of evidence,
4 body fluids or ownership or touch DNA. The serology
5 aspect of it is taking and identifying body fluids, semen,
6 saliva or blood.

7 Q Have you testified in general sessions court
8 before as an expert?

9 A Yes, sir, I have.

10 Q In forensic serology?

11 A I have, yes.

12 MR. SCOTT: Your Honor, the State does offer
13 Ms. Verona Herrera as an expert in forensic serology.

14 THE COURT: Any questions or objections or voir
15 dire?

16 MR. VERNER: No objection, Your Honor.

17 THE COURT: Again, ladies and gentlemen, the
18 parties agree that Ms. Herrera is an expert in the
19 field of forensic serology, so she's not limited to
20 something she merely observed. She can give opinion
21 testimony and you may use it as you deem appropriate.

22 Go ahead.

23 BY MR. SCOTT:

24 Q Okay. Let me show you State's No. 66. Do you
25 recognize that?

VERONA HERRERA-DIRECT BY MR. SCOTT

1 A I do, yes, sir.

2 Q What is that?

3 A This is a copy of the report I issued based on
4 some of the evidence I processed in this case.

5 Q Okay. And specifically, when was this report
6 generated?

7 A It was approved November 30th of 2017.

8 Q Okay. Make sure I'm on -- I'm looking at the
9 wrong -- that's Mary Ann's report. Okay. And that's SLED
10 lab number L170-7320?

11 A Correct.

12 Q And you have a victim listed as who?

13 A Clatie Stribble.

14 Q Okay. Clatie Stribble?

15 A Excuse me, I'm sorry.

16 Q That's okay. And suspect is a Clifton Boozer?

17 A Correct.

18 Q All right. The items of evidence -- number 24
19 is what?

20 A That is a sexual assault evidence collection kit
21 from Clatie Stribble.

22 Q Okay. Then I'm going to just refer you to
23 State's No. 56, which is in evidence. What is that?

24 A This is that sexual assault evidence collection
25 kit, the lab number and the item that was issued as a

VERONA HERRERA-DIRECT BY MR. SCOTT

1 piece of evidence when it was submitted to laboratory is
2 here. My initials are along the bottom here where I
3 resealed the package.

4 Q So, State's 56 contains some evidence you
5 analyzed?

6 A Yes, sir.

7 Q We heard from one of the prior witnesses
8 regarding a rape kit or sexual assault kit. There are
9 certain, I guess, samples or swabs you were given to
10 analyze?

11 A That's correct.

12 Q Do these typically in a rape kit involve vaginal
13 and rectal and oral swabs?

14 A Yes, sir.

15 Q Were those, in fact, submitted from Clatie
16 Stribble to you for analysis?

17 A Yes, sir. There were smears from the vaginal,
18 rectal and oral areas, vaginal swabs, oral swabs and
19 rectal swabs.

20 Q Okay. Specifically, the vaginal swab, what, if
21 anything, were your findings regarding the vaginal swabs
22 you analyzed?

23 A Examination for a component of semen P30 were
24 positive, no spermatozoa were identified and that sample
25 was forwarded for further testing in the DNA department.

VERONA HERRERA-DIRECT BY MR. SCOTT

1 Q So, you did locate semen or the presence of
2 semen in the vaginal swab?

3 A The fluid portion of the semen, components of
4 that was identified.

5 Q But no sperm?

6 A No sperm cells.

7 Q What about the oral swabs, were there any
8 presence of any semen or sperm?

9 A No. All my testing was negative for that item.

10 Q Rectal swabs, were there any semen or sperm
11 present?

12 A On both, the protein and the fluid and the sperm
13 cells, spermatozoa are positive and semen was identified.

14 Q Okay. And then did you forward those samples on
15 to another department for further analysis?

16 A They were forwarded on to another section within
17 the DNA department, yes.

18 Q So, it's not your job in serology to figure out
19 whose sperm or whose semen that is?

20 A That is correct. It is my job to determine
21 whether it's there or not.

22 Q You send that to another department for them to
23 make that analysis?

24 A Yes.

25 Q Okay.

VERONA HERRERA-CROSS BY MR. VERNER

1 MR. SCOTT: Your Honor, the State does offer
2 State's 66 for admission into evidence.

3 MR. VERNER: Without objection.

4 Can I see it, though, just to make sure? Thank
5 you.

6 THE COURT: Without objection, State's 66 is in
7 evidence.

8 (WHEREUPON, State's Exhibit No. 66 was admitted
9 into evidence.)

10 MR. SCOTT: Thank you. Please answer any
11 questions Mr.~Verner has for you.

12 THE COURT: Mr.~Verner.

13 CROSS-EXAMINATION

14 BY MR. VERNER:

15 Q And just so I understand, semen, I guess, sperm
16 would be the little things that look like footballs with
17 tails?

18 A That is the illusion, yes, sir.

19 Q You can look at that through a magnifying glass
20 or some technique?

21 A Well, we look at it through a microscope?

22 Q And you didn't find any spermatozoa?

23 A Spermatozoa.

24 Q Spermatozoa. But it had its own kind of unique
25 fluid that goes along with it?

VERONA HERRERA-CROSS BY MR. VERNER

1 A There are proteins and enzymes in the fluid, the
2 seminal fluid that we test for one enzyme and one protein,
3 we have the ability to. In this case, we tested for one
4 of the proteins, which is P30 protein. And it's found in
5 high levels in seminal fluid.

6 Q So, if you find sperm in a woman, I think in
7 layman's terms, I think you can assume that she had sex
8 with a man?

9 A Usually, yes, sir.

10 Q And that could be either consensual or
11 nonconsensual?

12 A That's correct.

13 MR. VERNER: Thank you, Agent.

14 THE COURT: Thank you very much. You're free to
15 go. Thank you for coming.

16 Call your next witness.

17 MR. SCOTT: The State calls Special Agent
18 Maryann Boehm.

19 THE CLERK: Raise your right hand, place your
20 left hand on the Bible.

21 MARYANN BOEHM, after being duly sworn, testified
22 as follows:

23 THE CLERK: Have a seat, state your name for the
24 record.

25 THE WITNESS: My name is Maryann Boehm.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 DIRECT EXAMINATION

2 BY MR. SCOTT:

3 Q Okay, Maryann, I just want to briefly, you're
4 obviously with SLED, you're a special agent?

5 A Yes, sir, I am employed with the South Carolina
6 Law Enforcement Division, SLED, in the DNA case work
7 department.

8 Q How long have you been in the DNA department?

9 A Approximately 12 and a half years.

10 Q What is the day-to-day life like at the SLED DNA
11 department? What all are you up to?

12 A Well, my main job is to analyze DNA found from
13 evidence from a crime and compare it to known standards in
14 that case. I then make my comparison and write a report
15 and testify as necessary.

16 Q Okay. So pretty much all day long, you're in
17 the lab testing samples, unknown samples and comparing
18 them to known samples of DNA?

19 A That's correct.

20 Q To see whether or not there's a match between
21 the two?

22 A That's correct.

23 Q Then, in this case, I think I handed you State's
24 No. 67, do you recognize that?

25 A Yes, this is a copy of my report that I issued.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 Q Okay. And that was issued June 29th of this
2 year?

3 A That is correct.

4 Q And that, State's No. 67 there, did you attempt
5 to compare some known samples from Clatie Stribble and
6 Clifton Boozer to some unknown samples?

7 A That is correct.

8 Q Okay. I want to -- well, let me go a little bit
9 further into your background. What do you have to do --
10 or you, particularly, what did you have to do to become a
11 DNA analyst for SLED?

12 A Once I was employed with the South Carolina Law
13 Enforcement Division, I was in the DNA training program
14 for approximately a year. I learned all the techniques
15 and instrumentation used in the laboratory to run evidence
16 and known standards. I also trained in how to make
17 comparisons and how to testify.

18 Q Well, before that, what was your educational
19 background?

20 A I receive a Bachelor of Science from James
21 Madden University, that's in Harrisonburg, Virginia, in
22 integrated science and technology with a concentration in
23 biotechnology.

24 Q Okay. Tell me one more time how long have you
25 been in the DNA department.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 A Twelve and a half years.

2 Q Twelve and a half years, okay. How many times
3 have you testified in big court like today?

4 A Approximately 65 times.

5 Q Qualified as an expert in what?

6 A In DNA or DNA serology.

7 MR. SCOTT: Your Honor, the State does offer
8 Maryann Boehm as an expert in DNA analysis.

9 THE COURT: Any objection?

10 MR. VERNER: Can I see the document from the
11 State just to corroborate, Your Honor? Just -- I
12 know it's semantically a trifle, but I'm not
13 objecting -- I'm not necessarily agreeing she's an
14 expert, but I'm not objecting to her being qualified
15 as such.

16 THE COURT: All right. Ladies and gentlemen, in
17 this case, the Court does find that Ms. Boehm is an
18 expert in the field of DNA analysis and can give
19 opinion testimony in that area.

20 You can continue, Solicitor.

21 MR. SCOTT: That was exhibit what?

22 THE COURT: Sixty-seven.

23 MR. SCOTT: Your Honor, I will offer State's 67
24 for admission at this time.

25 THE COURT: Without objection?

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 MR. VERNER: Without objection.

2 THE COURT: State's 67 is in evidence.

3 (WHEREUPON, State's Exhibit No. 67 was admitted
4 into evidence.)

5 BY MR. SCOTT:

6 Q All right. Were you able -- submitted to you,
7 did you have a known sample of Clatie Stribble's blood?

8 A I did.

9 Q Did you have a known buccal swab sample from
10 Clifton Boozer?

11 A Yes, sir.

12 Q Okay. I want to go over some things -- well,
13 I'll go over the things you did not have findings from as
14 well. There was a white phone charger cord. There was
15 some prior testimony that was located near where
16 Ms. Clatie Stribble was found. Did you have any DNA
17 findings from the white telephone charging code?

18 A I did attempt to perform DNA analysis on this
19 item. It was a partial DNA profile of a mixture of two
20 individuals. However, I could not perform statistics on
21 it so I cannot make any interpretations.

22 Q Okay. So -- well, let me ask you this, if that
23 phone cord had been located under Mr. Clatie Stribble's --
24 or Ms. Clatie Stribble's body, how do you explain to the
25 jury how you did not, at least, find her DNA on it?

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 A I may have. What we are looking for is more
2 like what's called touch DNA where an item comes in
3 contact with your skin. It just depends on how often you
4 touch it or how hard you touch it whether you leave DNA
5 behind or not. In this case, I can tell you that multiple
6 people have come in contact with that item. The test
7 results were just too low for me to perform statistics and
8 interpret.

9 Q Well, that's an interesting example because
10 would you agree that there are some misconceptions about
11 DNA or what the average person probably understands DNA
12 evidence to be?

13 A Yes, sir.

14 Q Because as I said, if that cord was under her
15 body -- and you didn't find Clatie Stribble's DNA, per se?

16 A I couldn't make a comparison, so I couldn't tell
17 you if I did or not.

18 Q Okay. Let me ask you this, if all 13 of these
19 jurors went to that jury room and they all touched that
20 handle of the door, would you expect to find -- or be able
21 to isolate each one of their DNA off of that handle?

22 A No, sir. Most likely, I would find a mixture of
23 a certain amount of people. But it would be far too
24 complex for me to make any interpretations from it.

25 Q And even if I just wiped my hand across that

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 screen right there, would you necessarily find a DNA
2 sample that you could pinpoint to me?

3 A No, not necessarily. It really depends on the
4 situation whether you leave DNA behind or not.

5 Q Okay. So, it is possible that Clatie Stribble
6 or even Clifton Boozer could have handled some of these
7 items at some point, but you're unable to extrapolate one
8 of the other DNA from that item?

9 A For that particular item, that's correct.

10 Q So, nothing from the phone cord even though it
11 was laying up under her, that's correct?

12 A Yes, sir.

13 Q Did you test a silver in color knife? You have
14 parentheses marker three.

15 A I did.

16 Q And your finding?

17 A The partial DNA profile was insufficient for
18 interpretation. Again, there was a little bit of DNA
19 there, although not enough for me to make any comparisons
20 to.

21 Q All right. Swabs from the blue handled knife,
22 you have in parentheses marker one. What were your
23 findings?

24 A This was also a partial DNA profile. It was a
25 mixture of, at least, two individuals. Due to the

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 inability to extrapolate statistics, no interpretations
2 could be offered.

3 Q State's No. 72, do you recognize that?

4 A Yes, I do.

5 Q Okay. What is State's No. 72?

6 A This is a heat sealed pouch containing several
7 different swabs from this case, 1.1, 2.1, 3.1, 4.1 and
8 4.2. I performed DNA analysis on all of these items.

9 Q Okay.

10 MR. SCOTT: Your Honor, just checking off my
11 evidence, I'm going to offer State's No. 72 for
12 admission into evidence.

13 THE COURT: Any objection to State's 72?

14 MR. VERNER: May I see 72?

15 MR. SCOTT: It's the swabs.

16 MR. VERNER: Okay. No objection, Your Honor.

17 THE COURT: All right, 72, that's in evidence.

18 (WHEREUPON, State's Exhibit No. 72 was admitted
19 into evidence.)

20 BY MR. SCOTT:

21 Q Item four is what according to your report?

22 A Can you repeat that question?

23 Q Item four in your report, what is it?

24 A I never received item four, I received items 4.1
25 and 4.2.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 Q Well, you reference an item four in your report.
2 What does your report say item four is?

3 A The gray handled scissors.

4 Q And 4.2 would have been swabs from those
5 scissors?

6 A Yes. 4.2 is swabs from the handle of those
7 scissors.

8 Q Okay, thank you. Your findings for 4.2, what?

9 A The DNA profile is a mixture of, at least, three
10 individuals, the partial DNA profile of a major
11 contributor matches the DNA profile of Clatie Stribble.

12 Q Okay. And we know that -- I see a one in 6.2
13 septillion, that's the number you gave. So, we can be
14 certain that Clatie Stribble's DNA is on the handle of the
15 scissors, at least?

16 A Yes, sir, in my opinion, that is Clatie
17 Stribble's.

18 Q Okay. And it says a mixture of, at least, three
19 individuals, do you know who the other two are?

20 A No. Due to the inability to state minor
21 contributor, I was unable to make comparisons to.

22 Q Explain this. There is a -- as far as the
23 scissors, there's a partial YSTR profile of the major
24 contributor matching the YSTR profile of Clifton Boozer.
25 That's on the handle of the scissors, what does that mean?

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 A So, YSTR testing is another type of testing we
2 do. The regular testing is called autosomal DNA testing.
3 YSTR testing is just looking at the Y chromosome. It
4 filters out, essentially, the female DNA, just leaving
5 behind Y DNA profiles of male individuals. For this item,
6 I did do YSTR testing. It was the mixture of, at least,
7 two male individuals. The major contributor to this YSTR
8 typing matched Clifton Curtis Boozer.

9 Q Okay. So, we can say pretty certainly that
10 Clatie Stribble's DNA is on the handle of those scissors?

11 A That's correct.

12 Q And we can't really include or exclude Clifton
13 Boozer, is that safe to say?

14 A He would be included in the YSTR profile
15 developed from the scissors.

16 Q So, there is some indicator on there that
17 Clifton Boozer's DNA is on the handle of those scissors?

18 A That's correct.

19 Q Fingernail scrapings, I'm referring to your item
20 5.1. You've got that listed as the right hand of
21 Ms. Clatie Stribble. Somebody testified earlier about
22 what the fingernail scrapings are. What is that, the
23 sample you're testing?

24 A I tested the fingernail scrapings from the
25 individual, so Ms. Clatie Stribble's fingernail scrapings.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 Typically, they just scrape underneath the fingernails to
2 collect any possible DNA, then I perform DNA analysis on
3 those scrapings.

4 Q Okay. Was there any DNA findings from her right
5 hand?

6 A From her right hand, the DNA profile was
7 attributable to Clatie Stribble.

8 Q Okay. So, you have her DNA up under her
9 fingers, which you'd expect to find?

10 A That is correct.

11 Q Okay. What about her left hand fingernail
12 scrapings?

13 A The left hand fingernail scrapings was a mixture
14 of, at least, two individuals. The DNA profile of the
15 major contributor matches the DNA profile of Clifton
16 Curtis Boozer.

17 Q Okay. So, you found Clifton Boozer's DNA up
18 under her left hand fingernails?

19 A That's correct.

20 Q And the probability of that being somebody other
21 than Clifton Boozer, you assigned one in 4.1 octillion?

22 A That's correct.

23 Q Can we be safe in saying that that's Clifton
24 Boozer's DNA under her fingernail?

25 A In my opinion, yes.

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 Q Okay. Well, octillion, how many zeros is that?

2 A I would have to count, but that's a lot of
3 zeros.

4 Q Well, I mean, that number is far greater than
5 the human beings living on earth right now, is it not?

6 A That's correct.

7 Q Then you have a partial minor contributor DNA of
8 Clatie Stribble, which, again, you'd expect to find under
9 her own fingernails her DNA?

10 A That's correct.

11 Q Item six, is that exterior swabs from a bedroom
12 window?

13 A That's correct.

14 Q Any DNA profile developed?

15 A No, no DNA profile was developed.

16 Q Okay. Item seven is a cigarette butt, and that
17 is parentheses marker number two. Would you tell the jury
18 what findings that you have indicated on the cigarette
19 butt?

20 A The DNA profile matches the DNA profile of
21 Clifton Curtis Boozer. The probability of randomly
22 selecting an unrelated individual having a DNA profile
23 matching this item is approximately one in 2.0 sextillion.

24 Q So, your opinion, the cigarette butt that crime
25 scene folks labeled as marker two, your opinion that that

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 cigarette has Clifton Boozer's DNA on it?

2 A That's correct.

3 Q And then we're getting into your rape kit
4 findings. 24.2, that is vaginal swabs. Let me ask you,
5 the non-sperm fraction of the vaginal swab, what were your
6 findings?

7 A That DNA profile developed was a mixture of, at
8 least, two individuals. The DNA profile of the major
9 contributor is consistent with the DNA profile of Clatie
10 Stribble. The partial DNA profile of the minor
11 contributor is insufficient for interpretation.

12 Q So, the non-sperm fraction, you're saying is, at
13 least, two individuals. One is Clatie, which you'd expect
14 to find on her vaginal swab?

15 A That's correct.

16 Q And the other contributor, you didn't have
17 enough data for a sufficient interpretation?

18 A That's correct.

19 Q What about the sperm fraction of the vaginal
20 swab?

21 A The DNA profile was a mixture of, at least, two
22 individuals. The DNA profile of the major contributor
23 matches the DNA profile of Clifton Curtis Boozer. The
24 probability of randomly selecting an unrelated individual
25 having a DNA profile matching the major contributor to

MARYANN BOEHM-DIRECT BY MR. SCOTT

1 this mixture is approximately one in 1.4 octillion.

2 Q So, it's your professional expert opinion that
3 Clifton Boozer's sperm was found inside of Clatie
4 Stribble's vagina or, at least, her vaginal swab indicated
5 the presence of his sperm?

6 A His DNA profile was there. I can't say that it
7 was sperm.

8 Q Well, you've got on your report a sperm
9 fraction. Why did you put that there?

10 A That's how we label the item, so for any swabs
11 that have a possibility of sperm is there, we do a
12 differential extraction, try to isolate all the non-sperm
13 cells from the spermatozoa cells and that's how
14 [indiscernible] sperm fraction. However, I did not
15 actually identify -- I didn't attempt to identify sperm.

16 Q Right. Okay. Well, you got the DNA samples by
17 way of Verona Herrera; is that right?

18 A That's correct.

19 Q So, if she had tested it for sperm versus
20 non-sperm portions, those findings would have been
21 forwarded to you?

22 A That's correct.

23 Q Would that explain why you have the vaginal
24 swabs broken up into non-sperm and sperm fractions?

25 A Her testing determines whether I do a

MARYANN BOEHM-CROSS BY MR. VERNER

1 differential extraction or not.

2 Q Well, how about this, is it your professional
3 expert opinion that Clifton Boozer's DNA was found
4 inside -- or rather on a vaginal swab taken from
5 Ms. Clatie Stribble?

6 A That's correct.

7 Q Okay. What about the rectal swabs that were
8 submitted to you, what did you find?

9 A The DNA profile on the semen matches the DNA
10 profile of Clifton Curtis Boozer. The probability of
11 randomly selecting an unrelated individual having a DNA
12 profile matching the semen on this item is approximately
13 one in 4.1 octillion.

14 Q Okay. So, is it your expert opinion that
15 Clifton Boozer's DNA was found in Clatie Stribble's
16 rectum?

17 A That's correct.

18 Q Okay.

19 MR. SCOTT: Your Honor, I did admit State's 67?

20 THE COURT: That's in evidence, yes.

21 MR. SCOTT: Okay. All right. Answer any
22 questions Mr.~Verner has. Thank you.

23 THE COURT: Mr.~Verner.

24 CROSS-EXAMINATION

25 BY MR. VERNER:

MARYANN BOEHM-CROSS BY MR. VERNER

1 Q It's still morning. Good morning, Agent. Just
2 as a preliminary matter, when we're talking about these
3 large numbers of the comparison groups, those are
4 unrelated individuals from all over the world?

5 A That's correct.

6 Q But is it fair to say that when you start
7 comparing them with people in a particular area, the
8 numbers become much smaller because they're more likely to
9 be related? Just sampling Newberry are more --

10 A There's a coefficient in the calculation that
11 does factor for a little bit of that for not as random
12 selection, stuff like that, so there is a little bit more
13 of a factor.

14 Q Okay. Just -- I'm going to be brief, but I just
15 want to make sure what we have and what we don't have.
16 Law enforcement, the Prosperity police or whomever you
17 received it from ask you to test a phone cord?

18 A Yes, that is correct.

19 Q Okay. And basically, you said there's just not
20 enough there to test or the findings were so inconclusive
21 that we can't?

22 A That's correct. I did test it, however, the
23 data that was there, it was insufficient -- or it was too
24 low, basically, to make a comparison to.

25 Q Just out of curiosity, does DNA have to be

MARYANN BOEHM-CROSS BY MR. VERNER

1 transferred kind of like by the moisture part of your body
2 would be the most likely way of it getting transferred?

3 A Most likely, but it can be skin contact.

4 However, if I rub an object, I can transfer DNA, however,
5 sweating, so moisture would assist with that.

6 Q It keeps better or it's more likely to be found
7 in the liquid or the moist part of the body, so the blood,
8 saliva, semen?

9 A Yes, body fluids, but it is found in your skin
10 cells, too?

11 Q I suppose in bone, too?

12 A Yes.

13 Q Okay. Then the second thing we tested was the
14 silver-handled knife?

15 A Yes, sir.

16 Q Okay. And no DNA could be found to make any
17 kind of analysis?

18 A There was the partial DNA profile, but it was
19 insufficient for interpretation?

20 Q Then you tested the blue-handled knife?

21 A That's correct.

22 Q And I'm just curious, when you test knives or
23 guns or objects like that, just usually -- you've done
24 thousands of them?

25 A That's correct.

MARYANN BOEHM-CROSS BY MR. VERNER

1 Q I'm just curious what the percentage is
2 successful that you find enough DNA to make a conclusion?
3 What would you ballpark or estimate that you are able to
4 --

5 A It's really hard to estimate. It's really hit
6 or miss with touch DNA. It depends on a lot of different
7 factors, such as was the person wearing a barrier in
8 between the skin and item, like a glove or clothing, was
9 that individual sweating, how often does the individual
10 touch the item.

11 Q I know there's a lot of variables, but I'm just
12 asking as best you can anecdotally guess what percentage
13 do you think that you can come up with a positive test on
14 touch-type objects?

15 A I would say generally we develop a DNA profile
16 from it. I don't know if I have the ability to really add
17 a percentage to how often there's a suitable for
18 comparison versus not, but generally, you do get some kind
19 of DNA profile.

20 Q More often that not, you will find, at least,
21 some evidence of DNA, but then it gets a lot more
22 difficult determining whose?

23 A That would be correct.

24 Q Okay. The third object we tested was the
25 blue-handled knife and, at least, two different types or

MARYANN BOEHM-CROSS BY MR. VERNER

1 strands of DNA, but no ability to identify whose?

2 A That would be correct.

3 Q The fourth item would be the gray-handled
4 scissors and no DNA was found at all?

5 A That's correct.

6 Q Okay. What is the difference between your tests
7 in 4.1 and 4.2?

8 A So, 4.1 was swabs from the blade of item four,
9 which was the gray-handled scissors versus item 4.2, which
10 was swabs from the handle of item four, which was
11 gray-handled scissors.

12 Q Okay. 4.1 was the blade, 4.2 was the handle?

13 A That's correct.

14 Q From the blade of the scissors, there was no
15 DNA?

16 A Yes, that's correct.

17 Q If I had used or anyone has used those scissors
18 as a stabbing instrument, the blood on them would lead to
19 DNA evidence, wouldn't it?

20 A If there was blood on them. If they were clean,
21 then most likely, there would be no DNA.

22 Q But if there was blood on them, even small
23 amounts of blood, you would be able to find it?

24 A Generally, I'd be able to from even a small
25 amount of blood.

MARYANN BOEHM-CROSS BY MR. VERNER

1 Q And then the handle was also tested and you
2 found, at least, three individuals who may have touched
3 the handle of those scissors?

4 A That's correct.

5 Q One of whom was Clatie Stribble?

6 A Yes, sir.

7 Q Okay. Then -- I don't know much about it, but
8 DNA is largely the X and the Y strands that wrap around
9 each other?

10 A The X and the Y are two of the chromosomes of
11 DNA, though you have a lot more chromosomes. And we look
12 at the entire DNA strand, all the chromosomes except for
13 YSTR where you just test for Y chromosome.

14 Q But is the Y strand the strand typically
15 associated with males?

16 A Yes, if you are a male, you have a Y chromosome.

17 Q And if I'm a female, I do not?

18 A That's correct.

19 Q Okay. You were also able to test the Y strand
20 and you do indicate some DNA from Clifton Boozer on
21 scissors?

22 A Yes, for the Y strand.

23 Q And that's on the handle?

24 A That's correct.

25 Q Out of curiosity, how long will DNA remain on an

MARYANN BOEHM-CROSS BY MR. VERNER

1 object?

2 A It really depends on how it's stored and how
3 often it's cleaned. It can last forever if it's stored in
4 pristine conditions at room temperature and not exposed to
5 any elements.

6 Q Okay. So, if you found bones in the woods, you
7 know, buried in the woods, would you be able to test them
8 for DNA?

9 A It depends on how long they've been in the
10 woods, how decomposed the bones are for the DNA testing we
11 do. Now, there's other DNA testing, mitochondrial DNA
12 testing where it's even a longer time you test bones, but
13 we don't perform that test.

14 Q Is there a rule of thumb for how long DNA will
15 remain?

16 A No, there really isn't.

17 Q So, if you had like a body that was buried for
18 10 years, is it still testable for DNA?

19 A It's possible, we would definitely test it.

20 Q If someone lived in the home, would they be more
21 likely or less likely to have samples of DNA in the home?

22 A More likely.

23 Q Okay. In fact, would it be unusual not to find
24 DNA on, at least, some objects in the home if somebody
25 lived there?

MARYANN BOEHM-CROSS BY MR. VERNER

1 A I would find that very unusual.

2 Q Could it be as old as three months?

3 A That's correct.

4 Q Could it be as old as a year, if I would have
5 touched something on the TV set a year ago?

6 A Yes. Depends on, like I said, if it's been
7 cleaned or anything like that. If it's been untouched,
8 then I would expect DNA.

9 Q Then the fifth thing you tested was the
10 fingernail scrapings from Ms. Clatie Stribble?

11 A That's correct.

12 Q The right fingernail, you found only hers?

13 A Yes, sir, that's correct.

14 Q And how are some ways I could get somebody's DNA
15 samples in my fingernails? And I guess the longer they
16 are, that would be a factor. But typically, what are the
17 ways you get it?

18 A Typically, it's scratching them or coming in
19 contact with some other body fluid somehow some way.

20 Q Okay. Is it blood in the fingernails or is it
21 skin scrapings or can you differentiate where the source
22 of the DNA is that you found?

23 A It depends. We can do blood testing. In this
24 case, I did not do blood testing, so I can't tell you if
25 it came from skin cells or blood.

MARYANN BOEHM-CROSS BY MR. VERNER

1 Q Is there any other source commonly found under
2 the fingernails other than -- it's either skin fragments
3 or skin cells or it's blood or both. Is there any other?

4 A It could be any body fluid; however, I would
5 think skin cells or blood would be the most common?

6 Q Could it be saliva?

7 A It could be.

8 Q Okay. Could it be sperm or semen?

9 A It could be.

10 Q Okay. And presumably, if somebody scratched
11 somebody hard enough to get skin samples under their
12 fingernails, there would be scratch marks?

13 A It's possibly, yes.

14 Q It's not likely?

15 A It really depends.

16 Q And you did find DNA of Clifton under her left
17 fingernail scrapings?

18 A That's correct.

19 Q Are you testing each finger or is it just one
20 finger that represents all of the fingers?

21 A It's each finger together. So, I did all the
22 fingernail scrapings from the left hand, so every
23 fingernail on that hand, and then the right hand as well.

24 Q Are you able to tell me whether you found it
25 under one particular finger or whether you found it under

MARYANN BOEHM-CROSS BY MR. VERNER

1 all four or does the report --

2 A No, sir. No, sir. It's collective, the right
3 hand and the left hand side.

4 Q So, if you find it under one fingernail, it
5 would be positive regardless if it was just under that one
6 finger and not the other three?

7 A Yes, sir, because we don't test it that way.

8 Q Okay. Does it even come to you identifying
9 which particular finger was scraped?

10 A No, sir.

11 Q Okay. Does it suggest anything to you that DNA
12 would be found under one fingernail as opposed -- one hand
13 as opposed to both?

14 A The only thing I can say is that she has come in
15 contact with the DNA of Clifton Boozer from that one hand.
16 Other than that, I can't really tell you how the DNA got
17 there or how long it's been there.

18 Q Do you know if Clatie Stribble was right-handed
19 or left-handed?

20 A I do not.

21 Q Assuming there was a physical confrontation, the
22 fact that there's fingernail scrapings or DNA under
23 fingernail scrapings would indicate more likely that the
24 hand was opened or, at least, curled as opposed to balled?

25 A I would believe so.

MARYANN BOEHM-CROSS BY MR. VERNER

1 Q If you ball your hand in a fist, your
2 fingernails are largely sheathed or covered by your own
3 skin, right?

4 A That's correct.

5 Q All right. And likewise, if you're holding a
6 object, it would be less likely to have a scraping in an
7 open hand?

8 A That would be correct.

9 Q Okay. And then the sixth item you identified
10 was swabs taken from the -- reportedly taken from the
11 bedroom window?

12 A Yes, sir, the exterior.

13 Q And there was no DNA developed?

14 A That's correct.

15 Q Okay. If I had my hands on the window, could it
16 be possible to find the DNA?

17 A It is possible.

18 Q Okay. It is more likely to find DNA -- like on
19 fingerprints, you're more likely to find them maybe on
20 glass than painted wood. Does DNA, is there particular
21 items that it stays on better?

22 A No, there's no particular item that it stays on
23 better, it's just how frequent you touch it.

24 Q DNA can be on anything, there's no particular
25 item that you would look at first that would say, other

MARYANN BOEHM-CROSS BY MR. VERNER

1 than I guess items that you know were physically
2 intrusive, like a toothbrush.

3 A Would you repeat that question?

4 Q Glass or wood wouldn't necessarily effect your
5 ability to find DNA?

6 A No, it would not effect it.

7 Q Okay. Then the seventh item you tested was a
8 cigarette butt?

9 A That's correct.

10 Q Okay. Do you know what kind of brand or you
11 just got a swab from the cigarette butt or did you
12 actually get the cigarette butt itself?

13 A I got the cigarette butt itself. I don't have
14 it in my report, but I can look at my notes to see if I
15 wrote down the brand.

16 Q It wouldn't be in your report, but you might
17 have individual notes that you did along with it?

18 A That would be correct.

19 Q Okay. And you did match DNA to a cigarette butt
20 to Clifton Boozer?

21 A That is correct.

22 Q Okay. Are you aware of whether Clatie Stribble
23 smoked?

24 A I do not know.

25 Q Okay. Then you go from item seven to item 24,

MARYANN BOEHM-CROSS BY MR. VERNER

1 which would be the vaginal swabs?

2 A Item 24.2.

3 Q Were there, like, items eight through 23 that
4 you just didn't get or were not tested or what's the
5 difference for the numbers?

6 A Right. I didn't receive them for my testing.
7 However, there is eight through 23 logged in at SLED.

8 Q Okay. Why does the report start at 24.2 as
9 opposed to 24 and then there's 24.1, 24.2?

10 A Because I only report on the items that I did
11 testing on.

12 Q Okay. So, there might have been other -- it
13 might have come in other holders or stuff that you marked
14 24, like the bag it came in, or what would be 24?

15 A Right. The CSC kit, I believe that's what it
16 was labeled, I'd have to look at my notes, would be item
17 24. And that one contains a bunch of different swabs and
18 items and it itemized out all the different swabs as 24
19 point something, one, two, three.

20 Q Okay. In the sperm fraction of the vaginal
21 swab, you found, at least, two DNA profiles? That's 24.2
22 I guess, in sperm fraction?

23 A Yes, that would be correct.

24 Q Okay. One of whom would be Clifton Curtis
25 Boozer?

MARYANN BOEHM-CROSS BY MR. VERNER

1 A Yes, the major contributor.

2 Q Okay. And you've got Clatie Stribble's DNA on
3 file, right?

4 A That is correct.

5 Q You've got two known samples, Clifton Boozer and
6 Clatie Stribble?

7 A That's correct.

8 Q Okay. Are there any other known samples, like,
9 such as her children or housemates or anybody else that
10 you have?

11 A No, they were not submitted in this case.

12 Q Okay. So, the second sample, could that have
13 been somebody other than Clatie Stribble as a second
14 contributor?

15 A Yes, it may have been. I couldn't interpret it
16 or compare it, so I have no idea.

17 Q Could the second individual be Clatie Stribble?

18 A It may be.

19 Q Do you have her DNA sequence collected?

20 A I did do a DNA profile on her.

21 Q But you couldn't automatically conclude that it
22 was her?

23 A No. So, we look at the evidence first and make
24 our conclusions whether we can interpret it or not before
25 looking at the standards. So, for this sample, I looked

MARYANN BOEHM-REDIRECT BY MR. SCOTT

1 at it and said, yes, there's a major contributor and I can
2 compare to the standards. However, the minor contributor
3 is insufficient and I can't do comparisons. Therefore, I
4 didn't look at any of the known standards in this case to
5 compare it to.

6 Q Okay. Then finally, I guess the ninth item you
7 looked at were the rectal swabs, which were positive --
8 the semen or the fluid part of the semen would be positive
9 for Clifton Boozer?

10 A The DNA profile of the semen matches Clifton
11 Boozer.

12 Q Okay. Were there any other items that you
13 tested in this case?

14 A No, sir.

15 Q Thank you. Is it Boehm or Beam?

16 A Boehm.

17 Q Boehm. Two syllables?

18 A Yes, sir.

19 MR. VERNER: Thank you. Answer any questions,
20 if the prosecutor has any.

21 THE COURT: Any redirect?

22 REDIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q I think you used the word autsoma DNA?

25 A I may have.

MARYANN BOEHM-REDIRECT BY MR. SCOTT

1 Q How do you spell that?

2 A A-U-T-S-O-M-A.

3 THE COURT: Very good. Thank you very much for
4 coming. You're free to go.

5 Solicitor, who's your next witness?

6 MR. SCOTT: The next one will be fairly lengthy.

7 THE COURT: All right, ladies and gentlemen of
8 the jury, return to the back for a few moments.
9 Don't talk about the case. Let me talk to them about
10 logistics and we'll see where we are, okay. Have you
11 back out here in ten minutes.

12 (WHEREUPON, the jury left open court at
13 approximately 12:02 p.m.)

14 THE COURT: We'll be at ease for a few moments.

15 (WHEREUPON, a short break was taken.)

16 THE COURT: We'll go back on the record,
17 Solicitor.

18 If you'll get the jury for us, please.

19 (WHEREUPON, the jury came into open court at
20 approximately 12:14 p.m.)

21 THE COURT: All right, let the record reflect
22 that jury is back and seated. Counsel is present.

23 Solicitor, call your next witness, please.

24 MS. DANIEL: Your Honor, the State calls Walter
25 Bentley.

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 WALTER BENTLEY, after being duly sworn,
2 testified as follows:

3 THE CLERK: Have a seat and state your name for
4 the record.

5 THE WITNESS: Walter Bentley.

6 DIRECT EXAMINATION

7 BY MR. DANIEL:

8 Q You're Investigator Walter Bentley with the
9 solicitor's office, correct?

10 A That's correct.

11 Q So, you've been behind the computer so far the
12 entire trial?

13 A Yes, sir.

14 Q So, you work with us, you're our investigator?

15 A Yes.

16 Q And you used to be a police officer?

17 A Yes, for 22 years.

18 Q Okay. So, you have -- and you were a detective
19 or investigator with the City of Laurens Police
20 Department?

21 A City of Laurens and the Laurens County Sheriff's
22 Office prior to that.

23 Q Okay. And you and I have been, and Dale Scott
24 have been preparing this case for trial?

25 A We have.

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 Q And did you have an occasion in the course of
2 preparing for this trial to consult with Harry Bodiford of
3 the Prosperity Police Department?

4 A Yes, I did.

5 Q And I want to talk about phone records in this
6 case. Did Lieutenant Bodiford obtain search warrants for
7 phone records pertaining to the victim, Clatie Stribble,
8 and also the Defendant, Mr.~Boozer?

9 A He did. He obtained the Verizon records for
10 Mr.~Boozer and T -- MetroPCS, which is actually T-Mobile
11 for Ms. Stribble.

12 Q So, in the investigation of Lieutenant Bodiford,
13 the phone records associated with Mr.~Boozer were from
14 Verizon, correct?

15 A That's correct.

16 Q Then the phone records associated with Clatie
17 Stribble are from T-Mobile?

18 A Yes.

19 Q And search warrants were sent to these two
20 different phone companies for records?

21 A They were, yes.

22 Q Okay. And did the companies provide records for
23 us to analyze?

24 A Yes, they did.

25 Q Okay. I want to go into the phone number that

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 we had as part of this investigation that was associated
2 with Clifton Boozer. What number, what phone number did
3 Clifton Boozer have?

4 A The number he called 911 on was the number I was
5 referring to the records of, that number is (803)924-6991.

6 Q Okay. Then I want to hand you what's been
7 premarked as State's No. 63 -- or excuse me, State's No.
8 64.

9 MR. DANIEL: Beg the Court's indulgence.

10 Q All right. Do you recognize State's 64?

11 A Yes, I do.

12 Q What is State's 64?

13 A It's the disk of phone records.

14 Q The ones associated with Mr.~Boozer?

15 A Yes, the Verizon Wireless records.

16 Q Did Verizon Wireless carrier, did they provide
17 some kind of affidavit certifying these records were
18 authentic?

19 A Yes, they did.

20 Q Is that on the disk there?

21 A It's contained on this disk, yes.

22 Q Also, while we're at it, State's 63 is another
23 disk, do you recognize State's 63?

24 A 63 is the records for Ms. Stribble.

25 Q Those are the phone records provided by

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 T-Mobile?

2 A Correct.

3 Q Those are the phone records associated with
4 Clatie Stribble?

5 A Yes.

6 MR. DANIEL: Your Honor, at this time, I offer
7 State's 63 and 64 for admission into evidence.

8 MR. VERNER: Your Honor, at this point, I would
9 object. If there's some kind of printed record or
10 they introduce the substance of the disk, then I
11 don't have any problem with the disk going in, but I
12 would like to see some kind of foundation of what the
13 contents are. And then if the disk are just the
14 collaboration of what the voluminous records, then I
15 don't have any objection. I don't know what's on the
16 disks. I assume they're some phone records, but I'd
17 like to see what's on the disk somehow. And if the
18 disk is just a digital format of that, then I have no
19 problem with the disks going in. But I just don't
20 want to authorize a blank disk going in that I have
21 no idea.

22 THE COURT: What exactly is on the disk so that
23 --

24 MR. DANIEL: Well, Your Honor, we are calling
25 witnesses out of order, so if that is -- it's

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 probably problematic here. We were going to
2 introduce this through another witness essentially,
3 but we're calling him out of order. It's,
4 essentially, tower, cell tower location data and also
5 data of numbers that Mr.~Boozer called and vice
6 versa.

7 THE COURT: Okay.

8 MR. VERNER: I can just conditionally keep that
9 objection out there so long as there's some kind of
10 substance put in for what we're giving the jury so I
11 know what the jury is getting.

12 THE COURT: At that point in time, you're really
13 calling Mr. Bentley for purposes of showing that he
14 collected this information, got the certification
15 from Verizon, T-Mobile and the actual data about the
16 cell phone's location. You've got another witness to
17 kind of explain the meaning of all that?

18 MR. DANIEL: Yes, sir. We have a witness and an
19 expert to talk about actual cell tower location.
20 Mr. Bentley was just going to, essentially, testify
21 to the numbers called from Mr.~Boozer, Clatie
22 Stribble.

23 THE COURT: All right. All right. He can
24 testify as to that. And you've got the motion on the
25 floor to move the item into evidence once the other

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 witness testifies. We'll move it in evidence with
2 the location witness. You're going to have someone
3 testify as to cell phone location data, that type
4 thing?

5 MR. DANIEL: Yes, sir.

6 THE COURT: All right. Your objection is noted,
7 the Court will move it in or allow it in at a later
8 point in time, but he can go ahead and testify as to
9 phone numbers and things like that since he's
10 reviewed those.

11 MR. DANIEL: Yes, sir.

12 THE COURT: Go ahead.

13 BY MR. DANIEL:

14 Q Investigator Bentley, as far as State's 63, the
15 T-Mobile, they provided an affidavit of authenticity of
16 their records as well?

17 A Yes.

18 Q So, have you had a chance to review what's on
19 those two disks from each of the phone carriers?

20 A I did. I actually brought a printout of the
21 historical text messaging data on there. There's also
22 historical call data. Looks like it goes from May 1st to
23 May 3rd of last year.

24 Q And you've given us the phone number associated
25 with Clifton Boozer I believe?

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 A I did.

2 Q Give us the phone number associated with Clatie
3 Stribble.

4 A It's (803)597-0624.

5 Q All right. And these printouts that you just
6 referred to, tell us what you analyzed or what you noted
7 was significant about the call records from, at least,
8 Mr.~Boozer's phone number?

9 A I used Mr.~Boozer's number. These records are
10 much easier --

11 MR. VERNER: Your Honor, I do object to the form
12 of that question. It sounds like that's calling for
13 an opinion? What do you think is important or
14 significant about these records? That's an opinion
15 type --

16 THE COURT: Sustained. If you want him to talk
17 about what the records reveal, that's perfectly fine,
18 but any inferences that can be drawn, that can be
19 argued later.

20 MR. DANIEL: Yes, sir.

21 BY MR. DANIEL:

22 Q Investigator Bentley, what do the phone
23 records -- Mr.~Boozer's phone records reflect on the -- in
24 terms of phone calls to and from Clatie Stribble?

25 A On May the 2nd, 2017, they will reflect 40 or

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 41 -- I might have miscounted, 40 or 41 phone calls from
2 Mr.~Boozer's phone to Ms. Stribble's phone. That was all
3 on May 2nd. Every one of those calls of duration -- most
4 of those calls were a duration of mid-25 seconds to mid-30
5 second range in duration.

6 Q Okay. What's significant about a phone call --
7 a lot of phone calls the duration lasting only 25 to 30
8 seconds?

9 A It indicates that the call wasn't answered.

10 Q Typically, how long does it take -- or how many
11 rings does it take for a call to go to voice mail on these
12 cell phones?

13 A Takes about six to eight rings depending on the
14 carrier and the phone. I did a test with two separate
15 phones just to kind of see for myself. I had a Samsung
16 phone and iPhone. Both of those phones were 32 seconds
17 from the first ring to when the voice mail started.

18 Q Okay. So, you timed it how long it takes for a
19 typical phone call to go to voice mail is, essentially,
20 what you did?

21 A Essentially, yes.

22 Q So, under 40 seconds?

23 A Correct.

24 Q So, a lot of those calls, you said on May 2nd
25 that Clifton Boozer made 40 to 41 phone calls to Clatie

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 Stribble's phone number?

2 A Yes.

3 Q And it is fair to say a majority of those phone
4 calls, the duration of those phone calls were 40 seconds
5 or under?

6 A Yes, the longest one is 49 seconds, I think was
7 the longest one.

8 Q Okay. Would that be suggestive of the phone
9 calls not being answered going to voice mail?

10 A It would be.

11 Q What about -- you said May 2nd of 2017 is what
12 we just discussed?

13 A Yes.

14 Q What about going into May 3rd?

15 A May 3rd, I don't see any -- I don't see any
16 phone calls between the two of them -- or attempted phone
17 calls between the two of them on May 3rd.

18 Q All right. These phone records from Verizon
19 concerning Mr.~Boozer's phone number, did they provide the
20 text messaging data?

21 A They did.

22 Q Can you decipher from the phone records how many
23 times leading up to the death of Clatie Stribble that
24 Mr.~Boozer texted Clatie?

25 A Or May 2nd and May 3rd, I see 35 texts going

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 from Clatie to Mr.~Boozer and I saw 50 texts from
2 Mr.~Boozer to Ms. Stribble.

3 Q So, all and all, between Clatie and Cliff, there
4 are about over 80 text messages going between them?

5 A Yes, about 85 approximately.

6 Q And that's May 2nd?

7 A May 2nd and May 3rd.

8 Q What time is the last text message communication
9 on May 3rd?

10 A The records don't go in sequential order. And,
11 also, I don't have the content of the messages, just
12 showing that a message was sent and received.

13 Q So, we don't know the actual text messages, what
14 was sent, the content, you're saying, but we just know
15 that it was sent?

16 A Yes. I don't have the -- the records don't
17 indicate it. I would need the actual phone to get the
18 content.

19 Q Because these cell phone record companies -- or
20 these cell phone companies, that would be a lot of data to
21 store if they had to keep the actual content of these
22 messages; is that correct?

23 A Correct. And to answer the prior question,
24 approximately 2:47 a.m. in the early morning hours of 5/3
25 is the last message I see.

WALTER BENTLEY-DIRECT BY MR. DANIEL

1 Q So, approximately 2:47 a.m. on May 3rd?

2 A Looks like 2:49. Like I said, these numbers
3 don't go in time sequential order. I've got to look
4 around and find them.

5 Q So, approximately 2:49 a.m., May 3rd is the last
6 text message that's sent by Boozer to Clatie or Clatie to
7 Boozer?

8 A This is Clatie from -- give me one second. This
9 looks like that Boozer to Clatie.

10 Q Okay. And again, to get the actual content of
11 the text messages, you would need to extract that from the
12 actual physical phone?

13 A I would, yes.

14 Q Okay. And as part of your knowledge of the
15 case, the investigative case file, was law enforcement
16 able to access the digital content Mr.~Boozer's phone?

17 A They were not. They needed the password to be
18 able to access the phone.

19 Q So, the phone is password protected?

20 A Correct.

21 Q Okay. What about Clatie Stribble's physical
22 phone, were they able to extract any digital content from
23 Clatie's phone?

24 A No, they are never able to enter the phone.

25 Q And Lieutenant Bodiford would be the one to

WALTER BENTLEY-CROSS BY MR. VERNER

1 speak about that?

2 A Yes.

3 MR. DANIEL: Please answer any questions

4 Mr.~Verner has.

5 CROSS-EXAMINATION

6 BY MR. VERNER:

7 Q May I see the written report you were going by?

8 These are documents that you generated or these are

9 directly from the phone company?

10 A And from State's 63.

11 Q Okay. And 63 would be Ms. Clatie's?

12 A I'm sorry, 64. I printed them from Verizon

13 Wireless, Mr.~Boozer.

14 Q Both of these documents from the phone records

15 for the 6991, Clifton Boozer, phone?

16 A Yes, that's correct, with Verizon.

17 Q And that's the phone he used to call the EMS 911

18 number?

19 A He did call 911 with that number, yes.

20 Q Is there a difference between this set of

21 document -- one of these is phone calls and one of these

22 is texts?

23 A Yes, the one with the blue and yellow highlight

24 on it, that's the text document.

25 Q Okay.

WALTER BENTLEY-CROSS BY MR. VERNER

1 A The one with just the yellow highlighting is the
2 phone record.

3 Q All right. And what's the significance of your
4 blue and yellow color coding scheme?

5 A It was just a visual aid for me to differentiate
6 who was text came from. The blue I think is Clatie, if I
7 recall the color coding correctly.

8 Q If I hand it to you, would you be able to
9 refresh your recollection?

10 A Yes, yellow is from Mr.~Boozer to Ms. Stribble
11 and blue from Ms. Stribble to Mr.~Boozer.

12 Q So, you didn't use feminine colors or masculine
13 colors. Blue is actually kind of the opposite, blue is
14 her to him, yellow is him to her?

15 A I just grabbed the first two highlighters I
16 could find.

17 Q I know that, but just so it's clear to me,
18 yellow is Clifton to Clatie?

19 A Correct.

20 Q And blue -- if your records, if you matched it
21 up correctly, would be Clatie to Clifton?

22 A Correct.

23 Q And you started from May 1st?

24 A Actually, May 2nd and 3rd. I wasn't -- didn't
25 know I going to be called this quickly, so I had to do it

WALTER BENTLEY-CROSS BY MR. VERNER

1 kind of quickly.

2 Q But the phone records seem to start somewhere in
3 May 1st and the text megasses start from May 2nd?

4 A Text messages May 1st, also. You got phone and
5 text from May 1st to May 3rd.

6 Q Did the phone company just send you the records
7 from May 1st on or did they send older records and these
8 were just -- for time purposes, you just started close in
9 time --

10 A Those are the records they sent. I don't have
11 the search warrant in front of me, but I think the request
12 is actually from May 1st to May 3rd. Those are the
13 records directly from the phone company.

14 Q And you didn't have anything to do with issuing
15 the search warrant to the phone companies, did you?

16 A No, I did not.

17 Q The police department did that?

18 A Yes, Lieutenant Bodiford.

19 Q And was that close in time to Ms. Clatie's
20 death?

21 A Yes, within days.

22 Q Okay. And they only asked for May 1st to May
23 3rd?

24 A I don't have the search warrant in front of me,
25 but that's my recollection.

WALTER BENTLEY-CROSS BY MR. VERNER

1 Q How do you make sense of the document -- the
2 columns?

3 A Well, your first column is the subscriber's
4 phone number. It's always -- the first column --

5 Q The first column's not really relevant to what
6 you looked at?

7 A The second column [indiscernible] consistent
8 with the same phone --

9 Q That's whose account?

10 A That's the account subscriber.

11 Q Okay.

12 A The next column is the date and time.

13 Q Now, I thought these phone companies -- we've
14 had other cases where they used -- what kind of time clock
15 system do these companies use?

16 A Depends on the company, most UTC time, but they
17 don't say it on the record. Verizon seems to use local
18 and it's not noted. Like I said, normally, any other
19 phone records will note UTC. These Verizon records do not
20 note UTC. In my past in working on Verizon cases, they
21 usually do Eastern Standard.

22 Q Okay. The standard, typically, from the phone
23 companies is to use UTC time stamps?

24 A I know that's AT&T, T-Mobile and Sprint.

25 Q What is UTC compared to Eastern timezone?

WALTER BENTLEY-CROSS BY MR. VERNER

1 A If I remember correctly, it's plus four hours,
2 depending on daylight savings time.

3 Q So, a call that was from Newberry at 2 o'clock
4 in the afternoon, the UTC time stamp would be?

5 A It would be 6 o'clock, depending on daylight
6 savings time.

7 Q Okay. Is it possible -- does it show -- do
8 these records show which timezone they're using?

9 A No, they don't. That's why -- I'm working off
10 assumptions here, to be honest with you. One is my past
11 history working on Verizon records. Normally, it's kept
12 in eastern standard when there are requested. And two is
13 phone companies always notate UTC, plus four. And these
14 are not in notated time.

15 Q Because there's nowhere in the continental
16 United States that's UTC time zone, is it?

17 A No, it's not.

18 Q The timezone that starts for UTC started before
19 the continental United States started, somewhere between
20 Europe and America?

21 A Near Great Britain.

22 Q But, typically, you will see that noted in the
23 records?

24 A Typically, yes.

25 Q And what was the second assumption you said you

WALTER BENTLEY-CROSS BY MR. VERNER

1 made? You said the first is that they're using Eastern
2 timezone.

3 A And the second is that phone companies that are
4 using UTC time, they give you the documentation, which is
5 this. That's exactly what I put on this disk. I put UTC
6 in parentheses beside the time so the user knows to be
7 mathematic conversion. These records do not have UTC
8 designation.

9 Q Do they have an Eastern timezone stamp?

10 A They don't normally.

11 Q How many timezones are there in the United
12 States?

13 A There's four.

14 Q That's right. And it starts -- the east coast
15 starts off with what?

16 A Eastern standard time.

17 Q And then the next timezone would be?

18 A Central.

19 Q Central timezone?

20 A Then the mountain specific.

21 Q Do you know where the central timezone starts?

22 A I know parts of Alabama.

23 Q So, as close as Alabama to Chicago?

24 A Alabama, I think, Auburn, for example.

25 Q And then we've got the mountain timezone

WALTER BENTLEY-CROSS BY MR. VERNER

1 somewhere around Colorado just West of Texas?

2 A I think it's different timezones.

3 Q But we've got mountain timezone --

4 A Actually, multiple timezones.

5 Q Then the fourth would be California is in the
6 specific timezone?

7 A Correct.

8 Q So, the presumption is these are correct, but it
9 could be anywhere from one -- it could be exactly timezone
10 correct or it could be up to three hours assuming they're
11 using American timezones?

12 A In my experience, phone companies -- and I've
13 examined phone records for many years, they will designate
14 timezone on the records.

15 Q But these don't?

16 A It does not.

17 Q Okay.

18 A I was trying to finish. They will designate the
19 timezone if it differs from the requesting area timezone.

20 Q Right. And I apologize, I asked you this, but I
21 lost it. What was the second assumption you said you
22 made? You said the first --

23 A The first is that they normally will document
24 UTC, which is the most common one, or with a timezone.
25 And the second is, I've worked with Verizon records before

WALTER BENTLEY-CROSS BY MR. VERNER

1 and they've always been Eastern Standard.

2 Q Okay. But UTC would be kind of the standard and
3 then some phone companies adjust it?

4 A UTC is what I normally see with AT&T and with
5 T-Mobile and Sprint.

6 Q Okay. So, sometimes we see phone records that
7 look like they happened on midnight of May 2nd, but it was
8 actually four hours early or --

9 A It should be four hours ahead.

10 Q Ahead, okay. So, if it was UTC time, their
11 timezone would be -- 2 o'clock here would be -- it would
12 show up 6 o'clock on their timezone?

13 A If was 2 o'clock here, the UTC, depending on the
14 daylight savings you had.

15 Q So, a call that could look like midnight here
16 could be made as early as 8 o'clock that evening because
17 UTC comes before eastern time?

18 A Repeat that.

19 Q Sun rises east to west, right?

20 A Correct.

21 Q So, the UTC would be -- they are four hours
22 later or four hours earlier than we are right now?

23 A You add four hours for UTC.

24 Q Okay. So, what is 12 o'clock, 12:30 here would
25 be 4:30 UTC in the afternoon?

WALTER BENTLEY-CROSS BY MR. VERNER

1 A Depending on daylight savings time.

2 Q And just out of curiosity, how on these were you
3 able to determine what went from her to him? I guess,
4 from the second to the last column with the phone numbers
5 would be the originating phone?

6 A The first phone is the originating phone. The
7 second phone number is the receiving phone.

8 Q And they've got some kind of --

9 A It's on the disk. If you print the material I
10 sent you yesterday, it actually has the designation to
11 what each columns means.

12 Q Over the columns, they have a heading on what
13 the --

14 A It's on the disk.

15 Q So, we know Clatie texted Clifton, just starting
16 at nine -- 2156 would be 9:56 in the evening?

17 A Correct.

18 Q So we know she texted him from 10 o'clock in the
19 evening, basically, until 11:43 on May 2nd?

20 A I would need to see the records.

21 Q Twelve times?

22 A I need to see them.

23 Q Twelve blue stripes would be 12 texts from her
24 to him?

25 A Beginning at 9:56. From 9:56 to 11:43.

WALTER BENTLEY-CROSS BY MR. VERNER

1 Q Okay.

2 A And some of these records, you really have to
3 look at them because they have variable times, some jump
4 all around on times. I mean, you have 2156 times, then
5 below it, you have 1519 time stamp, which is before.

6 Q Okay.

7 A Actually, if you go in reverse order, it might
8 be easier to understand it.

9 Q The earliest number I see is 11:43?

10 A The earliest contact where she texted him was
11 11:43 on that first page of records.

12 Q And the latest goes until about 10:15 in the
13 evening, 2215?

14 A Yes.

15 Q Okay. And likewise, I don't see a text from him
16 to her later than 10:47 in the evening?

17 A You're just talking about on the 2nd?

18 Q On the 2nd?

19 A There's multiple pages.

20 Q But on that page I was handing you?

21 A On the page you handed me, that's correct, but
22 there's multiple pages and multiple times.

23 Q All right. So, the second page, are these -- it
24 looks like these pages are running backwards because it
25 starts off May 2nd at the top of the page and it ends up

WALTER BENTLEY-CROSS BY MR. VERNER

1 like May 1st?

2 A They do kind of run backwards. Sometimes time
3 stamps are intertwined. Sometimes they'll get an earlier
4 time stamp mixed in. I don't know why.

5 Q So, on the second page, it appears, just
6 counting your blue stripes, and I know you're relying on
7 my math being correct, but it appears one, two, three,
8 four, five, six, seven, eight, nine, 10, 11, 12, 13, 14,
9 15, 16 times that Clatie tested Clifton just on the second
10 page?

11 A Assuming your math --

12 Q I know you're counting on my math, but that's
13 assuming I hit every one. Then your third page is,
14 basically, May 3rd to May 2nd. It starts off on May 3rd
15 and ends up somewhere on May 2nd?

16 A Yes, it looks like around 2151, which is 9:51 on
17 May 2nd. Like I said earlier, the time is being disbursed
18 between the pages.

19 Q But mostly that page is May 3rd?

20 A The bulk of it 5/3. There's only three texts on
21 that page with 5/2 on them.

22 Q How many blue lines, which are texts from Clatie
23 to Clifton?

24 A Looks like 11.

25 Q Okay. So, it's 11 on the third page, 16 on the

WALTER BENTLEY-CROSS BY MR. VERNER

1 second page and what did we say was on the first page?

2 A I'm not sure. The total I had was 35 for three
3 pages.

4 Q In a one-day period from her to him?

5 A Approximately one day, yes, sir.

6 Q And his was a little over 40?

7 A His was 50.

8 Q Fifty. So, she texted 35 times in those two
9 days or that day beforehand and he texted her 50?

10 A Fifty, yes.

11 Q Okay. Do you know if Ms. Clatie only used one
12 phone?

13 A I don't have knowledge of how many phones she
14 had.

15 Q Okay. Do you know people who use more than one
16 phone?

17 A I've heard of it. I've only had one phone in my
18 life, but I know people who have two.

19 Q But my question is do you know whether other
20 people possibly use other phones, too?

21 A Anything is possible, Mr.~Verner.

22 Q You don't know anybody?

23 A I said I knew examples of people who use two
24 phones. I personally never have.

25 Q Okay. Do you know if Ms. Clatie had a land

WALTER BENTLEY-CROSS BY MR. VERNER

1 line?

2 A I'm not familiar.

3 Q Okay. She may have, may not have, you don't
4 know?

5 A Just my recollection of the pictures in this
6 case, I don't recall seeing one. But I couldn't be 100
7 percent without asking somebody.

8 Q The shorter the telephone call, the more likely
9 it is that it didn't go through?

10 A Yes, sir. There's no duration set or minute
11 over, they're all under -- well under a minute.

12 Q Do you know whether people -- a lot of people
13 sometimes answer phone calls with text?

14 A Some people do. If I'm here in court and
15 somebody calls me, I text them and tell them I'm in court.

16 Q That's not that uncommon? I would see so and so
17 called me, my wife called me and I would text her back and
18 say I'm busy or something?

19 A I would say it's not uncommon.

20 Q All right. And then some people -- my phone has
21 the ability where I can turn off the ringer. Does your
22 phone have something like that?

23 A Silent mode?

24 Q Right.

25 A Yeah.

WALTER BENTLEY-REDIRECT BY MR. DANIEL

1 Q That's a pretty common feature, too?

2 A It is.

3 Q Sometimes when people go to bed, they'll turn
4 off the ringers. Have you heard of people doing that?

5 A Yeah.

6 Q So, I could call you after 8:30 in the evening
7 when Bentley turned off his cell phone, it would go pretty
8 much straight to voice mail without you ever hearing the
9 phone?

10 A Because of my job, I leave my phone on 24/7 in
11 case a law enforcement agency needs my help, but if I
12 didn't, it may would if I cut it off, yes.

13 MR. VERNER: Okay. Thank you, Investigator
14 Bentley.

15 THE COURT: Redirect?

16 MR. DANIEL: Briefly, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. DANIEL:

19 Q Investigator Bentley, Clifton Boozer's phone
20 records from Verizon, were they in Eastern time or UTC?

21 A My understanding Eastern timezone.

22 Q All right. And according to the phone records
23 from Verizon, what time does it show Boozer making a call
24 to 911?

25 A It shows a 911 call at 8:26, which is another

WALTER BENTLEY-REDIRECT BY MR. DANIEL

1 reason I think all these records are Eastern Standard Time
2 because we know from the CAD report that the call came in
3 at 8:26?

4 Q You're already ahead of me. The CAD report that
5 was admitted into evidence, State's No. 1, what time does
6 it say that call came through?

7 A 8:26.

8 Q And from what number?

9 A Came from (803)924-6991, which is the same
10 number on the Verizon wireless records.

11 Q And that's how we can tell, definitively state
12 the Verizon records are in Eastern timezone?

13 A That's correct.

14 Q That we're all familiar with. And again, his
15 phone records reveal that he called Clatie Stribble
16 approximately how many times prior to the death?

17 A He called 41 times.

18 Q Forty-one times?

19 A On May 2nd.

20 Q May 2nd. And related to the text messaging
21 content, the only way we can determine the content of the
22 text messages is to actually get into Boozer's phone?

23 A That's the only way, yes.

24 Q Okay. Without the password, we aren't able to
25 do that?

WALTER BENTLEY-CROSS BY MR. VERNER

1 A Yes, can't do that without the password.

2 MR. DANIEL: Thank you.

3 MR. VERNER: Just brief, brief followup.

4 CROSS-EXAMINATION

5 BY MR. VERNER:

6 Q Do you know where my office is?

7 A Right over there. I've been there before.

8 Q I maintain an office in the courthouse, don't I?

9 A In the back halls, I see you here sometimes.

10 Q Did the solicitors ever ask you to walk down the
11 hall and ask you to try to find out a password for the
12 phone?

13 A No.

14 MR. VERNER: Okay. Thank you.

15 THE COURT: All right. Mr. Bentley, thank you,
16 you can step down.

17 Next witness here?

18 MR. SCOTT: Let me check.

19 THE COURT: Yes, sir.

20 MR. SCOTT: She is here, Your Honor.

21 THE COURT: All right. She shouldn't be that
22 long, correct?

23 MR. SCOTT: That's correct.

24 THE COURT: Go ahead and call your next witness.

25 MR. SCOTT: The State calls Vanissia Wright.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 THE CLERK: Raise your right hand, place your
2 left hand on the Bible.

3 VANISSIA WRIGHT, after being duly sworn,
4 testified as follows:

5 THE CLERK: Have seat, state your name for the
6 record.

7 THE WITNESS: Vanissia Wright.

8 DIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q Vanissia, where are you employed right now?

11 A I'm an at-home mom.

12 Q You just had a baby, didn't you?

13 A Yes, sir.

14 Q But last year, May of last year, weren't you
15 working for a cab company here in Newberry?

16 A Blue Cabs, yes, sir.

17 Q Blue Cabs. How long had you worked there at
18 that time?

19 A I've been there ever since 2015.

20 Q Okay. When did you stop working there?

21 A It was, I want to say, June of 2017.

22 Q Okay. And you know why we're here, I met with
23 you before, did I not?

24 A Yes.

25 Q And we spoke a little bit about this case.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Specifically May 3rd of 2017, do you remember picking up
2 Clifton Boozer?

3 A Yes, sir.

4 Q Okay. Was he somebody you were familiar with?

5 A He was a regular customer.

6 Q A regular customer.

7 A Yes, sir.

8 Q Where did you have to pick him up?

9 A Between work and Prosperity.

10 Q So, he -- where was his work? In the past,
11 where was he working where he would get you to pick him up
12 from?

13 A He had, I'd say, probably about three different
14 jobs from 2015 until 2017.

15 Q Okay.

16 A The last one I remember was Louis Rich, I think.

17 Q Okay. So, when you'd take him to Prosperity, do
18 you remember where in Prosperity you would take him?

19 A To his home.

20 Q Okay. At the time, did you think he was -- did
21 you understand him to be living at the Conifer Drive
22 house?

23 A I never met the lady or, you know, the people
24 that he was staying with, I never met them. I just met
25 him and his kids one time.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q Where would you meet his kids?

2 A I picked them up from Prosperity and took them
3 back home.

4 Q Where was their home?

5 A I believe they was staying in a trailer in
6 Prosperity.

7 Q So, those were his children, is that what you
8 understood those kids to be?

9 A Yes, sir.

10 Q But just correct me, your testimony is that you
11 would pick him up from his work, sometimes at Louis Rich,
12 and take him from Newberry to Prosperity?

13 A Yes, sir.

14 Q And you said the house that you would go to, you
15 never met the lady that was inside?

16 A Uh-huh.

17 Q How did you know a lady lived there?

18 A I mean, I -- we done had words before. And I
19 met her kids, so I assumed that he was married.

20 Q Was this a white lady or a black lady? You
21 don't know?

22 A I really wouldn't know.

23 Q What house did she live at?

24 A The first time I met him, they was staying in a
25 trailer.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q I'm sorry, we just had to come get you to bring
2 you from Clinton and you just literally walked in the
3 courtroom, didn't you?

4 A Yes, sir.

5 Q Let's do it this way. Do you remember May 4th
6 of 2017 when the Prosperity Police Department got in touch
7 with you and they asked you some questions?

8 A Yes, sir.

9 Q Okay. Then did you give them a statement?

10 A Yes, sir.

11 Q Okay. Let me show you --

12 MR. SCOTT: Let me get this one marked. This is
13 one I don't have premarked.

14 (WHEREUPON, State's Exhibit No. 73 was marked
15 for identification only.)

16 BY MR. SCOTT:

17 Q Vanissia, this is premarked as State's 73, do
18 you recognize that?

19 A Yes, sir.

20 Q Okay. You gave that on May 4th, 2017. Were you
21 working the night before?

22 A Yes, sir.

23 Q Driving the cab. Okay. And do you remember
24 that night picking up Mr.~Boozer?

25 A Yes, sir.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q Okay. Tell me what you remember about that.

2 A I got a call that morning to pick him up. We
3 normally -- I mean, we don't know who they is or whatever,
4 but I end up picking him up that morning. And we talked,
5 you know, along the way to taking him to Prosperity. And
6 I dropped him off not at his house, that I know to be his
7 house, I dropped him off a house before his. And I left
8 the road after that and went to my next trip.

9 Q Okay. Do you remember about what time you
10 picked him up that night?

11 A It was probably about 4, 5 o'clock in the
12 morning.

13 Q Okay. And you got your statement there, if that
14 helps you refresh your memory. Because you gave this the
15 day after, did you not?

16 A Yes, sir.

17 Q So, you think it was sometime between 4:00 a.m.
18 and 5:00 a.m. Is it still dark outside?

19 A Yes, sir.

20 Q Do you remember where you picked him up from?

21 A Newberry Arms.

22 Q So, that's here in Newberry city?

23 A Yes, sir.

24 Q And he needed a ride at 4:00 or 5:00 a.m. all
25 the way to Prosperity?

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 A To Prosperity.

2 Q And that was something you had done before, had
3 you not?

4 A Yes, sir.

5 Q Was that the first time in a while that you had
6 seen him?

7 A Yes, sir. Like I said, the last time I saw him,
8 he was working at Louis Rich. After that, I haven't saw
9 him. I didn't see him no more.

10 Q And then you got a call from him or you had to
11 pick him up just out of the blue on May 3rd between 4:00
12 and 5:00 a.m.?

13 A Yes, sir. It was around 4:00 or 5:00 a.m., yes,
14 sir.

15 Q Do you remember it being dark outside or was it
16 daylight yet?

17 A It was dark. I had just dropped someone off at
18 the Waffle House. It was dark.

19 Q Okay. Then tell me what you remember about him
20 while y'all were driving to Prosperity. How was he
21 behaving?

22 A Well, he was talking a little bit. He didn't
23 seem like -- to me, he just seemed normal. I mean, I
24 didn't recognize anything was wrong with him at the time,
25 the moment or nothing. Because we was both just laughing

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 and talking. I always talk to all my customers once they
2 get in the car, you know, have a conversation with them.
3 I didn't see nothing out of -- you know, see anything that
4 was wrong.

5 Q Okay. What was normal for Clifton Boozer in
6 your experience?

7 A He's joking, he's laughing. He always going to
8 smile and stuff like that, you know, to you, I mean.

9 Q Okay. Well, what, if anything, do you remember
10 about -- did he seem like he had been drinking?

11 A Yeah, I mean.

12 Q Was that normal for him?

13 A Yeah.

14 Q Okay. Did -- in your experience with him, did
15 it seem like he was on something else?

16 A Not at the time, the moment, no. I mean,
17 besides him looking like he was probably drunk or
18 whatever, not really. I mean, his eyes always -- I mean,
19 they always big.

20 Q His eyes always what?

21 A Big, like wide opened. And that night, once he
22 got out the car, you know, after all this happened, I
23 assumed that something was on his mind, something was
24 wrong with him at the time, the moment, I mean.

25 Q All right. I don't want you to read it out

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 loud, but look at the second page of your statement. Down
2 towards the bottom, they asked what his behavior was like
3 and you gave an answer?

4 A Yeah, he was acting like something was wrong
5 with him. Like I said, he didn't really talk to me like
6 he normally do, he was more quiet than he ever been.

7 Q You said normally, it was kind of -- he would be
8 joking and sort of laughing?

9 A He be laughing and talking and joking.

10 Q But it was different this time?

11 A Yeah.

12 Q Do you remember what he was wearing?

13 A He always dressed up. I know he had on a black
14 shirt, black coat that night, because it was cold,
15 probably some blue jeans. And he loved to wear his hats,
16 you know. I forget what kind of hat it was, but he always
17 have something over his head when it cold and stuff like
18 that outside. It was a black hoodie, I think.

19 Q Did he have the hoodie on his head? Let me show
20 you State's No. 5. Is that how he appeared when you saw
21 him?

22 A That's a black hoodie, yes, sir.

23 Q Do you recall whether he had the hoodie -- was
24 he covering his head with it or not?

25 A He didn't -- when he was riding, he didn't have

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 a hood all the way on his head. He had it like probably
2 half way on him.

3 Q Okay. And when he got out, when you finally got
4 to Prosperity -- do you remember the address?

5 A No.

6 Q Would you recognize it if I showed it to you,
7 the house? Let me show you State's No. 4, do you
8 recognize this?

9 A Yes.

10 Q Okay. If I told you the address is 188 Conifer,
11 does that ring a bell?

12 A I really don't know the streets name. Once they
13 show me how to get there, I remember the directions and
14 stuff like that.

15 Q And you said you had dropped him off there
16 before, that wasn't the first time you dropped him off
17 there?

18 A No, sir.

19 Q Do you remember if the porch lights were on or
20 off at the house?

21 A You mean for that night?

22 Q Yes, ma'am.

23 A No, it wasn't no lights on.

24 Q There weren't any lights on?

25 A No, sir.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q Was that typical of how the house appeared when
2 you would drop him off there or were they normally on when
3 he was getting dropped off?

4 A Normal time he get dropped off is a light on in
5 the yard so I guess they can see.

6 Q But on this occasion, there was no light on?

7 A No, sir.

8 Q Again, let me ask you --

9 MR. SCOTT: Walter, can I get the aerial?

10 Q This is a --

11 MR. SCOTT: Can you put that one up?

12 MR. VERNER: I think this big one on the TV
13 might have a better chance.

14 MR. SCOTT: Judge, this is one -- I'm going to
15 go ahead -- it's just another aerial expanded.

16 MR. VERNER: If they want to mark it, I have no
17 objection.

18 MR. SCOTT: I'm going to publish it, but I'd
19 like to enter a colored copy. We just haven't had a
20 chance to print it up yet. But tentatively, it will
21 be State's 73 --

22 THE COURT REPORTER: Seventy-four.

23 MR. SCOTT: Seventy-four.

24 THE COURT: All right. You can substitute it
25 later for the black and white.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 MR. SCOTT: Okay. Walter, can you just -- it's
2 going to be State's 74.

3 MR. VERNER: In lieu of substituting, Your
4 Honor, I just ask that they keep that one in there,
5 just staple on top of it the aerial.

6 THE COURT: That's fine.

7 (WHEREUPON, State's Exhibit No. 74 was marked
8 for identification and received into evidence.)

9 MR. SCOTT: All right. Keep working on that.

10 BY MR. SCOTT:

11 Q I'm going to ask you, Vanissia, normally, when
12 you dropped him off, you said a light was typically on
13 when you dropped him off. Did you pull up to his house
14 that he got let out at typically?

15 A No, they was doing yard work.

16 Q No, no, no. Do you understand what typically
17 means? What I mean, in the past, you said you had taken
18 him there a few times before, right?

19 A Yes, sir.

20 Q And the light was normally on the porch when you
21 would drop him off, right?

22 A Yes, sir.

23 Q But on this occasion, May 3rd, 2017, you said
24 the light was not on. And that was not typical, was it?

25 A No, sir.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q Okay. And did you normally in the past drop him
2 off at the house?

3 A Yes, sir.

4 Q But on May 3rd, did he want you to drop him off
5 at the house?

6 A No, sir.

7 Q Where did he ask you to drop him off?

8 A A house before his.

9 Q On the left or the right?

10 A On the left.

11 Q Okay. Here we go. This is going to be what I
12 was referring to, State's No. 74. Can you step down just
13 one second, Vanissia? All right. You recognize this as
14 Conifer and that being the house that he would get dropped
15 off at?

16 A Uh-huh.

17 Q And you said normally when you dropped him off,
18 you let him out just in front of the house at 188 Conifer?

19 A Yes.

20 Q Okay. Where did he want you to drop him off
21 this time?

22 A Right here.

23 Q Okay. At the top of that driveway?

24 A Uh-huh.

25 Q We don't know the address, but that is a little

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 distance from the house. Tell me the reason he asked you
2 to drop him off there instead of at the house?

3 A They was some yard work being done.

4 Q So, he said, Don't take me all the way down
5 there, we got some yard work going on?

6 A Yes, sir.

7 Q Had he ever asked you to do that before?

8 A No, sir.

9 Q Okay. And then, I guess, did he get out of your
10 cab up here?

11 A Yes, sir.

12 Q Which direction did he walk in?

13 A Headed towards the house.

14 Q This is the house that he was going to and
15 normally went to. What is this house right here?

16 A That's a blue house in front of his house.

17 Q Okay. Show us the direction that you saw him
18 traveling in when he went down the road.

19 A Basically, when he got out the vehicle, he went
20 this way. By the time I backed up and was looking behind
21 me, I didn't see him no more. So, I mean, I couldn't
22 actually say if he went through the blue house way through
23 the woods or he went straight to the house because I
24 didn't see him no more after I started backing up.

25 Q So, you don't know -- he went towards the house,

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 but you couldn't tell when exactly he dipped off to the
2 right of the roadway?

3 A Yes, sir.

4 Q Okay. Now, tell me how it was that you went and
5 spoke with law enforcement about this? How did they find
6 out -- or how did you find out you needed to speak with
7 them?

8 A They found me.

9 Q They found you?

10 A Through the Blue Cabs' owner. Use time, we have
11 to document who's driving that night or that morning. And
12 I had just pulled from day shift to night shift, working
13 two shifts for them. I had went home about 5:00 that
14 afternoon, that's when they finally got in contact with me
15 and told me that I had to come in to talk to possibly the
16 police officers. I never knew the gentleman name. I
17 didn't know what he was talking about because, at first, I
18 was, you know, in denial that I was the one that was
19 driving the vehicle. Then once they showed me a picture
20 of him, that's when I just told them yes, it was me
21 driving.

22 Q What you mean you were in denial about being the
23 driver?

24 A Because I didn't remember at the time, the
25 moment. You know, they was trying to explain who he was

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 to me over the phone, you know, how he looked, stuff like
2 that. I was like, I don't know who you talking about, you
3 know, like that. But then once I got into the police area
4 and they showed me pictures of him, they asked me do you
5 recognize anybody on this paper? And it was like
6 different people pictures on there. And I saw his face
7 and I pointed at him, I was like, Yeah, I remember him.

8 That's when -- they was like, Where did you
9 take him to?

10 And I was like, Prosperity.

11 You know, that's when they said, Are you
12 aware of what happened?

13 And I was like, No, not really. My boss
14 was trying to tell me over the phone, but then he was
15 like, I'll let the police officers talk to you more about
16 it. So, that's when I found out.

17 Q So, you didn't know -- whenever they were asking
18 you about the last person you dropped off, you didn't know
19 there had been a homicide the night before?

20 A No, I didn't know nothing.

21 Q And you said they just showed you a piece of
22 paper and asked you if you recognized anyone on it?

23 A Uh-huh.

24 Q Did you end up recognizing somebody?

25 A Yes, sir.

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 Q Did you circle the picture, the guy you
2 recognized?

3 A Yes, sir.

4 Q Was that the person you were describing dropping
5 off here at Conifer?

6 A Yes, sir.

7 Q This is State's 62, is that what you're talking
8 about?

9 A Yes, sir.

10 Q Do you recognize that?

11 A Yes, sir.

12 Q Is that your initials on that picture where you
13 circled the guy's face?

14 A Yes, sir.

15 Q Okay.

16 MR. SCOTT: Your Honor, that's the six-pack.
17 The State offers State's No. 62 for admission into
18 evidence.

19 MR. VERNER: Without objection.

20 THE COURT: It's in evidence.

21 (WHEREUPON, State's Exhibit No. 62 was admitted
22 into evidence.)

23 BY MR. SCOTT:

24 Q Tell me -- everybody kind of knows the -- yeah,
25 this is it right here in State's 62. How certain were you

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 that was the guy you had driven the night before?

2 A Because once they said that it was down by the
3 post office, I mean, I remember, basically, all my
4 customers that get in the car and where they're going,
5 their route trips, you know, stuff like that. And like I
6 had picked him up when he was going to work and stuff.
7 So, I knew it was just a few places he rather go. He
8 didn't travel all through Newberry and stuff like that.
9 If it wasn't him being with his kids or being at his
10 family members' house, then he was in Prosperity. You
11 know, I was picking him up for one of those trips.

12 Q Okay. Tell me, the walking track right there in
13 Prosperity, you know, kind of near the church, it's a big
14 walking loop. I remember you telling me something. What
15 was going on when you and this guy were passing the
16 walking loop heading towards where you were going to drop
17 him off? What was he doing? What was his behavior?

18 A Like I said, it wasn't really a conversation.
19 He was mostly quiet that morning. He mostly just kept
20 looking out the window, I mean.

21 Q That's what I'm asking about, describe that. He
22 was looking out the window. What do you mean?

23 A Like, he looked like he might have just been --
24 when a person just stay to they self, you know, don't want
25 to conversate, don't want to be bothered. He was mostly

VANISSIA WRIGHT-DIRECT BY MR. SCOTT

1 just -- he wasn't looking at me or, you know, how we
2 normally be in the cab. It was some quietness. He just
3 look around, you know, stuff like that.

4 Q Okay. Maybe I misunderstood. Was he looking
5 out the back of the window and looking all around or just
6 kind of gazing out of his window?

7 A He gaze out of his window. He probably looked
8 back a few times, you know. I mean, but he mostly wasn't
9 like -- it was like I wasn't even there, basically.

10 Q Okay. It was just not how it normally was when
11 you dropped him off?

12 A Yes.

13 Q All right. Okay.

14 MR. SCOTT: Your Honor, I would offer her
15 statement as well into evidence. That's State's No.
16 73.

17 MR. VERNER: Your Honor, the statement is not
18 admissible unless used to impeach her or --

19 THE COURT: Sounds like she testified
20 consistently with the statement, so I don't see any
21 reason for it to come into evidence.

22 MR. SCOTT: Yeah, just so the jury would recall
23 what she testified to, but they can rely on their
24 memory, certainly.

25 Answer any questions Mr.~Verner has for you.

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 CROSS-EXAMINATION

2 BY MR. VERNER:

3 Q Just so I get it right, you pronounce your first
4 Vanissia?

5 A Vanissia.

6 Q Vanissia. Are you from Newberry?

7 A Yes, sir.

8 Q Okay. I don't want to be presumptuous, but
9 could I ask how old you are?

10 A Twenty-nine.

11 Q Twenty-nine? Still in your 20's, good. How
12 long you been driving a taxi?

13 A I been driving taxi cabs from 2015 to 2017.

14 Q So, you drove -- you don't do that anymore?

15 A No.

16 Q Okay. But you did that about two years, give or
17 take?

18 A Yes, sir.

19 Q And for what company?

20 A Blue Cabs.

21 Q Blue Cabs?

22 A Yes, sir.

23 Q Where are they in Newberry? Where is their main
24 hub?

25 A We was downtown beside the library, then we

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 transferred to First Street and at his mother's house. He
2 was running, basically, a cab business from there.

3 Q Does he supply the cars?

4 A Yes, he supply the cars.

5 Q Okay. So, First Street is out towards Oakland
6 Mill?

7 A Yes, sir.

8 Q Okay. That's where he dispatches from, I
9 guess --

10 A Yes, sir.

11 Q -- or take the calls from?

12 A We dispatch ourself.

13 Q Okay. Does Blue Cabs have a phone number?

14 A Yes, sir.

15 Q What's that phone number?

16 A (803)276-0699. And then we have 2394.

17 Q Okay. 276-0699 would be like the yellow page
18 phone?

19 A Um --

20 Q Or advertised -- is there a phone number on the
21 side of the cabs?

22 A Yes.

23 Q What number would that be?

24 A 276-0699.

25 Q Okay. And that's kind of the main number?

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 A It used to be, yes, sir.

2 MR. VERNER: May I approach, Your Honor?

3 THE COURT: Sure.

4 BY MR. VERNER:

5 Q What's this phone number right here?

6 A 276-0699.

7 Q Okay. Does it appear to be a telephone number
8 right here?

9 A Yes.

10 Q What's that phone number?

11 A 924-6991?

12 Q Okay. So, can you tell me what time of the
13 morning it appears the phone call was made?

14 A At 4:57.

15 Q Okay. So, assuming this is a telephone record,
16 the call came from the 6991 number to the taxi cab number
17 about 4:57 in morning?

18 A (The witness nods.)

19 Q Okay. If could I ask you -- okay, so if I want
20 a taxi cab, I call 0699?

21 A Yes, sir.

22 Q Then he radios or calls you or texts you if
23 you're on duty and tells you where to go to pick up the
24 fare?

25 A Like I said, we normally have to phone ourself,

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 dispatch yourself.

2 Q So, I mean, does the call at 0699, it transfers
3 over to whoever's driving?

4 A Uh-huh.

5 Q So, if I called 0699 on May 3rd while you were
6 on shift, it would have been transferred straight to your
7 cell phone?

8 A To the cab's cell phone. They have two cell
9 phones that we have to use.

10 Q So, you used more than one cell phone when you
11 were in the cab?

12 A Yes, sir.

13 Q Okay. How unusual. Then -- do you -- but if he
14 called the number, it actually dispatches to the cell
15 phone in that particular cab, not to your personal cell
16 phone?

17 A No, not to my personal cell phone.

18 Q Then you speak to them and get the information
19 on where to pick them up?

20 A Yes, sir.

21 Q Do you ever have occasion to call them back on
22 your cell phone to say, you know, I'm running late or I'm
23 picking up so and so there?

24 A Yes. If they not outside when we get there, we
25 can call their phone back and say hey, you called a cab,

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 we outside, stuff like that.

2 Q If they're not where they're supposed to be, I
3 can call them up and say where are you?

4 A Yeah, or see sometimes -- most the time, we have
5 a no call, no show, like they call and not be there
6 anymore. So, then we have to try to keep calling them to
7 let them know that owe us money for coming out.

8 Q Okay. And sometimes, you might be taking other
9 people at that time --

10 A Yeah, have to let them know we probably be 10
11 minutes late or, you know, we backed up, something like
12 that.

13 Q Okay. Do you know what your cell phone number
14 was -- or do you recognize the cell phone number 271-4668,
15 is that a familiar cell phone number?

16 A It might have been. I change numbers a lot.

17 Q Okay. Just over the past few years, you've had
18 different phones and different numbers?

19 A Yes.

20 Q That's pretty common, isn't it?

21 A Yes.

22 Q I think you indicated -- well, do you remember
23 how long it took after you got the call -- you know
24 Clifton Boozer?

25 A I mean, I never knew his name, but.

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 Q You knew him as a regular customer?

2 A Yes.

3 Q And I think you testified you'd been picking him
4 up either from home or to work or various for about since
5 2015?

6 A Yes.

7 Q So, you've known this customer for about two
8 years?

9 A Off and on, yes, sir.

10 Q Did you know Ms. Clatie Stribble?

11 A No.

12 Q Do you know if you ever picked them up and
13 driven them both anywhere? Or do you remember picking up
14 Clifton and his girlfriend?

15 A I never picked up his girlfriend. I don't think
16 so.

17 Q Ms. Clatie. You don't recall ever picking her
18 up?

19 A No, I picked up the kids before with him.

20 Q Okay.

21 MR. VERNER: Mr. Bentley, are you behind the --
22 would you put up number three?

23 Q If I were to show you the front of the house --
24 I just want to make sure we're all -- can you step down
25 for a second? Is this the house you're talking about?

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 A Yes, sir, the blue house right here.

2 Q Okay. The driveway we're talking about would be
3 where?

4 A This is the driveway right here facing this way.

5 Q So, this picture is taken from somebody standing
6 in the road?

7 A Yes, sir.

8 Q Okay. Thank you. You can step back. Now,
9 Conifer, do you remember Conifer Drive, the road where
10 this house is?

11 A Yes, sir, I remember how to get there.

12 Q Is that a paved road or is it kind of gravel or
13 is it rough or what's the -- dirt?

14 A It was dirt like.

15 Q It's a dirt road?

16 A Yes.

17 Q Is it kind of a wooded area?

18 A A lot of trees.

19 Q Are there street lights there?

20 A Not really, no. In the yards maybe.

21 Q Okay. Individual houses might have lights on in
22 the house or outside, but it's not a really lit road?

23 A No.

24 Q Okay. Is that the property that you've been
25 taking Clifton Boozer to for the last two years?

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 A Not the whole time I've been working at Blue
2 Cabs, no.

3 Q Okay. How often would you take Clifton to that
4 house?

5 A I started back picking him up from off of that
6 road, it was probably 2016, the end of 2016.

7 Q Okay.

8 A My other cab driver that was working for me, he
9 was making payments or whatever for him to get back and
10 forth to Louis Rich at that time, the moment. I picked
11 him up from down there when he was working two times.

12 Q So, it wasn't just you who was picking up
13 Clifton there, there was also another taxi driver who
14 would make trips to that house, too?

15 A Yeah. If he had to go to work or come to work,
16 I wouldn't be working in the morning all the time.

17 Q Would you say that y'all covered it about equal
18 or you did slightly more or he did more?

19 A They probably did more than I did.

20 Q Okay. As for you, how often would you take
21 Clifton Boozer from that house or to that house?

22 A I picked him up one time from work and took him
23 home. And I picked him up maybe three or four times at
24 night and probably took him to Newberry or took him back
25 down there.

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 Q Okay. Do you remember how long it had been
2 before May 3rd that you had made that commute?

3 A Last time I saw him was that morning when I took
4 him from work back to Prosperity.

5 Q When you say that morning, what morning are you
6 talking about?

7 A I don't remember actually what day it was, but I
8 remember he was just getting off of work. It was probably
9 8:00, 9 o'clock that morning. He was getting off from
10 Louis Rich and I took him to Prosperity to that location.

11 Q Do you know roughly how long that was before May
12 3rd, the day the police officer --

13 A It was probably 2000 -- it had to be to end of
14 2016 or the beginning of 2017 when he was working at Louis
15 Rich.

16 Q Okay. Have you ever had to testify as a witness
17 in court before?

18 A No, sir.

19 Q So, little bit nerve racking?

20 A Yes.

21 Q If you want any water or anything, let me know,
22 but it won't be much longer. Which seat was Clifton --
23 when you picked him up, you picked him up again from
24 Newberry Arms?

25 A Uh-huh.

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 Q Was it unusual for you to pick him up early in
2 the morning?

3 A When I picked him up early in the morning, it
4 was from Louis Rich. When I picked him up from Newberry
5 Arms, it was mostly at night.

6 Q Okay. Which seat was Clifton in when you picked
7 him up and took him to that house?

8 A He was in the driver's seat -- I mean, not the
9 driver's seat, in the passenger seat.

10 Q Up front?

11 A Yes, up front with me.

12 Q And I believe you testified you remember it
13 being chilly that early morning?

14 A Uh-huh.

15 Q Again, how many times you think you seen this
16 house in the picture? How many times you think you been
17 there?

18 A I been there more than -- maybe more than five
19 times.

20 Q Okay. Both dropping off and picking up?

21 A Yes.

22 Q Then you also had a partner or a coworker who
23 was also familiar with that location?

24 A Yes. I mean, you have seven different people
25 day shift and night shift. He call and they go pick him

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 up.

2 Q Was Cliff kind of considered by you like a
3 regular customer?

4 A To me, he was a regular customer.

5 Q Okay. When I think of somebody -- when I used
6 the expression I had words with that lady or I had words
7 with somebody, I, typically, think of it wasn't
8 necessarily pleasant. When you said you had words with
9 Ms. Clatie before, you mean you had arguments with her or
10 problems or --

11 A She -- I mean, she was upset with me. I had
12 just started driving Blue Cabs in 2015. And I go pick him
13 up from her residence. They wasn't staying in that house
14 then, they was staying in a trailer.

15 Q Well, stop there for a second. So, when they
16 were living in the trailer, did you make stops at that
17 other house, too, had pick ups or deliveries?

18 A I used to go pick him up -- that's where I found
19 him with the kids, when I picked him up from the other
20 house.

21 Q So, prior to this house, there had been another
22 location they had been living in that you had picked him
23 off and dropped him off from?

24 A Yes, sir.

25 Q Was taxi the way he got to Louis Rich?

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 A Yes, sir.

2 Q Or from, back home?

3 A Yes, sir.

4 Q Okay. And a lot of people get to work that way
5 at Louis Rich, right?

6 A Yes, sir.

7 Q Okay. I apologize, I interrupted you now. You
8 said something in 2016 or so that you had words with
9 Ms. Stribble?

10 A 2015.

11 Q Okay.

12 A We just had a disagreement about me picking him
13 up. And she didn't want people to come pick him up and
14 stuff like that in cabs and take him around.

15 Q Was there more to it than that or just she
16 didn't like the cabs or she didn't like who he was with
17 or?

18 A I guess she didn't like for him to come to
19 Newberry and, I mean.

20 Q Did you take it just as kind of a girlfriend
21 being jealous type situation?

22 A No. I mean, I took it as woman being concerned
23 and trying to be, you know, protective of her family at
24 the time, the moment, you know.

25 Q Okay. But all you were involved in is I'm just

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 a taxi driver called out for a fare?

2 A I couldn't say what I -- I can drop him off. I
3 couldn't tell him he couldn't get in the cab or nothing
4 like that, so. I mean, she made a complaint about it and
5 I wasn't allowed to go pick him up if it was going to be
6 an altercation. Once I saw him again, I let him know that
7 she had contacted the cab company and said something about
8 me picking him up, you know, he told me he had done talked
9 to her, you know, and stuff like that and it was okay.

10 Q Was it just you personally she was angry with or
11 just the whole taxi, she didn't want anybody?

12 A She didn't want really anybody to, you know,
13 pick him up. She didn't want me to pick him up and take
14 him around and stuff. Basically, it was about she didn't
15 want him to spend his money I guess up in the cabs riding
16 this place and that place.

17 Q Okay. Now, I'm a little bit confused. When the
18 prosecutor -- I'm asking you, do you still have a pretty
19 good recollection of picking up Cliff on May 3rd and
20 dropping him off at that house early in the morning?

21 A Yes.

22 Q It's still -- you've got a memory, some memory
23 of it?

24 A Yes.

25 Q Okay. So, I'm not asking you to use notes or

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 anything else like that. I'm asking you to recall as best
2 you can remember. You initially indicated to the
3 prosecutor that at first Cliff was talking to you and you
4 were both laughing together on the ride over?

5 A That's what we normally do. We normally talking
6 and laughing when he get in the vehicle. That specific
7 night, we had something like a conversation. I was
8 fussing about how I couldn't make no money in the cabs and
9 stuff like that. He replied back. Then after a while, by
10 the time we got to Prosperity, we was both quiet. I mean,
11 we wasn't talking no more.

12 Q Okay. I believe he indicated to you don't pull
13 in the driveway and you knew that they were doing yard
14 work, right?

15 A No, he stated they was doing yard work.

16 Q Okay. But that's not the first time he asked
17 you not to pull in the driveway, right?

18 A Um.

19 Q Do you remember when you first met with
20 Lieutenant Bodiford of the Prosperity Police Department?

21 A Yes.

22 Q Is Lieutenant Bodiford in court? Do you see him
23 in court?

24 A Yes.

25 Q Where is he?

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 A (The witness points.)

2 Q He's the officer sitting to the far left end of
3 the table?

4 A Yes, sir.

5 Q That's the officer you remember talking to on
6 May 3rd?

7 A Yes, sir.

8 Q And he asked you -- would you like some water?

9 A No, I'm just -- I was just --

10 Q Okay. I know it's a little bit stressful, but
11 you know you're just a witness, right?

12 A Uh-huh.

13 Q You met with Lieutenant Bodiford on May 3rd at
14 the Prosperity Police Department, right?

15 A Yes.

16 Q That was late in the afternoon or late that day?

17 A Later that afternoon?

18 Q Uh-huh. You told Lieutenant Bodiford you
19 usually took Cliff to that house about two times a week.
20 Is that consistent with your recollection?

21 A Yes, from work and then probably pick him up
22 that night.

23 Q Okay. And you always dropped him off at the
24 same spot where you dropped him off on May 3rd because he
25 always give you a reason not to pull into the yard. Is

VANISSIA WRIGHT-CROSS BY MR. VERNER

1 that what you told Lieutenant Bodiford on May 3rd?

2 A It been a few times he say pull up that way.

3 So, I mean, you know, when we pull up, it's like his
4 driveway was too small, I guess, to turn the vehicle
5 around in so then you have to turn around into another
6 yard, back up, then go back out. Been a few times I could
7 just pull to the side of his trailer, let him out, then
8 you still have to turn around and stuff like that.

9 Q Yes, ma'am, I understand. But you told
10 Lieutenant Bodiford on May 3rd, I drop him off at the same
11 spot on Conifer Drive every time due to Boozer always
12 making a different excuse not to pull into the yard. So,
13 where you dropped him off on May 3rd is where you usually
14 drop him off?

15 A Yes.

16 Q If I'm putting words in your mouth, you can
17 correct me, but that's what you told Lieutenant Bodiford
18 on May 3rd, right?

19 A Yes.

20 Q That I dropped him off where I usually drop him
21 off?

22 A Drop him off, yes.

23 Q Okay. Do you know where Cliff had been at
24 Newberry Arms prior to you picking him up?

25 A Who house it was or apartment? No. I don't

VANISSIA WRIGHT-REDIRECT BY MR. SCOTT

1 know who stays out that way.

2 Q That's fine. Ordinarily when he went to see
3 Ms. Clatie early in the morning, I think you indicated to
4 the prosecutor that she would turn the lights on for him?

5 A Yeah, the lights would be on.

6 Q Okay. Was that always the case or was that
7 usually the case?

8 A Most of time, the light on.

9 Q Okay.

10 MR. VERNER: Ms. Wright, I understand it's been
11 tough, but I appreciate the testimony unless the
12 prosecutor has any follow up.

13 THE COURT: Any additional questions?

14 MR. SCOTT: I do, Your Honor. I do.

15 REDIRECT EXAMINATION

16 BY MR. SCOTT:

17 Q So, if a call came in at 4:57 to get picked up,
18 how long does it take, to your recollection, to get from
19 Newberry Arms to the Conifer Drive house?

20 A I came from 34, it's Bill White trailer park, I
21 came from down that way. It took me probably about, I say
22 10 minutes to get to Newberry Arms from Bill White. Then
23 from Newberry Arms to Prosperity, I say about maybe 10
24 minutes, somewhere up there, 10, 20 minutes to get down
25 there.

VANISSIA WRIGHT-REDIRECT BY MR. SCOTT

1 Q Okay. 10 to 15 or 10 to 20?

2 A 10 to 20, I say.

3 Q So, if we say at the very most, it's 20 minutes
4 from Newberry Arms to Prosperity and you tack on another
5 10 minutes, we're looking at 30 minutes, so you would
6 call -- would it be possible you got there around 5:30
7 a.m. if the call came in at 4:57?

8 A Yes, sir.

9 Q So, a number of things you talked about that
10 were different that night. Normally, when you dropped him
11 off, the light was on the porch. You said that.
12 Normally, y'all joked around and laughed when you drove
13 there, that was different this time. You said normally
14 when he asked you to pick him up from Newberry Arms, that
15 was at night. Then if he was going from Louis Rich, that
16 would be a morning pick up?

17 A Morning thing, uh-huh.

18 Q I'm not saying he put words into your mouth, but
19 your testimony earlier was that it was unusual that he
20 made you drop him off at that neighbor's house?

21 A Yeah, I never dropped him off in front of
22 somebody else driveway. You know, I normally drop him off
23 in front of his house, go up, turn around, come back out,
24 then -- I mean, I never dropped him off at somebody else
25 house.

VANISSIA WRIGHT-REDIRECT BY MR. SCOTT

1 Q Just as a taxi driver, is it -- what you
2 normally experience is somebody, if they ask for you to
3 take them to their residence, you drop them off in front
4 of their residence?

5 A Yes.

6 Q Did you see any yard work that would keep you
7 from dropping him off at that house that night?

8 A That night, when I pulled to the left and pulled
9 right there in front of the mailbox, I was already in the
10 position facing this way, like I was able to back up and
11 turn back in towards his house like and just go back out.
12 I never went all the way up to his yard or, you know, you
13 drove past his yard to turn around or nothing.

14 Q But you didn't see any tractors or lawn
15 equipment that was that noticeable in his yard or anything
16 like that?

17 A I mean, from where I was and how dark the road
18 was, I couldn't see if it was yard work did in there or
19 not.

20 Q And then he was kind of gone pretty quickly
21 after he got out of the car, is that what your testimony
22 was?

23 A Yes, sir. By the time I started backing up, he
24 wasn't in the way and he wasn't on the side of the car.
25 Because I was trying to make sure I didn't hit him.

VANISSIA WRIGHT-REDIRECT BY MR. SCOTT

1 Q Okay.

2 MR. SCOTT: Okay. Thank you, that's all.

3 THE COURT: All right, ma'am, you can step down.
4 Thank you very much for coming, you're free to go.

5 Ladies and gentlemen, I apologize for the late
6 break for lunch. I was under the impression that was
7 going to be the last witness and I was going to be
8 finished with that one. We're going to go ahead and
9 take our lunch break at this particular point in
10 time. If you would, be back in the jury room in
11 about an hour and five minutes, so about quarter till
12 3:00 if you could. At that point in time, we'll
13 proceed with further testimony on this case. Again,
14 don't talk about the case during the lunch break.
15 See you back at quarter till 3:00. Again, sorry it's
16 so late taking a break. Sorry. See y'all in a bit.

17 (WHEREUPON, the jury left open court at
18 approximately 1:38 p.m.)

19 THE COURT: All right, we'll be a ease.

20 (WHEREUPON, a lunch break was taken.)

21 THE COURT: All right, we're back on the record.
22 I'm told that the jury is here. Just so that y'all
23 are aware, the court needs to break today at 5:15, so
24 we're going to shoot for that. I realize the State
25 will go into tomorrow in their case, but I'd like to

1 try to break around 5:15.

2 Let's have the jury, please.

3 (WHEREUPON, the jury came into open court at
4 approximately 3:00 p.m.)

5 THE COURT: All right, the record will reflect
6 the jury is back and seated.

7 Ladies and gentlemen of the jury, I tell you
8 what I just told the court personnel out here, we're
9 going to break today around 5:15. I've got something
10 I need to try to get squared away this evening in
11 Greenwood. So, that's going to be your target time.

12 Solicitor, if you would call your next witness,
13 please.

14 MR. SCOTT: The State calls Dr. Janice Ross.

15 THE CLERK: Raise your right hand, place your
16 left hand on the Bible.

17 JANICE ROSS, M.D., after being duly sworn,
18 testified as follows:

19 THE CLERK: Have a seat, state your name for the
20 record.

21 THE WITNESS: Janice Edwards Ross, R-O-S-S.

22 DIRECT EXAMINATION

23 BY MR. SCOTT:

24 Q Dr. Ross, you are a forensic pathologist?

25 A Yes.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q And your office is here in Newberry, correct?

2 A Yes.

3 Q Just for the jury's education, describe what
4 forensic pathology is.

5 A Yes. To become a forensic pathologist, you have
6 to go through college for four years. I have a Bachelor's
7 Degree in biology from the University of South Carolina.
8 And I got my MD from Syracuse, New York Upstate. That's
9 where I did further training in the field of pathology.
10 Pathology, as oppose to surgery or pediatrics, is a field
11 where we learn how to identify diseases by looking at
12 tissue under a microscope or using the laboratory to
13 identify diseases, kidney failure, for instance.

14 I further did training in a medical
15 examiner's office in Syracuse, New York where I learned
16 forensic pathology. The word forensic means legal, so we
17 use our pathology knowledge in legal matters, such as
18 homicides, suicides, accidents, rape cases. We learn how
19 to do an autopsy to document the cause of death and the
20 manner of death, document injuries and identify patterns
21 of injuries. I've been board certified for three years in
22 pathology.

23 Q Then on May 4th of last year, did you have
24 occasion to perform an autopsy on Clatie Stribble?

25 A Yes.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q Okay. I've got your report listed as FA17389?

2 A That is correct.

3 Q Okay.

4 MR. SCOTT: Your Honor, I would -- and I think
5 Mr.~Verner is familiar with Dr. Ross' qualifications.
6 I would offer her as an expert in the field of
7 forensic pathology.

8 MR. VERNER: No objection.

9 THE COURT: Ladies and gentlemen, the Court
10 agrees that Dr. Ross is an expert in the field of
11 forensic pathology. As I explained earlier, she can
12 give opinion testimony in that area.

13 MR. SCOTT: Thank you, Your Honor.

14 BY MR. SCOTT:

15 Q And just really to back up a minute, how many
16 autopsies do you think you've performed in the last year
17 probably?

18 A In this last year, about a thousand. Overall,
19 about 12,000.

20 Q And you've testified in this particular court a
21 number of times, have you not?

22 A A few times. In the State of South Carolina,
23 about 200 times.

24 Q So, you had the occasion to perform the autopsy
25 on the date of May 4th, 2017. According to your notes, on

JANICE ROSS-DIRECT BY MR. SCOTT

1 what day did Ms. Stribble die?

2 A On May 3, 2017.

3 Q Okay. And so, May 4th at 8:30 a.m. is when you
4 did the autopsy?

5 A Yes.

6 Q Okay. First, before you did any of the, I
7 guess, dissection, what were your observations of --
8 externally on Ms. Stribble?

9 A First of all, when we do an autopsy, they come
10 to us in the morgue at Newberry County Memorial Hospital.
11 We will take photographs externally before we do any kind
12 of internal work. And we found several types of injuries.
13 We found sharp force injuries, blunt force injuries and
14 evidence of strangulation.

15 Q Okay. Is it easier if we break down the
16 injuries category by category that you just described?

17 A Yes.

18 Q Okay. Blunt force -- can I start with the blunt
19 force injuries?

20 A Yes.

21 Q Where did you -- and describe the blunt force
22 injuries you observed?

23 A Blunt force injuries occur when you're hit by a
24 blunt force, like a baseball bat or a rod or something.

25 Q What about a fist?

JANICE ROSS-DIRECT BY MR. SCOTT

1 A Or a fist or if you fall. So, the blunt force
2 injuries include bruises, which are called contusions.
3 Abrasions, which are just surface abraded areas of the
4 skin. And lacerations, which are the splitting of the
5 skin when you're hit by an instrument.

6 Q Okay. Specifically on Ms. Stribble, what blunt
7 force injuries did you observe?

8 A She had a bruise on the right side of her jaw,
9 mandible.

10 Q Okay. Let me show you State's No. 52.

11 MR. VERNER: Exhibit what?

12 MR. SCOTT: Fifty-two.

13 THE WITNESS: Yes, that shows the bruise.

14 BY MR. SCOTT:

15 Q And this is a photograph that you would have
16 taken?

17 A Yes.

18 Q All right.

19 MR. SCOTT: Just to prepare the jury, I've got a
20 picture here that Dr. Ross has taken of Ms. Stribble.

21 MR. VERNER: Without objection.

22 You're entering it?

23 MR. SCOTT: Yes, the State offers 52 for
24 admission into evidence.

25 THE COURT: In evidence without objection.

JANICE ROSS-DIRECT BY MR. SCOTT

1 (WHEREUPON, State's Exhibit No. 52 was admitted
2 into evidence.)

3 MR. SCOTT: Walter, while you do that, I'm going
4 to continue on.

5 BY MR. SCOTT:

6 Q So, first of all, blunt force to the right chin,
7 cheek area is what you described?

8 A Yes. And there was an abrasion under the bridge
9 of the nose.

10 Q Okay. Let me show you State's No. 51, do you
11 recognize that?

12 A Yes.

13 Q Okay. That was another blunt force injury you
14 observed?

15 A Correct.

16 MR. SCOTT: All right. State's offers State's
17 51 for admission into evidence.

18 THE COURT: Without objection, it's in evidence.

19 (WHEREUPON, State's Exhibit No. 51 was admitted
20 into evidence.)

21 BY MR. SCOTT:

22 Q Continue with the blunt force injuries.

23 A She had abrasions around her neck, right and
24 left side, sort of horizontally oriented.

25 MR. VERNER: Did you offer 51 into evidence?

JANICE ROSS-DIRECT BY MR. SCOTT

1 MR. SCOTT: I did.

2 MR. VERNER: Without objection.

3 BY MR. SCOTT:

4 Q Okay. The neck blunt force injuries, how would
5 you describe those? Can you describe them in more detail?
6 Was it bruising?

7 A Bruising. Yes, bruising.

8 Q Okay. And that bruising, was that indicative of
9 any action you've seen before?

10 A No specific pattern, but it is indicative of
11 possible strangulation.

12 Q Okay. And you said it covered both sides of the
13 neck?

14 A Yes.

15 Q In fact, do you see any of that in State's No.
16 52, what you're describing?

17 A Yes.

18 Q Okay. We've got the cheek, the bridge of the
19 nose, then the neck. What other blunt force injury did
20 you observe?

21 A I forgot the head. There was a bruise on the
22 inside of the left upper lip and an abrasion on the left
23 lower lip.

24 Q Okay. That's State's No. 50, is that what
25 you're describing?

JANICE ROSS-DIRECT BY MR. SCOTT

1 A Yes.

2 Q Okay.

3 MR. SCOTT: The State offers 50 for admission
4 into evidence.

5 THE WITNESS: Just to the right side of the
6 larynx.

7 MR. VERNER: No objection.

8 THE COURT: No objection, State's 50 is in.

9 (WHEREUPON, State's Exhibit No. 50 was admitted
10 into evidence.)

11 BY MR. SCOTT:

12 Q Externally, was that the extent of the blunt
13 force injuries or were there more?

14 A There were a couple of bruises on the right leg.

15 Q On her leg?

16 A Yes.

17 Q Okay. Were you later on -- as part of the
18 internal examination, were you able to locate other signs
19 of blunt force trauma?

20 A No.

21 Q I've had cases before I think where you were
22 able to, once dissecting, sometimes some of the bruises
23 show up under the skin that aren't readily observable on
24 the outside?

25 A Correct.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q I don't have the picture printed up. I think I
2 saw it in your notes earlier. Okay. Well, let me --

3 Can we get those pictures up, Walter?
4 Start with just the order we testified.

5 State's 53. Okay, you talked earlier about
6 the bruise on the right jaw kind of area?

7 A Yes.

8 Q Are you able to see it in this picture? In this
9 same picture, you can see the mark on the upper lip you're
10 describing?

11 A Yes.

12 Q Okay. The blunt force we see in this picture,
13 the bruise on the chin, the bruise on a upper lip in this
14 picture and then you're seeing some of the bruising around
15 the neck.

16 A Correct.

17 Q Let me -- State's No. 50, this is -- if you look
18 on the inside of the mouth, this is just another view of
19 the mark on the upper lip, then the bruise on the lower
20 lip?

21 A Correct. Our numbers are placed such that the
22 top of the head is above the number.

23 Q Right, we're looking down from the top of the
24 head towards the feet?

25 A Correct.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q State's 51. Okay, that would be what you would
2 characterize as blunt force trauma to the bridge of the
3 nose?

4 A Yes.

5 Q That resulted in that split that we're seeing
6 there?

7 A Yes.

8 Q Let's go over the --

9 MR. VERNER: Your Honor, do you need me to move
10 so you can see?

11 THE COURT: I'm good. Thank you.

12 BY MR. SCOTT:

13 Q What was the next category involving sharp --

14 A Sharp force injury -- sharp force injuries, of
15 course, are caused by sharp instruments like a knife or
16 piece of glass, anything sharp. There are two categories,
17 a stab wound, which is defined as longer than it is wide,
18 and there are incised wounds, which are just superficial
19 cuts, basically.

20 Q Did you observe stab wounds?

21 A Yes.

22 MR. SCOTT: Let me go back, Walter, to that last
23 one. I'm sorry, I can't remember the number, but it
24 is State's 52.

25 Q Okay. How many overall stab wounds did you

JANICE ROSS-DIRECT BY MR. SCOTT

1 note?

2 A Two.

3 Q State's 52, do we see one of the stab wounds in
4 this picture?

5 A Yes, that's on the right side of the neck.

6 Q Okay. Okay. Then where was the other one?

7 A On the left chest.

8 Q Let me show you State's No. 49, do you recognize
9 that?

10 A Yes.

11 Q Is that a photo of the other stab wound?

12 A Correct, yes.

13 MR. SCOTT: Your Honor, the State does offer 49
14 for admission into evidence.

15 MR. VERNER: No objection.

16 THE COURT: It's in evidence.

17 (WHEREUPON, State's Exhibit No. 49 was admitted
18 into evidence.)

19 BY MR. SCOTT:

20 Q Okay. So, the first one that we just saw, that
21 would have been right here; is that correct?

22 A Yes.

23 Q And this one, point me where that would be?

24 A It would be the left chest just left to the
25 midline, to the left of breast area.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q Where my hands are, does that reflect where
2 these wounds were?

3 A Correct.

4 Q So, those were the two stab wounds. You noted
5 that was -- what was the other sharp force injury?

6 A Incised wounds. Those are just superficial
7 wounds made by a sharp instrument.

8 Q Okay. Fifty-three, State's 53, would that be
9 indicative of an incised wound?

10 A Yes, an incised wound to the back of the right
11 hand.

12 MR. SCOTT: State's offer State's 53 for
13 admission.

14 MR. VERNER: Without objection.

15 THE COURT: Without objection, it's in evidence.

16 (WHEREUPON, State's Exhibit No. 53 was admitted
17 into evidence.)

18 BY MR. SCOTT:

19 Q So the stab wounds and this would be an incised
20 wound. Any other incise-type wounds?

21 A Two small nicks. One was to the left cheek and
22 one was in the left chest.

23 Q Okay. Does that cover all the categories of
24 injuries that you noted?

25 A There's evidence of strangulation.

JANICE ROSS-DIRECT BY MR. SCOTT

1 Q Right. Okay. And we kind of covered that. Let
2 me go back to State's 52. Okay. Would you mind,
3 Dr. Ross, stepping up to the TV and show the jury kind of
4 what they need to focus on in strangulation?

5 A These wounds here and here, something had some
6 pressure on the neck, front of neck.

7 Q Then before you take your seat, there's a lot of
8 kind of red pinpoint type specs on Ms. Stribble's face,
9 can you point them out for the jury?

10 A Those are petechiae. Petechiae is caused when
11 you have pressure against your neck, you collapse the
12 veins that bring blood down from the head down towards the
13 heart as opposed to the arteries that take blood up to the
14 to brain from the heart. So, when you have pressure on
15 the veins, blood cannot come down to the heart and
16 pressure builds up little red blood cells, go out of
17 capillaries that cause these little red dots.

18 Q Is this correct, if you strangle somebody, it's
19 not necessarily that they're dying from the lack of
20 oxygen, it's that the blood that's up in their head has no
21 way to escape? Is that kind of a fair --

22 A Correct. The brain is in a closed space, closed
23 pouch, so to speak, inside the skull. So, any kind of
24 extra volume in there causes the brain to stop working.
25 So, when you can't get blood down from your brain and

JANICE ROSS-DIRECT BY MR. SCOTT

1 there's some swelling, it is a known fact that you go
2 unconscious within seconds. But it takes continuous
3 pressure on your neck for you to be complete brain dead.

4 Q Let me show you again State's 51 if we can get
5 that on the TV, too. Do you see evidence of petechiae in
6 this photo as well?

7 A Yes.

8 Q Okay. A lot of times in these kinds of cases,
9 we'll see it in the eyes. I don't think that I have a
10 good picture of the eyes. Did you observe any petechiae
11 in the eyes?

12 A A few fine ones.

13 Q Okay. But primarily on the face and the
14 forehead?

15 A Correct.

16 Q Cheek and forehead. Let me show you -- did I
17 put 48 into evidence? Let me show you State's No. 48.
18 What do you see in this picture?

19 A That interior neck, including the stab wound
20 with some abrasions and contusions on the neck.

21 MR. VERNER: I would ask that she speak up just
22 a little bit. I can't hear her.

23 THE WITNESS: I'm sorry.

24 That shows the stab wound of the neck and the
25 abrasions and contusions around the front of the

JANICE ROSS-DIRECT BY MR. SCOTT

1 neck.

2 BY MR. SCOTT:

3 Q Okay.

4 The State would offer State's No. 48.

5 MR. VERNER: Without objection.

6 THE COURT: All right, it's in evidence.

7 (WHEREUPON, State's Exhibit No. 48 was admitted
8 into evidence.)

9 BY MR. SCOTT:

10 Q That is the stab wound to the right neck area?

11 A Yes.

12 Q Then what else are we seeing in this picture?

13 A Well, these are abrasions, couple small nick
14 wounds, that's abrasions on contusions, abrasions on
15 bruises.

16 Q Are we seeing some signs of petechiae in this as
17 well and bruising on the neck?

18 A Yes. Again, the number shows the top of the
19 head is upward.

20 Q If I could have you -- this is State's No. 54.
21 This is your report that list your findings?

22 A Yes, it is.

23 Q Okay. And at the very end, there's a diagram
24 where it looks like you kind of list all the specific
25 injuries you observed on Ms. Stribble?

JANICE ROSS-DIRECT BY MR. SCOTT

1 A Yes.

2 Q Okay. If I publish that, would you be able to
3 walk the jury through each one of those injuries on the
4 screen?

5 A Yes.

6 MR. SCOTT: Your Honor, this is Dr. Ross' report
7 that I'm going to offer into evidence, but attached
8 to it is a diagram.

9 MR. VERNER: Judge, for all concerned, I don't
10 really have -- I've got my book -- are these the
11 doctor's contemporaneous notes at the autopsy?

12 MR. SCOTT: I'll ask her.

13 BY MR. SCOTT:

14 Q Did you take these as you're observing
15 Ms. Stribble?

16 A Yes.

17 MR. VERNER: The only problem I have is that the
18 handwriting she's using seems to be kind of --

19 THE WITNESS: That's my handwriting.

20 MR. VERNER: Oh, I understand that, but it's not
21 the most legible.

22 MR. SCOTT: She's a doctor.

23 THE COURT: Dr. Ross and I have something in
24 common then. I can imagine that she can explain it
25 as she walks through it.

JANICE ROSS-DIRECT BY MR. SCOTT

1 MR. VERNER: She would have to, but it's
2 prescription handwritten.

3 THE COURT: If that's the only concern, then,
4 obviously, State's 54 in evidence.

5 MR. SCOTT: Thank you, Your Honor.

6 (WHEREUPON, State's Exhibit No. 54 was admitted
7 into evidence.)

8 BY MR. SCOTT:

9 Q Okay.

10 A This is a diagram that I use when we're looking
11 at the outside of the body before we start the autopsy.
12 Of course, it is my handwriting. Brown hair, brown eyes,
13 some petechia, mouth full of teeth. There's bruising on
14 the inner lip. The face with petechiae. This shows the
15 abrasion, this mark. This shows the contusion or bruise
16 on the right chin, right manifold. This is a stab wound
17 and this the measurement where it is from the top of the
18 head and from the middle of the body. A couple of
19 abrasions and nick wounds, abrasions here. This is the
20 other stab wounds. These concern tattoos, tattoos,
21 tattoos and a bruise here, a small abrasion here. Tattoo
22 on the right side of the calf.

23 Q Okay.

24 A Then these have to do with tattoos.

25 Q Then it looks like on that little nick on her

JANICE ROSS-DIRECT BY MR. SCOTT

1 right hand is indicated as well?

2 A That's an incised wound on the back of her right
3 hand, yeah.

4 Q Okay. Thank you. The whole report, so attached
5 to the front of State's 54, that's your findings?

6 A Yes.

7 Q And 54, that is your documentation of your
8 findings that you -- when you performed autopsy May 4th of
9 last year?

10 A Yes.

11 Q Okay. And ultimately, did you make an opinion
12 on what caused Ms. Clatie Stribble's death?

13 A Yes. First off, when I do my report, I use this
14 diagram and go back to photographs to add or retract. I
15 found that the cause of death was asphyxia, which means
16 the brain lacks oxygen or lacks circulation due to
17 strangulation with a constitution of the stab wound to the
18 neck.

19 Q So, the stab wound -- and specifically, it was
20 only one stab wound you felt was potentially fatal; is
21 that correct?

22 A Correct.

23 Q Was it not the one on the right lower neck?

24 A Correct.

25 Q Okay. But was it your opinion the stab wound

JANICE ROSS-DIRECT BY MR. SCOTT

1 was what killed her?

2 A It contributed, but by itself, it was
3 potentially fatal. It went down into the neck and towards
4 the middle of the neck and cut some small vessels in the
5 neck, but not the main vessels. So there was some
6 bleeding there, but not a tremendous amount.

7 Q At the end, was it not your professional expert
8 opinion that asphyxiation by strangulation is what killed
9 Ms. Stribble?

10 A Yes.

11 Q And, in fact, this petechiae, those are very
12 relevant when you're dealing with a strangulation case,
13 are they not?

14 A Yes.

15 Q And would you expect -- let's say you had
16 somebody who had died from a stab wound, they bled to
17 death, then you attempted to strangle -- you attempted to
18 squeeze their neck, would you expect to see petechiae if
19 their heart wasn't beating anymore?

20 A No.

21 Q Okay. So, if the argument was made that she
22 died from the stab wound and then she was choked, there
23 really wouldn't be an explanation for the petechiae all
24 over her face and her eyes and on her cheeks and on her
25 forehead?

JANICE ROSS-DIRECT BY MR. SCOTT

1 A No, sir.

2 Q Okay. So, it's your expert opinion that
3 strangulation is what killed her?

4 A Yes.

5 Q Let me ask you this, have you ever seen somebody
6 kill themselves by hanging themselves?

7 A Yes.

8 Q I know the answer, but explain to the jury how
9 you've come to see that.

10 A I saw a video of someone who set up a camera and
11 filmed himself hanging. And you could tell that he wasn't
12 conscious within seven seconds, very quickly because of
13 that swelling to the brain. But it took him several
14 minutes to actually fully die.

15 Q I think what you're describing is some -- people
16 do weird things, don't they, but what I recall you telling
17 me was somebody filmed their suicide or something like
18 that?

19 A Yes, sir.

20 Q Obviously, completely unrelated to this case,
21 but you had studied it for medical purpose, I guess?

22 A Correct.

23 Q Are there not other medical records of how long
24 it takes to strangle somebody, how long it takes to kill
25 somebody through strangulation?

JANICE ROSS-DIRECT BY MR. SCOTT

1 A Yes.

2 Q And so you say seconds until they're rendered
3 unconscious?

4 A Yes, sir.

5 Q But, ultimately, how long do you need to apply
6 pressure to somebody's neck, whether it be a ligature or
7 whether it be manual strangulation, how long do you have
8 to apply that pressure before they are killed?

9 A Several minutes. Maybe three to four.

10 Q Three to four minutes?

11 A Yes.

12 Q Okay. So, would it be your opinion that there
13 would have had to have been pressure around Ms. Stribble's
14 neck three to four minutes to produce her death?

15 A Yes. The loss of blood could have added to it.

16 Q That could have expedited it potentially is what
17 you're saying?

18 A Correct.

19 MR. SCOTT: Your Honor, that's all. I just want
20 to double check that State's 54 has been admitted and
21 then I intended to admit State's 48 through State's
22 53 for admission into evidence.

23 THE COURT: I've got 53, I've got 52, 51, 70, 49
24 and 48.

25 MR. SCOTT: And then State's 54 for admission?

JANICE ROSS-CROSS BY MR. VERNER

1 THE COURT: Yes.

2 MR. SCOTT: Thank you, Dr. Ross. Answer any
3 questions Mr.~Verner has for you.

4 THE COURT: Mr.~Verner.

5 MR. VERNER: Now, just housekeeping, you've got
6 the diagram as 55?

7 MR. SCOTT: No, that's an attachment.

8 THE COURT: That's part of the autopsy report.

9 CROSS-EXAMINATION

10 BY MR. VERNER:

11 Q My understanding, Doctor, is that you missed the
12 morning hearings because you were doing autopsies the
13 morning, is that?

14 A Correct.

15 Q So, that's a fairly full time approach,
16 business?

17 A Absolutely.

18 Q Just so I can clarify, I'm handing you the chart
19 that you did for Ms. Clatie, can you look back over your
20 own -- I just don't want to be confused. Can you
21 highlight in yellow the marks that you have on her body
22 that are not injuries, such as tattoos?

23 A That are not injuries?

24 Q With that many marks, I don't want to be
25 confusing about what's --

JANICE ROSS-CROSS BY MR. VERNER

1 A I understand.

2 Q You think you've got it?

3 A I believe so.

4 Q Okay. So, my opinion is most of these marks
5 that you have on her body would not be injuries?

6 A Correct, mostly referring to tattoos.

7 Q Okay. Ms. Clatie had several tattoos?

8 A Yes, sir.

9 Q In fact, she had the name Cliff tattooed on her
10 arm?

11 A Yes, sir.

12 MR. VERNER: Defendant's 4.

13 (WHEREUPON, Defendant's Exhibit No. 4 was marked
14 for identification only.)

15 BY MR. VERNER:

16 Q And just to restate it, what you highlighted in
17 yellow would not be injuries, that would not be connected
18 to this case?

19 A Correct.

20 Q Okay. How large was Ms. Clatie Stribble in
21 weight, or size and weight?

22 A We measured her at 65 and a half inches, 5 feet
23 five and a half inches tall. We don't have a scale in the
24 morgue, so I estimated her weight as 160-pounds.

25 Q Is it possible that she was slightly bigger,

JANICE ROSS-CROSS BY MR. VERNER

1 somewhat bigger than 160?

2 A Yes.

3 Q And she was how old?

4 A Thirty-five.

5 Q Thirty-five. And not obese, but fairly large
6 body mass?

7 A Yes.

8 Q Okay. Were you able to identify -- there were
9 two stab wounds on Ms. Clatie?

10 A Yes.

11 Q Were you able to identify what made those?

12 A No, it looked like a single-edged knife, but.

13 Q They were clean enough, I guess is one way to
14 call it, that it appeared to be a sharp -- a knife?

15 A Correct.

16 Q Could it have been scissors?

17 A If they were the -- scissors have a wide blade.

18 Q In your opinion, more consistent with a knife?

19 A Correct.

20 Q Now, we know there's all kinds of knives, right?

21 A Yes.

22 Q A buck -- what I call a buck knife, it's kind of
23 a shorter blade, but wider blade?

24 A Yes.

25 Q And a steak knife would be a longer blade, but

JANICE ROSS-CROSS BY MR. VERNER

1 less -- more narrow?

2 A Correct.

3 Q And some knives are serrated and some knives are
4 just clean edge?

5 A Yes.

6 Q Could you tell whether it was a serrated knife
7 or a clean-edge knife or is that possible?

8 A It not always possible, sometimes it is.

9 Q In this case, was it?

10 A No.

11 Q Okay. Were the wounds -- were you able to
12 measure the size of the stab wound?

13 A The length?

14 Q The length and the width?

15 A No, tissue is elastic, so it's hard to say
16 exactly how long. But the one in the neck was probably
17 about two inches long. The one in the chest just went and
18 hit the breastplate and stopped. So, it was about one and
19 a half inches long.

20 Q Are we talking about deep or the size of the
21 blade?

22 A Deep.

23 Q Okay, deep. What about the size of the knife
24 blade?

25 A .7-inches.

JANICE ROSS-CROSS BY MR. VERNER

1 Q Okay. So, about a little over half an inch?

2 A Yes, sir.

3 Q Okay. Is that consistent with a steak knife or
4 a kitchen knife?

5 A There's all varieties. Could be, yes.

6 Q But that wouldn't be like a buck knife, that
7 would be smaller than a buck knife type?

8 A As I understand it, yes.

9 Q All right. But it could be a pocketknife size,
10 kind of a little small blade. But it is just in the
11 ballpark of a steak knife size?

12 A Yes, sir.

13 Q Okay. Commonly found in the kitchen?

14 A Yes.

15 Q Okay. Did they give you any knives or anything
16 to try to make a determination of which object was used?

17 A No, they did not.

18 Q Okay.

19 Walter, may we have No. 48? Are you able,
20 Walter, to rotate that so the numbers are up and down?

21 Q Can you see that adequately, Doctor?

22 A Yes.

23 Q The top of that, I'm assuming, would be
24 Ms. Clatie's neck?

25 A Yes.

JANICE ROSS-CROSS BY MR. VERNER

1 Q And there's a tattoo on her upper chest?

2 A Correct.

3 Q I'm a layman, but it appears that that knife
4 angle is more -- is that right to left or left to right?

5 THE WITNESS: May I approach?

6 THE COURT: You may.

7 BY MR. VERNER:

8 Q And if you're not able to do it, what would be
9 the sharp side of the knife and what would be the blunt
10 side of the knife?

11 A Okay. Here's the midline. This is the sharp
12 edge and this is the blunt edge. The direction is
13 downward, slightly backward and towards the midline.

14 Q So, it's coming at her from -- I don't mean to
15 be intrusive, but point to yourself where would be?

16 A Be down that way.

17 Q Just use the tip of your pen to show where
18 basically the injury is to the neck.

19 A (The witness complies.)

20 Q In your opinion, the blow is coming left to
21 right?

22 A Yes.

23 Q I thought you said --

24 A Right to left.

25 Q Right to left. So, it would be kind of going --

JANICE ROSS-CROSS BY MR. VERNER

1 A It would be going from right downward --

2 Q Your right?

3 A The patient's right downward and toward the
4 midline.

5 Q But the blade would be -- the sharp end of the
6 blade would be on the left-hand side?

7 A Yes.

8 Q My left-hand side, your right-hand side?

9 A Well -- that's right.

10 Q That's her --

11 A It's her right, your left.

12 Q This is the midline of her neck?

13 A Correct.

14 Q This is the edge of her neck?

15 A It's the right side of her neck.

16 Q Right side of her neck. And the blade is
17 pointing this way, the sharp edge is going towards the
18 right side of her neck, correct?

19 A Well, this is -- it's coming in this way, the
20 sharp edge towards the side.

21 Q It's the sharp edge in the back of your hand and
22 the blunter edge of the knife is going this way?

23 A Yes.

24 Q And it's already on the right hand side of her
25 neck?

JANICE ROSS-CROSS BY MR. VERNER

1 A So it turned around.

2 THE COURT: I think you're miscommunicating.

3 MR. VERNER: We are.

4 THE COURT: She's always talking in terms of the
5 patient.

6 MR. VERNER: Right.

7 THE COURT: When she says right, she means the
8 patient's right. When she says left, she means the
9 patient's left. That's usually how you do it.

10 THE WITNESS: Thank you. The sharp edge is over
11 here. The blunt edge is here.

12 BY MR. VERNER:

13 Q That's my question. This is the sharp edge of
14 the knife?

15 A Yes, sir.

16 Q This is the midline of the neck?

17 A Correct.

18 Q So -- and you're testifying that the knife is
19 going into the body that way?

20 A Correct.

21 Q But still that's with the sharper edge on the
22 outside?

23 A On the outside.

24 Q Which would be a little bit more unusual strike
25 on the neck, right?

JANICE ROSS-CROSS BY MR. VERNER

1 A You can hold a knife a lot of different ways.

2 Q Either way?

3 A Yes.

4 Q Okay. But ordinarily, you would use the sharper
5 edge to lead the knife in. But if it's an icepick, it can
6 go either way, right?

7 A Correct.

8 Q But ordinarily, if you cut something, you would
9 use the sharper edge first?

10 A Yes.

11 Q Are you able to determine whether Ms. Stribble
12 was right-handed or left-handed?

13 A No, sir.

14 Q The wound in the neck would have bled, but not
15 substantially?

16 A I don't believe so.

17 Q Okay. It strikes me that if ordinarily I
18 were -- can you tell if Ms. Stribble was standing or
19 reclined when the wound was caused?

20 A No, I cannot.

21 Q Are you able from your experience to determine
22 whether it was kind of an overhand? I would assume if
23 something starts up here and ends up going down, it would
24 either be an overhead or --

25 A I can't put two people in a position. It could

JANICE ROSS-CROSS BY MR. VERNER

1 be -- if they were face to face, it would be going like
2 so, downward from the right to the left. If the person
3 stabbing were behind her, you can reach around and do it.

4 Q But, typically, if I'm going to stab somebody
5 and I've got the knife like this, and the injury's in the
6 neck, it would be an upward strike?

7 A It could be either way. I don't know what's --

8 Q It's a lot harder to go down with a knife
9 pointing a knife like this, right, in the neck?

10 A It would seem so, yes.

11 Q But if I were holding the knife like this, it's
12 a more logically downward strike?

13 A Yes, sir.

14 Q Okay. What if you were fighting over a knife,
15 could you pull it back that way?

16 A Yes.

17 Q Is it significant to you at all that the knife
18 appears -- the wound appears to be going right to left as
19 opposed to straight down?

20 A No, sir.

21 Q Okay. We've heard the solicitor talk a little
22 bit that there was a telephone cord found on the floor of
23 the room that Ms. Clatie was killed in, were the wounds
24 that Ms. Clatie had at all consistent with ligature marks
25 or strangulation by a wire or a chord?

JANICE ROSS-CROSS BY MR. VERNER

1 A I could be, but there was a skipped space. So,
2 there was linear wounds on each side of the neck, in
3 between, it was skipped.

4 Q So, if I were the using the garret or the cord
5 to strangle somebody, you would think that would cause
6 injuries more specific than one single location?

7 A Correct.

8 Q So, in your opinion as a pathologist, is it more
9 consistent with hands on her neck?

10 A Yes.

11 Q Are you familiar -- the police sometimes use the
12 phrase called pain compliance. Are you familiar with that
13 term or concept?

14 A No, sir.

15 Q That is if somebody is fighting you or not
16 putting their hands behind their back or some kind of
17 physical defiance that you can put them in a submission
18 hold or painful position to get them to stop whatever
19 they're doing physically?

20 A Yes, sir.

21 Q Is that -- do you encounter that sometimes as a
22 pathologist?

23 A Are you talking about like a choke hold?

24 Q Well, we know that there's the New York City
25 choke hold, which I would consider as sort of a pain

JANICE ROSS-CROSS BY MR. VERNER

1 compliance maneuver?

2 A Yes.

3 Q Which is if somebody is being physically
4 aggressive towards you and you don't want to kill them,
5 you can put them in a painful hold until they stop?

6 A Yes, sir.

7 Q And that is normal at some point the pain will
8 overcome and you'll give up, right?

9 A Yes, sir.

10 Q That's how some fights end, just the dominant
11 person will physically subdue the subordinate person?

12 A Yes.

13 Q Did you examine any of the injuries or marks or
14 Mr.~Boozer's body?

15 A No, I did not.

16 Q Now, I think you testified that if somebody were
17 being strangled or choked in a forceful way, they would
18 lose consciousness possibly as soon as seven seconds?

19 A Yes.

20 Q Now, you would agree with me that hanging from a
21 rope would cause considerably more pressure than manual
22 strangulation?

23 A It could, yes.

24 Q Okay. So that's kind of the baseline number for
25 the quickest that you could lose consciousness, perhaps?

JANICE ROSS-CROSS BY MR. VERNER

1 A Well, the veins are very paper thin, which makes
2 it very easy to include them so it doesn't take a lot of
3 pressure to cause a blockage of the veins.

4 Q Now, you testified that if I was being choked by
5 somebody or strangled by somebody, it would take as long
6 as three or four -- it would ordinarily take as long as
7 three or four minutes to kill them?

8 A For them to be completely and irreversibly dead.

9 Q But they would have passed out before then?

10 A Correct.

11 Q Okay. Now, what if it's kind of staggered
12 pressure? If you and I are fighting and I am choking you,
13 but you are fighting back, so it's not continuous
14 pressure, at times, you know, as your body moves or you
15 turn your neck around or you lash out?

16 A If that -- I'm sorry if that pressure is
17 released before you have complete brain death, then you
18 can -- well, you can wake up. Jeffrey Dahmer would do
19 that to his victims. He would choke them until they
20 passed out, then release the pressure so they would wake
21 up.

22 Q Okay. And ordinarily, you would presume that
23 somebody who's being choked would be physically -- if I'm
24 hanging from the neck from a rope, there's no way I can
25 really physically resist that rope. I guess I could hold

JANICE ROSS-CROSS BY MR. VERNER

1 it and relieve the pressure, but there's no way to stop
2 the ligature to the neck, right?

3 A Correct.

4 Q But ordinarily, somebody who's being choked
5 that's fighting back, they are turning their neck and they
6 are physically moving their body as much as possible to
7 avoid that?

8 A Yes. I must say the bruises on the lip and nose
9 could suggest some coverage of the mouth and those would
10 also contribute to it.

11 Q Okay.

12 MR. VERNER: One second, Your Honor.

13 BY MR. VERNER:

14 Q And again, I've asked this before, but a
15 homicide does not necessarily mean an unjustified or an
16 unlawful killing, it just means that a man or a woman was
17 the instrument that caused the injury that caused the
18 death?

19 A It's the death of a person at the action or
20 inaction of another.

21 Q Okay. Sometimes, it can be accidental?

22 A Yes.

23 Q Sometimes, it can be intentional?

24 A Yes.

25 Q I'm going to close up by saying the -- you are a

JANICE ROSS-CROSS BY MR. VERNER

1 medical doctor?

2 A Yes.

3 Q You're a trained pathologist?

4 A Yes.

5 Q And you've done roughly 12,000 autopsies?

6 A Yes.

7 Q A lot of times, the time of death is not really
8 that important. The vast majority of cases, whether
9 somebody died at midnight or 2:00 in the morning doesn't
10 really matter. But in a criminal case, it can become more
11 important?

12 A Correct.

13 Q Were you able to determine the time of death of
14 Ms. Clatie Stribble?

15 A No. That's nearly impossible unless you have a
16 witness or video going. You're talking between hours or
17 minutes.

18 Q If we know in this case that Mr.~Boozer didn't
19 meet Ms. Stribble until, at least, 6:30 in the morning,
20 and we know that he called 911, who responded within
21 minutes about 8:36 -- or 8:26, so 8:30 in the morning, if
22 I were to choose a particular time between 6:30 and 8:30
23 as the time of death in this kind of case, that's just
24 purely speculation, isn't it?

25 A It is.

JANICE ROSS-REDIRECT BY MR. SCOTT

1 Q Okay. Whether -- unless you have an actual
2 witness and a clock or some other scientific evidence for
3 a coroner or for a police officer to say that she died at
4 that particular moment, they have no more ability to do
5 that than I do standing here?

6 A Correct.

7 MR. VERNER: Thank you, Doctor.

8 REDIRECT EXAMINATION

9 BY MR. SCOTT:

10 Q But isn't that common for the coroner to list a
11 time of death?

12 A Well, the death certificate ask for time of
13 death, so it's an estimation.

14 Q Right. I mean, that's what they write on the
15 death certificate, that's commonplace, if not required. I
16 don't know if it -- is it required for the coroner to put
17 that on there?

18 A Yes. Used to -- sometimes you can put a.m. or
19 p.m., but sometimes it gets turned back and the health
20 department wants you to put something more specific.

21 Q And that's all it is, simply just kind of an
22 estimate about what time?

23 A Based on fact, yes.

24 Q You were just asked did you get to observe any
25 injuries on Mr.~Boozar and you said no?

JANICE ROSS-REDIRECT BY MR. SCOTT

1 A That's correct.

2 Q What if I told you he had a little nick on his
3 finger? Comparing that, you said Stribble had busted lip,
4 lower lip, upper lip, laceration across the bridge of her
5 nose, of course, the strangulation marks, two stab wounds,
6 various bruises on the legs, scratches on the legs is my
7 recollection?

8 A Bruises on the legs.

9 Q Medically speaking, who got the worst of that
10 confrontation?

11 A If that's all Mr.~Boozer had?

12 Q If that's what the testimony was, he had a small
13 nick on his finger?

14 A Then the victim had more injuries.

15 Q And you said the bruising was consistent with
16 manual strangulation?

17 A Yes.

18 Q And it was interesting the defense was asking
19 the question, and you mentioned an example you knew of,
20 but it could have gone on even longer than three or four
21 minutes if he's releasing the pressure and then reapplying
22 it and then releasing it. I mean, this could have gone on
23 10, 15 minutes, could it not?

24 A It could be some combination. If you put a lot
25 of weight -- for instance, if she was on the floor and the

JANICE ROSS-REDIRECT BY MR. SCOTT

1 Defendant was on top of her, then that would cause her
2 chest not to -- so it's a combination, so that is
3 possible.

4 Q Can you envision a scene where she's lying on
5 the ground between a wall and bed, him straddling her with
6 his knees on her arms to hold them down and he's choking
7 the life out of her? Can you envision that?

8 A Yes.

9 Q Is that a possibility of how Ms. Stribble died?

10 A That's one possibility.

11 Q I'm not going to -- pain compliance, he asked
12 you about pain compliance and different law enforcement
13 techniques. And they're envisioning where she's fighting
14 back, she's fighting back, but if he's applying that
15 pressure to the neck in some steady manner, we expect her
16 to lose consciousness within a matter of seven to ten
17 seconds, something like that?

18 A Yes, sir.

19 Q So, really, there's no real need for pain
20 compliance at that point. She should have stopped
21 resisting when she lost consciousness, right?

22 A Yes.

23 Q I know there's a bunch of different factors. I
24 understand that. Are you right-handed or left-handed?

25 A Right-handed.

JANICE ROSS-REDIRECT BY MR. SCOTT

1 Q Patient's right, which would be potentially
2 fatal. Use your right hand and show -- demonstrate a way
3 in which you could inflict that wound on me.

4 A This way.

5 Q If you're right-handed, could you not have held
6 the knife that way and just jabbed it down and produce
7 that trajectory you said?

8 A Yes.

9 Q And if you're left-handed, show me how you could
10 have killed me or how you could have inflicted that injury
11 with the knife?

12 A Like so.

13 Q So, either way would be plausible. Even more
14 so, if Mr.~Boozar or somebody is on top of Ms. Stribble
15 inflicting that wound on her. You did not note that she
16 bled to death?

17 A Correct.

18 Q And you even, I think, stated just a minute ago
19 if I'm correct that you would not have expected a
20 substantial amount of blood from that injury; is that
21 correct?

22 A There could be, but I didn't see a lot. When we
23 looked under the skin, there was some blood, but not a
24 lot. But I wasn't at the scene, so I don't know if there
25 was a lot of blood at the scene.

JANICE ROSS-RECROSS BY MR. VERNER

1 Q But you did not -- it's not your opinion that
2 she bled to death?

3 A No, sir. Yes, it is my opinion.

4 Q That she did not bleed to death?

5 A Correct.

6 Q Ultimately, just once again, it is your expert
7 opinion that she died of strangulation and there's
8 petechiae -- her heart would have been pumping when those
9 petechiae were produced, correct?

10 A Correct.

11 MR. SCOTT: Thank you, that's all.

12 MR. VERNER: Your Honor, I do have one.

13 May I ask the Defendant to stand up for a
14 second?

15 THE COURT: The Defendant?

16 MR. VERNER: Yes, sir.

17 THE COURT: Sure.

18 (Defendant stands.)

19 RECROSS-EXAMINATION

20 BY MR. VERNER:

21 Q Doctor, can I ask you to step down for a second?

22 A (The witness complies.)

23 MR. VERNER: Come over here and pull up your
24 sleeve.

25

JANICE ROSS-RECROSS BY MR. VERNER

1 BY MR. VERNER:

2 Q Doctor, Cliff's pulling up his left arm sleeve,
3 it's a little bit tight. Do you see the injury to his
4 upper arm?

5 A Looks like a scar, yes, a linear scar.

6 Q What do you mean by linear scar?

7 A Like a line.

8 Q Like a knife could cause?

9 A Yes.

10 Q Is it possible -- I'm not asking you -- that's
11 obviously an old wound, right?

12 A Correct.

13 Q And how long can you keep a scar on your body if
14 you got cut, for instance?

15 A Probably the rest of your life.

16 Q If it's bad enough and deep enough, it's for the
17 rest of your life?

18 A Yes.

19 Q I'm not asking you what it is, but is that
20 consistent with being stabbed with a knife?

21 A It's consistent.

22 MR. VERNER: Thank you, Your Honor. That's all
23 I have.

24 THE COURT: Thank you, Doctor, very much for
25 coming. I know you had a busy day. You're free to

JANICE ROSS-RECROSS BY MR. VERNER

1 go.

2 I think the next witness is about 55 minutes,
3 correct? Is that the next one?

4 MR. VERNER: Yeah, I think we have one, Your
5 Honor, under that. We're calling them out of order.

6 THE COURT: All right, ladies and gentlemen, go
7 ahead and adjourn to the back. We'll take a brief
8 break. And don't talk about the case. We'll be back
9 on the record in five minutes.

10 (WHEREUPON, the jury left open court at
11 approximately 3:57 p.m.)

12 (WHEREUPON, a short break was taken.)

13 THE COURT: All right, let's go ahead and get
14 the jury in, please.

15 (WHEREUPON, the jury came into open court at
16 approximately 4:10 p.m.)

17 THE COURT: All right, the jury is back seated.
18 Solicitor, call your next witness, please.

19 MR. DANIEL: Your Honor, the State calls
20 Jennifer Brokob.

21 THE CLERK: Raise your right hand, place your
22 left hand on the Bible.

23 JENNIFER BROKOB, after being duly sworn,
24 testified as follows:

25 THE CLERK: State your name for the record.

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 THE WITNESS: My name is Jennifer Brokob.

2 DIRECT EXAMINATION

3 BY MR. DANIEL:

4 Q Ms. Brokob, are you from Newberry?

5 A I'm an Army brat. I've been living here for a
6 while.

7 Q Okay. So, you've been living in Newberry for
8 how long?

9 A Since about 2007.

10 Q Okay. 2007, you come to Newberry and do you
11 know or did you know Clatie Stribble?

12 A Not when I first moved here, no.

13 Q When did you first meet Clatie Stribble?

14 A In 2013.

15 MR. VERNER: Your Honor, I apologize, I'm
16 struggling to hear her.

17 THE WITNESS: 2013.

18 BY MR. DANIEL:

19 Q Yes, make sure you speak into the mic if you
20 have to. All right. So, you first meet Clatie Stribble
21 in 2013?

22 A Yes.

23 Q Okay. And how did you meet Clatie?

24 A She was my son's dad's roommate.

25 Q She was your son's dad's roommate.

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 A Yes.

2 Q And that was in 2013. Where was Clatie living
3 in 2013?

4 A 190 Pine Hills Road in Prosperity.

5 Q And was Clatie -- at that time in 2013, did
6 Clatie -- was she living with her daughters?

7 A No.

8 Q Okay. Eventually, did you and Clatie become
9 really good friends?

10 A Yes, we did.

11 Q All right. Eventually, did y'all become
12 roommates, you and Clatie?

13 A Yeah, after Jacob passed away, we became
14 roommates.

15 Q And who's Jacob?

16 A Landon's father, my son's father.

17 Q Your son's biological father passed away. Then
18 you and Clatie decide to move in together after that?

19 A Yes.

20 Q When would that have been?

21 A April of 2014.

22 Q Roughly?

23 A Yes.

24 Q So, it was you and Clatie. And who else was
25 living there?

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 A My son and then the girls.

2 Q Clatie's three daughters?

3 A Yes.

4 Q What are their names?

5 A Isis, Niyla and Eve.

6 Q Okay. So, you're thinking it's spring 2014

7 y'all decide to move in together?

8 A Yes.

9 Q Were y'all renting, did y'all buy a house or how
10 did that work?

11 A In April, we were still living in Prosperity,
12 then we moved into Newberry on Jolley Street, 121 Feather
13 Run.

14 Q So, it was the Feather Run address?

15 A Uh-huh.

16 Q Is that yes?

17 A Yes.

18 Q And did you know Clifton Boozer?

19 A I've met him, yes.

20 Q Does he go by Cliff?

21 A Yes.

22 Q When did you first meet Cliff?

23 A I had seen them in 2103, but we didn't really
24 communicate. Me and Clatie weren't really friends at that
25 point.

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 Q Did you know Clifton and Clatie to be boyfriend
2 and girlfriend?

3 A When we moved to Feather Run, yes.

4 Q And that address, was that 121 Feather Run Road?

5 A Yes.

6 Q Was that in the city of Newberry?

7 A Yes, like on the outskirts.

8 Q Okay. Was that a house?

9 A A trailer.

10 Q Trailer. Okay. But it was you and Clatie and
11 the kids living with y'all at the 121 Feather Run
12 address?

13 A Yes.

14 Q So, that's when you first meet Cliff when you
15 move into that Feather Run address?

16 A When I got to know him, yes.

17 Q Okay, when you got to know him, I guess. Would
18 he come around a lot?

19 A Yes.

20 Q Would he spend the night?

21 A Yeah, he would.

22 Q Okay. So, they -- were they boyfriend and
23 girlfriend?

24 A At that time, they were trying to work on
25 things.

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 Q Okay. They were trying to work on things? Do
2 you know if they would break up, get back together, that
3 kind of thing, back and forth?

4 A It was a very toxic relationship, so yes.

5 Q So, you would describe their relationship as
6 being toxic?

7 A Yeah.

8 Q So, they weren't necessarily always together, is
9 that what you're kind of -- is that your testimony?

10 A I mean, he would come and go. They would get
11 along for a while, then they'd get into it and she'd have
12 him leave or he'd just leave on his own.

13 Q So, he wouldn't consistently stay there at the
14 Feather Run address?

15 A No.

16 Q So, he kind of popped in and out?

17 A Yes.

18 Q Okay. And you describe it as a toxic
19 relationship?

20 A Yes.

21 Q How long did you all live at this Feather Run
22 address together?

23 A Less than a year, about 10 months.

24 Q So, spring of 2014 up until when?

25 A February 15th of 2015.

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 Q Okay. So, just shy of a year. Ten months is
2 what you said?

3 A That we were leaving together, yes.

4 Q So, what happened, you moved out? Who moved
5 out? Who stayed out, who moved out?

6 A I moved out. I was pregnant and three days
7 later, I had my child so I moved out.

8 Q You were the first to move out?

9 A I had to get a bigger house, yes.

10 Q So, Clatie and the kids remained at Feather Run
11 after you moved out?

12 A Yes.

13 Q Do you know if Cliff would continue to go over
14 there after you moved out?

15 A We talked here and there. I mean, they were
16 together whenever we first moved out, but I think they hit
17 another rough patch.

18 Q Okay. All right. I want to fast forward to --
19 do you remember when Clatie died?

20 A Yes.

21 Q All right. May 3rd of last year?

22 A Yes.

23 Q Is that correct?

24 A That's correct.

25 Q All right. Did you and Clatie remain close even

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 after y'all stop living together at Feather Run?

2 A Yes, we did.

3 Q And do you know whether Clatie continued to
4 maintain a relationship with Cliff after she -- or after
5 you moved out of Feather Run?

6 A After I moved out of Feather Run, yes, she did,
7 but when she moved into the new house, I'm not really --
8 that was really -- it was hit or miss. I saw him there
9 one time the whole time she lived there.

10 Q When she moved into the new house?

11 A On Conifer, yes.

12 Q Which house on Conifer?

13 A I don't know the exact address. It was a house.

14 Q What color house?

15 A It was blue.

16 Q It was a blue house on Conifer?

17 A Hers was either the blue on or the next one to
18 it. They both looked a like.

19 Q Okay. When is the last time you talked to
20 Clatie that you recall?

21 A Probably two weeks before she passed.

22 Q Did you talk to her on the phone or did you talk
23 to her in person?

24 A I talked to her on the phone.

25 Q And you're thinking it was about two weeks

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 before she passed y'all talked on the phone?

2 A Yes, sir.

3 Q And do you recall the conversation kind of in
4 vivid detail?

5 MR. VERNER: Your Honor, I'm not sure that that
6 is admissible.

7 MR. DANIEL: I'm not asking what she said, what
8 the victim is saying.

9 MR. VERNER: I think he asked, Well, do you
10 remember the conversation? So, that's --

11 MS. DANIEL: Yes or no, not what she said.

12 THE COURT: Okay. So far so good. No line has
13 been crossed. If she can answer, then fine.

14 MR. DANIEL: Thank you, Your Honor.

15 BY MR. DANIEL:

16 Q Ms. Brokob, the last time you talked to Clatie,
17 you said it was about two weeks before she died. Do you
18 recall the details of that conversation?

19 A Yes.

20 Q Okay. Can you describe Clatie's state of mind
21 when you last talked to her?

22 MR. VERNER: I object to that, Your Honor.

23 MR. DANIEL: Your Honor, that's a clear hearsay
24 exception, 803 Subsection 3.

25 MR. VERNER: No, clear hearsay exception is a

JENNIFER BROKOB-DIRECT BY MR. DANIEL

1 statement.

2 THE COURT: State of mind calls for conjecture.

3 MR. VERNER: While under the --

4 THE COURT: Y'all approach.

5 (WHEREUPON, a bench conference was held in the
6 presence of the jury but out of the hearing of the
7 jury.)

8 THE COURT: Ma'am, the attorneys has told me at
9 the sidebar they're going to withdraw you as a
10 witness at this particular point in time. You'll
11 testify at some point later. So, I think you're
12 testifying prematurely.

13 I do think you have that gentleman from SLED, is
14 he here or is he not here?

15 MR. DANIEL: Yes, he's here.

16 THE COURT: Let's go ahead and take him. We can
17 deal with her -- take her testimony tomorrow.

18 Just don't talk to anyone about your testimony
19 tonight, okay, ma'am? You're free to go for the day.

20 THE WITNESS: Okay.

21 THE COURT: Be back tomorrow morning sometime
22 around 9:30.

23 Call your next witness.

24 MR. DANIEL: Your Honor, the State calls Chris
25 Johnson.

CHRIS JOHNSON-DIRECT BY MR. DANIEL

1 THE CLERK: Raise your right hand and place your
2 left hand on the Bible.

3 CHRIS JOHNSON, after being duly sworn, testified
4 as follows:

5 THE CLERK: Have a seat and state your name for
6 the record.

7 THE WITNESS: Christopher Lawrence Johnson.

8 DIRECT EXAMINATION

9 BY MR. DANIEL:

10 Q Mr. Johnson, you work for the South Carolina Law
11 Enforcement Division, SLED, right?

12 A Yes, sir.

13 Q What's your job at SLED?

14 A I'm a supervising special agent over one of
15 intelligence units.

16 Q Really, what does that entail you doing?

17 A We do a lot of fugitive apprehension work, so a
18 part of that, we also conduct phone analysis on phone
19 records, call location information.

20 Q Isn't the bulk of your duty centered around
21 analyzing and obtaining phone records?

22 A Yes, sir.

23 Q Specifically, in this day and age, cell phone
24 record, correct?

25 A Yes, sir.

CHRIS JOHNSON-DIRECT BY MR. DANIEL

1 Q So, you work closely or you have a lot of
2 knowledge about the telecommunication industry?

3 A Yes, sir.

4 Q And you know how to make records request and
5 analyze data that's been given to you by the cell phone
6 carriers?

7 A Yes, sir.

8 Q Give us an example of what kind of data these
9 cell phone companies provide that you analyze.

10 A Most times, they provide you with the numbers
11 that the phone has called or has received calls from, the
12 date and time of those calls and what tower or what facial
13 cell phone tower the phone utilized in making or receiving
14 that cell phone call.

15 Q All right. And what can information about what
16 telephone tower -- what does that help us understand?

17 A It provides us with the ability to see a pattern
18 of movement, general locations of the device while we're
19 trying to look at where a person may be, where they may
20 not be. It just gives us an overall general location of
21 their whereabouts.

22 Q So, there are a lot of cell phone towers
23 throughout the state and across the country, correct?

24 A Probably millions, yes, sir.

25 Q So, by what tower your cell phone is using -- or

CHRIS JOHNSON-DIRECT BY MR. DANIEL

1 what cell phone tower is servicing your phone, you can
2 pretty much geographically tell where a person is?

3 A Yeah, within a general means, yes, sir.

4 Q So, a company like Verizon, a very big cell
5 phone company, if you give them a number that you want
6 records on, they can provide you cell tower information?

7 A As long as we got the proper call search
8 warrant, yes, sir.

9 Q All right. And now, have you been qualified as
10 an expert in the criminal courts of this state?

11 A Yes, sir, several times.

12 Q In what particular field?

13 A In phone analysis, call analysis, cell phone
14 records.

15 Q This is highly technical kind of stuff to
16 analysis and interpret, correct?

17 A It is to an extent, yes, sir.

18 MR. DANIEL: Your Honor, at this time, I would
19 offer Agent Johnson as an expert in the field of cell
20 phone record interpretations.

21 THE COURT: Any objection?

22 MR. VERNER: I do, Your Honor, only because --
23 not for his qualifications necessarily, but the --
24 well, voir dire.

25 THE COURT: Go ahead.

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 VOIR DIRE EXAMINATION

2 BY MR. VERNER:

3 Q Agent Johnson, what you're doing is you're using
4 the cell phone records from the companies?

5 A Yes, sir.

6 Q And you're -- all the information you use is
7 provided by the cell phone companies as far as what towers
8 and phone numbers and that?

9 A Yes, sir.

10 Q What you're doing is using their information,
11 mapping ranges of where the cell phone may have been?

12 A Where the towers are located, what tower that
13 cell phone, device may have accessed.

14 Q Basically, what direction the signal is coming
15 to the tower?

16 A Yes, sir.

17 Q Okay.

18 MR. VERNER: Your Honor, I don't know at this
19 point -- if there comes a question that they need
20 opinion type, then that may necessitate it, but
21 largely, his testimony would be just the towers are
22 here. He's got the information. I don't know that
23 he would need to give qualified expert testimony in,
24 you know, these were the towers that were hit. This
25 is the direction of the signal. I don't know that

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 that type testimony would confuse the jury that a
2 telephone is coming from this direction, therefore,
3 the phone is over there.

4 THE COURT: Do you intend to ask him opinion
5 testimony or are you simply going to ask him
6 questions relating to proximity of the Defendant's
7 cell phone to tower A, B, C, D, that kind of thing?

8 MR. DANIEL: Well, Your Honor, to understand
9 these cell phone records, it takes an expertise in
10 this field. Otherwise, you're just looking at a
11 bunch of numbers. And he's the one who analyzes
12 that, so it does take expertise as to how he reaches
13 his result.

14 MR. VERNER: That's not the test to become a
15 expert witness. The test is can the -- the lay
16 witness can understand a lot of things that a jury
17 would not understand, but the issue for an expert
18 witness is then they're using conjecture and opinion
19 and the scientific basis that goes beyond the
20 knowledge of the jury.

21 THE COURT: Mr. Johnson, have you previously
22 been qualified in the courts of the state as an
23 expert in the field of cell phone interpretation?

24 THE WITNESS: Yes, sir.

25 THE COURT: How many times?

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 THE WITNESS: At least three.

2 THE COURT: Three, okay. Was the testimony
3 similar to the kind that you're offering here today?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right, the objection is noted.
6 The Court will admit Mr. Johnson as an expert in the
7 field of cell phone interpretation to the extent that
8 he may need to.

9 I understand your point, Mr.~Verner. That's,
10 perhaps, something that's within common knowledge,
11 but to the extent that maybe he needs to opine on
12 some particular issue, the Court will accept that
13 he's expert.

14 You may continue.

15 MR. DANIEL: Thank you, Your Honor.

16 BY MR. DANIEL:

17 Q Briefly, Agent Johnson, do you have any
18 particular certifications or classes or anything you do to
19 maintain knowledge of this particular field?

20 A Yes, sir. I've attended the FBI [indiscernible]
21 program, which is magnet solution that we use to help sort
22 our phone records. I've been to several advanced schools
23 and administrator schools through a company called
24 Penlink, and several other narcotic schools that utilize
25 the same technology.

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 Q All right. Me, as a layperson, if I were
2 provided records from Verizon, would it be easy for me to
3 determine just based on looking at those records what cell
4 phone tower my phone was using?

5 A You would know the tower number, but without
6 having the spread sheets with the tower locations and
7 knowing how to map them and how to determine what the
8 faces are and what they call the beam width is for that
9 tower, you wouldn't know necessarily what the directions
10 are.

11 Q Okay. So, it would be difficult to map and plot
12 locations without that special knowledge?

13 A Yes.

14 Q So, just for instance, I'm picking up my phone,
15 I'm calling somebody, I'm at the Newberry courthouse.
16 Then if you wanted to know where I was at that particular
17 day, would it be accurate to say that one way you could do
18 that is get my phone records from Verizon, see what time I
19 made that particular call, and then you would then look
20 the nearest cell phone tower to the courthouse?

21 A Yes, sir. Well, we don't normally look at the
22 tower closest to the courthouse, but I would look at your
23 call records and map those locations that you accessed
24 when initiating a call or when your call is initiated when
25 receiving a call, that first tower that's accessed. From

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 that point, we would look and see what are in those areas,
2 then knowing your background and knowing, you know, what
3 we're looking for, then we would be able to determine
4 potential points of location that you were at.

5 Q Also, not just me making the call, but receiving
6 a call as well?

7 A Yes, sir.

8 Q I'm utilizing the tower?

9 A Yes, sir.

10 Q So, that's one way you can prove that I was in
11 Newberry on a particular day?

12 A Yes, sir.

13 Q All right. So, in this particular case, were
14 you asked to analyze some phone records associated with
15 the Defendant, Clifton Boozer?

16 A Yes, sir.

17 Q Approximately when were you asked to do an
18 analysis of his phone records?

19 A Probably mid to early June.

20 Q Okay. Of this year?

21 A Yes, sir.

22 Q All right. I'm going to hand you what's been
23 marked for ID purposes as State's 64. Do you recognize
24 this disk?

25 A Yes, sir.

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 Q Does it have your initials on it?

2 A It does.

3 Q What is that disk? What does it contain?

4 A It contains the case file and the call records
5 that Verizon sent in regards to a search warrant, I
6 believe sent to them.

7 Q Is that pertaining to the phone records
8 associated with Clifton Boozer?

9 A Those are the ones that I looked at, yes, sir.

10 Q These are the records you analyzed to determine
11 tower location?

12 A Yes, sir.

13 MR. DANIEL: Okay. Your Honor, I'd offer
14 State's 64 for admission into evidence.

15 THE COURT: Is that the one that was offered
16 earlier?

17 MR. DANIEL: Yes, sir.

18 MR. VERNER: Still a little bit of foundation
19 and substance issue with them, Your Honor, but if
20 he's going to use them as basis -- I'd prefer him
21 wait and testify how he uses the information prior to
22 him introducing the information.

23 THE COURT: All right. Your objection is noted
24 overruled.

25 64 is in evidence.

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 (WHEREUPON, State's Exhibit No. 64 was admitted
2 into evidence.)

3 BY MR. DANIEL:

4 Q Agent Johnson, what phone number was associated
5 with these records? What was the actual number?

6 A I'd have to look back at my report that I
7 generated.

8 Q All right. Your report that you -- you
9 generated a report after analyzing and reviewing these
10 records, correct?

11 A Yes, sir.

12 Q I'm going to hand you State Exhibit 68, do you
13 recognize this?

14 A Yes, sir.

15 Q What is that?

16 A That is our report format that we utilize and it
17 is the one for this case.

18 Q All right. And these are your conclusions based
19 on Clifton Boozer's cell phone records, tower location
20 information?

21 A Yes, sir.

22 MR. DANIEL: Your Honor, I offer State's 68 for
23 admission into evidence.

24 THE COURT: Subject to the same objections?

25 MR. VERNER: Number one, Your Honor, the police

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 reports are typically excluded from evidence. Two,
2 we're introducing the report without saying what it
3 is for the jury.

4 THE COURT: Let me see the report.

5 MR. VERNER: So, at this point, the State can
6 just rest with the report in there that there's no
7 basis to.

8 MS. DANIEL: Your Honor, I believe it can come
9 in under the voluminous records exception. It's a
10 breakdown of the actual records into a more easier
11 format.

12 MR. VERNER: But it's not, it's maps and
13 pictures.

14 THE COURT: Do you intend to use this primarily
15 as a demonstrative exhibit?

16 MR. DANIEL: Yes, sir, it's --

17 THE COURT: You're going to let this witness
18 walk you through as this Defendant plays it on the --

19 MR. DANIEL: Yes, sir.

20 THE COURT: So, you not need to introduce this
21 then. Mark it for identification, but it doesn't
22 need to come into evidence.

23 MR. DANIEL: And it can still be published to
24 the jury?

25 THE COURT: Yeah, sure. You can use it as a

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 demonstrative exhibit as opposed to being entered.

2 BY MR. DANIEL:

3 Q Agent Johnson, I'm going to walk you through
4 State's 68. All right. Tell us here the phone record,
5 the number for the phone record you analyzed.

6 A Yes, sir. It's (803)924-6991.

7 Q Okay. All right. Now, walk us through -- were
8 you made aware of the crime scene, the location of the
9 crime scene in this case?

10 A Yes, sir.

11 Q What was the location of the crime scene in this
12 case?

13 A The address provided was 188 Conifer Drive in
14 Prosperity, South Carolina.

15 Q All right. And what was the scope of the
16 records you received? What dates?

17 A I believe they were from May 2nd through May
18 4th. I only analyzed the morning of May 3rd from like
19 midnight until mid-morning that day.

20 Q All right. Tell us, when do you first see that
21 phone number utilizing a tower in the proximity, close
22 proximity to the 188 Conifer Drive address?

23 A Yes, sir. The first call that was noted was at
24 5:45 a.m. on May 3, 2017.

25 Q All right. You did produce a map for us?

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 A Yes, sir.

2 Q Agent Johnson, if you could, step down and
3 explain this map to us.

4 A Okay. So, this particular call access tower 18,
5 it indicated it was on sector two of the tower. As is
6 indicated on one of the earlier slides, a cell phone tower
7 is typically made up of three sectors, normally numbering
8 one, two, three. Some of your newer towers with the LTE
9 markets go into usually four, five, six, seven, eight,
10 nine, but it's always in the three-side conjunction.

11 Again, this tower was tower 18, sector two.
12 We are always taught that we map based off of GPS
13 coordinates of the tower and not an address because
14 addresses, as you can, if you've ever used a GPS, are not
15 always exact; however, the GPS coordinates are. So, we're
16 able to do that as well as utilizing GO mapping. We can
17 zoom into the map and actually see the tower as it sits on
18 the ground, so we are able to confirm its location based
19 on that.

20 Again, looking at the tower list for
21 Verizon, I note that sector two produced a, what they call
22 the azimuth, which is the -- degrees on a compass is
23 180-degrees and that's what Verizon defines as the center
24 point for sector two. So, from that, we add 60 degrees,
25 one side of 180 degree and 60 degrees to the other side of

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 180 degrees. And that gives us the beam width, which is
2 indicated here by the cone that you see in blue.

3 Q Okay. Where is the incident location, the 188
4 Conifer Drive in relation to the tower?

5 A Right there where that house is located.

6 Q Point exactly where the tower would be if it was
7 on a map.

8 A Right here. That cone, sector two is facing
9 back toward Prosperity.

10 Q So, if you are receiving a call, for instance,
11 and you're at or near the 188 Conifer Drive address, that
12 is the tower that would be servicing your phone if you're
13 in that location?

14 A Most likely, yes, sir. As you'll see, there's
15 another tower that services that area as well from a
16 different direction. It's not quite as close as tower 18,
17 but because it's that far out, it develops what is called
18 a hand-off zone and that is what makes a phone waffle
19 between towers. And you'll see that in another slide in a
20 minute.

21 Q Essentially, your phone is acting in a way as
22 kind of a GPS tracker in a sense?

23 A It is to a sense other than the way this
24 functions. It bases off of the phone of that tower, not
25 necessarily a GPS point, but it is the cone of that tower

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 it's located on.

2 Q The phone records you analyzed, as you stated,
3 shows Mr.~Boozer's phone first hitting off this tower at
4 5:45 a.m. on May 3rd?

5 A Yes, sir.

6 Q And is that based on Mr.~Boozer making the call
7 or receiving the call?

8 A 5:45, he received a phone call on that.

9 Q So, 5:45 a.m., that doesn't necessarily mean
10 when he first got to the area?

11 A No, sir. That's just the first time that phone
12 registered with the network on that tower, the first time
13 it had activity. Everything that I mapped in this case
14 was based off voice activity. It wasn't based off of text
15 messages or data plans.

16 Q Okay. Were text messages and data provided to
17 you?

18 A Text messages are, but Verizon does not capture
19 the cell phone towers and report those with text messages.

20 Q So, you couldn't analyze location based on
21 texts?

22 A No, sir, they don't provide a location for that.
23 The only provide location based off of voice. They will
24 provide it on data, but that was not requested on this
25 particular case.

CHRIS JOHNSON-VOIR DIRE BY MR. VERNER

1 Q All right. So, you could easily say someone
2 could be in the area earlier, but that's just necessary
3 when the call was received?

4 A Yes, sir, that's the only activity Verizon
5 reported.

6 Q So, at a minimum, that could put them in the
7 area at 5:45?

8 A Yes, sir.

9 Q But they could have been there prior to 5:45?

10 A Yes, sir.

11 Q That's just when the call -- in this particular
12 case, that's when Mr.~Boozer's number received a call is
13 what you're saying?

14 A Yes, sir.

15 Q He didn't make the call?

16 MR. VERNER: Ask and answered about three times,
17 Your Honor.

18 MR. DANIEL: Beg the Court's indulgence.

19 BY MR. DANIEL:

20 Q And also on there, it looks like you have 5:45
21 a.m., you have 8:23 as well?

22 A Yes, sir. There was another call at 8:23 on
23 this particular tower and then it hands off to another
24 tower and then comes to that 18 tower again.

25 Q And did that 8:23 time come from making a call

CHRIS JOHNSON-CROSS BY MR. VERNER

1 or receiving a call?

2 A That was making a call.

3 Q Making a call?

4 A Yes, sir.

5 Q Okay. And any time between 5:45 and 8:23 do you
6 see any phone activity in terms of calls?

7 A No, sir, there's a gap between those times.

8 Q In other words, it's kind of radio silence
9 between 5:45 and 8:23?

10 A As far as his phone records are concerned, yes,
11 sir.

12 MR. DANIEL: Please answer any questions

13 Mr.~Verner has.

14 THE COURT: Mr.~Verner.

15 CROSS-EXAMINATION

16 BY MR. VERNER:

17 Q A multiple-page report, but this is really the
18 only one that you did for this case or?

19 A No, there are other towers on there, yes, sir.

20 Q But the yellow house icon, that's where
21 Ms. Clatie Scribble lived on Conifer?

22 A Yes, sir.

23 Q Assuming that's where Ms. Clatie lived. The
24 cell phone tower -- what is the yellow road?

25 A That is, I believe, Highway 76.

CHRIS JOHNSON-CROSS BY MR. VERNER

1 Q That is from Newberry to Prosperity?

2 A Yes, sir.

3 Q Okay. The CR Coon Highway or 76?

4 A Yes, sir.

5 Q How many -- this is the downtown where it splits
6 up, downtown Prosperity?

7 A Yes, sir.

8 Q How many miles is that tower from downtown
9 Prosperity?

10 A That should be approximately --

11 Q Is there a scale?

12 A It is not. It should be about two, two and a
13 half miles from downtown Prosperity. That tower should be
14 reaching out about right at a mile, mile and a half.

15 Q So, what this shows us is that this tower
16 received a phone call message from that 6991 cell phone
17 coming from the bottom of the screen up?

18 A It received a request to send a phone call to
19 the target telephone number and it found that phone number
20 on that sector and tower, yes, sir.

21 Q Okay. The point of these long blue lines on the
22 left and the right, the cone, is that the signal was
23 somewhere between those two lines?

24 A Most likely, as Verizon is able to report it to
25 us, yes, sir.

CHRIS JOHNSON-CROSS BY MR. VERNER

1 Q I'm assuming if a cell tower has three sides,
2 it's kind of in the shape of a triangle?

3 A It is. It's in a pie shape, a three-sided pie.

4 Q So, phone calls from Newberry would -- the top
5 line would be pointing in that direction?

6 A Yes, sir, there would be another line going up,
7 probably zero degrees. You would have sector one to your
8 right and sector three to your left.

9 Q Okay. The solidly semi-circle area, the shaded
10 area?

11 A Yes, sir.

12 Q Does that have any significance?

13 A No, sir, it doesn't. All that indicates is that
14 that signal from that tower starts from the point where
15 you see the tower and goes out in that direction.

16 Q So, that's more just to kind of show --

17 A Yes, sir, it's just showing that's the direction
18 of the signal.

19 Q Okay. Is it possible the call could have been
20 on the highway going from -- all you're really sure is
21 that at 5:45, if Cliff had that phone or whoever was using
22 that phone, it was somewhere between the cell phone tower
23 and in the Prosperity direction?

24 A Yes, sir.

25 Q And that certainly includes Ms. Clatie

CHRIS JOHNSON-CROSS BY MR. VERNER

1 Stribble's home?

2 A That's true.

3 Q Okay. And you don't know who those calls went
4 out to or --

5 A No, sir.

6 Q Is that the extent? Okay. Thank you, Agent.

7 THE WITNESS: Thank you, sir.

8 THE COURT: All right, sir, you can step down.

9 Solicitor, any other additional witnesses for
10 today?

11 MR. SCOTT: None, Your Honor.

12 THE COURT: Okay. All right, ladies and
13 gentlemen of the jury, that concludes the testimony
14 that we're going to take for today. I'm going to ask
15 that you be back in the jury room tomorrow morning at
16 9:15. And we'll resume with the trial of this case
17 at that particular time. So again, please be back in
18 the jury room at 9:15.

19 As things currently stand, as I mentioned
20 yesterday, I still have tomorrow afternoon -- I've
21 got drug court back in Greenwood, so when we break
22 for lunch, that will do it for the day. That likely
23 means that this case will be going into Thursday and
24 we'll submit to you hopefully sometime on Thursday.
25 Okay.

1 So again, you'll have tomorrow afternoon free.
2 Don't talk about the case tonight. Do have a
3 pleasant evening, however, and I'll y'all tomorrow
4 morning at 9:15. Thank you.

5 (WHEREUPON, the jury left into open court at
6 approximately 4:53 p.m.)

7 THE COURT: I believe that all the jurors are
8 out now. Just so that the record is clear,
9 concerning the witness that was testifying
10 immediately prior to Mr. Johnson, the witness Brokob,
11 Mr.~Verner, basically, objected to the witness'
12 testimony. We had a sidebar. The State provided me
13 with several cases which the Court has reviewed.
14 It's the Court's understanding that the witness is
15 going to testify, essentially -- and I don't believe
16 the witness is present in the courtroom. I told her
17 to go home, so she's not here. But my understanding
18 is that she is, essentially, going to testify that
19 the decedent informed her roughly two weeks prior to
20 this incident that she feared the Defendant was going
21 to kill her.

22 Is that the substance of the testimony?

23 MR. DANIEL: Yes, sir. I was going into that
24 she expressed fear of the Defendant per the case law.

25 THE COURT: Okay. I indicated that, perhaps, it

1 would be preferable that if the State seeks to
2 introduce that sort of testimony that, perhaps, it
3 would be more appropriate to come in in reply to any
4 statement the Defendant made in the audio as it
5 relates to either accident or self-defense. Again, I
6 know that you gave me that, I have just been too wide
7 opened. I have not had a chance to review that
8 audio, but hearing your representation that in that
9 audio he's going to say something to the effect of
10 this was self-defense or she was the initial
11 aggressor or words to that effect. Perhaps, under
12 the rules, it would be more admissible to rebut the
13 insinuation that the decedent was the initial
14 aggressor. That's something that we can cross
15 tomorrow once the audio is played.

16 As it stands now, I'm assuming you anticipate
17 playing that audio first for the jury in the morning,
18 then going into the other witnesses and probably
19 resting by lunch, am I hearing that?

20 MR. SCOTT: Yes, sir. We have Bodiford to call
21 and talk about the portion where he interviews and
22 play the audio, which is about an hour, maybe just
23 shy of an hour. Then we have Brokob, recall her, two
24 other witnesses would testify similarly. Then the
25 daughters would be the last to see Ms. Stribble.

1 THE COURT: All right. Are the daughters going
2 to be testifying as to any 404 type Lyle sort of
3 incidents or is it more limited to --

4 MR. SCOTT: Generally, it would be Heather to
5 talk about --

6 MR. DANIEL: Well, Your Honor, the daughter, Eve
7 Williams, will testify about two days prior to
8 Clatie's death, he actually entered the house without
9 permission. So, that would kind of be a burglary.

10 MR. SCOTT: I was talking about Heather and
11 Brandy Counts. Brandy Counts would be somebody who
12 would testify as to her sort of state of mind that
13 night. She saw her up to 2:00 a.m. She actually
14 drove her to her house, came inside with Clatie, they
15 talked for a little bit. Clatie discussed some
16 concerns she had at the time. We would attempt to
17 have Brandy testify to some of that. She expressed
18 fear of Boozer. And -- but then she would also
19 testify to her general, I guess, state of mind. But
20 also that would tighten up our timeframe of when this
21 happened at 2:30 a.m.

22 THE COURT: It's not necessarily Lyle-type
23 evidence that would require a proffer and prove by
24 clear and convincing evidence.

25 MR. SCOTT: No, I don't think --

1 MR. DANIEL: Yes, sir, on the 404(b), what I was
2 talking about was the two days prior breaking in the
3 house, that would be Lyle evidence. Also, there is
4 testimony from Heather Hobby about she was kind of at
5 a social gathering Cliff and Clatie probably about
6 two months prior to Clatie's death where Cliff was
7 making statements like, I'll slit your throat, when
8 he arguing with Clatie and expressing very violent
9 threats towards Clatie.

10 THE COURT: All right. It may be necessary --
11 and I think that, perhaps, pretty distinct case that
12 that type of testimony be offered in camera at first,
13 then the Court can make the assessment whether it's
14 proper testimony or not. So, let's plan on doing
15 that. I think the best course of action is to go
16 with the interview in the morning. You're going to
17 want some additional testimony unrelated to the
18 Defendant's statement, I'm assuming, from the officer
19 and investigator is --

20 MR. SCOTT: Briefly, he's going to talk about
21 obtaining the cell phone. He's going to talk about
22 their efforts to canvas the area, the wooded area
23 around the house in search of the victim's cell phone
24 as well as the sheets and the knife that was
25 described by Mr.~Boozer.

1 MR. DANIEL: The bulk of the testimony obviously
2 relates to the recorded interview. That's going to
3 be --

4 MR. SCOTT: Just minor issues in addition.

5 THE COURT: All right. Good enough. I think
6 like it sounds, from what I'm hearing from y'all,
7 that we should have time to make a proffer and finish
8 the State's case tomorrow. Good enough. I'll see
9 y'all around 9:15.

10 (WHEREUPON, the proceedings were concluded for
11 the day to be reconvened on August 8, 2018.)
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 August 8, 2018

2 THE COURT: Okay. Go back on the record. I
3 believe the jury is here.

4 The State's next witness?

5 MR. DANIEL: Yes, they're right here.

6 THE COURT: We'll play the audio, that will be
7 the primary thing that we address?

8 MR. DANIEL: Yes, there are some other
9 questions, but the bulk of it is the interview.

10 THE COURT: Very good.

11 Let's have the jury then.

12 (WHEREUPON, the jury came into open court at
13 approximately 9:30 a.m.)

14 THE COURT: Ladies and gentlemen of the jury,
15 thank you for being here, welcome back. We are still
16 involved in the State's case in chief in the State
17 vs. Clifton Boozer.

18 At this point, Solicitor, I think you want to
19 recall a witness?

20 MR. SCOTT: Yes, sir, Your Honor, may it please
21 the Court, the State recalls Lieutenant Harry
22 Bodiford.

23 THE COURT: If you come back up, sir. You're
24 still under oath, of course, from your testimony on
25 Tuesday.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 FURTHER REDIRECT EXAMINATION

2 BY MR. DANIEL:

3 Q Good morning, Lieutenant Bodiford.

4 A Good morning.

5 Q So, you testified Monday afternoon and where we
6 left off, you were the first responding officer in this
7 case, correct?

8 A That's correct.

9 Q And the Town of Prosperity Police Department,
10 that's a small agency, correct?

11 A That's correct.

12 Q So, not only were you the responding officer,
13 you were also the lead investigator?

14 A That's correct.

15 Q And where we last left off, you responded to the
16 911 call in this case and it took you about five minutes
17 to respond to that call?

18 A A little bit less than five minutes.

19 Q You arrived on scene about 8:31 a.m.?

20 A I believe that's correct.

21 Q And you had reports that there was a homicide,
22 correct?

23 A That's correct.

24 Q So, you had your weapon drawn in these type of
25 cases?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A That's correct.

2 Q Is that training?

3 A It's more of an officer safety issue. At that
4 time, I didn't know what the weapon was that was involved
5 in the homicide. Didn't know whether there was a gun or
6 knife or bare hands. So at which point, I did draw my
7 weapon for officer safety.

8 Q So, you have your weapon drawn as you pull into
9 188 Conifer Drive?

10 A That's correct.

11 Q And you see Mr. Boozer, I believe you stated
12 earlier that he was coming out of the entrance?

13 A He was walking out of the only entrance and exit
14 way.

15 Q And at that point, you ordered him to put his
16 hands up, get on the ground?

17 A That's correct.

18 Q And you had your weapon drawn?

19 A That's correct.

20 Q I believe you stated that Mr. Boozer, without
21 you asking him any questions, made the statement?

22 A That's correct.

23 Q And what was his first statement to you?

24 A That statement was, Things went too far.

25 Q At that point -- you eventually place him into

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 custody?

2 A That's correct.

3 Q And other officers arrive on scene?

4 A That's correct.

5 Q All right. Now, at that point on scene with
6 Mr. Boozer, you don't have any further interaction with
7 him, essentially?

8 A At that time, I Mirandized him with -- I pulled
9 my Miranda card out my wallet and Mirandized him at that
10 point.

11 Q Okay. But sheriff's office arrives, EMS,
12 coroner; is that correct?

13 A That's correct.

14 Q Okay. Then you call in SLED crime scene to
15 assist?

16 A That's correct.

17 Q That was that James Tallon from SLED who
18 testified Monday afternoon, right?

19 A Yes, sir, Special Agent James Tallon and Special
20 Agent Margaret Pawley.

21 Q So, they're, essentially, processing the crime
22 scene, assisting you?

23 A That's correct.

24 Q So, they're taking photos?

25 A That's correct.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Q But you go through the scene as well?

2 A That's correct.

3 Q All right. So, I'm not going to be redundant
4 right now with what James Tallon already testified to.
5 So, tell us what you're doing while SLED is processing the
6 crime scene?

7 A I'm just following them along through the house,
8 noting the evidence that -- they are, of course, taking
9 pictures at the time. Basically, trying to get my view of
10 the crime scene and where our evidence is and maybe what
11 exactly transpired that morning.

12 Q All right. Now, at some point, Mr. Boozer is
13 transported to the Newberry jail, correct?

14 A That's correct.

15 Q About how long did he stay on scene before he
16 was taken off to the jail?

17 A I would say approximately an hour and a half to
18 two hours. It was long enough for the coroner to get on
19 to scene, SLED to arrive on the scene, for me to obtain
20 the search warrant and for them to be able to take
21 photographs of Mr. Boozer prior to him being transported.

22 Q Who transported -- what officer transported
23 Mr. Boozer to the jail?

24 A One of my officers, Officer Cory Jones.

25 Q All right. Now, to your knowledge, did

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Mr. Boozer request to speak to police while being
2 transported to the jail?

3 A Well, when Officer Cory Jones transported
4 Mr. Boozer to the jail, there was normal chitchat about, I
5 guess, the weather or whatever they were talking about in
6 this car. And I know that when Officer Jones came back to
7 the scene to assist us in processing, he did mention to me
8 that Mr. Boozer made a statement to him.

9 Q Just yes or no, did he request to speak to law
10 enforcement, essentially, Mr. Boozer?

11 A Yes.

12 Q Okay. All right. And so, that would imply he
13 wanted to speak to the investigator on the case?

14 A That's correct.

15 Q And that would be you?

16 A That's correct.

17 Q But you were out helping SLED process the crime
18 scene at that point, correct?

19 A That's correct.

20 Q All right. So when, if any, did you get around
21 to actually interviewing Mr. Boozer?

22 A I think we finally finished processing the crime
23 scene around 3:30 in the evening, 3:30, 4:00 in the
24 evening that day on the 3rd.

25 Q Okay. Now, I showed you photos of Mr. Boozer's

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 person Monday afternoon, did you -- and he had on a
2 jacket, correct, long sleeves?

3 A That's correct.

4 Q And at that point, you didn't note any injuries
5 to Mr. Boozer, did you?

6 A No, I did not.

7 Q Did he keep the jacket on the entire time he was
8 on scene, Mr. Boozer?

9 A While he was on scene, that's correct.

10 Q Okay. All right. So, then later on, you're
11 able to interview Mr. Boozer that same day, May 3rd?

12 A That's correct.

13 Q Approximately what time and where did the
14 interview take place?

15 A I believe from my Miranda form, I believe the
16 time that we interviewed him was 1640 hours, which is 4:40
17 p.m. And we interviewed him at our police department at
18 250 School Drive.

19 Q All right. So, I guess Mr. Boozer had to be
20 picked up from the jail and then transported to the
21 Prosperity Police Department?

22 A That's correct.

23 Q Who picked him up from the jail?

24 A That would be Officer Cory Jones.

25 Q So, by the time Officer Jones got there with

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Mr. Boozer to the police department, it was about 4:40
2 p.m.?

3 A That's correct.

4 Q So, that is about -- what time did the 911 call
5 come in?

6 A That morning, the 911 call come in at, I believe
7 it was 8:26.

8 Q All right. So roughly, what is that, about
9 eight hours had passed between the 911 call and then when
10 you got to sit down and interview Mr. Boozer?

11 A Roughly.

12 Q So, Mr. Boozer had eight hours between the
13 initial arrest and his interview with you?

14 A That's correct.

15 Q And he was at the jail the entire eight hours to
16 your knowledge?

17 A That's correct.

18 Q All right. So, at that point when Mr. Boozer
19 arrives at the police department for the interview, is he
20 wearing the same attire that he had on at the crime scene?

21 A No, he was actually wearing a Newberry County
22 Detention Center uniform or jumpsuit, whatever you would
23 call it.

24 Q Standard jumpsuit for everybody who's booked in
25 the jail?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A That's correct.

2 Q Okay. And were you able -- is short sleeves,
3 long sleeves?

4 A It is short sleeves.

5 Q Okay. So, you can see a good portion of the
6 arms?

7 A Yes, sir.

8 Q And at that time, May 3rd, about 4:40 when the
9 interview takes place, did you observe any fresh injuries
10 to Mr. Boozer's arms?

11 A There were no fresh injuries, there were no
12 bandages to his arm at the time.

13 Q And no indications from Mr. Boozer of any
14 injuries?

15 A No, sir.

16 Q So, the interview commences at 4:40 p.m. Did
17 you Mirandize Mr. Boozer at that point?

18 A Yes, sir, I did.

19 Q Miranda warnings are just stuff we see on TV,
20 you have the right to remain silent, all that stuff?

21 A Yes, sir.

22 Q Okay. And you said you -- there's a Miranda
23 form; is that correct?

24 A That's correct.

25 Q Okay. And what does a Miranda form consist of?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A It's the entire Miranda warning and it's also
2 the waiver of his rights at the time.

3 Q Does it include information about his name,
4 address, case number, that kind of stuff?

5 A Yes.

6 Q Phone numbers?

7 A That's correct.

8 Q All right. So he would -- Mr. Boozer would have
9 had to provide that information to you?

10 A That's correct.

11 Q Okay. All right. I'm going to hand you what's
12 been marked as -- for ID purposes State's No 59, do you
13 recognize?

14 A That's correct. That is the Miranda warning
15 form from May 3rd, 2017.

16 Q Okay.

17 MR. DANIEL: Your Honor, I would offer State's
18 59 for admission into evidence.

19 MR. VERNER: Subject to my previous --
20 May I see the form for a second?

21 Just subject to my issue earlier, Your Honor.

22 THE COURT: Let me see that. Let me make sure
23 I'm thinking the same.

24 MR. DANIEL: And there is an attachment, Your
25 Honor.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 THE COURT: Okay. Subject to the earlier
2 objection and all prior motions, State's 59 is in
3 evidence.

4 MR. DANIEL: Thank you, Your Honor.

5 (WHEREUPON, State's Exhibit No. 59 was admitted
6 into evidence.)

7 BY MR. DANIEL:

8 Q All right. Officer Bodiford, now it's publish
9 for the jury on the TV here. So, at the top -- actually,
10 at the top, it tells where the interview takes place,
11 correct?

12 A That's correct.

13 Q 250 School Drive, that's where the police
14 department is?

15 A That's correct.

16 Q Got the case number and also the time. That
17 would be the time the interview first starts?

18 A That's correct.

19 Q 4:40 p.m.?

20 A That's correct.

21 Q That's in military time. May 3rd. These are
22 the Miranda warnings that you just talked about?

23 A That's correct.

24 Q Okay. As we see on the TV, CB, CB is Clifton
25 Boozer, correct?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A That's actually his initials, yes.

2 Q So, he's initialing it after you read each line?

3 A That's correct.

4 Q All right. And he elected to waive his rights
5 and speak to you?

6 A That's correct. He signed down at the bottom.

7 Q And he elected to do this freely and
8 voluntarily?

9 A That's correct.

10 Q Did Mr. Boozer appear under the influence of
11 anything?

12 A No, he did not.

13 Q Did he appear to understand his rights?

14 A Yes, sir.

15 Q Did you threaten him in any way to give a
16 statement or coerce him, anything to that effect?

17 A No, sir.

18 Q Is it truly a freely and voluntarily statement?

19 A That's correct.

20 Q All right.

21 Scroll down one more, please.

22 So, you get him to sign it, correct?

23 A That's correct.

24 Q Then at the bottom, this is the address he put?

25 A I actually try to get the address and

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 everything, try to get personal information prior to
2 starting the interview. And that was the address he
3 provided to me on the interview and phone number.

4 Q So, that's the address he provided you where he
5 living?

6 A That's correct.

7 Q 121 Feather Run Road in Newberry. All right.
8 Also, did you ask him for his phone number?

9 A I did.

10 Q That is (803)924-9661?

11 A That's correct.

12 Q And he provided that?

13 A That's correct.

14 Q All right. And he indicates he can read and
15 write. He attended high school, completed the ninth
16 grade. All right. Now, is this being recorded?

17 A It is.

18 Q Audio recorded.

19 A Just audio recorded.

20 Q I should have ask you this earlier, were you
21 equipped with body cam at the time of this incident?

22 A We were actually in trial phase. We were
23 waiting on the body cams to come in. We had a
24 solicitation grant from the state and we were waiting for
25 them to arrive.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Q Okay. So, that's why we don't see footage of
2 you actually being the first responding officer?

3 A That's correct.

4 Q You had no body cam?

5 A That's correct.

6 Q But now you do?

7 A Yes, sir.

8 Q So, it was just kind of a funding issue in
9 getting them used at that time?

10 A That's correct.

11 Q But you did have an audio tape recorder for the
12 interview?

13 A I did.

14 Q All right. And you made a recording of this
15 interview, correct?

16 A That's correct.

17 Q All right. And have you had a chance to listen
18 to it?

19 A I have.

20 Q Okay. And is the audio recording a fair and
21 accurate depiction of your interview with Mr. Boozer on
22 May 3rd?

23 A That's correct.

24 Q I'm going to hand you what's been marked for ID
25 purpose as State's 60. Do you recognize that?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A That is the interview from May 3rd.

2 Q Okay.

3 MR. DANIEL: Your Honor, I offer State's No. 60
4 for admission.

5 MR. VERNER: Subject to my concerns.

6 THE COURT: Subject to earlier concerns, 60 is
7 in evidence.

8 (WHEREUPON, State's Exhibit No. 60 was admitted
9 into evidence.)

10 BY MR. DANIEL:

11 Q About how long is this interview?

12 A I believe it's roughly about 55 to 56 minutes.

13 Q Who is present during the interview?

14 A It's myself and Officer Cory Jones.

15 Q And Mr. Boozer?

16 A Yes, sorry. That's correct.

17 Q Just the three of you in there?

18 MR. DANIEL: All right. Your Honor, at this
19 time, I would ask for permission to play the
20 interview for the jury?

21 THE COURT: You can proceed.

22 MR. DANIEL: Thank you, Your Honor. If any of
23 the jurors can't hear, just raise their hands and we
24 can adjust the volume.

25 THE COURT: Sure.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 It's my understanding, ladies and gentlemen,
2 this is about a 55-minute interview. At any point in
3 time, it's easy just to stop this, so if you need a
4 break at any point in time, raise your hand. And if
5 you can't hear it, don't be shy about shouting out,
6 okay. Go ahead.

7 While this is playing you can step down. You'll
8 be more comfortable over there. Okay.

9 THE WITNESS: Thank you, sir.

10 MR. VERNER: This is 55?

11 THE COURT: Sixty.

12 MR. VERNER: Sixty, I'm sorry.

13 (WHEREUPON, State's Exhibit No. 60 was
14 published.)

15 MR. DANIEL: Your Honor, that's the end of the
16 statement.

17 MR. SCOTT: Your Honor, may we approach briefly?

18 THE COURT: Sure, come on up.

19 (WHEREUPON, a bench conference was held in the
20 presence of the jury but out of the hearing of
21 the jury.)

22 THE COURT: Ladies and gentlemen, the parties --
23 the attorneys feel like, perhaps, a break right now
24 would be a good idea because we've been here for more
25 than an hour and it's going to take some additional

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 testimony from this witness. So, we'll take a brief
2 10 minute break or so. Don't discuss the case yet.

3 Officer, you can step down, don't talk about
4 your testimony while we're on break.

5 We'll be at ease for about 10 minutes. Thank
6 you.

7 (WHEREUPON, the jury left open court at
8 approximately 10:41 a.m.)

9 (WHEREUPON, a short break was taken.)

10 THE COURT: All right. Let's have the jury back
11 out, please.

12 (WHEREUPON, the jury came into open court at
13 approximately 11:03 a.m.)

14 THE COURT: All right. The jury is back and
15 seated.

16 Solicitor, you may continue, sir.

17 MR. DANIEL: Thank you, Your Honor.

18 BY MR. DANIEL:

19 Q All right. Lieutenant Bodiford, that was about
20 a 55 minute interview, correct?

21 A That's correct.

22 Q All right. And I could hear you fairly clearly,
23 but Mr. Boozer, it was a little bit muffled at times. I
24 don't know if you were closer to the recording device.
25 So, I'm going to go through some of the things that were

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 said just so we're all clear.

2 A Yes, sir.

3 Q And also when you're interviewing Mr. Boozer, is
4 he demonstrating certain things, using gestures with his
5 hands, that kind of thing?

6 A He is.

7 Q So, you would have to describe that. The audio,
8 of course, cannot capture that.

9 A Of course.

10 Q So, I'll kind of go through it kind of in
11 sequence of the interview. You tell me if I'm correct or
12 not on what I heard exactly. At the beginning, you
13 Mirandized Mr. Boozer, correct?

14 A That's correct.

15 Q And he did provide the phone number?

16 A That's correct.

17 Q Okay. And he said out of his own mouth
18 (803)924-6991?

19 A I believe the number he actually gave me was
20 9661.

21 Q 9661?

22 A 9661, yes, sir.

23 Q Okay, 9661. And we saw that earlier on the
24 Miranda form?

25 A Yes, sir.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Q He was clear on 9661?

2 A That's correct.

3 Q All right. Beginning of the interview, does he
4 talk about getting married to Clatie Stribble?

5 A That's correct.

6 MR. VERNER: Your Honor, I object. One, they're
7 leading questions. Two, the jury's heard the entire
8 interview so we're just getting into asked and
9 answered for the prosecutor to comment on that. He's
10 got closing arguments to comment on the statement.

11 THE COURT: All right.

12 Solicitor, I understand that there were portions
13 of that recording which were muffled. If you have
14 some specific concerns about what was said or any
15 stipulation or any hand motions or anything that the
16 Defendant demonstrated in the interview, feel free to
17 focus on those.

18 MR. DANIEL: Yes, Your Honor. I can narrow it
19 down, Your Honor.

20 THE COURT: Go ahead.

21 BY MR. DANIEL:

22 Q All right. The 911, you indicated, came in at
23 8:26 a.m.?

24 A That's correct.

25 MR. VERNER: Asked and answer many times.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 THE COURT: Overruled.

2 Lay the foundation, go ahead.

3 BY MR. DANIEL:

4 Q All right. And Mr. Boozer, making sure I heard
5 this correctly, he indicated that he first arrived at
6 Clatie's house at 8:00 a.m.?

7 A That's correct.

8 Q All right. And this -- you were present in the
9 courtroom when Vanissia Wright testified yesterday?

10 A That's correct.

11 MR. VERNER: Again, Your Honor, it's improper to
12 have one witness testify about the testimony of
13 another witness.

14 MR. DANIEL: I'm not asking about her testimony,
15 I'm asking whether she did testify.

16 THE COURT: We're not there yet.

17 Go ahead.

18 BY MR. DANIEL:

19 Q All right. She testified yesterday. You were
20 in the courtroom?

21 A That's correct.

22 Q Okay. She was the Blue Cab driver?

23 A That's correct.

24 Q How did you first learn that she was the cab
25 driver in this particular case?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A From my interview on May 3rd, 2017 at our police
2 department.

3 Q All right. So, Mr. Boozer told you that about
4 the cab driver?

5 A That's correct.

6 Q That's the only way you learned about that
7 initially?

8 A That's correct.

9 Q Okay. All right. And he -- or Mr. Boozer
10 indicated that he was taken there by Blue Cab company from
11 Newberry Arms?

12 A That's correct.

13 Q So, he was picked up by the cab company at
14 Newberry Arms?

15 A That's correct.

16 Q Where is Newberry Arms?

17 A It's in the City of Newberry, I believe.

18 Q That's an apartment complex?

19 A That's correct.

20 Q All right. And at that point, y'all began to
21 talk about what happened once he arrived?

22 A That's correct.

23 Q All right. All right. I understand there's
24 some what was leading up to to some of the questions about
25 the confrontation. He indicated he got into a heated

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 argument with Ms. Stribble?

2 A That's correct.

3 Q All right. And at that point, is he
4 demonstrating anything, using gestures about how the
5 physical confrontation played out? Is he using his hands
6 motioning?

7 A He's moving his hands back and forth as he's
8 talking and he also demonstrated the strangulation.

9 Q All right. Yeah, I want to talk about that.
10 All right, I believe -- I'm trying to find my notes the
11 portion of the interview you're asking him how did you
12 strangle Clatie? I think it's probably around the 22
13 minute mark or so, according to my notes, is that correct?

14 A That sounds about right, yeah.

15 Q All right. And I believe he had just stated
16 Clatie had kind of been inadvertently stabbed?

17 A That's correct.

18 Q Okay. That he said she was looking for another
19 knife?

20 A That's correct.

21 Q Then that's when the question was posed about
22 how did you strangle Clatie; is that right?

23 A That's correct.

24 Q And then he didn't necessarily verbally answer,
25 but he demonstrated how he choked her; is that right?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A Yes. He held up his hands.

2 MR. VERNER: That's a leading question, Your
3 Honor. I mean, the interview is the interview. It
4 was played.

5 THE COURT: I understand.

6 If you want to ask the witness about the --
7 simple ask the witness about how the Defendant
8 demonstrated the strangulation.

9 BY MR. DANIEL:

10 Q All right. Officer Bodiford, how did
11 demonstrate strangling Ms. Stribble?

12 A With two hands.

13 Q With two hands?

14 A That's correct.

15 Q All right. And I believe, did you ask something
16 about chokehold, that kind of thing?

17 A I did.

18 Q What's your definition of a chokehold?

19 A A chokehold, I mean, we all had a brother or
20 sister that we've gotten into a fight with before as
21 little kids, you put your brother or sister in a
22 chokehold, basically, give them a noogie or whatever you
23 call it, rub their head.

24 Q Well, I guess, using kind of maybe the water
25 bottle, I guess, or some kind of object -- is that the

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 headlock?

2 A Something like that, yeah.

3 Q That's what you consider a chokehold?

4 A Yes.

5 Q Headlock?

6 A Yes.

7 Q But Mr. Boozer demonstrated with his hands that
8 he -- show that again.

9 A (The witness complies.)

10 Q That's how he indicated he choked Clatie?

11 A That's correct.

12 Q With his hands. And not around the arm as in a
13 chokehold or headlock?

14 A That's correct.

15 Q Now, just to make sure I heard Mr. Boozer
16 correctly, where did he say they fell onto the knife, he
17 and Clatie fell onto the knife?

18 A As you come into the master bedroom, there was a
19 couch that was up against the right side of the wall. And
20 apparently, they had fell onto the arm of couch. The
21 couch -- in between the couch and the bed, there's maybe a
22 foot or less of space in between there.

23 Q All right.

24 Walter, pull up State's 17. This is
25 already in evidence.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Officer Bodiford, if you could step down.

2 A (The witness complies.)

3 Q All right. Now, you came to this crime scene
4 and you're familiar with this bedroom?

5 A That's correct.

6 Q All right. Now, based on your interview with
7 Mr. Boozer, where is the couch in the bedroom?

8 A It's actually up under this comforter right
9 here. But that's the arm of the couch and you can see a
10 little bit, it's like a blue suede or microfiber-type
11 couch that ran along this wall.

12 Q So, that's the couch Mr. Boozer is describing
13 where he and Clatie are struggling over the knife?

14 A That's correct.

15 Q All right. And then also, did Mr. Boozer --
16 where did Mr. Boozer -- if you recall, where did he say
17 the strangling took place in the bedroom?

18 A The strangling took place on this side of the
19 bed in between the bed and the window.

20 Q Okay. As you're walking in the bedroom, he's
21 saying the strangulation would have occurred left side of
22 the bedroom near the window?

23 A That's correct.

24 Q All right. But he's saying the stabbing or she
25 was cut during the struggle, that first occurred right

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 side of the room near the couch?

2 A That's correct right here.

3 Q Then he said later on, the strangulation took
4 place on the left side of the bedroom near the window?

5 A That's correct.

6 Q And you just identified that. All right. All
7 right.

8 Walter, State's 22, please.

9 Is that the area where Clatie's body was
10 ultimately discovered?

11 A That's correct. Her feet were roughly where
12 this piece of tape would be and her head was back this
13 way.

14 Q Okay. And -- let's see. And do you recall
15 where exactly blood was -- suspected blood was found in
16 the bedroom, what all areas?

17 A I know that we noted there was blood on the arm
18 of the couch, also, on the comforter that was sitting on
19 top of the couch.

20 Q Let me stop you.

21 State's 29, Walter.

22 Is that the comforter you're referring to?

23 A That's correct.

24 Q That was on the couch?

25 A That's correct.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Q Where else did you say there was blood?

2 A There was blood on the floor at the footboard of
3 the bed around the couch. There was also blood on the
4 opposite side of the bed where in between the window and
5 the wall, there was blood on the wall. There was also
6 blood on a memory foam type mattress top that was sitting
7 on top of the bed as well.

8 MR. DANIEL: All right. State's 23, Walter.

9 Q All right. Now, that's where you're indicating
10 blood was on the wall?

11 A That's correct.

12 Q All right. And bottom left of that photo, that
13 is where Ms. Clatie arm would be?

14 A That's correct.

15 Q All right.

16 A We also observed that there might be blood
17 droplets that were on the light bulbs above the bed as
18 well.

19 MR. DANIEL: State's 30, Walter.

20 Q And that's a picture of the wall again?

21 A That's correct.

22 Q Is there blood?

23 A Seems to be blood there and definitely down here
24 at the baseboard.

25 Q So, you've got blood at the baseboard and you've

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 got blood higher up?

2 A That's correct.

3 Q Okay. At least, how up would you estimate that
4 to be?

5 A In between four and five feet?

6 Q About how tall was Clatie?

7 A I believe she was 5-foot-four.

8 Q Okay. And then did you say there was blood on
9 the bed as well?

10 A Yes, that's correct.

11 Q Where exactly on the bed?

12 A There was a mattress top that was on top of
13 there, memory foam. It was kind of balled up. There was
14 blood on top of it.

15 MR. DANIEL: All right. State's 25, Walter.

16 THE WITNESS: That would be indicated right
17 here.

18 BY MR. DANIEL:

19 Q So, that's just a memory foam to supplement the
20 mattress being more comfortable?

21 A That's correct.

22 Q All right. There's blood on that. All right.

23 Now, Mr. Boozer, I know kind of towards the end of the
24 interview, did he indicate where Ms. Clatie's phone would
25 be?

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 A He stated to me that she would usually hide it
2 when he came over. He did not tell us exactly where he
3 knew her to hide the phone or anything of the sort.

4 MR. VERNER: Your Honor, does he still need the
5 witness off the stand?

6 MR. DANIEL: I have a few more pictures, Your
7 Honor.

8 BY MS. DANIEL:

9 Q So, you never recovered Ms. Clatie's cell phone
10 at the crime scene?

11 A No, sir.

12 Q Okay.

13 MR. DANIEL: State's 21, Walter.

14 Q What are we looking at there?

15 A That would be a phone charger. I believe it was
16 a micro USB phone charger for maybe an Android device or
17 something of the sort. It wasn't an Iphone.

18 Q All right. And that's how you found the phone
19 charger?

20 A That's correct. Well, it was actually up under
21 Ms. Stribble's body.

22 Q Is there an outlet nearby?

23 A That's correct. I believe there's an outlet
24 right above the air conditioner vent.

25 Q So, you find a cell phone charger, but no cell

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 phone in the room?

2 A That's correct.

3 Q Or anyone else on the premises?

4 A That's correct.

5 Q Okay. But Mr. Boozer indicates that Clatie
6 typically would hide her phone from him?

7 A That's correct.

8 Q All right.

9 MR. DANIEL: Walter, State's 18, please.

10 Q All right. Now, those appear to be black
11 curtains on the wall?

12 A That's correct.

13 Q Is that how you found them in the bedroom?

14 A Yes, sir.

15 Q So, the curtain rod appears to be kind of torn
16 off the wall?

17 A That's correct.

18 Q All right.

19 A You can also observe the outlet for the phone.

20 Q Okay.

21 MR. DANIEL: Nineteen, Walter, please.

22 Q Just another close-up. All right. So, would
23 you consider this signs of a struggle, seeing a bedroom
24 like this?

25 A Yes, sir. Seeing the -- usually an individual

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 would not have their curtains ripped off the wall like
2 that. Whenever we respond to a domestic violence, it is
3 common for --

4 MR. VERNER: Your Honor, I object. He's going
5 beyond just a factual question into prior experiences
6 of --

7 THE COURT: All right. Sustained.

8 BY MR. DANIEL:

9 Q Officer Bodiford, I believe -- did Mr. Boozer --
10 make sure I understood him correctly, did he indicate that
11 he had a key to Clatie's house?

12 A He indicated that he did.

13 Q All right. And if I could show you State's 14.
14 What are we looking at there?

15 A That would be the only entry/exit way into the
16 home. And the door jam, as you can see, has been removed.

17 Q Okay. Does it appear to be intact or damaged or
18 what?

19 A It seems like it is -- it was functional, but at
20 that time, the door jam -- the strip around the door had
21 been removed from what seems by force.

22 MR. DANIEL: Okay, State's 19, Walter.

23 Q All right. That's just a closer-up of the door
24 jam. Is the wood -- is it solid or is it split?

25 A You can see right here it is split. There's

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 also some nails that looks like it's kind of poking
2 through from the sheetrock from where the trim was being
3 held up.

4 Q Why was that significant to document in this
5 investigation?

6 A Because usually in cases like this, it could
7 suggests forced entry.

8 Q This is signs of forcible entry?

9 A That's correct.

10 Q Mr. Boozer is explaining to you that he had a
11 key?

12 A That's correct.

13 Q All right. Did you see any other signs that
14 there was a struggle in any other rooms in the house?

15 A As you come into the doorway, there was a pink
16 spaghetti strap top that was laying on the floor in front
17 of the doorway. It seemed to be ripped.

18 MR. DANIEL: State's 13, Walter.

19 Q Is that the pink shirt you're referring to?

20 A That's correct.

21 Q And do you remember what exactly -- did you ask
22 Mr. Boozer about that pink shirt is the interview?

23 A I did. I can't remember exactly what I asked
24 him, but I believe I explained to him that I believed that
25 she was wearing that and he ripped it off of her.

HARRY BODIFORD-FURTHER REDIRECT BY MR. DANIEL

1 Q All right. I want to go to -- all right, when
2 you -- so you were also the responding officer -- and you
3 can have a seat, Officer Bodiford. Thank you. I
4 appreciate that.

5 A (The witness returns to witness stand.)

6 Q I might ask you to stand up again, but for right
7 now, you can sit back down. On scene, you're the first
8 responding officer on the scene, do you search
9 Mr. Boozer's person after you arrest him while on the
10 scene?

11 A Just to make sure he didn't have any weapons or
12 anything on him.

13 Q What property -- did Mr. Boozer have a cell
14 phone on him?

15 A He did have a cell phone on him.

16 MR. VERNER: I didn't hear the answer.

17 THE COURT: He had a cell phone.

18 MR. VERNER: He did.

19 THE COURT: Yes.

20 BY MR. DANIEL:

21 Q Where was that cell phone? Was it on
22 Mr. Boozer's person, in his pocket?

23 A The cell phone was actually in his arm's reach.
24 Whenever I arrived on scene, I got him to put his hands
25 above his hands and lower himself to the ground. It was