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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Jessica A Salvini, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM DAVID BOONE,

APPELLANT

APPELLATE CASE NO. 2025-002170

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2 County of Lexington) Eleventh Judicial Circuit

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5 vs.) 2024-GS-32-05215
6 William David Boone,) 2024-GS-32-05216
7 Defendant.) 2025-GS-32-05199

8
9 October 13th-15th, 2024
10 Lexington, South Carolina

11
12 B E F O R E:

13 The Honorable Jessica Salvini, Judge; and a Jury

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16 Christy M. Oler, Assistant Solicitor
On behalf of the State of South Carolina

17 Ola A. Johnson, Esquire
18 On behalf of the Defendant

19
20 REPORTED BY:

21 Stacy S. Johnson, RPR
22 Circuit Court Reporter
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24
25

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1 (The following proceedings were held October 13,
2 2025, beginning at 10:21 AM.)

3 THE COURT: So the first case that we are hearing
4 is the State of South Carolina versus William Boone.

5 Now I have several indictments in front of me.
6 An indictment is simply a charging document. It is
7 not evidence whatsoever. It is just the way a case
8 makes it into this courtroom.

9 Mr. Boone has been indicted for burglary in the
10 first degree, domestic violence in the first degree,
11 and obstruction of justice.

12 I'm gonna first begin by having the State
13 introduce themselves and who is at counsel table
14 because I want to see if anybody here in this
15 courtroom knows them. That's how we're gonna start,
16 just to see whether or not you know them.

17 So yes, ma'am.

18 MS. TAYLOR: Thank you, Your Honor.

19 My name is Whitney Taylor. I am the prosecutor
20 that is assigned this case. Next to me is Christy
21 Oler. She's also the prosecutor on this case. Next
22 to her is Alex Rosado. He's the lead investigator
23 from the Lexington County Sheriff's Department. And
24 then right here is my paralegal, Jennifer Jones. And
25 right here, the last person on trial team, last but

1 not least, is James Sullivan, our investigator in our
2 office here at the solicitor's office.

3 THE COURT: All right. Any potential jurors who
4 know any of those individuals? If so, please stand.

5 All right. I'm gonna find that none of our
6 jurors know anyone who is sitting at the State's
7 counsel table.

8 Yes, sir, Mr. Johnson. Please introduce yourself
9 and Mr. Boone.

10 MR. JOHNSON: Thank you, Your Honor.

11 My name's Ola Johnson and I practice here in
12 Lexington on Main Street, and I represent William
13 David Boone. This is my client, Mr. Boone.

14 Thank you.

15 THE COURT: Any of my potential jurors acquainted
16 with anyone at defense counsel table? If so, please
17 stand.

18 All right. Now I'm gonna be reading a list of
19 potential witnesses. That doesn't mean this is
20 everybody who's gonna testify, but they're just a
21 potential witness, meaning they could testify, they
22 may not. If you hear a name of somebody that you
23 think you know, I'd ask you to stand so we can address
24 how you may know them.

25 All right. Melissa Drafts, a custodian of

1 records with Lexington County Communications. Alex
2 Rosado from Lexington County Sheriff's Department.
3 Willie Harris from the Lexington County Sheriff's
4 Department. Reece Turner from the Lexington County
5 Sheriff's Department. Robert Spires from the
6 Lexington County Sheriff's Department. Christopher
7 Isgett from the Lexington County Sheriff's Department.
8 Paula Hare from the Lexington County Sheriff's
9 Department. **Complainant**. Ricky Spires. Patricia
10 Ray. David Warner, Jr. Crissy Warner. Corina
11 Sevier. Amanda Sharpe. Lauren Warren. And
12 Investigator Mark Jones.

13 If you believe you know any of these individuals,
14 please stand.

15 All right. I have one juror -- two jurors
16 standing. Let me start with the gentlemen in the
17 front. Tell me your juror number first.

18 POTENTIAL JUROR: 67.

19 THE COURT: Okay. And who do you know?

20 POTENTIAL JUROR: Ms. Drafts.

21 THE COURT: How do you know Ms. Drafts?

22 POTENTIAL: I work directly with her with fire
23 services.

24 THE COURT: All right. I'm gonna excuse this
25 juror.

1 Just give me one moment, ma'am.

2 Yes, sir, in the back. Juror number?

3 POTENTIAL JUROR: 194.

4 THE COURT: All right. And who do you know?

5 POTENTIAL JUROR: Robert Spires.

6 THE COURT: How do you know Mr. Spires?

7 POTENTIAL JUROR: Me and his dad are best
8 friends.

9 THE COURT: Well, I'm gonna excuse you.

10 The whole point of jury services is not to know
11 anybody in the case. You got to hear it fresh.

12 All right. Yes, ma'am. You have additional
13 witnesses?

14 MS. TAYLOR: Yes, we did send an updated list.
15 I apologize.

16 THE COURT: That's okay. I may not have seen it
17 yet.

18 Please announce who your additional witnesses
19 are.

20 MS. TAYLOR: The additional witnesses would be
21 Ormica Thomas from the Lexington County Sheriff's
22 Department. Amanda Sharpe. And Wayne Blackwell.

23 THE COURT: Anyone know any of those individuals?
24 If so, please stand.

25 All right. I'm gonna find that that does not

1 apply to anyone present here in the courtroom.

2 All right. So the -- as far as -- I'm looking at
3 the State's proposed voir dire, the defense proposed
4 voir dire. Looking at the State, I believe I've asked
5 question one because he's already introduced himself
6 and nobody seemed to know him.

7 All right. So my next question is does any
8 member of the jury panel have any religious or moral
9 belief which would prevent them from passing judgment
10 on another person with regards to the question of
11 guilt or in a case where someone is accused of
12 domestic violence? If please stand so I can address
13 that.

14 I'm gonna find that doesn't apply to any of my
15 potential jurors.

16 Has any member of my jury panel ever been a
17 victim or know someone who's been a victim of a
18 burglary? If so, please stand.

19 (Potential juror stands.)

20 THE COURT: Yes, ma'am.

21 All right. So I'm gonna ask -- we're gonna
22 address that here at the bench because I don't want
23 to embarrass anybody by a personal story.

24 (The following proceedings were held out of the
25 hearing of the jury panel.)

1 THE COURT: All right. Yes, ma'am. Come on up
2 and tell me your juror number.

3 POTENTIAL JUROR: 32.

4 THE COURT: No. 32. Could you tell me what
5 happened.

6 POTENTIAL JUROR: A gentleman working on our
7 house broke into it.

8 THE COURT: Okay. A gentleman broke into her
9 house and he was a worker on it.

10 POTENTIAL JUROR: I've been going through court
11 with him for four and a half years now. He still
12 hasn't paid restitution and they're -- still won't pay
13 his --

14 THE COURT: Okay. The fact that you're going
15 through that, do you still believe you could be a fair
16 and impartial juror in a case where someone --

17 POTENTIAL JUROR: As long as I don't get him, I'm
18 good.

19 THE COURT: All right. I'm gonna keep her. I
20 think that's fair.

21 (The following proceedings were held in open
22 court.)

23 THE COURT: You-all, I'm just gonna stay down
24 here because there may be some additional questions I
25 have that are gonna require me to address it up here

1 at the bench.

2 So has any member of my jury panel ever been a
3 victim or know somebody very close to them that has
4 been a victim of domestic violence? If so, please
5 stand.

6 (Potential jurors stand.)

7 THE COURT: All right. If you'll form a line for
8 me, I'm gonna address those up here at the bench.

9 BAILIFF: One at a time come up.

10 POTENTIAL JUROR: Good morning.

11 THE COURT: Good morning. That's a pretty dress.

12 POTENTIAL JUROR: Thank you.

13 THE COURT: Tell me your juror number.

14 POTENTIAL JUROR: 195.

15 THE COURT: 195. Okay. Tell me what happened
16 or who you know or if it's you or somebody close to
17 you.

18 POTENTIAL JUROR: I had domestic violence
19 whenever I was married previously and then I'm a
20 nurse, so my friends in passing I see at the hospital.

21 THE COURT: Because in the past you were a victim
22 of domestic violence and maybe you've got lots of
23 friends you see at the hospital being victims, do you
24 believe you could still be fair and impartial in a
25 case in which there's domestic violence?

1 POTENTIAL JUROR: Yes, ma'am.

2 THE COURT: Thank you so much for telling us.

3 MR. JOHNSON: That was 195, Judge?

4 THE COURT: Yes.

5 BAILIFF: Juror No. 54.

6 THE COURT: Juror 54.

7 Good morning.

8 All right. So tell me what happened either to
9 you or someone close to you.

10 POTENTIAL JUROR: I'm a victim of domestic
11 violence. My last a husband tried to kill me.

12 THE COURT: I'm so sorry.

13 All right. The fact that you went through that,
14 do you still believe you could be fair and impartial
15 in a case where someone's accused of domestic
16 violence?

17 POTENTIAL JUROR: Absolutely.

18 THE COURT: Thank you so much. I'm happy you're
19 okay.

20 BAILIFF: 213.

21 THE COURT: No. 213. Yes, ma'am.

22 POTENTIAL JUROR: My mother and I were abused
23 physically. We were beat until I was eight years old.

24 THE COURT: I'm so sorry. Do you still believe
25 you could be a fair and impartial juror in a case

1 where someone's accused of domestic violence?

2 POTENTIAL JUROR: Sure.

3 THE COURT: All right. Thank you for telling us.

4 POTENTIAL JUROR: Yes, ma'am.

5 BAILIFF: 141.

6 THE COURT: 141. Good morning. Tell me either
7 what happened to you or someone whose close to you.

8 POTENTIAL JUROR: Do my parents count?

9 THE COURT: I think you should tell us about
10 them.

11 POTENTIAL JUROR: Yes, I was a victim growing up
12 with my parents.

13 THE COURT: Good you survived that.

14 Do you still believe you could be fair and
15 impartial in a case in which domestic violence is an
16 allegation?

17 POTENTIAL JUROR: Partially.

18 THE COURT: I'm gonna excuse you from this case.
19 You may have to come back for the other case.

20 POTENTIAL JUROR: Okay.

21 THE COURT: All right. I'm gonna excuse her from
22 this case.

23 (The following proceedings were held in open
24 court.)

25 THE COURT: All right. So my next question is,

1 has any member of my jury panel ever been accused
2 of either domestic violence, some type of assault,
3 burglary, arrested for any of those things even if
4 you weren't convicted, you were just accused of it?
5 If so, please stand.

6 I'm gonna find that it does not apply to any of
7 my potential jurors.

8 After hearing what this case is about and -- and
9 hearing who the parties are, is there any potential
10 juror who thinks they may know something about this
11 case? They either read about it online or heard
12 something about it on the news or saw it on social
13 media. If you think you know something about this
14 case, please stand.

15 All right. Has any member of my jury panel or
16 family or close personal friends ever been accused of
17 a violent crime other than those that I said? So I'm
18 saying family members, close personal friends accused
19 of a violent crime even if it didn't result in a
20 conviction. If so, please stand.

21 (Potential jurors stand.)

22 THE COURT: Yes, sir. If you'd come forward and
23 I'm gonna address it here at the bench.

24 (The following proceedings were held out of the
25 hearing of the jury panel.)

1 BAILIFF: Juror 76.

2 THE COURT: All right. Juror 76, come on up.

3 Tell me how that applies to you. A friend or
4 whoever.

5 POTENTIAL JUROR: My sister was accused of
6 abusing her grandchildren, but it never went to court.
7 The prosecution dismissed the case.

8 THE COURT: Okay.

9 POTENTIAL JUROR: So that's what happened.

10 THE COURT: Okay. No, thank you for sharing with
11 us. Do you still believe you could be a fair and
12 impartial juror in a case in which domestic violence
13 was charged?

14 POTENTIAL JUROR: Absolutely.

15 THE COURT: Thank you. Thank you for sharing
16 that.

17 POTENTIAL JUROR: Yes, ma'am.

18 THE COURT: Yes, ma'am. Come on up.

19 BAILIFF: 188.

20 THE COURT: All right. Yes, ma'am. Come on up.

21 POTENTIAL JUROR: I have two things actually.

22 THE COURT: Let's start with the first on.

23 POTENTIAL JUROR: In June of this year I was
24 a witness in a murder case of my boyfriend and I
25 didn't know if that would interfere. I'm not sure

1 impartiality, but he was also accused of domestic
2 violence and served 18 months as part of that.

3 THE COURT: All right. The fact that you went
4 through that, do you believe you could be a fair and
5 an impartial juror in a case where domestic violence
6 was charged?

7 POTENTIAL JUROR: I would try to be.

8 THE COURT: Well, it's up to you. You've got to
9 tell me do you think you could listen to all of the
10 facts and be fair and impartial and follow the law?

11 POTENTIAL JUROR: I do. I do.

12 THE COURT: Okay.

13 All right. I'm gonna keep her, but thank you for
14 telling us.

15 POTENTIAL JUROR: Thanks.

16 (The following proceedings were held in open
17 court.)

18 THE COURT: All right. Is any member of my jury
19 panel presently or in the past either a member of or a
20 financial supporter of or somehow connected with any
21 organization that demands stricter enforcement of
22 laws, such as Mothers Against Drunk Driving, Students
23 Against Drunk Driving, Citizens Against Violent Crime
24 or any other such community organization? If so,
25 please stand.

1 I'm gonna find it does not apply to any members
2 of my panel.

3 And then, finally, are you, meaning any of my
4 potential jurors, or any member of your family a close
5 personal friend or you have a family member that
6 serves in law enforcement? So either a close personal
7 friend or you've got a family member that serves in
8 law enforcement. If so, please stand.

9 (Potential jurors stand.)

10 THE COURT: All right. I'm not gonna have them
11 come up, but I am gonna start with the gentlemen here
12 in the blue.

13 Tell me your juror number.

14 POTENTIAL JUROR: 174.

15 THE COURT: All right. And who do you have in
16 law enforcement?

17 POTENTIAL JUROR: One of my cousins and a good
18 friend, too. He is a state trooper.

19 THE COURT: Wonderful. Anybody else?

20 POTENTIAL JUROR: That's it.

21 THE COURT: All right. Juror here on the end,
22 tell me your juror number.

23 POTENTIAL JUROR: 37.

24 THE COURT: Yes, ma'am. Who do you have in law
25 enforcement?

1 POTENTIAL JUROR: My brother.

2 THE COURT: Okay. How does he serve?

3 POTENTIAL JUROR: He's currently a Marion County
4 officer.

5 THE COURT: All right. Thank you.

6 Yes, ma'am. Tell me your juror number.

7 POTENTIAL JUROR: 54.

8 THE COURT: And who do you have in law
9 enforcement?

10 POTENTIAL JUROR: I have one close friend who's a
11 Lexington County sheriff and then I have another close
12 friend who works for the Department of Cayce Police
13 Department.

14 THE COURT: All right. Thank you.

15 Yes, sir. In the green.

16 POTENTIAL JUROR: 35. I have a cousin who's a
17 sergeant in the Graham, North Carolina Police
18 Department and a good friend who's a highway patrolman
19 here in South Carolina.

20 THE COURT: Okay. Wonderful. Thank you for
21 telling us.

22 Yes, ma'am. Your juror number?

23 POTENTIAL JUROR: 61. And my brother-in-law he
24 is an officer in Key West.

25 THE COURT: Okay. Wonderful. Thank you.

1 Yes, ma'am. Tell me your juror number.

2 POTENTIAL JUROR: 222.

3 THE COURT: And who do you have in law
4 enforcement?

5 POTENTIAL JUROR: I have two friends. One in
6 Newberry County and one is a SLED agent.

7 THE COURT: Okay. Thank you.

8 Yes, sir, here in the back, your juror number?

9 POTENTIAL JUROR: I have my cousin who works for
10 the Richland County Police Department. He's a
11 detective.

12 THE COURT: Okay. And what's your juror number?

13 POTENTIAL JUROR: 179.

14 THE COURT: All right. Thank you for telling us.

15 Yes, sir, in the green. Your juror number?

16 POTENTIAL JUROR: One of my oldest close friends
17 is the sheriff of Newberry County.

18 THE COURT: Okay. Wonderful. Tell me your juror
19 number.

20 POTENTIAL JUROR: 156.

21 THE COURT: 156.

22 All right. Yes, sir, in the back.

23 POTENTIAL JUROR: I was formerly a detective in
24 Lexington County.

25 THE COURT: All right. Tell me your juror

1 number.

2 POTENTIAL JUROR: 214.

3 THE COURT: 214.

4 Yes, sir, here in the blue, tell me your juror
5 number.

6 POTENTIAL JUROR: 177.

7 THE COURT: And who do you have in law
8 enforcement?

9 POTENTIAL JUROR: My cousin works as an officer
10 in Mecklenburg County.

11 THE COURT: Okay. All right. Thank you.

12 All right. The last question that I have for
13 you-all before we pick this jury is, is there any
14 potential juror here who for any reason believes they
15 could not be fair and impartial if they were selected
16 to serve on this case? If so, please stand.

17 (Potential juror stands.)

18 THE COURT: Yes, sir. Come on up. If you've got
19 an issue, I've got to find out what it is.

20 BAILIFF: Juror number again?

21 THE COURT: Tell me juror number again.

22 POTENTIAL JUROR: 179.

23 THE COURT: All right. Mr. 179, come on up.

24 (The following proceedings were held out of the
25 hearing of the jury panel.)

1 THE COURT: Okay. Yes, sir. Tell me what the
2 problem is.

3 POTENTIAL JUROR: Huh?

4 THE COURT: Tell me what your issue is.

5 POTENTIAL JUROR: I just don't believe in a lot
6 of that stuff or care for a lot of things.

7 THE COURT: Well, tell me specifically what you
8 don't believe in.

9 POTENTIAL JUROR: Well, like with what's going
10 on.

11 THE COURT: You've got to be more specific than
12 that.

13 POTENTIAL JUROR: I sure just don't like being
14 around with different things and having to hear other
15 people's things. I like to stay out of stuff like
16 that.

17 THE COURT: Well, but you understand that jury
18 service is important, the jury process. I mean, this
19 is how we resolve disputes when people can't come to
20 an agreement. We have twelve strangers sit down and
21 talk about it and figure out what's right. Do you
22 understand that?

23 POTENTIAL JUROR: Uh-huh.

24 THE COURT: Okay.

25 All right. I'm gonna let you stay, but tell me

1 your juror number.

2 POTENTIAL JUROR: 179.

3 THE COURT: Okay. Go ahead and have a seat for
4 me.

5 Let me see the lawyers.

6 (Proceedings held at the bench; not reported.)

7 THE COURT: There was an issue with one of the
8 jurors, number 79, who showed up intoxicated and the
9 clerk had to send him home. Nevertheless, I will
10 strike him for cause and the attorneys have no
11 objection.

12 (The following proceedings were held in open
13 court.)

14 THE COURT: All right. Let's go ahead and pick
15 our first jury.

16 THE CLERK: She's got to run the list.

17 THE COURT: All right. You-all, when I was a
18 city court judge, and I was a city court judge for a
19 long time, about eleven years, unfortunately my city
20 was -- we didn't have a whole lot of money and so what
21 would happen is every juror's name would go into this
22 giant wheel that looked like bingo. I'm not kidding.
23 I used to do this for eleven years. And literally my
24 clerk would crank it like this and then I'd have
25 another clerk reach in and grab it out. It was the

1 greatest thing actually. I loved to kind of watch it.
2 It was sort of like bingo. Everybody was like praying
3 please, please, don't let it be me.

4 But, nevertheless, these days it's all
5 computer-generated. So that you know what's going on
6 up here is the clerk is -- she is generating a list.
7 It's just like that. It is the luck of the draw. And
8 then what gonna happen is these attorneys are gonna
9 get that list and then we're gonna go ahead and pick
10 our jurors for this very first case, all right?

11 Once we pick our jurors for this first case, what
12 I'm gonna do is I'm gonna release everybody and we are
13 gonna start this trial tomorrow morning, all right?
14 Because I've got a lot of things I've got to do today
15 and I promised you I would not make you sit here, but
16 I've got legal issues I've got to address and I also
17 need to see what the other cases are gonna do and then
18 madam clerk will probably give you some instructions
19 about calling back in, but everybody else will -- I'll
20 release everybody.

21 So, you-all, look at this. I mean, we're right
22 at like 10:40. We are moving right along, so you-all
23 will be out of here in just a few minutes as soon as
24 this computer generates a list and our attorneys pick
25 our jurors for our first case.

1 THE CLERK: Okay. When I call your name and
2 number, if you will bring your belongings up front and
3 as the bailiff instructed turn around and face out.

4 Juror No. 27. Sarah Bruorton.

5 (Whereupon, Sarah Bruorton, a white female, was
6 called forward.)

7 THE CLERK: What say for the State?

8 MS. TAYLOR: Please present the juror.

9 THE CLERK: What say for defense?

10 MR. JOHNSON: Please excuse the juror.

11 THE COURT: If you'll return to your seat,
12 please, ma'am.

13 THE CLERK: Juror No. 88. Michael Hatchell.

14 (Whereupon, Michael Hatchell, a white male, was
15 called forward.)

16 THE CLERK: What say for the State?

17 MS. TAYLOR: Please present the juror.

18 THE CLERK: What say for defense?

19 MR. JOHNSON: Please seat the juror.

20 THE CLERK: If you'll have a seat in the jury
21 box, please, sir.

22 Juror No. 35. Jason Combs.

23 (Whereupon, Jason Combs, a white male, was called
24 forward.)

25 THE CLERK: What say for the State?

1 MS. TAYLOR: Please present the juror.

2 THE CLERK: What say for defense?

3 MR. JOHNSON: Please strike the juror -- or
4 excuse the juror.

5 THE CLERK: If you'll return to your seat,
6 please, sir.

7 Juror No. 182. Christy Shoemake.

8 (Whereupon, Christy Shoemake, a white female, was
9 called forward.)

10 THE CLERK: What say for the State?

11 MS. TAYLOR: Please excuse the juror.

12 THE CLERK: If you'll return to your seat,
13 please, ma'am.

14 Juror 92. 92. Jeanette Hibpshman.

15 (Whereupon, Jeannette Hibpshman, a white female,
16 was called forward.)

17 THE CLERK: What say for the State?

18 MS. TAYLOR: Please present the juror.

19 THE CLERK: What say for defense?

20 MR. JOHNSON: Please seat the juror.

21 THE CLERK: If you'll have a seat in the jury
22 box, please, ma'am.

23 THE CLERK: Juror No. 4. Machado Arevalo.

24 (Whereupon, Machado Arevalo, a Hispanic male, was
25 called forward.)

1 THE CLERK: What say for the State?

2 MS. TAYLOR: Please present the juror.

3 THE CLERK: What say for defense?

4 MR. JOHNSON: Please seat the juror.

5 THE CLERK: If you'll have a seat in the jury
6 box, please, sir.

7 Juror 177. Matthew Shealy.

8 (Whereupon, Matthew Shealey, a white male, was
9 called forward.)

10 THE CLERK: What say for the State?

11 MS. TAYLOR: Please seat the juror.

12 THE CLERK: What say for defense?

13 MR. JOHNSON: Please excuse the juror.

14 THE CLERK: If you'll return to your seat,
15 please, sir.

16 221. Juror 221. Tanna Williamson.

17 (Whereupon, Tanna Williamson, a white female, was
18 called forward.)

19 THE CLERK: What say for the State?

20 MS. TAYLOR: I beg the Court's indulgence.

21 Please excuse the juror.

22 THE CLERK: If you'll return to your seat, please
23 ma'am.)

24 No. 205. 205. Owen Thomas.

25 MS. TAYLOR: He was excused he was excused.

1 THE CLERK: I'm sorry.

2 THE COURT: I excused you, sir. You can go ahead
3 and have a seat.

4 He's the one that asked for employment to be
5 transferred.

6 THE CLERK: Okay. I'm sorry.

7 THE COURT: That's okay.

8 THE CLERK: Juror No. 29. Timothy Burns.

9 (Whereupon, Timothy Burns, a white male, was
10 called forward.)

11 THE CLERK: What say for the State?

12 MS. TAYLOR: Please present the juror.

13 THE CLERK: What say for defense?

14 MR. JOHNSON: Please seat the juror.

15 THE CLERK: If you'll have a seat in the jury
16 box, please, sir.

17 Juror 94. Leonard Hoogenboom.

18 (Whereupon, Leonard Hoogenboom, a white male, was
19 called forward.)

20 THE CLERK: What say for the State?

21 MS. TAYLOR: Please present the juror.

22 THE CLERK: What say for defense?

23 MR. JOHNSON: Please seat the juror.

24 THE CLERK: If you'll have a seat in the jury
25 box, please, sir.

1 Jury No. 188. Deidre Smith.

2 (Whereupon, Deidre Smith, a white female, was
3 called forward.)

4 THE CLERK: What say for the State?

5 MS. TAYLOR: Please excuse the juror.

6 THE CLERK: If you'll return to your seat,
7 please, ma'am.

8 THE CLERK: 156. 156. John Perry.

9 (Whereupon, John Perry, a white male, was called
10 forward.)

11 THE CLERK: What say for the State?

12 MS. TAYLOR: Please present the juror.

13 THE CLERK: What say for defense?

14 MR. JOHNSON: Please excuse the juror.

15 THE CLERK: If you'll return to your seat,
16 please, sir.

17 Juror No. 172. 172. Dawn Sandridge.

18 Whereupon, Dawn Sandridge, a white female, was
19 called forward.)

20 THE CLERK: What say for the State?

21 MS. TAYLOR: Please present the juror.

22 THE CLERK: What say for defense?

23 MR. JOHNSON: Please seat the juror.

24 THE CLERK: If you'll have a seat in the jury
25 box, please, ma'am.

1 Juror No. 3. Madison Arender.

2 (Whereupon, Madison Arender, a white female, was
3 called forward.)

4 THE CLERK: What say for the State?

5 MS. TAYLOR: Please present the juror.

6 THE CLERK: What say for defense?

7 MR. JOHNSON: Please seat the juror.

8 THE CLERK: If you'll have a seat in the jury
9 box, please, ma'am.

10 Juror No. 40. Robbie Crouch.

11 (Whereupon, Robbie Crouch, a white female, was
12 called forward.)

13 THE CLERK: What say for the State?

14 MS. TAYLOR: Please present the juror.

15 THE CLERK: What say for defense?

16 MR. JOHNSON: Please excuse the juror.

17 THE CLERK: If you'll return to your seat,
18 please, ma'am.

19 THE CLERK: Juror No. 52. Gayatri Duggirala.

20 (Whereupon, Gayatri Duggirala, an Asian female,
21 was called forward.)

22 THE CLERK: What say for the State?

23 MS. TAYLOR: Please present the juror.

24 THE CLERK: What say for defense?

25 MR. JOHNSON: Please seat the juror.

1 THE CLERK: If you'll have a seat in the jury
2 box, please, ma'am.

3 76. Randy Griswold.

4 (Whereupon, Randy Griswold, a white male, was
5 called forward.)

6 THE CLERK: What say for the State?

7 MS. TAYLOR: Please present the juror.

8 THE CLERK: What say for defense?

9 MR. JOHNSON: Please excuse the juror.

10 THE CLERK: If you'll return to your seat,
11 please, sir.

12 195. Melissa Sturkie.

13 (Whereupon, Melissa Sturkie, a white female, was
14 called forward.)

15 THE CLERK: What say for the State?

16 MS. TAYLOR: Please present the juror.

17 THE CLERK: What say for defense?

18 MR. JOHNSON: Please seat the juror.

19 THE CLERK: If you'll have a seat in the jury
20 box, please.

21 THE CLERK: 129. Juror 129. Carrington Marsh.

22 (Whereupon, Carrington Marsh, a white male, was
23 called forward.)

24 THE CLERK: What say for the State?

25 MS. TAYLOR: Please present the juror.

1 THE CLERK: What say for defense?

2 MR. JOHNSON: Please seat the juror.

3 THE CLERK: If you'll have a seat in the jury
4 box, please.

5 Juror 38. 38 Trevor Coots.

6 (Whereupon, Trevor Coots, a white male, was
7 called forward.)

8 THE CLERK: What say for the State?

9 MS. TAYLOR: Please present the juror.

10 THE CLERK: What say for defense?

11 MR. JOHNSON: Please excuse the juror.

12 THE CLERK: If you'll return to your seat,
13 please.

14 93. Mary Hiott.

15 (Whereupon, Mary Hiott, a white female, was
16 called forward.)

17 THE CLERK: What say for the State?

18 MS. TAYLOR: Please present the juror.

19 THE CLERK: What say for defense?

20 MR. JOHNSON: Please seat the juror.

21 THE CLERK: If you'll have a seat in the jury
22 box, please.

23 152. Juror 152. Sonya Page.

24 (Whereupon, Sonya Page, a black female, was
25 called forward.)

1 THE CLERK: What say for the State?

2 MS. TAYLOR: Please excuse the juror.

3 THE CLERK: If you'll return to your seat,
4 please, ma'am.

5 191. Juror 191. Jared Stepp.

6 THE CLERK: What say for the State?

7 MS. TAYLOR: Please present the juror.

8 THE CLERK: What say for defense?

9 MR. JOHNSON: Please seat the juror.

10 THE CLERK: Alternates, Your Honor?

11 THE COURT: Let me see the attorneys.

12 (Proceedings held at the bench; not reported.)

13 THE COURT: Let's pick two alternates.

14 THE CLERK: Okay.

15 174 Brandon Scoggins.

16 (Whereupon, Brandon Scoggins, a white male, was
17 called forward.)

18 THE CLERK: What say for the State?

19 MS. TAYLOR: I beg the Court's indulgence.

20 Please present the juror.

21 THE CLERK: What say for defense?

22 MR. JOHNSON: Please excuse the juror.

23 THE CLERK: Return to your seat, please.

24 138. Matthew Mole.

25 (Whereupon, Matthew Mole, a white male, was

1 called forward.)

2 THE CLERK: What say for the State?

3 MS. TAYLOR: Please present the juror.

4 THE CLERK: What say for defense?

5 MR. JOHNSON: Please seat the juror.

6 THE CLERK: If you'll have a seat in the jury
7 box, please.

8 Juror 103. Charles Jackson.

9 (Whereupon, Charles Jackson, a white male, was
10 called forward.)

11 THE CLERK: What say for the State?

12 MS. TAYLOR: Please present the juror.

13 THE CLERK: What say for defense?

14 MR. JOHNSON: Please seat the juror.

15 THE CLERK: If you'll have a seat in the jury
16 box, please, sir.

17 THE COURT: All right. Any objections or
18 exemptions to the jury selection process on behalf of
19 the State?

20 MS. TAYLOR: No objection.

21 THE COURT: On behalf of defense?

22 MR. JOHNSON: Judge, can we approach real quick?

23 THE COURT: Sure.

24 (Proceedings held at the bench; not reported.)

25 (The following proceedings were held outside the

1 hearing of the jury and jury panel.)

2 THE COURT: All right. So Mr. Johnson has a
3 Batson motion. He wants to challenge the State's
4 striking of a juror.

5 The juror number is?

6 MR. JOHNSON: 152.

7 MS. TAYLOR: 152.

8 THE COURT: She's the only African-American juror
9 that was presented and the State struck her.

10 Do you have a nonracial reason as to why?

11 MS. TAYLOR: Yes, Your Honor. She has a 2002
12 conviction for fraudulent check, \$500 or less.

13 THE COURT: That's a reason -- an appropriate
14 reason to strike that juror.

15 Anything else?

16 MR. JOHNSON: No, ma'am.

17 THE COURT: Any other objections or exceptions
18 from defense?

19 MR. JOHNSON: No, ma'am.

20 (The following proceedings were held in open
21 court.)

22 THE COURT: All right. Ladies and gentlemen,
23 you are our jury that's been selected to serve on this
24 case.

25 I know, Juror 76, you have a deposition, but

1 after conferring with the attorneys, this takes
2 precedence over that and so if those attorneys have an
3 issue, they need to call the clerk's office and I'll
4 address it, but you can tell them that that's what the
5 judge said.

6 I'm gonna release you to for the rest of the day
7 because I've got legal issues I've got to take up and
8 I want to address some of the other cases. That means
9 we're gonna start promptly at 9:30.

10 When I say 9:30, that means I will be ready to
11 go. These lawyers will be ready to go. I will not
12 let them creep into our morning with you-all just
13 sitting back in the jury room, but we can't get
14 started until you are all here.

15 So the bailiff is gonna give you some
16 instructions, but otherwise I'll see you-all tomorrow
17 morning.

18 (Whereupon, the jury panel was excused for the
19 day at 11:00 AM.)

20 THE COURT: All right. And then, Madam Clerk, do
21 you have instructions for the remainder of our pool?

22 THE CLERK: Yes. If they will call back the
23 number on their card tomorrow after 6PM.

24 THE COURT: Okay. I don't know if you can hear
25 Madam Clerk, so for our remainder of our potential

1 jurors, you-all will call back tomorrow evening after
2 6:00 the number that is on your card and that will
3 give you further instructions as to whether or not
4 you'll be needed the remainder of the week, all right?

5 But I'm gonna release you for the rest of the
6 day. Thank you-all for being so patient.

7 THE COURT: Let's go off the record.

8 (Recess taken at 11:02 AM.)

9 (Back on the record at 12:07 PM.)

10 THE COURT: Let's go on the record in Boone and
11 let's just go through what motions remain because that
12 way I'm not keeping you-all forever, but I'm breaking
13 at 12:30. That's usually my standard.

14 So let me tell you what I have. Because I was
15 pulling everything and you sent some more stuff for me
16 this weekend, Mr. Johnson, but what I have before me
17 or at least that was filed, and I want to see if it
18 remains an issue, I have the State's motion in limine
19 regarding the character evidence or anticipated
20 character evidence of the alleged victim, **Complainant**.

21 Does that remain an issue that we need to hear?

22 MS. TAYLOR: Yes, Your Honor.

23 THE COURT: Okay. I've got -- give me one
24 second because I have several. I have a -- I had a
25 motion to suppress that Mr. Johnson filed to suppress

1 statements from Mr. Boone to law enforcement during
2 the interview at the Lexington County Detention Center
3 where Mr. Boone was interrogated about phone calls
4 that were allegedly made by the defendant regarding
5 the obstruction charge.

6 Did Judge McCaslin already rule on that?

7 MS. TAYLOR: She has ruled that that specific
8 interview be suppressed; however, there were a couple
9 of things in that motion that has yet to be ruled on.
10 I believe that was the further obstruction evidence,
11 which will be taken up in a further -- in an
12 additional motion that Mr. Johnson filed.

13 MR. JOHNSON: That's correct, Your Honor.

14 THE COURT: Okay.

15 All right. Then I also have -- there was a
16 motion for continuance that Judge McCaslin ruled on.

17 Do you need to put anything on the record
18 regarding that motion or anything else that we need --
19 the Court needs to address regarding your request for
20 a continuance?

21 MR. JOHNSON: Just my new motion for continuance.
22 That previous motion was denied by Judge McCaslin and
23 I've got a copy of that motion dated October 7th. My
24 new motion is dated October 12th. I don't have any
25 additional information except for the fact that the

1 defendant was charged in the indictment the solicitor
2 just brought today. I was appointed by Judge McCaslin
3 and so since then I've been appointed as counsel and
4 my point is the same. There's additional information
5 that was explored by the State that's related to the
6 obstruction charge. Since I was appointed three days
7 ago or four days ago, I would argue that the whole
8 trial should be continued due to allow fair treatment
9 of my client since this is a case that was just
10 brought, Your Honor.

11 I think there's some people that I have not
12 talked to yet. There is some evidence related to
13 those witnesses that was provided, however, some
14 people would still need to be tracked down
15 specifically as they've chosen to go forward with this
16 charge.

17 THE COURT: All right. Yes, ma'am.

18 MS. TAYLOR: Yes, Your Honor.

19 The only evidence that we intend to introduce as
20 far as the obstruction goes is the jail -- are the
21 jail calls that Mr. Johnson has been in possession of
22 since September 8th and then there was one last batch,
23 just a few -- very few calls, that was turned over on
24 October 2nd.

25 As we were going through these in preparation for

1 this trial, we would put Mr. Johnson on notice for
2 different concerning calls that we came across where
3 the defendant is actively attempting to obstruct
4 justice by securing the victim's absence in this trial
5 by paying her off, promising her different things.

6 So that -- there has been nothing additional
7 turned over as far as the obstruction goes since we
8 had our telephone conference with Judge McCaslin on
9 October 8th and it was denied on the very same
10 grounds.

11 THE COURT: All right. And so Judge McCaslin's
12 already addressed this. I don't find there's any
13 material change in circumstances or additional
14 discovery that's been provided and so then her ruling
15 denying the motion to continue would stand and I would
16 deny that motion.

17 MR. JOHNSON: Thank you, Your Honor.

18 THE COURT: All right. And then our next motion
19 that I have -- I'm sorry -- I've got a motion to
20 suppress that was filed by Mr. Johnson. This is
21 regarding letters and online texts or e-mail messages
22 from the Lexington jail that the State intends to use.

23 Is that still an issue?

24 MS. TAYLOR: Yes, Your Honor.

25 MR. JOHNSON: I believe it is, Your Honor.

1 THE COURT: Okay. So then we need to address
2 that.

3 I've got the motion to suppress a 9-1-1 recording
4 that the State intends to use.

5 Does that still remain an issue?

6 MS. TAYLOR: Yes Your Honor.

7 THE COURT: All right. I have a motion to
8 suppress all the multiple jail call recordings that
9 the State intends to use.

10 Does that remain an issue?

11 MS. TAYLOR: Yes, Your Honor.

12 THE COURT: I have a motion to suppress
13 photographs that the State intends to use.

14 Does that remain an issue?

15 MS. TAYLOR: Yes, Your Honor.

16 THE COURT: I have another motion to suppress
17 that was filed by Mr. Johnson that there are audio and
18 video recordings that the State intends to use that
19 are different than the ones I just referenced.

20 MS. TAYLOR: That's correct. That's outstanding.

21 THE COURT: All right. And then I have a motion
22 to suppress pursuant to Jackson v. Denno that the
23 defendant was questioned by agents of law enforcement
24 while in custody. It's captioned as a separate motion
25 than the one Judge McCaslin gave me with her ruling on

1 it.

2 Is this a separate motion with separate
3 statements?

4 MS. TAYLOR: Yes, Your Honor. That was when he
5 was taken into custody originally.

6 THE COURT: Okay. And then I've got a motion
7 that's entitled motion to reveal the deal.

8 Does that remain an issue?

9 MS. TAYLOR: Yes, Your Honor. And if you want, I
10 can put that on the record right now very briefly.

11 THE COURT: I'm gonna go through each one.

12 MS. TAYLOR: Okay.

13 THE COURT: I think some of these we're gonna
14 handle pretty quickly.

15 MR. JOHNSON: Also quickly, Judge, I think
16 they've answered that question, but we can put that on
17 the record at the appropriate time.

18 THE COURT: Okay. I'll move it to the top of my
19 stack, okay?

20 Then I've got a motion to suppress. This is the
21 testimony of the alleged victim, **Complainant**, that you
22 had your investigator on standby, so I'm gonna move
23 that to the top of my list as well because that way --
24 I know he's been waiting patiently and I may need to
25 hear from him.

1 All right. Then I've got -- I may have copies of
2 stuff, so there was a motion to suppress the recorded
3 jail calls, and that we were gonna address. I think
4 that is one of the other motions.

5 MS. TAYLOR: Yes, Your Honor.

6 THE COURT: Then I have a motion to suppress the
7 statements from Ricky Spires.

8 Does that remain an issue?

9 MS. TAYLOR: I think he wants to suppress the
10 evidence of the assault on Ricky Spires by the
11 defendant during the course of the events.

12 MR. JOHNSON: Right. That's still an issue.

13 THE COURT: Okay. Then I want to hear it. Hold
14 on. I want to look at my list and see how much we can
15 get done before lunch.

16 All right. And then -- are there any other
17 motions?

18 MR. JOHNSON: We have a CAD report motion if they
19 are offering a CAD report as they've indicated in
20 place of actual an 9-1-1 call. That's a motion that I
21 sent Your Honor.

22 Also a motion regarding testimony of Patricia
23 Ray. They gave two separate one-page reports. One of
24 a live interview of Patricia Ray, one of a telephone
25 call of Patricia Ray, and I got specific in my motion

1 as to why I object to both of those.

2 THE COURT: Okay. And then -- hold on. We're
3 gonna through them. I just want to see what motions
4 I've got because there some were filed last night,
5 which I have not looked at, and then --

6 MR. JOHNSON: Yeah, that's one from last night.

7 THE COURT: Okay. And then there's --

8 MS. TAYLOR: There's one more.

9 THE COURT: And then there's another one from
10 last night. This is -- I don't know if this is a
11 duplicate of the other one. It's dated October 12th.
12 It's a motion to suppress multiple jail call
13 recordings that the State intends to use in this case,
14 but maybe these are all the same jail recordings.

15 MR. JOHNSON: It is.

16 MS. TAYLOR: Right.

17 MR. JOHNSON: And really what I did was I tacked
18 on the motion because I want to make it clear I'm
19 objecting to testimony regarding a conversation if
20 they don't have a person here that is part of the
21 conversation, not just the jail call recording but
22 that person's live testimony, if they're gonna say I
23 talked to the defendant at the jail but there's been
24 no audio recording offered, I'm also objecting to that
25 testimony on that end.

1 THE COURT: All right. Well, let me -- that
2 remains an issue then.

3 What else have we got? I feel like I've got
4 duplicates.

5 MR. JOHNSON: A general motion to suppress
6 evidence on the obstruction charge. That was one I
7 sent over. That was previous.

8 THE COURT: I got that one.

9 MR. JOHNSON: Ricky Spires assault. And, of
10 course, we included a new motion for discovery on the
11 obstruction charge just to be clear and to cover all
12 the motions.

13 THE COURT: Okay.

14 All right. So -- and then I've got the
15 discovery. So I'm gonna try -- before lunch I'd like
16 to at least try to address the motion to reveal the
17 deal, the motion to suppress the testimony of Complainant
18 [REDACTED], and the motion for additional discovery.

19 So -- and then we're gonna break for lunch and
20 come back and we'll do the remainder so that we are
21 ready to roll starting first thing at 9:30. And when
22 I say 9:30, it's to start at 9:30, it's not a roll
23 into the courtroom and set up at 9:30. It is the jury
24 is walking in at 9:30, I will give them a preliminary
25 charge and you guys will open if you're gonna open.

1 MR. JOHNSON: Yes, ma'am.

2 I'll just put on the record also I talked to the
3 solicitor about -- I think she's in agreement -- I
4 want to sequester the State's witnesses during these
5 pre-trial proceedings and trial.

6 THE COURT: Okay.

7 MS. TAYLOR: Yes.

8 THE COURT: Do you have anybody other than your
9 lead case agent that's here that needs to be
10 sequestered?

11 MS. TAYLOR: Nobody additional.

12 THE COURT: Okay.

13 All right. So that's always granted.

14 All right. So now let's start with the first
15 one, which is the motion to reveal the deal. You-all
16 seem to have resolved that, so let me hear on that so
17 that I can address that.

18 All right. So, yes, ma'am.

19 MS. TAYLOR: All right. So there have been
20 absolutely no offers, promises or anything offered in
21 exchange for Ricky Spires's testimony. I put
22 Mr. Johnson on notice of that over an e-mail in
23 writing, but also just wanted to put it on the record
24 today, and we have reiterated that with Mr. Spires
25 twice now in person.

1 THE COURT: Okay.

2 All right. Does that satisfy you, Mr. Johnson?

3 MR. JOHNSON: Well, it does cover that motion,
4 Your Honor. They've just indicated they've had no
5 offers to convey. I left that as an open-ended thing
6 because this motion doesn't just apply to him
7 potentially because they had a lot of civilians on
8 that witness list, so obviously if there's anyone else
9 that's been made an offer we need to know about it.

10 THE COURT: Have you made an offer to anybody
11 else who's on your witness list?

12 MS. TAYLOR: No, Your Honor.

13 THE COURT: All right. And then certainly,
14 Mr. Johnson, you can question them and ask them on
15 cross-examination and if they say that they were made
16 an offer, then we'll take a break and we'll address
17 it, but the State has indicated they have not made
18 them any offers.

19 MR. JOHNSON: Very good. Thank you.

20 THE COURT: All right. Then that resolves that
21 one.

22 MS. TAYLOR: I have one question for
23 clarification on the sequestration.

24 THE COURT: Yes, ma'am.

25 MS. TAYLOR: Does that apply to the defense's

1 investigator as well? He's the only person on their
2 witness list.

3 THE COURT: Well, he's the next person -- he's
4 the next motion, so it would. Yes, ma'am, it would.
5 What's good for goose is good for the gander, but it's
6 the next motion.

7 MS. TAYLOR: Okay.

8 THE COURT: All right. So the motion that I have
9 before me is Mr. Johnson's motion to suppress the
10 testimony of the alleged victim, **Complainant**, and he's
11 asking me to suppress this pursuant to South Carolina
12 Rules of Evidence 601 and 602.

13 What's contained in the motion is that the State
14 intends to offer the testimony of **Complainant**
15 regarding the alleged incidents that were set forth in
16 the indictments and that **Complainant** indicated to the
17 defense investigator, Mark Jones, on three occasions
18 that she was under the influence of illegal drugs and
19 could not remember the event.

20 All right. So, Mr. Johnson, tell me -- I
21 understand those rules, but tell me why I would
22 exclude her testimony when certainly the State could
23 present her as a witness. She could testify to the
24 facts as she knows them based on her personal
25 knowledge, you could cross-examine her and you can

1 call your investigator in the event that she said no,
2 I was completely lucid, I wasn't under the influence
3 of drugs, this is what I remember.

4 MR. JOHNSON: Well, Judge, just specifically
5 because of her statements to my investigator, I think
6 it would challenge that portion under 601 and 602
7 about having personal knowledge if she's indicated she
8 does not have personal knowledge because she was so
9 high, but obviously the limit of the testimony of Mr.
10 Jones, my investigator, would be she made that
11 statement that she was under the influence of illegal
12 drugs and was unsure of what happened as a result, but
13 that would be the limit of his testimony, Your Honor.

14 THE COURT: Okay. And so let me just ask the
15 investigator.

16 Did she tell you that?

17 INVESTIGATOR JONES: Yes, Your Honor, she did.

18 THE COURT: All right. This motion I'm taking
19 under advisement. This is gonna be based on whatever
20 she testifies from the witness stand. It would be
21 premature for me to exclude her testimony. And then
22 after I hear from her, if you want to renew your
23 motion or we can address it at that point in time, but
24 at this time I need to hear what she's going to say,
25 let's just cross-examine her potentially and then you

1 can call your investigator if you need to depending on
2 my ruling.

3 MR. JOHNSON: Thank you, Your Honor. And I'll
4 just say for the court reporter's benefit this was
5 Investigator Mark Jones that just spoke.

6 THE COURT: Thank you.

7 All right. Mr. Jones, you are free to go unless
8 Mr. Johnson needs you.

9 INVESTIGATOR JONES: All right. 9:30 in the
10 morning.

11 THE COURT: Okay. Then I'd like to address the
12 motion for discovery and disclosure of evidence that
13 Mr. Johnson filed with respect to the obstruction of
14 justice charge.

15 As I understand it from the State, you have
16 turned over everything that you are required to turn
17 over pursuant to our discovery rules and Brady; is
18 that correct?

19 MS. TAYLOR: That is correct, Your Honor.

20 THE COURT: Does that satisfy you, Mr. Johnson?

21 MR. JOHNSON: Yes. They've been very
22 cooperative. We sat down actually looking at redacted
23 clips because the big -- the little complicated parts
24 are gonna be all the jail calls and I just wanted to
25 make sure nothing slipped through without being argued

1 on a motion pretrial, so the solicitor was kind enough
2 to let me review her clips with here paralegal, and as
3 long as we have that straight I don't want anything to
4 slip through so we can make the appropriate motions if
5 we don't argue it today.

6 There's a few more things that being are being
7 mentioned on those calls I can mention at this point.

8 Or we can wait until tomorrow, but I'm gonna tell
9 the solicitor in case I want to have prepared another
10 version of some of these clips there was a comment
11 made that I think falls within my objection. I don't
12 know if you want to discuss it on the record at this
13 time or not.

14 THE COURT: I do because we're gonna -- just so
15 you know, Mr. Johnson, the way I roll is I'm gonna
16 handle everything I can --

17 MR. JOHNSON: Yes, ma'am.

18 THE COURT: -- and then during the trial I'll
19 send the jury out if we need to or we may be working
20 during lunch, I don't know, but we are gonna rule on
21 everything I possibly can now today. And we'll break
22 for lunch. My court reporter needs a break, madam
23 clerk needs a break, so everybody in this courtroom
24 can eat and then we're gonna come back and we're gonna
25 finish arguing whatever we don't get to by the time we

1 hit 12:30.

2 So is there -- I mean, does that -- you're
3 mentioning calls. You've got several motions to
4 suppress that mention calls. I'm gonna try to work
5 through as many as I possibly can, but with respect to
6 discovery you filed that motion asking me to address
7 it on the record.

8 Are you satisfied with that?

9 MR. JOHNSON: I am. They appear to have
10 satisfied discovery. We're in constant communication,
11 Judge.

12 THE COURT: Okay. So now let's see if I can't
13 handle some of these. Let's talk about this 9-1-1
14 call because that seems like that might be something
15 that we can address.

16 So Mr. Johnson filed a motion to suppress the
17 9-1-1 call recordings.

18 MR. JOHNSON: Your Honor, the 9-1-1 in this case,
19 just to give a little history, the solicitor was
20 working very hard, she had contacted me and she was
21 attempting to get it modified or clarified somehow by
22 SLED, and that was not done, so they have the original
23 versions that they're offering. The reason for that,
24 this call is pretty garbled. I would argue that for a
25 basis for this 9-1-1 to come in based on my motion

1 here we have -- excuse me, Judge. I'm getting lost in
2 all the motions real quick.

3 THE COURT: That's okay. So you -- you're asking
4 me to suppress it pursuant to Rule 402, 403, 801 and
5 802.

6 MR. JOHNSON: Right. What we're doing is we've
7 got I think -- I'm sorry, Judge. My understanding is
8 they're gonna have to have the testimony -- my whole
9 point is they have to have the testimony of the victim
10 on the call. They have to have the person on the
11 call, whoever that is, to identify the call, it has to
12 be clear, and I just think that -- I anticipate that's
13 gonna be a continuing motion as far as foundation and
14 authentication and -- the statements made on the 9-1-1
15 based on my motion and my continuing demand for proper
16 authentication.

17 THE COURT: Okay. And the motion at this point
18 is denied subject to an objection during the course of
19 the trial, so let's start, one, with foundation.

20 So, first of all, Mr. Johnson, if they can lay a
21 proper foundation through the 9-1-1 operator, the
22 9-1-1 custodian, that a 9-1-1 call came in and this is
23 it, it was maintained in the normal course of
24 business, it has not been modified, then we'll get to
25 the point as to whether or not they can authenticate

1 who the person is on 9-1-1. I don't know what she
2 says. You said it's a little garbled, but
3 nevertheless pursuant to the rule, as least as far as
4 relevancy goes, it is relevant, all right? In any
5 criminal case in which an alleged victim makes a 9-1-1
6 call informing the dispatch of what the issue is, that
7 becomes relevant in terms of whether or not it's more
8 likely than not that Mr. Boone was the perpetrator and
9 whether or not the victim was, in fact, a victim of a
10 crime, so there's that.

11 If you want to challenge in terms of who was
12 actually speaking on the call, let me let her lay a
13 foundation during the course of the trial, you can
14 make your objection, but, quite frankly, if it is
15 audible that the person says this is **Complainant**, this
16 is what's happening, I would certainly find that that
17 would be an appropriate way to proceed forward in
18 terms of allowing it to come in.

19 Further, under a 403 analysis, all evidence is
20 prejudicial, so weighing the probative value of a
21 9-1-1 call versus the prejudicial effect it would have
22 on
23 Mr. Boone, that request is denied. This is more
24 probative than prejudicial. The jury has a right to
25 hear what the alleged victim said to 9-1-1 when she

1 reported it, all right?

2 So that's my initial ruling and then if you want
3 to make your objection during the course of the trial,
4 we will address it, but I may make the same ruling for
5 the reasons that I've just stated.

6 Does the State need to put anything on the record
7 with respect to that?

8 MS. OLER: I think we're okay, Your Honor.

9 THE COURT: All right. Anything further,
10 Mr. Johnson, you need to put on the record regarding
11 that?

12 MR. JOHNSON: No, Your Honor. I think you hit it
13 on the head. We're gonna have to see what happens at
14 trial.

15 THE COURT: That's right.

16 Okay. Let's talk about -- since we've got a few
17 more minutes, let's talk about the motion to suppress
18 that Mr. Johnson filed regarding letters and texts or
19 e-mail messages from the Lexington jail.

20 Does the State intend to present letters from the
21 jail or texts or e-mail messages that Mr. Boone may
22 have or may not have sent from the Lexington County
23 Detention Center?

24 MS. OLER: Yes, Your Honor.

25 THE COURT: Okay. And with respect to those text

1 messages, e-mails or letters, Mr. Johnson, what is
2 your basis for requesting that I suppress them other
3 than 402 or 403?

4 MR. JOHNSON: I think -- well, it's just what I
5 put in there; relevance, authentication, and a big
6 part of that I think would be relevance, Your Honor.

7 THE COURT: Okay. So tell me why these relevant.

8 Let me ask the State. Why are these relevant?
9 Give me a proffer as to what these say.

10 MS. OLER: Your Honor, this also goes to the
11 evidence of the obstruction. These are statements by
12 the defendant from the jail.

13 THE COURT: But what do they say? Because he's
14 saying it's not relevant to this trial.

15 MS. OLER: Your Honor, he's promising this victim
16 certain things if she doesn't appear, he's asking her
17 not to appear, he's making statements about the
18 underlying crimes of this case, about -- I mean, just
19 the crimes that are here and the ways that he's
20 attempting to keep this victim from being present for
21 the trial.

22 THE COURT: All right. Mr. Johnson, that sounds
23 pretty relevant to me, especially with respect to the
24 obstruction. If there are messages -- as long as they
25 can lay a foundation. As long as they can lay a

1 foundation as to where they came from, who maintained
2 them, how they obtained them, if there's statements of
3 the defendant with respect to persuading a witness,
4 promising a witness, it goes to obstruction.

5 MR. JOHNSON: And, Your Honor, that, once again,
6 goes back to the same issue of authentication because
7 we're talking about stuff coming out of the jail. I
8 don't know who's passing what around or sending
9 messages and whether we even know of that in trial.

10 THE COURT: All right. So right now the motion
11 is denied subject to any objection on foundation or
12 him being able to challenge how these were obtained by
13 law enforcement, all right? So that's gonna resolve
14 that motion.

15 Let me see if there's one more that we can kind
16 of take up before lunch that's shorter.

17 Talk to about, Mr. Johnson, the motion to
18 suppress the photographs that the State intends to
19 use.

20 MR. JOHNSON: Your Honor, they've got photographs
21 they're alleging are injuries to **Complainant** I
22 would argue, of course, once again, they've got
23 photographs of -- like, for instance, they've got an
24 arm with an injury on it. There's no testimony -- if
25 there's no testimony, anything to say well, there's an

1 injury but that injury is related to this incident
2 because they actually have within their evidence
3 statements by the victim and they're talking about
4 well, this scratch is from this time and this injury's
5 from this time.

6 So my point would be as far as photographs of
7 injuries of photographs of the victim, they're gonna
8 have to get specific because they've got a case where
9 they've got multiple events taking place in the past.

10 THE COURT: All right. Let me ask the State. Do
11 you intend to use photographs?

12 MS. TAYLOR: Yes, Your Honor.

13 THE COURT: All right. So at this point in time
14 the motion is denied subject to the State laying the
15 proper foundation as to who took these photographs,
16 what's being represented in the photographs.

17 And then, Mr. Johnson, certainly you can renew
18 your objection to them before I let the jury see them,
19 but -- or it may be that I let them in and you
20 cross-examine on these older injuries. But if they
21 can lay foundation, they're coming in.

22 MR. JOHNSON: Yes, ma'am.

23 THE COURT: Okay.

24 All right. Let's -- it's 12:30. I'm happy to
25 keep going and taking a short break, but I'm very

1 mindful of Madam Clerk and my Madam Court Reporter.

2 (Discussion off the record.)

3 THE COURT: All right. So the next motion that
4 I have is going to be -- I've got multiple jail
5 recordings, multiple audio and video recordings, so
6 let me look at that motion.

7 So Mr. Johnson has a motion to suppress multiple
8 audio and video recordings that the State intends to
9 use in this case under relevancy and 403, it's gonna
10 be prejudicial and confusing, and so I can't tell if
11 this is just the jail calls or if there's a video that
12 the State intends to introduce that Mr. Johnson is
13 objecting to as well.

14 MS. TAYLOR: My understanding is that it is the
15 body-worn camera and we've already -- I've already
16 discussed it with Mr. Johnson that we only intend on
17 introducing two very short clips from the responding
18 officer Sergeant Willie Harris's body camera. The
19 only other audio or video after the jail calls and all
20 that would be possibly from Deputy Spires's body
21 camera, but at this time for sure we do intend on
22 introducing those two clips from Officer Harris's body
23 camera when he first arrives on scene.

24 THE COURT: All right. Mr. Johnson, it sounds
25 like there's only two clips that they intend to use

1 from the body-worn camera and I'll address the jail
2 calls in just a moment.

3 Are you still asking me to exclude those?

4 MR. JOHNSON: Yeah, the two clips that sent me
5 are a body-worn camera and it appears this is an
6 incident where the defendant was taken into custody
7 several days after the incident, they've got some
8 statements they're trying to use, which, of course,
9 would tie into the Denno obviously when we're prepared
10 to go forward with that. They've got officers
11 standing around and talking to them and they're
12 claiming that they want to use a portion of this
13 conversation where we see the defendant sitting there.
14 So this objection is in addition to Denno because he's
15 in police custody at the time and so that would
16 address that. That is separate from the jail calls.

17 THE COURT: Okay.

18 All right. So it may be that I've got to hear
19 the Jackson v. Denno and then I can rule on whether or
20 not those videos come in.

21 But with respect to a relevancy objection or a
22 403 objection, the prejudice or confusion, that
23 portion of the motion is denied. If this comes in
24 after I find out some more information about how the
25 statements were made, when they were made, whether or

1 not Mr. Boone was in custody, whether or not they were
2 voluntary, but, otherwise, they are more probative
3 than prejudicial.

4 I do not find that they would confuse the jury, but
5 you can renew your objection during the course of the
6 trial.

7 MR. JOHNSON: Yes, ma'am.

8 THE COURT: All right. So let me see if I can
9 take a look at your motion to suppress. You said law
10 enforcement has created a CAD report related to a
11 9-1-1 call that they intend to use at trial. You're
12 asking me to exclude it based on the fact that it's
13 irrelevant or it's prejudicial or confusing under 403.

14 Let me ask the State. Do you intend to use this?

15 MS. OLER: Yes, Your Honor.

16 THE COURT: Okay. And why is it relevant?

17 MS. OLER: Your Honor, it's relevant because the
18 CAD that he's specifically referencing in that motion
19 was the CAD from a call from the victim that came in
20 just prior to the incident that occurred immediately
21 after that.

22 So there was a 9-1-1 call. There's a CAD for
23 that. We do not have the audio, but there is a CAD
24 for that. The officer came out, cleared that scene,
25 left and immediately after he left this happened. So

1 it's relevant for those reasons.

2 THE COURT: Mr. Johnson.

3 MR. JOHNSON: I argue the relevance. They're
4 saying that -- what they're saying is **Complainant** came
5 out and said oh, there's a -- I think there's a light
6 on in the trailer, call the police, the police come
7 out, said there's nothing going on and they left and
8 then later they're alleging that she went in the
9 trailer and then they're alleging my client assaulted
10 her. So this was prior to the incident and I don't
11 see how that would be relevant.

12 THE COURT: So why is it relevant again?

13 MS. OLER: It's immediately prior to this
14 incident and also we believe that you will hear
15 testimony from the witness on-scene that he was with
16 our victim because she had said that the defendant was
17 following her and she was scared that he was going to
18 be there. He went back with her to the house, she saw
19 the lights on at the house and at the time believed
20 that the defendant either had been there or was there,
21 called law enforcement to have it cleared.
22 Immediately after law enforcement clears, this assault
23 happens.

24 So it goes to corroboration of the victim's story
25 up to that point that she was being followed that day

1 by the defendant.

2 THE COURT: All right. Based on that proffer at
3 this point in time I'm denying your motion. You can
4 renew your objection after I hear the testimony, but
5 nevertheless it does appear to be relevant to what
6 we're doing here today considering I'm relying on the
7 State's proofer.

8 MR. JOHNSON: Yes, ma'am.

9 THE COURT: All right. Now let me address the
10 motion to suppress filed by Mr. Johnson that says the
11 State produced a statement from Ricky Spires who
12 alleges that he was attacked by the defendant during
13 the incident involved in the charges listed above.

14 Talk to me about that, Mr. Johnson.

15 MR. JOHNSON: Well, there's no allegation in the
16 indictment about attacking Ricky Spires. It's not in
17 the indictment, there's never a warrant that's been
18 served on my client for assaulting Mr. Spires.
19 They're saying that he's going to testify to that.
20 They have an interview. There's a body cam video with
21 a person named Ricky Spires or I assume the person
22 identifies himself as Ricky Spires is on this body
23 camera talking to the officer that initially comes
24 out, but there's never been a charge of assault
25 against Ricky Spires.

1 THE COURT: All right. Let me ask the State. Do
2 you intend to introduce this information?

3 MS. OLER: Yes, Your Honor.

4 THE COURT: How is this not improper character
5 evidence? This is a prior bad act or a bad act that
6 occurred in conjunction with whatever was occurring.
7 Why should I even let this in?

8 MS. OLER: Well, Your Honor, according to Lyle it
9 can be used if one intends to prove the other.

10 Your Honor, Ricky Spires is not gonna testify in
11 his capacity as a victim of a crime. He is testifying
12 to what was happening in this event. So Ricky
13 Spires's testimony will be that he was there with the
14 victim. As we just established, she was scared, she
15 had been followed by this defendant. Ricky Spires is
16 in the home and sees the defendant attacking this
17 victim and Ricky Spires intervenes and then that is
18 when there is a physical interaction between defendant
19 and Ricky. Ricky is just gonna paint the picture of
20 this incident. It's actually not a prior bad act and
21 according to Lyle it literally is so closely connected
22 to the crime at issue that it tends to prove, it
23 corroborates that, Your Honor.

24 THE COURT: Mr. Johnson, I posit that what was
25 happening is, is that there was some altercation that

1 occurred between Mr. Boone and Mr. Spires unrelated to
2 the incident, but if this is an officer who's gonna
3 come forward and testify that he saw Mr. Boone
4 attacking **Complainant** and he interviewed, which then
5 resulted in a scuffle between him and Mr. Boone or an
6 altercation --

7 MR. JOHNSON: That's not -- he's not an officer.
8 Ricky Spires is --

9 THE COURT: Not an officer. I'm sorry. A
10 witness.

11 MR. JOHNSON: Ricky Spires is gonna -- it's my
12 understanding he's gonna testify that he was in there
13 and he struck my client with a bat to defend **Complainant**
14 but he puts in there that he was assaulted as he says
15 on the body camera, that he was assaulted by my
16 client, so he's alleging an assault on himself where
17 there's no warrant that's ever cut for that. My
18 client's never charged in that.

19 THE COURT: Are you planning to play that portion
20 of the body-worn camera?

21 MS. OLER: We're not -- no, there's no body-worn
22 camera with that on there. And, again, Ricky's
23 questioning -- Ricky's line of questioning will be the
24 incident between he and **Complainant** and how he was
25 involved, what he observed, what happened, just

1 setting the scene. He's not testifying that he is a
2 victim, Your Honor.

3 THE COURT: Okay. So with that representation,
4 Mr. Johnson, your motion is denied. Pursuant to
5 Lyle I believe it's appropriate testimony, but it is
6 limited to him explaining the incident and how he
7 intervened without going into I was assaulted. Just
8 what happened. And then you can renew your motion,
9 Mr. Johnson, when he starts to testify.

10 MR. JOHNSON: Well, I will point out they've
11 got --

12 THE COURT: There's no body-worn camera that says
13 I was assaulted?

14 MS. OLER: That's not in either of the clips that
15 we are entering.

16 MR. JOHNSON: However, some jail phone calls
17 reference that and in the clip -- in the clips they
18 showed me there's at least one referencing that,
19 alleging my client striking Ricky Spires.

20 THE COURT: The jail call with Mr. Boone talking
21 to whom?

22 MR. JOHNSON: I believe this is him and David --

23 MS. OLER: I believe it's he and a relative, Your
24 Honor.

25 MR. JOHNSON: It's him and a relative saying

1 yeah, I hit him. The caller said I hit Ricky and --

2 THE COURT: Well, we'll talk about the calls here
3 in a moment, but right now my ruling is no body-worn
4 camera from an officer interviewing Mr. Spires where
5 he says I was assaulted, that's not coming in, but
6 he can testify to what happened, what he saw and what
7 Mr. Boone did and how he intervened, and if that
8 resulted in Mr. Spires getting hit or struck or that
9 Mr. Boone was attempting to hit or strike him, that's
10 all coming in.

11 MR. JOHNSON: Okay. So you're saying he can
12 testify he was assaulted by Mr. Boone during that
13 scuffle? He can testify to that?

14 THE COURT: He can testify to specific facts as
15 to what happened. This is the representation. This
16 is the proffer that the State is giving me. Mr.
17 Spires saw Mr. Boone and **Complainant** in a physical
18 altercation. Mr. Spires then went to intervene on her
19 behalf. That's all coming in. Mr. Spires can testify
20 as to what Mr. Boone did when he was trying to pull
21 him off of **Complainant** or her being between the two of
22 them. If that means that Mr. Spires testifies that
23 Mr. Boone struck him, threatened to strike him, shoved
24 him, knocked him down, that's all coming in. Under
25 Lyle that's appropriate, okay?

1 MR. JOHNSON: I understand.

2 THE COURT: But you can renew your objection --

3 MR. JOHNSON: I will. Thank you.

4 THE COURT: -- and then I'll put it on the
5 record, but my ruling at that point in time is
6 she's correct under this scenario, but no body-worn
7 camera out with Mr. Spires being interviewed by law
8 enforcement. That's not coming in. We're leaving
9 that alone. And she's represented the State isn't
10 gonna do that anyway.

11 All right. So now that leaves me with multiple
12 jail calls and a Jackson v. Denno.

13 Let me ask about, first of all, the -- and then
14 we're gonna break for lunch.

15 What about the motion to suppress? Because law
16 enforcement has created reports related to a telephone
17 call and an interview with Patricia Ray. It says the
18 first report created by law enforcement relates that
19 Ms. Ray reported over phone about a conversation she
20 had with David Warner and then a second report came
21 in.

22 What are you asking me to suppress, Mr. Johnson?

23 MR. JOHNSON: Well, I would ask you to suppress
24 within her testimony about -- she says during her
25 statement to law enforcement about seeing my client

1 moving in this incident location. She makes the
2 statement that I put in the motion. It says she told
3 law enforcement she found a machete, hammer and
4 crowbar leaning upright as if staged. So she sort of
5 makes an assumption and finds something on her
6 property, which is I think the property line or fence
7 to this other property where witnessed some event at
8 the incident location, so I'd argue that's not
9 relevant. She told police she found something sitting
10 over here. There's no evidence that I see tying this
11 machete, hammer, anything to the event and she's sort
12 of making an assumption that these were staged. I
13 think that would all be prejudicial, it wouldn't
14 relevant.

15 But then it goes onto say there's a conversation
16 Ms. Ray says she has with David about payment to
17 **Complainant** where David tells her that. I would argue
18 that, of course, they would have to bring in David to
19 testify and then if he says he didn't say that, they
20 could call her in response and say that's a prior
21 inconsistent statement and say well, David just said
22 he didn't say it, then they can bring her, but they
23 can't bring her without calling David.

24 THE COURT: All right. Let me first start does
25 the State intend to elicit from Ms. Ray that she saw a

1 machete and a pipe leaning up against the house?

2 MS. TAYLOR: That's correct, and I can explain
3 the relevance and how it ties.

4 THE COURT: Okay.

5 MS. TAYLOR: So Ricky Spires will testify and so
6 would the victim that during the course of the assault
7 the defendant was holding some type of metal object in
8 his hand and that was one of the weapons that was used
9 to assault her.

10 THE COURT: Is anybody gonna be able to identify
11 what that weapon is?

12 MS. TAYLOR: Ricky -- I think Ricky said that
13 there was something that looked like it could have
14 been that weapon that he was holding. Patricia Ray
15 lives directly next door. Her testimony would be that
16 she heard this commotion, she heard loud screaming,
17 banging, she goes out onto her porch to see what's
18 going on and shortly after sees the defendant come
19 through the woods towards her property and later on
20 she finds these objects leaning up against a tree in
21 her backyard.

22 So the relevance would be that that would
23 corroborate Ricky Spires's testimony that it could
24 have been one of the weapons that was used in the
25 course of this assault.

1 THE COURT: Okay. So stop right there. Before
2 the State even goes there, I'm inclined to grant his
3 motion. That is pure speculation. You've got to have
4 somebody who's gonna identify that and so if you can't
5 lay a foundation -- it certainly would be relevant if
6 that is, in fact, the weapon that was used, but you've
7 got to lay a proper foundation.

8 So my preliminary ruling is, is don't you get
9 into that without laying a proper foundation. She
10 can't just say she heard a scuffle and she came out
11 and she'd never seen these things before and there
12 they were. That would be improper.

13 MS. TAYLOR: I understand.

14 THE COURT: But see if you can lay a foundation
15 and then we'll excuse the jury to talk about it if we
16 need to, but if you can't get there on foundation you
17 know I'm gonna exclude it.

18 MS. TAYLOR: I understand.

19 THE COURT: All right. Then the second thing
20 that Mr. Johnson's complaining about is impermissible
21 hearsay and he is correct, you can't just have her say
22 so and so told me that this is what happened.

23 MS. TAYLOR: Correct. We don't anticipate --
24 that was just a phone call. I would also clarify that
25 these were not statements she gave to law enforcement,

1 these were statements given to our investigator,
2 Mr. Sullivan, and that was just what put us on notice
3 that there could be obstruction of justice going on in
4 these jail calls, so we don't intend to elicit that at
5 all.

6 THE COURT: Okay. Perfect.

7 All right. Mr. Johnson, does that satisfy you?

8 MR. JOHNSON: Well, subject to the testimony and
9 laying a foundation.

10 THE COURT: I know. You can renew your
11 objection, but if they lay a foundation I may let
12 some of this in.

13 Okay. That brings us to the Jackson v. Denno and
14 all these jail calls, so I say let's break for lunch
15 and then come on back and we will kind of get started.

16 It is 12:45, so how about 1:45?

17 Madam Court Reporter, does that give you enough
18 time?

19 THE COURT REPORTER: Yes, that's fine.

20 THE COURT: All right. So let's say 1:45 and
21 we'll get started back up with the Jackson v. Denno
22 and the jail calls.

23 MR. JOHNSON: Your Honor, I'll say the -- I'm
24 sorry. I just found this other motion.

25 THE COURT: That's okay.

1 MR. JOHNSON: This was a motion to suppress all
2 evidence regarding the obstruction charge. This was
3 filed October 6th -- well, drafted October 6th. I
4 believe this was -- well, this was the 6th, so this
5 is before the charge was brought, so I think this is
6 something that I've already addressed in the specific
7 motions for the obstruction evidence, the jail calls,
8 so I'm just gonna set that aside since I have been
9 appointed and that's back on, so I think we've covered
10 everything.

11 THE COURT: All right. And that also leaves you
12 with the State's motion in limine as well that we'll
13 address.

14 All right. We'll see you-all back at 1:45.

15 (Whereupon, a luncheon recess was taken at
16 12:46 PM.)

17 (Back on the record at 1:46 PM.)

18 BAILIFF: Please be seated. Court's again in
19 session.

20 THE COURT: Thank you-all. I hope you had a good
21 lunch.

22 All right. Let's go ahead and go back on the
23 record so that we can continue to go through our
24 motions.

25 All right. So I think what might be easiest is

1 -- do you-all want to do the Jackson v. Denno and then
2 go into the multiple jail calls and statements?

3 MS. TAYLOR: That works for us.

4 THE COURT: Does that work?

5 MR. JOHNSON: Yes.

6 THE COURT: Okay.

7 MS. TAYLOR: We also do have a really quick
8 stipulation to an issue in the trial if you want to
9 put that on the record.

10 THE COURT: Yeah, go ahead and put that on the
11 record.

12 MS. TAYLOR: So at this time that this incident
13 occurred, the defendant was out on bond for a separate
14 DV HAN involving the same victim and there was a
15 no-contact order issued by Judge McLeod as a condition
16 of that bond.

17 We have -- Mr. Johnson and I have spoken about
18 this and we have agreed to the stipulation that if
19 that no-contact comes up in trial, instead of saying
20 no-contact order or that he was on bond for anything,
21 we will simply refer to it as a court order
22 prohibiting him from having contact with the victim.
23 And we had this in a trial earlier this year and it
24 seemed to work out then as well.

25 THE COURT: Mr. Johnson, do you agree with that?

1 MR. JOHNSON: I agree, Judge, but obviously we're
2 gonna hold them to the standard, they still have to
3 prove he entered without consent for that burglary
4 charge, we're not stipulating to that.

5 THE COURT: I understand. But just in terms of
6 how it's referred to in front of the jury, you're okay
7 with that?

8 MR. JOHNSON: Correct.

9 THE COURT: And that seems very appropriate. I
10 agree.

11 All right. Do you you-all want to go ahead and
12 let's address all of the defendant's statements that
13 are the subject of the Jackson v. Denno. And as I
14 understand it, we have statements when he was arrested
15 and then thereafter -- or is it just those statements
16 that we're addressing on the Jackson v. Denno?

17 MR. JOHNSON: That's my understanding. I don't
18 have any other statements. These are two short clips
19 where it appears the defendant was taken into custody
20 four days after the incident. Officers are -- he's
21 surrounded by officers, they're talking to them. My
22 point is obviously, and Your Honor can review that, I
23 think the whole thing together is about 45 seconds in
24 both clips, he's not given any type of Miranda, and
25 our position would be under Denno that should go be

1 disqualified and suppressed.

2 THE COURT: Okay.

3 All right. Yes, ma'am. What's your position?

4 MS. OLER: Thank you, Your Honor.

5 We have the clips. We can provide those for Your
6 Honor.

7 Your Honor, our witness will be Officer Spires.
8 He is the one who transported the defendant on his way
9 to the jail, Your Honor. Officer Spires's testimony
10 as confirmed by the body cam, he didn't ask the
11 defendant any questions whatsoever. The defendant
12 just talked the whole time, volunteered these
13 statements. There were absolutely no questions by
14 Officer Spires. These were volunteered statements,
15 Your Honor, that would be our position. However, I
16 don't believe at this time we intend to use those
17 statements, but I'm happy to call him and let you hear
18 the testimony and see his body cam as a Court's
19 exhibit.

20 THE COURT: Okay. So if you're not intending to
21 use them, then --

22 MR. JOHNSON: If they're not gonna use them,
23 Judge, we don't have --

24 THE COURT: All right. If you're not intending
25 to use them, then he has no issue and --

1 MR. JOHNSON: I don't -- I'm not aware -- the
2 only other statements they intend to use would be the
3 jail calls.

4 THE COURT: That's what I was thinking, too.

5 MR. JOHNSON: Unless they have other interviews.

6 THE COURT: All right. Then I'm not gonna put
7 you-all through that. Let's talk about these jail
8 calls because there's a lot of motions to suppress the
9 calls.

10 Mr. Johnson, so tell me specifically what your
11 issue is. Since the Jackson v. Denno is now moot,
12 what is your issue with the calls?

13 MR. JOHNSON: Your Honor, they've given me some
14 clips that I reviewed today and this is -- I'm sorry,
15 I'll stand up.

16 THE COURT: That's okay.

17 MR. JOHNSON: They redacted -- we've been
18 wrestling with these calls for a while. They gave me
19 some dates and times, so this morning we went over
20 them and when you look at -- my motion is about
21 testimony about the conversations and the actual
22 recordings themselves. We're objecting to both.

23 When you look at it, it -- I talk about
24 confrontation clause. Every phone call involves the
25 defendant and somebody else. To my knowledge those

1 people are not testifying. It's David, there's a lady
2 in here, I think Corina, there's a few other people
3 that are in the call. Our general point is they have
4 to call the other person to testify, otherwise, they
5 cannot be cross-examined. Under the confrontation
6 clause, none of these phone calls should be coming in.

7 The other point would be certain things said in
8 there, whether or not -- the argument that it's not
9 relevant, that it's hearsay and more prejudicial than
10 probative. We've also got -- the redacted versions,
11 when I reviewed them, they're involving two people,
12 the conversation's between two people, and they are
13 not calling the other person to testify unless that
14 changes.

15 So we still argue confrontation clause and
16 relevance and more prejudicial than probative, but
17 also goes into very specific things.

18 THE COURT: Well, I --

19 MR. JOHNSON: There's one where the -- on the
20 recording it appears there's a statement -- they're
21 trying to play a statement where the defendant called
22 the victim a name, and that would be prejudicial. I
23 think this would be on July 20th there's a reference
24 and I can say it -- I guess I have to say it.

25 THE COURT: You have to say it because I haven't

1 heard the call, so I don't know.

2 MR. JOHNSON: It's on July 20th. There's a
3 reference to "crotch cricket" and that's a statement
4 that appears -- they're saying the defendant's using
5 that to describe the victim. I think that's
6 prejudicial. There's not relevance for that. They
7 don't need that. I think that could be cut out.

8 There's -- there's a statement to that. There's
9 also -- well, since they've been allowed to go forward
10 on the obstruction, Your Honor, all I can say is my
11 general hearsay objection and prejudicial, but there
12 are some things they're trying into that obstruction,
13 which they've been allowed to go forward on.

14 So I would just say I would like redacted out the
15 name used --

16 THE COURT: The crotch cricket?

17 MR. JOHNSON: Yeah. I think that's wrong. I
18 think it's in one call at least, but also my general
19 objection to any phone call coming in where I can't
20 cross-examine the person on the other side. They're
21 not calling them. I think it was David and there's a
22 lady, I think it's the Corina lady or Crissy. So
23 there's other people on their witness list, but
24 they're not calling those witnesses, so we would
25 object to these coming in under confrontation clause

1 as well, Your Honor.

2 THE COURT: Okay. So let me just find out from
3 the State. My understanding was before we broke for
4 lunch was that you-all had narrowed it down to some of
5 the calls that you're gonna be using that would go
6 towards the obstruction charge, which just for the
7 record you-all had a conference call with the chief
8 administrative judge. She is permitting the State to
9 go forward over defense's objection on the
10 obstruction, so that's already been ruled on.

11 The calls that you-all are going forward on are
12 between Mr. Boone and a third-party, in which I'm
13 anticipating that you're gonna tell me is Mr. Boone
14 talking about the victim and what he's gonna do to
15 persuade her not to testify is what I'm assuming.

16 Give me a proffer as to what we're talking about.

17 MS. OLER: Your Honor, Mr. Boone is talking about
18 the crimes for which he is here for, burglary and the
19 DV first.

20 THE COURT: Okay.

21 MS. OLER: He then also goes into the
22 obstruction. So all of those are statements. There
23 are -- I believe we have 20 clips.

24 Your Honor, our position is that there is no
25 confrontation clause issue here because these are Mr.

1 Boone's statements himself. So like any -- and I have
2 the clips, I'm happy to let Your Honor hear them,
3 narrowed down to what we intend to use, but, Your
4 Honor's it's things like -- for instance, I was
5 looking over my notes that I made, so on the 20th I
6 believe what he might be referring to is I believe the
7 defendant says to -- we have two calls, but in one of
8 those from that particular date, he says something
9 like did call that crotch crick and tell her that the
10 deal's off after this week, so it gives context to who
11 he's speaking about. If we just say that the deal's
12 off this week, the clip doesn't make sense. And,
13 again, any other statements or any other -- anything
14 that you hear from the other party on the call is like
15 yeah, well, what did you think that she said, well,
16 what do you think she's gonna do. They are not
17 accusatory towards Mr. Boone. These are Mr. Boone's
18 statements and so there is no confrontation clause
19 because nobody is accusing him of anything. They are
20 his statements, Your Honor.

21 And so I've prepared for Your Honor, if you want
22 to look, there is case law to support our position.
23 Your Honor, there are two cases and there's a case
24 from here in South Carolina where this was almost the
25 exact same issue, these jail calls were permitted.

1 I'm happy to provide that or put it on the record,
2 but, Your Honor, they're clearly relevant, they're not
3 more prejudicial, but they are very probative to the
4 underlying crimes and to the obstruction that occurred
5 thereafter, Your Honor, since the defendant's been in
6 jail and there's no Sixth Amendment issue here with
7 confrontation because they are his statements and his
8 alone, Your Honor.

9 THE COURT: What about that, Mr. Johnson? I
10 mean, on these jail calls, I mean, they're Mr. Boone's
11 statements to third parties in which he is making the
12 affirmative statements. This isn't a third party
13 who's trying to, let's say, for example, get something
14 out of Mr. Boone. Like these aren't entrapment calls
15 or -- I'm trying to think of a scenario where the
16 confrontation clause would come into play. Her
17 proffer is that these calls are essentially uh-huh,
18 what did you think about that, and he's just talking.

19 MR. JOHNSON: Well, that's not quite true.
20 That's not quite true, Judge.

21 THE COURT: Okay.

22 MR. JOHNSON: Like on September 21st, they've got
23 a call dated September 21st with David. David I think
24 is a cousin, family member of the defendant. It says
25 here -- the term crotch cricket was used, then it says

1 yeah, I met her at twelve, gave her a thousand
2 dollars.

3 So that's from David and that appears to be their
4 theory of their case that he's guilty of obstruction
5 for trying to help make these phone calls and
6 facilitate and use David as an assistant in providing
7 this thousand dollars. And so that's a statement by
8 David, that's not by the defendant, and my argument,
9 of course, is they're not calling David, so,
10 therefore, I think the confrontation clause does
11 apply.

12 There are other phone calls where David is
13 talking. He's talking to David on May 21st about
14 moving the trailer and there's kind of a huh, yeah,
15 okay, but that's a conversation about what they're
16 picturing or what they're portraying as obstruction
17 evidence and David is in that conversation as a person
18 agreed to help come along, so -- and that's part of
19 their case, that's part of their evidence. And
20 clearly where he's saying I gave her a thousand
21 dollars is David, that's not the defendant. I would
22 argue he would have to testify, he would have to be
23 here, and to my knowledge they're not calling him.

24 There's other phone calls where David is talking.
25 We have the -- just to kind of go through it, let's

1 see, on August 22nd he's talking, but he's kind of
2 giving the affirmation of what they're talking about
3 and he goes yeah, that's good. Then it says --
4 there's a conversation between David and the defendant
5 on a February 11th phone call at -- it says 18-19
6 where he says well, what did you do about -- how did
7 you do a first degree burglary and then they're
8 alleging there's a statement by the defendant
9 following that saying well, I went in there and did
10 that and that in relation to burglary. So that's a
11 conversation involving David making that statement to
12 him and asking questions.

13 THE COURT: I thought that was Mr. Boone's
14 statement?

15 MR. JOHNSON: No, this is a statement by David
16 saying why are they charging you with burglary, what's
17 that all about, and then there's a response by the
18 defendant, so they want to use that saying he's
19 confessing to the burglary after questioning from
20 David, and that's on that call. And David's on
21 several of these calls and there are some females on
22 the calls, but I think that -- you know, I understand
23 their point like on one where he says -- you know, on
24 August 22nd where he kind of says yeah, that's good
25 and there's some comments, but there's other ones

1 where he's asking that question or making the
2 statement of I delivered a thousand dollars to her in
3 reference to the victim.

4 THE COURT: That's the only one I'm concerned
5 about, but I don't think they're offering it for the
6 truth. I think they're offering it to show that the
7 defendant is asking him to do these things in order to
8 -- in order to persuade her not to prosecute or not to
9 testify or not to show up.

10 All right. So at this point in time I'm denying
11 the motion. I'll let you renew it during the course
12 of the trial and let them lay a proper foundation.
13 I'm very familiar with jail phone calls. I mean, I
14 used to be a defense attorney so I've been down this
15 road before, but, Mr. Johnson, I do believe the case
16 law supports their position because they're not
17 offering these statements for the truth of the matter,
18 it's not an entrapment situation. This is a situation
19 where they're offering them to show that Mr. Boone was
20 talking to third parties to try to figure out a way to
21 persuade or stop **Complainant** from coming into court.

22 MR. JOHNSON: Right, and I also feel like that
23 phone call is kind of similar to the thing we talked
24 about earlier with Ms. Ray where she alleged that she
25 talked to David and David reported hey, I paid a

1 thousand dollars over to Complainant, so by letting that
2 call in, it's a statement from David saying oh, I paid
3 her a thousand dollars without David being here, and
4 that is why I'm concerned.

5 THE COURT: Well, I'm only -- the only calls I'm
6 addressing right now are the calls that Mr. Boone made
7 from jail to third parties.

8 MR. JOHNSON: Yeah, that's what I'm talking
9 about. The third-party call with Ms. Ray.

10 THE COURT: But I'm not allowing a call between,
11 let's say, David, for example, and Pat or the
12 neighbor. None of that's coming in.

13 MR. JOHNSON: No, no, that was a live
14 conversation, but I'm just comparing it to the phone
15 call because it's the defendant and David having a
16 phone call and since David makes this statement about
17 I paid a thousand dollars, I would argue that he would
18 have to be here to testify so I could cross-examine
19 him, and that's all.

20 THE COURT: All right. And you've made your
21 record, but nevertheless I'm still denying your
22 motion.

23 Now with respect to asking the Court to require
24 redaction of the phrase "crotch cricket", I'm not
25 certain how the jury would understand who he was

1 speaking to if there wasn't a reference. Although
2 that may be prejudicial, I think the probative value
3 certainly outweighs the prejudicial nature of calling
4 the alleged victim by a derogatory name.

5 MR. JOHNSON: Yes, ma'am. And we also maintain
6 our objection to all jail calls in my previous motion
7 based on relevance and more prejudicial than
8 probative, and we're gonna maintain our objection on
9 that.

10 And that's all I really have in addition to these
11 clips they're offering. I just wanted to point that
12 out.

13 THE COURT: Okay.

14 All right. So your objection is preserved and if
15 you want to renew it during the course of the trial,
16 but nevertheless provided there's appropriate
17 foundation to establish the jail phone calls between
18 the defendant and third parties regarding persuading
19 those third parties, talking to those third parties
20 about attempting to have the alleged victim either
21 bribed or persuaded not to testify or to come to
22 trial, then that motion is denied.

23 MR. JOHNSON: Okay. And so we're not doing
24 Denno, they've agreed not to use the body camera
25 clips.

1 THE COURT: They're not to use it and if for some
2 reason they change their mind, we'll have to take a
3 break and pick it up at lunch.

4 MR. JOHNSON: Okay. I was gonna ask a question
5 about rap sheets. I don't know if Your Honor wants to
6 go there right now.

7 THE COURT: Certainly.

8 MR. JOHNSON: Okay. We just have -- it's my
9 understanding they're gonna call Ms. Ray and they're
10 gonna call Ricky Spires and they've provided rap
11 sheets on those individuals. They had some other
12 individuals, but I have not received rap sheets on
13 them, I don't know if they're calling them if it
14 matters. And some of these people I think they're not
15 calling. I'll leave them to explain that.

16 THE COURT: Okay. So, yeah, tell me where
17 you-all are at.

18 MS. TAYLOR: So we have provided rap sheets for
19 **Complainant**, Ricky Spires and Patricia Ray, which are
20 the lay witnesses we intend on calling at this time.
21 I can provide criminal histories for the remainder of
22 them, but those are the ones we intend on calling at
23 this time. I leave it in the Court's discretion.

24 MR. JOHNSON: I mean, I don't know if -- they're
25 not calling them?

1 THE COURT: If they're not gonna call them, I
2 don't think it's necessary, but if you are calling
3 them he's definitely entitled to them.

4 MS. TAYLOR: Absolutely.

5 MR. JOHNSON: Okay. And in particular, Judge,
6 I'll just read what I've seen on the rap sheets as far
7 as trying to use them.

8 THE COURT: Sure.

9 MR. JOHNSON: The biggest one is Ricky Spires.
10 There's stuff older than ten years that I e-mailed the
11 solicitor about. There's a failure to stop in '05 and
12 a domestic violence in 2012.

13 Within ten years there's a domestic violence in
14 2015, false information to police 2020, distribution
15 of meth 2020, receiving stolen goods 2020, and false
16 information to police 2022, so that's Ricky Spires.

17 THE COURT: Okay. What are you asking me?

18 MR. JOHNSON: I was gonna use those in
19 cross-examination.

20 THE COURT: Okay. Any objection by the State?
21 And if there is an objection, you've got to give me
22 the basis for the objection.

23 MS. OLER: I'm sorry. I just want to make sure
24 I'm clear. We're talking about the ones within the
25 last ten years, right?

1 MR. JOHNSON: Well, I e-mailed them, Judge, about
2 the two outside the ten years. The two outside are a
3 failure to stop and a domestic violence. There's a
4 failure to stop from 2005 and there's a domestic
5 violence 2012. Those are the outside the ten years.

6 MS. OLER: Your Honor, I would argue that those
7 are remote and also not relevant to anything here. As
8 far as I'm aware, there's no relation for his domestic
9 violence charge to anyone involved in this case. It's
10 also outside of the time period allowed for that, so I
11 fail to see the relevance, Your Honor.

12 THE COURT: So, Mr. Johnson, what about that?
13 It's outside the time period.

14 MR. JOHNSON: Well, I just notify the Court I
15 e-mailed the solicitor and I was gonna try and use
16 them and I leave it up to the Court.

17 THE COURT: Well, she's objecting. Under the
18 rules of evidence, you've got to stay within the
19 ten years.

20 MR. JOHNSON: Yes, ma'am. Well, within the ten,
21 the rest of them starting in 2015.

22 THE COURT: Yeah.

23 MR. JOHNSON: And that's it.

24 THE COURT: Okay.

25 All right. Anything else on behalf of the

1 defense? Because then I've got the State's motions in
2 limine that I've got to look at.

3 THE COURT: Okay.

4 MR. JOHNSON: That's for Spires.

5 THE COURT: This is actually -- the motion I'm
6 looking at, Mr. Johnson, is they want me to exclude
7 any improper or prejudicial character evidence
8 regarding the victim **Complainant**.

9 MR. JOHNSON: I though we were talking about raps
10 still.

11 THE COURT: Oh, I'm sorry.

12 MR. JOHNSON: That's okay. But the Court's gonna
13 allow me to ask Mr. Spires about those ten years and
14 younger?

15 THE COURT: Yes.

16 MR. JOHNSON: Okay. And then on **Complainant**,
17 there's burglary, domestic violence. That's 2009.

18 THE COURT: If it's outside the ten, you've got
19 to stick to the rules of evidence.

20 MR. JOHNSON: Right, right. There's a petit
21 larceny in 2022, which shows a conviction, and there's
22 a criminal conspiracy showing a conviction in 2022, so
23 that would be what I have for **Complainant**.

24 THE COURT: Any objection by the State? And if
25 so, you've got to give me the basis.

1 MS. TAYLOR: No objection. I think those are
2 fair game.

3 THE COURT: It's fair game. I agree.

4 MR. JOHNSON: Thank you, Judge.

5 THE COURT: Okay. Now what about their motion to
6 exclude any prejudicial or improper character
7 evidence? What are you asking me to exclude and what
8 are you intending to go into, Mr. Johnson?

9 MS. TAYLOR: So my understanding -- the basis for
10 this motion was based off the reciprocal discovery
11 that we received from Mr. Johnson. There are text
12 messages alleged to have come from the victim to his
13 investigator where she is stating that she was high on
14 drugs, under the influence of something, and she
15 doesn't accurately recall. She's not specifying which
16 incident we're even talking about. We don't even know
17 if it truly came from her, things of that nature, so
18 that's why we're moving to exclude that evidence
19 because it would be more prejudicial than probative,
20 as well as being prior bad acts there's been a lot of
21 discussion on the part of the defendant about all this
22 kind of stuff that's speculation or improper that the
23 victim may have engaged in and I don't think it's
24 relevant. And, again, I think it's more prejudicial
25 than probative at this point in the case.

1 THE COURT: All right. So to start with
2 , Mr. Johnson, the allegations regarding **Complainant**
3 telling the defense investigator that she may have
4 been high and she doesn't really know and she can't
5 really remember, that's coming in with a proper
6 foundation. You can renew objection at the time,
7 okay, because it is what it is, you-all. I mean, it's
8 prejudicial, but all evidence is prejudicial. So, I
9 mean, we just have to see what **Complainant** says and she
10 may say I don't know why I said that, I don't know
11 what incident that is, and then, Mr. Johnson, you're
12 stuck with her answer.

13 But with a proper foundation let's see what
14 happens, so it's under advisement, but, you know, more
15 likely than not I'm going to let it in depending on
16 what she says on the witness stand.

17 MS. TAYLOR: I understand.

18 THE COURT: But now let's talk about these prior
19 incidents. What are you intending to get into, Mr.
20 Johnson, with here? Other than I was too high to know
21 what was going on.

22 MR. JOHNSON: Literally I'm talking rap sheet and
23 I'm talking statements to my investigator saying I'm
24 too high and I can't remember well and if she says I
25 didn't say that, I would argue -- not to argue with

1 the Court, but I would argue that would make it
2 admissible for Mr. Jones because it's about a prior
3 inconsistent statement.

4 THE COURT: That probably would open the door,
5 but let's see what's said.

6 MR. JOHNSON: Right, right. And that's it.

7 MS. TAYLOR: Okay. That's all I needed to know.

8 THE COURT: Okay. And that's what they're asking
9 because the rest of the motion is what other issues
10 are you gonna go into between her and Mr. Boone or
11 some third party that I don't know about.

12 MS. TAYLOR: Right.

13 MR. JOHNSON: Yes, ma'am.

14 THE COURT: All right. Any other motions on
15 behalf of the State that I haven't seen? Because I
16 have so many copies of motions. I think I have
17 everything.

18 MS. TAYLOR: Nothing further from the State.

19 THE COURT: Mr. Johnson, you had lots of motions,
20 but I feel like I had several copies of motions.

21 Did I address all of your concerns?

22 MR. JOHNSON: I believe you did, but I just get
23 these same things popping up year after year, so I was
24 gonna ask a very basic question. Usually a solicitor
25 likes to do a little aerial photo or something. If

1 she's done that, I'd like to take a peek at it. I
2 don't think I have an objection to it.

3 THE COURT: Okay. Are you-all gonna use an
4 aerial photo?

5 MS. TAYLOR: We do have a couple versions of the
6 aerial photo; one that includes like the road and
7 their names I believe and one more that's more just
8 like literally an aerial view. I can absolutely let
9 him take a look at that before.

10 THE COURT: Okay.

11 MR. JOHNSON: And if they've got photographs,
12 which I think they do, if they want to present those
13 to me, I can just look at them and we can shorten
14 things tomorrow.

15 THE COURT: That's okay. That's perfect, too.

16 All right. So she has no problem letting you
17 look at the aerial photos, which I think is
18 appropriate, and then any other photos that you wanted
19 to take a look at, that's fine, too.

20 MR. JOHNSON: Thank you, Judge.

21 THE COURT: Okay. Anything else that we need to
22 address evidentiary-wise before tomorrow?

23 MS. TAYLOR: I don't believe so. I think we're
24 okay.

25 MR. JOHNSON: I don't believe so.

1 THE COURT: Okay. With respect to jury
2 instructions, I have pretty much a standard charge.
3 They're not my charges, so nothing offends me. I
4 generally have my law clerk hand you a written copy
5 of it so you can take a look at it. I don't know.
6 That's just always been my practice to do that. When
7 I was in city court, I did it, and I do it now. So
8 they're standard and nothing offends me. They're not
9 my charges. It's not like I drafted. I'll tell you
10 if I did, but even then, if you-all don't like them,
11 that's fine, but they're just gonna be the standard
12 charges.

13 MS. TAYLOR: Okay.

14 THE COURT: Unless there's something that you're
15 asking for that's not in the standard charge, but
16 they're pretty much basic preliminary, credibility of
17 witnesses. I don't think there's any experts in this
18 case, but if there's an expert they're like what's
19 evidence, what's not evidence, burden of proof, and
20 then it's just gonna go into the law on each one of
21 the charges.

22 MR. JOHNSON: Okay. Judge, thank you for
23 bringing that up. It reminded me I had e-mailed the
24 Court a self-defense charge. I think that went beyond
25 the charge we should be asking for. It was from a --

1 I think where lethal force was used.

2 So I was gonna ask the Court if you have your
3 standard self-defense charge, if I could get a copy of
4 it and see what it is, that's something I might be
5 asking for at the end of the trial.

6 THE COURT: Okay.

7 MS. TAYLOR: And we would object to a
8 self-defense charge because we don't believe there's
9 any facts in evidence to support it.

10 MR. JOHNSON: And, of course, we'd wait until the
11 end.

12 THE COURT: Yeah, let me take a look and see what
13 the -- I saw that you had a self-defense, but I just
14 -- unfortunately for that I've got to see what the
15 evidence shows and then we can see if you can get
16 there.

17 MR. JOHNSON: Yeah. I think it had some language
18 that wouldn't apply, so I was gonna -- just be curious
19 about what your standard self-defense looked like.

20 THE COURT: I'll get Dan to pull our standard
21 charge and send it to you, but you're gonna have to
22 get over the hurdle of getting it there, but let's
23 just see what the evidence is gonna show.

24 MR. JOHNSON: Yes, ma'am. Thank you.

25 THE COURT: Okay. I'm trying to think if there's

1 anything else we need to do before we get started. I
2 think we should be good.

3 MS. TAYLOR: I think so.

4 THE COURT: Okay. So I'd like to start right at
5 9:30 so we can at least see how far we go. I
6 generally, just for timing-wise, I don't like to give
7 the jury a case if it's after 3:30 --

8 MS. TAYLOR: That's okay.

9 THE COURT: -- just because I feel like they'll
10 rush through their decision. I could be wrong, but
11 we'll see how it goes.

12 MR. JOHNSON: Yes, ma'am.

13 THE COURT: And so you're anticipating all day
14 tomorrow for the State's case?

15 MS. TAYLOR: I believe, yes.

16 THE COURT: And then creep into Wednesday?

17 MS. TAYLOR: Yes.

18 THE COURT: Okay. So we'll just see how
19 Wednesday goes then.

20 MS. TAYLOR: Okay.

21 MR. JOHNSON: Thank you, Judge.

22 THE COURT: I can't think of anything else need
23 we need to do.

24 Anything else I can help you-all with before we
25 get started tomorrow?

1 MS. TAYLOR: We're okay.

2 MR. JOHNSON: I think we're good.

3 THE COURT: All right. Then I'll see you-all
4 tomorrow and we'll get started right at 9:30.

5 MR. JOHNSON: Thank you.

6 (Whereupon, the proceedings for October 13, 2025,
7 were concluded at 2:14 PM.)

8 (The following proceedings were held October 14,
9 2025, beginning at 9:25 AM.)

10 (State's Exhibit No. 1 through 46 were marked for
11 identification.)

12 BAILIFF: All rise. Court is now in session.
13 The Honorable Jessica Salvini presiding.

14 THE COURT: Thank you. How are we doing this
15 morning?

16 MS. TAYLOR: Great.

17 THE COURT: Good. Do we need to do anything
18 before we bring our jury in?

19 MR. JOHNSON: Briefly, Your Honor.

20 THE COURT: Okay.

21 MR. JOHNSON: I was trying to make sure I wasn't
22 confusing anybody yesterday and the solicitor was kind
23 enough to kind of point me in the right direction
24 here.

25 THE COURT: Okay.

1 MR. JOHNSON: I filed my motions and one of them
2 was the objection to all audio and video recordings
3 and yesterday we did have a discussion where there was
4 a body camera video clip I think four days after the
5 incident where the solicitor indicated they're not
6 using that when the defendant is talking and they're
7 not gonna have testimony about it, they're not gonna
8 use it, and so we didn't have a Denno.

9 THE COURT: That's right.

10 MR. JOHNSON: So there's another clip that they
11 are trying to use, which is when the officer --
12 another officer is walking up and responding and the
13 incident and then the victim comes out and makes a
14 statement and I think in the video names my client, so
15 we're objecting to that.

16 We've already filed the objection to audio/video
17 recordings regarding hearsay. The solicitor's, of
18 course, got her argument for why she thinks it's
19 admissible, but I would just reiterate the point,
20 we're objecting to that. I don't know if you want to
21 ask questions and rule on it or wait for them to lay a
22 foundation for that.

23 THE COURT: All right. So is that correct?

24 MS. TAYLOR: That's correct. It is two very
25 short clips. I think in totality they're probably

1 less than a minute of the responding officer's body
2 camera when he responds to the scene. He'll testify
3 that she was distraught, she was upset, she was
4 disheveled and when you see the clip you'll see how
5 she was still sniffing, she still crying, she's
6 freaking out that he may still be on the property,
7 asking the officers did you see him, things of that
8 nature, so our argument would be that this is all
9 under the excited utterance exception to hearsay.

10 THE COURT: Is she gonna show up and testify?

11 MS. TAYLOR: I'm not sure at this time.

12 THE COURT: Are you playing that this morning?

13 MS. TAYLOR: It would be our -- let me see --
14 third witness, so we could get to it before lunch. It
15 may be afterward. It just depends on how the morning
16 goes.

17 THE COURT: Okay. Let's see how the morning
18 goes, but before you call that witness let's readdress
19 it.

20 MS. TAYLOR: Okay. And I can proffer -- I can
21 play the clip for you.

22 THE COURT: I'm gonna want to see it. If that's
23 the proffer, that it's an excited utterance.

24 MS. TAYLOR: I understand.

25 THE COURT: So let's go ahead -- let's get the

1 jury in and let you-all open, let me give them the
2 preliminary charge, call your first two witnesses and
3 then we'll take a break and maybe I can view the clip.

4 MS. TAYLOR: All right.

5 THE COURT: Does that sound good?

6 MS. TAYLOR: It sounds good.

7 THE COURT: All right. All the jurors are here,
8 so they're right on time ready to go.

9 Anything else, Mr. Johnson?

10 MR. JOHNSON: Well, I renew my motion for a
11 continuance. Of course, I understand the Court denied
12 that. I renew all our motions and objections.

13 And it's my understanding, Your Honor, you're
14 going to allow Ricky Spires to testify despite my
15 objection to that and you said that that was something
16 you were going to allow and I was trying to limit that
17 testimony.

18 THE COURT: You're gonna have to remind me
19 because we went over about ten or twelve motions and I
20 -- my recollection is, is that Spires is going to
21 testify regarding coming to the property I believe. I
22 thought it was to try to establish what he saw in
23 terms of maybe perhaps some -- maybe it's what they
24 alleged was the weapon. I'm not certain.

25 MS. OLER: He's gonna --

1 THE COURT: Oh, wait. Also he's gonna testify to
2 -- is he the witness who's gonna testify to when he
3 showed up the two of them were in an altercation and
4 he intervened?

5 MS. OLER: Yes, ma'am. That's Mr. Spires.

6 MR. JOHNSON: He was in the house. Yeah, he's
7 gonna testify he was in the house with the victim and
8 then testify, I believe, the defendant came in and
9 they got -- basically got into a fight. He's saying
10 he got into a fight with Mr. Boone.

11 THE COURT: Are you renewing your objection to
12 him saying that he was a victim of an assault?

13 MR. JOHNSON: Yeah, that was one where I said
14 there was never warrant cut, there was never any
15 charges brought about assaulting him and I think
16 you --

17 THE COURT: My ruling was though that he could
18 testify to exactly what happened when he showed up,
19 what he personally observed, what he did to intervene
20 between the defendant and the alleged victim and he
21 was not going to say I'm a victim of an assault
22 because they didn't charge him, but he is allowed to
23 testify to specifically what happened.

24 MR. JOHNSON: So if he --

25 THE COURT: If he says, for example, Mr. Boone

1 took a swing at me, I'm gonna let that in.

2 MR. JOHNSON: Right, and I believe I'm free to
3 then pursue that line of questioning about the fact
4 that there was no assault charge brought.

5 THE COURT: Certainly. Because I'm letting it
6 in.

7 MR. JOHNSON: Yes, ma'am.

8 And on Ms. Patricia Ray, you limited -- you
9 granted the motion on that because there was that
10 testimony about or statement about a crowbar and
11 machete leaning up against the fence. And then there
12 was a second statement where --

13 THE COURT: Well, my ruling is that at this point
14 in time that I was inclined to grant your motion
15 subject to the State trying to lay a foundation. If
16 they lay a foundation, we're gonna take a quick little
17 break or we're at least gonna address it at the bench
18 if they're gonna into the I saw a machete and a
19 crowbar.

20 MS. TAYLOR: Yes, Your Honor.

21 THE COURT: They've got to lay the foundation and
22 they know that they're not to ask that question before
23 addressing your objection, but I've got to hear what
24 she's gonna say because I don't know if they're gonna
25 get it there. If she just says there were some tools

1 by the shed, I don't think that's gonna get you-all
2 there, but we'll see. I don't know. I don't know
3 yet.

4 MR. JOHNSON: Okay. And the second part of her
5 testimony would be this statement where she said she
6 had a conversation with David and David says well, I
7 paid a thousand dollars to the victim.

8 THE COURT: I wasn't gonna allow Ms. Kay {sic} to
9 talk about what she had with a third party.

10 MS. TAYLOR: Ray.

11 THE COURT: What the ruling was is Mr. Boone
12 talking with David on the jail call is coming in.

13 MR. JOHNSON: Right, but not talking -- the
14 statement by her about David saying that to her.

15 THE COURT: That would be hearsay.

16 MS. TAYLOR: And we're not gonna introduce it.
17 That was just documented so he would be on notice of
18 what any -- we document any new or clarifying
19 information that any of our witnesses say. It doesn't
20 mean they're coming in.

21 MR. JOHNSON: Very good. Thank you, Judge. That
22 clarifies it.

23 THE COURT: No, that's okay. They're not gonna
24 try to admit something.

25 But, Mr. Johnson, pay attention because I'm just

1 gonna be listening and if you don't object that may
2 cause a problem.

3 MR. JOHNSON: Yes, ma'am.

4 THE COURT: All right. Let's go ahead and we're
5 gonna bring our jury in.

6 While we're waiting for the jury to come in,
7 let me just state for the record since I didn't.
8 Mr. Johnson, your motions that were previously ruled
9 on are preserved and the same rulings still apply for
10 the same reasons we discussed yesterday.

11 MR. JOHNSON: Thank you, Your Honor.

12 THE COURT: Thank you.

13 (Whereupon, the jury enter the courtroom at
14 9:33 AM.)

15 THE COURT: All right. Good morning.

16 Welcome back, ladies and gentlemen of the jury.
17 Go ahead and have a seat for me. I hope that you-all
18 had a restful evening and afternoon getting to leave a
19 little bit earlier and we are starting right on time.

20 So, Madam Clerk, I'm gonna go ahead and swear our
21 jury.

22 THE CLERK: If you'll stand and raise your right
23 hand, please.

24 (Whereupon, the jury was duly sworn by the Clerk
25 of Court.)

1 THE CLERK: Please respond by saying I do or I
2 affirm.

3 THE COURT: All right. Ladies and gentlemen, we
4 are getting read to start this trial. I told you
5 yesterday that I am going to be doing my very, very
6 best to make sure that you are not sitting back in the
7 jury room just waiting on us. So if for some reason
8 during the course of this trial the attorneys need to
9 have me address something, I will try to do that on a
10 break. I'm gonna keep us moving along right on time,
11 but, nevertheless, because of that and since I am so
12 Type A, I try to give us a bathroom break. All the
13 attorneys know that if they need a restroom group,
14 they'll just kind of gonna give me a "hi" sign or tell
15 me Judge, can we take a comfort break, but if for some
16 reason you need a break because you need to use the
17 restroom, grab a drink of water, if you just raise
18 your hand up I know that's what you're indicating to
19 me is that you need a break and I haven't taken one.

20 I generally try to take a break every couple of
21 hours to standup, stretch, use the restroom, get a
22 drink of water, but I will take as many breaks as my
23 jury wants. It is very important to me that you-all
24 are comfortable, that you're relaxed and that you're
25 not worrying about boy, I just really need to use the

1 restroom, I wish she'd just hurry up and take a break.
2 So all you've got to do is raise up that hand and I
3 will go ahead and I will break us.

4 All right. So before we begin, I just want to
5 give you some general instructions. This is not the
6 law in the case. At the conclusion of this trial, I'm
7 going to give you instructions regarding the law that
8 you are to follow. This is just to help you
9 understand the procedure that we're using and so that
10 you understand how this trial is going to work, all
11 right?

12 So you and I have different functions, okay? I'm
13 the trial judge. I'm the judge of the law. You are
14 the factfinders. So it's very important that while
15 you're sitting there that you don't let your mind
16 wander, that pay close attention to the witnesses that
17 testify and the evidence that is received during the
18 course of this trial because only thing then when I
19 ask you to start deliberating can you determine what
20 the facts are.

21 I do not allow jurors to take notes. I want you
22 just to pay close attention to the Court's
23 instructions, what the attorneys are saying and then
24 what the witnesses are testifying to. You are the
25 sole judges of the credibility of those witnesses.

1 And credibility simply means believability.

2 I want you to pay attention to their demeanor
3 on the witness stand and what they tell you and the
4 questions that the attorneys ask because only then
5 can you make a determination as to whether or not you
6 believe what their testimony is.

7 All right. Now a couple of things. When we
8 are on a break, I'm gonna ask you do not discuss this
9 case at all. Do not begin deliberating or commenting
10 on anything that you hear in this courtroom. You are
11 not permitted by law to begin your deliberations until
12 you receive all of the evidence in this case and I
13 tell you that it's time to discuss the case. And
14 that means not discussing this case with your fellow
15 jurors, friends, family members, not text messaging or
16 instant messaging on social media. Likewise, when
17 we're on a break or if we have a lunch break, don't
18 Google anything or do any independent research on
19 anything that you hear in this courtroom or on any of
20 the individuals that testify. You are only to make
21 your decision in the case after you receive all the
22 evidence in this courtroom and it is limited to what
23 you hear in this courtroom and you received into
24 evidence.

25 All right. Now, likewise, when we are on a break

1 everybody in this courtroom, all of the attorneys and
2 parties, have been told that they can't speak to you.
3 So if for some reason we're at a lunch break and you
4 happen to walk past one of these attorneys or somebody
5 here in the courtroom and they just turn around and
6 walk away, they don't even smile at you or make eye
7 contact, they are not being rude. They know they are
8 under strict instructions not to speak to any of my
9 jurors, so please don't take offense that.

10 All right. Now I told you at the outset, and I'm
11 going to remind you now, that Mr. Boone is charged in
12 three indictments. Again, an indictment is simply
13 this piece of paper. That's how a case comes into
14 this courtroom. It is not evidence and is not to be
15 considered evidence by you. It is just the means by
16 which we end up here today.

17 And he is charged in three indictments with
18 obstruction of justice, domestic violence in the first
19 degree and burglary in the first degree.

20 All right. Now I'm gonna make sure that I tell
21 you one other thing before we get started. In a few
22 moments the attorneys are going to be making what is
23 called an opening statement or opening argument to
24 you. Statements by the attorneys are not evidence,
25 but what they are is what the attorneys believe you

1 are going to hear during the course of this trial;
2 meaning what they think the issues are, what they
3 think the facts are gonna show you, but it is not
4 evidence. The solicitor is gonna make their opening
5 statement first. When they're done, the defense may
6 choose to make an opening statement, but they are not
7 required to do so.

8 All right. So I just want you to pay close
9 attention to the testimony and evidence and we are
10 going to begin this trial promptly.

11 Any objections or exceptions to my opening
12 remarks to the jury?

13 MS. TAYLOR: No, Judge.

14 MR. JOHNSON: None from defense, Your Honor.

15 THE COURT: All right. Then are we ready to
16 begin with opening argument?

17 MS. OLER: The State's ready, Your Honor.

18 THE COURT: All right. I'm happy to hear from
19 you.

20 MS. OLER: May it please the Court?

21 THE COURT: Yes, ma'am.

22 MS. OLER: Good morning, ladies and gentlemen.
23 The case before you is one of the oldest tales of
24 time. This is a case about jealousy and violence.

25 In September of 2024, William Boone, the

1 defendant, his relationship with Complainant had
2 deteriorated. Mr. Boone was under a court order not
3 to have any contact with Complainant, but that meant
4 nothing to him. You see, Mr. Boone had decided that
5 he was not going to leave Complainant alone and he was not
6 going to let her live her life without him. So on
7 September 26th of 2024, Mr. Boone entered her home
8 without permission despite the court order that said
9 he had to stay away from her, and he assaulted her.

10 Now after he was charged with those crimes, he
11 continued to make his decision to aggravate -
12 Complainant. I'm sorry. Excuse me.

13 You see, he engaged in blatant obstruction to
14 prevent Complainant from being here, appearing before you
15 and telling you what Mr. Boone did to her. Now, of
16 course, that's just a summary of what occurred in this
17 case and you're gonna get to hear all of that for
18 yourselves.

19 Now as a result of his actions, he sits before
20 you on trial, and as the judge told you, he's charged
21 with burglary in the first degree, domestic violence
22 in the first degree and obstruction of justice, and
23 the judge will give you the law here in a little
24 while, but as we start this trial I want to give you
25 an overview of what you're looking for so that you

1 know it's important to listen.

2 It is our job as representatives of the State to
3 present you with testimony and evidence that proves
4 the defendant committed these crimes beyond a
5 reasonable doubt. But keep in mind that our burden is
6 beyond a reasonable doubt, right? It is not it beyond
7 any and all doubt because the defense may come up with
8 something to try and cast doubt in your mind or maybe
9 distract you from what the evidence shows, but at the
10 end of this trial if the evidence leaves you firmly
11 convinced of the defendant's guilt, confident that he
12 committed these crimes, then we've met our burden and
13 you must find him guilty.

14 Now I'm sure that you-all have heard of domestic
15 violence before. You've seen it in a movie or read it
16 in book or seen it on TV shows, but it's important
17 that you know what it actually means under the law of
18 our state.

19 In South Carolina, the law tells us that a person
20 is guilty of domestic violence if they cause physical
21 harm or injury to a household member and a household
22 member has been defined as someone who they live with
23 in a romantic relationship, they have children with,
24 they were married to or were previously married to.
25 Or they offer or attempt to cause physical harm to the

1 household member with apparent present ability under
2 circumstances creating reasonable fear of imminent
3 peril and they do so while violating a court order
4 prohibiting contact with that victim and the act was
5 committed during a burglary or a robbery or a
6 kidnapping or a theft or the defendant knew or should
7 have known the victim was pregnant or the defendant
8 has two or more convictions for domestic violence or
9 the defendant inflicted great bodily injury or the act
10 was accomplished by means likely to inflict great
11 bodily injury or the defendant used a firearm while
12 committing the offense or a minor was present or
13 perceived the event or the offense was committed while
14 impeding the victim's airflow or breathing.

15 In South Carolina, the law tells us that a person
16 is guilty of burglary in the first degree if the
17 person enters a dwelling without consent and with
18 intent to the commit a crime in the dwelling when in
19 effecting entry or while in the dwelling or in the
20 immediate flight he either causes physical injury to a
21 person who is not a participant in the crime or he is
22 armed with a deadly weapon or explosive or he uses or
23 threatens the use of a dangerous instrument or he
24 displays what appears to be a knife, a pistol, a
25 revolver, a rifle, a shotgun, a machine gun or another

1 firearm or the burglary is committed by a person with
2 a prior record of two or more convictions for burglary
3 or housebreaking or a combination both or the entering
4 occurs or remains -- remaining occurs in the
5 nighttime.

6 And, finally, the law in South Carolina tells us
7 that a person is guilty of obstruction of justice when
8 that person does any act which prevents, obstructs,
9 impedes or hinders of the administration of justice.

10 Members of the jury, what the defendant did on
11 September 26th of 2024 wasn't just wrong, it was a
12 crime, and what he continued to do after September 26,
13 2024, is also just not wrong, it's a crime. And
14 that's why at the end of this trial we will ask you to
15 do what law and justice call for and find the
16 defendant guilty.

17 Thank you.

18 MR. JOHNSON: May it please the Court, Your
19 Honor?

20 THE COURT: Yes, sir.

21 MR. JOHNSON: First thing let's do, let's hang
22 all the lawyers. Who said that? I think it was
23 Shakespeare. Not that I read Shakespeare because I
24 usually don't understand Shakespeare, but when he said
25 that he was talking about some people trying to take

1 over the government and what they were really saying
2 was these lawyers, they like to shuffle their papers
3 around and keep talking about people's rights, so
4 let's kill all the lawyers. Because he wanted to form
5 a government and you can't fuss about people's rights
6 in that situation, they just wanted to be in control.

7 Well, who's the government? That's the
8 government right there. There's the government. The
9 solicitor's office. They've got offices all in this
10 courthouse, they've got all these people working for
11 them and all these resources, and it's the government
12 that has the burden. And the judge will explain the
13 law to you about the burden they have, proof beyond a
14 reasonable doubt, but they're gonna explain that, but
15 you have to understand.

16 This is my client. This is Mr. Boone. Mr. Boone
17 was born and remains innocent. We're all born
18 innocent. He remains innocent unless they carry their
19 burden. They have to transform, they have to change
20 him into a guilty person. That's their job, they have
21 that burden, and I would submit to you think about
22 what they're offering you, review it very carefully.
23 There gonna bring up a witness named Ricky Spires.
24 When you hear him, you've got to consider do you
25 believe him beyond a reasonable doubt. That's for you

1 to consider. That's their case.

2 When you listen to all of the evidence and you
3 look at all of the stuff they're trying to talk about,
4 don't just pay attention to what they're bringing.
5 Look at -- think about what are they not bringing.
6 That's for you to consider as well. Are they carrying
7 their burden? Do you believe their witnesses? Have
8 they provided everything they're supposed to provide
9 or could have provided? Well, that's for you to
10 consider as well.

11 I appreciate your attention and hopefully we're
12 gonna reach the truth and I think the truth is they're
13 gonna fail in that burden.

14 Thank you.

15 THE COURT: All right. Is the State ready to
16 call their first witness?

17 MS. OLER: Yes, Your Honor. The State calls
18 Melissa Drafts.

19 THE COURT: All right.

20 (Whereupon, Melissa Drafts was duly sworn by the
21 Clerk of Court.)

22 THE CLERK: Thank you.

23 If you'll have a seat over there, please. If you
24 will state your name and spell your last for the
25 record, please.

1 THE WITNESS: Melissa Drafts. D-R-A-F-T-S.

2 MS. OLER: Permission to approach the witness,
3 Your Honor?

4 THE COURT: Yes, ma'am.

5 MS. OLER: Thank you.

6 MELISSA DRAFTS,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. OLER:

10 Q. Good morning, Ms. Drafts.

11 A. Good morning.

12 Q. Can you tell us where you currently work?

13 A. Lexington County Communications.

14 Q. And tell us a little bit about the kind of work
15 you-all do there.

16 A. We receive 9-1-1 calls, as well as administrative
17 calls, process all of those, dispatch police, fire, EMS.

18 Q. Does that include emergency calls for police?

19 A. Yes, ma'am.

20 Q. And how does the Lexington County Communications keep
21 a record for those calls?

22 A. We have it in the computer-aided dispatch software,
23 known as CAD.

24 Q. I'm sorry.

25 A. It's known as the CAD.

1 Q. Okay. The CAD. Are those audio calls -- are those
2 calls audio-recorded?

3 A. Yes, ma'am.

4 Q. And how long are those audio recordings for 9-1-1 kept
5 by you?

6 A. Ninety days.

7 Q. And when a 9-1-1 comes in, who answers the call at
8 Lexington County Communications?

9 A. Our call-takers and dispatchers do.

10 Q. Do dispatchers have a way of documenting the time and
11 other information that comes in?

12 A. Yes, ma'am.

13 Q. Okay. Does that include information from law
14 enforcement who respond to the scene?

15 A. Yes, ma'am.

16 Q. Okay. Does that include information about the time
17 of law enforcement's arrival and/or departure?

18 A. Yes, ma'am.

19 Q. Okay. And are those CADs and audio recordings
20 normally kept or maintained in the normal course of
21 business for Lexington County Communications?

22 A. Yes, ma'am.

23 Q. Okay. And what is your title at Lexington County
24 Communications?

25 A. I am the compliance officer.

1 Q. Okay. And as the compliance officer for Lexington
2 County Communications, are these recordings and CADs
3 maintained and kept under your control?

4 A. Yes, ma'am.

5 Q. Okay. In this particular case, can you tell us if
6 there were any 9-1-1 calls received by Lexington County
7 Communications?

8 A. Yes, ma'am.

9 Q. Okay. And can you tell us was there one call or how
10 many calls were there?

11 A. Two calls.

12 Q. Okay. And what is the time and date associated with
13 the first phone call?

14 A. The first phone call was September 26, 2024, at
15 1:45 AM.

16 Q. And who was the caller listed as?

17 A. The caller was listed as --

18 MR. JOHNSON: Objection, Your Honor, based on
19 previous motion and objection.

20 THE COURT: All right. That's overruled, but,
21 nevertheless, you've preserved your objection based on
22 our discussions yesterday.

23 You can go ahead and answer the question.

24 THE WITNESS: The caller was **Complainant**

25 MS. OLER: I beg the Court's indulgence one

1 moment.

2 THE COURT: Take your time.

3 BY MS. OLER:

4 Q. I'm sorry, Ms. Drafts. You said the caller was who?

5 A. Complainant

6 Q. Okay. And what was -- I'm sorry. I tried to turn it
7 so you could see it.

8 MR. JOHNSON: That's all right.

9 BY MS. OLER:

10 Q. And what was the phone number that came in for this
11 call?

12 A. 9375.

13 Q. ?

14 A. 9375.

15 Q. Thank you. And did the caller state their purpose in
16 calling?

17 A. Yes, ma'am.

18 Q. Okay. And generally what was the nature of that call?

19 A. The nature of this call was harassment and threats.

20 Q. Okay. And what was the street address to which law
21 enforcement actually responded?

22 A. 1 ABC Lane.

23 Q. Is that in Lexington County?

24 A. Yes, ma'am.

25 Q. And do you know what area of Lexington County that is?

1 A. That is our south region in Gaston.

2 Q. Okay. Was an audio recording of this call made?

3 A. Yes, ma'am.

4 Q. Okay. And was it preserved as part of the record
5 here?

6 A. No, ma'am.

7 Q. Okay. I'm gonna show you what's previously been
8 marked as State's 1.

9 MS. OLER: Permission to approach?

10 THE COURT: Yes, ma'am.

11 BY MS. OLER:

12 Q. Do you recognize this?

13 A. Yes, ma'am. It's a printout of our computed-aided
14 dispatch system.

15 Q. Okay. And how do you know that's what that is?

16 A. It's the call cards that contain all of the
17 information that we keep. It's the printed version of our
18 digital system.

19 Q. Okay. And does that appears to be altered in any way?

20 A. No, ma'am.

21 MS. OLER: Your Honor, at this time I would move
22 to enter State's 1 into evidence.

23 MR. JOHNSON: Your Honor, we renew our motion and
24 objection, as well as objection based on lack of
25 foundation and authentication.

1 THE COURT: Overruled. But, nevertheless, your
2 objection is preserved from yesterday regarding the
3 rules of evidence for the same reasons that I stated
4 on the record then.

5 MR. JOHNSON: Yes, ma'am.

6 (State's Exhibit No. 1, CAD Record No. 1, was
7 admitted into evidence.)

8 BY MS. OLER:

9 Q. You testified that the first call in this case was
10 received at 1:45. Can you tell us according to the CAD
11 what time law enforcement cleared the scene?

12 A. Yes, ma'am. Law enforcement cleared the scene at
13 2:16 AM.

14 Q. Okay. The first call was 1:45 AM. Is that what you
15 testified to?

16 A. Yes, ma'am. 1:45 AM.

17 Q. And law enforcement cleared -- I'm sorry, can you tell
18 me one more time?

19 A. 2:16 AM.

20 Q. Okay. And can you tell us what the date and time
21 associated with the second call was?

22 A. The second call was September 26, 2024, at 2:51 AM.

23 Q. 2:51. And what number -- can you tell us what number
24 that call came in from?

25 A. [REDACTED]-9375.

1 Q. Okay. And is that the same number as the call
2 received from 1:45 AM?

3 A. Yes, ma'am.

4 MR. JOHNSON: Your Honor, may I just confirm is
5 she reading the information from the same exhibit?

6 THE WITNESS: Yes, sir.

7 MS. OLER: Yes, Your Honor.

8 MR. JOHNSON: I'm just making sure.

9 THE COURT: That's okay. Is that correct?

10 MS. OLER: Yes, Your Honor.

11 THE COURT: All right. Let me ask the witness,
12 you're looking at the CAD to see when the call came
13 in and the number that was used to call into 9-1-1?

14 THE WITNESS: Yes, ma'am.

15 THE COURT: All right. Does that satisfy you,
16 Mr. Johnson?

17 MR. JOHNSON: Your Honor, I would ask that she
18 -- as we go through this process, if she needs to
19 refresh her memory, I think the solicitor is bound by
20 the rules to ask her if she remembers something and
21 if she does not remember she can attempt to refresh
22 her memory, but I think they need to go through that
23 process instead of having her recite things from the
24 report.

25 THE COURT: All right. That is correct. That

1 is the technical rule. So if you're gonna ask her
2 about additional calls, for example, on the phone
3 number, you can ask her if she remembers what the
4 phone number was and, if not, then you can ask her
5 to look at Exhibit 1 to refresh her recollection.

6 MS. OLER: Yes, Your Honor.

7 THE COURT: Because that is the rule and if
8 Mr. Johnson would like to do that, that's appropriate.

9 And that way the jury knows whether or not she's
10 remembering it from memory or because she's having to
11 read it.

12 MS. OLER: Yes, ma'am.

13 THE COURT: Thank you.

14 MS. OLER: Permission to approach the witness?

15 THE COURT: Yes, ma'am.

16 BY MS. OLER:

17 Q. Ms. Drafts, you can you please tell us -- do you
18 recognize this?

19 A. Yes, ma'am.

20 Q. And what is that?

21 A. This is a second call card printout for the same
22 address, same phone number.

23 MR. JOHNSON: Your Honor, I object at this time.
24 This is a separate exhibit based on previous motion
25 and objection.

1 THE COURT: All right. And so the objection is
2 overruled for the same reasons stated yesterday when
3 we handled the motions.

4 MR. JOHNSON: Yes, ma'am.

5 THE COURT: All right. You can continue to ask
6 her.

7 BY MS. OLER:

8 Q. And how do you know that's what that is?

9 A. It is the electronic version -- I'm sorry -- the
10 printout version of our electronic system.

11 Q. Okay. And does it appear to be altered in any way?

12 A. No, ma'am, it does not.

13 Q. Okay. Thank you.

14 MS. OLER: Your Honor, at this time I would move
15 to enter State's Exhibit 2 into evidence.

16 THE COURT: It will be admitted into evidence
17 subject to Mr. Johnson's objection that I previously
18 ruled on.

19 MR. JOHNSON: Thank you, Your Honor.

20 We'd add a foundation and authentication, as well
21 as under -- if they're attempting under business
22 records at this time as an exception.

23 THE COURT: I believe that they are; is that
24 correct?

25 MS. OLER: Yes, that was the testimony that

1 Ms. Drafts gave.

2 MR. JOHNSON: Was there testimony about how it
3 was maintained in the regular practice? Did they
4 cover that?

5 MS. OLER: Yes, sir. I asked her --

6 THE COURT: I think at the outset she asked her
7 what her role was, what she does for a living, and let
8 me just ask.

9 That record that I just indicated I was going to
10 admit, is that kept in the normal course of business?

11 THE WITNESS: Yes, ma'am.

12 THE COURT: And you've reviewed it before?

13 THE WITNESS: Yes, ma'am.

14 THE COURT: And you're satisfied it has not been
15 altered in any way?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Does that satisfy you, Mr. Johnson?

18 MR. JOHNSON: Yes, ma'am. I just wanted to make
19 sure they were applying to this exhibit as well.

20 THE COURT: Yes, sir. They are.

21 Your objection is preserved.

22 Yes, ma'am. You may continue.

23 MS. OLER: Thank you, Your Honor.

24 (State's Exhibit No. 2, CAD Record No. 2, was
25 admitted into evidence.)

1 BY MS. OLER:

2 Q. Okay. Ms. Drafts, you testified -- I think we saw
3 that the last call came in at 2:51 AM and I'm gonna ask
4 you are you testifying based on memory or are you using a
5 document?

6 A. A document.

7 Q. Okay. And are you using the documents that we just
8 entered into evidence and went over?

9 A. Yes, ma'am.

10 Q. And you said that the number for the second call at
11 2:51 AM was the number from the same call at 1:45, correct?

12 A. Yes, ma'am.

13 Q. Okay. And generally what was the nature of the second
14 call?

15 A. Domestic problem.

16 Q. Okay. And, again, you are testifying based on the
17 CAD, correct?

18 A. Yes, ma'am.

19 Q. Okay. And you said earlier that the call-taker or
20 dispatcher documents the information coming in about the
21 call, including law enforcement. Does that also include
22 anything that the dispatcher or call-taker may hear in real
23 time?

24 A. Yes, ma'am.

25 Q. Why is that information documented?

1 A. If they are not able to talk or speak with the caller,
2 they document everything they're hearing.

3 Q. Okay. And why is it important for them to do that?

4 A. It maintains a clear picture for our responders going
5 on-scene for their safety, as well as the caller's safety.

6 Q. Okay. So I'm gonna ask you in looking at the CAD for
7 the second call, can you tell us did the call-taker or
8 dispatcher make any documentation?

9 A. Yes, ma'am, she did.

10 Q. Okay. And according to the CAD, can you tell us what
11 that documentation was?

12 A. The first documentation was male and female arguing,
13 male and female fighting, physical fighting heard, a lot of
14 yelling, caller states help please, female's out of breath
15 and states Richie, female states he's going to kill me,
16 female screaming, female crying and states help me. A lot
17 of yelling, male is talking, female again -- correction.
18 I'm sorry about that. Male is attacking female again,
19 female states stop it, someone states please stop, female
20 states get out of here, call-taker hears a lot of glass
21 breaking, caller was yelling and disconnected, did not call
22 back due to safety reasons.

23 Q. Okay. And was an audio recording made of that call?

24 A. Yes, ma'am.

25 MS. OLER: Permission to approach the witness,

1 Your Honor.

2 THE COURT: Yes, ma'am.

3 BY MS. OLER:

4 Q. Ms. Drafts, I'm gonna show you what's previously been
5 marked as State's 3. Do you recognize this?

6 A. Yes, ma'am.

7 Q. And can you tell us what that is?

8 A. It is the recording of the 9-1-1 call, the second
9 call.

10 Q. Okay. And how do you know that's what this is?

11 A. I listened to it and initialled the disk.

12 Q. Okay. So you've previously listened to this?

13 A. Yes.

14 Q. And was it altered in any way?

15 A. No, ma'am.

16 MS. OLER: Your Honor, at this time I would move
17 to enter State's 3 into evidence.

18 THE COURT: Any objection?

19 MR. JOHNSON: Object based on previous motion and
20 objection and also failure to establish foundation and
21 authentication, Your Honor. There's been no testimony
22 as to that.

23 THE COURT: All right. So the original objection
24 is overruled for the reasons stated yesterday during
25 our pre-trial conference, but do ask her some

1 additional questions about how it's maintained, if
2 she's aware, how they -- they house 9-1-1 calls. I
3 can't think of the right word.

4 MS. OLER: That's okay.

5 BY MS. OLER:

6 Q. Ms. Drafts, you testified that your position is
7 compliance officer with Lexington County Communications; is
8 that correct?

9 A. Yes, ma'am.

10 Q. Okay. And are these audio recordings normally
11 maintained and kept in the regular course of business for
12 Lexington County Communications?

13 A. Yes, ma'am.

14 Q. And are you aware for how long these calls are kept?

15 A. Ninety days.

16 Q. And are you aware of what the process is for
17 maintaining or keeping these calls?

18 A. They are maintained through our higher ground
19 recording system and we're able to access them from that.

20 Q. And as -- in your role as compliance officer with
21 Lexington County Communications, are they maintained or
22 kept under your control?

23 A. Yes, ma'am.

24 Q. Okay.

25 MR. JOHNSON: Your Honor, I have the same

1 objection. There's been no testimony about
2 authentication, about who's on the call. If they're
3 trying to move it into evidence, we've had no
4 testimony about that.

5 THE COURT: That objection is overruled.

6 MS. OLER: Thank you, Your Honor.

7 THE COURT: It will be so admitted as State's 3.

8 (State's Exhibit No. 3, a 9-1-1 call, was
9 admitted into evidence.)

10 BY MS. OLER:

11 Q. Okay. And we -- I just want to -- this was the 9-1-1
12 call in the second case -- or in the second call in this
13 case. That's what you testified to?

14 A. Yes, ma'am.

15 Q. And you've listened to this before --

16 A. Yes, ma'am.

17 Q. -- and it has not been altered.

18 MS. OLER: At this time, Your Honor, permission
19 to publish to the jury?

20 THE COURT: Granted.

21 (State's Exhibit No. 3 playing.)

22 BY MS. OLER:

23 Q. Ms. Drafts, what we just heard was a copy of the audio
24 received at 2:51 on September 26, 2024?

25 A. Yes, ma'am.

1 MS. OLER: Thank you. Please answer any
2 questions the defense may have of you.

3 CROSS-EXAMINATION

4 BY MR. JOHNSON:

5 Q. Ma'am, to start out, you didn't take this call?

6 A. No, ma'am -- no, sir. I'm sorry.

7 Q. That's all right. With the name Ola, people say that
8 sometimes.

9 You didn't take this call and you have absolutely
10 no way of knowing the names of someone you hear on
11 that call. You don't know their name --

12 A. Correct.

13 Q. -- correct? And you don't know if anybody's being
14 attacked and if they are being attacked, you don't know
15 who's attacking them, correct?

16 A. Yes, sir.

17 Q. Right. And when you talked about timing and records,
18 these timing and these records, whether it's on this call
19 or whatever, those can be correct or they can be a mistake
20 because your records, if they're computer records, they're
21 not always a hundred percent accurate, are they?

22 A. Our system is maintained daily and they do daily
23 updates. Yes, sir, they are correct.

24 Q. There's never a mistake in the time?

25 A. Not on the time stamps.

1 Q. Ever?

2 A. No, sir.

3 Q. Okay. But you weren't there?

4 A. No, sir.

5 MR. JOHNSON: Very good. Thank you.

6 THE COURT: Any redirect?

7 MS. OLER: Briefly, Your Honor.

8 THE COURT: Certainly.

9 REDIRECT EXAMINATION

10 BY MS. OLER:

11 Q. Ms. Drafts, in looking at your CADs, your testimony
12 was -- who was the caller on the first call? Please tell
13 us again.

14 A. The first call was Complainant

15 Q. And what was the number that that phone call was
16 received from?

17 A. -9375.

18 Q. And that call was received at what time?

19 A. 1:45 AM.

20 Q. And then a second call was received; is that correct?

21 A. Yes, ma'am.

22 Q. And what was the number received -- what number did
23 the second call come from?

24 A. -9375.

25 Q. That's the same phone number as the previous call?

1 A. Yes, ma'am.

2 MS. OLER: Thank you, Ms. Drafts.

3 THE COURT: Any follow-up?

4 MR. JOHNSON: No more questions, Judge.

5 THE COURT: All right. Thank you, ma'am. You
6 may step down.

7 (Witness excused.)

8 THE COURT: You may call your next witness.

9 MS. OLER: Yes, Your Honor. The State calls
10 Ricky Spires.

11 (Whereupon, Ricky Spires was duly sworn by the
12 Clerk of Court.)

13 THE CLERK: If you'll come over here. If you'll
14 have a seat over here, sir. If you will state your
15 name for the record and spell your last, please.

16 THE WITNESS: I can't hear you.

17 THE COURT: If you'll state your name for the
18 record and spell your last name.

19 THE WITNESS: Ricky Spires. S-P-I-R-E-S.

20 MR. JOHNSON: Your Honor, at this point I would
21 renew my motion and objection to this testimony based
22 on previous motion.

23 THE COURT: All right. And your objection is
24 preserved but overruled for the same reasons stated in
25 our pre-trial conference.

1 MR. JOHNSON: Thank you, Your Honor.

2 RICKY SPIRES,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MS. OLER:

6 Q. Good morning, Ricky.

7 A. Good morning.

8 Q. Are you currently incarcerated?

9 A. Yes, ma'am.

10 Q. Where are you incarcerated at?

11 A. Lexington County Detention Center.

12 Q. Okay. And does your incarceration have anything to do
13 with this case?

14 A. No, ma'am.

15 Q. Okay. Have you and I met before?

16 A. Yes, ma'am.

17 Q. And where did you and I meet?

18 A. Lexington County Sheriff's Department.

19 Q. And are you receiving any benefit for your testimony
20 here today?

21 A. No, ma'am.

22 Q. Are you receiving any plea offer or plea deal --

23 A. No, ma'am.

24 Q. -- in consideration for your plea today?

25 A. No, ma'am.

1 Q. Did I make that very clear to you from the first time
2 I met you?

3 A. Yes, ma'am.

4 Q. Thank you, Ricky.

5 Now I want to think back -- I want you to
6 think back to September 26, 2024. Did you have any
7 interaction with the defendant in this case, William
8 Boone?

9 A. Yes, ma'am.

10 Q. And do you see Mr. Boone in the courtroom?

11 A. Yes, ma'am.

12 Q. And can you point to him, please?

13 A. Yes, ma'am.

14 Q. Okay. And under what circumstances did you interact
15 with Mr. Boone on September 26th of 2024?

16 THE COURT: Let the record reflect that he did
17 identify Mr. Boone.

18 MS. OLER: Thank you, Your Honor.

19 THE WITNESS: Ma'am?

20 BY MS. OLER:

21 Q. How did you come to interact with Mr. Boone on
22 September 26th of 2024?

23 A. William come in the house --

24 Q. Well, let's back up. So were you at Mr. Boone's house
25 on September 26th of 2024?

1 A. Yes, ma'am.

2 Q. And how did you get to Mr. Boone's house on September
3 26th of 2024?

4 A. **Complainant**.

5 Q. Okay. And how do you know **Complainant** ?

6 A. I've known her for four or five years.

7 Q. Okay. And so how did you end up at that -- **Complainant's**
8 house?

9 A. She picked me up to take me to the store --

10 Q. Okay.

11 A. -- to get some cigarettes and she asked me to ride
12 with her past --

13 MR. JOHNSON: Objection, Your Honor. Hearsay.

14 BY MS. OLER:

15 Q. So she picked you up --

16 THE COURT: Hold on a moment. The hearsay is
17 sustained. You can't tell us anything that **Complainant**
18 said to you, all right?

19 Yes, ma'am.

20 MS. OLER: Thank you, Your Honor.

21 BY MS. OLER:

22 Q. So **Complainant** picked you up and gave you a ride to the
23 store?

24 A. Yeah.

25 Q. Okay. And then what did you do after you guys went to

1 the store?

2 A. Went back over to the house to get some clothes.

3 Q. Okay. Did you intend -- had you intended on riding
4 with her to her house?

5 A. No.

6 Q. Why did you?

7 A. She asked me to.

8 MR. JOHNSON: Objection, Your Honor. Hearsay.

9 THE COURT: That I'm gonna overrule. It's not
10 offered for the truth of the matter, but to show how
11 he ended up where he was going.

12 All right. Go ahead.

13 BY MS. OLER:

14 Q. She asked you to ride with her. What vehicle did you
15 ride with to get to **Complainant's** house?

16 A. The Silverado.

17 Q. Okay. Do you remember what color it was?

18 A. Red.

19 Q. Okay. And when you were riding to **Complainant's** house in
20 that red Silverado, did you notice any defaults in the
21 windshield --

22 MR. JOHNSON: Objection, Your Honor. Leading.

23 BY MS. OLER:

24 Q. Were there any defaults in the vehicle?

25 THE COURT: I'm gonna overrule it, but be careful

1 on leading because you are leading. But we're just
2 getting to the point of I think where you're headed.

3 MS. OLER: Yes, ma'am.

4 BY MS. OLER:

5 Q. Were there any defaults on that vehicle on the way to
6 Complainant's house?

7 A. No, ma'am.

8 Q. Okay. Did you notice anyone following you?

9 A. No.

10 Q. Okay. Approximately what time of day -- what time or
11 what time of day was it when you got to Complainant's house?

12 A. I'm gonna say nine-ish, ten.

13 Q. Are we talking AM or PM?

14 A. PM.

15 Q. Okay. Once you were at Complainant's house, tell us what
16 happened then.

17 A. We were at Complainant's house, she was getting some
18 clothes ready. All of a sudden a moped come up, somebody
19 come -- come to the back door. I went in the closet. I
20 seen reflected in the mirror Boone come through the door
21 with a pipe, come at Complainant in the bathroom. I come out of
22 the closet with a bat.

23 Q. Okay. When you say we were in the house, who was in
24 the house?

25 A. Me and Complainant and William Boone.

1 Q. Okay. Was he there when you first got there?

2 A. No.

3 Q. When did he get to the house?

4 A. I don't know. Fifteen, twenty minutes after we were
5 there, if that long.

6 Q. Okay. Sir, are you saying you and Complainant were at the
7 house and then Mr. Boone came?

8 MR. JOHNSON: Objection. Leading, Your Honor.

9 MS. OLER: I'm trying to clarify --

10 THE COURT: It's sustained. You can't clarify.
11 You're just gonna have to ask open ended questions.
12 You can't review his testimony.

13 MS. OLER: Okay.

14 BY MS. OLER:

15 Q. Okay. I'm sorry. Can you tell us one more time what
16 happened?

17 A. Well, me and Complainant pull up to the house, went inside.
18 While we're inside, Bill come up on a moped, came inside
19 raising Cain with a pipe. When he came in, I got in the
20 closet and he went to the bathroom where she was and hit
21 her with a pipe.

22 MR. JOHNSON: Objection, Your Honor.

23 THE COURT: What's the objection?

24 MR. JOHNSON: He said he's hiding in closet when
25 he's saying what somebody in the bathroom.

1 THE COURT: Overruled. You can cross-examine him
2 on whether or not he had clear vision of the bathroom,
3 but, otherwise, this is factual based on his
4 recollection of what he saw.

5 Go ahead.

6 THE WITNESS: There was no door on the bathroom
7 closet.

8 BY MS. OLER:

9 Q. Okay. So you were in the closet. Is that your
10 testimony?

11 A. Yeah.

12 Q. Okay.

13 MS. OLER: Permission to approach the witness,
14 Your Honor?

15 THE COURT: Yes, ma'am.

16 MS. OLER: Thank you.

17 BY MS. OLER:

18 Q. Ricky, I'm gonna show you what's previously been
19 marked as State's 4. Please tell us if you know what this
20 is.

21 A. It's the bedroom.

22 Q. What bedroom?

23 A. Complainant's

24 Q. Okay. And how do you know that's Complainant's bedroom?

25 A. Because she said it was.

1 Q. Okay. And can you identify who's in this photo?

2 A. **Complainant**

3 Q. Is that who you went to this home with?

4 A. Yeah.

5 Q. Okay. Can you tell us -- can you identify anything
6 else in this -- in this photo? You've told us who's in the
7 photo and what it's of.

8 A. That's back toward the kitchen and door. I was
9 sitting in the closet and I could see him in the mirror in
10 the bathroom.

11 Q. And you're pointing, but you have to tell us. Where
12 were you?

13 A. Where was I?

14 Q. Yes.

15 A. I was in the closet.

16 Q. And that's --

17 MS. OLER: Thank you.

18 Permission to publish, Your Honor?

19 MR. JOHNSON: Well, Your Honor, they haven't
20 moved it in. If they're moving that into evidence, I
21 object to that.

22 THE COURT: That's sustained. You haven't moved
23 it into evidence. The jury can't see anything that's
24 not in evidence.

25 MS. OLER: I move to enter State's 4 into

1 evidence.

2 MR. JOHNSON: Objection, Your Honor, based on
3 previous motion and objection, failure to a lay
4 foundation and authentication.

5 THE COURT: Actually the second part of his
6 objection is sustained. You haven't told us who took
7 this picture, how this picture came to be, how the
8 State got the picture. All I know is that he can
9 identify the woman that's in the photograph.

10 MS. OLER: Okay.

11 THE COURT: So that part's sustained. You've got
12 to lay a foundation.

13 MS. OLER: Thank you, Your Honor.

14 BY MS. OLER:

15 Q. Ricky, you testified that you were in the closet. Did
16 you see anything from the closet?

17 A. Yeah.

18 Q. Okay. Can you please tell us what you saw?

19 A. The bathroom.

20 Q. Okay. Did anything happen in the bathroom?

21 A. Bill was fighting with Complainant

22 Q. Okay. And when you say was fighting with Complainant can
23 you tell us what you saw him do?

24 A. I seen him come back with a piece of pipe and Complainant
25 went toward the bathroom.

- 1 Q. Okay.
- 2 A. That's when I come out of the closet with a bat.
- 3 Q. Okay. And where did you find the bat?
- 4 A. It was in the closet.
- 5 Q. Okay. How did -- you're saying Bill. Are you
- 6 referring to -- who are you referring to as Bill?
- 7 A. William Boone.
- 8 Q. Okay. So that's who you identified earlier, the
- 9 defendant?
- 10 A. Yes.
- 11 Q. Okay. So how did he get inside of the home?
- 12 A. Through the back door.
- 13 Q. Okay. Did he knock?
- 14 A. No.
- 15 Q. Okay. Did you invite him?
- 16 A. No.
- 17 Q. As far as you know, did **Complainant** invite him?
- 18 A. No, ma'am.
- 19 Q. Okay. When you -- you said that you came out of the
- 20 closet with the bat. What, if anything, happened next when
- 21 you came out of the closet with the bat?
- 22 A. I hit Boone with the bat and we went to fighting.
- 23 Q. Okay. What made the altercation stop?
- 24 A. I told him the police was coming.
- 25 Q. Okay. Did you see where the defendant went?

1 A. Out the back door.

2 Q. Okay. Once the defendant went out the back door, did
3 you see or observe him do anything else?

4 A. No.

5 Q. Okay.

6 MS. OLER: I beg the Court's indulgence just one
7 moment.

8 THE COURT: Take your time.

9 BY MS. OLER:

10 Q. All right. Mr. Ricky, I want to back up for just a
11 minute. So when you -- you testified that you heard a
12 moped coming, I believe?

13 A. Yes, ma'am.

14 Q. And what did you do in response to that?

15 A. I went to the closet.

16 Q. And why did you do that?

17 A. Because I knew Boone was gonna get violent.

18 Q. Okay. And when you were in that closet, what did you
19 see?

20 A. I seen Boone with -- in the bathroom with a piece of
21 pipe and I seen it come down and **Complainant** went in the
22 bathroom.

23 Q. Okay. So --

24 A. That's when I come out of the closet with a bat.

25 Q. Okay. And was **Complainant** doing or saying anything when

1 Mr. Boone came down with the pipe?

2 MR. JOHNSON: Objection, Your Honor. Hearsay.

3 THE COURT: Don't tell us what she said, sir.

4 The question is did you hear **Complainant** say anything.

5 Otherwise, it's sustained.

6 THE WITNESS: Yeah.

7 BY MS. OLER:

8 Q. Okay. As for your observations, was **Complainant** upset?

9 MR. JOHNSON: Objection, Your Honor. Leading.

10 THE COURT: Overruled.

11 BY MS. OLER:

12 Q. I'm sorry?

13 A. Yes, ma'am.

14 Q. Was she crying?

15 A. Yes, ma'am.

16 Q. Okay. When you say that he came down with the pipe,
17 can you tell us what you mean?

18 A. He hit her.

19 Q. I'm sorry?

20 A. As to hit her with it.

21 Q. Okay. Did you see any injuries?

22 A. No.

23 Q. Okay. What was her demeanor?

24 A. She was upset.

25 Q. Okay.

1 A. It was a violent situation.

2 Q. Okay. And you said that the altercation stopped why?

3 A. I told Boone police was on the way.

4 Q. Okay. You told Mr. Boone that?

5 A. Yeah.

6 Q. Okay. Did you call 9-1-1?

7 A. No, ma'am.

8 Q. Who called 9-1-1?

9 A. **Complainant** did.

10 Q. Did you see her call 9-1-1?

11 A. Yes, ma'am.

12 Q. Okay.

13 MR. JOHNSON: Objection, Your Honor. That's
14 speculation.

15 THE COURT: No, overruled. He said he saw her do
16 it. I know the objection is who -- if he actually saw
17 her dial 9-1-1, but based on personal knowledge the
18 jury can make a determination as to whether or not he
19 actually knew she was calling.

20 MR. JOHNSON: Thank you.

21 BY MS. OLER:

22 Q. Ricky, did you see Mr. Boone use anything other than
23 the pipe?

24 A. No, ma'am.

25 Q. Okay.

1 MS. OLER: Please answer any questions the
2 defense may have.

3 THE COURT: Yes, sir, Mr. Johnson.

4 CROSS-EXAMINATION

5 BY MR. JOHNSON:

6 Q. Mr. Spires, how long have you been giving false
7 information to the police? How long have you been doing
8 that? Do you remember when you started? Or I could say
9 lying to the police.

10 A. 21.

11 Q. 21 is when you started lying to the police?

12 A. Yeah.

13 Q. All right. And so let's just be clear. You've got a
14 rap sheet. You got a domestic violence in 2015.

15 MS. OLER: Objection, Your Honor.

16 THE COURT: What's the objection?

17 MS. OLER: I'm sorry. I thought that was one
18 that we talked about in our pre-trial. I'm sorry. My
19 apologies.

20 THE COURT: Okay.

21 BY MR. JOHNSON:

22 Q. So you've got a domestic violence conviction from
23 2015, correct? Do you remember?

24 A. Yes, sir.

25 Q. Okay. I know you've got a lot. We're gonna talk

1 about several. You've got a false information to police
2 from 2020. You were convicted, true?

3 A. Yes, sir.

4 Q. All right. So that's lying to the police?

5 A. But what does this have to do with this case here?

6 Q. Well, I don't know. Your credibility I guess.

7 THE COURT: He's allowed to ask you about it, Mr.
8 Spires. The jury is allowed to know about this, so
9 you have to answer the questions.

10 THE WITNESS: Okay.

11 BY MR. JOHNSON:

12 Q. So false information to police 2020. Distribution of
13 meth 2020, correct?

14 A. Yes, sir.

15 Q. Receiving stolen goods 2020, correct?

16 A. No, sir.

17 Q. I'm sorry?

18 A. No, sir.

19 Q. That's not on your rap sheet?

20 A. I ain't received no stolen goods.

21 Q. Okay. False information 2022 to the police, correct?

22 A. 2021.

23 Q. I'm sorry. You lied to the police in 2021.

24 A. Or 2020.

25 Q. Okay. I'm just trying to keep it all straight.

1 So you've been lying to the police at least since
2 then. And let's get it straight, you're facing ten
3 years in prison right now on your pending case,
4 correct?

5 A. I guess.

6 Q. You guess? Well, you came down and talked to the
7 solicitor, didn't you?

8 A. Not about that.

9 Q. Well, you talked to the solicitor sitting at this
10 table and the solicitor controls what happens to you on
11 your charge, right?

12 A. (Shakes head.)

13 Q. Correct?

14 A. She said nothing to me about no ten years.

15 Q. Well, who's prosecuting your case? Isn't it the
16 Lexington County Solicitor's office?

17 A. Yes, sir, but I haven't talked to a solicitor about my
18 case.

19 Q. About identity fraud to obtain employment --

20 A. No, sir, I haven't.

21 Q. -- where you're facing ten years?

22 A. I never talked to no solicitor.

23 Q. Well, you talked to these solicitors sitting right
24 here, didn't you? You said you did.

25 A. Not about my case.

1 Q. But if they -- they're the prosecutors. Why don't you
2 just tell them you want right now? You'd like to go home,
3 wouldn't you? Tell them right now. They're sitting right
4 here. You're facing ten years in prison, aren't you?
5 True? Am I making that up?

6 THE COURT: If you know. If you know.

7 THE WITNESS: Ma'am?

8 THE COURT: If you know, you have to answer. You
9 can say yes, no or I don't know.

10 THE WITNESS: I don't know.

11 BY MR. JOHNSON:

12 Q. I'm sorry?

13 A. I don't know.

14 Q. You don't know. Okay. But you've got a lawyer. You
15 talked to him about what you're facing, right?

16 A. Not yet.

17 Q. Not yet.

18 Okay. So did you walk up to the police and say
19 wow, officers, here's that weapon, that pipe, you
20 talked about? Did you give that to the police?

21 A. No, I didn't.

22 Q. You didn't do that. Huh.

23 And you said -- when you talked about fighting,
24 you seemed to indicate Mr. Boone was attacking you.

25 Is that what you said?

- 1 A. We started fighting.
- 2 Q. But you said you hit him with a bat?
- 3 A. Hit him with a bat, yeah. Yes, sir.
- 4 Q. But you said he attacked you.
- 5 A. When did I say that?
- 6 Q. Oh, he didn't attack you? So you just hit him with a
- 7 bat?
- 8 A. After we -- after I hit him with a bat, we started
- 9 fighting.
- 10 Q. What does that mean? Are you saying he attacked you?
- 11 A. We attacked each other.
- 12 Q. Okay. But at no time did the police come up to you
- 13 and say you're a victim, so come on down for a bond
- 14 hearing, we're gonna charge Mr. Boone with assaulting you.
- 15 They never did that, did they?
- 16 A. No, they didn't.
- 17 Q. Never did that. They had your word to go by, but they
- 18 chose not to do that, correct?
- 19 A. I don't know.
- 20 Q. Okay. But just to be clear, you didn't see -- you
- 21 just testified you didn't see any injuries. The solicitor
- 22 asked you about seeing injuries.
- 23 A. No, I didn't see no injuries.
- 24 Q. Didn't see no injuries. You didn't turn over no pipe
- 25 to the police?

1 A. No, sir.

2 Q. And you definitely have a history of lying to the
3 police, true?

4 A. True.

5 MR. JOHNSON: Thank you. No more questions.

6 THE COURT: Any redirect?

7 MS. OLER: Briefly, Your Honor.

8 REDIRECT EXAMINATION

9 BY MS. OLER:

10 Q. Ricky, you're in jail; is that correct?

11 A. Yes, ma'am.

12 Q. We've established that I spoke to you before today,
13 correct?

14 A. Yes, ma'am.

15 Q. What did I tell you when I spoke with you?

16 A. That you was talking to me about this case.

17 Q. Okay. Did I say anything to you about your current
18 charges?

19 A. No, ma'am.

20 Q. Am I currently assigned as the solicitor to your
21 current charges?

22 A. No, ma'am.

23 Q. You know that?

24 A. Yes, ma'am.

25 Q. Okay. Did you have a hearing recently for your

1 current charges?

2 A. No, ma'am.

3 Q. You've not had a hearing?

4 A. No, ma'am.

5 Q. Okay. Your testimony today, what is that based on?

6 How are you involved in this case?

7 A. I don't understand.

8 Q. How do you know the things you've testified to today?

9 A. I was there.

10 Q. You were there. You were there when they happened?

11 A. Yeah.

12 Q. Okay. You testified that you were in the closet and

13 you saw **Complainant** -- you saw -- I think you called him Bill;

14 is that right?

15 A. Yes, ma'am.

16 Q. Bill come down with the bat and hit **Complainant** correct?

17 A. Pipe.

18 Q. Or the pipe. I'm sorry. And you had the bat?

19 A. Yes.

20 Q. And you came out of the closet with the bat?

21 A. Yes, ma'am.

22 Q. Why did you come out of the closet with the bat?

23 A. Because he hit her with the pipe.

24 Q. Okay. And so what does that have to do with you?

25 A. I was trying to protect her from him hurting her.

1 Q. Okay. You testified that this was a violent
2 situation. Can you tell us what you mean by that?

3 A. He was cussing, raising --

4 MR. JOHNSON: Objection, Your Honor. Hearsay.

5 THE COURT: No, he's talking about Mr. Boone.
6 That's overruled.

7 Go ahead.

8 THE WITNESS: The pipe. He was hollering and
9 screaming why did you do it, why did you do it,
10 whenever that means.

11 THE COURT: Okay.

12 BY MS. OLER:

13 Q. How quickly did law enforcement arrive?

14 A. I'd say five, eight minutes.

15 Q. Okay. I asked you earlier if you saw any injuries on
16 **Complainant** Did you check her for injuries?

17 A. No, ma'am. We was -- we was busy fighting.

18 Q. Okay. And you say we were busy fighting. Who are you
19 talking about?

20 A. Me and Boone.

21 Q. Okay. What was **Complainant's** demeanor after Mr. Boone
22 left?

23 A. Shook up, scared.

24 Q. Okay. What was the defendant's demeanor as he was
25 leaving?

1 A. Trying to get out of there before the police got
2 there.

3 Q. Okay. How did you feel when you saw Mr. Boone hitting
4 Complainant with a pipe?

5 MR. JOHNSON: Objection, Your Honor. Relevance.

6 THE COURT: Sustained. It's not relevant. It
7 doesn't make it more likely than not that these events
8 occurred.

9 MS. OLER: Thank you. No further questions.

10 THE COURT: Anything further, Mr. Johnson?

11 MR. JOHNSON: Just briefly, Your Honor.

12 THE COURT: Okay.

13 RECROSS EXAMINATION

14 BY MR. JOHNSON:

15 Q. All right. Mr. Spires, you said you -- she asked you
16 and you said you was in the closet because you heard a
17 moped and you jumped in the closet, right?

18 A. Yes.

19 Q. And in the closet you said you could see what was
20 going on in that room, but not the rest of the trailer,
21 correct?

22 A. Right.

23 Q. Right. So you couldn't see the door, the front door
24 or the back door, correct?

25 A. Yes, sir, I could see the back door.

1 Q. From the closet?

2 A. Yes, sir.

3 Q. And did you know whether or not my client had been
4 given any permission from **Complainant** to come in that trailer
5 like, say, by phone?

6 A. No, sir.

7 Q. Okay. And you didn't see any injuries?

8 A. No, sir.

9 Q. And you didn't hand any pipe or weapon to the police?

10 A. No, sir.

11 Q. And they never charged my client with assaulting you
12 ever?

13 A. No, sir.

14 Q. Okay. And you said you got there 10:00?

15 A. Nine -- between nine and ten I would assume.

16 Q. And then how long before you-all called the police?

17 A. She called the police when we got there.

18 Q. Oh, nine, ten o'clock?

19 A. (Nods head.)

20 Q. And what time -- you said -- just now you told the
21 solicitor it took them eight minutes to get there, didn't
22 you?

23 A. After the fight started. When the fight started.

24 Q. Well, you said the police were called. You got there
25 at 10:00. I'm not trying to put words in your mouth.

1 That's what you said, right?

2 A. Yeah.

3 Q. Okay. You got there at ten and then called the
4 police?

5 A. I said between nine and ten.

6 Q. You said nine and ten?

7 A. I'm assuming. I'm not sure exactly what time it was.

8 Q. Okay. And you said you jumped in the closet?

9 A. Yeah.

10 Q. Because of what you heard?

11 A. Yeah.

12 Q. Okay. Then the police were called right then,
13 correct?

14 A. Yeah.

15 Q. And then they showed up in eight minutes?

16 A. When we first arrived there, she could tell that he
17 done been there.

18 MR. JOHNSON: Your Honor, I'm gonna object to any
19 speculation on the part of witness. I didn't ask
20 that. That's speculation on the part of the witness.

21 THE COURT: I'm gonna sustain the objection as to
22 nonresponsive and strike that.

23 BY MR. JOHNSON:

24 Q. So what I'm asking you is when you got there between
25 nine and ten, how long until you called the police or did

- 1 **Complainant** -- you said you think **Complainant** called the police. How
2 long?
- 3 A. Then.
- 4 Q. Right then.
- 5 A. Yeah.
- 6 Q. And they show up in eight minutes?
- 7 A. No.
- 8 Q. No?
- 9 A. She called a second time after he showed up.
- 10 Q. Well, that's what I'm saying. You said between nine
11 and ten you hear a moped and jump in the closet, right?
- 12 A. Yeah.
- 13 Q. And then called police. You said **Complainant** called the
14 police, right?
- 15 A. Right.
- 16 Q. And you said they showed up in eight minutes?
- 17 A. I'm assuming it was eight minutes.
- 18 Q. Okay. So it certainly couldn't have been hours later?
- 19 A. No, it wasn't hours later.
- 20 Q. Correct.
- 21 Okay. And you're saying despite you're history
22 of lying to the police, you're not lying right now.
23 That's your point?
- 24 A. I'm not lying.
- 25 Q. Because in the past you had a history of lying to the

1 police. Was that because you were scared, lying to the
2 police before?

3 A. Yes, sir.

4 Q. Oh, but you're not scared now facing ten years in
5 prison?

6 A. No, sir, I'm not.

7 Q. Because your option is to lie to the police when
8 you're scared, right?

9 A. I don't know.

10 Q. You don't know.

11 MR. JOHNSON: Thank you, Mr. Spires.

12 THE COURT: All right. May Ms. Spires step down?

13 MS. OLER: Yes, Your Honor.

14 THE COURT: All right. Mr. Spires, be careful
15 when you step down, okay?

16 (Witness excused.)

17 THE COURT: Are you-all ready to call your next
18 witness or do we need to take up an issue before you
19 do so?

20 MS. TAYLOR: We might need to take up an issue
21 before we do so.

22 THE COURT: Ladies and gentlemen, this is gonna
23 take me maybe five minutes, so let's just have you-all
24 use the restroom, get a drink of water and then we'll
25 break in a little bit because we do need to address

1 one thing before this next witness testifies. I ask
2 you not to discuss the case. Go to the restroom, get
3 a drink of water. I'm gonna keep it to five, okay?

4 Thank you.

5 (Whereupon, the jury retires to the jury room at
6 10:43 AM.)

7 THE COURT: All right. As I understand it, the
8 next witness has the body cam that has **Complainant** on it
9 that you intend to play and offer for the truth of the
10 matter of her identifying Mr. Boone.

11 If you could play that for me so I can make a
12 determination as to whether or not the call's within a
13 hearsay exception.

14 MR. JOHNSON: I'm just gonna move this. I can't
15 see you, Judge.

16 THE COURT: That's okay.

17 MS. TAYLOR: There are two short clips.

18 (Audio/video clip playing.)

19 MS. TAYLOR: That's the first.

20 THE COURT: Okay.

21 MS. TAYLOR: So our position is this would
22 reflect that she's distraught. This is immediately
23 upon Officer Harris walking onto the scene. She's
24 crying, she's screaming, she's wondering if he's still
25 on the property, and we would argue that it falls

1 under the excited utterance exception to hearsay.

2 THE COURT: Okay.

3 (Audio/video clip playing.)

4 MS. TAYLOR: That's all.

5 THE COURT: The objection's sustained. It does
6 not fall into that exception. The officer can testify
7 as to what he observed, what her demeanor was, but
8 she's responding to questions. If it's an excited
9 utterance, then that exception would be that he walks
10 up and she immediately runs out, for example,
11 hysterical and doesn't respond to questions.

12 MS. TAYLOR: Okay.

13 THE COURT: So the objection is sustained, but
14 you've proffered those and if you want to keep them
15 for the record, they're marked, so they could be
16 marked for appeal purposes.

17 MS. TAYLOR: Okay. Do you want me to mark them
18 as a Court exhibit? I have State's exhibits. I just
19 don't know --

20 THE COURT: Do you want them, Mr. Johnson, as
21 Court's exhibits?

22 MR. JOHNSON: Well, no, since it's been -- I
23 don't need them.

24 THE COURT: Does the State want them as Court
25 exhibits? It's completely up to you-all.

1 MS. TAYLOR: I think out of an abundance of
2 caution just in case.

3 MR. JOHNSON: And for the record, Judge, you're
4 ruling that when the officer shows up, the testimony
5 about her statement, we're objecting to that as well.

6 THE COURT: That's correct. He cannot testify to
7 what she said.

8 MR. JOHNSON: The video or what she said?

9 THE COURT: That's right, but he certainly can
10 testify to his personal observations of her, her
11 demeanor, and he can also testify to -- for example,
12 if they can lay the proper foundation how he knew he
13 was going to **Complainant's** home. I mean, they've got
14 a foundation they can lay and that kind of is what it
15 is, Mr. Johnson.

16 MR. JOHNSON: Right. Right.

17 THE COURT: All right. This will be Court's 1
18 and 2.

19 (Court's Exhibit No. 1 and 2 were marked for
20 identification.)

21 THE COURT: All right. Are there any issues with
22 our next witness?

23 MS. TAYLOR: I don't believe so. I have shared
24 which exhibits, as far as photos, body camera. I have
25 stills from body camera, but just -- just like a

1 digital photo essentially and I've shared that with
2 Mr. Johnson ahead of time, so he knows about that.

3 MR. JOHNSON: Right. We're maintaining our
4 objection to all this.

5 They're about to call the officer. Is that the
6 next witness?

7 MS. TAYLOR: Yes.

8 THE COURT: Yes, sir, they are.

9 MR. JOHNSON: So we'll renew our objection from
10 the previous pre-trial motions and that's where we go.

11 THE COURT: And those -- for the same reasons
12 stated yesterday, those objections are overruled. As
13 long as they can lay a foundation they can show the
14 stills from the body cam.

15 MR. JOHNSON: Yes, ma'am. I don't -- I just keep
16 jumping up and renewing it, you know.

17 THE COURT: That's okay. You've got to preserve
18 your record.

19 MR. JOHNSON: Yes, ma'am.

20 THE COURT: I completely understand, but
21 certainly photographs from the body cam as long as
22 they can lay a foundation and even playing the body cam
23 without audio is fair game, Mr. Johnson, as long as
24 they can lay a foundation. I don't know if they
25 intend to do that, but I know you're objecting to

1 anything coming from that body cam; audio, visual,
2 photographs.

3 And your objection is preserved, but overruled.

4 MS. TAYLOR: All right.

5 THE COURT: All right. So are we -- do you-all
6 need a bathroom break?

7 MS. TAYLOR: If you don't mind.

8 THE COURT: That's my thought. Let's take a
9 quick little recess so that everybody can use the
10 restroom and we can keep going.

11 (Recess taken at 10:50 AM.)

12 (Back on the record at 10:56 AM.)

13 THE COURT: All right. Let's bring the jury in.

14 (Whereupon, the jury return to the courtroom at
15 10:57 AM.)

16 THE COURT: All right. Ladies and gentlemen,
17 welcome back. Have a seat for me.

18 Yes, ma'am. If you can call your next witness.

19 MS. TAYLOR: The State calls Sergeant Willie
20 Harris.

21 (Whereupon, Willie James Harris was duly sworn by
22 the Clerk of Court.)

23 THE CLERK: If you'll have a seat, please. State
24 your name and spell your last for the record.

25 THE WITNESS: Willie James Harris. H-A-R-R-I-S.

1 WILLIE JAMES HARRIS,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MS. TAYLOR:

5 Q. Good morning, Sergeant Harris. That's your current
6 rang; is that correct?

7 A. It is.

8 Q. Okay. Can you tell me a little bit about yourself,
9 where you're currently employed, what you do?

10 A. I am a patrol supervisor, patrol sergeant, for the
11 Lexington County Sheriff's Department. I've been employed
12 by the Lexington County Sheriff's Department for about
13 eight years.

14 Q. Okay. And what are your roles and responsibilities
15 as a patrol sergeant with Lexington County Sheriff's
16 Department?

17 A. My roles and responsibilities are to respond to calls
18 for service, check reports. I manage personnel of about
19 five or six people.

20 Q. Okay. Is there a certain region of the county you
21 work in or do you work in the whole county?

22 A. Yes. I work primarily in the south region.

23 Q. What towns or municipalities are in the south region?

24 A. I work within Pelion, the Pelion area, South Congaree,
25 Pine Ridge, Gaston, Swansea and Red Bank.

1 Q. All right. Now in September of 2024, were you also
2 employed then at the Lexington County Sheriff's Department?

3 A. I was.

4 Q. Did you have the same role and duties and
5 responsibilities at that time as well?

6 A. I did.

7 Q. And were you working on the night of September 26th of
8 2024?

9 A. I was.

10 Q. All right. And were you working dayshift or
11 nightshift that day?

12 A. Nightshift.

13 Q. Now did you receive any calls for service that night
14 at 1 ABC Lane ?

15 A. I did.

16 Q. Okay. And what area of Lexington County is Woodrow
17 Boone Road?

18 A. The Gaston area.

19 Q. All right. Now what -- how many calls for service did
20 you receive at that area?

21 A. Two calls.

22 Q. All right. Now let's talk about the first call. Do
23 you remember approximately what time you were dispatched or
24 received that call for service? And if you have to refresh
25 your memory, please do so.

1 And I guess while you -- before you answer that,
2 just to lay more foundation, when you receive a call
3 for service, do you get that directly from dispatch at
4 Lexington County Communications?

5 A. I do.

6 Q. And do you receive like updates or information in
7 realtime as they're happening?

8 A. Yes.

9 Q. What would be some examples of that? Would they tell
10 you obviously the location of where the call is coming
11 from?

12 A. Yes, location and if there's anything else going on
13 between the caller dispatch's responsibility is to kind of
14 update deputies as we're proceeding to that scene.

15 Q. Would that include the nature of the call that's
16 received?

17 A. Yes.

18 Q. And would the nature of a call kind of hinge on the
19 type of response law enforcement has?

20 A. It would.

21 Q. Okay. Now that first call, what time did that come
22 through or were you notified?

23 A. The first call was received at 01:45.

24 Q. All right. Is that in the morning or in the
25 afternoon?

1 A. In the morning.

2 Q. So 1:45 AM is when you first received that call from
3 Lexington County Communications. Now what was the nature
4 of the call that you received?

5 A. The caller called --

6 MR. JOHNSON: Objection, Your Honor, based on
7 previous motion and objection.

8 THE COURT: Are you objecting to him saying what
9 the caller said or what dispatch told him?

10 MR. JOHNSON: Well, I'm objecting to all of it,
11 Your Honor, based on previous motion, objection and
12 hearsay.

13 THE COURT: All right. So the objection that was
14 lodged in the motion in limine is overruled for the
15 same reason stated yesterday when we addressed our
16 pre-trial motions.

17 With respect to what he's getting to say now, is
18 the testimony I believe is what dispatch informed him
19 was the reason he was headed to the residence --

20 MS. TAYLOR: Correct.

21 THE COURT: -- and that is overruled because it
22 is already in evidence pursuant to our first witness
23 on Exhibit, I believe, 1 and 2.

24 MS. TAYLOR: Yes. Thank you.

25 MR. JOHNSON: Thank you, Your Honor.

1 BY MS. TAYLOR:

2 Q. So what did you say -- I didn't hear you. So what did
3 you say was the nature of that first call at 1:45 AM?

4 A. I received a call in reference to a subject at this
5 address that wasn't supposed to be there and she was --

6 MR. JOHNSON: Objection, Your Honor. That's
7 speculation.

8 THE COURT: That's sustained, but just relay what
9 dispatch told you was the nature of the call.

10 THE WITNESS: Okay. It was -- it was some type
11 of altercation going on at the residence.

12 BY MS. TAYLOR:

13 Q. Was that the -- I just want to clarify. Was that the
14 earlier call at 1:45 or was that the later call at 2:51?

15 A. The second call at 2:51.

16 Q. Okay. I'm sorry. I may have misunderstood you.
17 Let's go back to that first call at 1:45 AM. What was the
18 nature of that call?

19 A. Dispatch advised deputies that the caller, an
20 ex-boyfriend, was on-scene and he was stalking her and --

21 MR. JOHNSON: Your Honor, objection. This is --

22 THE COURT: That's sustained and I'm striking it
23 because it's not a part of the CAD and there was no
24 testimony about it. Unless you can point me to
25 something in that exhibit, there was no testimony

1 about that call.

2 MS. TAYLOR: Your Honor, it is in the CAD. It
3 says, the very first note, caller states that her ex
4 is stalking and harassing her and she thinks he's
5 inside the house.

6 THE COURT: Overruled, but your previous
7 objection is preserved.

8 MR. JOHNSON: Yes, ma'am.

9 MS. TAYLOR: And Melissa Drafts testified to that
10 on direct.

11 BY MS. TAYLOR:

12 Q. Okay. So you said it was a harassment or stalking
13 call?

14 A. Yes.

15 Q. And who was the individual who called this in?

16 A. **Complainant**

17 Q. **Complainant** And through your investigation of this
18 first call, were you able to determine whether she lived at
19 this residence?

20 A. I was.

21 Q. All right. And, again, was this **1 ABC Lane**

22 **?**

23 A. Yes.

24 Q. All right. Now what did you do when you -- did you go
25 to **1 ABC Lane**?

1 A. I did.

2 Q. And, again, what area is that Lexington County?

3 A. The Gaston area of Lexington County.

4 Q. All right. Now -- and you're very familiar with this
5 area of the county?

6 MR. JOHNSON: Objection, Your Honor. It's
7 leading.

8 THE COURT: It is leading. I'm gonna overrule
9 it, but be careful in leading him. I know you're just
10 trying to get to your point, but you've just got to
11 ask him and let the jury hear what he has to say.

12 MS. TAYLOR: I apologize.

13 THE COURT: That's all right.

14 BY MS. TAYLOR:

15 Q. Is that -- I forgot what I asked now. Are you
16 familiar with this area of the county as part of your
17 region?

18 A. I am.

19 Q. Okay. Would you recognize an aerial view or a map,
20 however you want to describe it, of this address that you
21 responded to if I showed it to you this morning?

22 A. I would.

23 Q. All right.

24 MS. TAYLOR: Your Honor, may I approach the
25 witness?

1 THE COURT: Yes, ma'am.

2 BY MS. TAYLOR:

3 Q. Sergeant Harris, I'm showing you what's been
4 previously a marked for identification as State's
5 Exhibit 5. Do you recognize this?

6 A. I do.

7 Q. All right. What is this?

8 A. This is gonna be the address that I responded to.

9 Q. All right. And is this a fair and accurate depiction
10 of the address that you -- that you responded to at
11 1:45 AM --

12 A. It is.

13 Q. -- on September 26th of 2024?

14 A. It is.

15 MS. TAYLOR: Your Honor, at this time the State
16 moves to admit Exhibit 5 into evidence.

17 MR. JOHNSON: We have no objection to this
18 exhibit.

19 THE COURT: All right. It will be so is
20 admitted.

21 (State's Exhibit No. 5, an aerial photo, was
22 admitted into evidence.)

23 MS. TAYLOR: Permission to publish?

24 THE COURT: Yes, ma'am.

25 MS. TAYLOR: Sergeant Harris, here's a pointer.

1 Just a second.

2 I'm sorry, Judge.

3 THE COURT: That's okay.

4 BY MS. TAYLOR:

5 Q. All right, Sergeant Harris. I apologize.

6 Can you -- using the laser pointer I gave you,
7 can you point out what address you responded to.

8 A. Right here.

9 Q. So that's -- is that 1 ABC Lane ?

10 A. It is.

11 Q. What is the adjacent address to that or on the same
12 property right there?

13 A. 2 ABC Lane .

14 Q. And you said -- what was the nature of this first call
15 again?

16 A. A harassment call.

17 Q. Okay. So when you arrived on-scene, what happened?

18 A. When I originally arrived on-scene, I made --

19 MR. JOHNSON: Objection, Your Honor, based on
20 previous motions and objections. He's talking about
21 coming on-scene.

22 THE COURT: It's overruled for the same reasons
23 as previously stated during our pre-trial motions.

24 Go ahead.

25 THE WITNESS: I arrived on-scene and I made

1 contact with **Complainant** and at that point I was
2 advised of --

3 MR. JOHNSON: Objection, Your Honor. He's
4 talking about some statements.

5 THE COURT: You can't tell us anything that
6 **Complainant** said, all right? Just what you observed and
7 then what you did as a result.

8 All right.

9 THE WITNESS: I made contact with **Complainant**
10 once I arrived on-scene and I searched the property
11 for the alleged offender.

12 BY MS. TAYLOR:

13 Q. Okay. And what did dispatch -- who did dispatch relay
14 to you was the offender?

15 THE COURT: No.

16 MR. JOHNSON: Objection, Your Honor. Hearsay.

17 THE COURT: No. That is sustained. That's
18 sustained, okay? We talked about this before. He
19 cannot testify to the -- that has to come from
20 something else.

21 MS. TAYLOR: I understand. I was just getting
22 out what was in the CAD, the ex.

23 THE COURT: That's okay.

24 BY MS. TAYLOR:

25 Q. All right. So once you searched the property for the

1 offender, did you locate anybody else on the property?

2 A. I did not.

3 Q. Other than **Complainant**, did you see anybody else on
4 the property?

5 A. I did not.

6 Q. Okay. Now what time did you clear the scene at this
7 call?

8 A. 2:16.

9 Q. Okay. 2:16 AM?

10 A. AM.

11 Q. Now after you cleared the scene, did you receive any
12 additional calls for service?

13 A. I did.

14 Q. Was it at the same address or a different address?

15 A. **2 ABC Lane**.

16 Q. Okay. Can you point that out again on the map up
17 here?

18 A. Right here.

19 Q. Now from your investigation and being on the scene
20 during both of these calls, is that the same property or
21 are those two separate properties?

22 A. It's the same property.

23 Q. And what is the proximity of one to the other to the
24 best of your recollection?

25 A. Within ten, fifteen yards.

1 Q. Ten, fifteen yards.

2 Okay. Now what was the nature of the second call
3 when you were dispatched out there and what time was
4 it?

5 A. I was dispatched at 2:51 AM and the nature of the call
6 was a -- some type of domestic disturbance.

7 Q. Okay. Now how long had it been since you cleared the
8 scene from the previous call that you were dispatched out
9 to the property approximately?

10 A. About thirty minutes, forty minutes.

11 Q. Okay. And did dispatch also relay to you --

12 MR. JOHNSON: Objection, Your Honor. Hearsay.

13 THE COURT: Overruled.

14 BY MS. TAYLOR:

15 Q. In your experience as a law enforcement officer and
16 responding to scenes, dispatch relayed to you in realtime
17 the nature of the call and what was going on?

18 A. They did.

19 Q. And what is the purpose of that?

20 A. So that deputies have a clear idea of what is
21 occurring, what type of -- what type of altercation is
22 occurring so we can, you know, respond accordingly and
23 appropriately.

24 Q. All right. And did that happen in this case?

25 A. It did.

1 Q. All right. What time did you arrive on the property?

2 A. I arrived at 2:58 AM.

3 Q. 2:58 you said?

4 A. Yes.

5 Q. Okay. Now tell us what -- how would you describe the
6 property as you saw it when you arrived there at 2:58 AM?

7 A. It appeared that things were kind of in disarray.
8 Definitely appeared to me that some type of altercation had
9 to have occurred.

10 Q. Now when you -- when you say that there was -- it was
11 in disarray, are you talking about the inside or the
12 outside of the house?

13 A. Both.

14 Q. Both. All right. Let's start with the outside of the
15 house.

16 A. Okay.

17 Q. What did you see that led you to believe that things
18 were in disarray and that something had happened?

19 A. I noticed a red pick-up truck in the yard, the
20 windshield was shattered, and there was a broken chair to
21 the left of the pick-up truck.

22 Q. All right. Now did you document the scene through --
23 were you wearing a body-worn camera on that day?

24 A. I was.

25 Q. Do you always wear a body-worn camera when you respond

- 1 to a scene?
- 2 A. Yes.
- 3 Q. Was it activated on that night when you responded --
- 4 A. It was.
- 5 Q. -- at 2:58 AM?
- 6 A. It was.
- 7 Q. Did it record the entirety of your investigation
- 8 on-scene that night?
- 9 A. It did.
- 10 Q. Okay. Did that begin the moment you arrived on the
- 11 property?
- 12 A. Yes.
- 13 Q. All right. Did you also document the scene in any
- 14 other way?
- 15 A. I did.
- 16 Q. How so?
- 17 A. I took photographs of the inside and the outside of
- 18 the residence.
- 19 Q. Okay. Now before we get into the details about -- you
- 20 said the property was in disarray. I want to just paint
- 21 the picture a little bit more about what the property
- 22 looked like and the layout and you said -- you are familiar
- 23 with that as well?
- 24 A. Yes.
- 25 Q. And I'm -- well, one second. Would you recognize

1 different aerial views if I showed those to you this
2 morning?

3 A. Yes.

4 Q. Okay.

5 MS. TAYLOR: Permission to approach the witness?

6 THE COURT: Yes, ma'am.

7 BY MS. TAYLOR:

8 Q. Sergeant Harris, I'm showing you what's previously
9 been marked for identification as State's 6 and 7. Do you
10 recognize these?

11 A. I do.

12 Q. What are they or how do you recognize them?

13 A. This is gonna be the property in which I responded to
14 on that night.

15 Q. Okay. And is it a fair and accurate depiction of what
16 the property looked like or at least the layout of the
17 property as you responded to it that night?

18 A. It is.

19 MS. TAYLOR: Your Honor, at this time we move to
20 admit State's 6 and 7 into evidence.

21 MR. JOHNSON: No objection to these two exhibits,
22 Your Honor.

23 THE COURT: All right. They will be so admitted.

24 (State's Exhibit No. 6 and 7, photographs, were
25 admitted into evidence.)

1 BY MS. TAYLOR:

2 Q. All right. I'm starting with State's Exhibit 6 here
3 on the overhead and you can use the laser point if you'd
4 like. Can you just point out to me where you arrived and,
5 you know, ^{2 ABC Lane} versus **1 ABC Lane**?

6 A. This is gonna be **1 ABC Lane** and this is gonna
7 be ^{2 ABC Lane}. This is gonna be the trailer that the victim was
8 residing in.

9 Q. Okay.

10 MR. JOHNSON: Objection, Your Honor. That's
11 speculation.

12 THE COURT: Overruled.

13 BY MS. TAYLOR:

14 Q. And how far apart did you say those two were from each
15 other?

16 A. It's relatively close. I would say ten to
17 fifteen yards.

18 Q. Okay. Now going onto State's Exhibit 7, what do you
19 see here?

20 A. The same -- the same thing. It's an open field right
21 here. This is gonna be ^{2 ABC Lane} this is gonna be **1 ABC Lane**
22 .

23 Q. Okay. Is that the other end of the property?

24 A. It is.

25 Q. Okay. Now back to what you said, you said that the

1 property looked to be in disarray on the outside. What did
2 you do when you first arrived and what did you see?

3 A. When I first arrived on-scene, I approached this
4 address, [REDACTED] and attempted to make contact with the
5 caller.

6 Q. And who was the caller?

7 A. Complainant .

8 Q. Was she on-scene when you attempted to make contact?

9 A. She was.

10 Q. Okay. Now were you able to locate -- outside before
11 you did anything else, did you locate any other individual?

12 A. No.

13 Q. Okay. When you respond to calls of this nature, is it
14 part of your normal procedure to patrol the property?

15 A. It is.

16 Q. And why is that?

17 A. Just to ensure that there's no suspects or anybody on
18 the outside of the property.

19 Q. Okay. Now when you approached the trailer at [REDACTED]
20 [REDACTED], was the door open or closed?

21 A. It was open.

22 Q. Okay. And it was like that when you first arrived?

23 A. It was.

24 Q. Okay. And did anyone come to the door when you
25 approached?

1 A. Yes, **Complainant** came to the door.

2 Q. Okay. And would you recognize pictures or still shots
3 from your body-worn camera if I showed them to you today?

4 A. Yes.

5 MS. TAYLOR: Your Honor, I'd like permission to
6 approach.

7 THE COURT: Yes, ma'am.

8 BY MS. TAYLOR:

9 Q. Sergeant Harris, I'm showing you what's been
10 previously marked for identification as State's 8, 9, 10,
11 and 11. Do you recognize these still shots?

12 A. I do.

13 Q. How do you recognize these?

14 A. This is gonna be the address that I responded to.

15 Q. Okay. Were these photos you took or was this from
16 your body-worn camera?

17 A. From my body-worn camera.

18 Q. And was this taken in realtime as you were
19 investigating the scene?

20 A. It was.

21 Q. And is a fair and accurate depiction of what you saw
22 as you were investigating?

23 A. It is.

24 Q. And has anything been altered or changed in any way?

25 A. No.

1 MS. TAYLOR: At this time, the State moves to
2 admit 8 through 11 into evidence.

3 MR. JOHNSON: And we object, Your Honor, based on
4 previous motion and objection.

5 THE COURT: All right. It's overruled based on
6 the same reason stated during our pre-trial
7 conference.

8 (State's Exhibit No. 8, 9, 10 and 11,
9 photographs, were admitted into evidence.)

10 MS. TAYLOR: Permission to publish these as well?

11 THE COURT: Granted.

12 BY MS. TAYLOR:

13 Q. Now starting, Sergeant Harris, with Exhibit 8, what
14 are we looking at here?

15 A. This is gonna be the front door to the residence.

16 Q. Okay. Looking at State's 9.

17 A. The same thing. The front door to the residence.

18 Q. Okay. Now when you said **Complainant** came to the door,
19 what was her demeanor?

20 A. She was -- she appeared to be afraid.

21 MR. JOHNSON: Objection, Your Honor. That's
22 speculation about her state of mind, talking about --

23 THE COURT: Overruled. She asked what the
24 demeanor was and he's describing what he saw. You can
25 cross-examine him on it.

1 THE WITNESS: She appeared to be afraid. She was
2 visibly shaken. She -- she seemed to be scared as
3 well.

4 BY MS. TAYLOR:

5 Q. Okay. What are we looking at here? Is that the same
6 door?

7 A. The same door to the residence.

8 Q. Now I'm looking at State's 10. I know it's a little
9 dark. What are we looking at here?

10 A. That's gonna be **Complainant**

11 Q. Okay. You've described her demeanor. How did she
12 physically look?

13 A. I noticed that she was not fully clothed. She's got
14 a sports bra on and her pants were unbuttoned and she --
15 she did appear to have been in some type of physical
16 altercation just based off of me looking at her.

17 Q. Okay. And how many would you say approximately
18 domestic calls do you go to or alleged burglaries that you
19 respond to?

20 A. Hundreds.

21 Q. And so are these things that you look for in your
22 investigations?

23 A. It is.

24 Q. Okay. Now did you document the scene with any
25 photographs that night?

1 A. I did.

2 Q. All right. Would that include photographs of the
3 victim?

4 A. It did.

5 Q. And did that include photographs of the victim in the
6 state in which you just described?

7 A. It did.

8 Q. Okay. Sergeant Harris, I'm showing you what's been
9 previously marked for identification as State's 4 and 22.
10 Do you recognize these?

11 A. I do.

12 Q. How do you recognize these?

13 A. This is gonna be **Complainant**. This is gonna be a
14 picture from a body-worn -- I'm sorry. This is gonna be a
15 picture from my -- my cell phone, my work phone.

16 Q. Is that State's 4 or 22 you're referencing?

17 A. Exhibit 22.

18 Q. Okay. What about State's 4?

19 A. Exhibit 4 is gonna be a picture from a body-worn
20 camera and that's gonna be **Complainant** as well.

21 Q. And, again, is that how you observed her when you
22 investigated?

23 A. It is.

24 Q. Is this a fair and accurate depiction of how she
25 presented to you?

1 A. It is.

2 MS. TAYLOR: Your Honor, at this time we move to
3 admit State's 4 and 22 into evidence.

4 MR. JOHNSON: Your Honor, object based on
5 previous motion and objection, as well as foundation,
6 authentication.

7 THE COURT: Overruled as to both based on our
8 pre-trial conference and there's been a sufficient
9 foundation laid by this officer.

10 (State's Exhibit No. 4 and 22, photographs, were
11 admitted into evidence.)

12 BY MS. TAYLOR:

13 Q. All right, Sergeant Harris. First looking at State's
14 Exhibit 4, what are we looking at here?

15 A. This is gonna be the bedroom of **Complainant** and that's
16 gonna be **Complainant** standing right there. **Complainant**

17 Q. Okay. Now what is this right here just to get a
18 layout of the --

19 A. This is gonna be the closet area.

20 Q. A closet? Okay. And what is this doorway leading to?

21 A. This is gonna be the hallway leading into the front of
22 the residence.

23 Q. Okay. But you said this is the closet?

24 A. It is.

25 Q. All right. Now looking at State's Exhibit 22. Is

1 that **Complainant** ?

2 A. Yes, it is.

3 Q. Okay. Now did dispatch relay anything to you? You
4 said that they relayed to you some --

5 MR. JOHNSON: Objection, Your Honor. Hearsay.

6 THE COURT: Let me hear the question first.

7 What are you asking him?

8 MS. TAYLOR: About -- about an assault.

9 THE WITNESS: Yes, I was notified of a --

10 MR. JOHNSON: Objection, Your Honor.

11 THE COURT: Hold on a moment.

12 Where are we going with this?

13 MS. TAYLOR: I'm just getting into what actually
14 occurred, but not anything she said or anything of
15 that nature.

16 THE COURT: Ask him about his personal knowledge
17 and the jury can take what they believe is appropriate
18 from the CAD in terms of what he was informed, but
19 let's limit it to what his person knowledge is.

20 BY MS. TAYLOR:

21 Q. Okay. What was your personal knowledge of what --
22 that caused you to be dispatched to the scene in the first
23 place?

24 A. That there was some type of domestic assault that had
25 occurred on the property.

1 Q. Okay. And we talked about the outside of the house
2 looking in disarray. What did the inside of the house look
3 like?

4 A. The inside of the house to me did appear as if some
5 type of altercation occurred. It was in complete disarray,
6 things thrown everywhere, things were on the floor, on the
7 bed.

8 Q. And from your experience as an investigator or
9 responding officer in these types of cases where there's an
10 alleged assaults or alleged burglaries, what does a scene
11 in which you saw that night, what does that signify to you
12 in your experience?

13 A. It definitely signifies that there was an assault that
14 had occurred, a freshly committed assault.

15 Q. Okay. Did you document the inside of the house as
16 well as far as the disarray you just described?

17 A. I did.

18 Q. Okay. And was that from your body-worn camera?

19 A. Yes.

20 Q. And was that also through photographs?

21 A. It was.

22 Q. Okay. And would you recognize some of the photographs
23 of the scene if I showed them to you?

24 A. I would, yes.

25 Q. Sergeant Harris, I'm showing you what's been

1 previously marked for identification as State's 16, 17, 18,
2 19 and 20. And you can flip through those if you need to.
3 Do you recognize those?

4 A. Yes, I do.

5 Q. What are those?

6 A. Those are gonna be the inside of the residence that I
7 responded to.

8 Q. Okay. And is it a fair and accurate depiction of the
9 disarray you just described?

10 A. It is.

11 Q. Is it a fair and accurate depiction of the signs of
12 struggle you just described?

13 A. It is.

14 MS. TAYLOR: At this time, Your Honor, the State
15 moves to admit 16 through 20 into evidence.

16 MR. JOHNSON: Object, Your Honor, based on
17 previous motion and objection. Foundation.

18 THE COURT: All right. And it's overruled based
19 on my previous rulings.

20 (State's Exhibit No. 16 through 20, photographs,
21 were admitted into evidence.)

22 BY MS. TAYLOR:

23 Q. All right. I'm taking a look first at State's 16.
24 What do we see here, Sergeant Harris?

25 A. That's gonna be a lamp cover on the floor. It looks

1 like soda bottle and this is gonna some type of speaker.

2 Q. Okay. Looking now at State's 17. Just generally are
3 we looking at?

4 A. Just a bunch of junk on a table, lamp, purse, some
5 miscellaneous items.

6 Q. All right. State's 18.

7 A. It's gonna be inside the bedroom. This is gonna be a
8 mattress, this is gonna be a suitcase. It looks to be --
9 appears to be some shoes and boots right here. And this
10 area right here is gonna be the bathroom.

11 Q. Do you have any personal knowledge of where inside the
12 home that this occurred or was it throughout the entire
13 home?

14 A. Yes, it occurred throughout the entire home.

15 Q. Okay. Did that include the bathroom?

16 A. Yes.

17 Q. So looking at State's 19, what are we looking at
18 there?

19 A. This is gonna be the bathroom area.

20 Q. Okay. Do you notice -- is there anything else of
21 significance here?

22 A. Right here it appears to be some type of flooring
23 that's sitting right here, as well as right there.

24 Q. And lastly State's 20. What are we looking at here?

25 A. This is gonna be the bathtub. This is gonna be some

1 flooring right here as well.

2 Q. Okay. Now did you notice any fresh injuries on Complainant
3 [REDACTED] that night?

4 A. I did.

5 Q. What did you notice?

6 MR. JOHNSON: Objection, Your Honor, based on
7 previous motion and objection.

8 THE COURT: Overruled.

9 THE WITNESS: I noticed that her left wrist did
10 have a knot on it. It appeared to be a little red. I
11 also noticed a bruise on her right biceps.

12 BY MS. TAYLOR:

13 Q. Okay. Now going back to what's already in evidence as
14 State's 22, you said there was a bruise where?

15 A. On her right biceps.

16 Q. And did that appear fresh to you?

17 MR. JOHNSON: Objection, Your Honor. That's
18 expert testimony.

19 THE COURT: Not expert testimony, but it is
20 speculation. He can point out what he saw and then
21 the jury can make a determination as to whether or not
22 they believe it happened that night or not. He
23 wouldn't know if it's fresh or not. He's not a
24 doctor.

25 BY MS. TAYLOR:

1 Q. Okay. Now you said there was a bruise -- that's where
2 the bruise was, what you perceived it as?

3 A. Yes.

4 Q. Okay. And what was the other injury you said to her
5 wrist?

6 A. It appeared to be knot on her left wrist and this area
7 was kind of red as well.

8 Q. All right. Would you recognize photos of that if I
9 showed them to you today?

10 A. I would.

11 Q. All right. Sergeant Harris, I'm showing you what's
12 been previously marked for identification as State's 14 and
13 15. Do you recognize these?

14 A. I do.

15 Q. What are these?

16 A. Those are gonna be **Complainant's** arms and forearms.

17 Q. Okay. And is that how you observed them that night?

18 A. Yes.

19 Q. Okay. And is it a fair and accurate depiction of how
20 you observed her hands and wrist that night?

21 A. Yes.

22 MS. TAYLOR: Your Honor, at this time the State
23 intends to introduce State's 14 and 15.

24 MR. JOHNSON: Objection, Your Honor, based on
25 previous motion and objection. Lack of foundation.

1 THE COURT: All right. And it's overruled for
2 the previous reasons stated.

3 (State's Exhibit No. 14 and 15, photographs, were
4 admitted into evidence.)

5 BY MS. TAYLOR:

6 Q. Now, Sergeant Harris, we're looking here at
7 State's 14. Can you point out what we're looking at here,
8 what you noticed about her wrist?

9 A. Right there. It appears to be a knot right there and
10 this area was kind of red as we'll. It's kind of hard to
11 see with the glare of the camera, but it's a little red
12 right there as well.

13 Q. Okay. And looking at State's 15, what are we looking
14 at here?

15 A. The same thing. **Complainant's** palms, a knot right here,
16 red in this area.

17 Q. All right. Did you make contact with anybody else
18 on-scene that night other than **Complainant** ?

19 A. I did.

20 Q. Who was that?

21 A. Ricky Spires.

22 Q. All right. Now just one second. Did you ever patrol
23 the outside of the area again or at any time during your
24 investigation after you made contact with **Complainant** ?

25 A. I did.

1 Q. Okay. Is there anything of significance or of note
2 about anyone located?

3 A. No. No suspects were located on-scene.

4 Q. Now you mentioned previously something about a damaged
5 windshield that you noticed when you first arrived.

6 A. Yes.

7 Q. Did you document that as well throughout the course of
8 your investigation on-scene?

9 A. I did.

10 Q. Would you recognize a photo of that if I showed it to
11 you today?

12 A. I would.

13 Q. All right. Sergeant Harris, I'm showing you will
14 what's been marked for identification as State's 21. Do
15 you recognize this?

16 A. I do.

17 Q. And how do you recognize this?

18 A. That is a red pick-up truck that was in the front yard
19 of **Complainant's** residence.

20 Q. And did you take this photo?

21 A. I did.

22 Q. All right. And it's a fair and accurate depiction of
23 the truck windshield that you witnessed when you arrived
24 on-scene?

25 A. It is.

1 MS. TAYLOR: Your Honor, at this time the State
2 ask to introduce State's 21 into evidence.

3 MR. JOHNSON: Well, Your Honor, I object based on
4 previous motion and objection. Foundation, relevance
5 also. I haven't heard anything to make that relevant.

6 THE COURT: Overruled based on my pre-trial
7 rulings and it is relevant because it was during the
8 course of his investigation on that evening. This is
9 what he saw.

10 (State's Exhibit No. 21, a photograph, was
11 admitted into evidence.)

12 MS. TAYLOR: Permission to publish?

13 THE COURT: Yes, ma'am.

14 BY MS. TAYLOR:

15 Q. All right. Looking here on the overhead, Sergeant
16 Harris, Exhibit 21, can you point out the damage that you
17 saw.

18 A. This is the windshield and this is what -- the
19 shattered area on the windshield.

20 Q. Okay. And from your investigation, were you able to
21 determine who the truck belonged to?

22 A. Yes. **Complainant**

23 MR. JOHNSON: Objection, Your Honor. That's
24 hearsay.

25 THE COURT: Not yet. Overruled. He just

1 identified who the owner of the truck was. He hasn't
2 indicated anything other than yes, he looked to see
3 whose it was, but you've got to lay a foundation if
4 you want to get it there and then he's correct it
5 would be hearsay depending on what you ask.

6 MS. TAYLOR: All right. Moving on anyway.

7 BY MS. TAYLOR:

8 Q. Now why did this become significant to you when you
9 said one of the first things you noticed when you arrived
10 on-scene?

11 A. Well, this was significant because when I originally
12 responded out here -- I didn't notice the windshield busted
13 or anything, the windshield wasn't busted or anything, nor
14 did **Complainant** have any injuries sustained to her the first
15 time I responded out here to this residence. Once I came
16 back out after the domestic dispute was called in is when I
17 noticed the windshield shattered and the injuries sustained
18 on **Complainant**

19 Q. Now after you concluded your investigation, what time
20 did you clear the scene that night?

21 A. 3:57 AM.

22 Q. Okay. And what, if anything, did you do as it relates
23 to this case after that time?

24 A. I completed the report and continued to take -- took
25 more photos of **Complainant** She completed a written statement.

1 I spoke with Mr. Spires as well.

2 Q. And the photos you referenced, are those the ones we
3 viewed today?

4 A. Yes.

5 MS. TAYLOR: I beg the Court's indulgence.

6 THE COURT: Uh-huh.

7 MS. TAYLOR: That's all the questions I have at
8 this time, Your Honor.

9 THE COURT: Thank you.

10 Mr. Johnson, cross-examination.

11 MR. JOHNSON: Thank you, Your Honor.

12 Judge, I believe State's 4 is in.

13 THE COURT: It is.

14 CROSS-EXAMINATION

15 BY MR. JOHNSON:

16 Q. All right. Officer, State's 4 that you identified,
17 now just so the jury can see, you indicated there's a
18 closet there in the bedroom. Am I pointing to the right
19 area?

20 A. Yeah, this is gonna be a closet right here.

21 Q. Okay. And you said that's down the hall?

22 A. This is gonna be the bedroom door that leads to the
23 living room area down the hall, yes, sir.

24 Q. Okay. So the door to the residence would be down
25 there?

1 A. The -- what are you asking?

2 Q. To get inside the trailer is down there. It's not in
3 the closet, it's down there, right?

4 A. Yes.

5 Q. Okay. So if you're hiding in this closet right here,
6 right there, you can't look down there if you're in that
7 closet, correct?

8 A. I'm not -- I never got in the closet, so I can't
9 answer.

10 Q. Your eyeballs can't peek around. If you're in the
11 closet, what I'm asking you, it's facing the same way as
12 this entrance and this entrance leads down to the door. So
13 if I'm standing in this closet, how can I look down that
14 hall?

15 A. I don't know how you would be able to look down the
16 hall.

17 Q. Can you do that?

18 A. Probably -- probably not.

19 Q. You can't see through walls?

20 A. No.

21 Q. Okay. We've established that.

22 Okay. And, Officer, let's get the timing
23 straight. When you went out there it was almost you
24 said 3:00 in the morning?

25 A. No, it was -- when I originally responded, I was --

1 there were two separate calls for service that night. The
2 original call was received at 1:45 AM --

3 Q. Uh-huh.

4 A. -- and the secondary call was received at 2:51 AM.

5 Q. Okay. And to say -- so if I said sometime between
6 9:00 and 10:00 PM a call's made and you got there in
7 eight minutes, that would not be accurate?

8 A. Can you repeat your question? I'm sorry.

9 Q. If I said there was a phone call made between nine and
10 ten PM and the police got there in eight minutes, you
11 didn't get there eight minutes after nine or ten?

12 A. No.

13 Q. Okay. Fair enough.

14 Now you did not retrieve any pipes or weapons
15 from the scene, did you?

16 A. I did not retrieve a pipe from the scene, but I did
17 notice a pipe on the ground in the bedroom.

18 Q. Oh. So it is your job to notice potential evidence
19 and not touch it and not collect it? Is that your job?

20 A. It wasn't. I didn't collect any -- any weapons or
21 anything from the scene, no.

22 Q. Okay. So you don't want to collect evidence. That's
23 not a part of your job?

24 A. It's a part of my job.

25 Q. You just chose not to do it?

1 A. Not necessarily. I didn't know whether it was used or
2 not. I'm just stating -- stating what I observed.

3 Q. Okay. But that's what I said. You observed it, but
4 you didn't pick it up?

5 A. There's a lot of things that I observed within the
6 residence that I didn't pick up.

7 Q. Right. But you saw a pipe you said?

8 A. I saw a pipe, I saw a speaker, yes.

9 Q. Okay. So you didn't touch the pipe. To your
10 knowledge nobody any law enforcement retrieved that pipe,
11 correct?

12 A. Yes.

13 Q. So nobody checked that pipe for fingerprints, correct?

14 A. I did not.

15 Q. To your knowledge did anybody?

16 A. Not to my knowledge.

17 Q. Check it for touch DNA?

18 A. Not to my knowledge.

19 Q. Did you pick up -- so you didn't -- when you -- you
20 said Ricky Spires was there?

21 A. Yes.

22 Q. Ricky Spires didn't hand you a pipe or a weapon?

23 A. No.

24 Q. But after your report did Ricky Spires talk to you and
25 relate to you about this incident where he was attacked?

1 A. He did.

2 Q. So did you go out and get a warrant to arrest
3 Mr. Boone for attacking Ricky Spires?

4 A. I did not, no.

5 Q. To your knowledge did anybody do that?

6 A. I'm not -- I'm not sure.

7 Q. Okay. So nobody got a warrant to arrest Mr. Boone for
8 attacking Ricky Spires, nobody bothered to pick up the
9 pipe, nobody checked for prints. Oh, way the way, did you
10 bother to check to see if there was any forced entry at the
11 door? Signs of forced entry?

12 A. I did.

13 Q. Did you take a picture of the lock and the door frame?

14 A. I believe pictures were taken of the front door.

15 Q. Was the door frame unlocked?

16 A. I believe pictures were taken of the front door.

17 Q. Okay. Did you call out the dog team?

18 A. I did not.

19 Q. Did anybody call out the dog team to track anybody?

20 A. I did not.

21 Q. Did you question neighbors?

22 A. I questioned Mr. Spires and I questioned **Complainant**

23 Q. Okay.

24 MR. JOHNSON: No more questions, Your Honor.

25 THE COURT: Redirect.

1 MS. TAYLOR: Yes, Your Honor.

2 REDIRECT EXAMINATION

3 BY MS. TAYLOR:

4 Q. Sergeant Harris, you were asked about the closet here
5 that you documented in this photograph. Did you ever
6 actually go into the closet?

7 A. I did not.

8 Q. Or go into the closet and look out?

9 A. I did not.

10 Q. Okay. Now you talked a lot about the house being in
11 disarray. Is it in general throughout law enforcement
12 investigations necessary or pertinent to pick up every
13 single item in view?

14 A. It's not.

15 Q. Is it pertinent and necessary to collect every single
16 item in view and dust it for fingerprints?

17 A. It is not.

18 Q. Or to test it for DNA evidence?

19 A. It's not.

20 Q. Okay. What would be the circumstances that would
21 require you to do so?

22 A. If there were a specific item that was used within --
23 well, you know, during this incident, then that would
24 generally be collected and tested for DNA evidence.

25 Q. Now you said that you did see something -- something

1 sort of like a pipe somewhere. Where did you see that?

2 A. In the bedroom near the bathroom.

3 Q. Okay. Here's the photo that you previously testified
4 was the bedroom. Can you see it or can point out what you
5 saw?

6 A. It's gonna be right there.

7 Q. All right. Now you were asked about any signs of
8 forced entry. Now in general in your experience, and you
9 said you've been to hundreds of these calls of alleged
10 burglaries, are all of them involving forced entry?

11 A. Not at all.

12 Q. Okay. And did you see signs of forced entry in this
13 case on-scene?

14 A. No.

15 Q. Okay. Did you have the opportunity to -- to look at
16 the back door that the alleged offender had come through?

17 A. Yes.

18 Q. And did you recognize whether or not there was any
19 kind of working lock mechanism?

20 A. Yes.

21 Q. What did you observe?

22 A. It appeared that the mechanism was not intact.

23 Q. Okay. And if I showed you a picture already in
24 evidence, would you be able to point that out for me?

25 A. Yes.

1 Q. All right. We're looking -- here's one view of it.
2 I'm trying to find the closer view that we have.

3 Okay. I'm looking here at State's 11. Can you
4 describe what you visualized on the scene and what you
5 see here today in that photo on the door?

6 A. This is a part of the locking mechanism and this down
7 here as well appears to be a part of that mechanism.

8 Q. Okay. Does that appear to be a working locking
9 mechanism?

10 MR. JOHNSON: Objection, Your Honor. That's
11 opinion testimony. He's not a locksmith.

12 THE COURT: Overruled. He can say whether or not
13 it was working or not and then you've got to ask him
14 how he does he know.

15 BY MS. TAYLOR:

16 Q. Does that appear to be a working locking mechanism?

17 A. No.

18 Q. How do you know that?

19 A. Well, it's broken. It's not intact. It's not
20 together. I don't have to be a locksmith to determine that
21 this door can't properly shut -- it can't properly lock.

22 Q. So from you investigating on-scene, going inside and
23 outside the house during the course of your investigation
24 and viewing that door, would someone be able to easily come
25 in the house without forcing entry?

1 A. Yes.

2 Q. Now were asked about calling in the dog teams and
3 things of that nature. Did you patrol the area during the
4 course of your investigation?

5 A. Yes, there was myself and another deputy that were
6 on-scene patrolling for the suspect.

7 Q. All right. And you said that you cleared the scene at
8 2:58 AM?

9 A. Yes.

10 Q. All right. And you said you work nightshift that
11 night?

12 A. I did.

13 Q. What time did you get off work that night?

14 A. 06 AM in the morning.

15 Q. Did you work that same area just as part of your
16 normal shift throughout the remainder of your shift?

17 A. I did.

18 Q. And if you had seen or come across anybody matching
19 the description of the offender, would you have continued
20 your investigation into this matter?

21 A. I would have.

22 Q. And did you see anybody matching the description of
23 the offender?

24 A. I did not.

25 MS. TAYLOR: I beg the Court's indulgence.

1 I'm sorry. I want to clarify one thing.

2 BY MS. TAYLOR:

3 Q. You were -- what time did you arrive?

4 A. On the second call or the first?

5 Q. The second call. I apologize.

6 A. The second call, 2:58 AM.

7 Q. Okay. And what time did you clear?

8 A. 3:57 AM.

9 Q. 3:57?

10 A. Yes.

11 Q. Okay. And did you see anything else of note as it
12 relates to this case during the remainder of your shift in
13 that same area that night?

14 A. I did not.

15 MS. TAYLOR: No further questions, Your Honor.

16 MR. JOHNSON: Briefly, Your Honor, if you'll
17 allow recross?

18 THE COURT: I'll allow it.

19 MR. JOHNSON: Thank you.

20 RECROSS EXAMINATION

21 BY MR. JOHNSON:

22 Q. Officer, just to be clear, the pipe you pointed out in
23 that photograph is the one you did not seize, correct?

24 A. Yes.

25 Q. And it's the one you did not test?

1 A. Yes.

2 Q. Now did you testify about bruising to Complainant's arm?

3 A. I did.

4 Q. Can bruising to Complainant's arm be caused by a track mark
5 from drug use?

6 MS. TAYLOR: Objection.

7 THE COURT: Overruled. He can ask and he can
8 answer. Can it be?

9 BY MR. JOHNSON:

10 Q. Can it be caused by that?

11 A. Complainant appeared to have sustained a bruise on her --
12 on her right biceps and a knot on her left wrist.

13 Q. Okay. But you said there was a bruise on the arm.
14 Can that be caused by injecting illegal drugs?

15 A. I'm not a --

16 Q. Do people inject illegal drugs and leave bruises on
17 their arms?

18 A. It's possible. Sure.

19 Q. Okay.

20 MR. JOHNSON: Thank you. No more questions, Your
21 Honor.

22 THE COURT: Any additional questions before I
23 have him step down?

24 MS. TAYLOR: No further questions.

25 THE COURT: All right. Thank you, sir.

1 (Witness excused.)

2 THE COURT: All right. Call your next witness.

3 MS. TAYLOR: Yes, Your Honor.

4 The State calls Patricia Ray.

5 THE CLERK: If you'll raise you right hand please

6 and place your left on the Bible.

7 (Whereupon, Patricia Ray was duly sworn by the
8 Clerk of Court.)

9 THE CLERK: If you'll have a seat over there,
10 please, ma'am. If you'll state your name and spell
11 your last for the record, please.

12 THE WITNESS: Okay. It's Patricia Ray. Last
13 name is R-A-Y.

14 PATRICIA RAY,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. TAYLOR:

18 Q. Good morning, Ms. Ray.

19 A. Good morning.

20 Q. Where do you currently live?

21 A. At 3 ABC Lane [REDACTED], Gaston, South Carolina,
22 29053.

23 Q. Is that here in Lexington County?

24 A. Yes.

25 Q. Okay. And has -- how long have you lived there?

1 A. Since 1995.

2 Q. Now how do you know the defendant, William David
3 Boone?

4 A. He's one of my cousins.

5 Q. Okay. Do you live close to him?

6 A. Yes, I do.

7 Q. All right. Would you be able to show me on a map if I
8 showed you that's already in evidence?

9 A. Yes.

10 Q. I'm showing you what's already in evidence as
11 State's 5 and there should be a laser pointer up there.

12 A. Right here?

13 Q. Yes, ma'am. Can you show us on this map in State's 5
14 where your home is located?

15 A. Okay. Let me find -- right there.

16 Q. At 3 ABC Lane

17 A. Yes.

18 Q. Okay. And where does the defendant -- where does
19 William Boone live?

20 A. There is actually -- 1 ABC Lane is there.

21 Q. Okay. Is 2 ABC Lane also part of that property?

22 A. Yes.

23 Q. How far away would you say that you live from William
24 Boone?

25 A. Approximately maybe a football field.

1 Q. Okay. And can you hear things that go over there
2 sometimes?

3 A. Yes.

4 Q. Can you see things that go on sometimes?

5 A. Yes.

6 Q. And I'm gonna show you another view of this area
7 that's already in evidence as State's Exhibit 6. Do you
8 recognize this?

9 A. Yes.

10 Q. Can you point out -- what is this?

11 A. This is an aerial photo of the property.

12 Q. Okay. Do you see your house on that property in this
13 picture?

14 A. There's a lot of glare.

15 Q. I'm sorry.

16 A. No, you're fine.

17 Okay. That's --

18 Q. Or do you see where William Boone lives?

19 A. Yes.

20 Q. Okay.

21 A. Well --

22 Q. Can you point that out for us?

23 A. Well, this is not wanting to -- okay. This is the
24 fence line.

25 Q. Does that fence line separate your property?

- 1 A. Yes, right here.
- 2 Q. Okay. What about in State's 7, a different view?
- 3 A. Okay. This is my property, my field, and the fence
4 line right here, and I live right here.
- 5 Q. Where does William Boone live?
- 6 A. To this side.
- 7 Q. Okay. Now were you living there in September of 2024?
- 8 A. Yes, I was.
- 9 Q. Okay. Now I'm going to the night or the day of
10 September 26th of 2024. Do you remember anything that
11 caught your attention or anything that happened during that
12 day or night?
- 13 A. Yes.
- 14 Q. What did you notice?
- 15 A. I had my front door open. I have four Yorkie dogs
16 inside. They alerted me that there was something outside
17 or a noise. I walked out on the front and I heard a female
18 and a male yelling and screaming.
- 19 Q. Was this during the daytime or the nighttime?
- 20 A. Nighttime.
- 21 Q. All right. When you heard this female and male
22 screaming, what, if anything, did you do?
- 23 A. I pretty much as usual yelled out shut up over there.
- 24 Q. And after -- after you heard that screaming, did you
25 go back inside?

1 A. Yes.

2 Q. Okay. Now I want to go back to the aerial here and
3 just ask you one or two more things.

4 A. Okay.

5 Q. All right. In State's 5 here at 2 ABC Lane and 1 ABC Lane
6 [REDACTED], is that where William Boone lived?

7 A. Yes.

8 Q. Do you know a Complainant?

9 A. Yes, I do.

10 Q. Did she ever live at that property?

11 A. Yes.

12 Q. Did she ever live at that property with William David
13 Boone?

14 A. Yes.

15 MS. TAYLOR: I beg the Court's indulgence.

16 BY MS. TAYLOR:

17 Q. Were Complainant and William Boone in an intimate
18 relationship?

19 MR. JOHNSON: Objection, Your Honor.

20 THE COURT: Lay a foundation and just don't lead
21 her. That's sustained.

22 MS. TAYLOR: All right. I apologize.

23 BY MS. TAYLOR:

24 Q. What was -- just in general without getting into
25 specifics, what would you describe the nature of William

1 Boone and **Complainant's** relationship?

2 A. Companionship.

3 Q. Okay. And was that during the time they lived there
4 together at **2 ABC Lane** ?

5 A. Yes.

6 MS. TAYLOR: No further questions.

7 THE COURT: Any questions?

8 MR. JOHNSON: Just to confirm, Judge, briefly.

9 CROSS-EXAMINATION

10 BY MR. JOHNSON:

11 Q. You identified that Mr. Boone lived at that residence
12 right there next to you at the time of the incident?

13 A. Yes.

14 Q. Okay.

15 MR. JOHNSON: No more questions, Your Honor.

16 THE COURT: Thank you, ma'am. You may step down.

17 THE WITNESS: Thank you.

18 (Witness excused.)

19 MS. TAYLOR: Your Honor, may we approach for one
20 moment?

21 THE COURT: I'm sorry?

22 MS. TAYLOR: May we approach for one moment?

23 THE COURT: Sure.

24 (Proceedings held at the bench; not reported.)

25 THE COURT: All right. Ladies and gentlemen,

1 we're just talking little by about scheduling in terms
2 of our next witness, who is on their way, but it's
3 pretty lengthy, so I think now is a good time to break
4 for lunch. I usually give my jurors about hour and a
5 half so you can get your things, get out, go somewhere
6 and then come on back. So we are going to start
7 promptly at 1:30 right on time and we'll start as soon
8 as you-all are back. I just remind you don't discuss
9 the case while you're at lunch with any other jurors
10 or anybody else and we'll see you back at 1:30.

11 (Whereupon, the jury was excused for lunch at
12 11:56 AM.)

13 THE COURT: Anything we need to put on the record
14 before we break for lunch?

15 MR. JOHNSON: I was double-checking. The
16 solicitor was kind enough to tell me -- they said they
17 were calling Rosado. Rosado's testimony is where
18 they're talking about jail calls. None of those --
19 the audio-recorded interviews were suppressed or ruled
20 on by Judge McCaslin, but not anything else.

21 THE COURT: That's right. Judge McCaslin already
22 suppressed those, so that's not coming in. We're
23 talking about the jail calls, which I previously -- I
24 know you objected to, but I've overruled that
25 objection. As long as they can lay a foundation to

1 authenticate them, they're coming in.

2 MR. JOHNSON: Yes, ma'am. Thank you.

3 THE COURT: All right. We'll see you-all back at
4 -- we're gonna start promptly at 1:30.

5 MS. OLER: Thank you.

6 MS. TAYLOR: Thank you.

7 (Whereupon, a luncheon recess was taken at
8 11:57 AM.)

9 (Back on the record at 1:25 PM.)

10 BAILIFF: Please be seated. Court's again in
11 session.

12 THE COURT: All right. You-all be seated.

13 All of our jurors are back, so if you-all are
14 ready we'll be starting right on time.

15 All right. Are you-all ready?

16 MS. TAYLOR: The State's ready.

17 MR. JOHNSON: Defense is ready, Your Honor.

18 THE COURT: All right. Let's go ahead and bring
19 in our jury.

20 (Whereupon, the jury return to the courtroom at
21 1:30 PM.)

22 THE COURT: You-all have a seat for me. Thank
23 you.

24 All right. Is the State ready to call their next
25 witness?

1 MS. OLER: Yes, Your Honor.

2 THE COURT: All right.

3 MS. OLER: The State calls Ormica Thomas.

4 (Whereupon, Ormica Thomas was duly sworn by the
5 Clerk of Court.)

6 THE CLERK: If you'll have a seat over there,
7 please. State your name and spell your last for the
8 record.

9 THE WITNESS: My name is Ormica Thomas.
10 T-H-O-M-A-S.

11 ORMICA THOMAS,
12 having been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MS. OLER:

15 Q. Good afternoon, Ms. Thomas. Are you currently
16 employed?

17 A. Yes.

18 Q. And where do you work?

19 A. Lexington County Sheriff's Department.

20 Q. What is your current position with the Lexington
21 County Sheriff's Department?

22 A. I am the administrative sergeant over Lexington County
23 Detention Center.

24 Q. Okay. And can you briefly describe your roles and
25 responsibilities as an administrative sergeant?

1 A. Well, I review phone calls and messages, smart jail
2 mail, as well as video visits and pictures.

3 Q. And we're talking about communications within the
4 jail?

5 A. Yes.

6 Q. Okay. And are the recordings made as part of the
7 ordinary course of business for the Lexington County
8 Detention Center?

9 A. Yes.

10 Q. And are they -- are those audio recordings normally
11 maintained or kept -- I'm sorry. I just asked you that.
12 As the administrative sergeant for the Lexington County
13 Detention Center, are those recordings maintained and kept
14 under your control?

15 A. Yes.

16 Q. Okay. And are you familiar with the process of
17 maintaining or keeping those records?

18 A. Yes.

19 Q. And briefly can you tell us what that process is?

20 A. So the inmate calls, they are recorded, and they have
21 a prerecorded message and they are recorded and kept for
22 three years within our system.

23 Q. Okay. Can inmates receive phone calls in the jail?

24 A. No, they can't.

25 Q. Can inmates make phone calls from the jail?

1 A. Yes.

2 Q. Okay. Are the calls recorded as they happen?

3 A. Yes.

4 Q. Are both parties made aware that the calls are being
5 recorded?

6 A. Yes.

7 Q. How are both parties made aware?

8 A. There's a prerecorded message before each call.

9 Q. Okay. In your role as an administrative sergeant, do
10 you regularly review these recordings?

11 A. Yes.

12 Q. Okay.

13 MS. OLER: I beg the Court's indulgence.

14 THE COURT: Take your time.

15 BY MS. OLER:

16 Q. All right. Ms. Thomas, you testified that you
17 ordinarily keep these records. I'm going to --

18 MS. OLER: Permission to approach the witness,
19 Your Honor?

20 THE COURT: Yes, ma'am.

21 BY MS. OLER:

22 Q. I'm gonna show you what's previously been marked as
23 State's 22. Do you recognize this?

24 A. Yes.

25 Q. And what is this?

1 A. The CD that contains recorded calls from the jail.

2 Q. And how do you know that's what this is?

3 A. I've listened to it before.

4 MR. JOHNSON: I'm sorry, Judge. I can't hear the
5 witness.

6 THE COURT: You have to speak up.

7 THE WITNESS: Okay.

8 THE COURT: How do you know that that's what's on
9 that CD?

10 THE WITNESS: Because I have listened to it
11 before.

12 THE COURT: You've listened to it before?

13 THE WITNESS: Yes.

14 THE COURT: Who prepared that CD?

15 THE WITNESS: The jail.

16 THE COURT: Okay.

17 MS. OLER: And, I'm sorry, Your Honor. I believe
18 I made a mistake on the record. This will be
19 State's 23. I believe I said 22.

20 THE COURT: All right.

21 BY MS. OLER:

22 Q. You've listened to this before. Is it an accurate
23 description of jail call you previously reviewed?

24 A. Yes.

25 Q. Can you tell us State's 24 do you recognize this?

- 1 A. Yes.
- 2 Q. And what is this?
- 3 A. Also a recorded conversation from the jail call.
- 4 Q. Okay. And how do you know with that's what this is
- 5 IS?
- 6 A. Base I've listened to it before.
- 7 Q. And is it an accurate depiction of the jail call made
- 8 from the Lexington County Detention Center?
- 9 A. Yes.
- 10 Q. I'm gonna show you State's 25. Do you recognize this?
- 11 A. Yes.
- 12 Q. And what is this?
- 13 A. Also a recorded jail call.
- 14 Q. Okay. And how do you know that's what this is?
- 15 A. Because I've listened to it before.
- 16 Q. And is it a fair and accurate depiction of the call
- 17 placed from the Lexington County Detention Center?
- 18 A. Yes.
- 19 Q. Okay. And State's 26. Do you recognize this?
- 20 A. Yes.
- 21 Q. What is this?
- 22 A. It's a recorded jail call.
- 23 Q. Okay. And how do you know that?
- 24 A. Because I've listened to it before.
- 25 Q. Okay. And is it an accurate depiction of the audio

1 recording placed from the Lexington County Detention
2 Center?

3 A. Yes.

4 Q. Okay. State's 27. Do you recognize this?

5 A. Yes.

6 Q. And what is it?

7 A. A recorded jail call.

8 Q. And how do you know that's what it is?

9 A. Because I've listened to it before.

10 Q. And is it an accurate depiction of the audio recording
11 placed from the Lexington County Detention Center?

12 A. Yes, it is.

13 Q. Okay. State's 28. Do you recognize this?

14 A. Yes.

15 Q. What is this?

16 A. It is a recorded jail call.

17 Q. And how do you know that's what this is?

18 A. I've listened to it before.

19 Q. Okay. And is it a fair and accurate depiction of the
20 audio recording from the Lexington County Detention Center?

21 A. Yes, it is.

22 Q. And State's 29. Do you recognize this?

23 A. Yes.

24 Q. What is this?

25 A. A recorded jail call.

1 Q. And how do you know that's what this is?

2 A. Because I've listened to it before.

3 Q. Okay. And is it a fair and accurate depiction of an
4 audio recording of the jail call placed from the Lexington
5 County Detention Center?

6 A. Yes, it is.

7 Q. And State's 30. Do you recognize this?

8 A. Yes.

9 Q. And what is this?

10 A. A recorded jail call.

11 Q. And how do you know that's what this is?

12 A. Because I've listened to it before.

13 Q. And is it a fair and accurate depiction of a recording
14 of the audio placed from the Lexington County Detention
15 Center?

16 A. Yes, it is.

17 Q. Okay. And State's 31. Do you recognize this?

18 A. Yes.

19 Q. What is this?

20 A. A recorded jail call.

21 Q. And how do you know that's what this is?

22 A. Because I've listened to it before.

23 Q. And is it a fair and accurate depiction of a call
24 placed from the Lexington County Detention Center?

25 A. Yes, it is.

1 Q. Okay.

2 MS. OLER: Your Honor, at this time I move to
3 enter State's 23 through 31 into evidence.

4 MR. JOHNSON: Well, Your Honor, I object based on
5 previous motion and objection. I also object on
6 failure to lay a foundation or authenticate because I
7 don't have any testimony about who's on the call. It
8 could be anybody.

9 THE COURT: That's sustained.

10 You haven't said who made that disk, you haven't
11 said how it's been maintained, you haven't said how
12 they identified who was on the call. You've got to
13 lay more of a foundation. It's sustained on that
14 basis.

15 MS. OLER: Yes, ma'am.

16 THE COURT: You've got to lay more foundation.
17 You haven't -- your haven't done enough yet.

18 MS. OLER: Yes, ma'am.

19 BY MS. OLER:

20 Q. Sergeant Thomas, you testified that inmates cannot
21 receive calls, but they can make calls; is that correct?

22 A. Correct.

23 Q. And if an inmate makes a call, how is that recorded?

24 A. It is recorded on the system -- on our system.

25 Q. And how do you know which inmate made which call?

1 A. Because they have to use the PIN number that is given
2 to them, so it's given to them.

3 Q. And is that recorded within -- is that captured within
4 the recording of the call, them entering that PIN number?

5 A. Yes, it is.

6 Q. Does every inmate have a different PIN number?

7 A. Yes, ma'am.

8 Q. So no two inmates will have the same PIN number?

9 A. No.

10 Q. Okay. And the exhibits that you just identified, how
11 do you know who those calls were placed by?

12 A. Because they have to enter their PIN numbers
13 beforehand and those PIN numbers identify who the caller
14 is.

15 Q. Okay. And who was that caller?

16 A. William Boone.

17 Q. Okay.

18 MS. OLER: Okay. At this time I'd move to enter
19 the exhibits into evidence.

20 MR. JOHNSON: Your Honor, I'm just gonna examine
21 the numbers.

22 MS. OLER: Yeah, we're fixing the numbers.

23 MR. JOHNSON: Your Honor, may I ask a question of
24 the witness? I'm objecting to this obviously.

25 THE COURT: You can't ask her a question yet

1 because about it's not cross-examination, but you're
2 objecting based on your previous motion in limine and
3 on that basis the objection is overruled.

4 Is there an additional objection?

5 MR. JOHNSON: Well, I object based on the lack of
6 foundation and authentication. The witness testified
7 about a PIN number, but there's no real connection
8 guaranteeing a PIN, how it's connected to an inmate,
9 how only that inmate can use that PIN number. I think
10 that's something that's important if they're trying to
11 authenticate, and I would object based on that.

12 THE COURT: It is important. You haven't told
13 this jury how they assign PIN numbers, who maintains
14 those, how she pulled these calls. You've got to lay
15 a proper foundation, so sustained on that basis.

16 MS. OLER: Yes, Your Honor.

17 BY MS. OLER:

18 Q. Sergeant Thomas, how are the inmates assigned PIN
19 numbers?

20 A. When they are brought to jail and they're in intake,
21 there are numbers that are assigned to them and those are
22 the numbers that follow them the entire time that they are
23 in jail and so that is their PIN number. That is the only
24 number that they can use for phone calls, as well as
25 commissary. They have numbers that directly link to their

1 names.

2 Q. Okay. And who assigns those PIN numbers?

3 A. They are assigned by the system.

4 Q. Okay. At intake you testified?

5 A. Yes.

6 Q. And in addition to the PIN numbers on the audio
7 recordings, what information occurs within those
8 recordings?

9 A. The name of the inmate, as well as their PIN numbers.

10 Q. So in addition to a PIN number that's entered to make
11 the call. Am I understanding correctly?

12 A. Yes.

13 Q. The inmate also says their name?

14 A. It's prerecorded, yes, ma'am.

15 Q. Okay. And prerecorded by -- how is it prerecorded?

16 A. The inmates.

17 Q. The inmate prerecords their name?

18 A. Yes.

19 Q. Okay. And is that information captured within the
20 audio recordings?

21 A. Yes.

22 Q. Is that information captured in the audio recordings
23 of the exhibits that you just identified?

24 A. The numbers are put in. You can't hear the numbers,
25 but they're put in, yes.

1 Q. Okay. And so how do you know that these exhibits that
2 you just identified were made by the defendant?

3 A. Because of the inmate number that identifies him as
4 William Boone to the call.

5 Q. Okay. And is there any of -- that audio recording of
6 the name that you testified to, is that captured in this
7 call?

8 A. Yes.

9 Q. And are those in these recordings -- captured in the
10 recordings?

11 A. Yes.

12 Q. Okay.

13 THE COURT: All right. The objection is
14 overruled and the proper foundation has been laid.

15 MS. OLER: Thank you, Your Honor.

16 THE COURT: Those are so admitted.

17 Would you state for the record the numbers again?

18 MS. OLER: Yes, ma'am. It is 23 through 31 is
19 what she's identified so far that's been entered into
20 evidence.

21 THE COURT: All right.

22 (State's Exhibit No. 23 through 31, recorded jail
23 calls, were admitted into evidence.)

24 BY MS. OLER:

25 Q. Ms. Thomas, I'm gonna show you what's previously been

1 marked as State's 32 through 41. Can you look at these for
2 me, please. Do you recognize these?

3 A. Yes.

4 Q. And what are these?

5 A. Recorded inmate calls.

6 Q. And how do you know that's what these are?

7 A. Because I've listened to them before.

8 Q. And how do you know that these belong to -- and who do
9 these belong to?

10 A. William Bonne.

11 Q. Who are these calls made by?

12 A. William Boone.

13 Q. And how do you know that?

14 A. Because the inmate number was placed at the time
15 associated with his name.

16 Q. And is the audio recording captured in these
17 exhibits --

18 A. Yes.

19 Q. -- a fair and accurate depiction of the audio from the
20 Lexington County Detention Center?

21 A. Yes.

22 MS. OLER: Your Honor, at this time I would move
23 to admit State's evidence 32 through 41 into evidence.

24 MR. JOHNSON: Your Honor, we have to object
25 based on previous motion and objection, as well as

1 foundation, authentication. The witness has not
2 related anything about specific numbers or anything on
3 these exhibits as to how she can identify them, so I
4 think that's something. If there's a case number or
5 something she's going off of, I think she has to say
6 that.

7 THE COURT: I'm gonna overrule the objection
8 based on my previous ruling in our pre-trial
9 conference. The calls will be so admitted subject
10 to my pre-trial ruling.

11 Let me see counsel for a minute.

12 (Proceedings held at the bench; not reported.)

13 THE COURT: All right. So which exhibit is the
14 one that I have concerns about based on the pre-trial
15 rulings?

16 MS. OLER: I beg the Court's indulgence.

17 THE COURT: Take your time because you've got a
18 list.

19 MS. TAYLOR: We've narrowed it down to --

20 MS. OLER: There are two clips from that date.

21 THE COURT: Okay. So what exhibit numbers are
22 those?

23 MS. OLER: 35 and 36.

24 THE COURT: So at this point I'm not gonna
25 admit 35 and 36 because there hasn't been a proper

1 foundation, but we'll take it up on a break.

2 (State's Exhibit No. 32, 33, 34, 37, 38, 39, 40
3 and 41, jail call audio clips, were admitted into
4 evidence.)

5 BY MS. OLER:

6 Q. Ms. Thomas, you testified that -- how these calls are
7 recorded is by an inmate PIN number and the audio of their
8 name; is that correct?

9 A. Yes, ma'am.

10 Q. Okay. And the clips that we have up there, you
11 identified them. How did you identify those clips as
12 belonging to Mr. Boone?

13 A. When you put -- when we go into the system to actually
14 pull it up, we pull up the name and the inmate number and
15 that's how we identify who those calls belong to.

16 Q. Okay. And you testified that you've listened to all
17 those clips, right?

18 A. Yes.

19 Q. Prior to this -- to you testifying, correct?

20 A. Yes, ma'am.

21 Q. Okay. Now in each of those clips, is that information
22 going to be captured in each clip, the -- either the
23 entering of the PIN or the saying of the name?

24 A. Yes, ma'am.

25 Q. Is that gonna be in every one of those clips?

1 A. Yes, ma'am. As far as the clips themselves, not
2 the full phone call. It will be in the full phone call.
3 The clips are clips of what's involved in the full phone
4 call.

5 Q. Okay. So it's captured in the full phone call?

6 A. Yes.

7 Q. And are those clips pulled from those full phone
8 calls?

9 A. Yes, ma'am.

10 Q. And when I showed you these exhibits, you testified
11 that those were the audio recordings of the full phone
12 calls. Those were clips of those full phone calls,
13 correct?

14 A. Clips of the phone calls.

15 Q. So that information is not going to be in each of
16 those clips; is that correct?

17 A. Correct.

18 Q. Okay. So remind us again what you said your roles and
19 responsibilities were as an administrative sergeant, what
20 all you do.

21 A. So I view pictures, video visits, messages, phone
22 calls, all of those things.

23 Q. Okay. And when you say messages, can you tell us what
24 you mean?

25 A. So we have a system where they use the kiosk and they

1 use the kiosk to send messages back and forth to loved ones
2 or anyone on the outside and can receive messages back
3 through our smart jail mail system.

4 Q. Okay. And when you say they send messages, who sends
5 messages?

6 A. Inmates can send messages out.

7 Q. Okay. And can inmates receive messages?

8 A. Yes.

9 Q. Okay. And are those messages normally kept in the
10 normal course of the business for the Lexington County
11 Detention Center?

12 A. Yes.

13 Q. Okay. And as administrative sergeant, are they kept
14 or maintained under your control?

15 A. Yes.

16 Q. And are you familiar with the process to maintain or
17 keep those messages?

18 A. Yes, they are kept indefinite while they are with us,
19 while they are incarcerated with us, and seven years after
20 they are released from our custody.

21 Q. And when we talk about the messages, how do you know
22 who is sending the messages?

23 A. Because it will say their name. They have to put in
24 their inmate number as well to send messages and it will
25 depict from who the message is coming from and also who the

1 message is going to.

2 Q. Okay. And in this case, did you have an opportunity
3 to review any messages sent by Mr. Boone?

4 A. Yes.

5 Q. And if I showed those to you today, would you
6 recognize them?

7 A. Yes.

8 Q. Okay.

9 MS. OLER: Permission to approach the witness,
10 Your Honor?

11 THE COURT: Yes, ma'am.

12 BY MS. OLER:

13 Q. Sergeant Thomas, do you recognize what's been marked
14 as State's 42?

15 A. Yes.

16 Q. And can you tell us what this is?

17 A. It is a message from William Boone to **Complainant**

18 Q. And how do you know that?

19 A. Because it depicts it on the message. Any time
20 there's a message sent out, there's always a "from" and a
21 "to" and it's depicted on the message itself.

22 Q. Okay. And you talked about the inmate's PIN number.
23 Is that information captured in this message as well?

24 A. The inmate number is.

25 Q. And is this a fair and accurate depiction of a

1 communication that you reviewed in this case?

2 A. Yes.

3 Q. Okay. And State's Exhibit 43, can you tell us what
4 this is?

5 A. It's also a message sent from William Boone to Complainant
6 [REDACTED]

7 Q. Okay. And how do you know that?

8 A. Because it's stated there on the message that was
9 printed out from the system.

10 Q. Okay. And is it a fair and accurate depiction of the
11 message that you reviewed in this case?

12 A. Yes.

13 Q. Sergeant Thomas, I have 44, 45 and 46. Do you
14 recognize these?

15 A. Yes.

16 Q. And what are these?

17 A. Those are messages that were sent from William Boone's
18 to a David Warner, a Complainant and Complainant

19 Q. And how do you know that's what these are?

20 A. Because they were pulled from the system.

21 Q. And is it a fair and accurate depiction of the
22 message sent from the Lexington County Detention Center
23 by Mr. Boone?

24 A. Yes.

25 MS. OLER: Your Honor, at this time I would move

1 to enter State's 42 through 46 into evidence.

2 MR. JOHNSON: Objection, Your Honor, based on
3 previous motions and objections, failure to lay a
4 proper foundation, authentication, and I don't think
5 they had the appropriate language regarding the
6 business records as far as is this something they keep
7 as a regular course of business. I don't think I
8 heard that about these.

9 MS. OLER: I did.

10 THE COURT: Well, actually she did at the
11 beginning. She did testify that these are kept in
12 the normal course of business at the Lexington County
13 Detention Center.

14 MR. JOHNSON: Okay. Well, our objection stands
15 based on the other grounds.

16 THE COURT: All right. And your objection is
17 noted for the record. You're protected on your
18 objection. It's overruled for the reasons stated
19 during our pre-trial conference.

20 MR. JOHNSON: Thank you, Judge.

21 (State's Exhibit No. 42 through 46, inmate
22 messages, were admitted into evidence.)

23 MS. OLER: Please answer any questions the
24 defense may ask of you.

25 CROSS-EXAMINATION

1 BY MR. JOHNSON:

2 Q. Ma'am, how are you doing?

3 A. I'm good.

4 Q. I was just gonna ask when it comes to inmate numbers,
5 you talked about those being assigned, but, of course, if
6 inmates have numbers those numbers can be distributed to
7 other inmates or stolen from inmates. Isn't that possible?

8 A. No, they're not distributed to other inmates. They're
9 the one person that they belong to.

10 Q. Correct, but what I'm saying is can other people
11 snatch those numbers or learn those numbers and use them?

12 A. It is a possibility.

13 Q. Right. Because one person could enter somebody else's
14 phone number -- or ID number is what I'm saying.

15 A. If they are given that number by the inmate, yes.

16 Q. If they have the number, they can put it in?

17 A. If they're given the number by the inmate they can.

18 Q. And the same thing for jail calls -- it's the same
19 thing for letters. Like you just is identified these
20 letters. That has a number on there, but that number is
21 something given to an inmate so that means if it's in the
22 jail and another inmate gets it, they can use it to also
23 send a letter?

24 A. If they are given the number by the inmate.

25 Q. Or if they possess it somehow, correct?

1 A. (No verbal response.)

2 Q. If they get it, they get it, right?

3 A. Right.

4 Q. Okay.

5 MR. JOHNSON: Those are my only questions, Judge.

6 THE COURT: Any redirect?

7 MS. OLER: Yes, Your Honor. Briefly.

8 REDIRECT EXAMINATION

9 BY MS. OLER:

10 Q. Ms. Thomas, how long have you worked at the Lexington
11 County Detention Center?

12 A. Eleven years.

13 Q. And are you familiar with Mr. Boone?

14 A. I am.

15 Q. And do you recognize his voice on the jail calls?

16 A. I do.

17 Q. And how do you know that's Mr. Boone?

18 A. I've spoken with Mr. Boone on countless times and it's
19 his voice.

20 MS. OLER: Okay. Thank you very much.

21 THE COURT: Any follow-up?

22 MR. JOHNSON: Nothing further.

23 THE COURT: All right. Thank you, Ms. Thomas.

24 You can step down.

25 (Witness excused.)

1 THE COURT: All right. Ladies, do you want to
2 proffer your calls so we can address that?

3 MS. TAYLOR: Yes, Your Honor.

4 THE COURT: All right. Ladies and gentlemen, as
5 much as I don't want to send you back so early, I do
6 need to address one legal issue with counsel. It will
7 not take me very long at all. I'm gonna ask you to
8 step back, get a drink water, use the restroom, and
9 while you're back there I'm gonna have you-all work
10 together to pick your jury foreperson.

11 Your jury foreperson doesn't have any greater
12 vote than anybody else. They simply will be the
13 person that will communicate with the Court if
14 necessary and sign the verdict form at the conclusion
15 of the case when you all reach a unanimous verdict.
16 The jury foreperson will verify that that has happened
17 and that the verdict is unanimous, meaning that
18 you-all agree.

19 So why don't you go ahead and select your
20 foreperson while you're back there as well.

21 (Whereupon, the jury retire to the jury room at
22 2:03 PM.)

23 THE COURT: Okay. Our jury is out of the
24 courtroom.

25 And just so, for the record, at our sidebar the

1 Court's concern is that based on my pre-trial ruling
2 I had taken the issue of whether or not a phone call
3 between Mr. Boone and a non-testifying third party
4 would be admissible based on Mr. Johnson's objection
5 to, one, the confrontation clause being violated and,
6 number two, hearsay. Those were his two objections.

7 Now with respect to the confrontation clause,
8 the Court at this point in time I'm not saying it's
9 not a valid objection, but I do have concerns about
10 hearsay on these calls since these are non-testifying
11 witnesses, they will not be coming to testify.

12 With respect to the phone calls between
13 Mr. Boone and the individual I'll refer to as David,
14 the representation from the State is that the call
15 is between Mr. Boone and David verifying that Mr. --
16 that David did what Mr. Boone requested, which is to
17 pay the alleged victim a thousand dollars, and he
18 indicates on the call that he did it. The State is
19 not offering it for the truth of the matter, they're
20 offering it to show the effect -- to hear Mr. Boone
21 and show that his plan to pay **Complainant** not to be here
22 or cooperate with the State have been carried out.
23 That was the representation from the State.

24 The second call is between Mr. Boone and a woman
25 I believe referred to as Corina. I have concerns

1 about that call. You-all wanted to proffer it
2 because, quite frankly, there may be hearsay
3 statements and I don't necessarily believe based on
4 the sidebar conference that this is going to be the
5 effect or the hear. This sounds like a conversation
6 in which Ms. Corina, whoever that may be, is going
7 to make lots of statements and that's all hearsay,
8 especially if you're offering it for the truth, and it
9 sound like the State is. Because you're wanting the
10 jury to believe what Corina says on those statements
11 is true, that she is going to figure out how to come
12 up with a way to pay **Complainant** a thousand dollars and
13 that she will carry that out and they're talking about
14 a plan is what the representation sounded like, but I
15 don't know.

16 MS. OLER: Yes, ma'am. And I'm happy to play
17 that call. And, Your Honor, these are short clips.
18 If Your Honor wants to hear them, we're happy to play
19 them all so that Your Honor is aware.

20 The call that you're specifically addressing at
21 this moment, when that call starts Mr. Boone is heard
22 saying -- can we just play --

23 THE COURT: Just play the call. These are
24 Exhibits 35 and 36, and I know you weren't sure which
25 one it was.

1 MS. OLER: Yes, ma'am.

2 THE COURT: So let's just listen to it so we can
3 decide where we're at and what you-all are offering it
4 for.

5 MR. JOHNSON: I was just gonna make a point about
6 some of the calls to the victim, Your Honor.

7 THE COURT: Calls to the victim?

8 MR. JOHNSON: They've got phone calls under
9 February 16th. The victim --

10 MS. OLER: We took those --

11 MR. JOHNSON: Those are both off?

12 THE COURT: I thought that you-all were not gonna
13 play those calls or try to admit those calls.

14 MS. OLER: I'm sorry, Your Honor.

15 THE COURT: The exhibits that you introduced,
16 I thought that yesterday when we did our pre-trial
17 conference you were not admitting any of the calls
18 between Mr. Boone and the victim and, if you are,
19 you've got to tell me which ones those are and what is
20 said on there and what you're offering it for because
21 that's all hearsay.

22 MS. OLER: Yes, ma'am. So the first one that we
23 have is gonna be from February 16th. Mr. Boone -- and
24 I'm happy to play it for Your Honor. Mr. Boone is
25 gonna say to **Complainant** -- he says something like they're

1 gonna try to take me to trial after the 24th, don't
2 go, don't talk to the solicitor, tell the Solicitor
3 you won't talk them; if they call you, don't answer,
4 if they e-mail you, don't respond. You need to lay
5 low after 24th when they try to take me to the trial.
6 That's -- it's Mr. Boone's statement to Complainant

7 THE COURT: And what does Complainant say? That's my
8 question.

9 MS. OLER: She keeps saying are you -- are you
10 telling me to go, are you telling me to go, and he
11 says no, don't.

12 THE COURT: Okay. So why don't you play that one
13 for me and let's just make sure. I don't want this to
14 turn out to be an issue for you-all depending on what
15 this jury does.

16 So which call is this one?

17 MS. OLER: This is the call with the third party,
18 Corina, so this is gonna be --

19 THE COURT: Exhibit 35.

20 MS. OLER: -- 35.

21 THE COURT: Okay.

22 (State's Exhibit No. 35 playing.)

23 MS. OLER: Can you hear him? It's very low. I'm
24 gonna -- can I take this up there to her because she
25 can't hear what he says, so I guess she still hasn't

1 done that.

2 I'm gonna try to bring this laptop to you so that
3 you can hear it because it's very low.

4 THE COURT: Are you planning to publish these to
5 the jury?

6 MS. OLER: Yes.

7 THE COURT: How will they hear it?

8 MS. OLER: They will have a clean laptop back
9 there that they can play these on, Your Honor.

10 THE COURT: You don't plan to publish these in
11 the courtroom?

12 MS. OLER: We have a speaker. Well, we can --

13 THE COURT: No, I'm asking. Are you planning to
14 publish these to the jury in this courtroom?

15 MS. OLER: Yes, ma'am.

16 THE COURT: And she's saying yes, so bringing it
17 up to me right now is not gonna be any good because
18 they -- if I can't hear it, they're not gonna be able
19 to hear it.

20 (Discussion between counsel.)

21 THE COURT: So this is a good test because I
22 can't hear it at all. I can hear her, but if I hear
23 Mr. Boone, then you-all have got some trouble on this
24 call.

25 (State's Exhibit No. 35 playing.)

1 THE COURT: What does he say?

2 MS. OLER: He says I guess she still hasn't done
3 that.

4 THE COURT: You-all --

5 MS. OLER: And there are calls before this which
6 would iron out what "still haven't done that" is that
7 are his statements.

8 THE COURT: No. 35 is not coming in. It's
9 hearsay. He makes that one statement and then she
10 starts talking?

11 MS. OLER: Yes.

12 THE COURT: That's not -- that's hearsay. I
13 don't see how the State gets around that.

14 So 35 is not admitted. I'm sustaining his
15 objection to 35.

16 (State's Exhibit No. 35 playing.)

17 THE COURT: You can play that portion of the
18 call, but that whole beginning is hearsay.

19 MS. OLER: We'll take all of Corina's statements
20 out.

21 THE COURT: You've got to redact all of that and
22 start with Mr. Boone because those come in.

23 MR. JOHNSON: This is still 35, Your Honor.

24 THE COURT: This is 35. So Corina's statements
25 at the beginning all the way up until Mr. Boone starts

1 to talk need to be redacted for that exhibit to come
2 in.

3 MS. OLER: Okay.

4 Your Honor, while we're here can we just listen
5 to these so that there are -- so that there are no
6 issues that come up? Can we just proffer them,
7 please?

8 THE COURT: Sure.

9 MS. OLER: Thank you.

10 This is going to be the defendant's call to David
11 that he made on November 4th of 2024.

12 MR. JOHNSON: Judge, could I have exhibits
13 numbers?

14 MS. OLER: I'm sorry. This is State's 23.

15 MR. JOHNSON: Okay. Thank you.

16 (State's Exhibit No. 23 playing.)

17 MS. OLER: That's State's 24 -- 23. I'm sorry.

18 MR. JOHNSON: Your Honor, I think they said that
19 was David. That was not, that was Crissy. I believe
20 that's David's wife.

21 MS. OLER: I think I did say Crissy. I'm sorry.
22 I did say David, but that's the defendant speaking.

23 THE COURT: That's the defendant speaking,
24 Mr. Johnson.

25 MR. JOHNSON: To Christy. I was just correcting.

1 It wasn't David.

2 THE COURT: Okay. That's okay. That's admitted.
3 That's all Mr. Boone's statements.

4 MS. OLER: Yes, Your Honor.

5 The next one is going to be State's 24. It is
6 from February 11, 2025. I believe it's the defendant
7 to David.

8 THE COURT: Okay.

9 MR. JOHNSON: I'm sorry. What was the date?

10 MS. OLER: February 11, 2025.

11 MR. JOHNSON: Thank you.

12 MS. OLER: Yes. You're welcome. And that's 24.

13 (State's Exhibit No. 24 playing.)

14 MS. OLER: So David asked the defendant when he
15 did the burglary first degree and he says when I went
16 in the house and beat them with the chair.

17 THE COURT: Would you replay it?

18 MS. OLER: Yes, ma'am.

19 (State's Exhibit No. 24 playing.)

20 THE COURT: Mr. Johnson, tell me how this doesn't
21 come in.

22 MR. JOHNSON: Well, Judge, if it's gonna come in
23 -- I object to it, but if it's gonna come in I think
24 they need to play that next sentence where he says how
25 did that happen? That's your house.

1 MS. OLER: We have that clip.

2 MR. JOHNSON: That's coming in. Okay.

3 THE COURT: I agree with Mr. Johnson. What's
4 good for the goose is good for the gander.

5 MR. JOHNSON: As long as that's coming in, too.
6 I object to it.

7 MS. TAYLOR: That clip was on February 17th.

8 MR. JOHNSON: Well, this was a two-part exhibit.
9 They had two calls listed. They're saying this is
10 February 11th and when I reviewed their clips I
11 believe -- I think I'm saying this right. I think
12 they broke it up and had -- they had two from February
13 11th, one marked 1 and one marked 2, so.

14 MS. OLER: That's the next one. We're talking
15 about this one.

16 MS. TAYLOR: The next one is about -- the one
17 about it's not my house is February 17th. It's a
18 different one. We're getting there.

19 MR. JOHNSON: Well, just based off of memory,
20 Judge, I think he says that right after that.

21 THE COURT: Well, her representation is it's on
22 one of the other disks. It's another call.

23 MR. JOHNSON: Okay.

24 THE COURT: But your objection is overruled.
25 That is coming in.

1 MS. OLER: That's State's 24.

2 THE COURT: All right.

3 MR. JOHNSON: Again, I was objecting to the
4 previous one, too. Just for the record, I'm
5 continuing my objections on all of these.

6 THE COURT: I understand.

7 MS. OLER: All right. This is State's 25. This
8 is gonna be from February 11, 2025, also a call to
9 David. Or I think it might be a clip from the same
10 call.

11 (State's Exhibit No. 25 playing.)

12 MS. OLER: That was the defendant.

13 THE COURT: I couldn't understand a word he said.
14 It's his voice, but I don't understand a word he said.

15 (State's Exhibit No. 25 playing.)

16 THE COURT: I just think it's gonna be hard for
17 the jury. I mean, they'll have a laptop in the back,
18 but I'm just telling you I'm having a very hard time.
19 I can recognize his voice just from you-all playing
20 the other clips, but it is --

21 MS. OLER: I think there might be a connection
22 issue. I thought it played through there and would be
23 louder, but I've turned everything up and I can't get
24 it to go any louder.

25 MS. TAYLOR: We've always had it connect to the

1 big screen. If we can get IT to make sure it's
2 connected. It's just playing out of this.

3 THE COURT: You-all, if it's anything like
4 Greenville, and I love Greenville, that's my home
5 county, IT will show up in about three hours. So
6 we're not gonna pause the trial for it.

7 MS. TAYLOR: I promise you he'll be here in a
8 minute. We have three guys.

9 (Pause in proceedings.)

10 THE COURT: Okay. So why don't you-all stop
11 there. What's your next disk that you want me to
12 listen to? If it's the defendant's statements,
13 they're coming in.

14 MR. JOHNSON: Okay.

15 THE COURT: Those come in. They are party
16 opponent admissions over his objection to the clip,
17 but if there is an exhibit that has a third party,
18 let's focus on resolving those while we're waiting for
19 IT.

20 I know you-all are gonna try to fix your IT
21 issue. Are there any other disks with third parties?

22 MS. TAYLOR: I think that one is just him.

23 MS. OLER: The next one that I was going to play
24 for you, Your Honor, was his statement to the -- to
25 David and he talks about it was his house for the

1 burglary purpose because Ola --

2 THE COURT: Asked for it.

3 MS. OLER: Yeah.

4 THE COURT: Okay. Mr. Johnson?

5 MR. JOHNSON: I object to the call, but if
6 they're gonna bring it in I don't want to redact that
7 portion out.

8 THE COURT: Well, they're indicating it's in
9 there.

10 MR. JOHNSON: Okay.

11 THE COURT: All right. While he's doing that,
12 are there any other disks or calls with third parties
13 where it is someone other than Mr. Boone?

14 MS. TAYLOR: I think --

15 THE COURT: Because over Mr. Johnson's objection
16 I'm letting the call in with David provided that other
17 statement is in there.

18 MR. JOHNSON: There's calls from the victim.

19 THE COURT: I thought that the State represented
20 they were not introducing the calls with the victim.

21 MS. TAYLOR: There's a call to the victim, but
22 it's not her statement. It's just his statement.

23 MS. OLER: That's the one we talked about. Don't
24 go to the solicitor, don't talk to the solicitor,
25 don't answer --

1 THE COURT: But I don't -- Complainant is not on
2 there, correct? It's just his statement.

3 MS. OLER: We tried to take everybody else out.
4 Just his statements.

5 THE COURT: Okay.

6 MR. JOHNSON: I'll just say out of an abundance
7 of caution, you know, they were kind enough to let me
8 sit down and listen to the clips before trial. That's
9 what I'm trying to catch. You know, we did have some
10 marked as a conversation that I reviewed and so that's
11 why I was objecting to it. This one is -- the
12 dates --

13 THE COURT: If you could tell them the dates so
14 they could double-check.

15 MR. JOHNSON: Right. Right. It's one of the
16 clips they showed me. We have a call with the victim
17 February 16th, then we have another call with the
18 victim February 16th.

19 MS. TAYLOR: So the first February 16th one is
20 the one we do not introduce because he's responding
21 on that call. We introduced the second clip from
22 February 15th where she is not.

23 MR. JOHNSON: Where there's not a comment from
24 the victim?

25 MS. TAYLOR: Correct.

1 MR. JOHNSON: And if they're gonna proffer --
2 play that, I want to make sure we're satisfied with
3 everything, Judge, just to make sure, but there were
4 some words coming from the victim and we need to make
5 sure that's not in there.

6 THE COURT: Okay. He's asking that you-all
7 proffer that to make sure that it has been redacted.

8 MS. OLER: Yes, ma'am. And we're trying to.

9 THE COURT: Okay.

10 MR. JOHNSON: And, Judge, the other ones were --
11 well, we've got -- I think it was defendant and Corina
12 on July 20th and --

13 MS. TAYLOR: That's the one we just --

14 MS. OLER: That's the one we're gonna take that
15 statement out.

16 MR. JOHNSON: That's the one we're working on
17 now.

18 May 18th is the victim.

19 MS. TAYLOR: I think it's just his statement, but
20 we can proffer it though.

21 MR. JOHNSON: It's about moving the trailer.
22 That's just a statement, that was the victim. And
23 then one November 4th they played was Crissy.

24 MS. OLER: Yeah, we -- she said that one was in.

25 (Discussion between counsel.)

1 MS. OLER: This is the clips on a USB drive that
2 we clipped. That's what's on these disks that we
3 burned. We're trying to figure out now if this is a
4 formatting issue on the disks. Can we play the clips
5 from this?

6 THE COURT: I don't have an issue with that.

7 Mr. Johnson, do you have an issue with that?

8 MR. JOHNSON: As long as it matches perfectly
9 with what they're offering.

10 MS. OLER: It will because that's where we got
11 these from.

12 MS. TAYLOR: It's the exact file that we used to
13 burn it.

14 THE COURT: All right. Just as long as you know
15 you're redacting No. 35 I believe it was, Corina's
16 statement.

17 MS. OLER: Yes, ma'am.

18 THE COURT: I just need it to be redacted before
19 it goes to the jury tomorrow.

20 MS. OLER: Yes, ma'am.

21 THE COURT: Because we're going to close and
22 charge tomorrow.

23 Do you-all have any objection to me letting
24 our bailiff tell the jurors that we're having some
25 technical difficulty and IT is in here trying to

1 fix it.

2 Do you-all have a problem with that?

3 MS. OLER: No issue.

4 MR. JOHNSON: No.

5 THE COURT: Can you just let them know IT is in
6 here trying to work on our sound system.

7 BAILIFF: I sure will.

8 THE COURT: I told them it would be fast. Tell
9 them we're not just -- we're all just kind of sitting
10 waiting for IT to fix it.

11 (Pause in proceedings.)

12 (State's Exhibit No. 26 playing.)

13 MS. TAYLOR: That's all for 36. The only comment
14 from who he's talking to is "yeah".

15 THE COURT: Perfect.

16 MS. OLER: That's not 36.

17 MS. TAYLOR: 26. Sorry.

18 Okay. 27 is -- this is the one that you had a
19 question about you want to make sure the victim is not
20 on there.

21 We're about to play No. 27, which is a call to
22 the victim, but I think we took out everything from
23 the victim.

24 (State's Exhibit No. 27 playing.)

25 THE COURT: That's just his statements, so those

1 come in, Mr. Johnson, as they're a party opponent
2 admission.

3 So far the only exhibit that is going to have
4 statements from a third party is the call between
5 Mr. Boone and the person referred to as David and I've
6 included all of the statements, which I do believe
7 actually is this defendant as well in terms of the
8 statement being how did you commit the burglary, he
9 says what he did and then David says but you live
10 there, how could that be a burglary or whatever the --

11 MR. JOHNSON: Okay. Which clip is that on? What
12 number?

13 MS. OLER: That was from -- I think that's the
14 one we're getting ready to play.

15 MR. JOHNSON: Okay.

16 MS. TAYLOR: No, that's 2-16 that we just played.

17 MS. OLER: No, she's asking about --

18 MS. TAYLOR: So 2-17.

19 MS. OLER: So it's February 17th.

20 MS. TAYLOR: Exhibit 28.

21 (State's Exhibit No. 28 playing.)

22 THE COURT: And I'm admitting it as a party
23 opponent admission, Mr. Johnson, because he makes the
24 statement and the defendant then confirms what he did,
25 that's a party opponent admission, and I'm doing a

1 full, complete so I don't prejudice Mr. Boone.

2 MR. JOHNSON: Thanks, Judge. And we maintain our
3 objection to it.

4 THE COURT: I understand.

5 MS. TAYLOR: The next one is Exhibit 29 from
6 April 20th.

7 (State's Exhibit No. 29 playing.)

8 THE COURT: That's admitted. That's a party
9 opponent admission. The only statement that the third
10 party makes is "yeah".

11 MS. TAYLOR: Okay. The next one is 5-9-25.
12 Exhibit 30.

13 (State's Exhibit No. 30 playing.)

14 THE COURT: That's coming in, Mr. Johnson, as a
15 party opponent admission. There's no third party
16 statement other than "hum."

17 (State's Exhibit No. 36 playing.)

18 MS. OLER: So that was a redaction. Something we
19 took out.

20 THE COURT: It's coming in. It's a party
21 opponent admission. It's inaudible on the third
22 party and it's been properly redacted.

23 MS. OLER: All right. The next one is from
24 5-18-2025.

25 (State's Exhibit No. 32 playing.)

1 MS. TAYLOR: That's to the victim, but no
2 response.

3 THE COURT: You-all if it's just his statements
4 -- I know you're double-checking --

5 MS. OLER: We are.

6 THE COURT: -- but if it's just his statements,
7 it's coming in.

8 MS. OLER: Yes, ma'am. 5-21-25.

9 (Exhibit No. 33 playing.)

10 THE COURT: It's coming in. It's a party
11 opponent admission.

12 MS. OLER: 5-21-25.

13 (State's Exhibit No. 33 playing.)

14 THE COURT: That's coming in. It's a party
15 opponent admission. The third party is inaudible.
16 It's been properly redacted.

17 (State's Exhibit No. 34 playing.)

18 THE COURT: That's coming in, Mr. Johnson. It's
19 a party opponent admission. The statements of the
20 third party are not offered for the truth. He's just
21 repeating what Mr. Boone says.

22 MR. JOHNSON: Yes, ma'am.

23 MS. TAYLOR: We've already done the redaction for
24 that next one with Corina. We redacted her
25 statements.

1 THE COURT: This will be No. 36?

2 MS. OLER: This is 36. 35's being redacted.

3 (State's Exhibit No. 36 playing.)

4 THE COURT: That's coming in, Mr. Johnson. It's
5 not offered for the truth. It's a party opponent
6 admission by Mr. Boone.

7 (State's Exhibit No. 37 playing.)

8 THE COURT: That's coming in. That's a party
9 opponent admission. The third party's inaudible.
10 It's not offered for the truth.

11 (State's Exhibit No. 38 playing.)

12 THE COURT: That's coming in and I overruled
13 Mr. Johnson's objection to the term of "crotch
14 cricket".

15 (State's Exhibit No. 39 playing.)

16 THE COURT: That's coming in. That's a party
17 opponent admission. The third party is not audible.
18 The statement's not offered for the truth.

19 MS. OLER: And the last one is the call to David.
20 That's it. That's what we have.

21 THE COURT: All right. Are you-all ready? Let's
22 bring the jury in. They've been waiting for
23 forty-five minutes, you-all, so let's bring them in.

24 MS. OLER: Yes, ma'am.

25 MR. JOHNSON: And these redactions haven't been

1 made yet, but they will make them?

2 MS. TAYLOR: The one for Exhibit 35.

3 THE COURT: 35 is the only one.

4 MS. OLER: Those are the redacted clips.

5 MR. JOHNSON: But that one with David is out.

6 MS. TAYLOR: No, the one with David --

7 THE COURT: The one with David is in, but the
8 redacted one will be Exhibit No. 35, which will redact
9 all of Corina's statements at the beginning of the
10 call.

11 MR. JOHNSON: But all -- the one with David is
12 in, the whole thing?

13 THE COURT: That's correct. Yes, sir.

14 MS. OLER: Thank you, Your Honor.

15 Yes, ma'am. We're ready.

16 (State's Exhibit No. 35, a redacted jail call
17 clip, and State's Exhibit No. 36, a jail call clip,
18 was admitted into evidence.)

19 (Whereupon, the jury return to the courtroom at
20 2:53 PM.)

21 THE COURT: Juror 29, Mr. Burns, thank you so
22 much serving as our jury foreperson.

23 Number 29 is gonna be our jury foreperson.

24 Thank you all. Have a seat for me and thank you
25 for waiting so patiently. IT has gotten it working,

1 but only because they brought in a separate speaker.
2 So hopefully you'll be able to hear anything that they
3 would like you to. I apologize for the technical
4 difficulties.

5 All right. Is the State ready to call their next
6 witness? Or how would you like to proceed?

7 MS. TAYLOR: We're ready to call our next
8 witness.

9 THE COURT: Okay.

10 MS. TAYLOR: The State calls Alex Rosado.

11 (Whereupon, Alexander Rosado was duly sworn by
12 the Clerk of Court.)

13 THE CLERK: If you'll have a seat, please. State
14 your name and spell your last for the record.

15 THE WITNESS: Good afternoon. I'm Detective
16 Alexander Rosado. Last name is R-O-S-A-D-O.

17 ALEXANDER ROSADO,

18 having been duly sworn, testified as follows:

19 DIRECT EXAMINATION

20 BY MS. TAYLOR:

21 Q. All right, Detective Rosado. Good afternoon. Can you
22 tell me where you're currently employed and what you do?

23 A. I'm employed at the Lexington County Sheriff's
24 Department. I'm a major crimes investigator currently for
25 a catch-all team. I used to be on the domestic violence

1 team.

2 Q. And what kinds of roles and responsibilities do you
3 have as a detective in major crimes?

4 A. Now I'm assigned -- I'm assigned cases that
5 originated off of the road and the jail and from then
6 on we take the case, review it, watch body cam footage,
7 review photographs, contact any witnesses, any potential
8 offenders, suspects and victims, interview them, gather
9 statements and provide the facts of the case and work the
10 case as such until it's closed by arrest or one of many
11 other ways.

12 Q. Okay. Now did you have the same duties and
13 responsibility in September of 2022?

14 A. I did, but I was specifically handling dating
15 violence and domestic violence-related cases.

16 Q. Okay. At any point were you assigned as the lead
17 investigator for this case?

18 A. Yes, I was the primary investigator for this case.

19 Q. All right. Now after you were assigned as lead
20 investigator in this case -- well, let me back up. You
21 talked about some of your duties and responsibilities as
22 a detective in major crimes, and you may have said it,
23 does that include monitoring any kind of communications
24 from the jail?

25 A. Absolutely. If someone is incarcerated based off of

1 an arrest warrant of ours we have the liberty to utilize
2 the same program that Sergeant Thomas did to listen to
3 voice calls and review jail mail as well through her same
4 system. We are provided a login and are able to search
5 our inmates and if they're related to a case we can listen
6 freely.

7 Q. And as far as you know those are kept in the normal
8 course of business?

9 A. Absolutely. Yes.

10 Q. Does that include messages that are sent from inmates
11 in the detention center?

12 A. Yes.

13 Q. Does that include jail calls that are outgoing from
14 the detention center as well?

15 A. Yes.

16 Q. Okay. Now in regards specifically to this case, did
17 you do that in this case?

18 MR. JOHNSON: Objection, Your Honor, based on
19 previous motion and objection.

20 THE COURT: Your objection is preserved and it's
21 overruled.

22 THE WITNESS: Yes.

23 BY MS. TAYLOR:

24 Q. So you monitored communications from -- in this case?

25 A. I did.

1 Q. And what individual was that?

2 A. It was William David Boone.

3 Q. Okay. And what did that include? Was it calls,
4 messages or both?

5 A. Both. Primarily calls.

6 Q. All right. Now in regards to this case in general as
7 you led the entire investigation after Willie Harris left
8 the scene that day, did you become familiar with the victim
9 in this case, **Complainant** ?

10 A. I did as much as I could. She was hard to contact
11 after the incident took place.

12 Q. And were you aware of whether or not William David
13 Boone was allowed to have any contact with **Complainant**?

14 A. When assigned the case, a history of Mr. William David
15 Boone showed a court order which stated he was prevented
16 from any sort of communications or visual sightseeing of
17 **Complainant** .

18 Q. And would that include him being anywhere where she
19 is?

20 A. Yes.

21 Q. All right. Now back to communications from the
22 Lexington County Detention Center, did you -- you said you
23 do that in certain cases that you were assigned. Did you
24 do that in this case?

25 A. I did.

1 Q. Okay. And you said those are messages and calls?

2 A. Yes.

3 Q. And why do you do that in cases?

4 A. So there's various reasons. Specifically with this
5 one, and a lot of the other ones, you're trying to key in
6 on certain calls made to individuals in order to pick up
7 any sort of utterances or things said or mentioned to other
8 individuals relating specifically to the case. And then
9 also -- there's also times where they mention other
10 people's cases in major crimes and then that can lead to
11 further charges possible or evidence for your case. The
12 possibilities are endless with the phone calls.

13 Q. Would that include anything like if you were made
14 aware of any concerning --

15 MR. JOHNSON: Objection, Your Honor. Leading.

16 THE COURT: Let me hear the question first.

17 BY MS. TAYLOR:

18 Q. Post-arrest why would you -- what would be concerning
19 to you to trigger something to make you start listening to
20 calls?

21 THE COURT: Overruled.

22 You can answer.

23 THE WITNESS: At the time I was a domestic
24 violence investigator. A lot of time offenders make
25 contact with victims, witnesses or friends and mention

1 further evidence for the case or further evidence for
2 separate charges.

3 BY MS. TAYLOR:

4 Q. Okay. Now when you monitored or listened to these
5 jail calls and the messages to and from the detention
6 center, did you become very familiar with the contents of
7 those messages?

8 A. Yes.

9 Q. And obviously the defendant's statements?

10 A. Yes.

11 Q. And did you review the calls and messages in this case
12 in their entirety?

13 A. Yes.

14 Q. Including the -- any excerpt that would be contained
15 within those calls?

16 A. Yes.

17 Q. And were you familiar whether -- or certain that the
18 individual on the call was William David Boone?

19 A. Yes.

20 Q. Now from the detention center and the jail calls, can
21 anybody call into the detention center?

22 A. No.

23 Q. Okay. So are all calls -- jail calls outgoing from
24 the inmate?

25 A. Yes.

1 Q. Okay. So in this case did William David Boone
2 initiate every single one of these calls?

3 A. Yes.

4 Q. Okay. And as far as evidence for this case today, did
5 you review all of the clips and the jail calls?

6 A. I did.

7 Q. Okay. And why were these essential to your
8 investigation in this case?

9 A. Well, there's further evidence like I said before with
10 regards to --

11 MR. JOHNSON: Your Honor, I object if he's gonna
12 start trying to quote from the evidence. He's not
13 going off the transcript or anything and I think he's
14 -- if he's gonna identify an exhibit, that's
15 different.

16 THE COURT: Overruled at this point. He's just
17 saying why it was important to his investigation, but
18 obviously, you-all, these calls have been admitted.
19 He doesn't have to reidentify the disks other than to
20 say he has listened to them, but they do speak for
21 themselves.

22 MS. TAYLOR: Yes. I'm not gonna ask him to read
23 verbatim.

24 THE WITNESS: Can you restate the question?

25 BY MS. TAYLOR:

1 Q. I just wanted to know in general why was it imperative
2 for you or concerning to you as you were listening to these
3 calls? What was concerning in general?

4 A. So William wasn't on-scene and wasn't able to be
5 investigated on-scene by Willie Harris or any deputy at
6 that time, so a lot of information would be coming from
7 William himself. There were some concerning things heard
8 that furthered the factors of burglary and domestic
9 violence and then also alluded to a further charge of
10 obstruction of justice.

11 Q. Okay. And if I showed you multiple disks containing
12 excerpts from those calls, would you be able to identify
13 them and be familiar with them?

14 A. Yes.

15 Q. Okay. And so --

16 MS. TAYLOR: May I approach the witness, Your
17 Honor?

18 THE COURT: Yes, ma'am.

19 BY MS. TAYLOR:

20 Q. I'm showing you what's already in evidence Exhibits 23
21 through 41 and you can flip through as you wish. Do you
22 recognize all of those exhibits?

23 A. Yes, I recognize every single one of them.

24 Q. And how do you recognize those?

25 A. I listened them today, yesterday, and initialled and

1 dated every single one of those disks.

2 Q. Now what was the date of the first call that was
3 concerning to you as lead investigator in this case?

4 A. On November 4th of 2024 at about 19:54 hours.

5 Q. One second. And what was -- what time did you say
6 that call was?

7 A. Approximately 19:54 EST, so 7:54 PM.

8 Q. Okay. And who did the defendant make the call to?

9 MR. JOHNSON: Objection, Your Honor. There's
10 been no evidence about that to support -- I mean, he's
11 trying to speculate about who was on the phone. I
12 mean, she went through the evidence about ID's for
13 inmates making calls. She said who did the call go
14 to.

15 THE COURT: That's sustained unless you lay a
16 foundation, but obviously it has been established that
17 the call was outgoing to a third-party. That has been
18 established. Whether the name of that third-party is
19 known to this investigator or the detective is yet to
20 be established.

21 MS. TAYLOR: I understand.

22 BY MS. TAYLOR:

23 Q. So repeat one more time the date of the first call
24 that was concerning to you in this investigation and the
25 time that it was made by the defendant?

1 A. Yes. November 4, 2024, at 19:54 hours.

2 Q. Okay.

3 MS. TAYLOR: Permission to publish?

4 THE COURT: Yes, ma'am. But I thought we were
5 going to be using the USB as opposed to the disk.

6 MS. TAYLOR: Oh, we can.

7 THE COURT: Let me just ask Christopher from IT,
8 I don't want to have to pause this again, if we -- we
9 will figure out how to play these disks for the jury
10 when they go back to deliberate, but so that we don't
11 mess up the system, should she play it from the disk
12 or should she play it from the USB? Because nobody
13 has an objection. I just don't want to send my jury
14 back while we work on the speaker situation again.

15 MR. REYNOLDS: She should be able to play it from
16 the USB.

17 THE COURT: I would say play from the USB,
18 ma'am, if you don't mind. We will figure out the
19 disk situation if the jury would like to hear it when
20 they go back to deliberate.

21 MS. TAYLOR: All right.

22 THE COURT: I'm sorry. I didn't want to
23 interrupt, but I just want to make sure that we
24 don't lose the ability to hear.

25 MS. TAYLOR: I'm fine. I was just using that

1 by habit.

2 THE COURT: That's okay.

3 BY MS. TAYLOR:

4 Q. Okay. So November 4, 2024.

5 (State's Exhibit No. 23 playing.)

6 All right. And before I go further with the
7 calls, I wanted to talk about the messages really
8 quick.

9 Were there -- did you find any messages that were
10 sent in the notes of when these calls were made as
11 well?

12 A. Yes.

13 Q. Okay. Let's talk about those real quick before I
14 continue because I want to make sure I find the right word.

15 What was the date of the first message that you
16 saw that was concerning as the lead investigator?

17 A. October 1, 2024.

18 Q. Okay. And would you just for efficiency reasons
19 recognize these messages?

20 A. Yes.

21 Q. Okay. And what was the date of the second one?

22 A. I have October 4, 2024.

23 Q. And the third?

24 A. October 4, 2024, as well.

25 Q. Any others?

1 A. Yes, two more. October 9, 2024, and October 7, 2024.

2 Q. Okay. And you recognize these?

3 A. Yes.

4 Q. I just want to make sure this is what you have in your
5 records as well. I'm showing you what's already in as
6 State's 42, 43, 44, 45 and 46.

7 Let's start with the one that you said was from
8 October 1st of 2024. Who was this to?

9 A. That is from Mr. William to **Complainant**.

10 Q. And can you read that aloud to the jury?

11 A. Yes. I hope this is what you want to know. You can't
12 stay with him there. I'm going to ask you only once to get
13 him to leave and leave you alone or you can get your thing
14 and go. You did this to us.

15 Q. Okay. What was the date of the next one?

16 A. October 4, 2024.

17 Q. Okay. And who was this from and to?

18 A. It was from Mr. William to **Complainant**.

19 Q. Can you read that for the jury, please?

20 A. I'm giving us a quarter acre by the containers. Go to
21 David's now.

22 Q. And why was -- so far why have these been concerning
23 to you?

24 A. Well, it's showing to me that Mr. Bill is trying to
25 make amends with **Complainant** after the incident and is

1 offering to make amends.

2 MR. JOHNSON: Your Honor, I'm gonna have to
3 object. He's speculating at this point.

4 THE COURT: That's already sustained. He can't
5 say why. Just that it was concerning that he was
6 reaching out to the victim.

7 THE WITNESS: Yes. It's showing that he's making
8 contact with **Complainant** post-incident.

9 BY MS. TAYLOR:

10 Q. Thank you.

11 All right. For the next one on October 4th that
12 you said, can you read that aloud for the jury as
13 well?

14 A. October 4th. That's from Mr. William to Mr. David
15 Warner. David, **Complainant** is coming to talk to you to give us
16 the quarter acre. David, I'll never get out without her.

17 Q. Okay. The next one was when?

18 A. October 9th of 2024.

19 Q. Okay. Can you read that one aloud as well?

20 A. Yes. It's from Mr. William to **Complainant** once
21 more. I'm going to try to call you tomorrow between one
22 and three. Please try to answer. I'm trying to give you
23 or us a small piece of property so you don't have to move
24 or we can do it another way. If you have him living with
25 you, pack your belongings and I'll talk to the detective.

1 I love you, **Complainant**, and I want you to know that I always
2 will. Please don't make me not care about you. Don't
3 disrespect me on my family's land by having another man at
4 my home. Go his house. Oh, he don't have a place. You
5 don't either.

6 I can't read those next ones.

7 Lovely, beautifully. We don't have to be
8 together. Just don't disrespect my place.

9 Q. And then the last message was what date?

10 A. That would be October 3rd of 2024.

11 Q. Did you say the 3rd?

12 A. October 7, 2024.

13 Q. All right. And who was this message to?

14 A. That's from Mr. William to **Complainant**.

15 Q. And what did he say?

16 A. He said well, I guess you moved. You lost interest
17 in me and I'll find another way to get it done.

18 Q. I'll find the way to get it done?

19 A. Uh-huh.

20 Q. Okay. Now back to the jail calls, I'm gonna play
21 what is State's Exhibit 24 already in evidence.

22 (State's Exhibit No. 24 playing.)

23 Q. And were you were with State's Exhibit 25 on
24 February 11th as well?

25 A. I am, yes.

1 Q. Okay.

2 (State's Exhibit No. 25 playing.)

3 Q. What did he say there?

4 A. Please don't give her that trailer. I own that.
5 Homeless.

6 Q. Okay. What was the date of the next call that was
7 concerning?

8 A. February 15, 2025.

9 Q. Okay.

10 MR. JOHNSON: Your Honor, if they could cite the
11 exhibit numbers.

12 MS. TAYLOR: I'm sorry. State's Exhibit 26.

13 MR. JOHNSON: The one that was just played?

14 MS. TAYLOR: That's was 25.

15 MR. JOHNSON: Okay.

16 THE COURT: Now we're on 26.

17 MS. TAYLOR: Now we're on 26.

18 MR. JOHNSON: Thank you.

19 (State's Exhibit No. 25 playing.)

20 MS. TAYLOR: Oh, I'm sorry.

21 THE COURT: That was the last one.

22 MS. TAYLOR: That was 25. I apologize.

23 THE COURT: That's okay. I know it's a little
24 difficult because we're doing it from the USB as
25 opposed to the disk. But, otherwise, the jury would

1 not be able to hear it at this point due to a
2 technical issue.

3 BY MS. TAYLOR:

4 Q. Okay. After February 15th, what was the next date of
5 something concerning?

6 A. The next one I have is February 16th, but did you want
7 to play Exhibit 26?

8 Q. That was 26, I believe. That's what -- yeah, let's
9 move onto February 16th. And let me find it.

10 (State's Exhibit No. 27 playing.)

11 Q. And what was he saying in that? Why was that one
12 concerning?

13 A. Well, it's because Mr. Bill was telling Complainant to
14 not --

15 MR. JOHNSON: Objection, Your Honor. It's
16 speculation. He's trying to identify who the call was
17 to and he has no basis. There's no evidence.

18 THE COURT: You can have lay a foundation and let
19 it in, but, otherwise, it's sustained. There has not
20 been a foundation of who the call was to.

21 MS. TAYLOR: Okay.

22 BY MS. TAYLOR:

23 Q. To the party that he was talking to, what did the
24 defendant state in that call?

25 A. The defendant said to not answer lawyer or solicitor

1 and stated multiple times to not go to trial.

2 Q. Okay. Now moving on to the next date after February
3 16th, what was the next date?

4 A. February 17, 2025.

5 Q. Okay.

6 MR. JOHNSON: Your Honor, can they identify
7 exhibits? I'm just making sure we're tracking.

8 MS. TAYLOR: This is State's Exhibit 28.

9 (State's Exhibit No. 28 playing.)

10 Q. And what is he referencing on that call?

11 A. He's referencing the court order that was specifically
12 uttered to him to not have any sort of contact at that
13 house with **Complainant**

14 Q. Okay. What's the next date of a concerning call?

15 A. April 20, 2025.

16 Q. This is State's Exhibit 29.

17 (State's Exhibit No. 29 playing.)

18 Q. That's what it's gonna take to get out of here?

19 A. Yes.

20 MR. JOHNSON: Judge, can I ask did they play 27?

21 MS. TAYLOR: Yes.

22 THE COURT: Give me one moment.

23 Co-counsel, did --

24 MS. OLER: Can we confer for a minute, Your
25 Honor?

1 THE COURT: Yes, ma'am.

2 MS. OLER: Thank you.

3 THE COURT: I think you skipped a call.

4 MS. TAYLOR: I did?

5 THE COURT: Yeah.

6 And I apologize, ladies and gentlemen. I'm just
7 trying to make it so we can hear these calls and so
8 what I've instructed them to do is to go ahead and
9 play it from a USB so that you can actually hear it.
10 You will have the actual disk, but for the court
11 record I'm gonna try to make sure that we are going
12 through each one so you hear each exhibit, so I
13 apologize. That's the only way that you-all will be
14 able to hear it today.

15 BY MS. TAYLOR:

16 Q. Okay. Let's go back to February 15th.

17 THE COURT: And which exhibit would that be?

18 MS. TAYLOR: This would be Exhibit 27 -- I'm
19 sorry. 26.

20 (State's Exhibit No. 26 playing.)

21 BY MS. TAYLOR:

22 Q. Why was that concerning to you as the lead
23 investigator?

24 A. It shows that Mr. Bill was trying to get someone back
25 on their side to make it go away.

1 MR. JOHNSON: Judge, is that 26?

2 MS. TAYLOR: That was 26. I accidentally skipped
3 that one.

4 MR. JOHNSON: Okay.

5 BY MS. TAYLOR:

6 Q. I'm moving onto Exhibit 30, what was the next date
7 after April 20th that was concerning to you?

8 A. May 9, 2025.

9 Q. Okay.

10 (State's Exhibit No. 30 playing.)

11 Q. What was concerning to you in that call?

12 A. The offering of land to make sure he gets out of jail.

13 Q. Moving onto State's Exhibit 31, what was the next
14 date?

15 A. May 18, 2025.

16 Q. May 18, 2025.

17 (State's Exhibit No. 31 playing.)

18 Q. What's significant to you about that call?

19 A. It was a transaction to have something accomplished,
20 whether it is actually done or not, and once that is said,
21 accomplished and he steps out of jail, then it is what it
22 is by that point.

23 Q. What was the next date?

24 A. That was the same day, May 18th.

25 Q. All right. And this is State's Exhibit 32 -- or wait.

1 What was the date after the 18th?

2 A. May 21st.

3 Q. Okay. Now this is State Exhibit 33.

4 MR. JOHNSON: 32 is the one they just played?

5 MS. TAYLOR: Correct.

6 THE COURT: Yes, sir. And this is now 33.

7 MR. JOHNSON: Okay.

8 (State's Exhibit No. 33 playing.)

9 BY MS. TAYLOR:

10 Q. Was there anything else significant from May 21st?

11 A. I do have two calls or two separate exhibits from that
12 day.

13 Q. Uh-huh.

14 A. But, yes, to answer the question.

15 Q. All right. And this will be State's Exhibit 32.

16 (State's Exhibit No. 32 playing.)

17 Q. What's the next date after May 21st?

18 A. July 7, 2025.

19 Q. Okay.

20 (State's Exhibit No. 35 playing.)

21 Q. What was significant about that call to you?

22 A. Well, Mr. William defined what was told to him
23 that he needed in order to possibly get out of jail to a
24 third party and then instructed the third party to text
25 **Complainant** those directions and even names the person that

1 gave him those directions in order to do so.

2 Q. All right. After July 7th, what was the next date?

3 A. July 20, 2025.

4 Q. Okay. Looking at State's Exhibit 36.

5 (State's Exhibit No. 36 playing.)

6 Q. What was concerning about that call?

7 A. It was yet another third-party directive to have a
8 thousand dollars given to **Complainant**.

9 Q. Okay. What was the next date?

10 A. July 21, 2025.

11 (State's Exhibit No. 37 playing.)

12 Q. What was that that he said?

13 A. That was Mr. Bill telling a third party that if I get
14 out of here she may not live.

15 Q. What was the next date?

16 A. I have August 22nd. There may have been one just
17 before that one.

18 Q. Okay.

19 MS. TAYLOR: I beg the Court's indulgence for one
20 moment.

21 THE COURT: Take your time.

22 BY MS. TAYLOR:

23 Q. Let's go onto -- you said August 22nd?

24 A. Yes, ma'am.

25 Q. Okay.

1 THE COURT: And reference the exhibit number
2 before you play it so that Mr. Johnson knows which one
3 we're playing.

4 MS. TAYLOR: All right.

5 BY MS. TAYLOR:

6 Q. And this is State's Exhibit 39. All right.
7 August 22nd.

8 (State's Exhibit No. 39 playing.)

9 Q. Was there anything else of note from August 22nd?

10 A. That's the -- the only thing I took note of on that
11 specific call.

12 (State's Exhibit No. 40 playing.)

13 Q. What's concerning to you about that?

14 A. It shows the further continuance of the obstruction
15 of justice.

16 Q. And was there anything after August 22nd? Was there
17 anything in September?

18 A. Yes, September the 21st, 2025.

19 THE COURT: State the exhibit number before you
20 play it, please.

21 MS. TAYLOR: And this is State's Exhibit 41 and
22 the last -- I apologize the last one was 40.

23 (State's Exhibit No. 41 playing.)

24 Q. What was concerning to you about that?

25 A. It indicates that there was a completed transaction

1 of a thousand dollars and that the title was placed in
2 **Complainant's** name and that she could be on her merry
3 weigh post the transaction.

4 MS. TAYLOR: I beg the Court's indulgence.

5 Your Honor, may we approach really quick?

6 (Proceedings held at the bench; not reported.)

7 MS. TAYLOR: No further questions, Your Honor.

8 THE COURT: All right. Mr. Johnson,
9 cross-examination.

10 MR. JOHNSON: Thank you, Your Honor.

11 CROSS-EXAMINATION

12 BY MR. JOHNSON:

13 Q. Officer, you're lead investigator?

14 A. Yes, sir.

15 Q. So when you go to a potential crime scene if there's
16 an allegation of an assault with a pipe, wouldn't you want
17 to collect that pipe?

18 A. Yes.

19 Q. You wouldn't just leave it on the ground?

20 A. Correct.

21 Q. And if you collected it, you could check it for
22 fingerprints?

23 A. Yes.

24 Q. Or DNA? Touch DNA, too?

25 A. Yes.

1 Q. Okay. And basically when it comes to the messaging
2 you talked about, with all the video surveillance in the
3 jail you never watched a video of anyone giving or typing
4 up one of these letters?

5 A. No.

6 Q. Okay. So you can't personally speak to who was in
7 possession of an inmate's number because that number can
8 be transferred from one inmate to another inmate?

9 A. Correct.

10 Q. Okay. And if a person has a bruise on their arm,
11 can't that come from a track mark from a needle injection?

12 A. Possibly.

13 Q. And --

14 MR. JOHNSON: Well, no more questions, Your
15 Honor.

16 THE COURT: Any redirect limited to what he asked
17 on cross? I'm not gonna let you-all go back into
18 anything other than what he asked on cross.

19 MS. TAYLOR: Just briefly.

20 REDIRECT EXAMINATION

21 BY MS. TAYLOR:

22 Q. Detective Rosado, were you on-scene the night this
23 happened?

24 A. No.

25 Q. So you weren't physically present to be able to

1 collect any items?

2 A. No, I was not.

3 Q. Okay.

4 MS. TAYLOR: No further questions.

5 THE COURT: All right. Thank you, Detective.

6 (Witness excused.)

7 THE COURT: All right. Any further witnesses on
8 behalf of the State?

9 MS. TAYLOR: No, Your Honor. At this time the
10 State rests.

11 THE COURT: All right. Ladies and gentlemen,
12 that concludes the State's case in chief; meaning
13 they're not gonna be presenting any more testimony
14 or evidence. I do have to take up a legal issue with
15 the attorneys. I know it's only 3:30. Let me have
16 you step back to the jury room and I may just go ahead
17 and release you for the day if it's gonna take a long
18 time, but let me ask them to see where we are at and
19 then I'll give you further instructions.

20 Remember do not discuss the case. We are
21 not finished with the trial yet. Do not begin
22 deliberations, all right?

23 I'll have you step back to the jury room.

24 (Whereupon, the jury retires to the jury room
25 at 3:30 PM.)

1 THE COURT: All right. Let's take a 5-minute
2 recess to use the restroom and then let's talk about
3 where we are, okay?

4 (Recess taken at 3:30 PM.)

5 (Back on the record at 3:36 PM.)

6 THE COURT: Okay. You-all let's chat about
7 scheduling because I'm trying to figure out -- I don't
8 like to charge and close when it hits 3:30, but for
9 our 45-minute hiccup I might have said you-all have
10 got to suck it up and charge and close today.

11 But nevertheless, is that what you-all would like
12 to do is close in the morning and charge in the
13 morning?

14 MS. TAYLOR: Yes, Your Honor.

15 MR. JOHNSON: Do you want me to make my motions
16 in the morning?

17 THE COURT: No, what I'm telling you we are
18 going to have a working afternoon. We are gonna
19 start right on time at 9:30 with closings and then
20 I'm gonna charge them and they are going back. We
21 are not dealing with any legal issues in the morning.
22 We're gonna hear your motions and then if I deny the
23 motions, then we're gonna go ahead and look at jury
24 instructions and the verdict form and be ready to
25 roll in the morning.

1 MR. JOHNSON: All right.

2 THE COURT: They would really like to close in
3 the morning and just let the jury go home.

4 Do you agree?

5 MR. JOHNSON: I agree.

6 THE COURT: I do, too.

7 All right. So then my next question is do you
8 want me to bring the jurors back in and tell them
9 again not to deliberate and then sending them home or
10 do you want me to send the bailiff back and say this
11 is gonna take a minute, we're gonna go ahead and
12 release you to go on home?

13 MR. JOHNSON: I think you've already instructed
14 them --

15 THE COURT: I instructed them not to talk, that
16 the case wasn't over, but I'll bring them back in if
17 you-all want.

18 MS. TAYLOR: I'm fine with letting the bailiff
19 letting them know.

20 THE COURT: Okay. Let's go ahead and release
21 them, but we're going to start at 9:30 sharp.

22 (Whereupon, the jury was excused for the day at
23 3:37 PM.)

24 THE COURT: All right. Then, Mr. Johnson, I'm
25 happy to hear motions.

1 MR. JOHNSON: I have a motion at this time.
2 Based on all previous motions and objections, taken
3 in the light most favorable to the State, move for a
4 directed verdict at this time. I would argue the
5 evidence, in particular of the alleged burglary, they
6 had a witness that testified that that was my client's
7 residence. She said it about four times and then on
8 cross.

9 Also I would argue as far as being a household
10 member, I think they failed to establish what would
11 qualify as domestic violence. Along that part they
12 would have to get into the details of why it's a
13 household member or a former household member, I
14 don't think they went into that and so I would make a
15 directed verdict motion based on that as well, Your
16 Honor.

17 THE COURT: All right. Let me hear from the
18 State. So with respect to the burglary first
19 argument, taking all the evidence in the light most
20 favorable to the State, but for those jail calls more
21 likely than not I would have granted directed verdict.
22 I'm just being honest with you-all without **Complainant**
23 here on a burglary first, but those jail calls,
24 Mr. Johnson, are a major problem for Mr. Boone.

25 MR. JOHNSON: Yes, ma'am. And, of course, I

1 mentioned -- well, you just mentioned the fact that
2 there was no victim to testify in this trial.

3 THE COURT: There doesn't have to be in this
4 instance.

5 MR. JOHNSON: Yes, ma'am.

6 THE COURT: But, nevertheless, on the domestic
7 violence tell me what evidence was presented in the
8 courtroom about their relationship or prior
9 relationship other than Ms. Kay {sic}?

10 MS. TAYLOR: I was gonna start with her. She
11 said a neighbor, companion, and then Ricky -- also the
12 victim on the 9-1-1 said my ex is harassing, stalking
13 me. That came in through the CAD, as well Sergeant
14 Harris. And then there was more than one witness to
15 show that they lived at that property together at
16 least in the past, so they were former -- our position
17 is that they qualify as household members because they
18 were in that intimate relationship as Ms. Ray stated
19 and they used to cohabitate at that location at [REDACTED]
20 2 ABC Lane [REDACTED].

21 THE COURT: All right. I will say I do want
22 to caution the State to be very careful about a
23 conviction in this case based on the CAD because the
24 representation during our pre-trial motions was that
25 the stalking CAD, call number one, was not being

1 offered for the truth of the matter, rather it was
2 being offered to show the chain of events that
3 occurred during that evening that led to Mr. Boone
4 coming to that house. So I'd be very careful in
5 relying on just that in terms of making your legal
6 argument to the jury because if he is convicted, that
7 may be an appealable issue that results in a new trial
8 because the representation was Judge, we're not
9 offering her statement for the truth of the matter,
10 we're offering to show what had happened and how the
11 violence escalated into Mr. Boone showing up at the
12 house where there was the altercation between **Complainant**
13 and Mr. Spires. I'm just cautioning the State on that
14 because that was the representation.

15 So if you get up in closing and you hammer away
16 at that to meet that element, the burden of proof on
17 that element, that may be an appealable issue if he is
18 convicted because the representation was Judge, we're
19 not offering that for the truth, we're offering that
20 to show why the officers were there, the concern that
21 they had for **Complainant's** safety, the fact that this was
22 turning into a domestic violence situation. That was
23 the representation, so I'm just cautioning the State
24 on that.

25 MS. TAYLOR: I understand.

1 So it began with Ricky Spires who said that -- he
2 also testified that she may have been followed by her
3 ex-boyfriend, that being the defendant, so that was
4 the beginning of the establishment that they had a
5 previous intimate relationship. That was also
6 testified to by Ms. Patricia Ray, that there were
7 companions, and she also -- so as far as cohabitation
8 goes, it was established through Ms. Patricia. Willie
9 Harris also testified that through his investigation
10 he became -- he knew that **Complainant** lived at this
11 residence as well, so that was the same residence that
12 -- although he is claiming that he was there in the
13 past, he wasn't allowed to be there at the time, but
14 they lived there together. And Ms. Patricia also
15 specifically stated that previous to this incident
16 they'd lived there together and they were in a
17 relationship.

18 THE COURT: What about that, Mr. Johnson? So
19 what you had as far as evidence because my law clerk
20 and I were keeping track to make sure the elements
21 were being met for directed verdict purposes is you
22 did have testimony from Ms. Kay who said they were
23 companions and that they previously cohabitated
24 together. On the calls he indicated that he lived at
25 that residence with her and Mr. Spires indicated that

1 that was her ex-boyfriend.

2 MS. TAYLOR: And an admission in the jail mail
3 message from William Boone to **Complainant** where he
4 says I hope this is what you want, you know you can't
5 stay there with him, I'm gonna ask you only once to
6 get him to leave you alone or you can get your things,
7 you did this to us.

8 He's sent another message talking about you can't
9 have him living there, you can pack your belongings
10 and go, so there's further admissions from the
11 defendant in these messages that she's still living
12 at that house, her belongings are in that house, and
13 that's the reference. And he refers to us.

14 THE COURT: I think he even says that he loves
15 her in one of the messages, Mr. Johnson, so that would
16 show that they were in a romantic relationship.

17 MR. JOHNSON: If they're gonna go for the
18 domestic violence, my argument is for directed
19 verdict, their witness, Ms. Ray, did not say at some
20 point. They asked her, and she said it four times,
21 on September 23, 2024, that incident date, where did
22 Mr. Boone live, she said he lived there, he lives
23 there, and she said **Complainant**, but said he lives there at
24 the incident time. So if they're going for burglary
25 saying this was not his dwelling, not his residence --

1 THE COURT: But I don't think that's their
2 argument, Mr. Johnson, and this is the problem for
3 Mr. Boone.

4 Hold on a moment. I believe that what the case
5 law provides is that if it's -- burglary is not
6 defined by ownership. It's defined by the right to
7 possess or habitate the dwelling and at this point
8 what they introduced was there was a court order that
9 prohibited him from being there and so, therefore,
10 because he was prohibited **Complainant** if I'm taking it
11 in the light most favorable to the State, had the
12 right to be there and had the rightful possession and
13 the right to habitate there, her things were there.

14 MR. JOHNSON: But I'm just arguing the fine point
15 of what they introduced was evidence that he was in
16 violation of a court order. They did not provide
17 evidence that he did not leave there as his dwelling,
18 they provided evidence that he did live there.
19 Ms. Ray said that four times.

20 MS. TAYLOR: Ms. Ray does not have personal
21 knowledge of the court order. That's why I did not
22 elicit it through there. That's why it was elicited
23 through the lead investigator, Detective Rosado,
24 because she would have never had -- she's not law
25 enforcement, she's not any kind of court official that

1 would have personal knowledge. So, yeah, she's his
2 cousin, they've lived next door to each other since at
3 least 1995. Yeah, he's lived there in the past and
4 she did testify to that as well. She also testified
5 that **Complainant** lived there. So she was not the
6 appropriate witness to elicit that he was not allowed
7 to be there and have contact with **Complainant** that was
8 more appropriate for Detective Rosado, which is what
9 we did.

10 MR. JOHNSON: She did not say he lived there in
11 the past. She said four times --

12 THE COURT: She did.

13 MR. JOHNSON: She walked up and said where's
14 Mr. Boone, Mr. Boone lives there, four times, and then
15 I got up and crossed and said where's Mr. Boone, right
16 there on that date in September, so she didn't say in
17 the past. And if that's a violation of a court order,
18 that is separate from the statute for burglary, and
19 that's my point.

20 MS. TAYLOR: And there was a stipulation though
21 that he was not allowed to be anywhere where she was
22 at, including a place where that he may or may not --

23 MR. JOHNSON: Right, but that doesn't mean that
24 he's not still choosing to have that as his dwelling
25 and satisfy under the burglary statute. Now it

1 violates a court order. That's a court order, I
2 understand that, but we did not stipulate that they've
3 satisfied this burglary element.

4 MS. TAYLOR: It's not about ownership. It's
5 about whether he has a right to be there. Ms. Ray
6 would not have known whether there was consent or
7 not because she was not there. She only heard the
8 commotion going on.

9 So while he may or may not have legal ownership,
10 that court order trumps that and he was not supposed
11 to be anywhere where **Complainant** was that night.

12 MR. JOHNSON: And, Judge, when we look at
13 the indictments -- are you gonna pass back the
14 indictments?

15 THE COURT: I'm sorry?

16 MR. JOHNSON: Are you gonna pass back the
17 indictments to the jury?

18 THE COURT: I have the indictments. Do you need
19 to see it?

20 MR. JOHNSON: No, I'm just asking if that's the
21 order of things that you send it back to the jurors.

22 THE COURT: No, I never send the indictments back
23 to the jury. I didn't understand what you were asking
24 me. I do not send the indictments, nor do I send the
25 jury charge. I never send it back. Neither of those

1 things should go back to the jury.

2 MR. JOHNSON: Well, I guess at this point I would
3 base it also on -- and get into a discussion about
4 your jury charge regarding burglary.

5 THE COURT: Not until I rule on the directed
6 verdict.

7 MR. JOHNSON: Okay. Well, that was just my
8 point. It could be evidence in violation of a court
9 order, but it would not be evidence of satisfying that
10 part of it. Because I think he established that he's
11 got a dwelling there. He's violated a court order,
12 but still on a directed verdict motion they kind of
13 reenforced it repeatedly with that witness saying
14 that's where he lives on the incident date.

15 MS. TAYLOR: And Mr. Spires did testify that he
16 did not invite Mr. Boone over that night and to his
17 knowledge Complainant did not as well.

18 THE COURT: Now Mr. Spires also, and this is
19 what makes this perfect for a jury to determine, he
20 also said he had no idea whether or not Complainant was
21 preventing Mr. Boone from coming over on occasion even
22 in violation of a court order. He testified to that.
23 Mr. Johnson asked him that.

24 But, nevertheless, your motion for directed
25 verdict is denied. If I take all of the

1 circumstances of this case, all of the evidence
2 that's been presented, there is a sufficient amount
3 of evidence for this to go back to the jury to make
4 a determination.

5 MR. JOHNSON: All right, Judge.

6 THE COURT: All right. So now let's talk about
7 the jury charge, which Dan's been working on. I'm
8 going get him to print it and we're gonna take a look
9 at it.

10 MR. JOHNSON: The only thing I had proposed, Your
11 Honor, was the idea of a self-defense charge because
12 they had that testimony from Mr. Spires. I don't
13 think it's clear who's hitting who on that 9-1-1. He
14 claimed he attacked my client with a baseball bat.

15 THE COURT: But, nevertheless, as far as a
16 self-defense, that request is denied, and I'll tell
17 you the reason why.

18 The testimony is, is that -- you-all, let's just
19 be clear about what's happening in this case, just
20 a picture of what's going on. You've got Mr. Boone
21 and **Complainant** in a romantic relationship. This is
22 what I believe the evidence shows. You've got
23 **Complainant** who isn't exactly the most faithful person
24 in the universe, all right? She's got Mr. Spires in
25 the house, okay? The only reason why a gentleman

1 who is in someone else's residence with a female
2 jumps in the closet when they hear the moped of
3 the boyfriend pulling up is because something is
4 going on in this house that they should not be doing.
5 Because, otherwise, if they're just in there smoking
6 a cigarette and having a drink, Mr. Boone can be mad
7 about the guy being there, but, nevertheless, he jumps
8 in the closet, and guess what? I mean, more likely
9 than not they were doing more than having a cigarette
10 or a drink. But, nevertheless, the testimony is, is
11 that this was not a situation where Mr. Boone walks in
12 and said oh, my gosh, **Complainant**, what are you doing with
13 Ricky, my friend, here. Unh-unh. No.

14 The testimony is, is that Ricky is hiding in the
15 closet more likely than not because he was having an
16 intimate relationship with **Complainant** and Mr. Boone
17 comes charging in basically ready to beat her for
18 whatever indiscretion she has committed. Self-defense
19 would have been Mr. Boone walking in and saying Ricky,
20 what are you doing here and then Ricky attacking him
21 and then a big physical altercation occurs between the
22 three of them. That's not what happened.

23 MR. JOHNSON: Well, and we're arguing, of course,
24 the fine details of whether or not Ricky knew what
25 happened because Ricky said he was -- and that all

1 came through. I understand, Judge.

2 THE COURT: I mean, it's up to you. Is Mr. Boone
3 gonna testify?

4 MR. JOHNSON: No.

5 THE COURT: Then we're gonna have a little
6 conference about that. It would be different if
7 Mr. Boone were gonna testify and say Ricky was lying
8 and this is what happened when I walked in there --

9 MR. JOHNSON: Well, yes, ma'am. And I also --

10 THE COURT: -- and that's not what happened.
11 The evidence so far, the only evidence, is Ricky
12 and whether or not the jury believes that, and then
13 what occurred as far as **Complainant** calling 9-1-1 and
14 reporting that she's being attacked and then hearing
15 the 9-1-1 call where she's like asking him to leave
16 and to stop, and that's not self-defense. You can't
17 meet the elements for these charges.

18 MR. JOHNSON: Yes, ma'am.

19 THE COURT: Okay.

20 MR. JOHNSON: I just want to put on the record,
21 I argued in my directed verdict motion about domestic
22 violence and burglary, but I also wanted to make sure
23 it was applied to the obstruction.

24 THE COURT: I understand that you preserve it,
25 but unfortunately for Mr. Boone those jail call -- it

1 sufficiently establishes obstruction.

2 MR. JOHNSON: And I'll just cite the reasons.
3 One reason being an inability to identify some parties
4 on phone calls. They presented the evidence, it was
5 allowed in, but if there's no real clear connection
6 to who those people are I think that would draw into
7 question that evidence.

8 So I make my direct verdict motion as to all
9 three indictments and renewing all motions and
10 objections, Your Honor.

11 THE COURT: So all of your objections on the
12 motion and your motions in limine, those objections
13 are preserved. Respectfully, they didn't have to
14 identify those third parties. Mr. Boone sort of made
15 a lot of statements about what he wanted those people
16 to do. Even just hearing a grunt, we didn't even have
17 to hear what they had to say.

18 MR. JOHNSON: Well, just in general I just wanted
19 to make sure I stated that I was renewing all motions
20 and objections.

21 THE COURT: That's preserved and then your
22 request for the self-defense is denied for reasons
23 stated. There's just no elements here.

24 MR. JOHNSON: Thank you.

25 THE COURT: All right. So now let's talk about

1 what the charge should be as far as anything else.
2 I've got -- Dan's gonna print it. I would like
3 you-all to take a look at it before we stop and then
4 I also want to take a look at the verdict form since
5 I denied the motion for directed verdict.

6 MR. JOHNSON: Judge, are we gonna put it on the
7 record in the morning as far as -- before the jury
8 comes in about my client's decision whether or not to
9 testify?

10 THE COURT: As soon as I get Dan to go print
11 this for you-all, we're gonna have a little discussion
12 with Mr. Boone. We're gonna do it now, so I literally
13 would like to just have the jury walk in, you-all
14 present your closing arguments -- I tell them that
15 you're not presenting anything, the defense has rested
16 as well, and it's now time for them to hear closing
17 arguments and get instructed on the law.

18 MR. JOHNSON: Thank you, Judge.

19 MS. TAYLOR: I do have this disk if we want to
20 play it. I don't know how you want to handle it.
21 This is the newly redacted version of what's already
22 in evidence.

23 THE COURT: Well, let's just go off the record
24 and, Mr. Johnson, make sure why don't you listen to
25 it and make sure that you agree that it's redacted

1 because the jury may want to listen to some of these
2 calls or they may not.

3 MR. JOHNSON: Yes, ma'am.

4 (Recess taken at 3:53 AM.)

5 (Back on the record at 4:00 PM.)

6 THE COURT: Okay. Let's go ahead and go back on
7 the record.

8 All right. I just sent my law clerk back to
9 print the charge. I haven't read it yet, but that
10 will give you-all chance to read, but, Mr. Johnson,
11 want to address Mr. Boone about whether or not he is
12 going to make the decision -- if he has made the
13 decision to testify or not to testify.

14 So let me start first by asking you, Mr. Johnson,
15 have you had an opportunity to speak with him about
16 this decision?

17 MR. JOHNSON: I have, Your Honor.

18 THE COURT: And you believe that he's made the
19 decision of his own free will?

20 MR. JOHNSON: I believe he has and, of course, I
21 ask the Court to inquire about that.

22 THE COURT: Okay. So, Mr. Boone, let's you and I
23 have a conversation.

24 First of all, let me put you under oath because
25 any time I speak to anybody I always put them under

1 oath. So if you'll raise your right hand.

2 (Whereupon, William David Boone was duly sworn
3 by the Court.)

4 THE COURT: All right. Your attorney tells me
5 that the two of talked about whether or not you're
6 gonna testify in your own defense. Now I'm gonna
7 tell you at the outset, and I'm sure Mr. Johnson told
8 you this, you do not have to testify. Every person
9 is presumed innocent. The burden never is on you to
10 prove that you are not guilty of these charges. That
11 burden rests on the State through every single
12 element.

13 You have a constitutional right to remain silent
14 and invoke your rights against self-incrimination
15 and if you decide to do that, meaning decide not to
16 testify, I'm going to instruct this jury that they
17 cannot consider that whatsoever in terms of making
18 their decision about whether you are guilty or not
19 guilty of these charges.

20 Do you understand that?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Have you had enough time to talk to
23 Mr. Johnson about this?

24 THE DEFENDANT: Yes, ma'am.

25 THE COURT: Do you need any additional time to

1 speak with him?

2 THE DEFENDANT: No, ma'am.

3 THE COURT: Have you made the decision?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And what have you decided to do?

6 THE DEFENDANT: Not to testify.

7 THE COURT: Okay. Is that of your own free will?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: Do you feel forced, threatened or
10 coerced in any way?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: All right. Do you have any questions
13 for me?

14 THE DEFENDANT: Well, I think you already know
15 what happened.

16 THE COURT: I do.

17 All right. Then that settles that. And then --
18 if you'll have a seat for me.

19 Mr. Johnson, are you gonna call any additional
20 witnesses then or put up any defense?

21 MR. JOHNSON: No, Your Honor. If you want me
22 to put that on the record in the morning or now --
23 I'll do it now and say the defense rests and we have
24 no witnesses.

25 THE COURT: All right. So what we're gonna do is

1 we're just gonna kind of go off the record. I'm gonna
2 have you-all look at the instructions and the verdict
3 form. Let's finalize those before we leave, so that
4 way the first thing in the morning we start with
5 closing and charge and then the jury will go back to
6 deliberate.

7 (Recess taken at 4:03 PM.)

8 (Back on the record at 4:18 PM.)

9 THE COURT: All right. You-all have been looking
10 at the jury charge.

11 Mr. Johnson?

12 MR. JOHNSON: Well, I was just talking to the
13 solicitor about it, is there any way to charge the
14 lesser included second? We're trying to figure out
15 if there's any way to do that.

16 THE COURT: What says the State?

17 MS. TAYLOR: That would be for a building.

18 THE COURT: That would be what?

19 MS. TAYLOR: That would be for -- that identifies
20 for a building and there's been sufficient testimony
21 this is a dwelling.

22 THE COURT: You're asking me for a burglary
23 second?

24 MR. JOHNSON: Yeah, if there's -- I don't know if
25 we could ask for that or if you want to rule on that.

1 I think it could be a lesser included second because
2 there's testimony that it was a dwelling, a residence,
3 and there was testimony about the time of day.

4 THE COURT: There was. Let me take a look at it
5 and just see what it says what the elements are. I
6 just want to double-check it. I know why you're
7 asking for it.

8 MR. JOHNSON: Yes, ma'am.

9 THE COURT: While Dan's looking for that, are you
10 okay with the charges as is or do you have changes?

11 MS. TAYLOR: I have one small thing. On the
12 first page it says for the obstruction on or about
13 February 16th. It's February 16th I believe through
14 October 2nd that's listed in the indictment and
15 because that -- and those calls that we entered into
16 evidence go through September.

17 THE COURT: Okay. So February 16th through when?

18 MS. TAYLOR: I put October 2nd in the indictment.
19 That's just when the warrant was sworn, but I believe
20 the last call we entered was September 21st.

21 THE COURT: I'll put through October 2nd since
22 that's what the indictment says. And it's on or
23 about.

24 Do you have any objection to that, Mr. Johnson?

25 MR. JOHNSON: No, Your Honor. I just have my

1 little --

2 THE COURT: What about the remainder of the
3 charges?

4 MR. JOHNSON: I don't have any objections.

5 MS. TAYLOR: No objections.

6 THE COURT: It's the standard charge, so. It
7 came out of the book. As I said, it's not gonna hurt
8 my feelings.

9 But let me look at that.

10 Madam Solicitors, look at 16-11-312(A).

11 MR. JOHNSON: Judge, you said 16-11-312?

12 THE COURT: Uh-huh. (A).

13 It says a person is guilty of burglary in the
14 second degree if the person enters a dwelling without
15 consent with intent to commit a crime therein.

16 MS. TAYLOR: Right. I believe he was asking for
17 second not violent?

18 MR. JOHNSON: Well, I would like any burg second
19 I can get.

20 THE COURT: I don't -- I don't blame you,
21 Mr. Johnson.

22 Mr. Boone, your attorney is doing good job on
23 your behalf. He's trying to get anything in there
24 just in case.

25 THE DEFENDANT: Yes, ma'am, he has.

1 MS. TAYLOR: But I would say that it's -- pretty
2 much through every single witness there was testimony
3 that this was a dwelling and either Complainant and/or
4 William lived there at the time.

5 THE COURT: Well, what about what I just said,
6 16-11-312 big "A". It says a dwelling and it's a
7 matter of whether or not they find the elements of
8 burg first, which is the higher at night, to commit a
9 felony and it goes through those other, you know,
10 elements that have to be found versus they just think
11 maybe he was coming in there to commit a crime and it
12 didn't rise to the level of --

13 MS. TAYLOR: I think at that point, we would just
14 charge the whole statute because then they would have
15 to find that there was no aggravating factors.

16 THE COURT: They would. So what you're asking
17 me is if I'm inclined to give Mr. Johnson what he's
18 asking for is that I would charge the whole statute?

19 MS. TAYLOR: Yes.

20 MR. JOHNSON: Yes, ma'am.

21 THE COURT: Mr. Johnson, I'm gonna give it to
22 you.

23 MR. JOHNSON: Thank you, Judge.

24 THE COURT: The whole statute. I'm gonna put the
25 whole statute in there and let the jury sort it out.

1 MS. TAYLOR: So we would put every single lesser
2 included on the --

3 THE COURT: On burglary.

4 You want the lesser included on --

5 MS. TAYLOR: I meant if you were charging the
6 entire burglary statute, we would have to list every
7 single lesser included on the verdict form? Because
8 that's just the way it sounds.

9 THE COURT: We would.

10 MR. JOHNSON: Yeah, that's true.

11 MS. TAYLOR: Even though I think --

12 MR. JOHNSON: That's true.

13 THE COURT: Is that what you want?

14 MR. JOHNSON: All the lesser includeds, yes,
15 ma'am.

16 THE COURT: Does the State have an objection to
17 that?

18 MS. TAYLOR: I think the most appropriate charge
19 in this case based on the testimony is the first, but
20 I leave it up to the Court.

21 THE COURT: I'm gonna give him the lesser
22 included.

23 MS. TAYLOR: Okay.

24 MR. JOHNSON: Thank you, Judge.

25 Do you want us to come back in the morning or

1 wait --

2 THE COURT: I want you to wait, yes, sir. Is
3 that okay?

4 MR. JOHNSON: That's great.

5 THE COURT: You-all, this won't take too long.
6 Our computers up here are just as slow --

7 MS. OLER: I understand.

8 THE COURT: You-all, since we're sitting here,
9 what does obstruction carry?

10 MS. TAYLOR: Zero to ten.

11 THE COURT: You-all are asking me on the verdict
12 form per the charge, you want them to make a finding
13 as to an aggravating factor on the -- or do you just
14 want me to list it as domestic violence first degree,
15 burglary first degree, and then put asterisk that says
16 if you don't find first degree, then you must consider
17 the lesser included of second degree, and then just do
18 that?

19 MS. TAYLOR: That's fine.

20 MR. JOHNSON: That's right. Thank you.

21 Judge, we were just conversating. It doesn't
22 have language for 312(A). It just says building.

23 MS. TAYLOR: And the verdict form as well.

24 THE COURT: Hold on. Let's see.

25 Wait. Say that again.

1 MS. TAYLOR: So it doesn't specify which burglary
2 second degree that we're talking about. So (A) is
3 the one about the dwelling and (B) is the one section
4 about building and then one would be violent and one
5 non-violent.

6 MR. JOHNSON: So it omits (A).

7 THE COURT: Just tell me -- write on there where
8 you want me to put it than you both agree on. I don't
9 have one in front of me because I didn't have him
10 print one.

11 You-all, come on up.

12 (Proceedings held at the bench; not reported.)

13 THE COURT: All right. We'll see you-all in the
14 morning ready to start at 9:30 on the dot.

15 (Whereupon, the proceedings for October 14, 2025,
16 were concluded at 4:52 PM.)

17 (The following proceedings were held October 15,
18 2025, beginning at 9:27 AM.)

19 BAILIFF: All rise.

20 THE COURT: Good morning, you-all.

21 All right. Mr. Johnson, I agree with the State.
22 I've taken out the burg second. Based on reading the
23 statute, it doesn't apply. And I know we talked about
24 it yesterday, but I know you wanted to put it on the
25 record.

1 MR. JOHNSON: Yes, ma'am.

2 THE COURT: Go ahead. I'm happy to hear from
3 you.

4 MR. JOHNSON: Just on the reading of it, Your
5 Honor initially pointed out we're arguing that a burg
6 second, entering a dwelling without consent would
7 apply, and we asked for that lesser included charge.

8 And, of course, once again, I renew all previous
9 motions and objections. We have no witnesses and the
10 defense is resting.

11 THE COURT: All right. With respect to all
12 of your pre-trial motions, you have preserved your
13 objections to all those motions that I overruled for
14 the same reasons previously stated.

15 With respect to the burg second, unfortunately
16 though, reading the statute, I don't believe that
17 the facts warrant the lesser included, although I
18 understand why you're asking for it and I can't give
19 a charge if the facts don't warrant it and now let's
20 just see what the jury determines based on the facts
21 that we have present.

22 MR. JOHNSON: Yes, ma'am.

23 THE COURT: So I'm asking my law clerk to remove
24 that and he's gonna fix the verdict form to go back to
25 the original that we had.

1 And then you also -- everyone also agreed that
2 because DV second is referenced in the charge, I do
3 need to define it, and so I understand that you-all --
4 everybody agrees that that is --

5 MR. JOHNSON: Correct.

6 MS. TAYLOR: Yes, Your Honor.

7 THE COURT: -- should be in the charge.

8 The State agrees?

9 MS. TAYLOR: The State agrees.

10 MR. JOHNSON: The defense agrees.

11 THE COURT: And the defense agrees?

12 MR. JOHNSON: Yes.

13 THE COURT: Okay. So with the only objection
14 being that you would like the burg second, other than
15 that, is the State satisfied with the charge?

16 MS. TAYLOR: Yes, Your Honor.

17 THE COURT: And, Mr. Johnson, other than that,
18 which I know you're preserving your objections.

19 MR. JOHNSON: Thank you, Judge. We're satisfied.

20 THE COURT: All right. I just want to -- we're
21 gonna bring the jury in in just a couple of minutes.
22 I want my law clerk to go ahead and come in and I
23 don't want him to interrupt you-all's close, but we'll
24 just kind of be at ease until he returns with the
25 charge.

1 MR. JOHNSON: Judge, should I rest on the record
2 in front of the jury?

3 THE COURT: I don't think it's needed because
4 you've already rested on the record, so I'm just gonna
5 tell the jury when they come in that they've received
6 all of the evidence, the defense has rested, the State
7 has rested, and it's now time for closing arguments.

8 MR. JOHNSON: Very good, Judge. Thank you.

9 THE COURT: All right. Are you-all ready?

10 MS. TAYLOR: Yes, ma'am.

11 THE COURT: Because I'm gonna bring the jury in
12 and we'll go ahead and get start.

13 MR. JOHNSON: Bring them in, Judge.

14 THE COURT: All right. Let's go ahead and bring
15 our jury in.

16 (Whereupon, the jury enter the courtroom at
17 9:32 AM.)

18 THE COURT: All right. Welcome back, ladies
19 and gentlemen. Everyone can have a seat for me.

20 All right. Ladies and gentlemen, you have now
21 received all the evidence in this matter, both the
22 State and the defense have rested, and so now it's the
23 point of time in the trial in which the attorneys are
24 gonna make their closing arguments to you, and at the
25 conclusion of those arguments, I'm gonna charge you on

1 the law and once I do that, I'll send you back to the
2 jury room to begin your deliberations.

3 So, yes, ma'am, Madam Solicitor.

4 MS. TAYLOR: Thank you, Your Honor. May it
5 please the Court?

6 THE COURT: Yes, ma'am.

7 MS. TAYLOR: Ladies and gentlemen, as we said at
8 the outset of this case that this case was about one
9 of the oldest problems of time, and that is jealousy
10 and violence, and I submit to you that's exactly what
11 you saw throughout this trial, and that's exactly --
12 that's literally what you heard.

13 To set the scene, to understand this chain
14 of events as they progressed on the night of
15 September 26th of 2024, to understand what escalated
16 from that time we start with a 9-1-1 call made at
17 1:45 AM by [Complainant], [Complainant], the victim in this
18 case.

19 Law enforcement was dispatched to 2 ABC Lane
20 [REDACTED]. The caller, again, was [Complainant] and the
21 nature of the call was harassment. Sergeant Willie
22 Harris was dispatched to the scene. He patrolled the
23 area for any alleged offenders, but was unsuccessful.
24 Sergeant Harris made contact with [Complainant] during that
25 call, during that response after that 1:45 AM call,

1 and noticed no injuries on her. Shortly after, he
2 cleared the scene.

3 Now that brings us to the second 9-1-1 call in
4 this case. Less than forty minutes after Sergeant
5 Harris clears the scene, less than forty minutes after
6 Complainant called 9-1-1, less than forty minutes after
7 Sergeant Harris laid his eyes on Complainant face to face,
8 did not see any injuries on her. What the difference
9 now is things have escalated. The situation has
10 turned violent and it turned violent fast.

11 In the thirty-five minutes since Sergeant Harris
12 cleared that scene, the danger, William Boone, arrived
13 in full form. You heard it for yourself over six
14 minutes. Six minutes, which normally doesn't sound
15 like a long amount of time, but in Complainant's eyes that
16 night, it was forever. Six minutes of her screaming
17 for help, begging for help, glass breaking, all of
18 these things that the call-taker at Lexington County
19 Communications heard with her own ears and documented
20 it in realtime, including Complainant yelling he is going
21 to kill me. Bill, Bill, get out of here. Who is
22 bill? William Boone.

23 The defense is going to try to get up here and
24 make you believe that William Boone was invited over
25 that night. He'll try to get you to believe that he

1 was invited over.

2 (9-1-1 call playing.)

3 MS. TAYLOR: And I won't play the remainder of
4 the call. You heard it for yourself in its entirety,
5 but does that sound like someone who was invited over
6 that night? Does that sound like someone who was
7 wanted inside that home? Does that sound like consent
8 to enter that residence that night? I think we all
9 can use our common sense and know that it is not. And
10 I submit to you that the entirety of that call is
11 veiled in desperation by **Complainant** to do whatever
12 she needed to do to get William Boone out of that
13 house. Bill, Bill, get out of here. In what world
14 does that sound like she wanted him there? In what
15 world does it sound like she invited him over? You
16 heard with your own ears, again, in realtime as she
17 was getting assaulted that night.

18 You heard the cries for help and the fear in her
19 voice as that struggle ensued. Again, the call-taker
20 making comments and statements that they heard with
21 their own ears in realtime, male and female arguing,
22 fighting, lots of yelling. Help, please. He is going
23 to kill me. Female screaming. Female crying. Help
24 me. Male is attacking female again. Female stated
25 stop. Please stop. Get out of here. And, again,

1 that glass breaking. Female out of breath stating
2 what they thought was Ritchie.

3 And that brings us to Ricky Spires. Now Ricky
4 was the eyewitness that was in the home at 2 ABC Lane
5 [REDACTED] that night. He told you on this witness
6 stand that Complainant picked him up that night, gave him a
7 ride and they went back to the house so she could get
8 some belongings. She drove him in that red Silverado
9 truck. He witnessed no defaults in it at that time.

10 They get back to her house. He knew her to live
11 there, he knew that to be her house, and he said
12 before he knew it, William Boone, Bill, came in
13 raising cane. Those were his words, "raising Cain",
14 and we just heard it too on that call.

15 He told you how he got in that closet, but when
16 he saw William Boone raise that metal pipe above his
17 head towards Complainant, he did what he had to do to
18 save Complainant. He came out of the closet, he came out
19 with that bat, and he struck the defendant in the back
20 to save Complainant. He saw Complainant call 9-1-1 herself, but
21 as you know, William Boone continued. He saw her
22 shaken up and scared.

23 Sergeant Willie Harris from the Lexington County
24 Sheriff's Department responded to the scene. He
25 conducted the initial investigation that night.

1 Again, as we talked about previously, when he was out
2 there thirty-five or so minutes earlier no injuries
3 he saw on Complainant. He found no one else on-scene.
4 But then he comes back out after the 12:51 AM call.
5 He knows from personal knowledge throughout his
6 investigation that Complainant lived there. He immediately
7 noticed how there the outside and the inside was, in
8 his words, in a disarray. He noticed how there the
9 back door or the door that William Boone was alleged
10 to have entered was wide open. He talked to you about
11 how there was a broken locking mechanism and that all
12 anybody had to do was just simply open the door and go
13 inside just as Ricky told you. He talked about how
14 Complainant came to the door disheveled, distraught, in
15 distress, and how he noticed injuries to her as she
16 told him what happened. He talked about how she had
17 a knot swollen on her wrist and he had not seen that
18 earlier in the hour. And, again, how the inside of
19 the house was in disarray, items strewn about and
20 through his investigative experience as a law
21 enforcement officer he knew this to be tell tale signs
22 of a struggle.

23 We talked about how there was a speaker of some
24 sorts on the floor, lamp shade, bottle, other personal
25 belongings all over the floor in that residence. This

1 corroborates what you heard on that 9-1-1 call and
2 what Ricky told you, too. He was unable to locate the
3 defendant on-scene. He patrolled the area looking for
4 him, too, with the assistance of another officer with
5 no luck that night.

6 And then we all heard from the defendant's own
7 cousin, Patricia Ray. She testified how she knew that
8 the defendant and Complainant to be companions. She knew
9 Complainant lived at this residence and she knew that
10 William Boone had lived at this residence in the past
11 and that she heard on the night of September 26th,
12 2024, a male and female arguing.

13 Now she told how she lived the right next door
14 and she could also hear things, see things going on,
15 she'd lived there since 1995, and that night was like
16 none other as far as what she could see from her
17 residence and that was this male and female screaming
18 in the night.

19 Next you heard from Ormica Thomas, the
20 administrative sergeant at the Lexington County
21 Detention Center. She maintains all the
22 communications from inmates at the jail to anybody
23 else out in the public. She testified that these
24 records are kept in the normal course of business.
25 They're not altered, they're not changed in any way,

1 and that she explained how these things work. An
2 inmate is assigned a unique and personal PIN. It's
3 assigned solely to that person, that inmate. And then
4 they use that PIN to initiate calls to anybody.

5 She reviewed all of these jail calls and messages
6 in this case. She was familiar with them. And when
7 the defense tried to make you believe that maybe it
8 wasn't him on the call, she said I am very familiar
9 with his voice and I know each and every single one
10 of those calls that is William David Boone.

11 And our last witness was Detective Alex Rosado.
12 He was the lead investigator in this case and as
13 he does in the normal course of his investigative
14 experience he listened to these jail calls and
15 messages as well. He explained they're pertinent
16 to a lot of the investigation and he was personally
17 familiar with the defendant's statements, his
18 admissions to the underlying crime, and the great
19 lengths that this defendant went to to try to get
20 out of it.

21 And Detective Rosado also testified that as
22 the investigator he was aware that prior to as of
23 September 26th of 2024 William Boone was under a
24 court order not to have any contact with **Complainant**
25 whatsoever. That means messages, that means calls,

1 that means being anywhere where she is.

2 So where is **Complainant** ? Where she's been this
3 week? Well, William Boone told you. In these calls
4 William Boone told you. And I wanted to highlight
5 -- I know you heard a lot of calls, I know you
6 saw several messages, but I want to give you the
7 highlights of what's important here.

8 November 4th of 2024 William Boone in a call that
9 you heard I swatted his with that chair and I swatted
10 her, too, and I don't give a...who knows I hit them.

11 Ladies and gentlemen, that man admits in this
12 call alone to assaulting **Complainant**. Admits to -- that
13 Ricky was on-scene as Ricky told you from this witness
14 stand. So if you don't want to believe Ricky, believe
15 William Boone.

16 You also heard a call from February 11th of 2025,
17 when I went in that house and beat 'em with a chair,
18 in response to the caller asking him about burglary or
19 when he committed the burglary. When I went in that
20 house and beat 'em with a chair.

21 Next, February 17th, again, William Boone in a
22 jail call about this burglary. Since the judge said I
23 couldn't come there, I guess it wasn't my house at the
24 time. In this statement, he admits he knew he was not
25 supposed to be there. He admits he was not supposed

1 to have contact with **Complainant** and he knew that was
2 not his house at the time and he acknowledged that a
3 judge told him to stay away, but he refused. He did
4 it anyway without regard for a court order, without
5 regard for **Complainant's** safety.

6 Ricky told you that he did not invite William
7 Boone over that night and to his knowledge neither
8 did **Complainant**, but if you don't want to believe Ricky,
9 believe William Boone.

10 So, again, where is **Complainant**? He told you.
11 On February 17th, he said as long as the solicitors
12 get her on their side they got me hands down. If I
13 can get her back on my side, you know I can make most
14 of it go away.

15 On February 16th, after the 24th they're gonna
16 try to set me up for trial. Please don't be there.
17 Please.

18 On April 20th of 2025, whatever she wants not to
19 come to court, if that's what it's going to take it
20 get me out of here.

21 May 21st of 2025. I didn't want to do what I
22 had to do, but I'm not letting Ricky stay at my house.
23 Plain and simple. Plain and simple. That's just how
24 that was.

25 And, ladies and gentlemen, right here is his

1 intent. Maybe he knew Ricky was in that house, but
2 he wasn't having it. He was -- came into that house
3 as you heard on that 9-1-1 call although he knew it
4 wasn't his house at the time. He knew he wasn't
5 supposed to be there, but he did it anyway.

6 Then on May 21st, this how I'm going to try to
7 get out. Would you loan me enough money to move the
8 trailer? Here's the ticket. Call her and tell her
9 you will do that, but here's the ticket. You've got
10 to get the title to the trailer and put a lien on it.
11 Lock some kind of contract up with her. When I walk
12 out, that trailer is hers. That's what Detective
13 Rosado told you. That was part of his plan to ensure
14 that she doesn't show up.

15 On July 7th of 2025, William Boone says if **Complainant**
16 comes over there and gives a statement that it might
17 not have happened that way, she can get me out of
18 here. That's all she had to do.

19 And then the last, on September 21st of 2025, the
20 caller says I met her at 12:00 and we gave her the
21 thousand dollars. William Boone says maybe she will
22 get her truck and be on her merry way.

23 Now those are just a few highlights of the calls
24 and messages that you saw yesterday and heard, and as
25 you know, they go on and on.

1 Now the defendant is charged with domestic
2 violence in the first degree and we can get there a
3 variety of different ways. One of the ways is that
4 the defendant, William Boone, offered or attempted to
5 cause physical harm or injury to his household member
6 with the apparent present ability to do so and cause
7 reasonable fear of imminent peril and great bodily
8 injury could have resulted or did result.

9 And the law will be instructed to you later
10 by the judge, but I wanted to give you an overview
11 at this time. Great bodily injury is such that
12 causes a substantial risk of death or which causes
13 serious permanent disfigurement or protracted loss
14 or impairment to a function of a bodily member or
15 organ.

16 Complainant stated herself on that 9-1-1 call that she
17 said he is going to kill me. She was in fear for her
18 life. And Ricky testified that the defendant struck
19 or attempted to strike Complainant with that metal pipe as
20 he saw him raise it above his head and that's when he
21 went to save her. He went to save her with that bat.
22 And the defendant, William Boone, admits that he
23 struck Complainant with a chair.

24 Another way we could prove domestic violence in
25 the first degree is that the defendant offered or

1 attempted to cause physical harm or injury to his
2 household member, and I'll get into what that means
3 in a second, and he violated a protection order, that
4 court order that Detective Rosado told you about, that
5 court order that he knew and acknowledged that he was
6 under that he was not supposed to be where Complainant was,
7 he was not supposed to have contact with Complainant. We
8 submit to you that we've established that as well. Or
9 it was committed in the commission of a burglary, and
10 we'll get into that in a second.

11 A household member is defined by the law in
12 South Carolina as anybody in a relationship that is
13 married, used to be married, has a child in common
14 or cohabitated together, and as you saw there were
15 multiple witnesses that testified that Complainant lived
16 there at 2 ABC Lane. Patricia testified that
17 they were companions, that she knew them to have
18 lived together at some point in time. Willie Harris
19 testified that he had personal knowledge that Complainant
20 lived there. And let's not forget, let's not forget
21 William Boone's own words about this in that jail
22 message. On October 1st of 2024 to Complainant. I hope
23 this is what you want. You know you can't stay with
24 him there. I'm going to ask you only once to leave.
25 You did this to us. He's referring to "us".

1 And in a separate message he's talking about how
2 he loves her. He's acknowledging that there was an
3 intimate relationship. So, again, if you do not want
4 to believe anybody that took the stand, believe
5 William Boone in the words from that message.

6 Next he is charged with burglary in the first
7 degree and this is if he entered a dwelling without
8 consent with the intent to commit a crime therein and
9 he was either armed with a deadly weapon or explosive
10 or when entering the dwelling or fleeing caused
11 physical injury to anyone not participating in the
12 crime, or whether the defendant entered or remained in
13 the dwelling during the nighttime, and we submit to
14 you that we have met our burden for this charge as
15 well.

16 Ricky testified from the stand that the defendant
17 was armed with some type of pipe. A pipe that could
18 be a deadly weapon, a pipe, and during the 9-1-1 call
19 **Complainant** did fear for her life.

20 As to the second element, causing physical injury
21 to someone who is not a participant in the crime.
22 Willie Harris told you and we have this photo here of
23 the injury to her wrist. He saw it. And, again, it
24 wasn't there 35 minutes prior, as well as the bruise
25 to her arm.

1 Or the defendant entered or remained in the
2 dwelling during the nighttime and this one, ladies
3 and gentlemen, speaks for itself. Melissa Drafts
4 from Lexington County Communications told you how
5 this call came out at 2:51 AM. Sergeant Harris told
6 you how he was working nightshift and responded
7 shortly after. I think about five to eight minutes
8 later. Ms. Ray testified that this was during the
9 night. Ricky told you that this was during the night.

10 And the defendant lastly is charged with
11 obstruction of justice and that is simply any act
12 which prevented, obstructed, impeded or hindered
13 the administration of justice, and we went through
14 the highlights of these and you heard of them all
15 yesterday, so I'm not gonna go through them again.
16 But, again, we have published numerous calls over a
17 span of months of William Boone in his own words
18 plotting, scheming and going to extreme lengths to
19 coerce **Complainant** not to cooperate with the State,
20 not to show up this week.

21 So why is she not here today? Those calls tell
22 you why. William Boone told you why. And while
23 **Complainant** may not be here, that does not excuse what
24 William Boone did or what he did was okay. That does
25 not mean what he did was not wrong and that does not

1 mean what he did was not a crime. So what he did as
2 to those lengths was to try to impede the criminal
3 justice system and prevent the administration of
4 justice.

5 And for each of these offenses and their elements
6 we have to prove to you by a standard, and I'm sure
7 you've heard it before, beyond a reasonable doubt.
8 And that just means that at the end of this trial if
9 you are left firmly convinced of the defendant's
10 guilt, you must find him guilty. That does not mean
11 beyond all doubt, not a shadow of a doubt or beyond
12 all doubt whatsoever. It just means if you are left
13 firmly convinced of the defendant's guilt, you must
14 find him guilty.

15 So, ladies and gentlemen, on September 26, 2024,
16 here in Lexington, William Boone was under a court
17 order to not have any contact with **Complainant**. Again, no
18 contact whatsoever. Cannot be where she is. So did
19 he have a legal right to be there? No. That was
20 ordered by a judge. But he showed up anyway. He
21 showed up and he showed out. William Boone busted
22 into **Complainant's** home raising cane as Ricky said and,
23 again, use your common sense, don't leave it at the
24 door of the jury room, anyone who listens to that
25 9-1-1 cannot reasonably say that **Complainant** wanted

1 him there. There was physical fighting. Help,
2 please. Does that sound like consent? No. He is
3 going to kill me. Does that sound like consent to
4 enter? No. Female screaming. Does that sound like
5 consent? I submit to you no. Get out of here. That
6 one speaks for itself. Did that sound like Complainant
7 wanted him there? Stop. Does that sound like Complainant
8 wanted him there? It speaks for itself. And whatever
9 William Boone thought was going on in that trailer, it
10 does not matter. He was not supposed to be there.
11 Whatever it was, he was angry, he came there with a
12 vengeance, and he came there with an intent to cause
13 injury to Complainant. And how do we know that? Again,
14 again, he told you. He swatted him and he swatted her
15 and he doesn't care who knows. Doesn't care. And as
16 you heard in a subsequent call, he says if I get out
17 of here she may not live.

18 Again, those calls speak for themselves. The
19 evidence speaks for themselves. If you don't want to
20 believe Ricky, believe William Boone. We aren't here
21 to sell you that Ricky Spires or Complainant are
22 perfect humans, that they have made mistakes. You
23 don't have to like Complainant, you don't have to like
24 Ricky Spires, but your job will be to apply the law
25 to the facts and I think those facts speak for

1 themselves. That everything from that witness stand
2 was corroborated by William Boone in those calls. It
3 doesn't diminish what he did to her that night. And,
4 again, if you don't believe Ricky, believe him. Find
5 him guilty of burglary in the first degree, domestic
6 violence in the first degree and obstruction of
7 justice.

8 MR. JOHNSON: May it please the Court, Your
9 Honor?

10 THE COURT: Yes, sir.

11 MR. JOHNSON: I said earlier at the beginning of
12 the trial to think about what they're gonna show you
13 and what they failed to show you. Complainant was not
14 here. Complainant did not testify. So then what happened?

15 Well, Ricky Spires testified and Ricky Spires
16 talks about he was there. He had a history of
17 being convicted of domestic violence and all those
18 other convictions. Ricky said that well, he got into
19 this fight with the defendant, but wait a minute,
20 nobody ever charged Mr. Boone with assaulting you,
21 Mr. Spires? No. Well wait a minute, Mr. Spires.
22 You talked about a lead pipe. Did you point it out to
23 the officer, pick it up, here you go, here's a weapon?
24 No.

25 Ricky Spires talked about facing ten years in

1 prison on his pending charge. He talked about -- or
2 I asked him about his history of lying to the police
3 when he's nervous and scared. He talked about that.
4 That's Ricky Spires. So we know Ricky Spires was in
5 there and Ricky Spires said he was hiding in the
6 closet. And then he said he could see down the hall
7 and see who was coming in the house even though he was
8 hiding in the closet. I don't know how Ricky Spires
9 can see through walls, but that's what he said. So
10 that's their case.

11 As I said at the beginning of the trial, they
12 didn't have **Complainant** here. They can speculate and the
13 solicitor speculates about well, on the call you
14 hear a male attacking a female. Well, **Complainant** never
15 testified. So I know Ricky was there and I know Ricky
16 has a history of attacking people in domestic violence
17 situations and I know -- and Ricky has a history of
18 lying.

19 And I know the responding officer came up and
20 testified, and I asked the officer, I said what about
21 the pipe and he pointed to a picture of what they said
22 was a pipe on the floor. But nobody bothers to pick
23 it up, nobody bothers to test it, nobody checks it for
24 prints, nobody -- and then I said what been calling
25 out the dog team, what about collecting evidence? I

1 think he said he looked around.

2 Then they call Ms. Ray. Ms. Ray said that she
3 lived right there on the property. She heard yelling.
4 Ms. Ray said Mr. Boone lived there at the time, that
5 was his residence with Complainant. That's what Ms. Ray
6 said about three or four time. So they're trying to
7 burglary beyond a reasonable doubt with Ricky and with
8 Ms. Ray saying that.

9 Now the Solicitor talked about a court order,
10 but a court order is not the same as the elements of
11 burglary. The elements of burglary are what they are
12 and the judge will explain those to you, but when you
13 look at their evidence I would point out all these
14 inconsistencies, all these problems, because even
15 when you look at like the jail mail and these letters
16 they talked about, what did they say? Each inmate
17 gets a number. Okay. What are these? Oh, these are
18 messages from the jail. Okay. How do you know who
19 else has got that number? Well, I asked the officer,
20 I said what if this number gets circulated around,
21 what if somebody else gets that number? They can send
22 a message with that number. Well, yeah. So what does
23 that prove? That's their case. They've got to prove
24 it beyond a reasonable doubt and I would submit to you
25 all of you Complainant was not here. They can speculate

1 about as to why and where with Complainant, but she was not
2 here. So if she was not here, I never heard Complainant
3 come into this courtroom and testify that she was
4 injured because she did not testify. I heard an
5 officer talk about an injury to an arm and then I
6 asked the officer can't you get that bruising when
7 you shoot up illegal drugs, and he said, well, yeah.

8 I mean, if the inconsistencies are there and the
9 problems are there, you can't do anything to get rid
10 of them. They just exist. You know, I asked Ricky
11 about the weapon. He says he didn't hand anything
12 over to the officers. I asked him about the fact they
13 never got a warrant for assaulting you, Mr. Spires.
14 Why didn't you call the police and say wait a minute,
15 I was assaulted. Why don't you go arrest Mr. Boone
16 for that? They never did it. So what did they
17 believe from Mr. Spires? They chose not to get a
18 warrant for assaulting him. That's just a fact.

19 When we talk about Ms. Ray, and we go into the
20 9-1-1, I think it's really important to focus on that
21 detail about what I said with the 9-1-1. Listen to
22 that 9-1-1. Listen for anybody that might identify
23 themselves or if they do not identify themselves
24 because there's been a lot of talk from the officer
25 and then the solicitor talked about the officer and

1 then about Ricky saying well, I saw her call 9-1-1.
2 Saw her with a phone in her hand? He's in the closet.
3 So who's she calling and what she's doing? Complainant
4 wasn't here to testify to that. So that's all
5 evidence basically that results in the solicitor
6 saying well, Ricky said this, the officer said that,
7 but nothing from Complainant. That's just their case.
8 It's full of holes, ladies and gentlemen, and that is
9 not beyond a reasonable doubt I would submit because
10 you've got to have -- there's no victim here to
11 testify. She's got to be here to fulfill that burden
12 and answer these questions. She was not here.

13 When you talk about the phone calls and they're
14 talking about their obstruction case, really simply I
15 would submit when you listen to these calls how much
16 evidence have they provided about who initiated calls
17 from the jail, who has access to this number that can
18 be used at the jail to make calls other than the
19 person who gets assigned the number? Did we hear
20 anything about that? They never really testified
21 about anything that would secure this number from
22 other inmates from using this number to make a call
23 or to send a letter, and that's just the facts.

24 I asked the officer what if that number floats
25 around and other people use it. Well, okay. She said

1 that's possible. That's what she said.

2 At the end of the day the pure fact is you've
3 got to have evidence. There's no way around it.
4 Because we know what Ricky said. We know Ricky said
5 that he hit Mr. Boone with a bat at least three times.
6 That's what Ricky said after he said he had a history
7 of lying to the police, after he said he's facing
8 ten years in prison, he's being prosecuted by the very
9 same solicitor's office and he's got tickets hanging
10 over his head. After Ricky said that, after he said
11 he didn't turn any weapon over to the police, after
12 he said he didn't see any injuries, that's what
13 Ricky said, I think that that's also very important.
14 They're trying to rely on Ricky. Well, okay, let's
15 find out whether or not -- can you believe Ricky? As
16 I said at the beginning of the trial, can you believe
17 Ricky beyond a reasonable doubt? Because if you don't
18 believe Ricky beyond a reasonable doubt, they've got a
19 serious problem because **Complainant** was not here.

20 And as I stated before, my client is innocent as
21 the day he was born unless they convert and transform
22 him into a guilty person and they've got to rely on
23 Ricky, and that's the ultimate test, and I say they
24 failed that test.

25 Thank you.

1 THE COURT: All right. Ladies and gentlemen,
2 that concludes the closing arguments of the attorneys
3 and now it is my duty as the trial judge to instruct
4 you on the law. I'm gonna apologize in advance for
5 reading it to you, but that's simply because I do not
6 want to forget to tell you something very important
7 about the law or an aspect of the law that you will
8 need to understand and know during your deliberations.

9 All right. So now as I just told you, I'm gonna
10 be instructing you on the law and in that regard it is
11 your duty as jurors to accept and apply the law as I
12 now state it to you. Furthermore, it is your
13 exclusive duty to decide all the issues of fact in
14 this case and to determine the effect, value, weight
15 and truth of the evidence. All the parties have the
16 right to expect that you will carefully consider and
17 evaluate the evidence and apply the law of this case
18 to it so that in the end all parties will receive a
19 fair and impartial trial.

20 Now the indictments charge the defendant with
21 domestic violence first degree, burglary first degree
22 and obstruction of justice. I remind you that the
23 fact that the defendant was arrested, charged and
24 indicted in this case is not evidence and cannot be
25 considered by you as evidence of guilt in this case,

1 nor does it create any presumption or inference of
2 guilt. These documents are simply the formal written
3 instruments containing the charge made against the
4 defendant.

5 Now I remind you that during this trial you and I
6 have certain duties to perform. As the trial judge,
7 it is my responsibility to preside over this trial and
8 rule on the admissibility of evidence offered during
9 this trial. You are to consider only the competent
10 evidence before you. If there was any testimony
11 ordered stricken from the record during this trial,
12 you must disregard that testimony. You are to
13 consider only the testimony which has been presented
14 from the witness stand and any exhibits which have
15 been made a part of this case's record.

16 I have the additional duty to charge you on the
17 law applicable to this case and it is your duty as
18 jurors to accept and apply the law as I now state it
19 to you. If you already have any idea as to what the
20 law is or what the law ought to be and it does not
21 agree with what I now tell you the law is, you must
22 abandon this idea because you are sworn to accept the
23 law and apply the law exactly as I state it to you.

24 In every case tried in this court before a jury,
25 the jury is the sole and exclusive judge of the facts

1 in a case. I cannot comment on or make any statement
2 to you at all about the facts in this case. Since you
3 are the sole judge of the facts, you are not to infer
4 what I said during this trial in ruling upon the
5 admissibility of evidence or otherwise or anything
6 that I now say during these instructions to you that I
7 have any opinion about the facts in this case. I do
8 not have any opinion and the law does not permit me to
9 have any opinion. This is a matter solely for you to
10 determine as jurors. It is your duty to determine the
11 effect, value, weight and truth of the evidence
12 presented during this trial.

13 Now the indictments in this case allege several
14 different offenses against the defendant. The first
15 indictment alleges domestic violence in the first
16 degree, the second indictment alleges burglary in the
17 first degree and the third indictment alleges
18 obstruction of justice. Each of these charges are
19 separate and distinct offenses. You must decide each
20 charge separately on the evidence and law applicable
21 to it uninfluenced by your decision as to any other
22 charge. The defendant may be convicted or acquitted on
23 any or all of the offenses charged and you will be
24 asked to write a separate verdict of guilt or not
25 guilt for each of these indictments.

1 Now the defendant has pled not guilty to these
2 charges and that puts the burden on the State to prove
3 the defendant guilty. A person charged with
4 committing a criminal offense in South Carolina is
5 never required to prove himself or herself innocent.
6 So I charge you that it is an important rule of the
7 law that a defendant in a criminal trial, no matter
8 what the seriousness of the charge may be, will always
9 be presumed innocent of the crimes charged unless his
10 guilt has been proven by evidence satisfying you of
11 that guilt beyond a reasonable doubt. This
12 presumption of innocence does not end when you begin
13 your deliberations, but it accompanies the defendant
14 throughout the trial until you reach a verdict of
15 guilt based on evidence satisfying you of that guilt
16 beyond a reasonable doubt.

17 The presumption of innocence is not a mere legal
18 theory or phrase. It is a substantial right to which
19 every defendant is entitled unless you, the jury, are
20 satisfied from the evidence of the defendant's guilt
21 beyond a reasonable doubt as to each of the charges.

22 Now I just told you that the State has the burden
23 of proving the defendant guilty beyond a reasonable
24 doubt. Some of you may have served as jurors in civil
25 cases where you were told that it is only necessary to

1 prove that a fact is more likely true than not true
2 such as by the greater weight or preponderance of the
3 evidence. In criminal cases, the State's proof must
4 be more powerful than that. It must be beyond a
5 reasonable doubt.

6 Reasonable doubt is the kind of doubt that would
7 make a reasonable person hesitate to act. Proof
8 beyond a reasonable doubt is proof that leaves you
9 firmly convinced of the defendant's guilt. There are
10 very view things in this world that we know with
11 absolute certainty. In criminal cases, the law does
12 not require proof that overcomes every possible doubt.
13 If, based on your consideration of the evidence, you
14 are firmly convinced the defendant is guilty of the
15 crime charged, you must find the defendant guilty.
16 If, on the other hand, you think there is a real
17 possibility that the defendant is not guilty, you must
18 give the defendant the benefit of the doubt and find
19 him not guilty. Facts and circumstances that merely
20 place upon the defendant a grave suspicion of the
21 crime charged or that merely raise a speculation or
22 conjecture of the defendant's guilt, are not
23 sufficient to authorize a conviction of the defendant.

24 Now there are two types of evidence generally
25 presented during a trial. Direct evidence and

1 circumstantial evidence. Direct evidence directly
2 proves the existence of a fact and does not require
3 deduction. Circumstantial evidence is proof of a
4 chain of facts and circumstances indicating the
5 existence of a fact. Crimes may be proven by direct
6 and/or circumstantial evidence. The law makes no
7 distinction between the weight or value to be given to
8 either direct or circumstantial evidence; however, to
9 the extent the State relies on circumstantial
10 evidence, all of the circumstances must be consistent
11 with each other and when taken together point
12 conclusively to the guilt of the defendant beyond a
13 reasonable doubt. If these circumstances merely
14 portray the defendant's behavior as suspicious, the
15 proof has failed. The State has the burden of proving
16 the defendant guilty beyond a reasonable doubt and
17 that burden rests with the State regardless of whether
18 the State relies on direct evidence, circumstantial
19 evidence or some combination of the two.

20 Now the following things are not evidence and you
21 must not consider them as evidence in deciding the
22 facts of this case. The attorneys' statements and
23 arguments, the attorneys' questions and objections,
24 and testimony that was stricken by the court. While
25 the argument of counsel is a beneficial part of every

1 trial, you should remember that counsel's statements
2 are not evidence. In presenting arguments, counsel
3 often refer to evidence; however, you should base your
4 verdict on the evidence as you remember it.

5 Therefore, if there are any conflicts between the
6 recollection of counsel about the evidence and your
7 own recollection, you should rely upon your own
8 understanding of the evidence.

9 Now, necessarily, you must determine the
10 credibility of witnesses who have testified in this
11 case. Credibility simply means believability. It
12 becomes your duty as jurors to analyze and to evaluate
13 the evidence and determine which evidence convinces
14 you of its truth.

15 In determining the believability of witnesses who
16 have testified in this case, you may believe one
17 witness over several witnesses or several witnesses
18 over one witness. You may believe a part of the
19 testimony of a witness and reject the remaining part
20 of the testimony of that same witness. You may
21 believe the testimony of a witness in its entirety or
22 reject the testimony of a witness in its entirety.
23 You may consider whether any witness has exhibited to
24 you any interest, bias, prejudice or other motive in
25 this case. You may also consider the appearance and

1 manner of a witness while testifying on the witness
2 stand.

3 Now I instruct you and emphasize that the fact
4 that the defendant did not testify is not a factor to
5 be considered by you in any way in your deliberation
6 and in your consideration on the question of the guilt
7 or innocence of the defendant. It must not be
8 considered by you in any manner whatsoever. A
9 defendant has the constitutional right to remain
10 silent and the assertion of this right must not be
11 considered by you in your deliberations. I repeat.
12 Under your oath you are not to draw any conclusion
13 whatsoever from the fact that the defendant in this
14 case did not testify. The fact that this defendant
15 did not testify should not even be discussed in the
16 jury room. The burden of proof, as I have stated to
17 you, is on the State. The defendant is not required
18 to prove his innocence. The burden of proof remains
19 on the State to prove his guilt beyond a reasonable
20 doubt.

21 Now in order to establish criminal liability,
22 criminal intent is required. For example, the mental
23 state required to be proven by the State for a
24 particular crime might be purpose, intent, knowledge,
25 recklessness or criminal negligence. Criminal intent

1 must be proven by the State beyond a reasonable doubt.
2 Criminal intent is always a matter that must be
3 determined by the jury from the circumstances
4 surrounding the situation. There is no way to prove
5 intent to a mathematical certainty. There is no way
6 medical science can dissect a person's brain and
7 determine what the person had in mind, so the law says
8 that criminal intent may be inferred from the
9 circumstances shown to have existed. This is how you
10 make a determination of whether or not the element
11 requiring intent was present. It is not necessary to
12 establish intent by direct and positive evidence, but
13 intent may be established by inferences the same way
14 as any other fact by taking into consideration the
15 acts of the parties and all the facts and
16 circumstances of the case.

17 Criminal intent is a mental state, a conscious
18 wrongdoing. It is up to you to determine what the
19 defendant intended to do based on the circumstances
20 shown to have existed. Criminal intent can arise from
21 an action or a failure to act. It may arise from
22 negligence, recklessness or indifference to duty or to
23 consequences that is considered by the law to be the
24 equivalent of criminal intent.

25 Now the defendant is charged with first degree

1 domestic violence. The State must prove beyond a
2 reasonable doubt that the defendant caused physical
3 harm or injury to a member of the defendant's own
4 household or that the defendant offered or attempted
5 to cause physical harm or injury to a member of the
6 defendant's own household with the apparent present
7 ability to cause harm or injury under circumstances
8 reasonably creating a fear of imminent danger.

9 A household member is a spouse, a former spouse,
10 a person with whom the defendant has a child in common
11 or a female or male with whom the defendant is living
12 or has lived in the past.

13 The State must also prove one of the following.
14 One, great bodily injury to the defendant's own
15 household member results or the act is accomplished by
16 means likely to result in great bodily injury to the
17 defendant's own household member.

18 Great bodily injury means bodily injury which
19 causes a substantial risk of death or which causes
20 serious permanent disfigurement or protracted loss or
21 impairment of the function of a bodily member or organ
22 or the defendant violates a protection order and in
23 the process of violating the order commits domestic
24 violence in the second degree or in the process of
25 committing domestic violence in the second degree one

1 of the following also results. The offense is
2 committed during the commission of a robbery,
3 burglary, kidnapping or theft. The offense is
4 committed using physical force or the threatened use
5 of force against another to block that persons access
6 to any cell phone, telephone or electronic
7 communication device for the purpose of preventing,
8 obstructing or interfering with the report of any
9 criminal offense, bodily injury or property damage to
10 law enforcement agency.

11 Now second degree domestic violence occurs when
12 the defendant causes physical harm or injury to a
13 member of the defendant's own household or that the
14 defendant offered or attempted to cause physical harm
15 or injury to a member of the defendant's own household
16 with the apparent present ability to cause harm or
17 injury under circumstances reasonably creating a fear
18 of imminent danger.

19 Further, domestic violence second degree includes
20 one of the following. Moderate bodily injury to the
21 defendant's own household members results or the act
22 is accomplished by a means likely to result in
23 moderate bodily injury to the defendant's household
24 member. Moderate bodily injury means physical injury
25 that involves prolonged loss of consciousness or that

1 causes temporary or moderate disfigurement or
2 temporary loss of the function of a body member or
3 organ or injury that requires medical treatment when
4 the treatment requires the use of regional or general
5 anesthesia or injury that results in a fracture or
6 dislocation. Moderate bodily injury does not include
7 one time treatment and subsequent observation of
8 scratches, cuts, abrasions, bruises, burns, splinters
9 or any other minor injury that do not ordinarily
10 require extensive medical care.

11 The defendant violates a protection order and in
12 the process of violating the order commits domestic
13 violence in the third degree, the defendant has one
14 prior conviction for domestic violence in the past
15 ten years from the current events or in the process of
16 committing domestic violence in the third degree one
17 of the following also results. The offense is
18 committed in the presence of or while being perceived
19 by a minor, the offense is committed against a person
20 known or who reasonably should have been known by the
21 defendant to be pregnant, the offense is committed
22 during the commission of a robbery, burglary,
23 kidnapping or theft, the offense is committed by
24 impeding the victim's breathing or airflow or the
25 offense is committed using physical force or the

1 threatened use of force against another to block
2 that's person's access to a cell phone, telephone or
3 electronic communication device for the purpose of
4 preventing, obstructing or interfering with the report
5 of any criminal offense, bodily injury or property
6 damage to a law enforcement agency or a request for an
7 ambulance or emergency medical assistance, any law
8 enforcement agency or emergency medical provider.

9 Now the defendant is also charged with first
10 degree burglary and the State must first prove beyond
11 a reasonable doubt that the defendant entered a
12 dwelling without consent. A dwelling is any building
13 or portion of a building in which a person ordinarily
14 sleeps. A building constructed as a dwelling that has
15 never been occupied cannot be considered a dwelling
16 for purposes of burglary, but a building is a dwelling
17 even if the residents are temporarily absent from the
18 building.

19 In order to prove that the defendant entered the
20 dwelling, the State does not have to show that the
21 defendant's entire body entered the dwelling. The
22 smallest entry is sufficient. It may be any part of
23 the body such as a hand or a foot or even an
24 instrument such as a hook or other instrument. In
25 addition, the State does not have to prove that force

1 was used to gain entry.

2 If a person enters a building by using deception,
3 artifice, trick or misrepresentation to get consent to
4 enter, this is an entry without consent.

5 Next the State must prove beyond a reasonable
6 doubt that the defendant intended to commit a crime,
7 either a felony or a misdemeanor, at the time of the
8 entry. The mere entry into a dwelling without consent
9 is not burglary. If the intent to commit a crime is
10 formed after the entry, it is not burglary. On the
11 other hand, if the defendant intended to commit a
12 crime at the time of the entry it is a burglary even
13 if the intent was abandoned after the entry. It does
14 not matter that the intended crime was not completed.
15 Intent may be shown by acts and conduct of the
16 defendant and other circumstances from which you may
17 naturally and reasonably infer intent.

18 Finally, the State must prove beyond a reasonable
19 doubt that one of the following occurred. When
20 entering, while in the dwelling or when fleeing the
21 defendant or an accomplice was armed with a deadly
22 weapon or explosive. A deadly weapon is any article,
23 instrument or substance which is likely to cause death
24 or great bodily harm. Whether an instrument has been
25 used as a deadly weapon depends on the facts and

1 circumstances of each case.

2 The following are examples of instruments which
3 may be deadly weapons. A pistol, a shotgun, a rifle,
4 a dirk, a dagger, a knife, a slingshot, metal
5 knuckles, a razor, gasoline, a firebomb or Molotov
6 cocktail and lighter fluid. Ordinary objects may
7 become deadly weapons when the facts show that they
8 have been used to inflict serious bodily harm or death
9 or when entering, while in the dwelling or when
10 fleeing, the defendant or an accomplice caused
11 physical injury to anyone not participating in the
12 crime or when entering, while in the dwelling or when
13 fleeing the defendant or an accomplice threatened to
14 use a dangerous object or the defendant entered or
15 remained in the dwelling in the nighttime. Nighttime
16 is the period between sunset and sunrise during which
17 there is not enough daylight to recognize a person's
18 face except by artificial light or moonlight.

19 Now the defendant is also charged with
20 obstruction of justice. The State must first prove
21 beyond a reasonable doubt the defendant committed an
22 act which prevented, obstructed, impeded or hindered
23 the administration of justice.

24 In order to convict a defendant of the charge of
25 obstructing justice, the State must prove beyond a

1 reasonable doubt that the defendant acted knowingly,
2 willfully and corruptly. A person does not act
3 corruptly unless he intends to interfere improperly
4 with the administration of justice.

5 Now in determining the guilt or innocence of the
6 defendant, you cannot consider any possible penalty
7 for any particular crime. The punishment for the
8 crime is a matter for the Court to determine and
9 should never be considered by you in any way
10 whatsoever in arriving at an impartial verdict as to
11 the guilt or innocence of the defendant.

12 I hope that each of you are mindful of the
13 importance of your reasonability. You are not often
14 called to serve as jurors and the proper performance
15 of the duty requires each of you to reach the height
16 of freeing your mind of all improper influences. As
17 the presiding officer of this court, I'm vitally
18 concerned that whatever verdict you find will be the
19 result of your going into the jury room, confining
20 your consideration to the evidence and the law that
21 you've heard in this courtroom, weighing it fairly and
22 impartially as I have every confidence that you will
23 do.

24 Your verdict in this case cannot be based on
25 sympathy, compassion, prejudice or emotion or some

1 other consideration not found in the evidence.

2 Remember, your verdict must be unanimous.

3 I'm going to be sending back with you all of the
4 evidence that you received in this case along with a
5 verdict form, all right?

6 When you-all begin your deliberations, I'm gonna
7 ask you that take the time, consider the evidence,
8 listen to each other.

9 If you have any questions whatsoever that you
10 need to ask, you're gonna tell your jury foreperson,
11 your jury foreperson will write that question down and
12 give it to the bailiff and then he will bring it to me
13 so that I can determine how best to respond to
14 whatever question that you may have.

15 Remember, your verdict must be unanimous as to
16 each and every charge. If for some reason you are
17 having difficulty reaching a unanimous verdict, please
18 do not indicate to the Court what that breakdown may
19 be; meaning how many of you are on one side and how
20 many of you are on the other side. I cannot know that
21 information and I do not want to know that
22 information, all right?

23 That is going to be my instructions to the jury.

24 Any objections or exceptions on behalf of the
25 State?

1 MS. TAYLOR: No objections.

2 THE COURT: On behalf of the defense?

3 MR. JOHNSON: No objection, Your Honor.

4 THE COURT: All right. Ladies and gentlemen,
5 it's now time for you to go back to the jury room and
6 start your deliberations. Please don't start until
7 the verdict form and the evidence comes back, but I'm
8 gonna ask that you retire to the jury room.

9 (Whereupon, the jury retires to the jury room at
10 10:29 AM.)

11 THE COURT: Any objection to me releasing the
12 alternates from the State?

13 MS. TAYLOR: No objection.

14 MR. JOHNSON: No objection.

15 THE COURT: All right. Dan, will you walk back
16 and tell them to release the alternates?

17 (Whereupon, the evidence was submitted to the
18 jury at 10:34 AM.)

19 (Back on the record at 10:56 AM.)

20 (Court's Exhibit No. 3 was marked for
21 identification.)

22 THE COURT: All right. Let's go on the record.
23 We have a note from the jury. I've marked it as
24 Court's Exhibit 3 while we were waiting for you-all to
25 come in, and the question is: Can we see verbiage

1 parentheses laws on first degree burglary and first
2 degree domestic violence?

3 And so what I'm inclined to do is bring them back
4 in, I told you-all I don't hand them written chares,
5 recharge them on domestic violence first degree, but
6 not read second degree unless you want me to, and
7 recharge them on first degree burglary.

8 Because I think it becomes confusing. I know
9 that it's in the statute that references DV 2nd, but
10 they didn't ask me what DV second meant.

11 MS. TAYLOR: That's fine.

12 THE COURT: Is that okay with the State?

13 MS. TAYLOR: That's okay.

14 THE COURT: Is that okay with you, Mr. Johnson?

15 MR. JOHNSON: Yes, ma'am.

16 THE COURT: Okay. Let's bring them back in then
17 and I'll recharge them. That way it's a little
18 cleaner.

19 How about that?

20 MS. TAYLOR: Okay.

21 (Whereupon, the jury return to the courtroom at
22 10:58 AM.)

23 THE COURT: All right, ladies and gentlemen. Go
24 ahead and have a seat for me. Welcome back into the
25 courtroom. I did receive your note and the question

1 was: Can we see the verbiage parentheses laws on
2 first degree burglary and first degree domestic
3 violence.

4 I cannot hand you back the charge, but I can
5 recharge you here in the courtroom just as to those
6 sections, all right, so that's how we're gonna
7 proceed.

8 So you asked for first degree burglary first, so
9 I'm gonna start with that one, all right?

10 So the defendant is charged with first degree
11 burglary and the State must first prove beyond a
12 reasonable doubt that the defendant entered a dwelling
13 without consent. A dwelling is any building or
14 portion of a building in which a person ordinarily
15 sleeps. A building constructed as a dwelling that has
16 never been occupied cannot be considered a dwelling
17 for purposes of burglary, but a building is a dwelling
18 even if the residents are temporarily absent from the
19 building.

20 In order to prove that the defendant entered the
21 dwelling, the State does not have to show that the
22 defendant's entire body entered the dwelling. The
23 smallest entry is sufficient. It may be any part of
24 the body such as a hand or foot or even an instrument
25 such as a hook or other instrument.

1 In addition, the State does not have to prove
2 that force was used to gain entry. If a person enters
3 a building by using deception, artifice, trick or
4 misrepresentation to get consent to enter, this is an
5 entry without consent.

6 Next, the State must prove beyond a reasonable
7 doubt that the defendant intended to commit a crime,
8 either a felony or a misdemeanor, at the time of the
9 entry. The mere entry into a dwelling without consent
10 is not burglary. If the intent to commit a crime is
11 formed after the entry, it is not burglary. On the
12 other hand, if the defendant intended to commit a
13 crime at the time of the entry it is a burglary even
14 if the intent was abandoned after the entry. It does
15 not matter that the intended crime was not completed.

16 Intent may be shown by acts and conduct of the
17 defendant and other circumstances from which you may
18 naturally and reasonably infer intent.

19 Finally, the State must prove beyond a reasonable
20 doubt that one of the following occurred. When
21 entering, while in the dwelling or when fleeing the
22 defendant or an accomplice was armed with a deadly
23 weapon or explosive. A deadly weapon is any article,
24 instrument or substance which is likely to cause death
25 or great bodily harm. Whether an instrument has been

1 used as a deadly weapon depends on the facts and
2 circumstances of each case.

3 The following are examples of instruments which
4 may be deadly weapons. A pistol, a shotgun, a rifle,
5 a dirk, a dagger, a knife, a slingshot, metal
6 knuckles, a razor, gasoline, a firebomb or Molotov
7 cocktail and lighter fluid. Ordinary objects.
8 Ordinary objects may become deadly weapons when the
9 facts show that they have been used to inflict serious
10 bodily harm or death or when entering while in the
11 dwelling or when fleeing the defendant or accomplice
12 caused physical injury to anyone not participating in
13 the crime or when entering, while in the dwelling or
14 when fleeing the defendant or any accomplice used or
15 threatened to use a dangerous object or the defendant
16 entered or remained in the dwelling in the nighttime.
17 Nighttime is the period between sunset and sunrise
18 during which there's not enough daylight to recognize
19 a person's face except by artificial light or
20 moonlight.

21 All right. Now the second one you asked me is
22 domestic violence in the first degree.

23 All right. So the defendant is charged with
24 first degree domestic violence. The State must prove
25 beyond a reasonable doubt that the defendant caused

1 physical harm or injury to a member of the defendant's
2 own household or that the defendant offered or
3 attempted to cause physical harm or injury to a member
4 of the defendant's own household with the apparent
5 present ability to cause harm or injury under
6 circumstances reasonably creating a fear of imminent
7 danger.

8 A household member is a spouse, a former spouse,
9 a person with whom the defendant has a child in common
10 or a female or male with whom the defendant is living
11 or has lived in the past.

12 The State must also prove one of the following.
13 Great bodily injury to the defendant's own household
14 member results or the act is accomplished by means
15 likely to result in great bodily injury to the
16 defendant's own household member.

17 Great bodily injury means bodily injury which
18 causes a substantial risk of death or which causes
19 serious permanent disfigurement or protracted loss or
20 impairment of the function of a bodily member or organ
21 or the defendant violates a protection order and in
22 the process of violating an order commits domestic
23 violence in the second degree or in the process of
24 committing domestic violence in the second degree one
25 of the following also results. The offense is

1 committed during the commission of a robbery,
2 burglary, kidnapping or theft or the offense was
3 committed using physical force or the threatened
4 use of force against another to block that person's
5 access to any cell phone, telephone or electronic
6 communication device with the purpose of preventing,
7 obstructing or interfering with the report of any
8 criminal offense of bodily injury or property damage
9 to a law enforcement agency.

10 All right. That answers your questions. I'll
11 ask you to go back and continue your deliberations.

12 Thank you.

13 (Whereupon, the jury retires to the jury room at
14 11:04 AM.)

15 (Recess taken at 11:04 PM.)

16 (Back on the record at 11:21 AM.)

17 BAILIFF: Your Honor, we have a verdict.

18 THE COURT: All right. Go ahead and bring them
19 in.

20 (Whereupon, the jury return to the courtroom at
21 11:21 AM.)

22 THE COURT: Thank you. You-all can have a seat
23 for me.

24 Madam Clerk, I'm gonna get you to publish the
25 verdict.

1 THE CLERK: Yes, ma'am.

2 Indictment 2024-GS-32-5215, 2024-GS-5216 and
3 25-GS-32-5199, the State versus William D. Boone.

4 As to the charge of domestic violence in the
5 first degree, we, the jury, unanimously find defendant
6 guilty.

7 As to the charge of burglary in the first degree,
8 we, the jury, unanimously find the defendant guilty.

9 As to the charge of obstruction of justice, we,
10 the jury, unanimously find the defendant guilty.

11 It is so signed by the foreperson October 15,
12 2025.

13 Ladies and gentlemen of the jury, if these were
14 your verdicts and are they still your verdicts please
15 indicate by raising your right hand.

16 (All hands raised.)

17 THE CLERK: Thank you.

18 THE COURT: All right. Anything further from the
19 State?

20 MS. TAYLOR: Nothing further.

21 THE COURT: Anything further from the defense?

22 MR. JOHNSON: Nothing further, Your Honor.

23 THE COURT: Ladies and gentlemen, thank you so
24 much for spending your time with us this week. Truly
25 we could not function in a community or in our state

1 if we did not have jurors that would spend time
2 hearing facts and evidence and making a determination,
3 so I truly appreciate you.

4 I'm gonna ask that you go ahead and go back to
5 the jury room and I'm gonna release you and the last
6 thing I have for you is this concludes your jury
7 service for the entire week. I'm not gonna make you
8 wait around. I'll be picking a jury at lunch. So you
9 do not need to continue to serve.

10 Thank you-all. I'll have you step back to the
11 jury room to be excused.

12 (Whereupon, the jury was excused at 11:23 AM.)

13 THE COURT: All right. I'm gonna step back and
14 thank our jury. Please prepare the sentencing sheets.
15 We're gonna sentence now.

16 (Recess taken at 11:24 AM.)

17 (Back on the record at 11:37 AM.)

18 THE COURT: Thank you-all. Go ahead and have a
19 seat for me.

20 Some of the jurors want to watch sentencing and
21 so I'm gonna let them stay in the jury box. They're
22 getting their cell phones and stuff and so I'm gonna
23 let them come in and once we have the jurors that
24 would like to watch, then I will go ahead and get
25 started.

1 MS. TAYLOR: And I have passed up the sentencing
2 sheets. I have presented them to Mr. Johnson.

3 THE COURT: All right. Thank you-all. Have a
4 seat for me.

5 All right, Mr. Johnson. I have three sentencing
6 sheets in front of me. Mr. Boone has been convicted
7 of each of the charges. I'd like to first hear from
8 Madam Solicitors, either one, as to any position on
9 the sentence.

10 MS. TAYLOR: Your Honor, I believe Mr. Johnson
11 would like to do his motion first.

12 THE COURT: I'm sorry. Go ahead.

13 Yes, sir. I'm happy to hear your motion.

14 MR. JOHNSON: Just based on all previous motions
15 and objections, we would certainly argue that no
16 reasonable person would come back as this jury with
17 guilty, so we'd argue and motion for new trial.

18 THE COURT: All right. And so, Mr. Johnson, do
19 you want to do that in writing or are you just gonna
20 do that now orally?

21 MR. JOHNSON: I was just gonna do that orally on
22 the record, Your Honor. We motion for a new trial
23 based on previous motions and objections.

24 THE COURT: All right. And thank you for that.
25 That motion is denied. Based on the facts and

1 circumstances of this trial, I do believe that this
2 was a fair trial and our jury's rendered a verdict,
3 and so that motion is denied. But certainly if you
4 have anything that you want to submit to me in writing
5 within the next ten days, I will consider it, but the
6 motion is denied for purposes of today.

7 And all of your previous objections are reserved.
8 You have not waived any.

9 MR. JOHNSON: Yes, ma'am. We'd like to preserve
10 all previous motions and objections.

11 Thank you.

12 THE COURT: Yes, Madam Solicitor.

13 MS. TAYLOR: Thank you, Your Honor.

14 I won't rehash any of the facts in this case.
15 You've heard it for the past day and a half now. I
16 have his criminal history if I can go through that now
17 and then I can tell you what our position is on
18 sentencing.

19 THE COURT: I'd like to know only the last
20 ten years. Anything older than ten years probably is
21 not gonna persuade me, but keeping in mind that -- are
22 you asking me for something more than fifteen years?

23 MS. TAYLOR: Yes, Your Honor.

24 THE COURT: Based on these facts and
25 circumstances?

1 MS. TAYLOR: I'm not asking for a specific
2 number. We are just asking for significant active
3 time in this case because of the obstruction that
4 occurred post-arrest.

5 THE COURT: Okay. And you understand that
6 obstruction carries a max of ten?

7 MS. TAYLOR: I understand.

8 THE COURT: Obstruction of justice carries a max
9 of ten. You've got to give me something that would
10 give me the basis to give him more than fifteen when
11 he entered his own home and there was no evidence that
12 she had the rightful, lawful ability to be there.

13 You-all presented no evidence to me that she had
14 the right to live there. It was not her home, it was
15 his home, that's what the evidence presented, so why
16 would I give him more than fifteen?

17 MS. TAYLOR: So my understanding from the
18 testimony is that **Complainant** lived there and there was
19 nothing to the contrary that she was not supposed to
20 be there. There was no court order telling her or
21 instructing her not to be there, so she was de facto
22 in lawful possession or living there legally at the
23 time.

24 Our position is just -- to justify a sentence
25 greater than fifteen is because of the extreme lengths

1 that Mr. Boone went to to ensure that she did not show
2 up for this trial and to obstruct justice. It's an
3 insult to the entire criminal justice system and
4 especially this Court as well.

5 THE COURT: I completely agree with you except
6 the max on obstruction is ten. The Legislature felt
7 even with this amount of this behavior that someone
8 shouldn't receive more than ten years if they -- if
9 they did the most egregious obstruction. That's what
10 our Legislature said.

11 MS. TAYLOR: I understand and I don't -- I don't
12 know if that would be something consecutive that you
13 would consider or not. And also based on his criminal
14 history.

15 THE COURT: Okay. Tell me his criminal history.

16 MS. TAYLOR: Now he does have a lengthy criminal
17 history, but if you want to hear the last ten years --

18 THE COURT: The last ten years is most relevant.

19 MS. TAYLOR: It would be from 2014, criminal
20 domestic violence in the third degree; criminal
21 domestic violence of a high and aggravated nature,
22 petit larceny. And 2021, domestic violence in the
23 second degree and some miscellaneous driving offenses.
24 In 2022, there was a driving under suspension and a
25 probation -- or a parole revocation. In 2023, the

1 most recent, it would be a harassment in the second
2 degree, unlawful communication and possession of
3 methamphetamine.

4 THE COURT: Okay.

5 MS. TAYLOR: That's the State's position.

6 THE COURT: Mr. Johnson.

7 MR. JOHNSON: Yes, ma'am.

8 THE COURT: What are you asking me for and tell
9 me the reason I should grant it. She wants me to give
10 him something more than fifteen and your hands are
11 tied with fifteen.

12 MR. JOHNSON: Yes, ma'am. I would just point out
13 my client, it's been -- it's really been a pleasure to
14 talk to Mr. Boone over the pass year and to know him.
15 He's a hardworking individual. And I think there's
16 been some mention of, but I will point out, he did --
17 there's a job he's had, it's called a millwright,
18 where he works very hard. There was a job in North
19 Carolina, he worked down here, that was working all
20 day, sometimes I'm sure seven days a week, made good
21 money, and he's not scared of hard work, Judge. And I
22 think at this point I'm gonna point the finger at the
23 evils of methamphetamine and drugs and that's what I'm
24 gonna say. As far as something I think is pure evil,
25 is methamphetamine, and I think that without that I

1 think we'd have a totally different situation.

2 But Mr. Boone is a hardworking individual. He's
3 got family. His family member is here today. He's
4 got a lot of family. The name of the road out there,
5 Woodrow Boone Lane, because every ten acres if you
6 separate it out there's another family, so he's got
7 tons of support. Of course, everybody's working
8 because he's got a lot of hardworking family members
9 or otherwise they'd be here.

10 Mr. Boone had three children. Two of them are
11 grown. His daughter passed away recently in Georgia
12 in a tragic event and that's something that weighs
13 upon him. I would just ask the Court to consider also
14 because of his age. I think Mr. Boone is fifty-seven
15 years old. He's fifty-seven, I'm fifty-four, and I
16 know we're kind of looking at the clock at that age.
17 He's starting to get up there. I think a minimum of
18 fifteen would certainty be a tough sentence given that
19 it is a no parole style sentence, Judge, and I've
20 explained to him what that means.

21 And so we'd ask the Court to consider all of that
22 and give him the minimum.

23 Unless he has anything to add.

24 THE COURT: All right. Mr. Boone, is there
25 anything that you want to tell me? You don't have to

1 tell me anything, but now would be your time.

2 THE DEFENDANT: Yes, ma'am. I've lived out there
3 all my life. Since I was a baby. I can't even
4 remember how long I've lived out there, but, you know,
5 that was my house, you know, that was my home I lived
6 in, and I was out of jail two days and she come -- she
7 come to my shop and picked me up and we lived together
8 again, you know. So it is what it is, you know, and I
9 let dope get in the way, you know.

10 And I that's -- that's the only thing I can blame
11 it on is the dope.

12 THE COURT: I understand.

13 THE DEFENDANT: Both of us were shooting --
14 shooting drugs.

15 MR. JOHNSON: Judge, there's a credit I think
16 of --

17 THE COURT: Yeah, how many days?

18 MR. JOHNSON: 381 days.

19 MS. TAYLOR: Your Honor, there was a bond
20 revocation when he was rearrested on this offense, so
21 under the Bond Reform Act he is not entitled to credit
22 as of September 30, 2024, to present because that was
23 -- he was out on bond for domestic violence of a high
24 and aggravated nature at the time of this offense and
25 so his bond was revoked as a matter of law.

1 THE COURT: What about that, Mr. Johnson? That
2 is the law. That is the status of the law.

3 MR. JOHNSON: Well, Judge --

4 THE COURT: But I'm noting your objection for the
5 record so that if this goes up on appeal, which it
6 will, and the Supreme Court addresses whether or not
7 that is unconstitutional because every defense
8 attorney makes that motion before me --

9 MR. JOHNSON: Right. And that's our point. He
10 went -- he got out of jail, went back in on this
11 charge, sat there since September 30th of 2024, has
12 not gotten out of that jail, and I would ask for the
13 full credit for that. Obviously the Court's gonna do
14 what they have to do, but that's the credit we're
15 asking.

16 The obstruction, however, that service of the
17 warrant was twelve days ago, but for the domestic
18 violence and burglary we're asking for the full credit
19 of 381 days.

20 THE COURT: Are you basing no credit on the
21 obstruction charge?

22 MS. TAYLOR: I'm sorry. I meant to clarify that.
23 It would be based off the burglary and the domestic
24 violence in the first degree.

25 So he's correct. That obstruction warrant was

1 not served until October 2nd, so he's entitled to the
2 credit from that point on on that charge.

3 MR. JOHNSON: Judge, if it was October 2nd, then
4 that would be --

5 MS. TAYLOR: Or 3rd.

6 MR. JOHNSON: Let's see. If it's October 2nd,
7 then I'll say that makes it --

8 MS. TAYLOR: That's right. I'm sorry. He only
9 gets credit for the time before September 30th because
10 his bond is revoked. I believe that's correct.

11 MR. JOHNSON: Well, he was arrested
12 September 30th on these charges, so I would argue
13 that he should get credit. He's sat in that jail
14 since September 30, 2024.

15 THE COURT: And you're arguing that he should not
16 get credit because of the obstruction?

17 MS. TAYLOR: He should not get credit because
18 when he was rearrested on these offenses, the burglary
19 and the domestic violence first degree, his previous
20 bond was revoked by a matter of law and so he is --

21 THE COURT: What was he out on bond for?

22 MS. TAYLOR: Domestic violence of a high and
23 aggravated nature and possession of a weapon during
24 the commission of a violent crime.

25 MR. JOHNSON: A separate incident.

1 MS. TAYLOR: A separate incident.

2 THE COURT: Okay. And the statute would prohibit
3 him from getting that, right?

4 MR. JOHNSON: Well, Judge, we're just arguing he
5 should get credit for that.

6 THE COURT: If the Supreme Court finds it's
7 unconstitutional, and, quite frankly, my position is I
8 do believe he should get credit for staying in jail.
9 I do believe that, but I will always follow the law
10 and my reading of the statute says he does not get
11 credit.

12 The point of the statute is to deter further
13 criminal conduct and if he was out on bond, if you do
14 commit a further violent crime while you're out on
15 bond, then you sit for five years, and you don't get
16 credit.

17 But that may change. The law may change. The
18 Supreme Court may change their mind and say that's
19 unconstitutional, but as of right now --

20 MR. JOHNSON: Yes, ma'am. And that's for
21 burglary and domestic violence. They stated he was
22 served with the obstruction on October 2nd. If
23 that's true --

24 THE COURT: His bond was already revoked, so.

25 MR. JOHNSON: Well, I would just say that that

1 changes my calculation to fourteen days instead of
2 twelve days on the obstruction.

3 THE COURT: I'll give him credit for fourteen
4 days, so he gets credit for fourteen day.

5 MR. JOHNSON: That's -- that's dealing with the
6 obstruction though.

7 THE COURT: I know, but SCDC is just gonna apply
8 it the way they see fit, but he'll get credit for two
9 weeks.

10 MR. JOHNSON: And, Judge, of course, we'd ask for
11 everything to be concurrent.

12 THE COURT: I understand.

13 All right. Based on the facts and circumstances,
14 this is not a case that warrants more than a 15-year
15 sentence. It just isn't. It just isn't.

16 The obstruction, Mr. Boone, was egregious. It
17 really was. And, quite frankly, from the Court's
18 perspective if you had not made those phone calls and
19 tried to prevent **Complainant** from showing up, this may
20 have been a different result for you.

21 THE WITNESS: I tried to get her to come to
22 court.

23 THE COURT: Well, that's not what the calls said.

24 So I agree with the prosecution that the
25 obstruction is the most egregious. I understand why

1 you entered the house and what I said the other day is
2 I do believe that this was a love triangle gone wrong,
3 but you can't put your hands on a woman. You just
4 can't. And you have. Look at your record. Those
5 days are over. They ended when you were like
6 ten years old playing in the sandbox. We don't hit,
7 fight, throw anything to hurt anybody, and that's why
8 we have these law, that's the issue, but I'm not
9 giving him more than fifteen, you-all. That's a fair
10 and reasonable sentence based on the circumstances.

11 And so, Mr. Boone, with respect to the burglary
12 first degree, it's the sentence of the Court that you
13 be committed to the Department of Corrections for a
14 period of fifteen years; credit for fourteen days.

15 With respect to the obstruction of justice, I do
16 agree with the State that that is egregious. It is
17 ten years. I'm gonna run it concurrent however. A
18 15-year sentence is pretty lengthy based on his age.

19 With respect to the domestic violence, I'm gonna
20 be sentencing him to five years to run concurrent.

21 That's gonna be the sentence of the Court. You
22 have ten days, of course, to file a notice of appeal.
23 It must be in writing, all right? That's gonna be the
24 sentence.

25 MR. JOHNSON: And, Your Honor, you're giving him

1 fourteen days' credit on --

2 THE COURT: All of them. I'm giving him fourteen
3 days' credit on all of them, and let me tell you the
4 reason why. SCDC is gonna apply those fourteen days
5 any way they see fit. If it was more time than that
6 -- but I'm putting on the sentencing sheets he gets
7 fourteen days and they can apply it any way that they
8 deem appropriate.

9 MR. JOHNSON: Yes, ma'am. Of course, we have our
10 request on the record. We're asking for the full
11 381 days.

12 THE COURT: You are. You made your record. I'm
13 gonna state it just in case the Court of Appeals or
14 anything changes, you have preserved it. So whether
15 the law changes because the Legislature changes it or
16 the Court finds it unconstitutional and makes it
17 retroactive, he will get -- your objection is
18 preserved to be able to get that credit if the law
19 changes.

20 MR. JOHNSON: Thank you, Judge.

21 THE COURT: All right. Mr. Boone, I wish you the
22 best of luck.

23 THE DEFENDANT: Thank you, ma'am.

24 MS. TAYLOR: Thank you, Your Honor.

25 THE COURT: Yes, ma'am.

1 Thank you-all.

2 (Whereupon, the proceedings were concluded for
3 October 15, 2024, at 11:51 AM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter
for the Eleventh Judicial Circuit of the State of
South Carolina, do hereby certify that the foregoing
is a true, accurate and complete transcript of record
of all the proceedings had and the evidence introduced
in the hearing of the captioned case in Circuit Court
October 13th-15th, 2025.

This transcript may contain quoted material.
Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin,
counsel, nor have an interest to any party hereto.

February 18, 2026

/s/ Stacy S. Johnson
STACY S. JOHNSON, RPR
CIRCUIT COURT REPORTER

WITNESSES

Lexington County Sheriff's Department

ALEXANDER VINCENT ROSADO - Lexington C

DOCKET NO. 2024GS3205216

The State of South Carolina

County of Lexington

LEXINGTON COUNTY GENERAL
SESSIONS COURT

November Term 2024

Law Enforcement Case #: 24016829

WYT

ARREST WARRANT NUMBER

2024A3210202434

VS.

William David Boone

AKA Bill

ACTION OF GRAND JURY

TRIPLE BILL

Foreperson of Grand Jury

Date: 11-12-24

VERDICT

Guilty

Indictment For

Burglary - First Degree

SC Code: §16-11-311(A)(1)(b)

CDR Code: 0079

Exempt

Foreperson of Petit Jury Timothy Burns

Date: 10-15-2025

INDICT

S.R. Hubbard III, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

)
)
)
)
)
)

INDICTMENT FOR

2024GS3205216

Burglary - First Degree

§16-11-311(A)(1)(b)

At a Lexington County General Sessions Court, convened on November 12, 2024, the Grand Jurors of Lexington County present upon their oath:

Burglary - First Degree

That in Lexington County, South Carolina, on or about September 26, 2024, the Defendant, William David Boone, did enter a dwelling without consent and with intent to commit a crime therein and when, in effecting entry or while in the dwelling or in immediate flight therefrom, he or another participant in the crime caused physical injury to who was not a participant in the crime, to wit: entered the victim's residence **Complainant** without consent and where he has no legal to be and proceeded to physically assault her by striking her with an object and shoving her to the floor, all in violation of Section 16-11-311(A)(1)(b), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Assistant Solicitor

WITNESSES

Lexington County Sheriff's Department

ALEXANDER VINCENT ROSADO - Lexington C

DOCKET NO. 2024GSS3205215

The State of South Carolina

County of Lexington

LEXINGTON COUNTY GENERAL
SESSIONS COURT

November Term 2024

Law Enforcement Case #: 24016829

WYT

ARREST WARRANT NUMBER

2024A3210202433

THE STATE

VS.

William David Boone

AKA Bill

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 11-12-24

VERDICT

Guilty

Indictment For

Domestic Violence - 1st Degree

SC Code: §16-25-20(A)(1), 16-25-20(B)
(2), 16-25-20(C)

CDR Code: 3811

Class E Felony

S.R. Hubbard III, Solicitor

Foreperson of Petit Jury Tinkay Burns

Date: 10-15-2025

INDICT

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

INDICTMENT FOR

2024GS3205215

Domestic Violence - 1st Degree

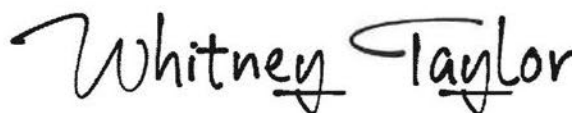
§16-25-20(A)(1), 16-25-20(B)(2), 16-25-20(C)

At a Lexington County General Sessions Court, convened on November 12, 2024, the Grand Jurors of Lexington County present upon their oath:

Domestic Violence - 1st Degree

That in Lexington County, South Carolina, on or about September 26, 2024, the Defendant, William David Boone, did offer or attempt to cause physical harm or injury to a person's own household member, **Complainant**, with apparent present ability under circumstances reasonably creating fear of imminent peril and in the process of committing domestic violence in the second degree, the offense is committed during the commission of a robbery, burglary, kidnapping, or theft and/or violated a protection order in the process of committing domestic violence in the second degree, all in violation of Section 16-25-20(A)(1), 16-25-20(B)(2), 16-25-20(C), et al. of the Codes of Law of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Assistant Solicitor

WITNESSES

Lexington County Sheriff

ALEXANDER VINCENT ROSADO - Lexington Cou

DOCKET NO. 2025GSS3205199

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

October Term 2025

Law Enforcement Case #: 24016829

WYT

ARREST WARRANT NUMBER

2025A3210202322

THE STATE

vs.

William David Boone

AKA Bill

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

Date: 10-13-25

VERDICT

Guilty

Obstruction of Justice

SC Code: §CL-0118-00

CDR Code: 0118

unclassified

Foreperson of Petit Jury Timothy Burns

Date:

10-15-2025

S.R. Hubbard III, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

INDICTMENT FOR

Obstruction of Justice

§CL-0118-00

At a Court of General Sessions, convened on October 13, 2025, the Grand Jurors of Lexington County present upon their oath:

Obstruction of Justice

That in Lexington County, South Carolina, on or between **February 16, 2025 and October 2, 2025**, the Defendant, **William David Boone**, did an act which prevented, obstructed, impeded, or hindered the administration of justice, to wit: Defendant made numerous calls and/or sent messages to the victim and/or others to ensure the victim will not cooperate with the prosecution and/or show up to court, all in violation of Section CL-0118-00, *et al.*, of the Code of Laws of South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Assistant Solicitor

COUNTY OF LexingtonINDICTMENT/CASE#: 2024GS3205215STATE vs.
William David BooneAW#: 2024A3210202433

AKA: Bill

SSN: [REDACTED]

Date of Offense: 09/26/2024S.C. Code §: 16-25-20(A)(1), 16-25-20(B)(2),
16-25-20(C)CDR Code#: 3811RACE: White SEX: Male DOB: [REDACTED] Range of Offense: 0-10 yrs.In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADSTO: Domestic Violence - 1st Degree Range of Offense Pled 0-10 yrs.In violation of § 16-25-20(A)(1), 16-25-20(B)(2), 16-25-20(C) of the S.C. Code of Laws, bearing CDR Code # 3811☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45The charge is: ☒ As indicted ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

Whitney Y. Taylor

103933

Johnson, Ola

68563

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
for a determinate term of 5 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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*; balance is suspended with probation for _____ months/years
and subject to SCDPPPS standard conditions of probation, which are incorporated by reference. 2024-GS-32-5216
2025-GS-32-5199

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 SCDC.
14 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment☐ Sex Offender Registry pursuant to S.C. Codes § 23-3-430☐ SAC/MHC if necessary☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION See Separate Order

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211 (A)(1) (Conv. Surcharge)

§ 14-1-211 (A)(2) (DUI Surcharge)

§ 56-5-1995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 14-1-212 (Law Enforcement Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk☐ § 14-3-45 (B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

Fine/Costs and Assessments are to be paid to the

Clerk of Court within _____ days/months

Clerk of Court/Deputy Clerk

J. Johnson
Court Reporter

2779
Judge Code

10/15/2021
Sentence Date

[Signature]
Presiding Judge

387 SCCA217B
2025-01-27

COUNTY OF LexingtonINDICTMENT/CASE#: 2024GS3205216

STATE vs.

AW#: 2024A3210202434William David BooneAKA: BillSSN: [REDACTED]Date of Offense: 09/26/2024S.C. Code §: 16-11-311(A)(1)(b)CDR Code#: 0079RACE: WhiteSEX: MaleDOB: [REDACTED]Range of Offense: 15 yrs. - LifeIn disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADSTO: Burglary - First DegreeRange of Offense Pled 15 yrs. - LifeIn violation of § 16-11-311(A)(1)(b) of the S.C. Code of Laws, bearing CDR Code # 0079☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45The charge is: ☒ As indicted ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

Whitney Y. Taylor

103933

Johnson, Ola

68563

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 15 days/months/years/Time Served ☐ YOA NTE _____ years and/or shall 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*; balance is suspended with probation for _____ months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2024-08-32-5215
2025-05-32-5199☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.14 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP _____☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment☐ Sex Offender Registry pursuant to S.C. Codes § 23-3-430☐ SAC/MHC if necessary☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION See Separate Order

Restitution \$

FINE: \$

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211 (A)(1) (Conv. Surcharge)

§ 14-1-211 (A)(2) (DUI Surcharge)

§ 56-5-1995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 14-1-212 (Law Enforcement Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk☐ § 14-3-45 (B) Unpaid Application Fee to be paid to the Public Defender Fund

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter

Judge Code

Sentence Date

Presiding Judge

SCCA217B

2025-01-27

COUNTY OF Lexington) INDICTMENT/CASE#: 2025GS3205199
)
 STATE vs.) AW#: 2025A3210202322
William David Boone)
) Date of Offense: 02/16/2025
 AKA: Bill SSN: [REDACTED]) S.C. Code §: CL-0118-00
) CDR Code#: 0118
 RACE: White SEX: Male DOB: [REDACTED]) Range of Offense: 0-10 yrs.

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS
 TO: Obstruction of Justice Range of Offense Pled 0-10 yrs.

In violation of § CL-0118-00 of the S.C. Code of Laws, bearing CDR Code # 0118

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ MANDATORY GPS ☐ § 17-25-45

The charge is: ☒ As indicted ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury.

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated ☐ Recommendation

Whitney Y. Taylor 103933 Johnson, Ola 68563
 Solicitor SC Bar # Attorney for Defendant SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program
 for a determinate term of 10 days/months/years/Time Served ☐ YOANTE years and/or shall 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*; balance is suspended with probation for months/years
 and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2024-05-32-5215
2024-05-32-5216
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC.
14 days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing.

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim ☐ Domestic Violence Intervention Program ☐ Hold for Inpatient Treatment
☐ Sex Offender Registry pursuant to S.C. Codes § 23-3-430 ☐ SAC/MHC if necessary
☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
☐ Other:

☐ RESTITUTION See Separate Order

§ 14-1-206 (Assessments 107.5%)

§ 14-1-211 (A)(1) (Conv. Surcharge)

§ 14-1-211 (A)(2) (DUI Surcharge)

§ 56-5-1995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

§ 14-1-212 (Law Enforcement Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Provisio requires \$500 to be paid to Clerk

☐ § 14-3-45 (B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

Fine/Costs and Assessments are to be paid to the
 Clerk of Court within days/months

\$100 100.00

\$100

\$12

\$25

\$25 25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL 125

Lisa Johnson
 Clerk of Court/Deputy Clerk

Stacy Johnson
 Court Reporter

2779
 Judge Code

10/15/2025
 Sentence Date

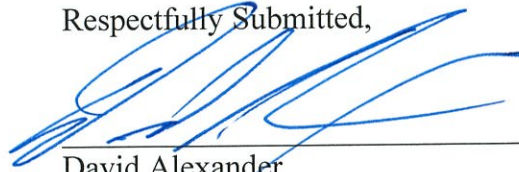
[Signature]
 Presiding Judge

SCCA217B
 2025-01-27

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,



David Alexander
Deputy Chief Attorney for Capital Appeals

Kersey A. Reynolds
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEYS FOR APPELLANT

RECEIVED
Aug 26 2026
SC Court of Appeals

This 26th day of August, 2026.

RECEIVED

Aug 26 2026

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County

Honorable Jessica A Salvini, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLIAM DAVID BOONE,

APPELLANT

APPELLATE CASE NO. 2025-002170

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 Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on William David Boone, #270459, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 26th day of August, 2026.



David Alexander
Deputy Chief Attorney for Capital Appeals

Kersey A. Reynolds
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEYS FOR APPELLANT