

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Chester County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JAMES JEFFREY BOATWRIGHT,

APPELLANT

APPELLATE CASE NO. 2024-002039

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #1 (911 CALLS) AND STATE’S EXHIBIT #5 (BODY CAM
VIDEOS).**

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER
SOUTH CAROLINA CIRCUIT COURT 6
DOCKET NO. 2023-GS-12-00902

STATE OF SOUTH CAROLINA,

PLAINTIFF,

VS.

JAMES JEFFREY BOATWRIGHT,

DEFENDANT.

H E A R I N G
BEFORE THE HONORABLE DONALD H. HOCKER

DATE: November 18-22, 2024
LOCATION: South Carolina Circuit Court 6
TRANSCRIBER: Theresa Shirley

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Attorneys for the Defendant.

1 THE COURT: On the record, this morning in the case of
2 State of South Carolina versus James Jeffrey Boatwright, we
3 need to put on the record our discussions concerning
4 amendment of the -- of the indictment. And then I'll need to
5 at some point in time have a conversation with Mr. Boatwright
6 concerning that, and the State has made a motion to amend the
7 indictment. So is the State ready to go forward?

8 MS. LIVELY: Yes, sir, on the motion to amend the
9 indictment, yes, sir, we are. Your Honor, the State filed a
10 motion to amend the indictment. The court is well aware, and
11 I've put in the body of the motion, that this case has been
12 pending for quite some time, over a year, and everything
13 that's happened in the case procedurally has always
14 referenced this case as a burglary first-degree violent, 15
15 to life, and -- and even defense counsel was aware of this.
16 And it's been addressed several times, even in court, on bond
17 matters, motions, and those types of things.

18 Your Honor, when we were getting ready for trial, the
19 lead counsel, Ms. Julia Soprano-Cesmat, and I, pulled the
20 indictment because one of the things we wanted to see was to
21 make sure that the different elements that were present
22 whenever Solicitor -- Assistant Solicitor Jay Johnson had the
23 case. And that was the first time that we noticed that he
24 had indicted the case on -- back in March of 2024, which
25 still is, you know, several months after the arrest in August

1 of '23, for burglary second non-violent.

2 Going back procedurally and looking at it, I believe
3 what had happened, and I can't say this because I don't know
4 for sure, but it looks like -- that he may have been
5 anticipating that this case was going to plead to a lesser
6 offense, so for some reason, that may have been why he did.
7 However, that information was never documented anywhere other
8 than the indictment itself. So that brings us to now when
9 we're going to trial.

10 Your Honor, I understand, obviously, when you -- when
11 you up a charge through a true bill indictment or a request
12 for an amendment; that raises the exposure of the defendant,
13 as well, as raises the charge to something like burglary of
14 first-degree violent that typically we would have to present
15 this to a grand jury before we could try the case. Well, we
16 don't have a grand jury here in Chester until after, I think,
17 the week of Thanksgiving, and of course, this case has been
18 set for this week.

19 So when I brought that to the attention of the court,
20 it's my understanding that despite that fact -- that and
21 after your law clerk actually did the research on the case.
22 That even though we are asking for that amendment in order
23 for it to actually increase the penalty on paper, even though
24 the Defendant and his counsel have been aware that this has
25 always been presented as a burglary first degree, it's not

1 officially been sent to the grand jury. So he would have to
2 consent to that being raised to a burglary first degree, do
3 that on the record, and understanding that -- that means that
4 what we perceive with in front of a jury is going to be for
5 that 15 to life exposure.

6 THE COURT: Okay. Thank you. Before I hear from
7 Ms. Boulware, my initial thinking was when we had an informal
8 conference last week, my initial thinking was because of
9 everyone in this case believed that the indictment was for
10 burglary first-degree; that I would be inclined to allow the
11 amendment, but after we did some research, we came across
12 *Hopkins versus State*, which was a PCR. Which is pretty clear
13 that -- that can't be done without consent because of the
14 increase in exposure insofar as a sentence goes, and I think
15 the -- the indictment statutes would further support
16 that -- that can't be done with -- without consent of the
17 defense. However, my understanding is that there is going to
18 be consent, so Ms. Boulware, I'd be glad to hear from you,
19 and then I'll examine Mr. Boatwright very carefully
20 concerning this matter.

21 MS. BOULWARE: Thank you, your Honor. Yes, the -- the
22 solicitor's correct. This was referred to as a burglary
23 first in every hearing we have, and we have had quite a few
24 hearings between, I know at least the first of this year
25 until now; and the only time I became aware that it was

1 actually indicted as something other than burglary first was
2 when I received an email from the solicitor about maybe a
3 little over a week ago saying, hey, we pulled the indictment
4 and we realize it's this.

5 And Judge I was going to oppose the amendment when we
6 were just going to have a hearing on it, and then after the
7 research where it showed that there would have to be consent
8 because of the exposure, which was basically what I was going
9 to argue anyway. I've gone over that with my client, and
10 Mr. Boatwright has waited month after month for his trial
11 date, and it was put off at least two or three times, so he
12 is still anxious to go to trial, Judge. He understands that
13 if today we consent to it, it would just -- basically the
14 result of that would just be to move things along.

15 Otherwise, we do understand that the State will pursue an
16 indictment and present a direct indictment to the grand jury
17 for burglary first. We understand that -- that likely will
18 be what -- what it is, if it -- if it's two months from now
19 or whenever that happens.

20 So, Judge, basically, I've talked about that with
21 Mr. Boatwright, and I've told him his options, that he can
22 wait until the grand jury does come back with the true bill
23 indictment for burglary first, or we could consent to this
24 today, and we could go forward with the trial this week. And
25 I do absolutely agree with the solicitor that we have had

1 notice that it's burglary first the whole time. In fact,
2 that's all we thought it was up until about a week ago.

3 THE COURT: Okay. All right. Thank you.
4 Mr. Boatwright, would you please stand, sir?

5 JAMES JEFFREY BOATWRIGHT,
6 having been duly sworn, testifies as follows:

7 THE COURT: Okay. Put your hand down. Do you
8 understand that from what the attorneys have told me, there's
9 been everyone's knowledge that it was indicted, your case was
10 indicted as a burglary first-degree; is that correct?

11 MR. BOATWRIGHT: Yes, sir.

12 THE COURT: Okay. And you further acknowledge that it
13 has just come to light very recently that the indictment as
14 it is presented right now is actually an indictment for
15 burglary second degree non-violent. You understand that?

16 MR. BOATWRIGHT: Yes, sir.

17 THE COURT: And you further understand that it is the
18 State's position that if we don't go forward today, that they
19 will present a new indictment to the grand jury more than
20 likely next week, whenever, for the indictment to be for a
21 burglary first-degree. You understand that?

22 MR. BOATWRIGHT: Yes, sir.

23 THE COURT: And you understand that you don't have to
24 consent to anything today. You understand that?

25 MR. BOATWRIGHT: Yes, sir.

1 THE COURT: But you further understand that if you don't
2 consent, which again, you have every right not to consent,
3 then your case will not proceed forward at trial. You
4 understand that?

5 MR. BOATWRIGHT: Yes, sir.

6 THE COURT: Okay. And you understand that -- that a
7 burglary first-degree is a violent offense, and the
8 sentencing range is 15 years to life. You understand that?

9 MR. BOATWRIGHT: Yes, sir.

10 THE COURT: And you further understand that the violent
11 classification of burglary first would be what's called an 85
12 percent sentence. You understand that?

13 MR. BOATWRIGHT: Yes, sir.

14 THE COURT: Have you had a full opportunity to discuss
15 this matter with -- well, you've got both attorneys. Your
16 primary attorney is Ms. Boulware, but Mr. Frick is also
17 involved. Have you had sufficient time to discuss this
18 matter with both of your attorneys?

19 MR. BOATWRIGHT: Yes, sir.

20 THE COURT: Have they answered all your questions that
21 you may have posed to them about this matter?

22 MR. BOATWRIGHT: Yes, sir.

23 THE COURT: Okay. Are you satisfied with what they have
24 told you?

25 MR. BOATWRIGHT: Yes, sir.

1 THE COURT: Are you prepared to tell me now whether or
2 not you will consent to the State amending the indictment
3 without further grand jury involvement, amending the
4 indictment to a burglary first-degree?

5 MR. BOATWRIGHT: Absolutely.

6 THE COURT: Okay. And what is your position on that?

7 MR. BOATWRIGHT: Go forward.

8 THE COURT: Okay. You consent to their amending the
9 indictment without grand jury, any further grand jury
10 involvement?

11 MR. BOATWRIGHT: Yes, sir.

12 THE COURT: And amending the indictment to a burglary
13 first-degree?

14 MR. BOATWRIGHT: Yes, sir.

15 THE COURT: Okay. And you're prepared to go forward
16 with the trial? I think the jury's coming in around one.
17 You're prepared to go forward with the trial this week?

18 MR. BOATWRIGHT: Yes, sir.

19 THE COURT: Okay. Is this decision that you have
20 indicated to me, has that been voluntarily -- freely,
21 voluntarily, and intelligently made by you?

22 MR. BOATWRIGHT: Yes, sir.

23 THE COURT: And are you satisfied with the attorney's
24 advice and information that they have provided you?

25 MR. BOATWRIGHT: Yes, sir.

1 THE COURT: Do you have any questions whatsoever of me
2 or your attorneys concerning this issue about amending the
3 indictment?

4 MR. BOATWRIGHT: No, sir.

5 THE COURT: Okay. Okay. Thank you, sir. Do I need to
6 cover anything else, Ms. Boulware?

7 MS. BOULWARE: No, sir, I think that's it.

8 THE COURT: Okay. All right. Very good. Okay. All
9 right. Based upon Mr. Boatwright's consent to the State
10 amending the indictment to a first-degree burglary charge and
11 proceeding to trial today, that motion made by the State will
12 be so ordered and granted. And I think probably the easiest
13 thing to do is just mark through the existing indictment,
14 changing the charge, make sure that how you've done that
15 amendment is satisfactory to the defense.

16 MS. SOPRANO-CESMAT: Yes, Your Honor, and I actually put
17 in my motion that we're adding the elements of in the
18 nighttime and/or while affecting entry to the dwelling is
19 either armed or became armed with a deadly weapon. So I'm
20 adding in those two elements based on the -- that missing
21 language, and I'll do that on the back end of it, and then
22 I'll just scratch through the original charge.

23 THE COURT: And ---

24 MS. SOPRANO-CESMAT: Should I have him sign on the face
25 of the indictment? That might be a good idea.

1 THE COURT: --- Once that amendment is -- is done, again,
2 you signing the indictment is no way whatsoever as any
3 admission of guilt. I just think it further supports your
4 consent to the amendment, okay? You understand that,
5 Mr. Boatwright?

6 MR. BOATWRIGHT: Yes, sir.

7 THE COURT: Okay. And just make sure that I can read
8 your handwriting. I think you have a good handwriting. Make
9 sure I can read it.

10 MS. LIVELY: I'll write it for you.

11 THE COURT: Because I will publish it to ---

12 MS. LIVELY: Yes, sir.

13 THE COURT: --- the jury panel.

14 MS. LIVELY: Thank you.

15 THE COURT: Okay. And any other pretrial matters we
16 disagree that we're going to handle those after we pick a
17 jury, correct?

18 MS. SOPRANO-CESMAT: That's correct. That's correct,
19 your Honor. I did want to, after our plea negotiation
20 conversations, I wanted to go ahead and put that on the
21 record, if you're willing to.

22 THE COURT: Yeah, go ahead and put that on the record
23 and make sure that Mr. Boatwright acknowledges what those
24 plea negotiations have consisted of.

25 MS. SOPRANO-CESMAT: Right, and I want to formally, on

1 the record, revoke that offer at this time, once he has
2 rejected it on the offer -- or on the record, excuse me, Your
3 Honor. So we have, myself, Deputy Solicitor Lively, and
4 Defense Attorney, Kay Boulware, where we've had extensive
5 conversations regarding the plea, or a potential plea -- plea
6 in this case.

7 We have also spoken extensively with the victim in this
8 case, and complied with the Victim's Rights Act, and
9 extending an offer for him to plead a burglary, second-degree
10 violent, for a cap of 10 years. It's my understanding that
11 he wishes to reject that offer formally and move forward with
12 trial, and at that time the State would formally take that
13 plea offer off the table.

14 THE COURT: All right. Thank you. Mr. Boatwright, if
15 you would just stand again. Is that your acknowledgement, or
16 do you acknowledge that was the plea offer that was made and
17 that you have rejected that offer; is that correct? Sir?

18 MR. BOATWRIGHT: Yes, sir.

19 THE COURT: Okay. And Ms. Boulware, that is a correct
20 statement of what the plea offer has been, and that Mr.
21 Boatwright has rejected that offer.

22 MS. BOULWARE: Yes, sir, and I believe it was even
23 amended to a negotiated cap of 10.

24 THE COURT: Right. Okay.

25 MS. SOPRANO-CESMAT: That's correct, Your Honor.

1 THE COURT: Okay.

2 MS. SOPRANO-CESMAT: And that way it would be a 65
3 percent charge instead of the 85 percent that we're looking
4 for on the trial.

5 THE COURT: Very good, and we'll be -- we'll be in
6 recess until the jury's ready to proceed with the
7 qualification, okay?

8 MS. SOPRANO-CESMAT: Thank you, your Honor.

9 (OFF THE RECORD)

10 THE COURT: Good afternoon, ladies and gentlemen.

11 THE JURY: Good afternoon.

12 THE COURT: Let me welcome you to a term of circuit
13 court for the County of Chester. My name is Don Hocker. I
14 am a circuit court judge, and I have been assigned by the
15 South Carolina Supreme Court to preside over this term of
16 court.

17 Circuit courts in South Carolina, ladies and gentlemen,
18 are the highest trial courts that we have, and we hear
19 criminal cases in the Court of General Sessions and civil
20 cases in the Court of Common Pleas.

21 You are here for a week of General Sessions Court. We
22 have one case that's been called to trial today. It should,
23 my understanding from talking with the lawyers, probably
24 finish up on Thursday, more than likely.

25 So what we have to do, ladies and gentlemen, we have to

1 social media, and get information, that's information outside
2 the courtroom that not all 14 of you have been -- have seen
3 and been presented to. So don't do it.

4 Unfortunately, I had a case several years ago where
5 several jurors disregarded my instruction and actually did
6 that. So don't do it, and because again, 100 percent of the
7 evidence presented to you, that's what you consider when you
8 make the decision of guilt or innocence of the defendant in
9 this case, okay? So keep that in mind. Very, very
10 important.

11 All right. The lawyers have to make their opening
12 arguments to you. What they tell you is not evidence. It's
13 just what they believe this case is about and what they
14 believe the evidence will -- will show. State ready?

15 MS. SOPRANO-CESMAT: Yes, Your Honor.

16 THE COURT: Okay. Make your Statement.

17 MS. SOPRANO-CESMAT: Thank you. Good morning.

18 THE JURY: Good morning.

19 MS. SOPRANO-CESMAT: Ladies and gentlemen of the jury,
20 this case is about the reckless disregard for human life and
21 the safety of one's home. This could have happened to
22 anybody.

23 This Defendant, James Boatwright, has been charged with
24 burglary in the first-degree. Now, as the Judge said at the
25 end of the trial, he's going to instruct you on the law that

1 needs to be applied. You must follow those instructions.

2 However, I'm going to go ahead and give you an idea of what
3 we'll be talking about this week.

4 Burglary in the first-degree occurs when a person enters
5 a dwelling without consent, with the intent to commit a crime
6 therein, and either is armed with a deadly weapon, or it
7 occurs in the nighttime. As the Judge told you, I have the
8 burden of proving to each of you every element of that charge
9 beyond a reasonable doubt. That does not mean beyond all
10 doubt. That simply means a reasonable doubt.

11 Now, you're going to hear extensive evidence in this
12 case, which may seem confusing at times. When the evidence
13 seems confusing, I submit to you that by the end of this
14 case, you will understand that the Defendant had no
15 justification for breaking into the victim, Ms. Simpson's
16 home, on the morning of August 5th, 2023. What he did was a
17 crime, and the evidence will clearly support that.

18 You're going to hear the victim's 911 call that she made
19 while standing in her closet all alone at night. You're
20 going to hear how terrified she was, and she's going to tell
21 you that she thought she was going to die that night. You'll
22 hear testimony from the first two officers that miraculously
23 were able to arrive within five minutes of being dispatched.
24 You'll hear them tell you how when they first arrived to the
25 residence, they were about to enter the residence. They were

1 approaching the residence. And out comes the Defendant from
2 the home with two large knives in his hand.

3 The evidence will prove that he was soaking wet and he
4 was bleeding. You will see pictures of the scene. The glass
5 window pane on the front door that was broken in, allowing
6 the Defendant to gain entry to the home.

7 Deputy Pollard, you'll hear from him, he's going to
8 testify as to the explanation the Defendant gave for breaking
9 into the victim's home. You'll see Deputy Pollard's body
10 camera footage, and you're going to hear it from the
11 Defendant himself. He'll tell you that he was running from
12 two individuals and that forced him to break into her home.
13 The evidence will prove that -- that is not true. He's also
14 going to tell you that he was on the phone with 911 when he
15 broke into the home.

16 Again, the evidence will prove that this is not true.
17 You're going to hear testimony from Investigator David Moore.
18 Investigator Moore arrived on scene that early morning, and
19 he collected fingerprints, and he swabbed the blood from
20 inside this victim's residence. The evidence is going to
21 prove to you that the fingerprints and the blood that were
22 collected from inside the residence were the Defendant's.

23 You will even hear from the Defendant's long-term
24 girlfriend, Ms. Daisy White. She will tell you that the
25 Defendant called her that evening before the break-in,

1 claiming to be chased by two individuals. I encourage you to
2 pay especially close attention to the timing of that phone
3 call. That's going to be very important in this case. There
4 are a lot of strange and nuanced pieces to this puzzle in
5 this case that the Defense may use to distract you from the
6 facts.

7 Despite the strange twists in this incident, there is no
8 question that the Defendant broke into the victim's home,
9 armed himself with her two largest kitchen knives from her
10 kitchen in the nighttime with the intent to commit a crime
11 inside.

12 Now, I submit to you that once all of the evidence and
13 testimony is presented to you in this case, you will see that
14 all of the pieces fit together to complete the puzzle, and
15 you will agree that the Defendant is guilty of burglary in
16 the first-degree. Thank you.

17 THE COURT: All right. Ms. Boulware, are you ready?

18 MS. BOULWARE: Yes, sir. Thank you, your Honor. Good
19 morning.

20 THE JURY: Good morning.

21 MS. BOULWARE: I am happy to tell you that this is not
22 going to be a long trial, and most jurors are very glad to
23 hear that, but it is an important trial. It is a burglary
24 first, as the solicitor said. It's not going to be, a who
25 did this, what exactly happened, or when, or anything like

1 that, because she's right. You are going to hear my client
2 say, I broke into the house. Absolutely. You're also going
3 to hear him describe that chase.

4 Now, the State's going to try to stretch some sort of
5 intent, which she told you the elements of burglary first,
6 intent to commit a crime therein, not just breaking into a
7 house. That's pretty important. That will be explained to
8 you again at the end here.

9 So, I'm going to show you all this in closing again, but
10 there's this thing called the duck test, and I Googled that
11 because I wanted to be sure I got it just right, because I've
12 heard of the duck test all my life, never thought I would use
13 it in anything, but I'm going to use it today. So, Google
14 says the same, if it walks like a duck and quacks like a
15 duck, then it's probably a duck. And another good line it
16 says is, you might use a phrase, that phrase, to say
17 something is a good idea if it makes sense and it's logical.

18 Ladies and gentlemen, you're going to understand by the
19 end of this case that this intent to commit a crime, therein
20 being in Ms. Simpson's house, is -- is not going to make
21 sense and it's not at all logical. Probably is a duck is not
22 enough. That's going to be where you're going to hear about
23 reasonable doubt. And the Judge is going to instruct you on
24 that. But it's not probably, I can tell you that right now.
25 So Mr. Boatwright, as you met him yesterday, he's here. He's

1 here for his day in court, too. And he would like to use as
2 little as I. And the Judge just told you, just to pay close
3 attention to these details, I agree with the solicitor.
4 Please pay very close attention to all the details. And I
5 think y'all will agree, if it's probably a duck, it might not
6 be the duck they're saying it is. Thank you.

7 THE COURT: All right. The State is ready to call its
8 first witness.

9 MS. SOPRANO-CESMAT: Yes, your Honor, the State would
10 call Junior Donaldson to the stand.

11 THE CLERK: Please raise your right hand, place your
12 left on the Bible.

13 JAMES PARKS DONALDSON,
14 having been duly sworn, testifies as follows:

15 **DIRECT EXAMINATION**

16 **BY MS. SOPRANO-CESMAT:**

17 Q. Good morning, Mr. Donaldson. Please State your name
18 for the record.

19 A. James Parks Donaldson. Everybody calls me Junior.

20 Q. Nickname Junior?

21 A. Yes, ma'am.

22 Q. All right. Where are you employed?

23 A. Chester County Sheriff's Office.

24 Q. And what is your role with the Sheriff's Office?

25 I'm the NCIC TAC, the Terminal Agency Coordinator. I'm also

1 the warrant administrator.

2 Q. You're the what administrator?

3 A. Warrant Administrator.

4 Q. And how long have you been in that position?

5 A. Since 2017.

6 Q. Can you tell the ladies and gentlemen of the jury,
7 what is a CAD?

8 A. It's a computer-generated printout from our -- let
9 me start over. CAD stands for computer-aided dispatch
10 program. It's a program we use to document 911 calls and
11 monitor calls for service.

12 Q. Okay. And how is it generated?

13 A. From that CAD program, it's a printout. It's kind
14 of like a spreadsheet.

15 Q. Okay. And who enters the information into that?

16 A. The 911 call takers do.

17 Q. Does it provide time-stamps that are helpful in
18 understanding the time-line of events?

19 A. Yes.

20 Q. Does it also confirm who the responders from law
21 enforcement are to certain cases and certain calls?

22 A. Yes.

23 Q. Now, on August 5th of 2023, did dispatch receive a
24 phone call regarding a home break-in?

25 A. Yes.

1 Q. Did you answer that phone call?

2 A. I did not.

3 Q. I'm going to hand you what's been marked as State's
4 Exhibit number 1. You can take a look at that. Sorry. Do
5 you recognize this item?

6 A. Yes, ma'am.

7 Q. And what is on that item?

8 A. It would be the 911 audio from the 911 calls.

9 Q. Okay. And I'm also going to hand you what's been
10 marked as State's Exhibit -- Exhibit 29. Do you recognize
11 that document?

12 A. Yes, ma'am.

13 Q. What is it?

14 A. That's the CAD sheet from the call for service on
15 August 5th, 2023.

16 Q. Okay. Is this a document that's created in the
17 normal course of business and maintains 911 dispatch along
18 with the recordings of all the phone calls?

19 A. Yes.

20 MS. SOPRANO-CESMAT: Your Honor, at this time, the State
21 would enter Exhibit number 29 into evidence.

22 MS. BOULWARE: Can I take a look at it?

23 MS. SOPRANO-CESMAT: Yeah, I was going to say I haven't
24 actually shown Defense. I apologize.

25 THE COURT: What's the Defense say concerning 29?

1 MS. BOULWARE: No objection.

2 THE COURT: Without objection, 29 into evidence for the
3 State.

4 (State's Exhibit 29 admitted into evidence.)

5 MS. SOPRANO-CESMAT: Thank you, your Honor.

6 BY MS. SOPRANO-CESMAT:

7 Q. And do you actually need a copy of this to refer to
8 during your testimony?

9 A. No, I have mine.

10 Q. Okay. What time did 911 receive the phone call that
11 we're talking about currently, according to the CAD?

12 A. According to the CAD sheet, it was 4:32 A.M. and 29
13 seconds.

14 Q. Okay. 4:32 A.M., and what date was that?

15 A. August the 5th, 2023.

16 Q. You previously testified that the 911 calls are
17 recorded; is that correct?

18 A. That's right.

19 Q. Have you had an opportunity to review the 911 call
20 that this CAD is referring to and that I showed you on the
21 USB drive?

22 A. Yes.

23 Q. Did you make a copy of that 911 call?

24 A. I did.

25 Q. And provide it to the solicitor's office ---

1 A. I do.

2 Q. --- to then hand over to Defense?

3 A. Yes, ma'am.

4 Q. Does the information on that USB drive that I handed
5 to you accurately depict the call as it was that early
6 morning?

7 A. It does.

8 MS. SOPRANO-CESMAT: Your Honor, at this time, the State
9 would move State's Exhibit number 1 into evidence.

10 MS. BOULWARE: No objection.

11 THE COURT: All right. Without objection. Number one
12 into evidence for the State.

13 (State's Exhibit 1 admitted into evidence.)

14 MS. SOPRANO-CESMAT: And request to publish that 911
15 call at this time.

16 THE COURT: Certainly.

17 (Audio plays)

18 MALE SPEAKER: Chester county, 911.

19 MS. SIMPSON: Somebody's breaking into my house. ■■■■

20 McClure -- ■■■■ McClure Woods Drive

21 MALE SPEAKER: Just stay on the line for me. Do you
22 know who these people are?

23 MS. SIMPSON: No. (Inaudible). Please hurry. Please
24 hurry.

25 MALE SPEAKER: Ma'am, (inaudible). Units, there is a

1 reported break-in progress at ■■■■ McLure Woods -- ■■■■ McLure
2 Woods Drive in Crestwood Circle.

3 MS. SIMPSON: Please hurry. Please hurry.

4 MALE SPEAKER: Ma'am, we've got officers on the way.
5 What's your name?

6 MS. SIMPSON: Diane Simpson -- Simpson.

7 MALE SPEAKER: And what did you hear? Did you hear them
8 in the house?

9 MS. SIMPSON: (Inaudible). Please hurry. Please hurry.

10 MALE SPEAKER: Officers are on the way. Is your door
11 locked in the bedroom?

12 MS. SIMPSON: (Inaudible). Please hurry. Please hurry.

13 MALE SPEAKER: Officers are on the way. I already told
14 you. (Inaudible)

15 MS. SIMPSON: (Inaudible)

16 MALE SPEAKER: Are you the only one there?

17 MS. SIMPSON: (Inaudible). Please hurry.

18 MALE SPEAKER: Ma'am, they're on their way. I promise
19 you that. (Inaudible).

20 MS. SIMPSON: (Inaudible)

21 MALE SPEAKER: (Inaudible). They are there. They're
22 trying to enter the residence now. Stay where you are.
23 (Inaudible).

24 MS. SIMPSON: (Inaudible).

25 (Audio stops)

1 BY MS. SOPRANO-CESMAT:

2 Q. Mr. Donaldson, was there another 911 call made
3 earlier that morning regarding somebody being chased?

4 A. Yes, there was.

5 Q. I'm going to show you what's been previously marked
6 as State's Exhibit Number 30. Do you recognize that
7 document?

8 A. Yes, I do.

9 Q. What is that document?

10 A. It's the CAD sheet from August 5, 2023 at 4:21 A.M.
11 and 48 seconds.

12 Q. And is this the document or a document that you
13 create in the normal course of business and maintain within
14 the 911 dispatch reported calls?

15 A. Yes.

16 MS. SOPRANO-CESMAT: Your Honor, at this time, State
17 would enter Exhibit number 30 into evidence.

18 MS. BOULWARE: No objection.

19 THE COURT: Without objection, 30 into evidence for the
20 State.

21 (State's Exhibit 30 admitted into evidence.)

22 MS. SOPRANO-CESMAT: Thank you, your Honor.

23 BY MS. SOPRANO-CESMAT:

24 Q. And do you have a copy of this to refer to as well?

25 A. I do.

1 Q. What time was that call made?

2 A. According to the CAD, it came in at 4:21 A.M. and 48
3 seconds.

4 Q. Okay. And approximately how long did that call
5 last?

6 A. The actual phone call?

7 Q. Yes, sir.

8 A. I wouldn't have that information on here, not on the
9 CAD sheet.

10 Q. Okay. Was that call recorded as well?

11 A. Yes, ma'am.

12 Q. Have you had an opportunity to review that phone
13 call?

14 A. Yes.

15 Q. Okay. And was that actually copied and provided to
16 my office to then provide to Defense?

17 A. Yes, it was.

18 Q. You had a chance to review that call?

19 A. Yes.

20 Q. It fairly and accurately depicts the 911 call that
21 was made?

22 A. It does.

23 Q. And was that one of the other items listed on
24 State's Exhibit number 1?

25 A. Yes.

1 MS. SOPRANO-CESMAT: Your Honor, at this time, the State
2 would move to publish the -- this 911 call.

3 THE COURT: This call is also on State's 1?

4 MS. SOPRANO-CESMAT: That's correct, your Honor.

5 THE COURT: Okay. All right. Well, State 1 is already
6 in the evidence. You may publish.

7 MS. SOPRANO-CESMAT: Thank you, your Honor.

8 (Audio plays)

9 MR. BOATWRIGHT: (Inaudible)

10 FEMALE SPEAKER: Chester county, 911. Hello?

11 MR. BOATWRIGHT: (Inaudible). Why are you following me,
12 man?

13 FEMALE SPEAKER: County of Chester, 911.

14 MR. BOATWRIGHT: (Inaudible). Please go home.

15 (Inaudible). Please go away, man. Please. Please go home.

16 Keep away. Help. Help. Help. Help. Please go away.

17 (Inaudible) Please go. Help. Please go. (Inaudible).

18 Help. (Inaudible).

19 FEMALE SPEAKER: Sir, can you hear me?

20 MR. BOATWRIGHT: (Inaudible)

21 FEMALE SPEAKER: Hello? Can you hear me? Hello?

22 Hello?

23 (Audio stops)

24 BY MS. SOPRANO-CESMAT:

25 Q. So now that you've had an opportunity to listen to

1 that again, do you recall approximately how long that call
2 lasted?

3 A. I think it was about seven, eight minutes, maybe.

4 Q. And you said that call came in at what time?

5 A. 4:21 and 48 seconds.

6 Q. And then what time did you say the break-in call
7 came in?

8 A. 4:32 and 29 seconds.

9 Q. Did you find another 911 call from this Defendant?

10 A. Yes.

11 Q. And when was that?

12 A. That one took place on August the 4th, 2023 at 6:35
13 A.M. and 10 seconds.

14 Q. Okay. The State is going to show you State Exhibit
15 number 31. And do you recognize this document?

16 A. Yes.

17 Q. What is that document?

18 A. That's the CAD sheet from a call for service on
19 August 4th, 2023.

20 Q. Okay. And that's also kept in the normal course of
21 business?

22 A. It is.

23 MS. SOPRANO-CESMAT: This time the State will move
24 Defense -- or State Exhibit number 31 into evidence.

25 MS. BOULWARE: No objection.

1 THE COURT: Without objection, 31 into evidence for the
2 State.

3 (State's Exhibit 31 admitted into evidence.)

4 BY MS. SOPRANO-CESMAT:

5 Q. Was this 911 call recorded as well?

6 A. Yes, it was.

7 Q. Have you had an opportunity to review it?

8 A. Yes, ma'am.

9 Q. You made a copy of it and provided it to my office
10 and provided it to Defense?

11 A. Yes, ma'am.

12 Q. And you had a chance to review that on State Exhibit
13 number 1; is that correct?

14 A. Yes.

15 MS. SOPRANO-CESMAT: Permission to publish, your Honor?

16 THE COURT: Certainly.

17 MS. SOPRANO-CESMAT: Thank you.

18 (Audio plays)

19 MALE SPEAKER: Chester County, 911.

20 MR. BOATWRIGHT: Yeah, I'm homeless here, you know.

21 These people (inaudible). And then they chased me down and
22 tried to rob me, man.

23 MALE SPEAKER: Okay. Where are you now?

24 MR. BOATWRIGHT: And they beat me to death. I don't
25 even know where I was anymore. It was down that road. And I

1 knew where the house was going down on Pinckney Street.

2 MALE SPEAKER: Okay. I don't know exactly where that's
3 at Pinckney Street's a long way from here. Do you know where
4 that's at now?

5 MR. BOATWRIGHT: No, yes, I do. Yeah.

6 MALE SPEAKER: Have you seen it where you're at?

7 MR. BOATWRIGHT: Oh, it's right there beside check
8 checking place. It's right there beside check cashing place.

9 MALE SPEAKER: Okay. So do you know who these people
10 are?

11 MR. BOATWRIGHT: Oh, no. Man, they're wrong. And I'm
12 trying to sleep, man, they're wrong. I'm there at the
13 ballpark, and they're trying to rob me. Man, they're fucking
14 wrong. I get that I don't sleep, but they're trying to rob
15 me. I get that I'm trying to rob me. They don't want me to
16 sleep. (Inaudible)

17 A white man or a white girl. That's me. They keep finding
18 me.

19 MALE SPEAKER: Are you going to be out for a while so
20 she can find you?

21 MR. BOATWRIGHT: Yeah. (Inaudible)

22 MALE SPEAKER: But you don't see them right now?

23 MR. BOATWRIGHT: (Inaudible) I'm hiding in a burned
24 house, well not in the house, but yeah.

25 MALE SPEAKER: You said you're standing out, somewhere

1 my officer's can find you?

2 MR. BOATWRIGHT: (Inaudible) Yeah, I'm on the road.

3 MALE SPEAKER: And what is your name?

4 MR. BOATWRIGHT: James Boatwright. (Inaudible)

5 MALE SPEAKER: He's not sure what street they turned
6 out. Caller's going to be hiding in the burned out house
7 near the check cashing place. James Boatwright. Yeah, sir.
8 Caller's going to be near the check cashing place on
9 Pinckney, wearing a green camouflage pants and light shirt.

10 (Audio stops)

11 BY MS. SOPRANO-CESMAT:

12 Q. Okay. So now after you Found this 911 call, did you
13 then go back into your system that the sheriff's office uses
14 and search for any reports that were made by the Defendant
15 where he was claiming to be threatened, chased, anything of
16 that nature where he was actually a victim?

17 A. Right. Correct.

18 Q. Did you find any reports?

19 A. Not since 2019.

20 MS. SOPRANO-CESMAT: Thank you. Please answer any
21 questions the Defense may have.

22 THE COURT: Ms. Boulware, any cross-examination?

23 MS. BOULWARE: Just a couple, your Honor.

24 THE COURT: Okay.

25 **CROSS-EXAMINATION**

1 **BY MS. BOULWARE:**

2 Q. A couple questions Is it Mr. Donaldson, or what's
3 your name?

4 A. Junior's fine.

5 Q. Junior?

6 A. That's fine.

7 Q. I'll call you Junior. Okay. Cool. Okay. So the
8 first call we heard is the victim's call, which came in at
9 4:32 A.M., correct?

10 A. Correct.

11 Q. All right. So that one was actually made after Mr.
12 Boatwright's 911 call at 4:21.

13 A. Correct.

14 Q. Okay. So the order we heard them in is not the
15 order they were made.

16 A. Right.

17 Q. Okay. And you testified that Mr. Boatwright's call
18 lasted approximately seven or eight minutes, you believe?
19 And we've heard it, so ---

20 A. Yeah, to the best of my recollection, yeah.

21 Q. Got you. All right. And -- let's see. I will show
22 you what's been marked State's 30. And that is, I believe
23 that's the CAD for Mr. Boatwright's 911 call on August 5th.

24 A. Correct.

25 Q. Okay. Let me get my copy, too. All right. So down

1 toward the end, it -- it calls this a civil disturbance. Do
2 you see that?

3 A. I do.

4 Q. Okay. What -- do you -- do you know what in
5 particular, why -- why would it be labeled a civil
6 disturbance?

7 A. It's a generic call type based on not a lot of
8 information being gathered from the -- from the caller.

9 Q. Okay. But it's a disturbance of some kind?

10 A. Yes.

11 Q. Is that fair to say? Okay. And from what you can
12 tell on that CAD, did that call originate from Wylie Park, or
13 are y'all going on what he told you?

14 A. I'm not sure. I wouldn't be able to answer for that
15 dispatcher that took the call.

16 Q. Okay. That's fair enough. But it does say it
17 starts at Wylie Park, just by looking at the CAD itself.

18 A. Yes.

19 Q. Okay. And on the second page of the CAD, there's a
20 last line that's in all caps. And what does that line say?

21 A. "Male subject yelling for help and telling someone
22 to leave him alone."

23 Q. Okay. So when these CADs are created, they pretty
24 much try to put as many details as they can about the call.

25 A. Correct.

1 Q. Okay. All right. And let's see. And on the call
2 that was made -- let me show it to you, on the previous day,
3 by Mr. Boatwright, which is the August 4th call, and I am so
4 sorry to if you already testified to this. I did not hear
5 it, so I'm going to ask it again. What time was that call
6 made?

7 A. 6:35 in the morning and 10 seconds.

8 Q. And that's in the morning, not the evening?

9 A. Yes, it's 06:35, our CAD system uses, Eastern
10 Military Time.

11 MS. BOULWARE: Got you. All right. (Indiscernible).
12 No further questions, Judge.

13 THE COURT: Okay. Any redirect, Solicitor?

14 MS. SOPRANO-CESMAT: Nothing from the State, Your Honor.

15 THE COURT: All right. You may step down, sir.

16 MS. SOPRANO-CESMAT: And may he be excused from his
17 subpoena?

18 THE COURT: Certainly. You're free to leave the
19 courthouse, but you're more than welcome to remain with us.

20 THE WITNESS: Thank you.

21 THE COURT: All right. Next witness.

22 MS. SOPRANO-CESMAT: Yes, your Honor. I do expect the
23 next witness to be fairly lengthy. I don't know if the jury
24 would be ---

25 THE COURT: Okay. Well, then let's take a short morning

1 break, and then we'll get you back up. Ladies and gentlemen,
2 we'll take a morning break, and then bring you back in for
3 the next witness for the State again. Remember all my
4 instructions, and we'll get you back up shortly.

5 (Jury exits courtroom)

6 THE COURT: Okay. Be in a 10-minute break, thereabouts.

7 (OFF THE RECORD)

8 THE COURT: State, ready for the jury?

9 MS. SOPRANO-CESMAT: Yes, your Honor.

10 THE COURT: Defense?

11 MS. BOULWARE: Yes, sir.

12 THE COURT: Okay. Let's bring the jury out.

13 (Jury enters courtroom)

14 THE COURT: Let the record reflect, the jury is back in.

15 So let's hear you ready for your next witness.

16 MS. SOPRANO-CESMAT: The State's ready, your Honor.

17 THE COURT: Okay.

18 MS. SOPRANO-CESMAT: The State would call Deputy
19 Pollard, Kendall Pollard.

20 THE COURT: Okay. Come around, please, sir.

21 THE CLERK: Please raise your right hand, the left hand
22 on the Bible.

23 KENDALL POLLARD,

24 having been duly sworn, testifies as follows:

25 **DIRECT EXAMINATION**

1 **BY MS. SOPRANO-CESMAT:**

2 Q. Good morning. Please State your name for the
3 record.

4 A. Kendall Pollard.

5 Q. And where do you work?

6 Chester County Sheriff's Office.

7 Q. And how long have you worked for the Sheriff's
8 Office here in Chester?

9 A. Almost eight years.

10 Q. What's your current rank and role?

11 A. Currently, a canine handler in DPU, which ---

12 THE COURT: You need to speak up just a little bit, sir,
13 please.

14 BY MS. SOPRANO-CESMAT:

15 A. Currently a canine handler within the DPU unit.
16 This is the directed patrol unit.

17 Q. And what is the directed patrol unit?

18 A. It's a subset of narcotics and investigations.

19 Q. Okay. Very good. Were you working on the night of
20 August 4th going into the morning of August 5th?

21 A. Yes, I was.

22 Q. Okay. And what day of the week was that, if you
23 recall?

24 A. It was a Friday going into Saturday.

25 Q. Very good. And what were your -- what was your role

1 and your job responsibilities at the time as a canine handler
2 in DPU unit?

3 A. At the time, it was just on shift patrol and
4 answering calls for service.

5 Q. Okay. So you would actually respond to -- to calls
6 that came in to 911?

7 A. Yes.

8 Q. Were you dispatched to a call regarding this
9 Defendant in the early morning hours of August 5th?

10 A. I was, yes.

11 Q. And where were you dispatched to?

12 A. The area of Wylie Park off of West End Street.

13 Q. Okay. I'm going to show this to the State -- or to
14 the Defense. I'm going to show you what's been previously
15 marked as State's Exhibit number 2. And ask you to point out
16 to the jury where you were dispatched to in the early morning
17 hours.

18 A. This area (indicating).

19 Q. You said that's Wylie Park?

20 A. Yes, ma'am.

21 Q. And is that in the county of Chester, the city of
22 Chester, or the jurisdiction of that area?

23 A. It is within the city of Chester.

24 Q. Okay. But you work for the county of Chester; isn't
25 that right?

1 A. That's correct.

2 Q. Okay. So why were you responding to a call within
3 the city?

4 A. The city was short-staffed and had no city officers
5 working at the time, so we had to take calls for the city.

6 Q. Okay. So the county was kind of helping cover the
7 short staff from the city; is that right?

8 A. Yes, ma'am.

9 Q. Is Wylie Park a well-lit area?

10 A. It is not.

11 Q. What time were you dispatched to Wylie Park? And I
12 can show you the CAD if you need to refer to it.

13 A. If you have that CAD, I can refer to that.

14 Q. Yeah. Just one second. I'm going to show you
15 what's been previously marked and entered into evidence as
16 State's Exhibit number 30. So what time were you dispatched
17 to Wylie Park?

18 A. 4:26.

19 Q. Is that A.M. or P.M.?

20 A. Excuse me, 4:21 A.M.

21 Q. Okay. That's the time you were dispatched?

22 A. When the call was created, yes.

23 Q. When the call was created, it was 4:21?

24 A. Okay.

25 A. Arrived on scene at 4:26 -- 4:27.

1 Q. And what was the nature of the call that you were
2 dispatched for?

3 A. It was a disturbance.

4 Q. Okay. And did you respond to that call?

5 A. I did.

6 Q. Did anybody respond with you?

7 A. Myself and Deputy Tolson.

8 Q. Okay. Now, when you were in Wylie Park, was your
9 body camera footage activated?

10 A. My body camera was on standby, but was not currently
11 recording.

12 Q. Okay. So your body camera is not going to show your
13 time at Wylie Park, is that what you mean?

14 A. That is -- that is correct.

15 Q. Okay. What did you do when you first arrived at
16 Wylie Park?

17 A. When we first arrived, we noticed that there were no
18 vehicles at -- parked at Wylie Park. Deputy Tolson and I
19 then got out of our vehicles, separate vehicles, and walked
20 into the trail head of Wylie Park with our flashlights.

21 Q. Okay. So did you see any vehicles in the area of
22 Wylie Park or in the parking lot of Wylie Park or anywhere
23 around?

24 A. No, ma'am.

25 Q. You said you started going into the trails of Wylie

1 Park. Approximately, how far did you and Deputy Tolson go
2 into the park?

3 A. About 100 yards into the woods.

4 Q. Okay. And were you and Deputy Tolson walking side
5 by side throughout the woods?

6 A. No, ma'am. We were a few yards apart. We were on
7 two separate trails, but we could still see each other.

8 Q. Okay. And were you traveling in the same direction?

9 A. Yes, ma'am.

10 Q. Did you encounter anyone while in the woods at Wylie
11 Park?

12 A. No ma'am, nobody.

13 Q. Did you hear anything?

14 A. No ma'am.

15 Q. Anything that made you think that anybody else was
16 in the woods?

17 A. No ma'am.

18 Q. Did you hear any voices?

19 A. I did not.

20 Q. Any yelling for help?

21 A. No, ma'am.

22 Q. Did dispatch update you on the whereabouts of the
23 caller once you had relayed the information that you didn't
24 see anybody at the time?

25 A. No, ma'am, there was no further updates.

1 Q. Approximately, how long were you on scene at Wylie
2 Park?

3 A. Say about six to seven minutes.

4 Q. Okay. And why did you leave Wylie Park after six or
5 seven minutes?

6 A. Deputy Tolson and I received a break-in in progress
7 call.

8 Q. Okay. And did that take priority over this call
9 that you didn't see anybody in the woods?

10 A. Absolutely.

11 Q. What time did you clear from Wylie Park based on
12 that CAD?

13 A. About 4:33.

14 Q. Okay. I'm going to hand you what's been previously
15 marked and entered into evidence, State's Exhibit number 29,
16 for your reference. Where were you dispatched to for that
17 break-in call that you testified to?

18 A. [REDACTED] McClure Woods Drive.

19 Q. Okay. And is that also within the city
20 jurisdiction?

21 A. It is.

22 Q. Was that close to where you were in Wylie Park?

23 A. Yes, ma'am, it's just through the wood line.

24 Q. Okay. And I'm going to again show you what's been
25 marked as State's Exhibit number 5 -- number 2, I apologize.

1 So you can point out where the break-in -- in progress call,
2 you were dispatched to was.

3 A. Break-in -- in progress.

4 Q. Okay. You know what that blue line is?

5 MS. BOULWARE: Your Honor, that map is not in evidence
6 yet, and I think the jury can see it pretty well.

7 THE COURT: Okay.

8 MS. SOPRANO-CESMAT: Okay. At this time the State would
9 move ---

10 THE COURT: Is -- is that number two?

11 MS. SOPRANO-CESMAT: That's number two, your Honor.

12 THE COURT: Okay. All right.

13 MS. BOULWARE: No objection.

14 THE COURT: No objection? Okay. Number two into
15 evidence for the State.

16 (State's Exhibit 2 admitted into evidence.)

17 MS. SOPRANO-CESMAT: Thank you, your Honor.

18 BY MS. SOPRANO-CESMAT:

19 Q. The blue line, do you know what that is?

20 A. It would be a creek.

21 Q. A creek runs through there?

22 A. Yes, ma'am.

23 Q. Okay. Thank you. What time are you actually
24 dispatched to [REDACTED] McClure Woods Drive?

25 A. It was 4:33.

1 Q. 4:33?

2 A. Yes.

3 Q. Is that A.M.?

4 A. A.M.

5 Q. Okay. That's what time you and Deputy Tolson; is
6 that correct?

7 A. Yes, ma'am.

8 Q. What time did you actually arrive to [REDACTED] McClure
9 Woods Drive? And you can refer to State's Exhibit number 29
10 if you need to to refresh your memory.

11 A. 4:37.

12 Q. Okay. That's when you arrived on scene?

13 A. Yes, ma'am.

14 Q. Was this residence easy to find as you were
15 attempting to locate it?

16 A. No, ma'am. The house sat off the roadway, and it
17 was a long driveway.

18 Q. Okay. Could you see the -- the home from McClure
19 Woods Drive?

20 A. No, ma'am.

21 Q. When you first arrived, were you alone?

22 A. No, ma'am. Tolson and I arrived on scene at the
23 same time.

24 Q. Okay. So did you guys leave the park together?

25 A. Yes, ma'am.

1 Q. And then you arrived at this house together?

2 A. Yes, ma'am.

3 Q. Okay. Was your body camera activated when you
4 actually arrived at the residence?

5 A. Yes, ma'am.

6 Q. Okay. What did you do when you first arrived?

7 A. I exited my patrol car. Tolson and I ran towards
8 the front door. As we were approaching the front door, the
9 Defendant came outside from the front door with two knives in
10 his hand. We ordered him ---

11 Q. You saw the Defendant?

12 A. Yes, ma'am.

13 Q. Okay.

14 A. Mr. Boatwright.

15 Q. Okay. And what was he doing?

16 A. He came out the front door and was holding two
17 knives.

18 Q. Okay. Can you describe the knives that he was
19 holding?

20 A. Large kitchen knives.

21 Q. Okay. I'm going to show you what's previously been
22 marked as State's Exhibits number 3 and 4. Court's
23 indulgence, your Honor.

24 THE COURT: Sure.

25 BY MS. SOPRANO-CESMAT:

1 Q. I'm going to hand you State's Exhibits number 3 and
2 4, and if you'll take a look in those boxes and tell me if
3 you recognize those items.

4 A. Yes, ma'am.

5 Q. What are those items?

6 A. Large kitchen knives.

7 Q. Any particular kitchen knives? Do you recognize
8 these from ---

9 A. From what Mr. Boatwright was holding. Yes, ma'am.

10 Q. Okay. Mr. Boatwright was holding those?

11 A. Yes, ma'am.

12 MS. SOPRANO-CESMAT: At this time, the State would offer
13 items number three and four into evidence and request to be
14 able to publish to the jury.

15 MS. BOULWARE: No objection.

16 THE COURT: Without objection. Three and four into
17 evidence for the State.

18 (State's Exhibits 3 and 4 admitted into evidence.)

19 BY MS. SOPRANO-CESMAT:

20 Q. Okay. So what did the Defendant do when he actually
21 saw you and Deputy Tolson approaching him?

22 A. He dropped the kitchen knives into a flower pot
23 standing next to him.

24 Q. Okay. And were you and Deputy Tolson saying
25 anything to him during this time?

1 A. Yes, ma'am. We were giving verbal commands to him
2 to come out of the house and show us his hands and then told
3 him to get on the ground.

4 Q. And did he comply?

5 A. He did.

6 Q. What did you do next?

7 A. Handcuffed the subject.

8 Q. Okay. And at this time, was this Defendant under
9 arrest?

10 A. Just detained at this moment.

11 Q. Okay. Had any other officers arrived at this point?

12 A. Shortly after he was handcuffed, Deputy Graham
13 showed up on the scene.

14 Q. Okay. And what did Deputy Graham do?

15 A. He stood by with the -- Mr. Boatwright while Deputy
16 Tolson and I went inside the residence.

17 Q. Okay. And what did you do once you went inside the
18 residence? What was the purpose of going inside?

19 A. Finding the victim and any other potential suspects
20 within the home.

21 Q. Okay. Now, while you were clearing the residence,
22 did you find anyone else in the residence?

23 A. We did not.

24 Q. You didn't find anybody else?

25 A. Oh, excuse me. We found the victim in the home, but

1 no other suspects.

2 Q. Okay. Very good. And where was the victim at the
3 time?

4 A. She was in her closet in her bedroom.

5 Q. Okay. Can you describe her demeanor when you first
6 approached her and made contact with her?

7 A. Absolutely terrified, shaking, scared.

8 Q. Okay. Did you encounter anyone else in the home?

9 A. No, ma'am.

10 Q. Did you see any evidence that anybody else had been
11 in the home?

12 A. No, ma'am.

13 Q. Did you search every room and every closet?

14 A. I did.

15 Q. Multiple times?

16 A. Yes, ma'am.

17 Q. Did you move furniture around, look behind
18 furniture, anything like that?

19 A. We did, under beds, mattresses, closets, suitcases.

20 Q. Okay. Now, you mentioned that you're a canine
21 handler. Were you a canine handler at the time?

22 A. I was.

23 Q. And did you have a canine with you?

24 A. I did. Yes, ma'am.

25 Q. Okay. Did you use your canines in assistance of

1 clearing the residence?

2 A. We did not.

3 Q. And what was the reasoning for that?

4 A. Too much of an uncontrolled environment. We didn't
5 have enough information at the time. Usually with a building
6 clear like that, the dog would be off lead, and we'd have a
7 perimeter set around the house just for safety of ---

8 Q. What does a perimeter mean?

9 A. We would have deputies surrounding the house.

10 Q. Okay. So there would be other deputies around the
11 house?

12 A. Yes, on the outside.

13 Q. For the perimeter, okay. And you did not have that
14 at this time?

15 A. That is correct.

16 Q. All right. At this time, the State would move to
17 play Deputy Pollard's body-worn camera, but I'm also aware
18 that we are coming up on lunchtime. So if we need to take a
19 lunch break.

20 THE COURT: Okay. Ladies and gentlemen, my
21 understanding from the lawyers is that this officer's body
22 cam video lasts about an hour and eight minutes thereabouts.
23 And so that would probably push us past one, so this may be a
24 good time to take a lunch break, and we'll start back at
25 1:15. So hopefully an hour and 15 minutes would be enough

1 time for you to get something to eat.

2 I would ask if any of you decide to go to a local
3 restaurant, leave your juror badge visible. The reason for
4 that is that people connected with the case, maybe the
5 lawyers, may be at that same restaurant, may not recognize
6 you as being on the jury, and they may be talking about the
7 case, so we don't want you to overhear anything said. So if
8 you don't mind, I'd appreciate you just keeping that visible
9 if you go out to a public restaurant, okay? And remember all
10 my instructions, and we'll start back at 1:15. Have a good
11 lunch.

12 (Jury exits courtroom)

13 THE COURT: Okay. We'll be in recess until 1:15. Since
14 we're in the middle of your testimony, you can't talk to
15 anybody about your testimony about this case. Certainly, you
16 can talk to people, but you just can't talk about the case,
17 okay? All right, we'll be in recess until 1:15.

18 MS. SOPRANO-CESMAT: Thank you, your Honor.

19 (OFF THE RECORD)

20 (Jury enters courtroom)

21 THE COURT: Let the record reflect the jury is back in.
22 Solicitor, are you ready to proceed?

23 MS. SOPRANO-CESMAT: The State's ready, your Honor.

24 THE COURT: Okay. You may proceed?

25 BY MS. SOPRANO-CESMAT:

1 Q. If we can just remind Deputy Pollard that he's still
2 under oath.

3 A. Yes, ma'am.

4 Q. So just a few more follow-up questions, Deputy
5 Pollard. You testified prior to lunch that you have seen the
6 Defendant holding knives; is that correct?

7 A. Yes, ma'am.

8 Q. That was your testimony? Okay. Can you demonstrate
9 for the jury how he was holding those?

10 A. (Demonstrating) I believe he was holding them in his
11 hands and then he turned.

12 Q. And while you were on scene, did you have a chance
13 to actually talk with the Defendant?

14 A. I did.

15 Q. Okay. What did he tell you? What was his story of
16 what was going on that night when speaking to you?

17 A. That a Junior and a Leon were chasing him. He was
18 running through the woods. He went to say that he was at the
19 park and he saw two flashlights.

20 Q. Okay. Did he indicate whether he actually saw the
21 people that were chasing him?

22 A. He said he did not physically see anyone.

23 Q. Okay. And did he indicate to you whether he was on
24 the phone with -- with 911 when he broke into the home?

25 A. He said he was.

1 Q. He said he was, okay. At this time, the State would
2 move to enter in Exhibit number 5, which is the body-worn
3 camera video, and I believe that the Defense has stipulated
4 to that coming in.

5 MS. BOULWARE: No objection.

6 THE COURT: Okay. All right. So that exhibit number is
7 what?

8 MS. SOPRANO-CESMAT: Five, your Honor. State's Exhibit
9 number 5.

10 THE COURT: All right. Five is in evidence for the
11 State.

12 (State's Exhibit 5 admitted into evidence.)

13 MS. SOPRANO-CESMAT: And permission to publish to the
14 jury.

15 THE COURT: Certainly.

16 MS. BOULWARE: Judge, may I?

17 THE COURT: Sure.

18 MS. BOULWARE: Can I sit right here and watch?

19 THE COURT: You want to sit over there so you can see
20 it?

21 MS. BOULWARE: Yes, sir.

22 THE COURT: Okay. Sure. Put yourself wherever you need
23 to.

24 (Video plays)

25 (Video pauses)

1 BY MS. SOPRANO-CESMAT:

2 Q. I'm just going to pause that really quickly, Deputy
3 Pollard. Who is Mayfield, Jr. that you were referring to in
4 your body-worn camera?

5 A. He's just a subject that we've dealt with in the
6 past. No, Mayfield, Jr. Just someone I knew. When he
7 mentioned Junior, I was just trying to come up with names,
8 trying to figure out what's going on.

9 Q. Okay. Did you have any evidence that Mayfield, Jr.
10 was involved in this incident?

11 A. No, ma'am.

12 Q. And did any evidence come to light at any point
13 since the actual date of incident, August 5th, 2023, to
14 indicate that Mayfield Jr. had any involvement in this?

15 A. No, ma'am, nothing.

16 MS. SOPRANO-CESMAT: Okay. Thank you all. I'm going to
17 ask that we continue to watch.

18 (Video plays)

19 (Video stops)

20 BY MS. SOPRANO-CESMAT:

21 Q. Just a few more follow-up questions for you, Deputy
22 Pollard. So towards the end of that body-worn camera video
23 that we all just watched, you were speaking on the phone with
24 somebody. Who was that -- that was on the other end of that
25 phone?

1 A. That was the dispatcher, McKenzie McCoy, I believe
2 her last name is.

3 Q. Okay. And had she answered a 911 call in reference
4 to this incident?

5 A. Yes, ma'am, the Wylie Park.

6 Q. The Wylie Park call, she answered. Okay. And it
7 sounded like you were trying to confirm the time line of
8 things, what was the purpose of that? What was your thought
9 process at that point in time?

10 A. Trying to make sure that he was saying that he was
11 on the phone when he was breaking into the house, but he was
12 actually on the phone with dispatch beforehand when he was
13 running through. Just like you said, the time line, just too
14 many gaps.

15 Q. And so were you trying to confirm with dispatch
16 whether or not what he was telling you was true?

17 A. Yes.

18 Q. Okay. And did you get the answers that you were
19 looking for?

20 A. I did.

21 MS. SOPRANO-CESMAT: Thank you. Please answer any
22 questions from the Defense that they have.

23 THE COURT: Okay. Ms. Boulware, cross-examination.

24 MS. BOULWARE: Do you need the TV on, Kay? Do you want
25 the TV?

1 MS. SOPRANO-CESMAT: I should be okay. We just watched
2 it, so ---

3 CROSS-EXAMINATION

4 BY MS. BOULWARE:

5 Q. Deputy Pollard.

6 A. Yes, ma'am.

7 Q. Okay. How are you today?

8 A. Good, how are you?

9 Q. I'm doing okay. All right. I just have a few
10 questions. Most of them are clarification questions. We
11 just watched the video, so we all pretty much know what
12 happened, but just to get some things in context. So, and
13 this may, I am too blind to see the times of the actual
14 video, so I'll just look at the clock time.

15 At 5:20 A.M., you were talking to, I think, another
16 police officer. Would that have been Tolson, or were you
17 going back and forth with him at that time? I know that's
18 hard to figure out.

19 A. If you brought it back up, I could tell you who it
20 was.

21 Q. Okay. Hold on. Oh, I'm sorry.

22 MS. LIVELY: It's all right. I was afraid of that.

23 MS. BOULWARE: I beg the court's indulgence.

24 THE COURT: Sure.

25 BY MS. BOULWARE:

1 Q. Okay. We're going to try to play this for you, so
2 you can possibly identify who this is. And how many officers
3 were on scene that night, did -- did you recall, about?

4 A. About four.

5 Q. Okay. So I mean, there were quite a few of you out
6 there.

7 A. Yes, ma'am.

8 (Video plays)

9 (Video stops)

10 BY MS. BOULWARE:

11 Q. Okay. That refresh your memory on that?

12 A. Yes, that's Lieutenant Graham.

13 Q. Lieutenant Graham, okay. Sorry about that. Okay.
14 So you also have a dash cam in your car; is that correct?

15 A. Yes, ma'am.

16 Q. Okay. What happens when you get out the car, or
17 you're -- or -- do you -- let me put it this way, does it
18 stay on even if you go out of the car?

19 A. If it's activated beforehand, yes.

20 Q. Okay. Do you recall if that was activated?

21 A. It was.

22 Q. Okay. And so your body-worn camera's on standby
23 until you get out on the scene and start?

24 A. The body-worn camera was on standby until I hit my
25 blue lights with the switch that turns on the dash cam, and

1 my body-worn camera.

2 Q. Okay. So dash cam's already on, body cam with blue
3 lights?

4 A. The dash cam is also on standby until I hit my blue
5 lights, then it turns everything on.

6 Q. Okay. All right. Dash cam and body cam on at the
7 same time?

8 A. Yes.

9 Q. Okay.

10 A. There is a little backup with the -- with the dash
11 cam, backs up like a minute and 30 seconds beforehand.

12 Q. Got you. Got you. All right. So you mentioned
13 that the first call you responded to was the Wylie Park 911
14 call?

15 A. Yes, ma'am.

16 Q. Okay. And where did you -- you also mentioned on
17 the video that there was a fight in progress. I believe
18 those are the words you used.

19 A. Yes, ma'am.

20 Q. Okay. Do you know why you used those words?

21 A. I said, the way it was dispatched out, they might
22 have said something along the lines of a fight in progress,
23 disturbance.

24 Q. Okay. So the CAD says civil disturbance. Is
25 that ---

1 A. Yes, ma'am.

2 Q. --- basically the same thing?

3 A. Disturbance.

4 Q. Okay. So when you got to the door and seen

5 Mr. Boatwright there, and he's -- he's basically begging

6 y'all, please listen to the 911 calls, didn't he?

7 A. Yes, ma'am.

8 Q. Okay. And sounds like y'all intended to do that.

9 Y'all, at the end of it, y'all were trying to get this

10 straight, you know, the time line and all this, and to the

11 point where, and I guess this was, I now confirm that was

12 Graham, he's surprised when he hears he called 911. He kind

13 of doesn't believe it, does he? Or that reaction he had on

14 video that you just saw.

15 A. Yeah, I can't -- sure.

16 MS. SOPRANO-CESMAT: Objection, your Honor.

17 Speculation.

18 THE COURT: As far as what -- well, if you can testify

19 what Graham may have acted like in response to that, what you

20 observed, if anything, but you can't really speculate as to

21 what Graham had in his mind.

22 THE WITNESS: That's correct.

23 THE COURT: Fair enough. Do you want to re-ask?

24 MS. BOULWARE: I'll rephrase it.

25 THE COURT: Okay.

1 MS. BOULWARE: Yeah.

2 BY MS. BOULWARE:

3 Q. Did he seem surprised to you?

4 A. He said he was surprised and so ---

5 THE COURT: Speak -- speak up, Officer. I can't hear
6 you.

7 BY MS. BOULWARE:

8 A. He -- he seemed slightly surprised.

9 Q. Okay. Thank you. So, Mr. Boatwright -- you got to
10 the front door right as he was basically being apprehended,
11 right?

12 A. He was coming out of the door as we were approaching
13 the door.

14 Q. What door was that?

15 A. The front door.

16 Q. Front door on the house?

17 A. Yes, ma'am.

18 Q. Not the back door, not through a garage. It's the
19 front door?

20 A. Yes, ma'am.

21 Q. Okay. And it appeared to you to be the front door
22 that he had broken into?

23 A. It appeared that way.

24 Q. Okay. So, were you aware at the time, and you may
25 not have been, and I can ask another officer this if you

1 weren't, if Mr. Boatwright had had any action -- or
2 interaction, excuse me, with Ms. Simpson prior to coming out
3 of that house?

4 A. I am unaware.

5 Q. Okay. That's fine. And you mentioned that you were
6 the canine officer; is that right?

7 A. Yes, ma'am.

8 Q. Okay. Could you have brought the dog to the scene?

9 A. He was at the scene in the car.

10 Q. Oh, he was in the car. Okay. So, there's somebody
11 you all think might be around or in the woods or whatever.
12 You can't bring the dog out to look for this person?

13 A. We don't have a last known. We didn't have any
14 visual. I can't just send my dog on a -- just out in the
15 open. There's not enough information out there. It's
16 reckless.

17 Q. Okay. So, when they mentioned Mayfield Jr., when
18 y'all -- when he first said it was Junior and Leon, and there
19 was some talk about it might be Mayfield Jr.?

20 A. Yes, ma'am.

21 Q. Okay. Did y'all investigate further into that, who
22 Mayfield, Jr is, or what might have been going on with him?

23 A. I did not.

24 Q. Okay.

25 A. I have no information on that.

1 Q. All right. So Mr. Boatwright also begged you, look
2 at his phone. You'll see he called 911. He's offering you
3 his phone. Did y'all take it?

4 A. I'm not sure that you'd have to ask investigations.

5 Q. Okay. He also, when asked his name, gave you the
6 right name, didn't he?

7 A. He did.

8 Q. It's fair enough to say that some folks don't always
9 do that?

10 A. Sure.

11 MS. BOULWARE: Okay. I beg the court's indulgence.

12 THE COURT: Sure.

13 BY MS. BOULWARE:

14 Q. And so when -- when you came in the house and you
15 figured out or someone told you that the knives -- the knife
16 is a butcher block, right? Of knives in the kitchen?

17 A. Yes, ma'am.

18 Q. Okay. And that was turned over or disturbed?

19 A. Yes, ma'am.

20 Q. Anything else in the house you noticed disturbed?

21 A. No.

22 Q. Okay.

23 A. The glass was broken on the door.

24 Q. Okay -- okay. And when he came out with the knives,
25 he didn't threaten anybody with them or anything like that.

1 Immediately put them down. Is that your testimony?

2 A. Yes, ma'am.

3 MS. BOULWARE: Okay. No further questions, Judge.

4 THE COURT: Okay. Solicitor, any redirect?

5 MS. SOPRANO-CESMAT: Just briefly, your Honor.

6 **REDIRECT EXAMINATION**

7 **BY MS. SOPRANO-CESMAT:**

8 Q. Deputy Tolson, Defense had asked you about your
9 comment of it being a fight in progress. Did the Defendant
10 ever tell you anything about a fight that had occurred that
11 evening or the early morning?

12 A. No.

13 Q. Did he indicate that there was a fight in Wylie
14 Park?

15 A. No. Just that he was being chased.

16 THE COURT: What was your last answer, sir?

17 THE WITNESS: Just that he was being chased.

18 **BY MS. SOPRANO-CESMAT:**

19 Q. And then as far as your canine goes, is part of the
20 evaluation of whether you're going to bring your canine out,
21 is part of that the safety of the victim and other officers?

22 A. Absolutely.

23 Q. And finally, the Defense asked you about if the
24 Defendant had tried to fight at all or used those knives in a
25 threatening manner. Were your guns drawn on him at that

1 moment?

2 A. They were.

3 Q. You approached the home pointing your guns at the
4 Defendant, correct?

5 A. Yes, ma'am.

6 MS. SOPRANO-CESMAT: No further questions. Thank you.

7 THE COURT: Re-cross, Ms. Boulware?

8 MS. BOULWARE: No questions, your Honor.

9 THE COURT: Okay. You step down, Officer. Thank you.

10 MS. SOPRANO-CESMAT: And may Deputy Tolson -- or Deputy
11 Pollard, excuse me, be released from his subpoena at this
12 time?

13 THE COURT: Sure. You're free to leave the courthouse.
14 You're more than welcome to remain. Solicitor, your next
15 anticipated witness link?

16 MS. SOPRANO-CESMAT: Your Honor, he's probably going to
17 be my longest of all the witnesses. If I had to guess, he
18 will take us up to the end of the afternoon.

19 THE COURT: All right. Ladies and gentlemen, we're
20 going to take a brief afternoon break, and we'll get you back
21 out shortly.

22 (Jury exits courtroom)

23 THE COURT: Let me inquire, Solicitor, the ---

24 MS. SOPRANO-CESMAT: Yes, your Honor.

25 THE COURT: --- next witness, there's going to be a body

1 be played to you even though the entire video will be in the
2 evidence. So when you begin your deliberations, if you felt
3 like there was a need to watch the entirety of that body cam
4 video or any portion in addition to what is being shown today
5 or what is being shown today, that will be up to you for
6 that, I'm just explain to you, you're not going to see today
7 the actual body cam video in its entirety, okay? Solicitor?

8 MS. SOPRANO-CESMAT: Thank you, your Honor. The State
9 would call Deputy Caleb Tolson to the stand.

10 CALEB JOSHUA TOLSON,
11 having been duly sworn, testifies as follows:

12 **DIRECT EXAMINATION**

13 **BY MS. SOPRANO-CESMAT:**

14 Q. Please State your name for the record.

15 A. Yes, Caleb Joshua Tolson.

16 Q. And where do you work?

17 A. At the Chester County Sheriff's Office.

18 Q. How long have you worked there?

19 A. About five-and-a-half years.

20 Q. What is your current rank and role?

21 A. I am currently an investigator in the Investigations
22 Division.

23 Q. Okay. And what was your rank and role in August of
24 2023?

25 A. Patrol deputy.

1 Q. So in 2023, you are not an investigator; is that
2 correct?

3 A. No, ma'am. I was just a patrol deputy then.

4 Q. Okay. And so as part of your duties in 2023, would
5 that include patrolling and answering calls for service?

6 A. Yes, it would.

7 Q. Were you working on the night of August 4th into the
8 morning of August 5th?

9 A. Yes, I was.

10 Q. Were you dispatched to a call regarding this
11 Defendant that night or early morning hours?

12 A. Yes, I was.

13 Q. Where were you dispatched to?

14 A. Area of Wylie's Park in the city of Chester.

15 Q. Okay. And I'm going to show you what's been
16 previously marked and entered into evidence as State Exhibit
17 number 2. Can you show me on this map where you were
18 dispatched to and where you actually responded to?

19 A. Yes, ma'am. (Indicating) So this is West End Street
20 going towards the county, towards the bypass. Here's Wylie's
21 Park, the pool, everything, tennis courts you can see from
22 the map over here. We came in on the trail side, which is
23 close to Park Drive, parked here.

24 Q. Thank you. Do you recall what time you were
25 dispatched to Wylie Park? And if not, I can send you the CAD

1 that's been marked and placed in the evidence.

2 A. Yeah, I'm not 100 percent sure on the time.

3 Q. Let me grab the time for you. I'm showing the
4 Defendant -- or the witness State Exhibit number 29 and 30.

5 A. According to the CAD, it says 4:26 A.M. for
6 dispatched.

7 Q. Okay. And what was the nature of the call that you
8 were responding to at Wylie Park?

9 A. I'm sure everyone's heard already several times. It
10 says disturbance or civil disturbance, but I remember it
11 being a 911 hang-up call.

12 Q. Okay. Did anybody respond with you?

13 A. Yes, ma'am. Deputy Pollard did.

14 Q. Okay. And was your body camera actually activated
15 during your time at the park?

16 A. Yes, it was.

17 Q. Okay. And did you provide that body camera footage
18 to my office, which then would have been provided to Defense?

19 A. I did.

20 MS. SOPRANO-CESMAT: State's Exhibit number 5, that's
21 already in evidence, also has this Investigator Tolson's
22 body-worn camera on it (indiscernible).

23 THE COURT: Okay. Very good.

24 MS. BOULWARE: Yes, sir.

25 MS. SOPRANO-CESMAT: And it's in evidence, so this time

1 the State would ask to publish.

2 THE COURT: Okay. Very well.

3 MS. SOPRANO-CESMAT: Judge. Judge.

4 THE COURT: Oh, sure, yeah.

5 MS. SOPRANO-CESMAT: I beg the court's indulgence.

6 BY MS. SOPRANO-CESMAT:

7 Q. All right. Do you recognize this video?

8 A. Yes, I do.

9 Q. Is this your body cam from that night?

10 A. Yes, ma'am. That's the body cam footage of me at
11 Wylie Park.

12 Q. Okay. And I'm going to ask you a couple more
13 follow-up questions before we actually play it.

14 A. Okay.

15 Q. So when you first arrived at Wylie Park with Deputy
16 Pollard, what did you first do?

17 A. I turned on my front-scene lights, so I was in a
18 marked unit at that time, fully-marked unit with a light bulb
19 on top. One of the features of that unit is it has a front-
20 scenes feature, so it's like, I'm sure I'll be all driving
21 down the road if I pass one of those cars that has the
22 off-road lights on it, they blind you. That's what kind of
23 light was on there. I turned that on along my high beams so
24 I could light up the whole area because it was pitch black
25 dark out there.

1 Q. Okay.

2 A. Got out of our vehicle, started walking towards the
3 trail, shining our flashlights, looking for anybody who may
4 need help or anything suspicious.

5 Q. Okay. And approximately how far into the woods did
6 you go?

7 A. I believe Deputy Pollard said around 100 yards. I
8 believe that sounds about right.

9 Q. You believe that to be true as well?

10 A. Yeah, I couldn't tell you.

11 Q. Okay.

12 A. Far enough.

13 Q. Okay. Very good. And did you encounter anybody
14 while you were in the woods?

15 A. No, I did not.

16 Q. Did you hear anything that would make you think
17 somebody else was in the woods? Any rustling, anything like
18 that?

19 A. No, I did not.

20 Q. Any voices?

21 A. Nope.

22 Q. Or anyone yelling for help?

23 A. No, ma'am. No, I did not.

24 Q. Did you see any cars parked in the parking lot?

25 A. No, ma'am. The only two vehicles there was my

1 patrol car and Deputy Pollard's patrol car.

2 Q. Okay. So you didn't see anybody in the woods, so
3 then did dispatch ever update you on the whereabouts of the
4 caller?

5 A. No.

6 Q. Or the alleged people that were chasing him? Any
7 further information?

8 A. No, ma'am. I never received any further information
9 from dispatch other than the call was given out.

10 Q. Okay. And approximately how long would you estimate
11 that you were at Wylie Park?

12 A. According to my body cam, I arrived at 4:27 A.M.,
13 and I cleared the park, turned back on the west end at 4:34
14 A.M., so approximately seven minutes.

15 Q. Okay. Very good. And why did you leave Wylie Park?

16 A. Because we were dispatched to a call for an active
17 break-in at ■■■ McClure Woods.

18 Q. Okay. And if you can point out on the map where
19 that call location was.

20 A. Yes, ma'am. So again, West End Street to the
21 bypass, Wylie Park. (Indicating) We parked here near the
22 trail head. If you go right through this wood line, you'll
23 come up to the back side of the victim's property. This is
24 McClure Woods.

25 Q. Okay. Thank you.

1 A. Yes, ma'am.

2 Q. All right. At this time, I'm going to publish the
3 first few minutes of your body cam, okay?

4 (Video plays)

5 (Video pauses)

6 BY MS. SOPRANO-CESMAT:

7 Q. Deputy Tolson, I just want to ask you quickly to
8 pause this. You can see some light out to the right side.
9 What was that light?

10 A. That was coming from my front scenes, from my patrol
11 car.

12 Q. Okay.

13 A. I told you, they were extremely bright.

14 Q. Okay. Very good.

15 (Video plays)

16 (Video pauses)

17 BY MS. SOPRANO-CESMAT:

18 Q. But at this point in time, you've started running.
19 What are you running for?

20 A. Yes, ma'am. So you won't hear the dispatch over the
21 radio because I utilize the earpiece.

22 Q. Okay.

23 A. So that's why you're not hearing. You can only hear
24 me talking on my hand mic, you're not hearing me get anything
25 back. But 4:33 is when dispatch come across the radio and

1 said, hey, we have an active break-in at a residence on
2 McClure Woods Drive.

3 Q. Okay.

4 A. So nature of the call ---

5 Q. You're dropping everything and running ---

6 A. Yes.

7 Q. --- to get there; is that correct?

8 A. Yes.

9 Q. Okay. Thank you.

10 (Video plays)

11 (Video pauses)

12 BY MS. SOPRANO-CESMAT:

13 Q. So at that point, you're back in your vehicle. Did
14 dispatch give you any further information regarding the
15 break-in that you were supposed to be responding to? We
16 couldn't hear dispatch as you mentioned with your earpiece.

17 A. Yes, ma'am. Once I get back into my patrol vehicle
18 with the in-car radio, you can hear what dispatch is relating
19 to us on the way to the call.

20 MS. SOPRANO-CESMAT: Okay. Do you mind if I play a
21 little further outside of what we agreed upon?

22 MS. BOULWARE: No.

23 (Video plays)

24 (Video stops)

25 BY MS. SOPRANO-CESMAT:

1 Q. Okay. So that was dispatch that was talking to you,
2 that we were hearing in the vehicle?

3 A. Yes, ma'am.

4 Q. Okay. And when did you actually arrive on scene at
5 ■ McClure Woods Drive? And I do have the CADs that are
6 entered into evidence up there for your referral, if you
7 need.

8 A. Yeah. I have my copy right here, ma'am.

9 Q. Excellent.

10 A. Per my body cam, it was 4:36 and 50 seconds A.M.

11 Q. Okay. Was this residence easy for you to find?

12 A. No, it was not.

13 Q. Can you describe the location a little bit for me?

14 A. So, McClure Woods is a narrow, windy road with
15 elevation changes.

16 Q. Okay.

17 A. It's pitch black, and trying to find Chester County
18 is not very different from most other places around the
19 United States. Not everyone has a mailbox, not everyone has
20 a mailbox number, so it was difficult. You're trying to
21 drive, get there as fast as you can, and look for it, and I
22 almost missed the driveway because it sits so far off the
23 road.

24 Q. Okay. Were you able to actually see the house from
25 the road?

1 A. No, I was not.

2 Q. And you were in Wylie's Park with Deputy Pollard.
3 Did you arrive on scene here at McClure Woods Drive alone?

4 A. No, ma'am. I was the first on scene. Deputy
5 Pollard was directly behind me.

6 Q. Okay. And was your body camera activated when you
7 arrived at the residence?

8 A. Body camera and dash camera.

9 Q. Okay. And what did you do when you first arrived?

10 A. Immediately exited my vehicle, started running
11 towards the front door with Deputy Pollard.

12 Q. Did you encounter anybody prior to actually entering
13 the residence?

14 A. Yes, I did.

15 Q. Who did you encounter?

16 A. The Defendant, James Jeffrey Boatwright, is seated
17 in the courtroom today.

18 Q. Okay. And where was he, and what was he doing when
19 you saw him?

20 A. As we were approaching the front door, it was a
21 glass -- it was a glass storm door, and clearly could see
22 him. He was coming out.

23 Q. Okay. Was he holding anything?

24 A. Yes. He had two knives in his hand as he was
25 stepping out. He also had a brown jacket.

1 Q. Okay. Can you demonstrate for the ladies and
2 gentlemen of the jury kind of how he was walking when he came
3 out of the residence?

4 A. From what I observed, again, we're -- adrenaline's
5 pumping. We just got done running and driving there. But
6 from what I observed, he had the knives like this
7 (demonstrating) in his right hand as he was coming out of the
8 door.

9 Q. Okay. I'm going to show you what's been previously
10 marked as State Exhibits number 3 and 4, and ask if you
11 recognize them. These are in the evidence.

12 A. Yes, those are the two knives.

13 Q. These are the two knives?

14 A. Yes.

15 Q. From this incident?

16 A. Yes, they were also in the flower pot where he
17 dropped them. Those are the same two knives.

18 Q. Okay. Now, when the Defendant saw you and Deputy
19 Pollard approaching, what did he do?

20 A. Just like I said, he dropped the knives and the
21 jacket and the cell phone. I'm not sure if he had a cell
22 phone in his hand with his jacket or not, but that's when he
23 let go of everything in his hands. We're telling him, show
24 us your hands, show us your hands. Those are the items that
25 fell onto the front porch. And told him on the ground,

1 Deputy Pollard grabbed him, helped assist him to the ground,
2 and put some handcuffs.

3 Q. Okay. And at that time, were you walking towards
4 the residence with your weapons drawn in case you encountered
5 a threat?

6 A. One hundred percent, yes, ma'am. We had our guns
7 pointed at him.

8 Q. Okay. Did he say he was scared or felt like he had
9 no other option but to break into Mrs. Simpson's house?

10 A. I never heard him say that.

11 Q. Did he tell you that if he didn't break into our
12 house that he would have been killed or suffer ---

13 MS. BOULWARE: Objection, your Honor? That's hearsay.

14 MS. SOPRANO-CESMAT: That's a Statement against
15 interest, your Honor.

16 THE COURT: You're asking what Mr. Boatwright may have
17 said or not said. I'll overrule the objection. I'll allow
18 it.

19 MS. SOPRANO-CESMAT: Thank you, your Honor.

20 BY MS. SOPRANO-CESMAT:

21 Q. Did he tell you that if he didn't break into her
22 house that he would have been killed or suffered great bodily
23 injury?

24 A. Again, ma'am, I never heard him say that.

25 Q. Okay. That's perfectly fine. Did he seem high,

1 intoxicated, or under the influence of something when you
2 arrested him?

3 A. So again, I stepped into the house to clear it.
4 Deputy Pollard was the one that detained him. Other than
5 some pictures, I had very minimal interaction with the
6 Defendant.

7 Q. Okay. So that was my next ---

8 A. --- So I can't -- I can't speak to that.

9 Q. You don't have a lot of interaction with him on the
10 scene.

11 A. I can't speak to that.

12 Q. Okay. So after the Defendant has been apprehended,
13 he's been handcuffs by Deputy Pollard, what did you do?

14 A. Again, stepped into the front door of the residence,
15 began giving global commands, identified myself as a law
16 enforcement officer.

17 Q. And while you're in the house announcing yourself as
18 law enforcement, where is the Defendant?

19 A. At that time, he would have been behind me in
20 handcuffs.

21 Q. In handcuffs?

22 A. Yes.

23 Q. Had any other officers arrived by that point in
24 time?

25 A. So I didn't turn around to look, but just from the

1 radio and hearing Deputy Pollard talk, Deputy Anton Graham
2 was on the scene at that time.

3 Q. And while you were clearing the residence, did you
4 find anyone else in the home?

5 A. Yes, I did.

6 Q. Who did you find?

7 A. The victim in this case and homeowner, Ms. Diane
8 Simpson.

9 Q. I'm going to show you, let me show Defense first, or
10 publish. I'm going to show you what's been previously marked
11 as State's Exhibit Number 7. Do you recognize this?

12 A. Yes, I do.

13 Q. Did you actually assist in the creation of this?

14 A. Yes, ma'am, I did.

15 MS. SOPRANO-CESMAT: Okay. Permission to publish, your
16 Honor?

17 THE COURT: Okay. Is it without objection?

18 MS. BOULWARE: Without objection.

19 THE COURT: Okay. All right. Number seven into
20 evidence for the State.

21 (State's Exhibit 7 admitted into evidence.)

22 MS. SOPRANO-CESMAT: Thank you.

23 BY MS. SOPRANO-CESMAT:

24 Q. I'm going to show you State Exhibit number 7 that is
25 now in evidence. If you can point on this map the direction

1 of travel that you took and where you encountered the victim.

2 A. Okay. So first off, just say this is an interior
3 sketch of the first floor layout of the victim's home. All
4 right. Here's the front door in which the Defendant
5 Boatwright was exiting out of as me and Deputy Pollard were
6 coming in. Come through the front door. So you come through
7 the front door. Okay. This opens into a foyer area.
8 There's a den on this side. You can see the staircase going
9 downstairs. You take a left, you will pass the kitchen. If
10 you continue on, the victim's bedroom is on the right. Once
11 you go into her bedroom, there is the bedroom closet in which
12 we found her hiding at.

13 Q. Okay. And approximately how -- how many feet was it
14 between the kitchen and the bedroom when you're looking at
15 the hallway?

16 A. Yeah, so just looking at this total distance here,
17 from this wall to this wall where the stairs are, that's 13
18 feet. In total length from the den to the kitchen is 32. So
19 I'd estimate it's about 30 feet from the front door going
20 down the hallway towards the victim's bedroom.

21 Q. Okay. Thank you. So you said that you encountered
22 the victim in the closet of her bedroom. Can you describe
23 what her demeanor was when you encountered her?

24 A. She was terrified. Absolutely terrified.
25 Emotionally, she was, as people say, shaken up, but she was

1 physically, you could see her hands shaking. She was
2 definitely in fear.

3 Q. Were you able to tell when you were clearing the
4 home where the knife the Defendant were holding came from?

5 A. Yes. After clearing the structure, there was not on
6 myself, but other deputies on scene, we all pointed out that,
7 hey, that knife block in the kitchen is tipped over. There's
8 a loose knife beside it, and there's at least two missing.

9 Q. Okay. Did you encounter anyone other than the
10 victim in the residence?

11 A. No, ma'am.

12 Q. Did you find any evidence to indicate that somebody
13 else had been there?

14 A. I did not locate any evidence to indicate other than
15 just Mr. Boatwright.

16 Q. Did you search every room and closet?

17 A. Multiple times. We searched that residence multiple
18 times.

19 Q. Did the victim give you a written Statement on the
20 scene?

21 A. She did.

22 MS. SOPRANO-CESMAT: I beg the court's indulgence?

23 THE COURT: Sure.

24 BY MS. SOPRANO-CESMAT:

25 Q. I'm going to show you what's been previously marked

1 as State's Exhibit number 8. Do you recognize that document?

2 A. I do.

3 Q. What is it?

4 A. This is the voluntary written statement that
5 Ms. Simpson provided to me on scene.

6 Q. And did she write that out herself, to your
7 knowledge?

8 A. Yes, ma'am, since she was sitting in her car when I
9 gave it to her, and she did not leave her car.

10 Q. Okay. And did she sign that, adopting it as her
11 statement?

12 A. Yes, she did. She signed it twice. I signed it as
13 well as a witness.

14 MS. SOPRANO-CESMAT: Okay. Your Honor, at this time,
15 the State would move to enter State's Exhibit Number 8 into
16 evidence.

17 MS. BOULWARE: Objection, your Honor. She can enter
18 that through the (indiscernible).

19 THE COURT: Yeah, I think probably a better practice
20 would be to, assuming that you put up Ms. Simpson as a
21 witness, it would be better to put it in through her.

22 MS. SOPRANO-CESMAT: No problem, your Honor.

23 BY MS. SOPRANO-CESMAT:

24 Q. Thank you for identifying this document. Did you
25 actually take photographs of the scene while you were there

1 that evening?

2 A. Yes, I did. I took several photographs.

3 Q. I'm going to hand you what's been previously marked
4 as State's Exhibits number 11, 12, 13, 14, 15, 16. 37, 38,
5 39, and 40. If you recognize those. Do you recognize those
6 photos? Oh, sorry. I'll hold them for you. No problem.

7 A. Yes, I do. These are all photos that I took the
8 evening of the incident, or correction, the morning of the
9 incident while on scene.

10 Q. Okay. And do those accurately depict the scene as
11 you found it that -- that early morning?

12 A. Yes, it does.

13 MS. SOPRANO-CESMAT: Okay. At this time, your Honor,
14 the State would move to enter in State's Exhibits Number 11
15 through -- sorry.

16 THE WITNESS: 40?

17 THE COURT: Well, it'll be 11 through 16 and 37 through
18 40. And what says the Defense?

19 MS. BOULWARE: No objection.

20 THE COURT: Without objection, 11 through 16, 37 through
21 40 into evidence for the State.

22 (State's Exhibits 11 through 16 admitted into evidence.)

23 (State's Exhibits 37 through 40 admitted into evidence.)

24 MS. SOPRANO-CESMAT: And I move to publish them to the
25 jury.

1 THE COURT: Okay. Sure.

2 BY MS. SOPRANO-CESMAT:

3 Q. All right. So this one is going to be State's
4 Exhibit number 11. What are we seeing in this photograph?

5 A. Yes, so this is a picture taken from the victim's
6 front steps facing the front door. You see in the back
7 corner, left corner there, is the flower pot with two knife
8 handles sticking out of the flower pot, and in front of that
9 flower pot is a brown work jacket. You can also see to the
10 right there's a broken glass pane on the door.

11 Q. Okay. We'll go to the next one. This is State's
12 Exhibit number 12. Can you tell me what we're looking at
13 here?

14 A. Yes, ma'am. Again, the brown jacket from the
15 previous photo, the flower pot, two knives sticking out of
16 the flower pot, and there's a black cell phone between the
17 jacket and the flower pot.

18 Q. All right. This one is State's Exhibit number 13.
19 Can you tell us what we're looking at?

20 A. Just a close-up photo of the two knives that were
21 located in the flower pot that the Defendant dropped.

22 Q. And these are the same two knives that you
23 identified previously at State's Exhibit number 13?

24 A. These are the same two knives that are present here
25 in court.

1 Q. All right. This one is State's Exhibit number 14.

2 A. This is just a close-up photo showing that there was
3 actually two glass panes that were broken just to the left of
4 the storm door and front door.

5 Q. Front door. And this just State's Exhibit number
6 15. What are you showing here?

7 A. Yes, so as you can see, this is the bottom pane that
8 was busted out. I took this photo to be able to get a view
9 inside the house to clearly show the glass is busted and
10 scattered inward into the house, which would indicate that it
11 was broken from the outside. If you punch the glass from the
12 outside, elbow the glass from the outside, that force is
13 going to send the glass inward instead of the opposite
14 direction.

15 Q. Okay. Very good. All right. And this one is
16 State's Exhibit number 16. Can you tell me what we're
17 looking at there?

18 A. Yes, ma'am. It appears to be what we call a hand
19 smear instead of a fingerprint. I just saw that there was
20 definitely indications of like a palm -- palm smear, maybe a
21 finger smear, and I wanted to take a picture of the indicator
22 of what I saw of the case our crime scene came and collected
23 from that. I documented it before anyone else could touch it
24 or anything.

25 Q. Okay. So this time as a patrol deputy, would it

1 have been your responsibility to have actually attempted to
2 lift those suspected prints?

3 A. If I would have had a fingerprint kit, I -- I could
4 have.

5 Q. Okay. But you did not do that in this case,
6 correct?

7 A. No. I could have done it if I would have had it, but
8 no, I would not have done it for burglary first, no.

9 Q. Okay. Who would do it for that?

10 A. Our crime scene investigator or SLED crime scene
11 would be notified.

12 Q. Okay. I'm going to show you what's been marked as
13 State's Exhibit 37. What is this photo?

14 A. This is a photo that I took on scene of the
15 Defendant, James Jeffrey Boatwright. I'm just getting a view
16 of -- of him and his clothing as it was that morning on
17 scene.

18 Q. Okay. Let me show you State's Exhibit 38.

19 A. So another photo of the Defendant, Mr. Boatwright.
20 I wanted to document that blood on the bridge of his nose.
21 That's what we do with any -- any arrest, especially, or any
22 -- any incident we have. If there's possible injuries, we
23 want to document it.

24 Q. Okay.

25 A. And that's the only injury that I observed. That's

1 why I took a picture of it specifically.

2 Q. Okay. And next, State's Exhibit number 39. What is
3 this photo of?

4 A. Looking at the curve of the shoe. I believe this is
5 the left shoe, but this is the bottom of the Defendant's
6 shoes that he had on. He had on Adidas, like, shell tops.
7 This was the tread pattern on the bottom of his left shoe.

8 Q. Okay. And why would you have taken a photo of that?

9 A. In case SLED needed -- I've been on calls for
10 service, when I was a patrol deputy, it was actually a
11 murder. We had to clear the house, and there was a blood
12 trail over the porch, so we obviously had to step through
13 that to clear the house, to clear no one else was in there
14 injured. And SLED specifically asked for the bottom of our -
15 - our work boots they could confirm or deny that those were
16 our boot prints that they found in the house. So ever since
17 that, I just think, why not? You got it, take a picture of
18 it.

19 Q. It is a practice for you?

20 A. Because once they get to the jail, they're going to
21 take those shoes and give them slides, so ---

22 Q. Okay. So just documenting it just in case.

23 A. Get -- get it while he's got it on, yes ma'am.

24 Q. And State's Exhibit number 40.

25 A. That would be the bottom of the right shoe of the

1 Defendant.

2 MS. SOPRANO-CESMAT: All right. At this time, your
3 Honor, the State would move -- well, first I'm going to show
4 you these other photos.

5 THE COURT: I think already into evidence, 11 to 16, 37
6 to 40 already in evidence. I'll probably put them into
7 evidence without objection took about, Ms. Boulware.

8 MS. SOPRANO-CESMAT: Okay. I'll take those back from
9 you and put them over here with into evidence. All right.
10 This time, your Honor, I'm going to ask you to publish the
11 other sections of the body-worn camera that we have agreed
12 upon.

13 THE COURT: Okay. All right. You may proceed?

14 (Video plays)

15 (Video stops)

16 BY MS. SOPRANO-CESMAT:

17 Q. Investigator Tolson, who are you speaking to at this
18 moment?

19 A. In the green hoodie, that's going to be Investigator
20 David Moore. He's also our crime scene guy.

21 Q. Okay. Thank you.

22 (Video plays)

23 (Video stops)

24 MS. SOPRANO-CESMAT: A few more sections, your Honor.

25 THE COURT: Okay.

1 (Video plays)

2 (Video stops)

3 MS. SOPRANO-CESMAT: Okay. Your Honor, that completes
4 the sections of the body-worn camera that the State intends
5 to publish to the jury. I believe some of the jurors may
6 need a break. If you would, your Honor feels that's
7 necessary.

8 THE COURT: Okay. Do you have some more direct?

9 MS. SOPRANO-CESMAT: I do, your Honor.

10 THE COURT: Okay. Let's go ---

11 MS. SOPRANO-CESMAT: Not extensive, maybe another five
12 minutes.

13 THE COURT: Let me just ask the juror, do you need a
14 quick break? We need to finish with this witness before we
15 finish with the day. Does anybody need a break? Everybody
16 good?

17 MS. SOPRANO-CESMAT: All right. We'll push through,
18 your Honor.

19 THE COURT: All right. Let's -- let's move forward.

20 MS. SOPRANO-CESMAT: I want to make sure nobody needed a
21 break.

22 BY MS. SOPRANO-CESMAT:

23 Q. All right. So we just watched your sections of your
24 body-worn camera. Did that substantially cover your role on
25 the day, on the morning of August 5th?

1 A. Yes, it did.

2 Q. Okay. And did you have further involvement in the
3 investigation after this day?

4 A. Yes, I did.

5 Q. Okay. Now, do you know for sure whether the
6 Defendant's cell phone that was found on the front porch was
7 collected?

8 A. Yes, Investigator Moore collected the Defendant's
9 cell phone, the brown jacket, and the two knives, along with,
10 I believe, two latent prints. And that's going to be it.

11 Q. Okay. And he'll actually be here to testify to
12 everything that he collected and what he did with those
13 items. But did you -- were you able to use evidence from the
14 cell phone that was collected to aid in your investigation?

15 A. Yes, I was.

16 Q. Okay. What information did you find?

17 A. I was -- once I got moved back to investigations, I
18 got moved back beginning of October of this year. I've been
19 during that time, having communication with other
20 investigators there. And Investigator Moore, who takes cell
21 phones and he dumps those cell phones once he gets a search
22 warrant to get the data off of them, they shared that data
23 with me of the phone calls that were made by the Defendant.
24 Approximately 24-hour time period is what I was shown from
25 roughly 6:30 -- seven o'clock in the morning on the 4th until

1 the incident occurred in the early hours.

2 Looking at that data, I saw it did not show him calling
3 911. I'm not sure we'll be justified more to reason why that
4 would be, but it did show when our dispatcher called him back
5 at 4:20 -- 24 -- 4:30 that morning. But so there was no
6 other call record other than a phone number that he tried to
7 call multiple times. We put that phone number up. It came
8 back to a Daisy White.

9 Q. What did you do with that information once you got
10 the name of the person that he -- that were on his phone
11 logs?

12 A. Yeah, so again, that phone number was [REDACTED]-0874
13 to Ms. Daisy White. I called that number and made contact
14 with Daisy White. I asked her if she'd be willing to speak
15 with me about the Defendant.

16 Q. Okay. And without getting into the context of what
17 was said, did Ms. White agree to come and speak with you?

18 A. Yes, she did.

19 Q. Okay. And when did you actually interview Ms. Daisy
20 White?

21 A. So I called her on October 30th. She said she would
22 try to find a ride. I said, hey, if you can't find a ride, I
23 can meet you at your address. I'll call back in the morning.
24 So early on the morning of October 31st, I called her. She
25 said she had a ride. She was willing to meet with me at the

1 sheriff's office around noon. She came to the sheriff's
2 office, and I took her back to the interview room, conducted
3 the interview.

4 Q. Okay. And was this interview audio and video
5 recorded?

6 A. Yes, it was.

7 Q. Was that provided to my office, which then would
8 have been provided to the Defense?

9 A. Yes, it was.

10 Q. Okay. And did you ever go back out to this incident
11 location in preparation for the trial after August 5th of
12 2023?

13 A. Yes, I did, twice.

14 Q. Okay. And what did you go back there twice for?

15 A. Once was to conduct a walkthrough of the residence.
16 The second time was the 15th, where we took measurements. I
17 took measurements for that sketch.

18 Q. Okay. That's depicted in Exhibit number 7; is that
19 correct?

20 A. Yes. And also while there, I took more photos of
21 the outside of the residence, looking towards the road down
22 the driveway and from the road to the front of the house.

23 Q. Okay. I'm going to show you what's been previously
24 marked and shown to Defense, I believe. It's been previously
25 marked as State's Exhibits 17 through 21. And do you

1 recognize these?

2 A. I do.

3 Q. Okay. And are those the photos that you testified
4 to taking when you went back out to the residence in October
5 or November, whenever you said you went out?

6 A. November 15th. These are some of the photos. I took
7 probably 50-something photos that -- that day.

8 Q. Okay. So that's a collection of a few that you did
9 take?

10 A. Yes.

11 Q. And that accurately depicts the scene on November
12 15th of this year?

13 A. Yes, it does.

14 MS. SOPRANO-CESMAT: Okay. I'm going to show you what's
15 been previously marked -- oh, I apologize, your Honor. I'd
16 like to enter those into evidence at this time. That State's
17 Exhibits number 17 through 21.

18 MS. BOULWARE: No objection.

19 THE COURT: Without objection, 17 through 21 into
20 evidence for the State.

21 (State's Exhibits 17 through 21 admitted into evidence.)

22 MS. SOPRANO-CESMAT: And permission to publish?

23 THE COURT: Yes.

24 MS. SOPRANO-CESMAT: Thank you, your Honor.

25 BY MS. SOPRANO-CESMAT:

1 Q. I'm going to show you what's been marked as State's
2 Exhibit number 17 and ask you to recognize this photo and
3 tell me what it -- what the photo depicts.

4 A. Yes, this is a photo that I took on the 15th. So
5 this is me standing on the driveway of the Simpson residence.
6 Their driveway comes in off McClure, about halfway down, it
7 splits ---

8 Q. Okay.

9 A. --- and -- and meets in front of the house. This is
10 me standing on the right side of that driveway that splits,
11 and again, I'm about halfway between the road. We'd be
12 behind it, McClure Woods Drive, and then the residence was in
13 front of me.

14 Q. Okay. You said you're about halfway between the
15 road and the home?

16 A. Yes.

17 Q. Okay.

18 A. Yes.

19 Q. Next, I'm going to show you what's the mark that
20 State's Exhibit number 18. And what are we seeing in this
21 photo?

22 A. So this would be me standing with the front door to
23 my back, looking down the driveway towards the road. So
24 basically that previous picture that you saw, this is looking
25 the other way.

1 Q. Okay. And State's Exhibit 19.

2 A. So this is taken from the front yard of the victim's
3 residence, looking off center to the right. So this is, as
4 you can see, the portion of the driveway in front of that
5 silver car. That's where the driveway splits. This is just
6 looking to the wood line, just to show how thick the foliage
7 is and how wooded that area is.

8 Q. Okay. State's Exhibit 20.

9 A. This is a good picture depicting looking down the
10 driveway. The house would be behind you. There's the shed
11 you saw in the body cam video that we cleared. It shows how
12 the driveway splits, and as you can see from that photo, you
13 can't make out the road at all.

14 Q. And where would you have been standing to actually
15 take this photo?

16 A. Just in front of the porch, that brick porch where
17 myself and Deputy Pollard ran up.

18 Q. Okay. And lastly State's Exhibit 21.

19 A. All right. So this photo I took standing in the
20 roadway of McClure Woods Drive. Quite hard for the jury to
21 see, but there's a green marker there that has [REDACTED] marking
22 that address. That is the driveway for the Ms. Simpson's
23 residence. And again, this is me standing at the road
24 looking down that driveway. It's like, trying to find
25 where's Waldo. You can't see the house from the road.

1 Q. Is that green post the only marking showing that
2 there's a house down there?

3 A. So, I took a photo, but it's not included in this
4 what you shared, but there was a mailbox that was marked on
5 the opposite side of the road.

6 Q. Okay.

7 A. Well, I mean, it's a black mailbox with small
8 numbers, but I just wanted to make sure. There's no question
9 that -- that is the driveway belonging to her address.

10 Q. Okay. And is this an accurate depiction of how the
11 residents looked on the evening of -- or early morning hours
12 of August 5th of 2023?

13 A. I would say no, and the reason being, again, this
14 was taken November 15th of this year, it's broad daylight, I
15 believe it was sometime around noon or so when we went out
16 there to do the measurements, so this is broad daylight in
17 November, leaves have fallen, there's not much foliage on the
18 trees compared to four o'clock in the morning in the dead of
19 summer. Much -- I mean, it's hard to see there, I don't know
20 how anybody could see one way or the other, from the road to
21 the house, from the house to the road in August in pitch
22 black.

23 Q. As far as the markings, as far as the split in the
24 driveway that you testified to, all the buildings that you
25 see, all of that, is that an accurate depiction of how

1 everything was?

2 A. Yes, that is how the house was laid out.

3 Q. Okay. So environmental factors are the only
4 differences in these photos versus what you saw and see.

5 A. Yes.

6 Q. Okay. Very good. Is there anything that I have not
7 already asked you that you did to assist in this
8 investigation?

9 A. I would say no.

10 MS. SOPRANO-CESMAT: Okay. Thank you. Please answer
11 any questions that the Defense may have.

12 THE COURT: All right. Ms. Boulware?

13 MS. BOULWARE: Thank you.

14 MS. SOPRANO-CESMAT: Do you want me to keep these up
15 today?

16 MS. BOULWARE: No.

17 **CROSS-EXAMINATION**

18 **BY MS. BOULWARE:**

19 Q. And Investigator Tolson, you have an investigator
20 now?

21 A. That's -- that's fine or Caleb.

22 Q. Okay.

23 MS. BOULWARE: Can I take the stand, please.

24 MS. SOPRANO-CESMAT: Oh, yes. I apologize.

25 BY MS. BOULWARE:

1 Q. Okay. I just have a few questions for you. So you
2 testified that when Mr. Boatwright came out of the door, the
3 front door, he was -- he had dropped his jacket, cell phone,
4 and the knives he had, or he put them down, I think is how
5 you put it?

6 A. Yeah, so again, run up to the -- the house. I'm so
7 focused on him.

8 Q. Right.

9 A. And again, it's been over a year ago. I remember
10 seeing the knives in his right hand like this
11 (demonstrating). Once he does -- he surrenders, he gives up,
12 he's on the ground, there's the jacket, there's the phone,
13 that were not there.

14 Q. Okay.

15 A. So I focused on the knife coming out of the door ---

16 Q. I understand.

17 A. --- and he drops those items. I don't know if he
18 had the jacket in his left hand, I'm focused on the knives.

19 Q. But it -- it's determined that -- that's all he had
20 on him. All he had was his jacket, his cell phone, and his
21 knife.

22 A. As he came out of the door.

23 Q. And the clothes on his body.

24 A. And the clothes on his body, that is correct.

25 Q. All right. And did you ever determine exactly how

1 the glass was broken in the door? Did y'all ever determine
2 that?

3 A. Just from what I observed, the glass being inside
4 the house.

5 Q. Okay. So there was talk of a brick?

6 A. Yes, there was mention of a brick.

7 Q. Okay. And did you ever locate a brick?

8 A. No, we did not locate a brick.

9 Q. All right. Is there any other evidence of more than
10 one person was ever in the house?

11 A. No, I personally did not observe anything that would
12 indicate or locate any evidence to that.

13 Q. And as far as what was disturbed, just the block of
14 the butcher block that had the knives in it?

15 A. Yeah, it was full of knives with two missing, yes.

16 Q. All right. Did you hear talk about the 911 call?
17 Well, you did -- you did testify about that, that you heard
18 that 911 called him back; is that right?

19 A. So that was not a hear thing, ma'am.

20 Q. Okay.

21 A. So at the time of this incident, no, I was not privy
22 to that information.

23 Q. Okay.

24 A. But since moving to investigations ---

25 Q. Got it.

1 A. --- I have -- I'm able to see more than my
2 involvement. Hence, the sub-right data, the phone dump.

3 Q. When were you moving to investigations?

4 A. Beginning of October of this year.

5 Q. Okay. Oh, all right. Just got there.

6 A. Yes, ma'am.

7 Q. Okay. But as far as you know, does -- is 911 or
8 dispatching in the habit of just calling people out of the
9 blue?

10 A. Okay. So the way that it works, having worked
11 patrol for, you know, sub-employed, five and a half years,
12 work detention, starting off, so four years roughly patrol
13 time. When someone calls 911 and either the phone is
14 disconnected because they lose service, they hang up,
15 dispatch automatically calls that phone number back. Hence,
16 why it shows at the time dispatch on his phone record. It
17 does not show him calling dispatch. It shows the dispatch
18 attempted to call him back.

19 Q. But that would be because he called them.

20 A. Yes, no -- no one's denying that.

21 Q. Okay.

22 A. No one's denying that we have a 911 audio recording.

23 Q. But your testimony about we have no record that he
24 called 911, well, he obviously called 911.

25 A. The phone record is what I testify to.

1 Q. Okay.

2 A. The phone record that shows where he -- he called
3 Daisy White multiple times, and there's at least a 42-second
4 phone call where she answered, because it shows whether it
5 was answered or missed. Again, there's not a record of him
6 calling 911 on his phone record, though we know he did
7 because we had an audio recording. We had a call for service
8 for that.

9 Q. Right, yep.

10 A. But it does document the number, which is the
11 sheriff's office phone number that he called back. That they
12 called his phone number back.

13 Q. Okay. That's what I was getting at. That's fine. I
14 beg the court's indulgence. One moment. Did Ms. Simpson
15 ever report anything missing from the home other than the two
16 knives that were robbed -- that Mr. Boatwright brought out to
17 him?

18 A. While I was on scene and we conducted a walkthrough
19 with her, no. Those are the only two items that I'm aware of
20 that she noted were missing.

21 Q. And nothing since that day that you know of?

22 A. Nothing that I know of, no. I never went back out
23 there to take a report for any other missing items or
24 anything. I did not, so ---

25 MS. BOULWARE: Got you. Thank you. No further

1 questions, your Honor.

2 THE COURT: Re-direct, Solicitor?

3 MS. SOPRANO-CESMAT: Just very briefly, your Honor.

4 **REDIRECT EXAMINATION**

5 **BY MS. SOPRANO-CESMAT:**

6 Q. So Defense was asking you about if the Defendant had
7 anything else on him other than his coat, his cell phone, and
8 the two knives. Were you provided information at some point
9 that made you think that there might have been another item
10 of the Defendant's property somewhere in the area?

11 A. Only from what I was told by, I believe it was
12 Deputy Pollard that told me on the scene. Something about a
13 bag.

14 Q. About a bag.

15 A. But -- but just because, you know, people say stuff.

16 Q. Okay.

17 A. Defendants say stuff, so ---

18 Q. Did you then follow up on that and try to locate the
19 bag?

20 A. We did.

21 Q. Okay. And was that shown on your body-worn camera?

22 A. Yes.

23 Q. Okay. Was that you walking through the woods?

24 A. Yes, walking through the woods. As you can hear me,
25 clearly in the body-worn camera, in his body-worn camera, I'm

1 asking about his dog, Mex. If I say Mex, that's his canine.

2 Hey, do you want to get your dog? Do you want to get Mex?

3 Q. Okay.

4 A. So yes, we did.

5 Q. So you did follow up on attempting to find that book
6 bag where it was located?

7 A. That morning -- yes, that morning we did.

8 Q. And did you ever find that book bag?

9 A. I did not.

10 MS. SOPRANO-CESMAT: Okay. No further questions. Thank
11 you, your Honor.

12 THE COURT: Re-cross?

13 MS. BOULWARE: No, your Honor.

14 THE COURT: You can stand down, sir. Thank you.

15 MS. SOPRANO-CESMAT: And may he be released from his
16 subpoena, your Honor.

17 THE COURT: Sure.

18 MS. SOPRANO-CESMAT: Thank you.

19 THE COURT: Okay. Ladies and gentlemen, it is straight
20 up five o'clock. We have a good time to recess for the
21 evening. So I want you back at 9:45 in the morning. I'll
22 get you a good night's rest. Be ready to go in the morning
23 and see you then. Have a good evening.

24 (Jury exits courtroom)

25 THE COURT: All right. Anything further for this

1 CONTINUATION OF PROCEEDINGS - November 20, 2024

2 THE COURT: All right. Let the record reflect the
3 jury's back in. Good morning, ladies and gentlemen.

4 THE JURY: Good morning.

5 THE COURT: We had a good evening, and ready to get back
6 to work this morning. State ready? Solicitor?

7 MS. SOPRANO-CESMAT: The State's ready, Your Honor.

8 THE COURT: Okay.

9 MS. SOPRANO-CESMAT: The State would call Diane Simpson
10 to the stand.

11 THE COURT: Come around, please, ma'am.

12 THE CLERK: Please raise your right hand, and place your
13 left hand on the Bible, and State your full name.

14 DIANE PHILBECK SIMPSON,

15 having been duly sworn, testifies as follows:

16 **DIRECT EXAMINATION**

17 **BY MS. SOPRANO-CESMAT:**

18 Q. Good morning.

19 A. Good morning.

20 Q. Please state your name for the record.

21 A. Diane Philbeck Simpson.

22 Q. Where do you live, Ms. Simpson?

23 A. [REDACTED] McClure Woods Drive.

24 Q. And how long have you lived there?

25 A. About 19 years.

1 Q. And who lives there with you?

2 A. My husband, Don Carlos Simpson.

3 Q. And who lived with you in August of 2023?

4 A. My husband. My son was staying there temporarily at
5 that time.

6 Q. What are some of the things that you enjoy to do?

7 A. Travel.

8 Q. Do you work?

9 A. Not anymore.

10 Q. Are you retired?

11 A. I am retired, yes.

12 Q. Very good. Do you recognize the man sitting at the
13 table over there?

14 A. I absolutely do.

15 Q. How do you know him?

16 A. I'll never forget him because he took my security
17 away. He stole my knives, he stole my security.

18 Q. Who was home in the early morning hours of August
19 5th of 2023?

20 A. Just myself.

21 Q. You were alone?

22 A. Yes.

23 Q. Where was your husband?

24 A. My husband was in Alaska because I had told I
25 couldn't go, and I said, go, you know, you'll be back soon

1 And I thought I would be fine because I always had been.

2 Q. Okay. I'm going to show you what's been previously
3 marked and entered into evidence as State's Exhibit number 7.
4 Do you recognize this?

5 A. I do. It's a layout on the top of the line.

6 Q. Okay. I'm just going to allow the jury to look at
7 this for your testimony. Please tell the ladies and
8 gentlemen of the jury what you experienced in the early
9 morning hours of August 5th of 2023.

10 A. I had gone -- gone to sleep on the sofa in the den.
11 I woke up about 12 o'clock and went and got in bed. And I
12 had my cell phone laying right at the tip of my fingers. I
13 was sound asleep, and suddenly I heard, "Give me the brick,
14 give me the brick," about that loud, and that's what woke me
15 up. I also heard two or three indistinguishable voices, but
16 they were never talking at the same time.

17 Q. Okay. Could you hear anything that they were saying
18 other than, get the brick, get the brick?

19 A. No, that was very loud, very, very loud. Everything
20 else was like, blah, blah, blah, blah, blah. I couldn't
21 understand anything.

22 Q. Okay. So after you heard, get the brick, get the
23 brick, you heard a couple voices potentially, and then what
24 happened?

25 A. I jumped. I dial 911. Still don't know how I did

1 it. I dial 911. My husband's closet doors, actually, my
2 husband's closet, so when I got into it because there was
3 more room, there was about this much room, and it was heavy
4 wooden doors. And I jumped in the closet. I was already on
5 the phone to 911, pulled the doors shut, and I was holding
6 them as hard as I could because I was hearing those same
7 voices illegible voices coming through my house, and lots of
8 noise. I kept hearing, and I now know that one of the noises
9 I heard was when my knife block was knocked over on the
10 kitchen counter.

11 Q. But at the time, you didn't know that -- that was
12 the noise that you heard?

13 A. I didn't know what it was. I didn't know what it
14 was.

15 Q. Do you know how the intruder gained access to your
16 home?

17 A. I do.

18 Q. How? And how do you know?

19 A. Well, because he busted out, and I heard this.
20 There's -- we have three windows beside the door. Those were
21 busted out, and I heard that glass falling on the foyer.
22 There were two dead bolts and a lock, those got unlocked.

23 Q. Okay. So you actually heard the glass breaking.

24 A. I heard the glass breaking, yes.

25 Q. And then after you heard the glass breaking, you

1 grabbed your cell phone.

2 A. No, I'd already called.

3 Q. You'd already called.

4 A. When I heard, give me the brick, give me the brick,
5 somebody on my porch, I went, something's wrong.

6 Q. Okay.

7 A. So I -- I dialed 911, and by the time 911, I mean,
8 it was very quick. They were perfect. By the time they got
9 on the line, I could hear already in the house, and I said,
10 they're in the house, they're in the house, please hurry.

11 Q. Okay. Understood. And so you called 911, were you
12 actually connected to a dispatcher when you called?

13 A. Yes.

14 Q. How were you feeling at the time on the phone with
15 911?

16 A. I thought I was about to die. I was more terrified
17 than I've ever been for my life, in my life. I mean, I
18 didn't know who was in my house. I didn't know how many
19 people were in my house, but I knew nobody belonged there.

20 Q. And was your adrenaline high at the time?

21 A. Oh, yeah.

22 Q. Did you ever see who was in your home while they
23 were in there?

24 A. No.

25 Q. Were you in the closet the entire time?

1 A. Yes, I was. I was in the closet until the deputies
2 were yelling the commands, and I told them I was in the
3 closet.

4 Q. Okay. Did law enforcement arrive quickly after you
5 called 911?

6 A. It seemed like an eternity. I thought the 911 call
7 was eight minutes. I've since found out that they maybe got
8 there in four or five minutes. Let me tell you, you do not
9 know how long a minute can be when you think you're about to
10 be killed.

11 Q. Did law enforcement clear your residence to ensure
12 there was nobody else in the house or in any of the
13 outbuildings around the house?

14 A. Absolutely. They even checked the attic.

15 Q. Did you ask them to go back and check more times
16 than once?

17 A. Numerous times.

18 Q. Did you remain in the house the entire time?

19 A. No. After they had secured the person in the house
20 that was coming out the door, they -- I didn't have a way to
21 lock the inside of my bedroom door. So they barricaded that
22 door and told me to sit on the floor behind the bed until
23 they found out if there was anybody else in the house.

24 Q. Okay. And then were you later taken out of the
25 house?

1 A. I was. They asked me if I knew where my keys were,
2 which I did. So they said, well, we're going to put you in
3 your car. So they took me out. The Defendant was sitting on
4 the porch, and as I walked by, he goes, "Ma'am, I'm so
5 sorry." That didn't help.

6 Q. Did you notice anything missing from your home?

7 A. I was too afraid to notice anything missing.

8 Q. Okay. But since they know you've gone back into the
9 home and you had a chance to look through everything, did you
10 notice anything missing?

11 A. Just my two favorite chef's knives. There was not
12 enough time for anything else to be taken.

13 Q. Okay. Understood. Now, this is maybe difficult to
14 look at, but I'm going to show you what's been marked as
15 State's Exhibits number 3 and 4 that are already in evidence
16 and ask if you recognize these items.

17 A. I recognize that one.

18 Q. And this one's number four.

19 A. Yes.

20 Q. What are these items?

21 A. That's just a regular butcher knife. The left one
22 is a chef's knife.

23 Q. Were these taken from your kitchen?

24 A. Yes, they were.

25 Q. Were they taken by the Defendant as far as you know?

1 A. As far as I know, yes.

2 Q. Did he steal anything else from you?

3 A. He stole my sense of security. I cannot stay in my
4 house alone after dark. I can't even stay in a public hotel,
5 I mean, I stay with my husband, but if a noise comes down the
6 hall, my heart, I wake up and my heart's just, and he says,
7 it's okay, it's okay, we're in the hotel.

8 Q. Did you struggle to stay home alone at night prior
9 to this incident?

10 A. Not at all. I'm 74 years old. I was 73 at the
11 time. I've never been afraid to stay at home.

12 Q. Did you provide a written Statement to law
13 enforcement in the early morning hours of August 5th, 2023?

14 A. I did.

15 Q. I'm going to hand you what's been previously marked
16 as State's Exhibit number 8. Do you recognize that document?

17 A. Yes, I do.

18 Q. What is that document?

19 A. That's my written Statement.

20 Q. And you wrote that?

21 A. I did.

22 MS. SOPRANO-CESMAT: Your Honor, at this time, the State
23 would ask to enter Mrs. Simpson's Statement, which is State
24 Exhibit number 8, into evidence.

25 MS. BOULWARE: No objection.

1 THE COURT: All right. Without objection, number eight
2 into evidence for the State.

3 (State's Exhibit 8 admitted into evidence.)

4 BY MS. SOPRANO-CESMAT:

5 Q. And did this Statement include everything that you
6 remember from that evening -- early morning?

7 A. I think so. I was -- I was very emotional so, you
8 know, I did the best I could to write down exactly what I
9 remember.

10 Q. Okay. And are you here today testifying everything
11 that you remember?

12 A. Yes.

13 Q. Is there anything else that you remember that I
14 haven't asked you about?

15 A. Well, the one thing I remember once the detectives
16 were coming through the house, there was blood, blood on my
17 foyer, blood on the -- going into the living room, which was
18 going deeper into the house. I didn't find it at the time,
19 but after my husband got home, he just told me the other day
20 he found blood on the -- on the arch going into the dining
21 room.

22 Q. Okay. I'm going to have you point out on Exhibit
23 number 7 the places that you found blood. Actually, I'm
24 going to have you mark. I've got a Sharpie pen.

25 A. Okay.

1 Q. I'm going to have you mark where the blood that you
2 found was. Okay. So it was over on the inside of the front
3 door. I'm just not sure. There's an arch right here. There
4 was blood right here.

5 Q. Okay. Can you just put your initials next to that
6 marking? I understand.

7 A. And then ---

8 Q. It's like everything's marked on there as to what it
9 was when the investigators came to make this crawling.

10 A. The -- the living room, there's an archway going
11 into the living room. I would say this, I'm not exactly sure
12 on this diagram, but it was the archway going into the living
13 room. It had a blood stain on it.

14 Q. Okay. And if you put your initials next to that
15 marking.

16 A. And then the dining room, I didn't find the blood,
17 but my husband found blood there.

18 Q. Did you see the blood?

19 A. I did.

20 Q. Okay. Then you had knowledge to mark it. Okay.
21 Thank you. You didn't ever see the intruders actually in
22 your home. Do you have any -- any proof or evidence that's
23 been presented to you to corroborate your feelings of there
24 being more than one person in the house?

25 A. I do not.

1 MS. SOPRANO-CESMAT: Thank you. Please answer any
2 questions the Defense may have.

3 THE COURT: Ms. Boulware, any examination of Ms.
4 Simpson?

5 MS. BOULWARE: Just a couple, your Honor, couple of
6 questions.

7 **CROSS-EXAMINATION**

8 **BY MS. BOULWARE:**

9 Q. All right. Good morning, Ms. Simpson. I just have
10 a couple of questions for you. So you thought you heard him
11 say, "Get a brick, get a brick," is what you wrote in your
12 Statement and was your testimony.

13 A. I know I heard that.

14 Q. Okay.

15 A. I have no doubt. It was so loud. That's what woke
16 me from the deep sleep.

17 Q. Okay. But no brick was ever found?

18 A. No.

19 Q. Okay. And you -- you had no interaction with Mr.
20 Boatwright until you walked out and he was already
21 apprehended; is that correct?

22 A. That's correct. Okay. And I think that might be
23 it, but beg the court's indulgence for a minute. And then
24 Ms. Simpson, just one more question. So Wylie Park, is that
25 behind your house?

1 Q. I have no idea.

2 Q. Okay.

3 A. My sense of direction is not wonderful.

4 Q. I got you.

5 A. But I know, well, I can see the tennis court lights

6 sometimes. I assume that's at Wylie Park.

7 Q. Okay. Sorry, go ahead.

8 A. It's a distance.

9 Q. Go ahead.

10 A. It's a distance from my house.

11 Q. So through the woods, you can see that light? Is it
12 a lot of woods between the house? Okay.

13 A. A lot of woods.

14 Q. Are you aware there's a creek down there?

15 A. Yes.

16 MS. BOULWARE: Okay. All right, no further questions,
17 Judge.

18 THE COURT: Any redirect, Solicitor?

19 MS. SOPRANO-CESMAT: No, your Honor, that's all.

20 THE COURT: You can step down, ma'am. Thank you. Next
21 witness.

22 MS. SOPRANO-CESMAT: The State would call Diane Conn to
23 the stand.

24 THE CLERK: Please raise your right hand and put your
25 left hand on the Bible, and State your full name.

1 DIANE CONN,
2 having been duly sworn, testifies as follows:

3 **DIRECT EXAMINATION**

4 **BY MS. SOPRANO-CESMAT:**

5 Q. Please State your name for the record.

6 A. Diane Conn.

7 Q. Where do you work, Ms. Conn?

8 A. The Chester County Sheriff's Office.

9 Q. What's your position?

10 A. Evidence technician.

11 Q. How long have you been in that role?

12 A. Since June 2022.

13 Q. And what do you do as the evidence technician?

14 A. I receive evidence collected from the law
15 enforcement when they're at scenes. I log it into evidence,
16 and I transport evidence to SLED when requested for
17 additional testing, and I ensure the chain of custody.

18 Q. Okay. Does that include ensuring that the evidence
19 is not tampered with at any point in time?

20 A. Yes.

21 Q. Were you the evidence technician then in August of
22 2023?

23 A. I am -- was.

24 Q. Did you log pieces of evidence into your custody for
25 burglary that occurred on August 5th of 2023?

1 A. Yes, I did.

2 Q. And do you have those items of evidence with you
3 today?

4 A. I do.

5 Q. What was the law enforcement case number assigned to
6 the burglary case involving James Boatwright?

7 A. 2023-0-13-40.

8 Q. And you were involved in keeping track of evidence
9 for that case?

10 A. Yes.

11 Q. So now I'm going to actually go through these items
12 of evidence with you. I'm going to hand you what's been
13 previously marked as State's Exhibit Number 6 and ask if you
14 recognize that item.

15 A. Yes, I do.

16 Q. What is that item?

17 A. This is a brown coat.

18 Q. Was that submitted to you as part of this evidence
19 in this case?

20 A. It was.

21 THE COURT: Solicitor, I don't think six is in the
22 evidence.

23 MS. SOPRANO-CESMAT: It's not yet, your Honor.

24 THE COURT: Oh, I thought you said it in the evidence.

25 MS. SOPRANO-CESMAT: I'm sorry. Oh, I apologize. It

1 was previously marked as State's Exhibit Number 6, and you
2 said that's ---

3 THE COURT: Okay. Sure.

4 BY MS. SOPRANO-CESMAT:

5 Q. Okay. And this was submitted as part of the
6 evidence in this case?

7 A. Yes.

8 Q. How do you recognize this item?

9 A. I recognize it by the labels that I put onto it when
10 it was given to me to enter into the vault.

11 MS. SOPRANO-CESMAT: Okay. At this time, the State
12 would move to enter item number six into evidence.

13 MS. BOULWARE: No objection.

14 THE COURT: All right. Without objection, six into
15 evidence for the State.

16 (State's Exhibit 6 admitted into evidence.)

17 MS. SOPRANO-CESMAT: Thank you.

18 BY MS. SOPRANO-CESMAT:

19 Q. I'm going to hand you what's been previously marked
20 as item number 32 and ask if you recognize that.

21 A. I do recognize it.

22 Q. What is that item?

23 A. This envelope contains a latent lift.

24 Q. Okay. And where is that latent lift from? Does it
25 indicate that on the packaging?

1 A. It was taken from the inside storm door, glass door.

2 Q. Okay. Very good. At this time, the State would
3 move to enter item number 32 into evidence.

4 MS. BOULWARE: No objection.

5 THE COURT: Thirty-two into evidence for the State.

6 (State's Exhibit 32 admitted into evidence.)

7 BY MS. SOPRANO-CESMAT:

8 Q. I'm going to hand you State's Exhibit number 33 and
9 ask if you recognize that item.

10 A. This item, yes, I do recognize it. It is also a
11 latent lift.

12 Q. Can you tell the location that -- that lift was
13 from?

14 A. This one is also from the inside storm door.

15 Q. Okay. State's Exhibit number 34, same thing. Do
16 you recognize it?

17 A. Yes, I do.

18 Q. What is that item?

19 A. It is a black Motorola cell phone.

20 MS. SOPRANO-CESMAT: Okay. At this time of State, we
21 move to enter Exhibit number 34 into evidence.

22 MS. BOULWARE: No objection.

23 THE COURT: Okay.

24 (State's Exhibit 34 admitted into evidence.)

25 BY MS. SOPRANO-CESMAT:

1 Q. Item 35.

2 A. This is an envelope containing a fingerprint and or
3 palm print of Mr. Boatwright.

4 MS. SOPRANO-CESMAT: Okay. State moves to enter Exhibit
5 Number 35 into evidence.

6 MS. BOULWARE: No objection.

7 THE COURT: All right. Thirty-five into evidence.

8 (State's Exhibit 35 admitted into evidence.)

9 BY MS. SOPRANO-CESMAT:

10 Q. Thirty-six. State's Exhibit Number 36.

11 A. This envelope contains two 911 recordings.

12 MS. SOPRANO-CESMAT: Okay. State moves to enter 36 into
13 evidence.

14 MS. BOULWARE: Do we have those mentioned somewhere?

15 THE COURT: I think I've got ---

16 MS. SOPRANO-CESMAT: So these are the actual CDs that
17 were sent to SLED.

18 THE COURT: Well, number one, and it contained all of
19 the 911 calls.

20 MS. SOPRANO-CESMAT: Yes, sir. So this is actually CDs
21 that were sent to SLED.

22 THE COURT: Okay. All right. Thirty-six in evidence
23 for the State.

24 (State's Exhibit 36 admitted into evidence.)

25 BY MS. SOPRANO-CESMAT:

1 Q. And these two items are actually already in evidence
2 for the State, but I want to show them to you and ask if you
3 recognize them. State's Exhibit number 3 and State's Exhibit
4 number 4.

5 A. I do recognize these boxes.

6 Q. And what are they?

7 A. They -- they both contain kitchen knives.

8 Q. Okay. And if you can go through these items and
9 tell me when they were actually submitted.

10 A. From the beginning or the knives?

11 Q. Yeah, from the beginning, if you don't mind. You
12 can just tell the jury about handing them to you again.

13 A. Sure. So the first item, the latent lift that was
14 taken from the glass storm door, that was entered into the
15 evidence log on August 7th of 2023.

16 Q. Okay.

17 A. The same thing for the second latent lift also
18 entered on August 7th, 2023.

19 Q. Okay. The cell phone?

20 A. The cell phone was entered into the vault on August
21 7th, 2023.

22 Q. Okay. And what about those knives?

23 A. Both of the knives were also entered into the vault
24 on August 7th, 2023.

25 Q. Okay. The brown coat?

1 A. The brown coat was entered into the vault on August
2 15th, 2023.

3 Q. Okay. And what's the reasoning for that being a
4 different date than the other pieces of evidence?

5 A. That brown coat, I was told, was soaking wet and
6 needed to go into the dryer, which is located in the
7 sheriff's office, and once it was drying, it was packaged and
8 given to me to enter into the vault a week later.

9 Q. Okay. And during that drying process, is that coat
10 in a secure area where it cannot be tampered with?

11 A. It is.

12 Q. Okay. Very good. And then item number 35, which is
13 your item number 69444.

14 A. The fingerprint -- that item came directly from SLED
15 and was entered into the vault on September 7th, 2023.

16 Q. Okay. And then those two 911 call recordings.

17 A. They were entered into the vault on August 31st,
18 2024.

19 Q. Okay. Very good. I believe that's all the items.
20 Were any of these items sent anywhere for further testing or
21 analysis?

22 A. Yes.

23 Q. Okay. Which items?

24 A. So the latent prints, the first two items, they were
25 taken to SLED on August 23rd, 2023, and returned from SLED

1 and placed back in the vault on September 7th, 2023. The --
2 I mentioned the fingerprint, palm print envelope came
3 directly from SLED. And the recordings, the 911 recordings
4 were taken to SLED on July 31st, 2024 and returned to our
5 vault on October 15th, 2024.

6 Q. Okay. And are you responsible for ensuring the
7 integrity of that -- of those items in transport and then in
8 actually bringing them back into your custody?

9 A. Yes, I am.

10 Q. And do you personally go pick that evidence back up
11 from SLED?

12 A. I do.

13 Q. Once the testing is finished?

14 A. I do.

15 Q. Have you gotten all the pieces of evidence that we
16 spoke about today? Are they back in evidence in your custody
17 at this time?

18 A. The items we spoke about, yes.

19 MS. SOPRANO-CESMAT: Okay. Very good. Please answer
20 any questions the Defense may have.

21 THE COURT: Anything from the Defense?

22 MS. BOULWARE: No question, Judge.

23 THE COURT: You can step down, ma'am. You're free to
24 go. You're more than welcome to remain with us if you like.
25 All right. Solicitor?

1 MS. SOPRANO-CESMAT: Thank you, your Honor. The State
2 would call David Moore, Investigator David Moore, to the
3 stand.

4 THE COURT: Okay.

5 DAVID MOORE,
6 having been duly sworn, testifies as follows:

7 **DIRECT EXAMINATION**

8 **BY MS. SOPRANO-CESMAT:**

9 Q. State your name for the record.

10 A. David Moore.

11 Q. And where do you work?

12 A. Chester County Sheriff's Office.

13 Q. How long have you worked for the sheriff's office?

14 A. It'll be 14 years next month.

15 Q. And what is your rank and role?

16 A. So I'm an investigator assigned to the Crimes
17 Against Persons Unit, where I focus primarily on crime scene
18 and digital forensics.

19 Q. Okay. Were you working on the night of August 4th
20 into the morning of August 5th?

21 A. I was called in, yes, ma'am.

22 Q. Okay. Were you actually on-call that evening?

23 A. Yes.

24 Q. So you said you were called out, so were you
25 contacted to assist in a burglary investigation?

1 A. Yes, I was. I was dispatched by R911 to respond.

2 Q. And where were you asked to respond?

3 A. To [REDACTED] McClure Woods, I believe it's Drive, in the
4 city of Chester.

5 Q. Okay. And previous deputies have already testified,
6 but why did you get dispatched to a city call?

7 A. I was informed that there were no city officers
8 available or detectives available to process the same.

9 Q. Okay. Do you recall what time you were dispatched?

10 A. I believe the CAD's going to say 5:19, so a little
11 after -- a little bit before 5:30.

12 Q. Okay. And did you respond to that location as
13 dispatched?

14 A. I did.

15 Q. What did you do when you first arrived?

16 A. So when I first arrived, I spoke with the responding
17 deputies and just kind of got an overall brief of the
18 situation. Once they kind of told me what they had and what
19 they knew to -- to be the facts at that time, we did a
20 walkthrough of the -- of the incident location in order for
21 me to kind of just identify some -- some areas that I needed
22 to process further.

23 Q. Okay. And I'm going to hand you what's been
24 previously marked as State's Exhibits number 23 through 26,
25 after our Defense has a chance to look at them. Hand these

1 to you and ask you if you recognize those.

2 A. Yes, I do.

3 Q. Are those photos that you actually took on the scene
4 that evening -- or that early morning?

5 A. Yes, they are -- that morning, yes, ma'am.

6 MS. SOPRANO-CESMAT: Okay. Very good. Your Honor, at
7 this time, the State would enter Exhibits number 23, 24, 25,
8 and 26 into evidence and request to publish.

9 MS. BOULWARE: No objection.

10 THE COURT: All right. Without objection, 23 through 26
11 into evidence for the State.

12 (State's Exhibits 23 through 26 admitted into evidence.)

13 BY MS. SOPRANO-CESMAT:

14 Q. All right. This is State's Exhibit number 23. If
15 you can tell the ladies and gentlemen of the jury what this
16 picture is depicting.

17 A. So that is a picture of the blood, or at the time
18 suspected blood, that was on the inside of the door frame.

19 Q. It was on the inside of?

20 A. No, I'm sorry, that's going to be the front door,
21 the wood door.

22 Q. The front door. Okay. What about State's Exhibit
23 number 24?

24 A. That is a picture in the kitchen of the knife block
25 that had been overturned, showing that there were knives

1 missing from the block.

2 Q. Twenty-five?

3 A. That is going to be a picture of the entryway into
4 that living room with the -- the blood evidence on the -- the
5 trim of that kind of archway or entryway into that.

6 Q. Okay. And 26.

7 A. That is going to be blood, a picture of the front
8 door from that room looking into the foyer, and you can see
9 the blood on the house itself.

10 Q. Thank you. So as the investigator that was called
11 out in the early morning hours of August 5th, 2023, did you
12 actually process the scene?

13 A. Yes.

14 Q. And what does it mean to actually go through and
15 process the scene? What kinds of things are you looking
16 forward to doing?

17 A. So initially, like I said, I did a walkthrough when
18 I got there just trying to see where I needed to kind of
19 focus my attention on what tools I probably need. Part of
20 that includes taking pictures of -- of the scene. And then
21 in that case, I had brought my fingerprint kit, and I lifted
22 latent prints from the inside of the -- the storm door from
23 the glass. And then the suspected blood evidence I seen, I
24 brought in some swabs to take swabs of those.

25 Q. Okay. Did you collect anything else other than

1 fingerprint, suspected fingerprints and suspected blood?

2 A. So I collected two kitchen knives that were in a
3 flower pot on kind of the front stoop, the front entryway to
4 the house. Next to that was the brown kind of cohort-style
5 jacket and then a black Motorola cell phone.

6 Q. Okay. And are you trained in best practices of how
7 to handle evidence in order to ensure that you don't tamper
8 with anything that may be found?

9 A. Yes.

10 Q. When you actually collected the jacket, can you
11 describe if there was anything in particular or strange about
12 the jacket?

13 A. It was -- it was extremely wet, completely damp.
14 That was the reason I had to put it in the dryer.

15 Q. Okay. And did you properly collect and package all
16 these items of evidence and then submit them into the vault
17 where they would be secure?

18 A. I did.

19 Q. And as far as the cell phone goes, did you do
20 anything further with that other than just collect it and
21 submit it?

22 A. So I am a trained, certified Cellebrite operator and
23 physical analyst. Cellebrite is a software system that we
24 use to do a data extraction on the phone. I was able to get
25 a partial extraction from the phone because the phone itself

1 was damaged and the screen was not working, but I was able to
2 pull some data from the phone.

3 Q. Okay. Can you give an example of what kinds of data
4 that you actually were able to extract from this phone?

5 A. So there was a call log, some messages, some, I
6 think, limited location data.

7 Q. Okay. Very good. And did you turn over the
8 information that you were able to get in that data dump to my
9 office to then provide to Defense?

10 A. I did.

11 Q. And once you were finished doing that data dump, did
12 you return the cell phone into evidence to be secured until
13 trial?

14 A. I did.

15 Q. Did you do anything else to assist in the
16 investigation of this case?

17 A. I did receive two discs, 911 discs, and I took them
18 down to SLED so they could be analyzed.

19 Q. Okay. And what were -- you have to actually put, is
20 it correct that you have to put on there what you want them
21 to analyze?

22 A. Yes.

23 Q. Okay. And what were you looking for or hoping to
24 gain from submitting those calls to SLED?

25 A. So I believe the specific request for that would

1 have been audio analysis and enhancement in order to
2 determine if there were multiple sources, voice sources on
3 that.

4 Q. Okay. Very good. And did you do anything else with
5 regards to this Defendant?

6 A. After the Schmerber hearing, I did collect the
7 buccal swab, the known standard, to go to SLED to compare the
8 DNA to.

9 Q. Okay. And for the ladies and gentlemen of the jury,
10 what is a Schmerber hearing?

11 A. So something I learned about over the last couple
12 years is basically a hearing in the court to determine
13 whether or not that the DNA evidence, I guess, collected from
14 the Defendant would be relevant to the case.

15 Q. Okay. And was an order signed that allowed you to
16 then take that buccal swab?

17 A. It was.

18 Q. And did you then submit that buccal swab into
19 evidence to be sent to SLED for comparison for DNA?

20 A. I did.

21 MS. SOPRANO-CESMAT: Your Honor, Defense is actually
22 stipulated to the DNA report, which is State's Exhibit number
23 22 coming into evidence, through this witness.

24 THE COURT: Is that correct, Ms. Boulware, that the
25 Defense is stipulated to Exhibit 22, which is the DNA report

1 from SLED coming into evidence?

2 MS. BOULWARE: Yes, sir.

3 THE COURT: Okay.

4 (State's Exhibit 22 admitted into evidence.)

5 MS. SOPRANO-CESMAT: Court's indulgence, your Honor.

6 THE COURT: Sure.

7 MS.SOPRANO-CESMAT: There is another section that we are
8 going to add to it.

9 BY MS.SOPRANO-CESMAT:

10 Q. All right. I'm going to mark -- I'm going to show
11 you what's been marked and entered into evidence as State's
12 Exhibit number 22, and tell me if you recognize that
13 document.

14 A. I do.

15 Q. Okay. And what is that document?

16 A. So this is a report from the Forensic Services Unit
17 of SLED with the DNA -- the DNA results, I guess you would
18 say.

19 Q. Okay. And can you read off the results for the
20 ladies and gentlemen of the jury?

21 A. So SLED outsourced their DNA to a company called
22 Bode, maybe Bode Technology in Virginia because of their
23 backlog. But what they received were swabs from the inside
24 edge of the storm door, inside edge of the front door, and
25 swabs from the entryway to the living room.

1 Q. And were those the swabs that you actually took that
2 were submitted?

3 A. Yes.

4 Q. Okay. Thank you. Continue to.

5 A. And they also received the buccal swab from the
6 Defendant, James Boatwright. It says, "The evidence was
7 processed for DNA type using a global filler kit." I guess
8 that's a proprietary thing. "A DNA profile was obtained from
9 the sample marked SCC2304-0198-R-04," which is the actual
10 standard from Mr. Boatwright.

11 Q. Okay.

12 A. "DNA profile previously obtained from the sample SCC
13 2304-0198-E-01 is consistent with a mixture of two
14 individuals, including the major male contributor." That
15 would be, 01 would be the swabs from the inside of the storm
16 door.

17 Q. Okay.

18 A. It says, "The major component DNA profile matches
19 DNA profile obtained from James Boatwright. The probability
20 of randomly selecting an unrelated individual in this DNA
21 profile is 1 in 329 million." I'm not sure what that is.
22 It's a bunch of zeros after the 320.

23 Q. Okay,

24 A. "The same DNA profile was previously Stated from the
25 samples SCC2304-0198-E-02, and the same numbers with -03,"

1 which are going to be from the inside front door and the
2 entryway door trim, that living room. And it says, "It's
3 consistent with the male contributor, male one," which is
4 going to be the Defendant, James Boatwright.

5 Q. Okay.

6 A. "And it says the same thing as far as the -- the
7 likelihood of 329 million.

8 Q. Okay. Thank you. I'm also going to hand you what's
9 been previously marked as State's Exhibit number 27, and your
10 Honor, this is the latent prints report from SLED that the
11 Defense has actually stipulated to as well.

12 THE COURT: Is that correct, Ms. Boulware?

13 MS. BOULWARE: That's correct, Judge.

14 THE COURT: All right.

15 MS. SOPRANO-CESMAT: All right.

16 THE COURT: So it's the stipulation number 27 into
17 evidence ---

18 (State's Exhibit 27 admitted into evidence)

19 MS. SOPRANO-CESMAT: Thank you, your Honor.

20 THE COURT: --- for the State.

21 BY MS. SOPRANO-CESMAT:

22 Q. Do you recognize that document?

23 A. I do.

24 Q. Okay. And what is that?

25 A. It is going to be the forensic services laboratory

1 report for the latent prints I submitted.

2 Q. Okay. And can you read the results for the ladies
3 and gentlemen of the jury?

4 A. Item one, which is a latent lift indicated as coming
5 from inside a glass door, and then they have a sub-item,
6 which is 1.1, which is the impression represented, probably
7 the photograph they took in or in AFIS. The result says,
8 "Identified item number six, James Jeffrey Boatwright." Item
9 two says, "One latent lift indicated as coming from glass
10 inside the storm door, and the results are no value for
11 comparison. Item number six is a known fingerprint card
12 bearing the name James Jeffrey Boatwright, which they pulled
13 from AFIS.

14 Q. Okay. So you said the results of item number one or
15 1.1, what were those results?

16 A. Identified as Defendant, James Jeffrey Boatwright.

17 Q. You're talking a little fast. I want to make sure
18 we can all hear you. All right. Is there any other items
19 that you've collected or submitted for testing to SLED that I
20 have not already asked you about?

21 A. No. No, there was not.

22 MS. SOPRANO-CESMAT: Thank you. Please answer any
23 questions the Defense may have.

24 THE COURT: All right. Ms. Boulware?

25 MS. BOULWARE: Thank you, your Honor.

1

CROSS-EXAMINATION

2

BY MS. BOULWARE:

3

Q. Good morning, Investigator Moore.

4

A. Good morning.

5

Q. A couple questions for you.

6

A. Okay.

7

8

Q. So when you go in to collect the samples for these types of cases, do you identify where they are as well, or do you have other law enforcement tell you where to go?

9

10

11

A. It's -- it's kind of a collaboration because obviously more eyes is better.

12

13

Q. Got you. And were you in here when Ms. Simpson testified?

14

A. I was.

15

16

Q. Okay. Did you hear her mention some blood in the dining room?

17

A. I did.

18

Q. Did -- did y'all find any blood in the dining room?

19

A. I don't -- I don't see any.

20

21

Q. Okay. And as far as the fingerprints and DNA, you -- you just read the results, so you know what they say. So just to clarify, there's no other person's DNA in the house and no other fingerprints that y'all were able to find?

22

23

24

25

A. Well, I think as far as the DNA, it said it was a mixture of him and one other.

1 Q. Okay -- okay. So that could be somebody living in
2 the house?

3 A. Absolutely.

4 Q. Okay. All right. But the only DNA of a suspect
5 that y'all found was Mr. Boatwright?

6 A. The only identified DNA was Mr. Boatwright.

7 Q. Got you.

8 A. Yes, ma'am.

9 Q. I beg the Court's indulgence. So when you arrived,
10 the items that you either handled or got samples off of,
11 being the knives, the jacket, cell phone, all -- where are
12 all those located at the front door?

13 A. They were sitting at the, I guess you would call the
14 stoop, right there at the top of the -- the top step leading
15 into the residence.

16 Q. Okay. Did you put those there?

17 A. No.

18 Q. Okay. Do you know if any other law enforcement
19 officer put those there?

20 A. So I inquired when I was on scene, and they said
21 that's where it was when they got there.

22 MS. BOULWARE: Okay. All right. Thank you. No further
23 questions.

24 THE COURT: Any redirect?

25 MS. SOPRANO-CESMAT: None from the State, your Honor.

1 you'll get to go home early today, and then I'll tell you
2 about tomorrow, okay?

3 All right. Solicitor, are you ready?

4 MS. LIVELY: Your Honor, actually, this is going to be
5 my witness. State will call Daisy White to the stand.

6 THE COURT: Come up here, please, ma'am.

7 DAISY WHITE,

8 having been duly sworn, testifies as follows:

9 THE COURT: Sit close to the microphone and be sure to
10 speak up loud, ma'am.

11 THE WITNESS: Okay.

12 **DIRECT EXAMINATION**

13 **BY MS. LIVELY:**

14 Q. All right. Ms. White, were you subpoenaed to be
15 here today?

16 A. Yes.

17 Q. And do you live in Chester County?

18 A. Yes.

19 Q. You don't have to tell us exactly where, but who are
20 you living with right now?

21 A. My uncle.

22 Q. Your uncle. Do you know the Defendant,
23 Mr. James Boatwright?

24 A. I do.

25 Q. How long have you known him?

1 A. Sixteen years.

2 Q. And during that 16 years, were y'all in any type of
3 a relationship?

4 A. It was boyfriend and girlfriend.

5 Q. In August of 2023, whenever this incident that's
6 been discussed this week happened, what was the status of
7 your relationship at that time?

8 A. We was broke up.

9 Q. You were broke up. Did you still keep in contact
10 with him by phone?

11 A. Yes, ma'am.

12 Q. All right. So the two of you would have
13 conversations, but were y'all living together?

14 A. No, ma'am.

15 Q. And at that time, you said you were living with your
16 uncle; is that right?

17 A. Yes, ma'am.

18 Q. Now, Ms. White, do you work anywhere right now?

19 A. No, ma'am.

20 Q. All right. And whenever you and Mr. Boatwright
21 actually broke up, you said that you all still had contact
22 with one another. Did he have your phone number?

23 A. Yes, ma'am.

24 Q. And did you have his?

25 A. Yes, ma'am.

1 Q. Okay. Now, on August the 4th of 2023, which is the
2 night or the day before the actual house of Ms. Simpson being
3 broken into, okay?

4 A. Okay.

5 Q. You know what I'm referring to, right?

6 A. Yes, ma'am.

7 Q. All right. Now, on that -- now, do you know Ms.
8 Simpson at all?

9 A. No, ma'am.

10 Q. All right. I just wanted to make sure. So on the
11 night of August the 4th, 2023, did you actually get a phone
12 call from the Defendant, Mr. Boatwright?

13 A. Yeah, I did.

14 Q. You did. And do you remember about what time that
15 was?

16 A. It was 11.

17 Q. A.M. or P.M.?

18 A. P.M.

19 Q. And were you able to remember that after we showed
20 you the Defendant's actual phone records from that day?

21 A. I remember it because you just showed it to me.

22 Q. That's fine. I just wanted to clarify that. All
23 right. So you get a phone call from the Defendant. Just
24 tell the jury what the Defendant told you on that call.

25 A. Okay. He said that he was walking to the park, and

1 as he was walking to the park, that two gentlemen was behind
2 him, was chasing him, and he had to let me go, so he can call
3 911.

4 Q. All right. And during that call, whenever he called
5 you, did he ever tell you the name of the two gentlemen that
6 were following him?

7 A. He mentioned a guy's name of Leon.

8 Q. And did he -- so is that the only one he mentioned?

9 A. Yes, ma'am.

10 Q. All right. Do you know a Leon?

11 A. I do.

12 Q. Okay. And just real briefly, did you know him, and
13 was this someone that was familiar to the Defendant, Mr.
14 Boatwright, as well?

15 A. Yes, ma'am.

16 Q. And had y'all actually had any type of problems,
17 just real specific to that word, problems, in the past with
18 Leon?

19 A. Yes.

20 Q. Okay. Don't tell me anything else. All right.
21 Now, after that conversation that night with Mr. Boatwright,
22 what was the next thing that you hear that it happened
23 regarding -- regarding him?

24 A. That he had got arrested?

25 Q. Did you know what he was arrested for?

1 A. No, ma'am.

2 Q. So after he gets arrested, did you, on that
3 particular day, did you ever talk to law enforcement or
4 anyone that day to tell them he had called you?

5 A. No.

6 Q. Now, I'm going to fast forward a little bit. Ms.
7 White, you had already mentioned that you continued talking
8 to Mr. Boatwright; is that right?

9 A. Yes, ma'am.

10 Q. Okay. So y'all continue to have phone
11 conversations?

12 A. Yes, ma'am.

13 Q. All right. Now, in those phone conversations, did
14 you ever, at a particular time when this case was coming to
15 court, mention to him that law enforcement or Chester County
16 Sheriff's Office wanted to talk to you?

17 A. Yes, ma'am.

18 Q. And at the time when they wanted to talk to you, did
19 you know, other than it being about Mr. Boatwright, what it
20 was that they were going to ask you?

21 A. No, ma'am.

22 Q. All right. And so when you talked to the Defendant,
23 Mr. Boatwright, did you tell him that law enforcement had
24 called you and wanted you to come in and talk to them?

25 A. Yes, ma'am.

1 Q. And when you told him that, did he, at that time,
2 tell you what to say to law enforcement?

3 A. Yes.

4 Q. Okay. And I'm just going to specifically ask you,
5 when he told you what to say, did he mention that you were
6 supposed to tell law enforcement that there was an ongoing
7 problem with Leon?

8 A. Correct.

9 Q. So that is what he told you to say, right?

10 A. Yes.

11 Q. Then was the meeting with law enforcement the next
12 day?

13 A. Yes.

14 Q. So you met with law enforcement. Was that interview
15 actually audio and video recorded?

16 A. Yes.

17 Q. And was Deputy Tolson, was he nice to you?

18 A. He was.

19 Q. He was? Did he tell you you weren't in any trouble?

20 A. He did.

21 Q. And did you tell him basically what you told the
22 jury just a minute ago, that when you talked to the Defendant
23 on the night of August 4th, that what he told you was going
24 on, that he was being either ---

25 A. Yes.

1 Q. --- followed or chased?

2 A. Correct.

3 Q. Is that right? All right. So then, after you have
4 that interview with investigator, or now Investigator Tolson,
5 did you have a phone conversation with the Defendant after
6 that interview?

7 A. I did.

8 Q. You did. All right. Now, when you had that
9 conversation with Mr. Boatwright after the interview, was he
10 asking you what did you tell law enforcement?

11 A. He did.

12 Q. And when you told him about the phone call that he
13 had made to you that night on August 4th, is that what you
14 told him you said that ---

15 A. Yes.

16 Q. --- someone was following him.

17 A. Yes.

18 Q. All right. When you told him that, how did he
19 react? Like, what was his behavior?

20 A. He was kind of upset, angry, a little bit.

21 Q. He was angry, upset? Okay. What was it that he
22 wanted you to tell law enforcement? And -- and here's what I
23 want you to do, just specific to Leon, which we just talked
24 about, okay? What did he want you to tell law enforcement in
25 regards to what was going on with Leon?

1 A. That there had been an on -- on problem with him and
2 Leon.

3 Q. Okay. There was an ongoing problem with him and
4 Leon. So when he learned you didn't say those specific
5 words, is that when he got angry?

6 A. Yes.

7 Q. Did he cuss at you?

8 A. Yes.

9 Q. All right. At that point, did he threaten you about
10 if you showed up in court?

11 A. Yes.

12 Q. Tell the jury what he told you.

13 A. He said not to show up. He told me not to show up
14 for court.

15 Q. And did he say it in an angry manner?

16 A. Yes.

17 Q. Is what you told us here today the truth?

18 A. Yes.

19 MS. LIVELY: Thank you, Ms. White. Answer any questions
20 the Defense may have.

21 THE COURT: Ms. Boulware?

22 MS. BOULWARE: No questions.

23 THE COURT: Okay. You step down now. Thank you. And
24 you are free to leave the court

25 MS. SOPRANO-CESMAT: Your Honor, I beg the court's

1 indulgence for just a moment.

2 THE COURT: Sure.

3 MS. SOPRANO-CESMAT: Okay. The State would call Deputy
4 Brian Radford to the stand.

5 THE CLERK: Please raise your right hand and place your
6 left hand in the Bible.

7 BRIAN RADFORD,

8 having been duly sworn, testifies as follows:

9 **DIRECT EXAMINATION**

10 **BY MS. SOPRANO-CESMAT:**

11 Q. Thank you. Please state your name for the record.

12 A. Brian Omar Radford.

13 Q. Where do you work?

14 A. Chester County Sheriff's Office.

15 Q. And how long have you worked there?

16 A. A little over a year.

17 Q. Okay. What is current rank and role?

18 A. Patrol deputy.

19 Q. Were you actually working on August 4th of 2023?

20 A. Yes, ma'am.

21 Q. Were you dispatched to a call regarding the
22 Defendant, Mr. James Jeffrey Boatwright?

23 A. Yes.

24 Q. I'm going to hand you what's been previously marked
25 and entered into evidence as State Exhibit number 31. What

1 was the nature of the call that you responded to regarding
2 this Defendant?

3 A. It was a call about a civilian that was stating that
4 he was being followed by people that was trying to pursue him
5 and kill him.

6 Q. Okay. And what time did you respond to that call?

7 A. 6:35 P.M.

8 Q. And where did you actually respond to?

9 A. It was on King Street near Pinckney.

10 Q. King Street near Pinckney. Okay. And were you
11 wearing your body worn camera at the time?

12 A. Yes.

13 Q. Was it recording?

14 A. Yes.

15 Q. Once those body-worn camera videos are recorded, are
16 they then uploaded for the solicitor's office to be able to
17 access those?

18 A. Yes.

19 Q. And then hand them over to Defense?

20 A. Yes.

21 Q. I'm going to stand -- hand you what's been
22 previously marked as State's Exhibit number 5. There are
23 three total videos on here. Two of the videos are already in
24 evidence, but I'm going to ask if you recognize this?

25 A. Yes.

1 Q. What is that item?

2 A. USB.

3 Q. Okay. What's on it?

4 A. BWC. Body-worn camera.

5 Q. Would that be your body worn camera?

6 A. Yes.

7 Q. Have you had a chance to review that?

8 A. Yes.

9 Q. And is it an accurate representation of your
10 interaction with the Defendant on that day?

11 A. Yes.

12 MS. SOPRANO-CESMAT: Okay. Your Honor, Exhibit number 5
13 is already in evidence, but I would like to add that third
14 video into evidence.

15 MS. BOULWARE: No objection.

16 MS. SOPRANO-CESMAT: And permission to publish at this
17 time.

18 THE COURT: Sure.

19 MS. SOPRANO-CESMAT: Court' indulgence while I get this
20 plugged up.

21 THE COURT: Sure.

22 BY MS. SOPRANO-CESMAT:

23 Q. All right. From the beginning of this video. Do
24 you recognize this?

25 A. Yes.

1 Q. And this is your body camera?

2 A. Yes.

3 (Video plays)

4 (Video stops)

5 Q. Deputy Radford, did you then ride the area to
6 see if you could find the people that the Defendant was
7 speaking about?

8 A. Yes.

9 Q. Did you locate anybody that matched the description?

10 A. No.

11 Q. To your knowledge, did he then go make a report at
12 the sheriff's office regarding this?

13 A. Not to my knowledge.

14 MS. SOPRANO-CESMAT: All right. Thank you. Please
15 answer any questions Defense may have.

16 **CROSS-EXAMINATION**

17 **BY MS. BOULWARE:**

18 Q. A couple of questions, Deputy Radford. So you are
19 responding to the August 4th, 911 call; is that correct?

20 A. Yes.

21 Q. Okay. And the -- or Mr. Boatwright was wearing a
22 black backpack in that video, wasn't he?

23 A. Yes.

24 Q. Okay. And -- and he also indicated to you, or maybe
25 you already knew, I don't know, that he was homeless at the

1 time?

2 A. Yes.

3 MS. BOULWARE: I beg the court's indulgence. No further
4 questions, Judge.

5 THE COURT: Any redirect?

6 MS. SOPRANO-CESMAT: No. Thank you, your Honor.

7 THE COURT: You step down, Deputy.

8 THE WITNESS: Yes, your Honor.

9 THE COURT: All right. Ladies and gentlemen, that's
10 going to do it for the morning session. You're going to get
11 a two-hour lunch break. Be back here at 2:15. As I
12 mentioned, the State has one more witness this afternoon, so
13 we'll break early today and start back tomorrow. So 2:15.
14 All right. Have a good lunch.

15 (Jury exits courtroom)

16 (OFF THE RECORD)

17 (Jury enters courtroom)

18 THE COURT: All right. Let the record reflect the jury
19 is back in. Solicitor?

20 MS. SOPRANO-CESMAT: Thank you, your Honor. The State
21 will call Russell Vernali to the stand.

22 THE CLERK: Place your left hand on the Bible and raise
23 your right hand.

24 RUSSELL VERNALI,

25 having been duly sworn, testifies as follows:

1

DIRECT EXAMINATION

2

BY MS. SOPRANO-CESMAT:

3

Q. Good afternoon. Please State your name for the
4 record.

5

A. Special agent Russell Vernalli from the South
6 Carolina Law Enforcement Division, otherwise known as SLED.

7

Q. Okay. And how long have you worked for SLED?

8

A. I've been at SLED for just over five years.

9

Q. What's your position there?

10

A. I work in the computer crimes unit doing electronic
11 forensics.

12

Q. And how long have you worked in this position? Has
13 that been the whole time?

14

A. Yes, ma'am.

15

Q. What educational background do you have?

16

A. I have a degree in computer science. Early in my
17 career I was a software developer and database designer
18 working my way into IT audit, and finally as the chief
19 information security officer of United Technologies' fuel
20 cell division. And then I started a career in law
21 enforcement in 2012.

22

Q. Okay. What special training have you undertaken in
23 order to work in your position at SLED?

24

A. I've had approximately 500 hours of specialized
25 electronic forensics training in cell phones, computers,

1 vehicle -- vehicle modules, storage devices, and recently
2 with audio enhancement.

3 Q. Okay. And is that something that's common, audio
4 enhancement in SLED? Are there a lot of you that can do
5 that?

6 A. I'm the only one right now at SLED that knows how to
7 do this.

8 Q. Okay. Have you ever been qualified as an expert in
9 court?

10 A. Yes, I have.

11 Q. Approximately how many times?

12 A. Twice.

13 Q. In what areas have you been qualified?

14 A. In electronic forensics and most recently I was
15 qualified as an expert witness in audio enhancement as well.

16 MS. SOPRANO-CESMAT: Okay. Your Honor, at this time,
17 the State would offer agent Russell Vernali as an expert in
18 the field of computer crimes and audio enhancement.

19 THE COURT: Okay.

20 MS. BOULWARE: No objection.

21 THE COURT: All right. Without objection, Agent Vernali
22 is found to be an expert in that area. Ladies and gentlemen,
23 when the court declares a witness to be an expert, that means
24 that the witness can -- can offer opinions about their
25 testimony. An expert is basically someone by virtue of

1 education, training, experience, that sort of thing in any
2 particular field can be declared an expert and offer opinions
3 about whatever they testify to. Normally, witnesses cannot
4 offer opinions. They can only testify to what they saw or
5 heard, that sort of thing. But just because Agent Vernali
6 has been found to be an expert by the court does not mean
7 that you automatically give any more weight to his testimony
8 than you would as to any other witness. That's up to you to
9 give his testimony whatever weight you believe that his
10 testimony deserves. Solicitor, you may proceed.

11 MS. SOPRANO-CESMAT: Thank you, your Honor.

12 BY MS. SOPRANO-CESMAT:

13 Q. Mr. Vernali, did you have a chance to become
14 involved in the case with the SLED lab member L2314672?

15 A. Yes.

16 Q. Okay. And what were you asked to do on this case?

17 A. There was two audio recordings. There were phone
18 call recordings, and I was asked to try to enhance the audio
19 to determine if there was a second person at the scene on
20 each recording.

21 Q. Okay. And I'm going to hand you what's been
22 previously marked and entered into evidence at State's
23 Exhibit number 36, and ask if you recognize that item.

24 A. Yes.

25 Q. Okay. And what is that item?

1 A. It's the audio recording that I used as the file
2 that I tried to enhance.

3 Q. Okay. And did you enhance the audio to the best of
4 your knowledge and ability?

5 A. Yes, I attempted to enhance the audio as instructed,
6 but was unable to come to any conclusion that there was any
7 additional voices on that audio tape or the audio file
8 rather.

9 Q. Okay. And now I'm going to hand you what's been
10 marked as State's Exhibit number 28. Again, this is State's
11 Exhibit 28 and ask if you recognize that document.

12 A. I do.

13 Q. What is that document?

14 A. This is the report that I filed with the case.

15 Q. Okay. So did you actually create that report?

16 A. Yes.

17 Q. Okay. And that was -- was that to outline what your
18 findings were?

19 A. Exactly, yes.

20 MS. SOPRANO-CESMAT: Okay. At this time, your Honor.
21 the State would move to enter State's Exhibit number 28 into
22 evidence.

23 MS. BOULWARE: No objection.

24 THE COURT: Okay. Without objection, 28 into evidence
25 for the State.

1 (State's Exhibit 28 admitted into evidence.)

2 BY MS. SOPRANO-CESMAT:

3 Q. Okay. So you mentioned that there were two items
4 that you actually -- that were submitted to you. I believe
5 on your report it says, item number eight. What was that
6 item?

7 A. If I could refer to my notes.

8 Q. Yes, please do.

9 A. Okay. Item number eight was a -- was a phone call
10 in which an individual could be heard in the recording, as a
11 911 call. And the instructions were to try to determine if
12 there was another person present or nearby in which the
13 caller was having a conversation with or speaking with.
14 However, I was not able to detect any other audio other than
15 the caller.

16 Q. Okay. And was this a 911 call from the Defendant?

17 A. Yes.

18 Q. And your conclusions if you can just go through what
19 your conclusions are and how you came to that conclusion for
20 the ladies and gentlemen of the jury.

21 A. Okay. So with -- with audio especially, a typical
22 issue with an audio is you have a situation where there's two
23 people talking and one person is close to the microphone and
24 one is far from the microphone. So in this case, caller who
25 has the microphone maybe a few inches from their -- from the

1 mouth and someone else who's several feet away or farther.

2 So in those cases where you are able to detect another
3 voice, I can isolate that audio each time that person speaks,
4 and I can raise the volume level of their voice so it's the
5 same as the volume level of the person that's close to the
6 microphone. So it sounds like their -- their volume levels
7 of both voices are similar. So you can make it more
8 intelligible.

9 And that's the goal of most audio enhancements that we
10 get. It's typically to remove sound in which there's, like,
11 road noise, wind noise, HVAC noise, sirens, or anything
12 that's impeding your ability to understand the person that's
13 talking. This was a different scenario, but again, there was
14 no other voices to be heard that I could pull the volume up
15 because there was nothing to enhance.

16 Q. Okay. So is it your conclusion that in your expert
17 opinion that there were no other voices in the background?

18 A. That's correct.

19 Q. And then did you also analyze an item that you
20 listed as item number nine?

21 A. Yes.

22 Q. And what was that item?

23 A. That was a 911 call from the victim to the dispatch
24 center in which she stated that some -- someone was coming
25 into the house and she was, I believe, in a hiding in a

1 bedroom closet, still on the phone. So another voice could
2 be heard. I believe after the suspect, potential suspect,
3 made entry, I could hear a voice. However, I wasn't able to
4 hear another voice that was distinctly different from that
5 person's voice, other than when police officers arrived and
6 they were giving verbal commands to the suspect when they
7 encountered him.

8 Q. Okay. So is it your testimony here today that on
9 the second 901 call that you've analyzed that you were able
10 to hear the victim, one suspect, and law enforcement?

11 A. Yes. As well as the 911 dispatcher?

12 Q. Absolutely. Did you do anything further for the
13 investigation of this case?

14 A. No.

15 MS. SOPRANO-CESMAT: And that is all I have for you. If
16 you'll please answer any questions the Defense make have.

17 THE WITNESS: Sure.

18 THE COURT: Ms. Boulware?

19 MS. BOULWARE: Thank you, your Honor.

20 **CROSS-EXAMINATION**

21 **BY MS. BOULWARE:**

22 Q. You by investigator?

23 A. Special Agent.

24 Q. Special Agent, that's right.

25 A. Sure.

1 Q. Okay. So and ---

2 MS. SOPRANO-CESMAT: Yes. And he's still holding the
3 exhibit.

4 MS. BOULWARE: Right.

5 THE COURT: So that's number 28.

6 BY MS. BOULWARE:

7 Q. Great. So on State's 28 which is your report,
8 basically, your notes on the back, or notes on the second
9 page, rather. So on the call from Mr. Boatwright, which
10 would be item eight, do you know originally how long that
11 call was?

12 A. According to my notes, that call was five minutes
13 and 30 seconds.

14 Q. Okay. And that's all the audio that was given to
15 you?

16 A. I'm sorry, the -- I -- I correct myself. I was
17 instructed to try to enhance the audio between the beginning,
18 so 00 to five minutes and 30 seconds.

19 Q. Okay.

20 A. That was the -- the time period in question.

21 Q. Okay. But that doesn't necessarily mean that's the
22 entire audio?

23 A. No -- no, it does not.

24 Q. Okay. So you never even listened to anything else
25 other than between that time period?

1 A. That's correct.

2 Q. Okay. So you wouldn't know what -- what else is on
3 the call?

4 A. Correct.

5 Q. Okay. So on item nine at the bottom of your notes,
6 and I know that you state that this was extremely poor
7 quality ---

8 A. Yes.

9 Q. --- audio, and basically because you got somebody
10 who's in a closet ---

11 A. Right.

12 Q. --- talking. So when you use the words, "seemed and
13 likely," words like that, that's not a final conclusion as to
14 what is on that recording?

15 A. That's correct.

16 Q. Okay.

17 A. We also do not transcribe anything that we hear. So
18 I -- I couldn't testify as to what specifically was said.

19 A. Okay. And on the first page of the report -- let me
20 show you that just in case. So you noted that you were
21 unable to enhance the audio on both of these items; is
22 that -- is that correct?

23 A. That's correct.

24 Q. Okay. Why is that?

25 A. So in this particular case, because they were

1 looking to identify another voice, usually, you would have to
2 have some trace of that in this case of that voice or that
3 other person speaking to raise the volume level up to enhance
4 it, so to speak. So in this case, nothing was detectable, so
5 there was nothing for me to enhance other than background
6 noise ---

7 Q. Okay.

8 A. --- or white noise.

9 Q. So if, and let me ask you this. If there was no
10 white noise, background noise, would it have been easier to
11 possibly detect anything else or enhance it?

12 A. Could you repeat that?

13 Q. I might be misunderstanding what you said.

14 A. Yeah. So in this case, when the caller was
15 speaking, that was very easy to detect. You could visibly
16 see it. When the caller wasn't speaking, there was almost
17 zero sound.

18 Q. Okay.

19 A. So ---

20 Q. So unable to enhance means you're concluding there's
21 no other voice. Is that -- is that what I'm hearing?

22 A. Yes.

23 Q. Okay. All right. Just want to be clear on that.

24 A. Yes.

25 Q. Because what I'm getting at is would it have been

1 easier if you would have been able to enhance it? So that's
2 what I wanted to know about that.

3 A. Typically, in situations like this where there's,
4 like I said, where there's two people talking and one, the
5 voice is very faint and very difficult to hear, as long as I
6 can hear something, I can raise the level up depending on the
7 quality of the recording. If the recording is poor, if you
8 raise the level up of a poor audio segment, it's still poor.
9 It's just louder.

10 Q. Okay. So because you don't hear anything to raise
11 the audio, and again, tell me if I misunderstood you.
12 Because you can't hear anything or just because you can't
13 hear anything to raise the audio, does that necessarily mean
14 there's not anything there at all?

15 A. It does not. They could be very far away from the
16 microphone, or it doesn't pick it up.

17 MS. BOULWARE: Okay. Let's see. I beg for the court's
18 indulgence.

19 THE COURT: Sure.

20 MS. BOULWARE: No further questions, your Honor.

21 THE COURT: Any redirect?

22 MS. SOPRANO-CESMAT: Just briefly, your Honor.

23 **REDIRECT EXAMINATION**

24 **BY MS. SOPRANO-CESMAT:**

25 Q. Special Agent Vernali, whose decision was it to

1 actually have a time range that you attempted to enhance?

2 A. The requester of -- I don't have it in front of me,
3 but it's typically from the investigator. When we receive an
4 audio file for enhancement, we require them to give us some
5 sort of guidelines as to what part of the audio recording,
6 what type of enhancement they're looking for, what they're
7 trying to accomplish. Typically, it's to clean up the
8 dialogue, make it more intelligible.

9 So if someone says something, maybe it's garbled, maybe
10 it's echoed, maybe there's, like I said, a siren in the
11 background or something of that nature, we can pull those
12 sounds out the same way you would with noise-canceling
13 headphones, and the audio becomes more intelligible.

14 Q. And so did you actually ask law enforcement to
15 provide you with a time frame for you to analyze?

16 A. Yes. Because typically the files that we get, they
17 could be 10, 15 -- 20 minutes long, but their area of
18 interest is 30 seconds or a minute or less. So ---

19 Q. Okay. And then law enforcement, after you ask, then
20 law enforcement provided you with that time frame?

21 A. Yes.

22 MS. SOPRANO-CESMAT: Okay. Thank you. No further
23 questions, your Honor.

24 THE COURT: Re-cross?

25

RE-CROSS EXAMINATION

1 **BY MS. BOULWARE:**

2 Q. Just one more. So do you know how long the original
3 recordings are at all?

4 A. I -- I have them. I don't know off the top of my
5 head, but I -- I do ---

6 Q. Okay.

7 A. --- have the original recording, yes. It would be
8 on the one that was entered into evidence.

9 Q. Well, my question was, do you actually know that
10 when you receive them? And I believe ---

11 A. Yeah, when I load -- when I load the -- the file
12 that needs to be enhanced, the file may be, like I said, it
13 could be 10 minutes long. And they say, you know, the
14 instructions are, we'll focus on a minute and 30 seconds to
15 five minutes. So ---

16 Q. And you do not go outside those instructions?

17 A. No.

18 Q. Okay.

19 A. No.

20 MS. BOULWARE: Thank you. No further question.

21 THE COURT: You may step down.

22 THE WITNESS: Thank you.

23 THE COURT: Solicitor, any further witnesses?

24 MS. SOPRANO-CESMAT: That's all the witnesses for the
25 State, your Honor. If you'll court's indulgence for just a

1 moment.

2 THE COURT: Sure.

3 MS. SOPRANO-CESMAT: I apologize, Your Honor. I want to
4 make sure that I got all the evidence in that I needed at
5 this time, the State rests its case.

6 THE COURT: The State rests? That's very good.

7 MS. SOPRANO-CESMAT: Thank you.

8 THE COURT: All right. Ladies and gentlemen, as I told
9 you before we broke for lunch, that we're going to recess a
10 little early. So you want to get some of your afternoon
11 available to do whatever you need to do. And what we're
12 going to do, we got some other matters.

13 I still got some issues with these lawyers here, so I
14 want you -- you'll have to come back tomorrow until 12
15 o'clock noon, okay? Now, make sure that you eat something
16 before you come, okay? And so be back at 12 noon and we'll
17 proceed -- proceed forward, okay?

18 All right. Have a great rest of the afternoon. See you
19 tomorrow at 12 o'clock then.

20 (Jury exits courtroom)

21 THE COURT: All right. Ms. Boulware, do you have any
22 motions that you need to place on the record?

23 MS. BOULWARE: Yes, sir. First of all, I just want to
24 renew all objections made so far. And, Judge, at this time,
25 Defense would ask for a directed verdict in this case. When

1 looking at the elements of burglary, first-degree, we have
2 that the person entered a dwelling, which he did. We've got
3 that. And -- excuse me, sorry, Judge, I'm looking at the
4 wrong page.

5 THE COURT: It's okay.

6 MS. BOULWARE: Okay. Entered a dwelling. He did. No
7 consent. Did not have consent. Defense concedes both of
8 those. And with -- with intent to commit a crime in the
9 dwelling and then one of the aggravating factors, and in this
10 case, it would be what the State added to the indictment as
11 far as armed -- armed himself, and then it occurred in the
12 nighttime.

13 Judge, I think the element we're missing here is intent,
14 and I think that's going to be pretty important to the
15 State's case. And even in like most favorable to the State,
16 we have no evidence that Mr. Boatwright intended to do
17 anything in that residence that would be a crime inside the
18 residence other than when he broke in. That part's not --
19 that is an element of burglary, but it is not the only
20 element. He also has to have intent to commit a crime
21 therein.

22 Also, he has to have that intent before he enters the
23 dwelling. So we don't have any evidence that he took
24 anything else. We do have evidence that someone was chasing
25 him. We even have evidence from his girlfriend that there

1 has been an ongoing problem where somebody's been harassing
2 him. Then we have further body cam video of when he called
3 911 the day before to report somebody's harassing him and he
4 did not get help that day.

5 So, Judge, I'm not sure what the State will try to tell
6 the jury the intent of Mr. Boatwright was to commit a crime
7 or even what that crime would be.

8 THE COURT: All right. Thank you, ma'am. Solicitor, do
9 you want to respond to that -- that motion?

10 MS. SOPRANO-CESMAT: Yes, your Honor. Specifically
11 about the intent is where I'll start with this. Case law
12 says that intent can be inferred based on the conduct.
13 Actually, *State vs. Meggitt* says whether a Defendant
14 possessed the requisite intent at the time the crime was
15 committed is typically a question for jury determination
16 because without a Statement of intent by the Defendant, proof
17 of intent must be determined by inferences from conduct. So
18 that actually tells the court that -- that is a question for
19 the jury. If intent is the only thing that is potentially
20 missing here, then that's for the jury to determine.

21 In addition, the witnesses, the credibility of each
22 witness is also for the jury to determine and not for the
23 court to determine. The State has presented substantial
24 direct and substantial circumstantial evidence -- excuse me,
25 Your Honor, to support all the elements of burglary in the

1 first-degree, to bring it to the jury needs to be the ones to
2 further determine credibility and determine inferring whether
3 they want to infer a crime occurred or not.

4 And also, your Honor, we presented evidence that he did
5 steal two knives from this house and then walk out. That in
6 and of itself is a crime, but further, the -- or the jury --
7 excuse me, can further infer what other crimes would have
8 been committed based on his conduct.

9 THE COURT: Okay. Thank you very much. Viewing the
10 evidence in a light most favorable to the State, certainly,
11 as the lawyers know, the State's not concerned with the
12 weight of the evidence. I'm just concerned with the
13 existence of any evidence, of any direct evidence,
14 substantial circumstantial evidence.

15 So I would find that the case should go to the jury and
16 deny the motion for directed verdict. Well, just by way of
17 observation only, certainly the Defense, I'm sure, will argue
18 for the -- on the issue of intent commit a crime, but there's
19 enough there based upon the totality of circumstances to send
20 the case to the jury.

21 Now, Ms. Boulware, we've discussed in chambers
22 concerning your filing of a necessity and duress Defense,
23 certainly confined with the rules as far as notice. What is
24 the Defense's intent on pursuing those Defenses.

25 MS. BOULWARE: Judge, I did file those as to give the

1 State notice as required by the case law. However, at this
2 point, I was basically waiting to see how the case goes, and
3 at this point, we are not contending that any crime was
4 committed inside the residence. And I believe for necessity,
5 we're going to have to say a crime was committed and it was
6 necessary we do what we did because of, you know, some sort
7 of emergency, but I -- I believe it's going counter against
8 the Defense that I want to put up now. So I'm going to
9 withdraw that motion.

10 THE COURT: Okay. The record so finds. All right.
11 Now, I need to advise Mr. Boatwright, concerning his rights
12 to testify, so while I'm pulling up the script, we can just
13 explain to him what I'll be doing in just a moment. All
14 right. Mr. Boatwright, would you please stand? And Madam
15 Clerk, would you swear Mr. Boatwright in, please?

16 THE CLERK: Please raise your right

17 JAMES JEFFREY BOATWRIGHT,

18 having been duly sworn, testifies as follows:

19 THE COURT: All right. Mr. Boatwright, at this time, I'm
20 going to explain to you certain of your rights. If you do
21 not understand anything that I say, please let me know that.
22 If you want me to explain anything in more detail, please let
23 me know that as well. Do you understand, sir?

24 MR. BOATWRIGHT: Yes, sir.

25 THE COURT: We've now reached the stage of the trial

1 CONTINUATION OF PROCEEDINGS - November 21, 2024

2 THE COURT: Let the record reflect the jury is back in.
3 Good afternoon, ladies and gentlemen.

4 THE JURY: Good afternoon.

5 THE COURT: All right. Ms. Boulware?

6 MS. BOULWARE: Your Honor, the Defense rest.

7 THE COURT: Okay. The evidentiary record in this case
8 is now closed, ladies and gentlemen. What we have left to do
9 is the lawyers will make their closing arguments to you. The
10 State will go first, then the Defense, and then we'll
11 probably take a little short break, and then I'll bring you
12 back in, and I will charge you the law that you are to use
13 and apply to the facts as you find them. This is the last
14 opportunity that these fine lawyers have to advocate for
15 their respective sides, so please give them your undivided
16 attention. State, ready?

17 MS. SOPRANO-CESMAT: Yes, your Honor. Thank you.
18 Ladies and gentlemen of the jury, James Jeffrey Boatwright
19 committed burglary in the first-degree when he broke into
20 Mrs. Simpson's home on August 5th of 2023. Now, I told you
21 all in my opening Statement that burglary in the first-degree
22 is when a person enters a dwelling without consent with the
23 intent to commit a crime therein, and either occurs in the
24 nighttime, or the Defendant is armed with a deadly weapon.
25 The Defense told you at the beginning of this week that

1 if it looks like a duck, quacks like a duck, walks like a
2 duck, then it's probably a duck. But I submit to you all
3 that you can put lipstick on a pig, and it's still a pig.
4 The victim, Diane Simpson, told you how terrified she was.
5 She testified that Mr. Boatwright not only stole two knives
6 from her kitchen, but he also stole her sense of security.
7 You got to see on the body-worn camera that you'll have
8 during deliberations that when Deputy Tolson and Deputy
9 Pollard found Mr. Simpson in her closet, she let out an
10 audible sigh of relief.

11 (Video plays)

12 (Video stops)

13 Simpson thought she was going to die that morning when
14 James Boatwright entered her home and armed himself with her
15 two largest kitchen knives. You even heard her on body worn
16 camera ask law enforcement several times if they checked
17 everywhere as she was concerned that there were hiding places
18 in her home and concerned that others may still be inside.
19 You may have even noticed that her hands were shaking while
20 she tried to simply unlock her car from the body worn footage
21 -- body-worn camera footage.

James Boatwright called Daisy White at 11.07 P.M. on August 4th of 2023. He claimed that he was being chased and he needed to hang up in order to call 911. But the evidence shows that James Boatwright did not call 911 until 4:21 A.M.

1 do you think he was running and being chased for almost five
2 hours before calling 911? That story does not make sense.

3 Also, when Daisy White was subpoenaed to come to court,
4 you heard that the Defendant told her what to say and when
5 she didn't state it correctly, he got angry, he threatened
6 her, and he told her that she better not come to court.

7 Ladies and gentlemen of the jury, he is trying to
8 control the narrative at all costs, but he cannot control the
9 narrative of what he was doing that night, and evidence
10 clearly supports his intent. James Boatwright also claimed
11 to have been on the phone with 911 when he broke into Mrs.
12 Simpson's home. The evidence in this case has created a time
13 line to where we know that -- that is not what happened.

14 Did James Boatwright, he claims that he was scared for
15 his life that night. Did he yell out for help? Did he ring
16 Mrs. Simpson's doorbell? Did he call 911 again with a cell
17 phone in his possession in order to update law enforcement on
18 his location? No. James Boatwright did nothing to help
19 himself that evening except break into an innocent woman's
20 home in the middle of the night.

21 You've seen evidence that James Boatwright moved about
22 the victim's residence and actually left his blood behind in
23 the dining room, in the entryway, and on the inside of her
24 front door. He only stopped committing a crime inside the
25 home when law enforcement arrived and announced themselves.

1 Only then did he go to her front door, exit the residence
2 where Deputy Pollard was able to detain him.

3 (Video plays)

4 (Video stops)

5 Thankfully, Deputy Pollard and Deputy Tolson arrived as
6 quickly as they did because who knows what James Boatwright
7 would have done in Mrs. Simpson's home if they had not
8 arrived as quickly as they did to save her. The Judge will
9 instruct you that Mr. Boatwright's intent can be inferred
10 based on the actions -- based on his actions inside Mrs.
11 Simpson's home. James Boatwright broke the window of Mrs.
12 Simpson's front door, opened the door, leaving behind his
13 fingerprints. He entered Mrs. Simpson's home, went to her
14 kitchen, grabbed her two largest kitchen knives. If Deputy
15 Tolson and Deputy Pollard had not arrived as quickly as they
16 did, who knows what this Defendant would have done.

17 The evidence I presented to you this week completes the
18 puzzle. James Jeffrey Boatwright is guilty of burglary in the
19 first-degree. Now, it is your turn to go deliberate and I
20 ask that you return a verdict of guilty. Thank you.

21 THE COURT: All right. Ms. Boulware?

22 MS. BOULWARE: Your Honor, can we take just a couple of
23 minutes?

24 THE COURT: Sure to get set up? Sure.

25 MS. BOULWARE: Yes, sir. We have to exchange out some

1 equipment here. Good afternoon, ladies and gentlemen.

2 THE JURY: Good afternoon.

3 MS. BOULWARE: I hope y'all got some lunch. We're
4 waiting on lunch, but I'm here to do this first. So, make
5 sure the clicker works is always a thing. There we go.
6 State of South Carolina versus James Jeffrey Boatwright.
7 Jamie. You've heard him call him Jamie. That's what he's
8 called.

9 All right. So when we first talk at the beginning of
10 the week, I told y'all about this duck test. And every time
11 I do something like this in opening statements, it's a little
12 out of context because folks are like, we don't know what
13 you're talking about. Well, I do that because at the end you
14 are going to know what I'm talking about. Solicitor brought
15 it up in her closing. So, this is what I talked about that I
16 Googled. And if it looks like a duck, swims like a duck and
17 quacks like a duck, then it probably is a duck. Same thing
18 as Solicitor said. But she didn't tell you what the keyword
19 was in that, and that's probably. Probably -- probably does
20 not rise to reasonable doubt.

21 So he's charged with burglary first-degree. What is
22 that? What you must have to convict someone of burglary
23 first-degree. You got to have a person who enters a dwelling
24 and they don't have consent of the owner or whoever lives in
25 the dwelling. And this is called -- these are called

1 aggravating circumstances which brings it to first-degree
2 burglary. They either have a weapon or it's at nighttime.
3 So 4:30 A.M. it's pretty dark. I think everybody still
4 considers that night, so, okay, all right.

5 Now, here's where we get stuck. Has an intent to commit
6 a crime therein. So what we got? We got -- yeah, all right.
7 Nobody's arguing Mr. Boatwright entered the dwelling. Got
8 that. He definitely did not have consent. We know that. It
9 was nighttime. He had a knife. He had two knives. Could be
10 considered a weapon. Okay. But nighttime's enough to get it
11 there, so that's fine. Don't have that intent, though.

12 Excuse me. All right. Let's talk about the -- let's to
13 ahead and get this pink elephant in the room out of the way.
14 Let's talk about what nobody wants. None of y'all sitting
15 here today or anybody in this courtroom wants this kind of
16 thing to happen in their home. Absolutely. I don't. Y'all
17 don't. Nobody does. In fact, if Ms. Simpson was armed, this
18 could have ended tragically for Jamie Boatwright. Like, a
19 lot of people are armed.

20 But here's the important distinction about him entering
21 without consent. And, if you want to, say, arming himself
22 with two knives to defend himself. Those are only two
23 elements, as I just showed you, of the crime of burglary
24 first-degree. Doesn't get you there. So we talked about
25 intent, that other thing you need to get you to burglary

1 first-degree. If he did not intend to commit a crime once
2 inside, then he did not commit a burglary. Was it a bad
3 decision to take refuge in Ms. Simpson's home? Clearly it
4 was.

5 But here's what it is. It's not something that's
6 burglary. It's an unfortunate event that could have been
7 handled other ways by law enforcement. Instead -- instead of
8 exploring those other ways, they chose to charge him with
9 something completely incorrect under the law and
10 inappropriate for the circumstances, which is burglary first-
11 degree. The only charge he has. The only charge he's here
12 for.

13 So knowing all that, do not let the State confuse you
14 into wrongfully convicting Jamie Boatwright just because this
15 would be a terrifying experience for anyone. It is
16 terrifying. I don't personally know that, but I absolutely
17 believe that Ms. Simpson was scared to death, and nobody can
18 argue with that. But that is not enough to have him
19 convicted of what he's charged with. So put aside being
20 terrified, because this is what you're asked to do as jurors.
21 Use the law instead of the emotion of being terrified.

22 So we're going to do like, kind of a mini law school
23 class here, because this is such an important detail of this
24 charge. We don't, like I said in opening, we don't have a
25 who done it, I didn't do it, somebody made me do it

1 situation. We don't have any of that. So we really have to
2 dissect this charge so y'all can understand why he needs to
3 be not guilty.

4 So in order to establish criminal liability on behalf of
5 Jamie Boatwright like I just told you, and, I'll say it again
6 over and over, criminal intent is required. Criminal --
7 criminal intent is a mental state. Now, let's talk about
8 that for a minute. You've seen the body-cam videos. You've
9 heard his 911 call. You know what his mental state was. I
10 mean, you -- did he create all that and make it up to say,
11 oh, I'm going to go burglarize somebody's house, let me call
12 911 first so I can have this elaborate complaint.

13 So, as Solicitor told you, may be inferred by the
14 circumstance -- the intent rather may be inferred by the
15 circumstances shown to have existed. So I just told you
16 about some of those and we're going to talk about some other
17 layer. Now, another piece of that burglary first puzzle, and
18 these are actually words from the charge the Judge will give
19 you. So taking into consideration the acts of the parties
20 and all -- all the facts and circumstances surrounding the
21 case. So you have to think about all these things you've
22 been shown this week all together and figure out, does he
23 have intent? Do I think he does? I submit, I think you'll
24 come to the answer is no. And if you find no criminal
25 intent, then Jamie Boatwright is not guilty.

1 All right. We're continuing our mini law school class
2 year. It's always fun. So don't let the State confuse you
3 just because he got a couple of knives out of a butcher block
4 and armed himself. Simply breaking into a residence and
5 arming oneself for self-defense does not create criminal
6 intent to commit a crime therein. The mere entry into a
7 dwelling without intent is not burglary. Those words come
8 straight from the charge that the Judge will give you. There
9 must have been intent to commit a crime, whether or not a
10 crime was actually committed.

11 So let me explain to you what that means. Let's say
12 somebody decided the case to house for a little while.
13 There's some cool expensive guns or coins or whatever it is
14 people like to take, but they get in the house, can't find
15 what it is they wanted to take, so they don't take anything.
16 Well, then that crime wasn't committed, but that intent to
17 commit that crime was still there.

18 So you got to think, what crime did Jamie Boatwright
19 have in his head he was going to commit when he got in that
20 house? He didn't have one. A person must form this intent
21 to commit a crime inside the home before breaking and
22 entering. So that kind of goes with what I previously told
23 you, is that whether or not the crime is successful, you
24 still have to have that idea in your head before you break
25 in. And I think this is the last one on criminal intent, and

1 we're over in the law school class here.

2 So here's some examples of things that are actually
3 burglaries, real true-to-life burglaries. Entering a
4 residence or building without consent, intending to rob or
5 steal for gain, for example, stealing valuable items. That
6 was the example I just gave you with the guns and the coins.
7 Entering a residence or building without consent, intending
8 to harm someone inside, committing an assault, be it a sexual
9 assault or to beat somebody up, either way.

10 If you went in that house, building intending to do
11 that, you committed a burglary, whether or not you actually
12 succeed in doing it. Entering a residence without consent,
13 intending to violate a restraining order. So let's say I was
14 going in a house because I'm separated from my wife. She
15 went and got a restraining order at family court or
16 magistrate court. And all I'm going to do is talk to her.
17 I'm not going to assault her. I'm not going to hurt her. I
18 just want to talk about getting back together.

19 Well, the issue is restraining order. Legally, you are
20 not allowed to be around that person. So you've intended to
21 break the law before you even enter the house. You don't
22 have consent to be there because there's restraining order.
23 So entering the residence because you are afraid for your
24 life while being chased, only arming oneself with the knives
25 for self-defense does not create the intent for burglary. It

1 is not a burglary at all.

2 Additionally, Ms. Simpson was rightly terrified. I'll
3 keep telling you that, too. That's got to be a terrifying
4 experience. It does not create criminal intent in Jamie
5 Boatwright, though.

6 So let's talk about credibility for a second. The Judge
7 will give y'all some instructions on credibility. And what -
8 - what he's talking about basically, is what witnesses are
9 believable to you. I'm going to tell you, in this case, and
10 this is something I had, I don't think I've ever said this
11 before, but in this case, I think every's credible. I think
12 what everybody got up on that stand and told you was the
13 truth.

14 And I -- I cannot remember a time I've ever said that.
15 I've had folks up there that I know got up there and lied. I
16 can't say that. I got to argue, but I'd like to argue that
17 in this case. So let's about the 911 calls. This is Mr.
18 Boatwright's call. I'm playing it again because I want you
19 all to listen closely. It is six minutes long. I apologize
20 for that, but there's a reason I'm playing it for you.

21 (Audio plays)

22 MR. BOATWRIGHT: Hey, come on. I'm getting down to the
23 floor with you. Come on. He's coming. He's trying to kill
24 me. He's up on that thing. He's coming. What the fuck,
25 man? Why are you following me, man? What the fuck do you

1 want?

2 FEMALE SPEAKER: County of Chester, 911.

3 MR. BOATWRIGHT: I'm coming. What the fuck do you want?

4 No. Can we go home? Please, man. (Inaudible). Please go

5 home. Please go home. (Inaudible). I'm okay. Let me

6 through. Let me through. Please go away, man. Please.

7 Please go home, man. Please. (Inaudible). Help. Help.

8 Help. Help. Please go away. I'm sick of you. Please go.

9 Please go. Help. Please go. (Inaudible). Help.

10 (Inaudible).

11 FEMALE SPEAKER: All right. Can you hear me?

12 MR. BOATWRIGHT: (Inaudible). Hello?

13 FEMALE SPEAKER: Hello?

14 MR. BOATWRIGHT: Hello.

15 FEMALE SPEAKER: Can you hear me? Hello?

16 MR. BOATWRIGHT: I'm right here.

17 FEMALE SPEAKER: Hello?

18 (Audio stops)

19 MS. BOULWARE: Okay. That cut off about a minute or so

20 for you, so let's -- but that's -- that's what I wanted y'all

21 to hear again. And -- and you -- you're going to have it in

22 evidence. You can take it back to the jury room if you need

23 to, listen to it as many times as you want to or come out

24 here. I'm not sure how we'll do that. Different courthouses

25 do different things.

1 (Audio plays)

2 MR. BOATWRIGHT: (Inaudible).

3 (Audio stops)

4 MS. BOULWARE: All right. So, looking at, we have Jamie
5 Wright or Jamie Boatwright -- excuse me, contacts 911 states
6 that he's being chased. That's clear on that. He can
7 clearly be heard what sounds like that he's running and
8 falling and yelling, help. Several times he yells help.

9 And what we know from the CAD and I asked, Junior, if
10 you'd like me to call him, Junior. We'll call him Junior. I
11 asked Junior about this call which was made at Wylie Park,
12 which we know is, let's find this cool map, while he parks up
13 here, Ms. Simpson's residence is right here. So this call
14 originates somewhere around here. Y'all can see all the
15 trees in between Wylie Park and Ms. Simpson's residence.

16 I want y'all to notice something about this call,
17 particularly versus the call with Ms. Simpson. The
18 dispatcher does not speak to him for an extended period of
19 time while call -- while the call is ongoing. He's saying,
20 I'm afraid for my life. Help. Help. The dispatcher waits
21 how many minutes to come back and say, sir, are you there? I
22 mean, my experience has been that they try to keep people on
23 the phone and keep talking to them. Why this didn't happen
24 on this call, I don't know, but it didn't.

25 So, and that's my question, why are they not checking on

1 him, keeping him on the line? So when we have our dead
2 space, what -- what other information could he be giving? I
3 don't know. She wasn't there.

4 So Ms. Simpson says she heard at least two voices from
5 the closet. Now, when I asked her on the stand, or actually,
6 it wasn't me, I think this was on direct, she said, now I
7 know that one of these, one of the voices might have been on
8 the phone. Don't forget, Solicitor told you there's no way
9 to know if he was in the house talking to 911. Well, who
10 else was he talking to? Hurry up, please, he said. End of
11 the call, particularly, he says, are y'all here? Are you out
12 there?

13 Well, what you can infer from that is he's at the house.
14 And when he says, out there, out where? Outside the house?
15 Note on his half that 911 dispatcher didn't really come back
16 and check on him for a little while. It's marked as a medium
17 property. Okay. So I did not -- this substance call is
18 pretty long. It's like eight minutes or something. I've only
19 got look 30 seconds for you listen to on hers. So she calls
20 at 4:32, like Solicitor said.

21 Let me point something out and do about that. When she
22 calls him, she says they're already in the house. So just
23 because that time line doesn't line up the way the Solicitor
24 wants it to or -- or is trying to tell you that it ain't
25 right, it doesn't matter because they're already in the house

1 according to Ms. Simpson. So it could have been any amount
2 of time, probably within a few minutes that they were already
3 in the house. So that doesn't even make a difference in
4 this.

5 (Audio plays)

6 MALE SPEAKER: County of Chester, 911.

7 MS. SIMPSON: Somebody break it into my house
8 (inaudible) ■■■ McClure Wood -- ■■■ McLure Wood Drive.
9 Please get here quick. They're already in the house. ■■■
10 McClure Woods Drive.

11 MALE SPEAKER: Ma'am, (inaudible), just stay on the line
12 for me. Do you know who these people are?

13 MS. SIMPSON: (Inaudible). Please hurry. Please hurry.

14 MALE SPEAKER: Ma'am,

15 (Audio stops)

16 MS. BOULWARE: All right. Like I just told you made a
17 big huge deal about. She calls 911, reports somebody's
18 breaking into her house. They are already in the house. She
19 reports she's in the closet and she's found in the closet by
20 law enforcement. We see that on body cam. We see that whole
21 thing on body cam. 911, y'all heard the call earlier, you
22 can listen to it again. They stay on the phone the entire
23 time when she's on the phone until law enforcement arrives
24 and then you can even hear her talking to law enforcement on
25 the phone.

1 Now, she later states as well that whoever broke in
2 probably didn't even know she was home. I agree with that.
3 Like I said, everybody out there told the truth.

4 So let's talk about this August 4th, 911 call, that got
5 played for you. It's almost 24 hours prior to the 4 -- 4:21
6 A.M. phone call from Mr. Boatwright; 6:35 A.M. is when it
7 comes in. Now, he contacts 911 to report being harassed.
8 Now, this is the body cam video, a little bit of it that
9 y'all saw with Deputy Radford. He was one of the last
10 witnesses, and it was -- Mr. Boatwright's got his clothes on,
11 got his backpack on and all that good stuff. That's the body
12 cam video that goes with that 911 call.

13 Now, when he -- when they start talking to him, he says,
14 well, I've called you before and y'all didn't do anything
15 last time. So what does the State want you to take from
16 that? Why did they play that 911 call? Well, let's see.
17 Because he called 911 two days in a row, he must have
18 intended to commit a crime at [REDACTED] McClure Woods Road?
19 Because all that does for us is show that he had been
20 contacting law enforcement about this issue. Maybe it wasn't
21 an issue with the same people, but he had been contacting
22 them, saying, I'm being chased, I'm being harassed. Y'all
23 will never do anything. Is that logical? This -- this
24 intent to commit a crime because of this 911 call? No, not
25 at all.

1 So let's talk about what he did. He waited at the front
2 door and came out to meet the police. What did he say? I'm
3 glad y'all were here. Watch the body-cam video again. We'll
4 hear him say it.

5 Fingerprints are identified on the glass front door.
6 Blood is located in the immediate front rooms of the house.
7 Now, note this, if he's in there trying to steal stuff, which
8 I think is what the State's trying to get at. I think
9 they're trying this way he there to steal stuff.

10 So if he was in there to do that, you saw how many rooms
11 and doors and all that, those little places in that house.
12 Why didn't he run out the back? Why didn't he run out that
13 basement, that nice basement?

14 You know, I mean, there's all kind of places he could
15 have gotten out of that house. But he goes out the front
16 door and meets the police. Or he could have hid. Hid in one
17 that's what officers were looking for. They were clearing
18 the house. Y'all saw that. They were going through all the
19 closets, going to the basement, even went into the car in the
20 garage.

21 He's also visibly injured from falling in the creek
22 because it's bleeding. And that fall, I submit, can be heard
23 on that 911 call. Y'all seen this picture. And you'll have
24 it back there, in fact, I got it right here. He's bleeding.
25 That's his injury. It's on his nose, y'all. He fell face

1 first, presumably.

2 You heard Diane Conn. She's our -- she's the evidence
3 custodian. She said, I had to put that jacket in -- in the
4 dryer. It was soaking wet when I got it. I couldn't store
5 it like that. There's a creek. He fell in the creek. So I
6 asked law enforcement about this part.

7 I asked one of the officers, does -- does everybody you
8 come across breaking into a house they usually use their real
9 names. Well, sometimes they don't. Yeah, because they're --
10 they have an intent to commit a crime. They're not going to
11 give a real name. He promptly introduces himself, begs, begs
12 law enforcement on the scene to trace, listen to his call,
13 offers up his phone to them. I can't tell you how many
14 people I've represented. They would never give up their
15 phone. They had to have search warrant for these phones. He
16 said several times on the body cam. You heard it on the 911
17 call. He was afraid for his life.

18 Now, once again, instead of choosing one of the many,
19 many hidden places to enter the house, because he could have
20 gone in those ways, too. He went through the very visible
21 front door of the residence. Of course, it's locked, so
22 breaks the glass, gets it open. But what y'all see in a
23 picture, and y'all did see it, and what Investigator Moore
24 told you, those fingerprints on the inside of the glass door,
25 those are his because he's inside waiting, waiting on law

1 enforcement.

2 So he goes in that front door because it's what he first
3 saw when he came up the hill on the house. It was the
4 quickest way to get inside and protect himself. He didn't
5 have time to walk around looking for which way is better.
6 Should I go through the basement? Should I go through the
7 garage? And sure would have been better, because if you're
8 going to go in and steal stuff, guess, where you want to go,
9 you don't go in the front door.

10 So, okay, I figured the State was going to do this. Was
11 he really being chased? Okay. So if we are to believe the
12 State's version, maybe, maybe. We don't think he was, but
13 maybe. So he just made that up as an excuse for being caught
14 burglarizing Ms. Simpson's home? But he was able to plan it
15 ahead of time. That was pretty good. Clever.

16 But let's look at the facts around whether or not he was
17 chased. He's called 911 previously to report being harassed
18 with no action taken by law enforcement. His on again, off
19 again girlfriend, Daisy, testified he had ongoing troubles
20 with somebody named Leon, which is one of the names he gives
21 law enforcement out on the scene. She also testifies that he
22 called her, claiming to have been chased. Nothing around
23 this incident, though. This was a whole separate thing.

24 So did law enforcement follow up by investigating
25 Jamie's claims about that? You saw it. They didn't want to

1 on August 4th. And ain't no evidence that they did on August
2 5th when this incident happened.

3 So here's a question to ask yourself when you're
4 thinking about all this. If law enforcement would have
5 followed up on Jamie's prior reports, would this incident
6 even happen? Just something to think about. So the State
7 asked Deputy Radford if Jamie ever came in and made a police
8 report. Well, no. That was the answer. No. Why? Because
9 he called 911 and was told by responding officers on that
10 body-cam video that y'all saw that there was nothing they
11 could do. So he's going to walk in the police department and
12 fill out a report after he's already told, we ain't going to
13 do nothing for you. I wonder this. Is he less believable
14 because he's homeless and walking around with a backpack? I
15 don't know. I haven't seen it that way, but I don't know.

16 Now, again, Ms. Simpson had very valid reason to be
17 terrified. I am not trying to take away from the -- the
18 sheer horror she must have felt not knowing what was going
19 on. But nobody questioned that. And y'all saw it and she
20 talked about it.

21 Jamie profusely apologized to her for causing that
22 terror. He was sorry he did that. I don't know what she
23 thought he meant, and I can understand why she wasn't real
24 receptive to it. But he -- he was sorry to have caused her
25 that -- that terror, that he apologizes to her as soon as he

1 sees her.

2 So here's the facts from Ms. Simpson. She hid in her
3 closet. She told you she had no interaction with Jamie until
4 he was apprehended and handcuffed outside the house. He
5 apologized profusely when he finally saw her while he was in
6 handcuffs. Now, let's talk about her Statement, her
7 testimony. Her written Statement is in evidence for y'all to
8 look at. She wrote, testified and still maintains she heard
9 yelling and someone saying, get the brick. You heard law
10 enforcement say no brick was ever located, but Jamie is
11 yelling help on his 911 call. I don't know if that's what
12 she heard. I don't know how that translates to get the brick
13 or whatever, but he was yelling something, which, let me
14 remind y'all, she claims she heard from inside the closet.
15 She heard two voices and one could now be he was on the
16 phone.

17 So here's what that is. Two sets of voices emphatically
18 repeats that to law enforcement, that fact to law enforcement
19 that there were at least two people, at least two people.
20 And acknowledged one voice might have been on the phone. She
21 testified there was blood in the dining room. Solicitors
22 told her that, too.

23 When I asked David Moore, he told me no officer located
24 this blood. Let's talk about law enforcement response to
25 this. Pollard and Tolson, and those are the first two

1 officers I believe you heard from, or one of the first two.
2 Two of the first -- whatever. So Pollard testifies from on
3 the stand because remember, he responded to Wylie Park, okay?
4 He testifies he can hear what sounds like money close to
5 Wylie Park.

6 Now, Pollard and Tolson, as they're going around
7 clearing the residence, they discuss that Ms. Simpson is so
8 convinced that there was more than one person there when they
9 realized it was likely him, only one person that one of them
10 commented, she ain't going to believe that. Tolson also
11 testified that Deputy Graham was surprised to hear that the
12 suspect they had arrested actually called 911.

13 I'm going to stop again on that. Think about that for a
14 minute. I'm going to go burglarize a house. Let me get the
15 police on the phone while I do that. So because of that, law
16 enforcement begins to have doubts about Jamie's criminal
17 intent. There is consistent testimony even from Ms. Simpson
18 that other than the butcher block of knives, nothing else in
19 the home was disturbed or taken.

20 Now, they got DNA swabs and tested that DNA. Let's
21 supposed its Jamie's. Testified there was an unidentified
22 mixture, but Ms. Simpson told you herself other people lived
23 in the house or her son was there for a little while.
24 Husband definitely lived there. Wasn't there at the time.
25 This is what I was talking about a minute ago. His

1 fingerprints and smudges are on the inside of the glass door.
2 So what's he doing? He breaks in and just hangs out there?
3 No, he's waiting on the police to come. Like I said,
4 indicates, what is he doing? Wait for police and push the
5 door open once they got there.

6 Now, this is a just a little weird aside that I noticed
7 in all this. Jamie told law enforcement that he lost his
8 black backpack when he fell into the creek, y'all might
9 remember that. Law enforcement, they -- they don't know if
10 he's telling the truth, and I get it, I understand. And they
11 don't locate his backpack. They do attempt to look a little
12 bit, but they don't -- they don't find it. But thanks to
13 that body cam from the day before with Deputy Radford, you
14 see he's got black backpack on. He's still telling the
15 truth, y'all.

16 So here's what State would like you to believe about all
17 that. Even though he lost this backpack, he still broke into
18 Ms. Simpson's home with the intent to steal stuff even though
19 he had now lost the backpack where he could theoretically put
20 these items. That he lost too, not really. So out of all
21 this, here is what the State would like y'all to believe in
22 this case.

23 So as I mentioned a little while ago that Jamie
24 Boatwright couldn't created this elaborate plan to break in
25 and commit a crime in Ms. Simpson's house by, one, contacting

1 911 the day before to report being harassed. Okay. That's
2 pretty cool. Now, he planned that out big time. Contacting
3 911 to report being harassed and chased, stating he was in
4 fear of his life and staying on the phone with 911 while
5 arriving at the house. How do we know he was still on 911
6 when he arrived at the house?

7 Remember again, Ms. Simpson claims she heard two voices
8 and testified she could have been hearing him on the phone.
9 And now he's doing all this while running from wild cat
10 through the woods. Y'all see how far that is? Fall into a
11 creek. He continues running up the hill to the house to an
12 incredibly long driveway that no one can see from the road.
13 He gets into the house. He arms himself with knives.

14 Now, not stealing the knives and not taking anything
15 else. Finally, he waits for the police. Y'all, they're
16 trying to tell you that's a burglary, that is not a burglary.
17 So let's get this straight. We, if I am to, if all of us are
18 to understand State's case, he called 911 to give himself as
19 little time as possible to burglarize Ms. Simpson's home
20 before the police arrived? Was that just some cool trick he
21 was going to pull off? I'm going to call 911 and see how
22 much stuff I can steal, in the meantime, et cetera. He
23 hasn't found anything but the two knives he armed himself
24 with. And like I said, presumably it was two steal items
25 that he didn't have any even though Ms. Simpson will tell you

1 herself he spent some time in the house before police came.

2 The State would also have you believe that the most
3 valuable items he could find to steal at this time are the
4 two knives he grabbed hurriedly from the butcher block.

5 Y'all saw the rooms he was in in that house. I'd be willing
6 to bet there's something else there that's more valuable than
7 those two knives.

8 I'll be honest with you, I don't know what kind of
9 knives they are. I know that some are really expensive. Be
10 surprised if Mr. Boatwright was worried about that at that
11 time.

12 Now, again, what I want you to remember, arming yourself
13 with knives for self-defense, does not equate to stealing the
14 knives. It is entirely likely that Jamie did not intend to
15 even leave the property with those knives. Do we know that
16 for sure? No, we don't. But you don't know that he did
17 either.

18 So ask yourselves. When you go back to jury room, ask
19 yourselves this, is this even close to logical? And does any
20 of this make sense at all let alone equate to forming the
21 criminal intent needed for burglary? It doesn't. Because
22 who does this? Who calls 911 while they're actively
23 burglarizing the house? It makes absolutely no sense, y'all.
24 And he is not guilty of committing burglary.

25 Now, let's get back to that duck test. Okay. Again,

1 got the same picture for you, but look at the word it
2 highlighted. This chart right here is your verdict proof you
3 have to reach to find Mr. Boatwright guilty of burglary. You
4 see where probably is? It's under not guilty. That's
5 reasonable doubt. That -- that is the burden of that State
6 has proven you beyond a reasonable doubt that he committed
7 burglary.

8 I submit to you, you put all this together, think it
9 through logically, you'll find Mr. Boatwright not guilty.
10 Thank y'all for your time, and I appreciate the service that
11 you're giving this court and Mr. Boatwright.

12 THE COURT: Okay. Ladies and gentlemen, as I told you,
13 we're going to take a really short break. I'm going bring
14 you back out, and then I will give you the instruction on the
15 law, okay? Go back to the jury room and we'll get you back
16 after a few minutes.

17 (Jury exits the courtroom)

18 THE COURT: Okay. Julia, you and Kay come up here.
19 Just take a look at ---

20 (Bench conference)

21 (OFF THE RECORD)

22 (Jury enters the courtroom)

23 THE COURT: And let the record reflect, the jury is back
24 in. Madam Forelady and ladies and gentlemen of the jury, I
25 now will charge you the law that applies to this case. You

1 must consider this charge as a whole and not focus on some
2 portions to the exclusion of others. The indictment charges
3 the Defendant with burglary first-degree. I remind you the
4 fact that the Defendant arrested, charged and indicted in
5 this case is not evidence in this case and cannot be
6 considered by you as evidence of guilt in this case. Nor
7 does it create any presumption or inference of guilt. This
8 document is simply the formal written instrument which
9 contains the charge made against the Defendant. It is the
10 formal document by which this case is brought into this
11 court. The Defendant has pled not guilty to this indictment.
12 And that plea puts the burden on the State to prove the
13 Defendant guilty.

14 A person charged with committing a criminal offense in
15 South Carolina is never required to prove himself innocent.
16 I charge you that it is an important rule of the law that the
17 Defendant in a criminal trial, no matter what the seriousness
18 of the charge may be, will always be presumed to be innocent
19 of the crime for which the indictment was issued unless guilt
20 beyond -- unless guilt has been proven by evidence satisfying
21 you of that guilt beyond a reasonable doubt.

22 This presumption of innocence does not end when you
23 begin your deliberations, but it accompanies the Defendant
24 throughout the trial unless you reach a verdict of guilt
25 based on evidence of satisfying you of that guilt beyond a

1 reasonable doubt. The presumption of innocence is like a
2 robe of righteousness placed about the shoulders of the
3 Defendant which remains with the Defendant unless it has been
4 stripped from the Defendant by evidence satisfying you of the
5 Defendant's guilt beyond a reasonable doubt. The presumption
6 of innocence is not mere legal theory. It's not just a legal
7 phrase. It is a substantial right to which every Defendant
8 is entitled unless you, the jury, are satisfied from the
9 evidence of the Defendant's guilt beyond a reasonable doubt.

10 Once again, the State has the burden of proving the
11 Defendant guilty beyond a reasonable doubt. Some of you may
12 have served as jurors in civil cases where you were told that
13 it is only necessary to prove that a fact is more likely true
14 than not, such as by the greater weight of the preponderance
15 of the evidence.

16 In criminal cases, the State's proof must be more
17 powerful than that. It must be beyond a reasonable doubt.
18 Proof beyond a reasonable doubt is proof that leaves you
19 firmly convinced of the Defendant's guilt. There are very
20 few things in this world that we know with absolute
21 certainty. And in criminal cases, the law does not require
22 proof that overcomes every possible doubt. Yet, based on
23 your consideration of evidence, you are firmly convinced that
24 the Defendant is guilty of a crime charged, you must find the
25 Defendant guilty. If, on the other hand, you think there's a

1 real possibility that the Defendant is not guilty, you must
2 give the Defendant the benefit of the doubt and find him not
3 guilty.

4 I remind you, Madam Forelady and ladies and gentlemen of
5 the jury, that you and I have had certain duties to perform
6 during this trial. As a trial Judge, it's been my
7 responsibility to preside over the trial with this case. And
8 also have the duty to rule on the admissibility of the
9 evidence offered during this trial. You are to consider only
10 the competent evidence before you.

11 If there was any testimony or distributed from the
12 record in this case, during this trial, you must disregard
13 that testimony. You are to consider only the testimony which
14 has been presented from the witness stand, any exhibits which
15 have been made a part of the record in this case and any
16 speculations of. I have the additional duty to charge you
17 the law that applies to this case. As the presiding Judge, I
18 am the sole Judge of the law of this case. And it is your
19 duty as jurors to accept and apply the law as I have now
20 Stated to you.

21 If you already have any ideas what the law is or what
22 the law ought to be and it does not agree with what I now
23 tell you the law is, you must abandon your idea because you
24 are sworn to accept the law and apply the law exactly as I
25 stated to you. In every case tried in this court before a

1 jury, the jury becomes the sole and exclusive Judge of the
2 facts in the case. A trial Judge cannot intimate, state,
3 comment on or make any Statement to a trial jury about the
4 facts in the case.

5 Since you, the jury, are the sole judge of the facts in
6 this case, you are not to infer from what I have said during
7 the progress of this trial in ruling upon the admissibility
8 of evidence or otherwise or anything that I say now during
9 the course of this instruction to you that I have any opinion
10 about the facts in this case. The law does not allow me to
11 have an opinion about the facts in this case. This is a
12 matter solely for you, the jury, to determine. As jurors, it
13 is your duty to determine the effect, value and weight of the
14 evidence presented during this trial.

15 Now, ladies and gentlemen, there are two types of
16 evidence which are generally defended during a trial that
17 being direct evidence and circumstantial evidence. Direct
18 evidence directly proves the existence of the fact and does
19 not require deduction. Circumstantial evidence is proof of a
20 chain of facts and circumstances indicating the existence of
21 a fact.

22 Crimes may be proven by circumstantial evidence. Law
23 makes no distinction between the weight or value to be given
24 to either direct or circumstantial evidence. However, to the
25 extent the State relies on circumstantial evidence, the

1 circumstances must be consistent with each other. And when
2 taken together, point conclusively to the guilt of the
3 accused beyond a reasonable doubt. If these circumstances
4 merely portray the Defendant's behavior as suspicious, the
5 proof has failed. The State once again has the burden of
6 proving the Defendant guilty beyond a reasonable doubt. This
7 burden rests with the State regardless of whether the State
8 relies on direct evidence, circumstantial evidence, or some
9 combination of the two.

10 Necessarily, ladies and gentlemen, you must determine
11 the credibility of the witnesses who have testified in this
12 State and evidence presented. Credibility simply means
13 believability. It becomes your duty as jurors to analyze and
14 to evaluate the witnesses and the evidence and determine the
15 credibility of the witnesses and the evidence in this case.

16 In determining the credibility of witnesses who have
17 testified in this case, you may believe one witness over
18 several witnesses or several witnesses over one witness. You
19 may believe a part of the testimony of a witness and reject
20 the remaining part of the testimony of that same witness.
21 You may believe the testimony of a witness in its entirety or
22 reject the testimony of a witness in its entirety. You may
23 consider whether any witness has exhibited to you, any
24 interest, bias, prejudice, or other motive in this case. You
25 may also consider the appearance and manner of a witness

1 while on the witness stand.

2 In order to establish criminal liability, criminal
3 intent is required. For example, the mental state required
4 to be proven by the State for a particular crime might be
5 purpose, intent, knowledge, recklessness, or criminal
6 negligence. Criminal intent must be proven by the State
7 beyond a reasonable doubt. Criminal intent is always a
8 matter that must be determined by the jury from the
9 circumstances surrounding the situation.

10 Now, there's no way to prove intent to a mathematical
11 certainty. There's no way medical science can dissect a
12 person's brain and determine what the person had in mind. So
13 law says that criminal intent may be inferred from the
14 circumstances shown to have existed. This is how you make a
15 determination of whether or not the element requiring intent
16 was present. It is not necessary to establish intent by
17 direct and positive evidence, but intent may be established
18 by inference in the same way as any other fact by taking into
19 consideration the acts of the parties and all the facts and
20 circumstances of the case. Criminal intent is a mental
21 state, a conscious wrongdoing. It's up to you to determine
22 what the Defendant intended to do based on the circumstances
23 shown to have existed.

24 Now, concerning expert witnesses, normally a person
25 cannot give opinion testimony. Normally, when a person

1 testifies, they must testify as to what they either saw,
2 heard or sensed by smell or something of that nature.
3 However, there is an exception when someone is qualified
4 because of education or experience. They are permitted to
5 give their opinion in certain areas if the court qualifies
6 them that way. This does not mean that he must accept the
7 opinion from, but it is evidence for you to use it any way
8 you see fit and give it the weight credibility you believe is
9 appropriate.

10 Now, I instruct you and emphasize, ladies and gentlemen,
11 the fact that the Defendant did not testify is not a factor
12 to be considered by you in any way in your deliberations and
13 in your consideration on the question of guilt or innocence
14 of the Defendant. It must not be considered by you in any
15 manner whatsoever. A Defendant has the constitutional right
16 to remain silent. And that assertion of that right must not
17 be considered by you in your deliberations.

18 I repeat, under your oath, you are to draw no conclusion
19 whatsoever from the fact that the Defendant in this case did
20 not testify. The fact that the Defendant did not testify
21 should not even be discussed in the jury room. The burden of
22 proof, as I've already Stated to you, is on the State. The
23 Defendant is not required to prove his innocence. The burden
24 of proof remains on the State to prove guilt beyond a
25 reasonable doubt.

1 Now, let me discuss with you, ladies and gentlemen, the
2 charge that the Defendant has been on trial for first-degree
3 burglary. The Defendant is charged with first-degree
4 burglary. The State must first prove beyond a reasonable
5 doubt that the Defendant entered a dwelling without consent.

6 Next, the State must prove beyond a reasonable doubt
7 that the Defendant intended to commit a crime, either a
8 felony or a misdemeanor at the time of the entry. The mere
9 entry into a dwelling without consent is not burglary. If
10 the intent to commit a crime is formed after the entry, it is
11 not burglary. Although the intent to commit a crime must
12 exist at the time the Defendant enters the dwelling, you, the
13 jury, may base its determination of that intent upon evidence
14 of the Defendant's actions once inside the dwelling.

15 On the other hand, if the Defendant intended to commit a
16 crime at the time of the entry, it is burglary. Even if the
17 intent was abandoned after the entry. It does not matter
18 that the intended crime was not completed. Intent may be
19 shown by acts and conduct of the Defendant and other
20 circumstances from which you may naturally and reasonably
21 infer intent.

22 Finally, the State must prove beyond a reasonable doubt
23 that one, when entering while in the dwelling or when
24 fleeing, the Defendant or an accomplice was armed with a
25 deadly weapon or explosive. A deadly weapon is any article,

1 instrument or substance which is likely to cause death or
2 great bodily harm. Whether an instrument has been used as a
3 deadly weapon depends on the facts and circumstances of each
4 case.

5 The following are examples of instruments which may be
6 considered deadly. A pistol, shotgun, rifle, dirt, dagger,
7 knife, slingshot, metal knuckles, razor, gasoline, a firebomb
8 or Molotov cocktail and lighter fluid. A gun may be a deadly
9 weapon even if it is not operating. Ordinary objects may
10 become deadly weapons when the facts show that they've been
11 used to inflict serious bodily harm or death. And/or go to
12 number two, when entering while in the dwelling or when
13 fleeing, the Defendant or an accomplice displayed what was or
14 appeared to be a deadly weapon, and/or going to number three,
15 the Defendant entered or remained in the dwelling in the
16 nighttime. Nighttime is a period between sunset and sunrise
17 during which there is not enough daylight to recognize a
18 person's face except by artificial light or (Inaudible).

19 Now, the forelady and ladies and gentlemen of the jury,
20 there are two possible verdicts that you reach or that you
21 may reach in this case, not guilty or guilty. I've got a
22 verdict form and in just a second I'm going to come down and
23 show you how to complete the form. It's very, very easy to
24 do. Your verdict, ladies and gentlemen, must be unanimous
25 among the 12 of you. And when you have reached a unanimous

1 verdict, please inform the bailiffs and then they will let
2 the Court know that you have reached the verdict and we will
3 bring you back into the courtroom to receive your verdict.

4 Ladies and gentlemen, Madam Forelady, if at any time
5 during your deliberations there is a division or split in
6 your vote, the court does not at any time want to be informed
7 of the actual split by number in the vote, if one does exist.
8 And lastly, ladies and gentlemen, I know what I just read to
9 you over these last 15 or 20 minutes was a lot. Therefore,
10 I'm going to give you a copy of the charge that I just read
11 to you for your use in any way you want to use it, if any,
12 okay?

13 So, Madam Forelady, I'm going to come down, show you the
14 verdict form. Once again, it's very easy to complete. This
15 is just the -- it's called verdict form. Name of the case,
16 that's the indictment number and says we the jury unanimously
17 finds the Defendant on the charge of burglary first-degree.
18 And whatever your verdict is, you will put your initials on
19 the appropriate line, not guilty or guilty. There's no
20 significance in the order in which those two verdicts are
21 listed. You'll sign it, put today's date.

22 Now, I want all 14 of you to go back to the jury room.
23 Do not begin your deliberations yet. I'll talk to the
24 lawyers and make sure that I do not need to make any
25 corrections in the charge. I don't anticipate having to do

1 that, but I want to talk with them. I also need to get all
2 the exhibits together. And once the verdict form, courts
3 charge and the exhibits are brought back to the jury room,
4 that will be your cue for two things to happen. One, two
5 alternates will need to come to the courtroom for further
6 instructions and you begin your deliberations then.
7 Okay. But don't start yet. Go back to the jury room,
8 please.

9 (Jury exits the courtroom)

10 THE COURT: Yeah, I'm going to let them go back and then
11 they'll pull the two alternates out and we'll just keep them
12 in courtroom. I usually let the alternates go back there
13 while I'm talking with the lawyers and getting the exhibits
14 together. All right. Any exceptions to jury charge from the
15 State?

16 MS. SOPRANO-CESMAT: Not from the State, your Honor.

17 THE COURT: From the Defense?

18 MS. BOULWARE: No, sir.

19 THE COURT: Okay. We'll go off the record and let's get
20 the exhibits together.

21 (OFF THE RECORD)

22 THE COURT: All right. We're on the record. And the
23 jury has sent out a note. Number one, saying what happens if
24 we cannot agree? Question two, can we consider a lesser
25 charge? Well, that's easy to respond to. Concerning the

1 first charge, by consent from both sides, it has been agreed
2 that I will just handwrite a note back to them saying, please
3 continue with your deliberations. And then I'll respond that
4 the only charge to consider is the burglary first. Is that
5 correct from the State?

6 MS. SOPRANO-CESMAT: That's correct from the State, your
7 Honor.

8 MS. BOULWARE: Yes, sir.

9 THE COURT: And not to give him an Allen Charge yet,
10 correct? From the State?

11 MS. SOPRANO-CESMAT: Correct.

12 THE COURT: Defense?

13 MS. BOULWARE: Yes.

14 THE COURT: Okay. All right.

15 (OFF THE RECORD)

16 THE COURT: We're back on the record. And the jury has
17 handed the court a note asking to -- well, in effect asking
18 to go home, sleep on it. I think they used that term. Come
19 back tomorrow. So I'm going to allow that and, but I'll
20 reaffirm all of my instructions.

21 Secondly, everybody's agreed that we go ahead and cut
22 the alternates loose and they don't have to come back. And
23 we just hope and pray that nothing happens to -- to any of
24 the 12 from now until in the morning.

25 Okay. So anything else for the record? Are we ready

1 for the jury? State?

2 MS. SOPRANO-CESMAT: State's ready for the jury.

3 THE COURT: Defense?

4 MS. BOULWARE: Ready.

5 THE COURT: Okay. All right. Let's bring jury out.

6 We'll -- we'll take care of the alternates after we do the
7 main.

8 (Jury enters the courtroom)

9 THE COURT: All right. Let the record reflect, the
10 jury is back in. Ladies and gentlemen. It's my
11 understanding that you want to go home for the evening and
12 sleep on it and then come back tomorrow. Is that correct,
13 Madam Forelady?

14 JUROR NUMBER 74: Yes, sir.

15 THE COURT: Okay. No problem with that whatsoever.
16 Y'all have worked extremely hard. You've been a little over
17 three hours and we appreciate your hard work. And so you can
18 go home and be back at 10. I need to be here when you get
19 here. When getting here at 10, go back to the jury room as
20 you normally do. Don't start your deliberations back until
21 all 12 of you are back in the room. Now, I've got something
22 else going on in the morning, so I want to make sure that I'm
23 here when you're here to restart your deliberations.

24 And again, it's still very, very important that you have
25 no communication about this case with anybody that you come

1 into contact with. And it's still very, very important not
2 to -- to research or go on social media to try to get any
3 information at all about this case. That is extremely,
4 extremely important that you do not do that, okay?

5 And have a good evening, get some rest, and we'll see
6 you back at 10 O'clock in the morning. And again, just go
7 back to the jury room. And Forelady, once all 12 are there,
8 you start back with your deliberations, okay? Have a good
9 evening.

10 (Jury exits the courtroom)

11 THE COURT: Okay. We'll come back at 10 and we can
12 start working at 10 on a few things that -- that you have.

13 MS. SOPRANO-CESMAT: Yes, sir.

14 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT 5:03
15 P.M.)

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1 CONTINUATION OF PROCEEDINGS - NOVEMBER 22, 2024

2 THE COURT: State ready for the jury?

3 MS. SOPRANO-CESMAT: State's ready, your Honor.

4 THE COURT: Defense ready for the jury?

5 MS. BOULWARE: Yes, sir.

6 THE COURT: Bring the jury out. All right. Let the
7 record reflect the jury is back in. Good morning, ladies and
8 gentlemen.

9 THE JURY: Good morning.

10 THE COURT: Ladies and gentlemen, you've stated that you
11 have been unable to agree on a verdict in this case. As I
12 instructed you earlier, the verdict of the jury must be
13 unanimous. When a matter is in dispute, it isn't always easy
14 for even two people to agree. So when 12 people must agree,
15 it becomes even more difficult.

16 In most cases, absolute certainty cannot be reached or
17 expected. I know that you have made every reasonable effort
18 to reach a unanimous verdict in this case. And I appreciate
19 your hard work.

20 In doing this, you should consult with one another,
21 express your own views, listen to the opinions of your fellow
22 jurors. Tell each other how you feel and why you feel that
23 way. Discuss your differences with open minds.

24 Although verdict of the jury must be unanimous, every
25 one of you has the right to your own opinion. The verdict

1 you agree to must be your own verdict, the result of your own
2 convictions. And you should not give up your firmly held
3 beliefs merely to be in agreement with your fellow jurors.
4 Each side should consider the other side's position.

5 You should carefully consider and respect the opinions
6 of each other and re-evaluate your position for
7 reasonableness, correctness and impartiality. You must lay
8 aside all outside matters and re-examine the questions before
9 you based on the law and evidence in this case. You should
10 not, however, surrender your conscience held beliefs simply
11 for the sake of reaching a verdict.

12 Now, there's no reason for me to suppose that the case
13 will ever be submitted to 12 more intelligent, impartial,
14 conscientious and competent jurors that you, as you or that
15 more clear evidence will be produced one side or the other.
16 Madam Forelady and ladies and gentlemen of the jury, I would
17 ask that you return to the jury room and continue with your
18 deliberations. Thank you very much.

19 (Jury exits the courtroom)

20 THE COURT: All right. Continue to be at ease.

21 (OFF THE RECORD)

22 THE COURT: My understanding they reached a verdict.
23 Ready to bring the jury in, State?

24 MS. SOPRANO-CESMAT: Yes, your Honor.

25 THE COURT: Defense?

1 MS. BOULWARE: Yes, sir.

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

3 (Jury enters the courtroom)

4 THE COURT: Let the record reflect, the jury is back in.
5 Madam Forelady, without telling me what the verdict is. Had
6 you reached a verdict in this case?

7 JUROR NUMBER 74: Yes, sir.

8 THE COURT: And is the verdict you reached unanimous
9 among the 12?

10 JUROR NUMBER 74: Yes, sir.

11 THE COURT: Okay. All right. Madam Clerk, please
12 publish the verdict. You may read it. You may publish it.
13 Okay. All right. In case of State versus James Jeffrey
14 Boatwright, 2023-GS-1200902. We, the jury, unanimously finds
15 the Defendant on the charge of burglary, first-degree,
16 guilty. Signed by the Forelady, dated November 22nd, 2024.

17 If this -- if this was your verdict and is currently
18 your verdict, please indicate by raising your right hand.
19 All right. Let the record reflect 12 hands have been raised.
20 Does the Defense wish for individual polling of the jury?

21 MS. BOULWARE: Yes, sir.

22 THE COURT: Okay. All right. When your name is called
23 out, the clerk will ask you. This is your verdict.

24 MS. SOPRANO-CESMAT: Your Honor, may we approach just
25 real quick? I apologize.

1 additional time this morning. Your verdict that you reach
2 does not matter to the court. What matters to the court is
3 that you perform your duties conscientiously and efficiently
4 and I'm absolutely satisfied and confident that you have done
5 that.

6 So thank you very much for your jury service this week.
7 What I'd like to do is talk with the jury back in the jury
8 room, not about the case, but about things that you consider
9 that we did well this week, or if you have any constructive
10 criticism, maybe things we can improve on.

11 And I won't keep you long, but if you'll just go back to
12 the jury room, and I'll be back there with the clerk in just
13 a minute and just chat with you for a few minutes before you
14 are released. Okay. Thank you.

15 (Jury exits the courtroom)

16 (OFF THE RECORD)

17 THE COURT: We are back on the record and we're in the
18 sentencing phase of the case. State of South Carolina versus
19 James Jeffrey Boatwright, who just a few minutes ago, found
20 guilty on the charge of burglary first-degree. And I'll
21 allow the State to go first.

22 MS. BOULWARE: Judge, may I make a couple motions first?
23 Sorry about that. First, the Defense will request that the
24 verdict be set aside. As I said in my closing, I don't
25 believe all the elements of burglary first was met. And we

1 would just ask that at this time, you would set aside the
2 verdict and grant Mr. Boatwright a new trial.

3 THE COURT: Thank you very much. The motion is denied.
4 Okay. Now, Solicitor ---

5 MS. BOULWARE: Judge -- and Judge, I'm sorry. And at
6 this time, Defense would also renew all objections,
7 specifically the directed verdict motion that we made.

8 I think another one was the objection to the testimony
9 of -- of Daisy White, I think. And -- and also at this time,
10 would like to put on the record, as we discussed, the Allen
11 charge. I believe the case law we looked at that it is in --
12 in the case law found as in particular PCR cases, not
13 objecting to the Allen charge as coercive.

14 And so at this time, I would like to put on the record
15 that giving the jury the Allen charge at this time and
16 deliberations was coercive.

17 THE COURT: Okay. Now, your renewal of all your
18 previous motions. So that note is on record.

19 MS. BOULWARE: Yes, sir.

20 THE COURT: And I will not any motions as related to the
21 -- to the Allen charge.

22 MS. BOULWARE: Thank you, your Honor.

23 THE COURT: Anything else before we go forward?

24 MS. BOULWARE: Not at this time, your Honor.

25 THE COURT: Next, Solicitor?

1 further from your side?

2 MS. BOULWARE: Nothing, Judge.

3 THE COURT: All right. How many jail credit days do we
4 have?

5 MS. BOULWARE: Let's see. Let me figure that out. I'm
6 sorry.

7 THE COURT: You're not on that information. You can go
8 back and have a seat at the table.

9 MS. SOPRANO-CESMAT: I'll give the Defense a moment to
10 double check. But I'm showing 475 days as of today.

11 THE COURT: Four hundred seventy-five?

12 MS. SOPRANO-CESMAT: That's correct.

13 THE COURT: Okay. We'll see if Ms. Boulware agrees in
14 that.

15 MS. BOULWARE: I have 476, Judge.

16 THE COURT: Okay. 476 it is.

17 MS. BOULWARE: Yes, sir.

18 THE COURT: Well, I think there's one thing that we can
19 agree on, that regardless of the intent or lack thereof,
20 you're lucky that Ms. Simpson did not have a gun.

21 MR. BOATWRIGHT: I understand.

22 THE COURT: For the benefit of those jurors who are
23 here, I know that one of the questions that you ask that I
24 would not answer is the penalty for a burglary first. The
25 penalty ranges a minimum of 15 all the way to life in prison

1 without parole. I think under the facts and circumstances of
2 this case, I think the appropriate sentence is the minimum of
3 15 years.

4 Therefore, Mr. Boatwright, sentence of court is you can
5 get a State department correction period of 15 years and
6 credit for 476 days pre-trial confinement. Good luck, sir.

7 MR. BOATWRIGHT: Thank you.

8 THE COURT: And I would congratulate both sides, both
9 attorneys for fine job than you did. As business works,
10 there's always a winner and a loser. But I do commend the
11 lawyers, both sides for excellent job that he did and that
12 you customarily do.

13 MS. SOPRANO-CESMAT: Thank you, your Honor.

14 MS. BOULWARE: Thank you. Your Honor.

15 MR. BOATWRIGHT: Thank you, your Honor.

16 (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT 12:05
17 P.M.)

18

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25

WITNESSES

C. Tolson (CCSO)

TC Hagan

ARREST WARRANT NUMBER

2023A1210100557 (DOA 08-05-2023)

ACTION OF GRAND JURY

TRUE BILL

Scott PA

Foreperson of Grand Jury

Date: 3/19/24

VERDICT

Guilty

Callie W. Hagan

Foreperson of Petit Jury

Date: 11-22-2024

DOCKET NO. 2023-GS-12-00902

The State of South Carolina

County of Chester

COURT OF GENERAL SESSIONS

MARCH 2024 TERM

THE STATE

VS.

JAMES JEFFREY BOATWRIGHT

INDICTMENT FOR
FIRST DEGREE (VIOLENT)
BURGLARY, ~~SECOND DEGREE (NON-VIOLENT)~~

SC Code: § 16-11-0312

CDR Code: 0080 0079

Class: Felony B A

FILED

2024 MAR 19 PM 12:42

CLERK OF COURT
CHESTER CO S.C.

STATE OF SOUTH CAROLINA
COUNTY OF CHESTER

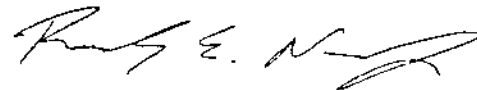
INDICTMENT

At a Court of General Sessions, convened on March 19, 2024, the Grand Jurors of Chester County present upon their oath:

FIRST
BURGLARY, SECOND DEGREE (NON-VIOLENT)

The defendant, James Jeffrey Boatwright, did on or about August 5, 2023, in Chester County, South Carolina, unlawfully enter a dwelling belonging to Diane P Simpson located at [REDACTED] McClure Woods Drive without consent ^{in the nighttime and/or} with intent to commit ^{while} a crime therein, all in violation of 16-11-0312, Code of Laws of South Carolina (1976, as ^{effetin} amended). ^{entry} ^{to the} ^{dwelling is} ^{armed or became} ^{armed with a} ^{deadly weapon}

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF CHESTER

STATE

VS.

INDICTMENT/CASE#: 2023-GS-12-00902JAMES JEFFREY BOATWRIGHTAKA: James J Boatwright, James BoatwrightRace: W Sex: M Age: 45DOB: 1979 SS# [REDACTED]Address: [REDACTED]City, State, Zip: Chester, SC 29706DL#* [REDACTED] SID# [REDACTED]A/W#: 2023A1210100557Date of Offense: 08/05/2023S.C. Code §: 16-11-0311CDR Code #: 0079

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Burglary, First Degree (NLT 15 years to Life)In violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Julia Soprano-Cesmat 105542
Julia Soprano-Cesmat, Solicitor SC Bar #

Defendant

M. Kay Boulware, Attorney for
Defense

100816

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 15 days/months/years/Time Served☐ Youthful Offender Act not to exceed ____ years

and/or to pay a fine of \$____; provided that upon the service of ____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.476 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:		\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of	\$ _____ Beginning	_____
§14-1-206 (Assessments 107.5%)		\$ _____
§14-1-211 (A)(1)(Conv. Surcharge)		\$100 \$ _____
§14-1-211 (A)(2)(DUI Surcharge)		\$100 \$ _____
§56-5-2995 (DUI Assessment)		\$12 \$ _____
§56-1-286 (DUI Breath Test)		\$25 \$ _____
§14-1-212 (Law Enforce. Funding)		\$25 \$ _____
§14-1-213 (Drug Court Surcharge)		\$150 \$ _____
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$41 \$ _____
§50-21-114 (BUI Breath Test Fee)		\$50 \$ _____
§56-5-2942(J) (Vehicle Assessment)		\$40/ea \$ _____
3% to County (if paid in installments)		TBD \$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees		\$500 \$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		TBD \$ _____

TOTAL \$ _____

Clerk of Court/Deputy Clerk:
Court Reporter:

Sue Carpenter

Presiding Judge:
Judge Code:
Sentence Date:

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Dec 18 2025

SC Court of Appeals



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 18th day of December, 2025.

RECEIVED

Dec 18 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Chester County

Honorable Donald B. Hocker, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

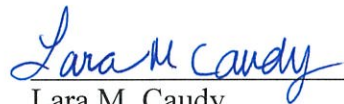
JAMES JEFFREY BOATWRIGHT,

APPELLANT

APPELLATE CASE NO. 2024-002039

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon Ambree M. Muller, Esquire, at her primary email address listed in the Attorney Information System (AIS), this 18th day of December, 2025.



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT