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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM LEE COUNTY
General Sessions Court
Clifton B. Newman, Jr., Circuit Court Judge

---

Case No. 2014-GS-31-0050
Appellant Case No. 2015-000175

---

The State,

Respondent,

v.

Dennis E. Hoover,

Appellant.

---

# RECORD ON APPEAL

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ATTORNEYS FOR APPELLANT

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**WITNESSES**

J D Dellinger — Lee County Sheriff

**ARREST WARRANT NUMBER**

2014A3110200001

**ACTION OF GRAND JURY**

True Bill

Foreperson of Grand Jury

Date: 3-13-14

**VERDICT**

Guilty of Assault and Battery 1st Degree

Foreperson of Petit Jury

Date: 1-22-15

**DOCKET NO. 2014-GS-31-0050**

**The State of South Carolina**

**County of LEE**

**COURT OF GENERAL SESSIONS**

**March** TERM **2014**

**THE STATE**

vs.

**DENNIS E HOOVER**

**Indictment for**

Murder / Attempted Murder

Ernest A Finney III

**ERNEST A. FINNEY, III, SOLICITOR**

STATE OF SOUTH CAROLINA )
)
COUNTY OF LEE )

INDICTMENT FOR

Murder / Attempted Murder

At a Court of General Sessions, convened on March 13, 2014 the Grand Jurors of Lee County present upon their oath:

**COUNT ONE**
**ATTEMPTED MURDER**

That Dennis E. Hoover, in Lee County, on or about January 4, 2014, violated Section 16-3-29 of the Code of Laws of South Carolina (1976), as amended, when the said Dennis E. Hoover, with the intent to kill, attempted to kill another person, namely Robert "Justin" Boyce, with malice aforethought, either express or implied, by attacking Robert " Justin" Boyce with a bladed instrument, causing multiple lacerations to the body of Robert "Justin" Boyce.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Solicitor

Ernest A. Finney III

**STATE OF SOUTH CAROLINA** )

COUNTY OF Lee )
STATE VS. )
Dennis E Hoover )
AKA: )
Race: White Sex: M Age: 61 )
DOB: SS#: )
Address: )
City,State,Zip: )
DL#: SID#: )
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐ )

**IN THE COURT OF GENERAL SESSIONS**

INDICTMENT/CASE#: 2014-GS-31-0050
A/W#: 2014A3110200001
Date of Offense: 1/4/2014
S.C. Code § : 16-03-0029
CDR Code #: 3410

**SENTENCE SHEET**

In disposition of the said indictment comes now the Defendant who was ☒ CONVICTED OF or ☐PLEADS
TO: Murder / Attempted Murder ~~Assault + Battery First Degree~~
in violation of § ~~16-03-0029~~ 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # ~~3410~~ 3412
☒ NON-VIOLENT ☐ VIOLENT ☐SERIOUS ☐MOST SERIOUS ☐Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐§17-25-45

The charge is: ☐ As Indicted, ☐Lesser Included Offense, ☐Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)
The plea is: ☐Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.
ATTEST:

Gentry, John SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is commited to the ☒ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of 9 days/months/years or ☐ under the **Youthful Offender Act** not to exceed _____ years
and/or to pay a fine of $ _____; provided that upon the service of _____ days/months/years and/or payment
of $ _____; plus costs and assessments as applicable*; the balance is suspended with **probation** for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ 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 the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

**Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence ) to ship,transport,possess,or receive a firearm or ammunition.**

**SPECIAL CONDITIONS:**

☒**RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☒ **Ordered**
Total: $ 2,820 plus 20% fee: _____ $ _____
Payment Terms: _____
☐ Set by SCDPPPS _____
Recipient: Robert "Justin" Boyce

| | | |
|---|---|---|
| *Fine: | | $ |
| § 14-1-206 (Assessments 107.5 %) | | $ |
| § 14-1-211(A)(1) (Conv. Surcharge) | $100 | $ 100.00 |
| § 14-1-211(A)(2) (DUI Surcharge) | $100 | $ |
| § 56-5-2995 (DUI Assessment) | $12 | $ |
| § 56-1-286 (DUI Breath Test) | $25 | $ |
| Proviso 47.9 (Public Def/Prob) | $500 | $ |
| § 14-1-212 (Law Enforce. Funding) | $25 | $ 25.00 |
| § 14-1-213 (Drug Court Surcharge) | $150 | $ |
| § 50-21-114(BUI Breath Test Fee) | $50 | $ |
| § 56-5-2942(J) (Vehicle Assessment) | $40/ea | $ |
| Proviso 90.5 (SCCJA Surcharge) | $5 | $ 5.00 |
| 3% to County (if paid in installments) | | $ 3.90 |
| TOTAL | | $133.90 |

PTUP _____
_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E begining _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ _____ beginning _____
$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ ~~Deputy Clerk~~ James L. Rawls
Court Reporter: Frances B. Ray
Presiding Judge C. Nevils
Judge Code: 2127
Sentence Date: January 22, 2015

SCCA/217 (03/2011)

STATE OF SOUTH CAROLINA )
) GENERAL SESSIONS COURT
COUNTY OF LEE )

STATE OF SOUTH CAROLINA)

STATE, )

v. ) TRANSCRIPT OF RECORD
14-GS-31-00050

DENNIS E. HOOVER, )

DEFENDANT. )

January 20, 2015
Bishopville, South Carolina

**B E F O R E :**

THE HONORABLE CLIFTON B. NEWMAN, JUDGE;
AND JURY

**A P P E A R A N C E S:**

JOHN R. GENTRY, ESQ.
PAUL M. FATA, ESQ.
Assistant Solicitors

RICHARD C. "DICKIE" JONES, ESQ.
Attorney for Defendant

FRANCES B. RAY, RPR
Circuit Court Reporter



RECEIVED JUN 08 2015

you're not to discuss this case with anyone because the way the process works is that you listen to the entire matter, then discuss it only with the people who have heard the same thing. And so it will be improper for you to try to get outside information, discuss it, or figure out based on conversations out of the jury. You're to discuss the case only with those of you who have heard the exact same thing after you have heard the entire matter and I've told you the law that you are to apply to the case.

Later in the process I will appoint one of you to serve as the foreperson of the jury and that person will have the responsibility of being the spokesperson for the jury, will have the responsibility of presiding over the jury deliberations, and will have the responsibility of completing the verdict form representing the evidence of the jury. We will move now to opening statements by the State.

MR. GENTRY: Thank you, Your Honor. Ladies and gentlemen, as you heard, my name is John Gentry. I'm the assistant solicitor, one of two here, as far as with the presenting the facts in this particular case. On January the 4th this last year, 2014, the victim in this case, Mr. Robert

Justin Boyce who is seated at my table in the green checked shirt, was on his way to duck hunting at Santee. He was going duck hunting with a man named Phillip Atkinson. Well, he was running a little bit early for his meeting with Mr. Atkinson so he stopped in at Interstate Shell, and you all know where that is, everybody stood up. That's out here going towards Interstate 20 on the left-hand side. And I expect that the evidence is going to prove as we unfold our case is that, first of all, Interstate Shell has videotaping system. It had 14 active cameras that day, fourteen taking various sundry events that occurred with Interstate Shell. You will see those. What it does not have is videotape at the place where the incident occurred, in the restroom, the men's restroom. It doesn't have one in the women's restroom either, and can you imagine what kind of problem it would cause Interstate Shell if we found out people were videotaping things going on in the restroom. Be that as it may, what you will see is what happened from the time Mr. Boyce walked in to the Interstate Shell until the time that everybody left the Shell. You will see that defendant right there, Mr. Hoover, and you will see him coming in the store. And I want you to pay

close attention to what he does and how he does it. I want you to pay close attention to what happens when Mr. Boyce runs out of the restroom, and I want you to pay close attention to what happens when Mr. Hoover sort of sachets out there. What this turns out to be, I think the State is going to show you, that this is a stalking. Mr. Hoover knew that Mr. Boyce was in that restroom. And there's been some incidents we'll get into later on that would indicate some bad blood, at least on one side of this case.

So Mr. Hoover ends up being charged with attempted murder. He's charged that because according to the facts that we understand, he tried to kill Mr. Boyce; and I will show you the pictures of Mr. Boyce after he was cut up. And I will present to you certain statements made by the defendant and we will go from there. And I think that after I present all this evidence you will find the defendant guilty of this charge. Thank you.

THE COURT: Mr. Jones.

MR. JONES: May it please the Court, Your Honor.

THE COURT: Yes, sir.

MR. JONES: Ladies and gentlemen of the

jury, my name is Dickie Jones. I was raised in Pinewood, South Carolina. I practice law in Sumter, been over there 34 years now. And I'm going to talk to you a little bit about this case. Two people on the planet earth that know what happened in that Interstate Shell bathroom on January 4th 2014, two. One, Mr. Hoover, and one of the is Justin Boyce. So two people. No cameras in the bathroom, as has been said. No, no evidence other than two people in that bathroom who know really what happened in that bathroom. What we're telling you is, that Mr. Hoover, Dennis Hoover, was attacked by Justin Boyce. So you're gonna hear us talk about self-defense today because self-defense is appropriate when somebody attacks you and that's what happened in this case, and that's what you're gonna hear about. You're gonna hear about self-defense. You're gonna hear Dennis Hoover tell you straight up from start to finish.

Let me talk to you a little bit about one of the statements that, one of the statements that was made in opening that says we think, we think, the State can show that this was a stalking. Ladies and gentlemen, the burden of proof in this state is on the State of South Carolina. The Solicitor has

got a duty to prove beyond a reasonable doubt every element of their case. First of all, the State has charged Mr. Dennis Hoover with attempted murder. What that means is the State has to show beyond a reasonable doubt every part of that definition. That means that the State has to say that Mr. Hoover went in there with the intention, with the intention to kill him. And we submit that is not the case, and we're gonna be asking you to render a verdict of not guilty for that reason. In addition to that, the State has to prove beyond a reasonable doubt that it wasn't self-defense and we're gonna be talking about the facts in this case, self-defense. Remember, two people on earth know. It's one person's word against the other as to what happened in that bathroom.

Now let me talk to you a little bit about reasonable doubt standard. Now, you know, a lot of times what happens is you hear a term we call preponderance of the evidence. That's kind of where most of you probably got that. But let me tell you what preponderance of the evidence is. Preponderance of the evidence, we use that in a civil case. That's like if somebody is in an auto accident or something; that's preponderance of the

evidence. And preponderance of the evidence -- when I grew up I went to JC Howle's (ph) Grocery Store in Pinewood. He had a little cheese scale in there and put weights on one side. And on that cheese scale, what would happen is, if you bumped it, made it even, then that means the cheese was right. If it wasn't even, that means you had to charge more than you did because it'd make it even, equal. But preponderance of the evidence means that you have to prove just enough to bump the scale just a little bit, just bump it just a little bit, and that's enough proof. But you know, what our law says is that you have to show when you're the State of South Carolina, when you accuse somebody of attempted murder, when you're trying to prove Dennis Hoover attacked Justin Boyce, the State has to prove their case beyond a reasonable doubt. Let me tell you what beyond a reasonable doubt means.

The judge is going to tell you, beyond a reasonable doubt, if you take those scales in a grocery from Pinewood, South Carolina, that means when those scales are on there, the scales have to be all the way down on the table. It's the heaviest burden of proof known to our system; and the reason is, that we don't want to take the risk. Our system

does not want any risk that we're gonna convict somebody that didn't do something. So the State has a burden not just proving preponderance of the evidence, but the State has the burden of putting those scales on top of the table. And the fact that you're gonna hear the judge to say is anything that causes you to hesitate to act, just to hesitate to act, that's not enough. The State has got to prove beyond a reasonable doubt at the point that you won't hesitate to act. Now that's the attempted murder charge.

Now let me talk about self-defense. The State has to prove beyond a reasonable doubt that it wasn't self-defense. And the State's got to go forward; they've got a duty to do that. They've got to show you beyond a reasonable doubt it wasn't self-defense. So they've got two things they have to show and well they should because two people were in that bathroom that day, two. So what it comes down to, one person's word against the other. Two people in the bathroom that know that. You know, when the judge, he read to you the voir dire -- voir dire means when he asks you question about this case. When he reads to you he said, he said, is any member of the jury panel who will not or is unable

to apply the law as I explain it to you. The reason he asked that was, the law in South Carolina says that the State has to prove beyond a reasonable doubt, beyond a reasonable doubt. The State has to make the weight of evidence go down on that table to show beyond a reasonable doubt there was, that Mr. Hoover went in there with the intention of taking the life of Justin Boyce. And we submit they can't do that. For that reason we're gonna ask not guilty.

And the second thing the State has to do is they have to show beyond a reasonable doubt that it wasn't self-defense. So two parts of this that I ask that you apply the law to because I think if you look at the law in this case, you're gonna find that the law in this state says, if you hesitate to act then you cannot and should not convict Dennis Hoover. For that reason we're gonna ask not guilty. You know, everybody says a lot of things about jury service. Believe me, I have some idea of how inconvenient this is to you. The way our system works is this. Our system says that you get twelve jurors who live life every day, who know what life is about, and who can come in and apply the facts of the case to the law. The judge is gonna explain the

law to you at the end of the case and you're gonna hear the evidence. I simply ask that you weigh the evidence, put your best judgment to it, and I'm confident that you will agree with us in what we're saying about this case. Thank you very much for your service.

You know, actually jury service is even more important than voting, believe it or not, because there are twelve of you. Each and every one of you, each and every one of you have to come here today and consider what's going on with Mr. Dennis Hoover's life. So what you're doing is very specific, it's very important, and I thank you very much for doing what you're doing.

MR. GENTRY: Donna Boyce.

THE COURT: First witness.

MR. GENTRY: Come in please, ma'am.

THE CLERK: Place your left hand on the Bible raise your right hand.

WHEREUPON,

**DONNA BOYCE,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Donna R. Boyce.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Ms. Boyce, you are the wife of Robert Justin Boyce sitting over at my right?

A Yes, sir.

Q Now you all live in the Lucknow section or Saint Matthews section of Lee County?

A Saint Matthews.

Q Saint Matthews. Now at some point back in January of last year your husband was rather severely injured; was he not?

A Yes, sir.

Q Did he spend any time in the hospital over at McLeods?

A Yes, sir.

Q All right. Did he come home all bandaged up looking like a mummy?

A He did.

Q Now I want to show you what's been marked -- did you take pictures by the way of him after the bandages came off?

A I did on January 7th.

Q All right. I show you Exhibit Number 32. What is that a picture of?

A His forehead.
Q And is that the injury you took the picture of?
A It is.
Q All right. That's State's Exhibit 32. How about State's Exhibit Number 33?
A His chin.
Q Can you tell us approximately when you took these pictures?
A On January 7th in our bathroom.
Q Okay. And that's after the bandages had come off?
A It is.
Q Well, he didn't have a bandage up here, did he?
A No, sir, he had them down here and on his hand.
Q State's Exhibit 33. State's Exhibit Number 34 shows a slash on his left side?
A Under his arm, yea, right.
Q All right. And when did you take that picture, same date?
A Yes, sir.
Q Will be January 7th I believe you said?
A Yes, sir.
Q And number 35. Number 35, is that a picture of his wound which is right above his naval?
A Yes, sir.

Q Okay. 36, what's that a picture of?
A His hand.
Q And that's how it looked on January 7th to you?
A Yes, sir.
Q Okay. And number 37, that's on his thigh?
A Yes, sir.
Q That was another slash mark. You didn't do this, did you?
A No, sir.
Q He came home looking like this?
A Yes, sir.
Q Okay. Now your husband had already had some pictures made of his injuries at the Lee County Sheriff's Office; is that correct?
A He did.
Q And why did he take these additional pictures?
A 'Cause he was bandaged still at the Sheriff's Department, and when he took the bandages off I took the pictures.
Q Once you took these pictures what did you do with them?
A I had them developed at Wal-Mart, and then I took them to the Sheriff's Department.
Q Okay. Did you alter or change or photo shop or mark these in any way, shape, or form?

A No, sir.
Q That's, those pictures, that's how they looked at that time?
A Yes, sir.
Q Let me ask you one more question. He left home on January 4th to go duck hunting, 2014?
A Right.
Q And the next time you saw him was where?
A McLeod Hospital.
Q Thank you, ma'am.

MR. GENTRY: We move to admit 32 through 37.

THE COURT: Any objection?

MR. JONES: No objection, Your Honor, to admission in evidence and no questions.

THE COURT: They're admitted.

(WHEREUPON, State Exhibit Nos. 32 through 37 were admitted into evidence.)

MR. GENTRY: Mikkos Newman.

MR. JONES: Your Honor, may we approach the Bench please.

THE COURT: Yes.

(WHEREUPON, counsel approached the Bench for an off-the-record discussion.)

THE CLERK: Place your left hand on the

Bible, raise your right hand.

WHEREUPON,

**MIKKOS NEWMAN,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Mikkos Newman.

THE COURT: How you spell your last name?

THE WITNESS: N-E-W-M-A-N.

MR. JONES: Mr. Newman's first name, is it Mikkos, did you say? M-E-C-O-S?

THE WITNESS: No, sir, M-I-K-K-O-S.

MR. JONES: I'm sorry, thank you.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Mr. Newman, you are an investigator with Lee County Sheriff's Office?

A Yes, sir.

Q You were the investigator for the Lee County Sheriff's Office on January 4th of 2014?

A Yes, sir.

Q Did you receive a report of an incident early on the morning of January 4th, 2014, out at the Interstate Shell?

A Yes, sir, I did.
Q What did you do?
A When I arrived I spoke with Sergeant Torres and I began helping process the scene by photographing.
Q All right. Let me show you what's been marked as State's Exhibit 25, 26 and 27, and ask you, are those photographs that you took?
A Yes, sir, they are.
Q All right. Beginning with number 25, what does that represent?
A Blood from the victim in the hall way at the Interstate Shell.
Q Is that coming out of the restroom, men's room?
A Yes, sir, I believe so.
Q Okay. And look at the next one. That's number 26?
A Yes, sir.
Q And what does that represent?
A Blood going to the front door by the victim.
Q Okay. And number 27, what does that represent?
A Blood also by the front door from the victim.
Q Okay. Did you have any other involvement in this other than to take those photographs?
A No, sir, I did not.
Q Answer any questions Mr. Jones may have.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Mr. Newman, you have I think you said, blood in the hall way; is that correct?

A Yes, sir.

Q And then you said that there's blood by the front door; is that correct?

A Yes, sir.

Q And then you said there's blood, another picture of blood by the front door, correct?

A Yes, sir, close to it.

Q Okay. You have no pictures of the inside of the bathroom, do you?

A No, sir.

MR. JONES: I have no further questions, Your Honor.

THE COURT: Any redirect?

MR. GENTRY: No, sir. We'd admit 25, 26, and 27.

MR. JONES: Objection.

MR. GENTRY: Move to admit 25, 26 and 27.

THE COURT: All right, basis for your objection.

MR. JONES: Your Honor, motion was not made to admit those -- this is recross, excuse me,

redirect, and the motion was not made to admit into evidence on direct and thus, we would object to it being admitted on redirect.

THE COURT: Objection is overruled. Evidence can be offered at any point during trial.

MR. GENTRY: Thank you.

THE COURT: It's admitted over objection. Anything further with this witness?

MR. GENTRY: No, sir.

(WHEREUPON, State Exhibit Nos. 25, 26, and 27 were admitted into evidence.)

THE COURT: You may step down.

MR. GENTRY: Investigator Capps.

WHEREUPON,

**DAVID CAPPS,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Investigator David Capps.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Investigator Capps, you are with the Lee County Sheriff's Office as an investigator; is that correct?

A Yes.
Q How long have you been in law enforcement?
A Thirty-one years.
Q You have a copy of State's Exhibit Number 1, excuse me, Number 2? Did you receive a copy of State's Exhibit Number 2 for identification? And that is labeled as a copy of the video from the Interstate Shell store.
A Yes, sir, I did.
Q And as a result of reviewing that particular videotape did you prepare a summary of the events involving only Mr. Boyce and Mr. Hoover?
A Yes, sir, I did.
Q Is that the material marked as Interstate -- as Exhibit 3 for identification?
A Yes, sir.
Q All right, sir. Thank you. How did you go about preparing the disks that's the summary?
A I reviewed the main disk, noted the times and dates and the individuals in those, took them out in sequential order using a piece of software and then put it together with a different piece of software.
Q Did you in any way alter, amend, change, or delete anything from State's Exhibit 2 for identification?

A No, sir.
Q And basically what did State's Exhibit 3 for identification do, who did it follow?
A It followed both gentlemen around. It was close to time frame as it could.
Q Okay. Now, let me show you something else here. Exhibits 29, 30 and 31 for identification. And do you recognize those?
A Yes, sir.
Q And what are those?
A These are some photos I took of Mr. Boyce sometime after some bandages were removed from his injuries.
Q Okay, that was -- those were taken on or about, what, January 6th or 7th?
A Approximately.
Q Okay. Now when you took the one of him on State's Exhibit 29 for identification, I notice there's a ruler in front of his forehead.
A Yes, sir.
Q What was that ruler for?
A That's just to show scale.
Q And to show the length of the scar?
A Yes, sir, it does that.
Q Okay. And the same thing would occur with

Exhibit Number 30 and 31, there's a ruler there, is that correct?

A That's correct.

Q And that ruler shows what?

A The length of the scars that are noted in there.

Q Okay.

MR. GENTRY: We move to admit 29, 30, and 31.

MR. JONES: Your Honor, of course, we would as to the video, we would like to see the video before it's -- to see what it is, verify what it is.

MR. GENTRY: Sure.

MR. JONES: I have no objection, Your Honor, to number 30, 31 and 29. However, we do as to the video, I need -- before we, I need to, in, effect, they need to be published to me so I can see them, see what they are before we admit those into evidence.

(WHEREUPON, State Exhibit Nos. 29, 30, 31 were admitted into evidence.)

THE COURT: All right, how long are they?

MR. GENTRY: Sir?

THE COURT: How long are they?

MR. GENTRY: One is about twelve minutes

and the other one is about eight minutes.

THE COURT: All right. Ladies and gentlemen of the jury, I'll have you go to the jury room for a break at this time. Please do not discuss the case. Go to the jury room.

(Jury was removed from the courtroom at 4:43 p.m.)

THE COURT: Mr. Gentry, are these videos you have previously provided to Mr. Jones?

MR. GENTRY: Yes, sir, in multiple additions and fashions.

MR. JONES: Your Honor, I'm confident they are; nevertheless, I need to make sure I see what the jury is going to be looking at. Mr. Gentry has been very forthcoming.

THE COURT: All right.

(Video was played.)

MR. JONES: Your Honor, I want to make it clear, it's not a question of the integrity of Mr. Gentry. I just need to ascertain what it is.

THE COURT: Yes, sir. He has it on super slow motion. He might want it to be on super slow motion for the jury, but you know.

MR. GENTRY: Judge, what I do is what they furnish me from the Solicitor's Office.

THE COURT: All right. We'll be at ease

just a couple of minutes while y'all...

(WHEREUPON, a recess was taken from the proceedings.)

THE COURT: All right, where do we stand?

MR. JONES: Your Honor, he has allowed me to look through those. Those are the same videos we shared with me before, nothing different, no objection.

THE COURT: Any objection to them being admitted?

MR. JONES: None, Your Honor.

THE COURT: They are admitted without objection and bring them on in.

(WHEREUPON, State Exhibit Nos. 2 and 3 were admitted into evidence.)

(WHEREUPON, the jury was returned to the courtroom at approximately 5:00 p.m., and the following proceedings commenced in open court.)

MR. GENTRY: Your Honor, I'd like to publish 3 to the jury.

THE COURT: All right, whatever you want to do.

MR. GENTRY: Ladies and gentlemen of the jury, this is State's 3 which you're going to see it. It was prepared from a summary of the master

tape of Interstate Shell which occurred on January the 4th.

(State's Exhibit No. 3 was shown to the jury.)

BY MR. GENTRY:

Q Investigator Capps, if you know, who is that gentleman that just walked in the door?

A Mr. Boyce.

Q Mr. Boyce? He's in the brown coat and the ball cap?

A Yes, sir.

Q Investigator Capps, if you know, who is the man coming in the store with the red shirt and brown hat?

A Mr. Hoover. Mr. Hoover, the defendant.

Q Investigator Capps, you're also the evidence custodian for the Lee County Sheriff's Office; is that correct?

A Yes.

Q On or about July 15th, 2014, did you receive a sealed box of evidence from SLED involved a SLED case L1401785?

A Yes, sir.

Q That was also this particular case we're talking about today?

A That's correct.

Q Did you open the box -- let me ask you this, since that day has the box been under your continuous care, custody, and control?
A It has.
Q Did you open it one day to show the contents to defense counsel?
A I did.
Q And did you re-seal it in his presence?
A We did.
Q Would you open it please and take out the red shirt. This is going to be marked as State's Exhibit 43 for identification.
A (Complies.)
Q Is that the red shirt?
MR. GENTRY: Mark it on the bag please, 43 for identification.
(WHEREUPON, State's Exhibit No. 43 was marked for identification only.)
BY MR. GENTRY:
Q Would you take the other bag out, the blue jean, which will be marked State's Exhibit 44 for identification.
THE COURT: Identification usually entails ---
MR. GENTRY: Sir?

THE COURT: Identification of an exhibit usually entails a witness looking at it and not the jury looking at it. And the jury looks at it if and when it's admitted into evidence, not as part of the witness' identification.

MR. GENTRY: All right.

MR. JONES: As far as I know he's not shown that to the jury that I've seen, I hope.

THE COURT: All right.

(WHEREUPON, State's Exhibit No. 44 was marked for identification only.)

MR. GENTRY: Your Honor, we have no more questions of this witness.

THE COURT: All right. Mr. Jones.

MR. JONES:

MR. GENTRY: Your Honor, let me see if I understand. There's been no, there's been no motion to put that into evidence I don't believe, has it?

THE COURT: It appears Mr. Gentry had the witness look at those things. He hasn't asked the witness any questions pertaining to them aside from asking the witness to look at them as I recall.

MR. JONES: If you will have a seat if you would. I'm gonna ask you some questions.

**CROSS-EXAMINATION**

BY MR. JONES:
Q Mr. Capps, right?
A Yes, sir.
Q Mr. Capps, I gather you're sort of a whiz on computers; aren't you?
A I wouldn't say that.
Q You're not?
A I do okay.
Q Are you the one that put this together; aren't you?
A Yes, sir.
Q So you know how to run this then; don't you?
A Yes, sir.
Q All right. Well, I want you to step up here if you will, and take the exhibit that shows all the frames at one time.
A Okay.
Q I want you to step up there and play that so the jury can see it, okay. Thank you for helping me too, Mr. Capps.
A (Complies.)
Q Mr. Capps, can you stop and start this piece of equipment as well?
A I believe so.
Q Okay, all right. That can be a major feat for a

guy who is in his 60s; that's why I asked. Okay, Mr. Capps, stop that for right now please. I want to ask you some question about it, okay.

A Yes, sir.

Q Tell the jury what this is that they're seeing.

A This is all security cameras within Interstate Shell that we know of that are on there.

Q So I gather there are some 14 frames here; is that right?

A Yes, sir.

Q So watch me take this pointer. I see the number 14, actually there's 16 frames, correct?

A Yes, sir.

Q So 16 frames. And I gather this is a camera, this is the shots of all the cameras located in that store, correct?

A Yes, sir.

Q So that Interstate Shell has 16 security cameras in it, correct?

A Yes.

Q Now these security cameras, they kind of protrude out the ceiling; don't they?

A Some do; some don't. Some exterior by boxes and cigarette cases, things of that nature.

Q And in this particular case there were some

protruding out the ceiling; aren't there?
A Yes.
Q So when you walk in you could tell they were there?
A Oh, yes.
Q So let me -- when the jury looks at this like, for example, frame five and frame one, that's a picture of the clerk working the front desk; is that right?
A Yes, sir.
Q Okay. Now the rest of it is like, I look another frame number 16, that's the side of the building, right, side door?
A That's one of the side doors.
Q Okay. Then this is the front row in frame 15, correct?
A Yes, sir.
Q And then these other are pictures of the inside of the building, correct?
A Yes, sir.
Q Well, actually these pictures are pictures of by the pump, correct?
A Yes, sir.
Q But there are no pictures of the outside of the Interstate, are there?

A None that I'm aware of.
Q Okay. Beyond the door on the side and beyond the picture, there's a trash can it appears, there are no -- there's no pictures of the outside of the Interstate Shell, are there?
A No, sir.
Q So there are no security cameras to show what happened outside the Interstate Shell, are there?
A Correct.
Q This is all there is, correct?
A Yes, sir.
Q So there's none inside the bathroom, correct?
A No, sir.
Q And there's none on the outside of the Interstate Shell, correct?
A None other than the picture here.
Q Now I want you to go ahead and play this now and I'll be asking you to stop here and there so please accommodate me. So start it off there if you would.
A (Complies.)
Q Okay, stop it for a second, if you would. Okay. Now the time of when this is happening written on there too, 4:27:36. Am I right?
A Yes, sir.
Q 4:27:36. So this is simultaneous. All these

frames are at the same time. Am I right?
A Yes, sir.
Q So that time is a valid time of when these things are happening in the frames, correct?
A Correct.
Q Okay. Go ahead.
(Continue playing of the video.)
BY MR. GENTRY:
Q Okay, stop it if you would. You see there are other people walking around the store; aren't they?
A Yes, sir.
Q Okay. So the only customers in the store were not Justin Boyce and Dennis Hoover, correct?
A That's correct.
Q And so there were other people there?
A Yes, sir.
Q Walking in plain view, correct?
A Yes, sir.
Q And these frames will show all the other customers there, correct?
A Yes, sir.
Q And even though it was 4:30 in the morning there were a lot of people in there; weren't there?
A There were a few.
Q Okay. If you'd crank it up again, thank you.

(Continued playing of the video.)

BY MR. JONES:

Q Stop it there if you would. Did you see the lady walk by? That's a picture of another customer in there, correct?

A Yes, sir.

Q In the pink blouse?

A Yes, sir.

Q Go ahead and start it up if you would.

(Continued playing of the video.)

BY MR. JONES:

Q Stop it if you would. Now look in the frame, frame 9. That's a picture of another customer, correct?

A Yes, sir.

Q That's not Justin Boyce, is it?

A No, sir.

Q There's a customer there, right?

A Correct.

Q There's a customer here, correct?

A Yes, sir.

Q So we know of two other customers at this point at 4:28 that are walking around in the store, correct?

A Yes, sir.

Q Okay, go ahead.

(Continued playing of the video.)

BY MR. JONES:

Q Now stop a second, stop it there. You see the woman in frame 15?

A Yes, sir.

Q You see her looking out of the door?

A Yes, sir.

Q That's frame 15. That's yet another customer. You got the lady in the pink, the man in the black, and then the lady in the black itself, correct?

A Yes, sir.

Q So she's looking out of the door, correct?

A Yes, sir.

Q All right, go ahead, play on.

(Continued playing of the video.)

BY MR. JONES:

Q Stop a second. So we know in frame 3 you see we got three people in front of the counter next to where the person operating the store, correct?

A Yes, sir.

Q And we know the lady behind the counter is in frame 1, correct? Is that right?

A Yes, sir.

Q And then frame 5 is the lady behind the counter

talking to the lady in pink, this person as shown in number 3, correct?

A Yes, sir.

Q Okay, go ahead.

(Continued playing of the video.)

BY MR. JONES:

Q Stop a second. Yet a fourth lady comes up in frame 15, correct?

A Yes, sir.

Q So that's yet another person in there, correct?

A Yes, sir.

Q All right.

(Continued playing of the video.)

THE WITNESS: That's the end of that segment.

BY MR. JONES:

Q You got some more, though, don't you?

A Yes, sir.

Q Now notice in this second segment it's 4:30:06, correct?

A Yes, sir.

Q And I see -- stop it a second. There's a man who walked through number 6, that man. Number 6, you see it?

A Yes, sir.

Q That's an employee working there, right?
A Yes, sir.
Q So that's the person who is mopping the floor?
A Correct.
Q So you got the person mopping the floor and you got the person working the front desk, correct?
A Yes.
Q Those are all people there at that time. Am I correct?
A Yes, sir.
Q Okay, go ahead.
(Continued playing of the video.)
BY MR. JONES:
Q Stop a second. Do you see, in frame 15 you see the lady in the pink standing at the door?
A I do.
Q Okay. Go ahead.
(Continued playing of the video.)
BY MR. JONES:
Q Stop a second. Now Mr. Capps, in frame 15 three ladies walk out. You don't know where they went, do you?
A No, sir.
Q You don't know what happened to them?
A No, I do not.

Q Mr. Capps, I want to make sure the jury understands this too. You weren't there that night, were you?
A No, sir.
Q Your knowledge of what happened is related to this video, correct?
A Yes, sir.
Q Okay, go ahead.
(Continued playing of the video.)
BY MR. JONES:
Q Stop it a second. I'm looking at frame 15. See frame 15?
A Yes, sir.
Q I believe you said that's Mr. Dennis Hoover, correct?
A Yes, sir.
Q Now Mr. Hoover goes to his right; doesn't he?
A Correct.
Q Okay, go ahead. Frame 15. Mr. Hoover goes to his right, correct?
A Yes, sir.
(Continued playing of video.)
BY MR. JONES:
Q Stop for a second. The person leaves in the black, leaves the store, correct?

A Yes, sir.
Q You don't know where he went, do you?
A No, sir.
Q Go ahead.
(Continues playing of the video.)
THE WITNESS: That's it.
BY MR. JONES:
Q Okay, thank you. I'd like to now, the first video that you played, I'd like for you to play that for me as you did this one.
A It's up there.
Q Thank you, Mr. Capps for helping me with this; I appreciate it.
A Is that it?
Q Yes, sir. Can you -- how about move that to 4:33:10 if you can, on that tape. 4:33:10. Excuse me, 4:28. I'm looking for 4:28:23, I'm sorry. Or 20, stop it there. 28:20. Okay. Mr. Capps, I want you to -- I want you to look at this video that you have, 4:28:20, and I want you to tell me if 4:28:23 Justin Boyce enters the bathroom, 4:28:23. How about play it and see if that's what you see. 4:28:23 Justin Boyce goes to the bathroom. Doesn't show that, does it?
A No, sir.

Q All right. Does it show -- you have two strips here. You have two pieces of this film; don't you?
A There are several different cameras laid together.
Q All right. Can you show on this video when Justin Boyce entered the bathroom?
A I have to conclude all spliced together.
Q Stop it at 4:28:23. Did you stop it then? Is that when Justin Boyce entered the bathroom?
A Appears so.
Q Justin Boyce entered the bathroom based on this video 4:28:23?
A Yeah.
Q All right. Now can you tell this jury when Dennis Hoover entered the bathroom?
A I have to turn it to the video.
Q Sir?
A I'd have to look at the video.
Q All right. Look at 43:18, tell me if that's when Mr. Hoover entered the bathroom.
A (Complies.) That will be it.
Q So Mr. Dennis Hoover entered the bathroom 4:33:18, correct?
A Yes, sir.
Q Now look at 4:35:40. Is that when Mr. Justin

Boyce came out of the bathroom?
A Right there, sir.
Q Is that 4:35:40?
A Yes, sir.
Q So that means that Mr. Dennis Hoover and Justin Boyce were in the bathroom at the same time. Two minutes and 12 seconds. Does that sound right to you?
A Yes, sir.
Q Two minutes and twelve seconds that they were in bathroom together?
A Yes, sir.
Q Now Justin Boyce entered the bathroom 4:28:23 and then he came out 4:35. Justin Boyce was in there some seven minutes and eighteen sec-- seventeen seconds; wasn't he?
A Yes, sir.
Q Justin Boyce was in that bathroom seven minutes and eighteen seconds, two minutes and twelve seconds in which Dennis Hoover was in there, correct?
A Yes, sir.
Q So Justin Boyce was in that bathroom some five minutes or better before Dennis Hoover went in the bathroom, correct?
A Yes, sir.

Q Thank you, sir. Mr. Capps, I know I asked you this same question, my apologies; but you weren't there that night, were you?
A No, sir.
Q Okay. You weren't in the bathroom that night, were you?
A No, sir.
Q All you've seen is videos that were given to you by the people at Interstate Shell, correct?
A Correct.
Q Okay. And you can testify only to what you saw in the video, correct?
A Yes, sir.
Q You don't know anything else about what happened, correct, of your own knowledge?
A Nothing more than the photographs that we've entered and I took photographs of, correct.
Q That's correct. But you weren't there, you don't know?
A No, sir.
Q Okay.

MR. JONES: I have no other questions of this witness at this time, Your Honor.

**REDIRECT EXAMINATION**

BY MR. GENTRY:

Q Does this thing show when Justin Boyce runs out of the back of the restroom? Not the restroom, let me ask you this question first. Of your own knowledge do you know whether there is a camera playing on the door of the restroom?

A I don't know that.

Q Do you know is that camera actually playing on the corner of the corridor leading to the restroom?

A To my knowledge there is a camera that the final angle that I saw coming out of the hallway leading down to the restroom, which is basically near the front of the store.

Q Okay. Can you tell from the disk how many customers were in the store at the time that Justin ran out of the bathroom area?

A There were none.

Q No customers then?

A Two employees and two gentlemen here.

Q Do you know why Mr. Boyce went into that restroom?

A I had a brief conversation with him and learned ---

MR. JONES: Your Honor, I object unless he knows of his own knowledge.

BY MR. GENTRY:

Q That's what I said, does he know. You don't know?

A Wasn't in there watching him, I don't know.

Q Okay. When you go into a bathroom some things take longer than others, don't they?

A Yes, sir.

MR. GENTRY: Nothing further.

MR. JONES: No further questions of this witness, Your Honor.

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

MR. GENTRY: We call Phillip Atkinson.

THE COURT: Let's stand for a moment while we wait for the next person to come in.

(Pause.)

THE COURT: Sir, stand right there in front of that Bible while we wait for Ms. Wendy till we proceed.

MR. GENTRY: You're Mr. Phillip Atkinson?

THE COURT: Just a moment, sir. You must first be sworn.

THE CLERK: Place your left hand on the Bible, raise your right.

WHEREUPON,

**PHILLIP ATKINSON,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: David Phillip Atkinson.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Mr. Atkinson, where do you live?

A I live at

Q Okay. Do you know Dennis Hoover, the defendant, in this case?

A No, sir, I do not.

Q Do you know Justin Boyce, the victim, in this case?

A Yes, sir, I do.

Q How do you know him?

A Well, we're good friends and, you know, colleagues and we associate business together with farming.

Q Okay. Had you and Justin had any plans to meet in the early morning hours of January the 4th of 2014?

A Yes, sir, we did.

Q Where were you gonna meet?

A We were gonna meet at my dad's which is

Q What time were you supposed to meet?
A Justin was supposed to have been there by five that morning.
Q Okay. What were you guys gonna do?
A We were going down to an impoundment to shoot ducks that morning.
Q Did you actually meet Justin that morning?
A No, sir, I did not.
Q Did you receive a call from him that morning?
A No, sir, I did not, I called him.
Q You called him? Do you remember about what time, if you remember?
A It was just a few minutes daylight, five minutes after five or so; it wasn't long.
Q Okay. And what, do you recall the substance of that call, not what you said and what he said back to you, but what was the substance of the call?
A Well, I was wondering where he was 'cause Justin always been on time. My brother, you know, he wanting to know too. I called to see if he was on the way, and he said, you know, there had been something happening at the store.
Q Okay. And -- thank you very much.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Mr. Atkinson, you got out and went duck hunting that morning?

A Yes, sir, we were.

Q You shoot ducks with what?

A Shotgun.

Q Okay, like 12 gauge?

A Yes, sir, I do.

Q Okay. Justin have a shotgun too?

A I never saw him that morning.

Q He doesn't use a shotgun when he's out there?

A I didn't see him that morning so I don't know what he had.

Q Okay, but he was going duck hunting?

A Yes, sir.

Q And you know when he duck hunts he usually brings a shotgun; doesn't he?

A He better if he's going to shoot.

Q So you're thinking he probably had a gun with him that morning?

A Probably.

Q Yeah. Now, what's he shooting, a 12-gauge?

A I don't know.

Q He's your good friend; that's why I ask. Usually

good friends know what kind of gun they have. What kind of gun has he got; do you know?

A I have no idea what kind of guns he got.

Q Now when you guys went duck hunting, obviously you were gonna shoot some ducks. Were you shooting big ducks, wood ducks, what were you shooting?

A Going to the lake we were shooting mostly big ducks probably.

Q Okay, you say the lake, you mean Santee?

A Yes, sir.

Q And did you say you're going to Pinewood?

A No, sir.

Q Okay. Where were you going shooting?

A An impoundment, it's called an impoundment.

Q Impoundment?

A Yes, sir, it's a man-made thing.

Q Okay, so were shooting big ducks that day, mallards and big ducks, right?

A Yeah, any duck that flew by truthfully. You got your limit.

Q So you and your friend and Justin were going?

A Me and my brother and Justin.

Q I'm sorry. And you guys were going duck hunting that morning, then after that how long you plan to duck hunt?

A Most of the time we're doing good to get back home by, I'd say, by lunch time. We usually stop in Summerton and have breakfast.

Q Okay. There's the Summerton diner there?

A Yes, sir.

MR. JONES: I have no further questions, Your Honor.

MR. GENTRY: Nothing further.

THE COURT: Thank you, sir. You may step down.

MR. GENTRY: I call Sergeant Torres.

THE CLERK: Place your left hand on the Bible, raise your right hand.

WHEREUPON,

**LUIS TORRES,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Luis Torres.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Sergeant Torres, you are a sergeant in the road division of Lee County Sheriff's Office; is that correct?

A Yes, I am.
Q And how long have you been employed with the Lee County sheriff?
A Eight years.
Q How long have you been in law enforcement?
A Fourteen years.
Q Did you respond to a call at Interstate Shell Sumter Highway in Bishopville early morning hours of January 4th, 2014?
A Yes, sir, I did.
Q Were you the first officer on scene?
A Yes.
Q What did you find when you arrived?
A When I pulled up to the parking lot of Interstate Shell I saw Mr. Hoover standing by the doorway curvature. Mr. Boyce standing by the doorway inside the store; he was bleeding.
Q Was there -- how much blood was on the floor in there?
A It was a lot of blood.
Q Okay. Would you say that Mr. Boyce was under some kind of stress at that time?
A Yes, I would.
Q Did Mr. Boyce say anything to you?
A The first thing he said was EMS coming, and I

said EMS is on their way.
Q Did you ask him who did it?
A Yes, I did.
Q And what did he say?
A He said Mr. Hoover did it.
Q Okay. And did he say anything about what caused the problem?
A He said that -- all he said to me was he was in the bathroom and all of a sudden Mr. Dennis Hoover approached him and started assaulting him.
Q Okay. Did Sergeant Watson, Sergeant Cam Watson appear on the scene?
A Yes, he did.
Q What did you do at that point?
A At that point I told dispatch to make contact with the investigator.
Q Okay. And did you tell Sergeant Watson what Mr. Boyce had told you?
A I had briefed him what had taken place.
Q Okay. And that was the extent of your involvement?
A Yes, sir.
Q What did you do at that point?
A At that point I turned it over to Investigator Newman.

Q And had EMS come and transport Mr. Boyce?
A Yes, sir.
Q Okay.
MR. GENTRY: Your witness.
MR. JONES: I have no questions, Your Honor.
THE COURT: All right, thank you, sir. You may step down.
Next witness.
MR. GENTRY: Judge, I have no other witness at this point that would last 10, 15 minutes.
THE COURT: All right. You guys ready to quit for the day?
MR. GENTRY: We're moving very expeditiously, yes.
THE COURT: Ladies and gentlemen of the jury, we're through for the day. Thank you very much. We will start back at 9:30 tomorrow morning. I need you back at 9:30 tomorrow morning. Remember my admonition that you're not to do, engage in any form of investigation on your own. You're not to discuss the case with anyone. If you normally get your gas from the Interstate Shell or your chicken from Kentucky Fried, go someplace else while you're

judge. All right, very good.

Call your next witness.

MR. GENTRY: Sir?

THE COURT: Your next witness.

MR. GENTRY: Yes, sir, we call Debra Wilson.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**DEBRA WILSON,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Debra Ann Wilson.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Bear with me just one moment, Ms. Wilson, and I'll be right with you. Ms. Wilson, you are the manager of the Interstate Shell located at 1071 Sumter Highway in Bishopville, South Carolina?

A Yes, sir.

Q How long have you been the manager there?

A I've been a manager three years.

Q All right. Were you the manager on January

the 4th of 2014?
A Yes, sir.
Q How long have you worked for Interstate Shell?
A Almost eight years.
Q Okay. Who was on duty during the hours of 4 a.m. and 6 p.m. -- a.m. that morning?
A Leana Adams and Elijah Williams.
Q Okay. Who was the cashier and who was performing the custodial duties?
A Leana Adams was the cashier and Elijah Williams was custodial.
Q Does your store have a video recording system to record events that occur both inside and to a certain extent outside the store?
A Yes, sir.
Q Does it record audio at all?
A Yes.
Q It does?
A Sometime, yes.
Q How many cameras does it have?
A Fourteen.
Q Now that -- okay, let me show you what, what is the purpose of the recording system?
A For our safety and customer safety.
Q Okay. How many views are shown on the master

screen? You can come down please, ma'am. You can come down. Take a look at this.

A Okay.

Q How many views, this is the master screen, correct?

A Yes.

Q How many views are shown on there?

A Thirteen.

Q Well, we got four, four, sixteen minus two?

A Yes, minus two.

Q So that's fourteen?

A Yea.

Q All right. And these -- let's take it from the beginning. The first view is what?

A It's from behind the cash register.

Q The second view?

A It's our second register.

Q The third view?

A Is our entrance way.

Q The fourth view?

A Our diesel aisle on the outside.

Q The fifth view?

A Cash register reel.

Q The sixth view?

A Cash register reel.

Q The seventh view?
A Diesel aisle.
Q Eighth view?
A Diesel aisle.
Q Ninth view?
A The cooler doors.
Q Tenth view?
A Snack aisle.
Q Eleventh?
A Snack aisle. It's out, but it's the snack aisle.
Q That was out on January 4th?
A Yes.
Q Twelfth?
A It's a view of all the aisles.
Q Thirteen?
A It's the stock area.
Q Fourteen?
A Diesel aisle.
Q Fifteen?
A Front door entry.
Q Sixteen?
A Stock door entry.
Q Thank you, ma'am. You can be seated?
A (Complies.)
Q Are any areas on the, that are not covered by

your video cameras?
A Just our gas pumps.
Q How about the restrooms?
A And the restrooms.
Q Why you don't cover the restrooms?
A Privacy.
Q Okay. Is there a view that's focused specifically on the men's restroom door?
A No.
Q All right. Let me take a look here at number 13. What is that a view of?
A The cooler doors.
Q And if you turn to the right just past that from this, where does that lead you?
A Hallway to the men's bathroom.
Q So there's a passageway there?
A Yes.
Q Now on all of these screens I see a date, time, a year, month, day, year. Are all these recorded contemporaneously as the video is shot?
A Yes.
Q Did your store system capture events which occurred between 4:27 a.m. on January 4th, 2014, and 4:37:59 a.m. on January 4th, 2014?
A Yes.

Q Did you furnish a duplicate of these events on a disk to Major Dellinger of the Lee County Sheriff's Office?
A Yes.
Q And you have reviewed that on more than one occasion, correct?
A Correct.
Q Okay. Now the events -- screens 11 and 13 don't show anything?
A No.
Q Why is that?
A When we have a power outage it will knock some cameras out so one camera was out and camera 13 is out. That's our storage area. If we have the lights out it doesn't record.
Q So we don't -- you weren't expecting anything from either one of those two screens?
A No.
Q Okay. I want to show you what's been previously marked as Exhibits 4, 5, 6, 7 and 8 and ask you can you identify the locations of those photographs?
A Yes, I can. Exhibit 4 is our front door entry. Exhibit 5 is our front door entry. Exhibit 6 is our second checkout area. Exhibit 7 is in front of the cooler door leading to the men's bathroom. Exhibit

8 is the side exit door.
Q Okay. Has anything materially changed in either of those pictures since January 4th of 2014?
A No, sir.
Q Let me show you these exhibits. These are marked 19, 20, 21, 22, 23, 24, 25 and 26. Can you identify the locations of those exhibits?
A Number 19 is the hallway leading to the men's bathroom. Number 20 is the diagram of the men's bathroom. Number 21 is a diagram of the urinals in the men's bathroom. 22 is the sink area. 23 is the men's bathroom. 24 is a view of the, leading from the men's bathroom to the side door. And 25 is the entryway to the men's bathroom, and 26 is our Pepsi cooler up front.
Q Okay, thank you.
A You're welcome.
Q Now going further, Exhibit 23 is a true and accurate copy of the way the men's bathroom looks as exhibited in that picture?
A Yes, sir.
Q And that shows the men's bathroom stalls, correct?
A Correct.
Q And there is a gap between the door and stall and

the middle?
A Correct.
Q And the floor?
A Yes.
Q All right. Let me show you what's been marked Exhibits 9 and 10 for identification, and just those two right there, and ask you if you can identify those?
A 9 is a view of our outside area at the gas pump. And 10 is a view of our parking area in front of our store, the front of the doors.
Q Okay. Now on Exhibit 9 that also overlaps a little. It shows part of the parking area, correct?
A Correct.
Q Are these fair and accurately portrayals of these parking areas?
A Yes.
Q Now the cars are for no never mind for right now, correct?
A Correct.
MR. GENTRY: Your Honor, at this point we move to introduce 19, 20, 21, 22, 23, 9 and 10, and also, 4, 5, 6, 7 and 8.
MR. JONES: Thank you, Your Honor. Will you allow me to take a look at these please.

objection.

MR. JONES: I do not have an objection to 23, nor 24.

THE COURT: They are admitted without objection.

MR. JONES: I do not have an objection to number 19.

THE COURT: It's admitted without objection.

MR. JONES: I do have an objection to Exhibit Number 20.

THE COURT: What's the objection.

MR. JONES: The objection is that this floor plan as evidenced by some of these exhibits is mistaken, and it's not relevant because it is not accurate. And I understand she's subject to cross-examination, but by admitting into evidence I do not want to concede it's accurate.

THE COURT: All right.

MR. JONES: I'm representing ---

THE COURT: It's admitted over objection, Number 20.

MR. GENTRY: 20 is admitted?

THE COURT: It's admitted over objection, admitted over objection.

You say I may proceed, these have been admitted. Is that correct?

THE COURT: They were admitted yesterday.

MR. GENTRY: Yes, sir. So I want to publish these and I want to publish the ones we've already discussed today.

THE COURT: Do you have questions for this witness?

MR. GENTRY: No, sir. I think I've already asked her.

BY MR. GENTRY:

Q Number one, do these depict areas in your store. That's 25.

A Yes, sir.

Q Is that -- what is that area?

A The hall leading into our men's bathroom.

Q What is 26?

A A Pepsi box in front of our store.

Q That's inside of your store?

A Yes.

Q And 27?

A That's in front of our doorway.

Q That's coming in to the store?

A Yes.

THE COURT: All right. You may publish

them to the jury if you want to.

MR. GENTRY: Thank you, sir.

MR. JONES: Please note my objection.

THE COURT: The record reflects an objection. That's why we have a court reporter.

MR. JONES: Thank you, Your Honor.

MR. GENTRY: Your Honor, I will wait to publish these to the jury if it's okay. Never mind, here we go.

Ladies and gentlemen of the jury, the following exhibits are presented to you for your consideration. State's Exhibit 9 and 10, State's Exhibit 19, 20, 21, 22, 23, 24, 25, 26, and 27. I have no further questions of this witness.

THE COURT: And ladies and gentlemen, with regard to all exhibits, you will have the exhibits in the jury room during deliberations.

You may proceed with cross-examination at this time.

MR. JONES: Thank you, Your Honor. Your Honor, will the Court allow me to, when the jury gets through looking at those pictures if I can have those pictures in my hand to ask questions?

THE COURT: We don't want to delay the trial for the jurors to look at pictures in between

examination and cross-examination. If you need the exhibits get them from the jury.

MR. JONES: Okay, I do need them, Your. Honor.

THE COURT: All right.

MR. JONES: Thank you. I'm sorry, I need to have those.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Ms. Wilson, on the night this happened on January the 4th of 2014 you were not there, were you?

A No, I wasn't.

Q Okay. I want to -- pictures 26 and 27, you were not there when these pictures were taken, were you?

A No, sir.

Q Okay. In fact, you weren't there that night, were you?

A Correct.

Q Okay. These are pictures that were shown to you after that night isn't that correct?

A Correct.

Q In fact, Exhibit Number 25, likewise, was taken in your absence; wasn't it?

A Correct.

Q Okay. So these are not pictures with which -- or

that you took or you were there for, correct?
A Correct.
Q Okay.
MR. JONES: Your Honor, I guess I'll give it back to the jury now so they can have it if they want to.
BY MR. JONES:
Q Actually those pictures were taken by law enforcement; weren't they?
A Yes.
Q Okay. I want to talk to you a little bit about the stalls themselves. I'm looking at Exhibit Number 23. Look at Exhibit Number 23. You see that?
A Yes, sir.
Q Now you see the stall doors there; don't you?
A Yes.
Q Those stall doors are like most stall doors. They open in; don't they?
A Yes.
Q That is, when you unlatch it, if you -- let's say you're in the stall, when you unlatch it the door comes to you; isn't that right?
A Yes.
Q The door doesn't open out, does it?

A No.
Q Okay. So these stall doors open in, correct?
A Correct.
Q You're familiar with the Interstate Shell; aren't you?
A Yes, sir.
Q You've been there a long time, right?
A Yes, sir.
Q Okay.
MR. JONES: I pass this to the jury, Your Honor. I'm so sorry I had to take it from them when they were looking at them.
BY MR. JONES:
Q Okay. I want to hand you a photograph. It's Exhibit Number 22. You see Exhibit Number 22?
A Yes.
Q I believe you've identified that as inside the bathroom; haven't you?
A Yes.
Q That's inside the men's bathroom, correct?
A Correct.
Q And there are two sinks; aren't they?
A Yes.
Q There are two sinks, right?
A Yes.

Q Okay, all right.

MR. JONES: I publish that to the jury. That's Exhibit Number 22, Your Honor.

BY MR. JONES:

Q Okay. Now I want to hand you Exhibit Number 20. Exhibit Number 20 I believe you've identified that as a full plan of the bathroom; haven't you?

A Yes, sir.

Q Did you draw that floor plan?

A No, sir.

Q Okay. Do you know where that floor plan came from?

A No, sir.

Q Okay, all right. Let me talk to you about the floor plan a little bit. First of all, look at the stall doors. How does it show the stall doors are open?

A From, it's like they were pushed outward.

Q Yes. So that diagram shows the stall doors are opening out; isn't that right?

A Yes.

Q But actually the stall doors in this bathroom you said they open in; don't they?

A Yes.

Q So that diagram is mistaken; isn't it?

A Yes.
Q It is mistaken?
A Yes.
Q Okay. Let me ask you another question about that diagram. What was the number on that exhibit number 22? Number 20, I'm sorry, Exhibit Number 20. Ms. Wilson, thank you for you patience. I'm asking this. Okay, all right, let me look at the number of sinks. The number of sinks that are shown there in that bathroom, how many sinks does it show?
A Three.
Q Actually there are only two, right?
A Yes.
Q So that diagram is mistaken again; isn't it?
A Yes.
Q So that diagram is not an accurate depiction of the bathroom, is it?
A No, it's not.
Q That document was given to you by the solicitor; wasn't it?
A Yes.
Q Okay. You didn't draw that, did you?
A No.
Q Okay. So the diagram presented is not accurate, correct?

A Correct.
Q Okay. Let me hand this up to the jury. Thank you for your patience. Thank you. I want you to look then at Exhibit Number 9 and Exhibit Number 10. You see exhibit 9 and 10? It's front and back. You see it?
A Yes.
Q All right. I want you to look at the Interstate, right at the front of Interstate Shell. You see the pictures there, 9 and 10?
A Yes.
Q All right. If you're looking at the open door, you see it? If you're looking at the front of your place, right?
A Yes.
Q There's a Kentucky Fried Chicken to the right of your place, correct?
A Correct.
Q And actually, don't parking spaces extend from the front of your store all the way down to the front of Kentucky Fried Chicken?
A Yes.
Q Okay. There are probably 15 parking spaces there; aren't they?
A Correct.

Q Okay. So there'd be as many as 15 parking spaces to the right of the entrance to your Interstate Shell; wouldn't there?
A Yes.
Q Okay. Now let me talk to you about this too. When you enter Interstate Shell -- I happen to be familiar with it. When you enter Interstate Shell, if you're riding towards Sumter, okay, there's a Kentucky Fried Chicken; but next to Kentucky Fried Chicken there's a waffle house; isn't there?
A A couple of buildings down, but yes.
Q Okay, all right. What's the building right next to Kentucky Fried chicken to the right?
A McDonalds.
Q McDonalds, I'm sorry. McDonalds. And actually, there's an entrance between McDonalds and Kentucky Fried Chicken; isn't there?
A Yes.
Q Okay. So the entrance, one can come into your parking space from an entrance that's between Kentucky Fried Chicken and McDonalds, right?
A Yes.
Q And that entrance is actually all the way to the right of Kentucky Fried Chicken; isn't it?
A Yes.

Q Okay. Ms. Wilson, you've been very patient with me and I thank you very much for helping us today. Thank you, ma'am.

MR. JONES: I'll publish this to the jury, Your Honor. Your Honor, I have no further questions of this witness at this time.

THE COURT: All right. Redirect.

**REDIRECT EXAMINATION**

BY MR. GENTRY:

Q Ma'am, how far is the Kentucky Fried Chicken from McDonalds, roughly?

A Roughly probably about -- I'm not good with distances.

THE COURT: I can't hear you, ma'am.

THE WITNESS: I'm not good with distances but ---

BY MR. GENTRY:

Q It's a ways; isn't it?

A Yes, it is.

Q All right. With regard to the diagram in the pictures I think we'd agree the pictures were accurate?

A Yes.

Q Okay. That's the way it is right now?

A Yes.

Q Thank you.

MR. GENTRY: Nothing further.

THE COURT: All right.

MR. JONES: Nothing further, Your Honor.

THE COURT: Thank you, ma'am. You may step down.

MR. GENTRY: We call Leana Adams. Your Honor, without objection I'm gonna excuse ---

THE COURT: All witnesses are excused as they step off the witness chair.

THE CLERK: Place your left hand on the Bible raise and your right hand.

WHEREUPON,

**LEANA ADAMS,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Leana Renee Adams.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Ms. Adams, do you know this gentleman over here in the red shirt?

A I do not.

Q Do you know this gentlemen here in the blue

shirt?
A No, sir.
Q Okay.
MR. GENTRY: Let the record reflect I identified the victim in this case and the defendant in this case respectfully.
THE COURT: All right.
BY MR. GENTRY:
Q Are you an employee of Interstate Shell located on Sumter Highway in Bishopville?
A Yes, sir.
Q How long have you been employed there?
A At that location for about two years.
Q Two years. You're a part-time employee?
A I'm a full-time employee.
Q Full-time employee, all right. Were you on duty at Interstate Shell around 4:35 a.m. on January 4th of 2014?
A Yes, sir.
Q Did anything unusual happen at that time?
A A gentleman ran out the bathroom. He was cut up and asked me to call 9-1-1.
Q Did he say -- what did he exclaim?
A Help me, he's trying to kill me, call 9-1-1.
Q Help, he's trying to kill me, call 9-1-1?

A Yes, sir.
Q All right. What did you do?
A I immediately picked up the phone, or our store phone, and dialed 9-1-1 and spoke with the dispatcher.
Q And what happened after that?
A The ambulance -- well, first the sheriff showed up and then it wasn't too long after that the ambulance, the EMTs actually showed up.
Q Okay. And so things sort of calmed down just a little bit after EMS left?
A Yea.
Q The sheriff was there. Now did you see at some point a man in a red shirt, brown hat?
A Not when he initially came in. But once the guy had caught my attention when he had hollered out after he came out the bathroom, I did see him walk out that side door.
Q You saw a man in a brown hat and red shirt walk out the side door?
A Yes.
Q All right. Let me see if I can get this thing straightened out. All right, I'm not gonna start this at the very beginning. I'm gonna start this at the 4:30 mark. I'm gonna run it forward to about

4:32. This is off of Exhibit 2. This is a blowup of the scene and you're acting as the cashier and you're doing what?

A I was running up that customer. I think he had bought fireworks.

Q Okay. What just happened?

A The gentleman walked behind the cash-- or the customer that I was ringing up.

Q Walked behind the customer?

A Yeah.

Q Did you even notice him?

A At that time no, I...

Q Okay. That was the guy in the red shirt and brown hat?

A Yes.

Q All right. I'm gonna run this forward to about 4:35:00. Tell us what's happening on these screens.

A Elijah, he was back there mopping around the cooler. I was just waiting on my next customer, kind of working across the counter.

Q Were there any customers to your knowledge in the store after you rang up that guy a minute ago?

A No, there was not to my knowledge.

Q What's happening here?

A That's when the gentleman had ran out of the

bathroom. He was hollering, please help me, he's trying to kill me, please call 9-1-1, and immediately you can see I picked up the phone.

Q What did you do?

A I immediately picked up our store phone and called 9-1-1 and spoke with the dispatch.

Q When did you see the gentleman in the red shirt and brown hat exit?

A When he -- when the first gentleman had hollered out I immediately looked back to see what was going on. I just seen the both of them coming towards the front and then I seen the second gentleman walk out that side door.

Q Okay. And that side door is the side door trained in screen number 14; is that correct?

A Yes, sir.

Q All right. Where's the Pepsi Cola machine located in your store?

A You mean like the big long cooler?

Q Yeah, big old Pepsi cooler.

A It's at the very back of the store from considering where I was standing at, it would be back in this corner.

Q All right.

MR. GENTRY: I have no further questions

of this witness.

THE COURT: Mr. Jones.

MR. JONES: Thank you, Your Honor.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Ms. Adams, that store at 4:30 a.m. had a lot of lights on them; didn't it?

A Yes.

Q In fact, it -- outside is well lit too; isn't it?

A Indeed.

Q Ma'am?

A Indeed.

Q You said indeed?

A Yes.

Q Okay. And also inside the store is well lit too; isn't it?

A Yes, sir.

Q It's obvious it's well lit when you drive by it; isn't it?

A Yes, sir.

Q Okay. Also, there were other customers in the store that morning; weren't there?

A Yes, sir.

Q You had pretty good foot traffic for 4:30 in the morning; didn't you?

A Well, at that time I had just had it's like a family had came in, they were getting gas. You know, they were, you know, kind of musing around, I guess, trying to get their legs worked up. But usually we don't have that much foot traffic. It kind of depends on the day really.
Q But you did that day?
A Yeah, for that point in time, yeah. We had that one, that family that came in, yes, sir.
Q Okay. Now that morning you didn't actually go in the men's bathroom, did you?
A No, sir, I never go in the men's bathroom.
Q Have you ever been in that men's bathroom?
A One time I had to clean it up 'cause there was no one else there so I had to put an out-of-order sign on it.
Q But that morning January the 4th you were not in there?
A No, sir.
Q Okay. All right. Did you notice anything about anybody who walked in the store that morning?
A No. As you can tell, you know, I kind of stand to the side, you know. I watch my customers come in unless I'm actually ringing up the customers and at that time, you know...

Q Okay. So you didn't notice anything about Dennis Hoover or Justin Boyce when they walked by?
A No, sir.
Q Okay. The only time you noticed something is when Mr. Boyce came out and said something to you, correct?
A Yes, sir.
Q Okay. But before that you hadn't noticed anything?
A No, I had not.
Q Okay. Thank you very much.
A Thank you.

**REDIRECT EXAMINATION**

BY MR. GENTRY:

Q One last question, please, ma'am. When you heard these shouts from the guy who was bleeding how did he sound?
A He was very distraught. He was, he was running towards the front and he kind of stumbled when he first got to that corner and he came on to the front and I immediately called 9-1-1.
Q Was there a considerable amount of blood on the floor around the front door?
A Yes.
Q Thank you, ma'am.

MR. GENTRY: I have no further questions of this witness.

THE COURT: Anything else?

MR. JONES: Nothing from the Defense, Your Honor. Thank you.

THE COURT: All right, thank you ma'am. You may step down.

MR. GENTRY: I call Doctor Anthony Bostick.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**ANTHONY BOSTICK,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Anthony Lawrence Bostick.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Doctor Bostick, you are a medical doctor who is in the emergency department of McLeod Regional Medical Center?

A Yes, sir, I am.

Q And you also have duties as in the emergency room

department in other hospitals in the state?
A Yes, I do.
Q All right. What's your educational background, Doctor Bostick?
A I have a bachelor's of science from South Carolina State University, M.D. degree from Howard University in Washington D.C.
Q Your medical degree is from Howard?
A Yes, sir.
Q And did you do any residency?
A My residency, the first year in transitional internal medicine at Howard as I stated and performed a three year residency in emergency medicine.
Q All right, sir. And are you board certified in particular specialty?
A Residency training board certified in emergency medicine.
Q All right, sir. On the morning of January 4th of 2014 were you on duty in the emergency room at McLeod Regional Medical Center in Florence?
A Yes, I was.
Q Did you come in contact with a gentleman named Robert Justin Boyce?
A Yes, I did.

Q Would you describe the circumstances surrounding that contact?
A Arrived by EMS after being assaulted at a local gas station by another individual. Reported being cut severely in the face, came in with lights and siren. That's how we classify emergencies as. And he was delivered to trauma bed where we initiated our survey and initiated treatment.
Q All right, sir. Let me show you what's been marked as 29, Exhibits 29 through 37, see if you recognize any of those.
A Yes, sir, I recognize all these pictures.
Q Would you start out with -- some of them are duplicates. Would you start off with the first one and tell us what that represents.
A The first one represents a deep cut over his left frontal area of his face.
Q All right.
A Reported as a slashing type of injury number one across the face.
Q A slashing type jury, all right, sir. What's the next one?
A The next one is a more scary one. This one started below the left eye, extends down the cheek down to the under side of the chin going to any the

area, top portion of the neck triangles.
Q Were there actually two cuts on his cheek?
A Yeah, there are two. There are two.
Q All right, sir.
A Kind of here involving the lips.
Q What's the next one represent?
A These are the repaired photos that I'm looking at now and you see the cuts that come down here, and it's also upper and lower lip.
Q Okay. And that's number, what's the number on that one please, sir?
A 31.
Q All right, sir.
A 29, 30 and 31.
Q And 32?
A 32. Again, we're looking at the repaired forehead laceration and a top portion of the left infraorbital cheek laceration.
Q And 33?
A 33 is a horizontal left chest axillary type of laceration.
Q All right, sir. The next one, 34?
A This again is another view of the face. It's a redundant photo of the left forehead laceration, left infraorbital cheek and mouth and chin

laceration.
Q And the next one?
A It's the horizontal upper abdominal laceration.
Q All right, sir. And the last one I believe? No, excuse me, next to the last one?
A The next to the last Exhibit Number 36 is a left -- it's to the right, it looks right from the photo. A right hand femur (ph) enimus laceration.
Q And the last one please?
A This one is a thigh laceration.
Q That was not very deep it appeared, is it?
A That doesn't look very deep at all. These are all repaired.
Q All right, sir. Do you have any -- do you note the depths of any of the lacerations?
A I don't believe I notated the depth; but just as report to the trama surgeon on-call the repair surgeon number on call. They were very deep.
Q You didn't do any of the repairs yourself, did you?
A No, I did not.
Q You stabilized him and prepared him for the surgeons?
A You stabilize and prepare for surgery, the permits, hand him over, hand him over to the

surgeon.

Q Based your experience as an emergency doctor and medicine in general, do you have any kind -- would you express an opinion about the kind of wound this was, slashing, stabbing?

MR. JONES: Objection, objection, Your Honor.

THE COURT: Basis of the objection?

MR. JONES: He's not qualified to testify. He's not been qualified as an expert.

THE COURT: As to the kind of wound ---

MR. JONES: Well ---

THE COURT: ---or as to?

MR. JONES: As to anything. He's not been qualified at all.

MR. GENTRY: Your Honor, he has been -- he has indicated he has board certification in emergency medicine. That was my oversight. I would then offer him as an expert.

THE COURT: Any objection to this witness being qualified as an expert in the field of emergency medicine.

MR. JONES: Yes, Your Honor, I would like an opportunity to voir dire this witness.

THE COURT: All right, you may do so.

MR. JONES: Thank you.

**VOIR DIRE EXAMINATION**

BY MR. JONES:

Q Doctor Bostick, you are -- you got your residency in emergency room medicine?

A Emergency medicine.

Q And then you got your board certification in emergency medicine, correct?

A Yes.

Q Okay. By the way, when I said emergency room medicine, I just, that's a local thing I guess. What is emergency, what is emergency certification? Can you tell the jury what that is?

A Well, initially it's -- I also performed an internship in internal medicine which is a transitional medicine which involves trama surgery, internal medicine, various other rotations, and any -- get the opportunities to participate in emergency medicine residency where you then repeat some of those same trainings under the same specialist, different specialists and you do emergency medicine. Now in answering your question, emergency medicine training involves some total of experiences, training to manage various emergency situations whether it be surgical, medical,

neurological, ontological, internal medicine, whatever comes through the door.

Q So it's kind of a general type, a general -- would you say it was general -- you're not a plastic surgeon is the point?

A No, sir, but I rotated a number with plastic surgery performing plastic surgery. I do residency trainings with board certified plastic surgeon.

Q Now is there a specialty called forensic medicine? Is there a specialty called that?

A There are pathologists that practice forensic medicine.

Q Okay. And that's not what you do, sir?

A No. There is -- when I trained there was no forensic residency in forensic medicine per se. There were pathologists that perform forensic medicine, technological people that are trained, trained in it; but as far as residency in forensic medicine, no.

Q Yes, sir. Okay. Did you -- you saw Justin Boyce that night, January 4th, is that when you saw him?

A Robert Justin Boyce.

Q Yes, sir.

MR. GENTRY: Your Honor, this is going into beyond his qualifications. He's going into --

I haven't finished my direct examination.

THE COURT: Objection sustained.

MR. JONES: Okay. I have no further questions of this witness, Your Honor.

THE COURT: You object to him being qualified in the field of emergency medicine?

MR. JONES: I do not.

THE COURT: All right, thank you.

MR. JONES: Thank you for allowing me that, Your Honor.

THE COURT: Ladies and gentlemen of the jury, this witness is qualified as an expert in the field of emergency medicine. What distinguishes and expert witness or lay witness is an expert witnesses can offer opinions in the areas where lay witnesses cannot. And this witness can offer opinions pursuant to the rules of evidence in the field he has been so proffered.

Yes, sir, you may continue.

BY MR. GENTRY:

Q Doctor Bostick, did the type of injuries sustained by Mr. Boyce indicate anything to you such as stabbing or slashing or something of that nature?

A It would have to be an assumption or you can say basically he was violently attacked. You cannot

really state the nature of the lacerations unless you get deep into the cuts.

Q Okay, thank you. Now although you do not know the exact type of weapon used, could a weapon such as caused these injuries you saw, could that weapon cause death?

A Definitely, yes.

Q Could a weapon such as cause the injuries you've noted, cause a bodily injury which causes a substantial risk of death or which could cause a serious permanent disfigurement or protracted loose or an impairment of the function of a body member?

A Yes, it can.

Q With regard to the facial area of the neck are there -- what's in that neck area that's critical?

A The most critical organ in the upper neck when you start talking about cut extending from the chin going underneath to the neck is the carotid artery. It's a high pressure arterial system. It's disturbed, ruptured, if it's torn, you can exsanguinate or bleed to death very quickly.

Q All right, sir. Now Doctor, I would ask you if you recognize the victim in this case, Mr. Boyce, without his beard?

A Oh, yes.

MR. GENTRY: Justin, would you come up here please.

(Victim approaches.)

BY MR. GENTRY:

Q I would ask you to show to the ladies and gentlemen of the jury the location of this thing on a real life person.

A How are you, sir? This cuts start here. Right here, sir. Mid forehead extending laterally in the direction of the temple. The left infraorbital cut starting right below the globe extending down lateral down to the mandible area down into the neck area of the upper quarter on the neck triangles. And the other laceration vertically and left infraorbital area extending down involving upper and the lower lip and coming down to the chin area.

Q All right, thank you. I'm not gonna ask him to display his abdominal or chest wound; but let me ask you this, was either of those injuries downward on his neck anywhere close to the carotid as you described?

A Yes. Yes, the left intraorbital laceration coming down to the under the chin mandibular area is he's more --

Q So he's more or less lucky he didn't get cut?

A Lucky and blessed.
Q Okay. Thank you, sir. Answer any questions Mr. Jones may have.

**CROSS-EXAMINATION**

BY MR. JONES:
Q Thank you, Doctor Bostick. Doctor Bostick, you testified lacerations you saw, all of them were on the front of Justin Boyce's body, correct?
A No.
Q Okay. One was on the side, right?
A Yes, sir.
Q Okay. Let me see that one, it's on the side front. You have it in front of you?
A A portion here. Exhibit 34 and at the top of exhibit 35.
Q Okay. So exhibit 34 and 35, these, you have a wound on the side, right, and then you had a wound on the top of the stomach, correct?
A Yes, sir.
Q But there were no wounds on his back, on Justin Boyce's back, were there?
A None that I described were repaired and recessed.
Q So what you saw was saw one on his side and you saw one on the stomach, and then you have one on his hand and on his face and forehead? Is that what you

saw, and one on his leg?
A Leg, forehead, intraorbital times two, chin, neck, epigastric, axilla, and thigh.
Q Okay, all right. But there were none on his back or back. I guess you guys it call it posterior in medicine; don't you?
A Dorsal surface back, also known as synonymous.
Q What I mean is -- and I'm turning my back to you. But nothing, there were cuts on his back of his arms, no cuts on the back of his legs, were there?
A Not that I saw or appreciated.
Q Okay. There were no cuts on the top of his hands either, were there? Like a backside of his hand? There were no cuts there, were there?
A Not that I described. The hand cut appears to be defensive cut turned down.
Q But you weren't there, were you?
A I was in the emergency room, sir.
Q That's right. You weren't there when this happened?
A I wasn't.
Q When this attack happened you weren't there, were you?
A I was working in the emergency room.
Q You weren't in the bathroom that night when this

attack happened, were you?
A If that's your question, no.
Q Sir?
A If that's your question, no.
Q Okay, thank you. So we have no cuts on the back of Justin Boyce's hand that you saw, correct?
A That I saw, yes, sir.
Q Okay. Well, you looked at his whole body; didn't you?
A Generally we refer it to a surgeon.
Q Sir?
A Generally we refer it to a surgeon.
Q And so the cuts that you've discussed are the only ones you saw?
A The only ones I appreciated.
Q Yes, sir. Were there others?
A Not that I appreciated.
Q So there were cuts on his arms either, were there?
A Not that I described in my report, sir.
Q Okay. So the cuts we have, we got one cut on his forehead, correct?
A Yes.
Q Then there's a cut on his thumb, his right thumb?
A Hand.

Q Hand?
A Hand including the thumb.
Q Okay, right hand?
A Yes.
Q Then there's a cut on his leg, correct?
A Yes, sir.
Q Then there's a cut on his side, correct?
A His axilla.
Q Okay. You're going over my head there. The axilla?
A This is the axillary region.
Q Okay. Could I say side? Okay, okay. So, and then there's a cut on his stomach, right?
A Yes.
Q And then there were two cuts on his cheek, correct?
A There was a cut, two cuts in his left face involving a number of different zones.
Q Yes, sir, okay. So those are the seven cuts. That's what you saw, right?
A That's what I described.
Q Yes, sir. I think you -- I think when you testified earlier I think you said you could not give an opinion as to how these wounds were given or what happened to cause these wounds, could you?

A As I reiterated, I stated he was the victim of a violent assault.
Q Okay. Let me ask you, you weren't there for the fight though, were you?
A I was working in the emergency department.
Q Yes, sir. So your answer is no, you weren't there?
A If you're asking where I physically was at the time of the altercation, I was in the emergency department. He was at a gas station, as I said earlier.
Q And you weren't there?
THE COURT: Asked and answered.
MR. JONES: Okay. Thank you, Your Honor.
BY MR. JONES:
Q You really, you don't know what kind of instrument was used for this, the cut, do you?
A There's no way for me to say that.
Q Sir?
A There's no way for me to tell you what instrument did the cut.
Q Okay. Doctor Bostick, thanks for being here today. I know this is out of your way but I appreciate your being here. Thank you so much, Doctor Bostick. Thank you.

**REDIRECT EXAMINATION**

BY MR. GENTRY:

Q Doctor Bostick, a couple of brief questions. I believe you mentioned in the response to a question from the defense counsel that you viewed the wound to the hand as a defensive wound?

A It appears a defensive wound.

Q Okay. He seemed to have a hangup on the fact he only had seven wounds inflicted on him. In your opinion should he have perhaps stuck around and gotten some more?

MR. JONES: Your Honor, object to the form of the question.

THE COURT: Objection is sustained.

MR. GENTRY: Thank you. Thank you, Your Honor.

THE COURT: Anything further from the Defense?

MR. JONES: Nothing further from Defense, Your Honor.

THE COURT: Thank you, Doctor. You may step down.

MR. GENTRY: We call Greg Logan.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**GREGORY S. LOGAN,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Gregory S. Logan.

BY MR. GENTRY:

Q Mr. Logan, where do you live?

A

Q That's in the Lucknow area?

A Yes, sir.

Q You're currently employed by Thompson Industrial?

A Yes, sir.

Q How long have you been employed by them?

A Off and on since '95.

Q Okay. Do you know the defendant in this case Mr. Dennis Hoover?

A Yes, sir.

Q Would you say his name and point him out please.

A Dennis Hoover (indicating).

Q The gentleman sitting at the table with blue shirt and a tie?

A Yes, sir.

Q All right. Do you know the victim in this case,

Robert Justin Boyce; and if you do, point him out and say his name?
A Yes, sir, Justin Boyce (indicating).
Q He's over here wearing a plaid shirt?
A Yes, sir.
Q How do you know these people?
A Both of them are pretty much from the same community I'm from, and I've known Dennis since I was a little boy, grow up around him.
Q And how long have you known Justin?
A I pretty much knew him since he was junior, senior high school.
Q Okay. That's been a while?
A Yes, sir, yes, sir. 10 to 12 years, something like that.
Q Okay. At one time did you operate a feed and a trap store on Highway 341?
A Yes, sir.
Q And that was going towards Bethune just past Ronnie Fountain's store?
A Yes, sir.
Q Did you -- when did you close the store?
A I closed the store in April of 2013.
Q Before you closed the store did any of the Boyces come by to visit?

A No, sir.
Q And that would be Bob and Marshall or Justin?
A Yes, sir.
Q None of them came by to visit?
A No, sir.
Q How about the defendant?
A Yes, sir.
Q How many times did he come by and visit?
A Five, six, seven times a week. Sometimes he's stopped in pretty often.
Q Multiple times?
A Yes, sir.
Q Now are you aware of an accident that involved Marshall Boyce and the defendant which occurred on or about June 30th of 2011, without getting into details?
A Yes, I heard about it.
Q Before this incident had the defendant ever expressed any hostility toward any of the Boyces?
A No, sir.
Q What were his views about turkey houses at this time?
A He didn't like turkey houses.
Q Didn't like turkey houses?
A No, sir.

Q After the incident did you hear different versions depending on who was talking?
A Excuse me?
Q Different versions of the incident?
A Yes, sir. Yes, sir.
Q Okay. Now did -- in these discussions that you had, not discussions but statements he made at your place, did he think the Boyces had anything to do with his brother's turkey house permit?
A He never expressed anything about that ---.
Q Okay.
A ---to me.
Q All right. After the incident, the one I'm talking about in 2011, did either of the Boyces express to you any hostility toward the defendant?
A I never heard them say anything about it.
Q Okay. After the incident did the defendant express any hostility towards any of the Boyces?
A Yeah, every now and then he would get upset talking about him.
Q What did he say?
A He just didn't -- he felt like he had been done wrong.
Q Done wrong?
A Yes.

Q Did he put a specific on it, what he specifically been, had been done wrong about?
A He said that both of them beat him up.
Q At some point after June 30th of 2011 did you have occasion to call Marshall Boyce and give him a warning?
A Yes, sir.
Q And what did this warning concern?
A Mr. Hoover was in my store that day and a sale was coming up and they needed a tractor for equipment sale. And he just, he was venting a little bit. I -- he said enough that I thought Marshall and Justin didn't need to be at the sale.
Q In other words you feared for their safety?
A Yes, I didn't want to -- me and my son was going to the same sale, and I didn't want anything going on there and...
Q Okay. What did you tell Marshall?
A I told him that Mr. Hoover had talked to me and he was upset and that I didn't think he needed to go to the sale and make a call to Justin and let him know.
Q Why did you tell Marshall what you told him?
A I didn't want anything to happen.
Q Didn't want Marshall to get hurt?

A No, sir.
Q Didn't want Justin to get hurt?
A No, sir.
Q To the best of your knowledge did the Boyces attend that sale?
A No, sir.
Q You closed your store in 2013. Did the defendant make any threats against either the Boyces before the store closed?
A Just what pretty much what he said that day.
Q What exactly did he say he was gonna do?
A I can't remember exactly. It's been a couple of years. He just -- I can't remember why he was so upset but...
Q Okay. But did you take him seriously?
A Yes, sir.
Q Okay. Had he commented earlier about any kind of method of violence toward either of the Boyces?
A I don't know.
Q Like shooting or cutting or anything like that?
A I'm not sure. He very well could have; I'm not sure.
Q Okay. Answer any questions Mr. Jones may have.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Good morning, Mr. Logan.

A How are you?

Q Good, good. Mr. Logan, do you remember speaking with Lindy Hoover about your testimony today?

A Yes, sir, I talked with Lindy at the store at his feed store.

Q Lindy Hoover is Mr. Dennis Hoover's brother, right?

A Yes, sir.

Q You remember telling Lindy Hoover you didn't remember anything about this case?

A I don't remember any specifics of exactly what was being said, no, sir.

Q And that's what you told Lindy Hoover, right?

A Yes, sir.

Q You remember talking to Donald Steven about this case?

A No, sir. Donald didn't talk to me at all about the case.

Q Okay.

A He talked about coming to court.

Q Okay.

A And I've been subpoenaed. I don't have a choice but to be here.

Q All right. I have no further questions. Thank you.

**REDIRECT EXAMINATION**

BY MR. GENTRY:

Q Just briefly, Mr. Logan. You really don't want to be here today do you?

A Absolutely not.

Q The only reason you're here is because you got a subpoena from me; is that correct?

A Yes, sir.

Q And the only thing I told you is to tell the truth?

A Yes, sir.

MR. GENTRY: Nothing further.

THE COURT: Anything further?

MR. JONES: Nothing from the Defense, Your Honor.

THE COURT: Yes, sir, you may step down.

MR. GENTRY: We call Marshall Boyce -- excuse me, Justin Boyce.

THE COURT: Ladies and gentlemen of the jury, we'll take a break before we hear from him. Please go to the jury room. Do not discuss the case.

(Whereupon, the jury was removed from the courtroom

at 11:00 a.m.)

THE COURT: We'll take ten minutes.

(WHEREUPON, a recess was taken from the proceedings.)

THE COURT: All right. Anything before the jury comes?

MR. GENTRY: No, no, Your Honor from the State.

MR. JONES: None from the Defense, Your Honor.

THE COURT: Let's bring them on.

(Whereupon, the jury was returned to the courtroom at 11:20 a.m.)

THE COURT: Welcome back. How about your next witness?

MR. GENTRY: Justin Boyce.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**R. JUSTIN BOYCE,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Robert Justin Boyce.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Where do you live, Mr. Boyce?

A

Q Okay. And that's up off 341?

A Yes, sir.

Q Do you know the defendant in this case Mr. Dennis Hoover?

A I do.

Q How do you know him?

A Just by being around the community living here all my life.

Q Is there any other way you know him?

A That's the fellow who attacked me in the bathroom January 4th.

Q Point him out and say his name please.

A Dennis Hoover.

Q The gentlemen in the blue shirt with the tie sitting by Defense table?

A Yes, sir.

Q All right, sir. Do you know where the defendant lives?

A Yes, sir, I do.

Q Whereabouts is that?

A Right over in Watkins Road.

Q About how far is that from your house?
A Probably three to four miles.
Q Do you know what kind of vehicle he drives or was driving on January the 4th of 2014?
A Yes, sir, I do.
Q What was that?
A A white Toyota pickup with a camper shell on the back.
Q Okay. How do you know that?
A Just by living in the same area and passing him on the road and by seeing him getting back in it the morning of the incident.
Q Okay. And do you have any personal disagreements with the defendant?
A No, sir.
Q Did you witness an episode between the defendant and your brother in September of 2011 -- excuse me, in the summer of 2011?
A Yes, sir, I did.
Q Did you take any part in that episode?
A The only thing I did that morning was to break them apart, break up the fight one time.
Q Now that happened in the summer of 2011?
A Yes, sir.
Q You normally -- do you normally go to the Lydia

auction sales in Lydia?
A Yes, sir. Usually we go, it's kind of a gathering farmers and people in that community Lydia with chicken bog and everything. We usually go there.
Q Did you go to the Lydia auction sale in December of 2012?
A No, sir.
Q Why not?
A We got word that Dennis Hoover was there also, and we decided we wasn't, not to go because we didn't want to have any trouble over there.
Q Now on or about 4:30 a.m. on January 4th, 2014, where were you?
A What's that again?
Q On January 4th of 2014?
A Yes, sir.
Q About 4:30 in the morning, where were you?
A I was pulling up to the Interstate Shell out there at I-20.
Q All right. What caused you to stop at Interstate Shell?
A I was on the way duck hunting and I had plenty of time, I was running kind of early, and decided I was going to use the restroom and get a cup of coffee

and head on out.
Q You were going to meet who that morning?
A Phillip Atkinson.
Q About what time were you supposed to meet?
A 5:00.
Q Where does Phillip live?
A Wisack community.
Q What did you do when you got there?
A Got out my truck and went straight in the store and straight to the restroom.
Q All right, bear with me one second. Let me show you what's been previously introduced as Exhibit 10. Can you show, tell me what that's all about.
A That's the parking lot at the front of the Interstate Shell.
Q Can you indicate to me approximately where you parked that night, indicate it by placing the letter B and circling that?
A Yes, sir (complies).
Q I believe this is also displayed in video tape; is that correct?
A Yes, sir, I think so.
Q All right. You said you went to the restroom?
A Yes, sir.
Q And what was your purpose in going to the

restroom?
A There's not too many restrooms in the swamps of Santee so I was going to make use of the one at Interstate Shell.
Q Did you go to use the urinal or use a commode?
A Stall.
Q A stall?
A Yes, sir.
Q And the stalls contain the commodes?
A Yes, sir.
Q And so you didn't have to urinate, you had to do something else?
A Yes, sir. It's not a good situation to be in when you have all those clothes on out in the middle of the water.
Q I understand that completely. Did that -- point out please, sir, on this exhibit which I will show you in just a minute as soon as I find the confounded thing. Let me show you what's been marked as Exhibit 23. Can you tell me what that is please, sir.
A That's the restroom at Interstate Shell.
Q Which stall did you enter?
A I went straight through the door in the middle one right there.

Q Would you take this and put a mark B on the door of the stall you utilized.
A (Complies.)
Q Okay, thank you. Now while you were engaged in your business did you hear or see or anybody come in?
A Yes, sir. I noticed somebody came in the door. I heard the door open up, the entrance of the restroom, and I heard the door shut. And I did notice -- I knew it was weird 'cause they wouldn't, they didn't go in a stall or didn't go to a urinal and didn't hear nobody using a urinal. I didn't hear any water running in the sink and I knew somebody was in there with me.
Q Okay. Now could you tell us how, approximately how long you had been in the stall before you heard this person come in?
A Talking about how long was I in the stall when he came in the door?
Q When they came in the door, yeah.
A Probably three minutes or something like that. Three or four minutes.
Q That's not something you keep a time clock on, is it?
A No, sir.

Q When you completed your business in the stall what did you do?
A I came out the stall and opened the door and ran in to Mr. Dennis Hoover. He immediately started thrashing me or raking me with something. And I thought he was hitting me with his fists and he was between me and the door. And as I tried to maybe go around the door I noticed I started bleeding pretty bad and blood was flowing down my eye and down my cheek, and I still couldn't figure out what was going on. I still thought he was hitting me. I didn't know what was -- I mean, i couldn't understand why I was bleeding so bad. One time he came across I saw something shiny in his hand and it came across my face like this. I realized I was being cut and not hit, and I knew I was cut. That's all I know is cut and bleeding bad.
Q And what did you do when you discovered you were bleeding?
A I ran out the bathroom.
Q After the fact when the doctors looked at you how many cuts did you have on your body?
A Seven.
Q And that includes one on your thumb, your forehead, two on your face, one on your abdomen, one

on your side and one on the thigh; is that correct?
A Yes, sir.
Q Did you ever identify what he had in his hand that was shiny?
A No, sir, all I know is he was cutting me to pieces.
Q When you were running out the front of the store what did you do?
A When I ran out the bathroom I didn't know what was going on. All I knew is I was trying to go get away with him. And as soon as I got out the bathroom I saw him come out the bathroom so I ran up towards the front of the doors and I looked back again and I saw him go out the side door. And I still was trying to get away from him so I went out. I thought he was going to come around so I was going to get in my truck, whatever, and I went out the front door of my truck. As I got to my -- as soon as I broke through the front door the Shell Station, I saw him coming towards my truck so I came back in the store.
Q Did you make any cries to the manager or the clerk while you were running around in there?
A As soon as I came up to the front I saw the lady behind the cash register and I told her he's trying

to kill me, please call 9-1-1.
Q Okay. What did you think he was trying to do?
A I think he was trying to kill me.
Q Okay.
A I thought I was going to bleed to death before I could get any help.
Q Did you see the defendant again out front when you said you did?
A Yes, sir.
Q What was he doing?
A He was steady walking. He cut -- like I said, I saw him come around and go behind my pickup and after that I lost sight of him until I saw his pickup pulling out and him leaving. I saw him -- he pulled out, he went back in front of my sight and i saw him in the truck and I saw him leaving out.
Q All right. What kind of truck was this he was in?
A It's a white Toyota pickup with a camper shell.
Q Was there any other white Toyota pickup with a camper shell anywhere in the proximity that day?
A I have not -- I don't think so.
Q Let me show you what's been marked as Exhibit 10 for identification and ask you -- okay. Court's -- State's Exhibit 11 for identification and ask you

what that is?
A That's the back of, the back window of my pickup with my farm name on it.
Q And so this is a, what brand of truck?
A A Dodge pickup.
Q And it has the Boyce Brothers Farms decal on the right hand side upper?
A Yes, sir.
Q This the truck you were driving that night?
A It was.
Q Is this the truck you parked in front of Interstate Shell on January the 4th at about 4:30 in the morning?
A It was.

MR. GENTRY: I move to admit.

MR. JONES: No objection, Your Honor.

(WHEREUPON, State Exhibit No. 11 was admitted into evidence.)

BY MR. GENTRY:
Q Now, did you discover at some time several items of personal property missing from your body, from you?
A No, sir.
Q How about your cell phone?
A During all the commotion and everything, the

attack, I must have had it in my vest, sweatshirt pocket, it must have came out. And whenever I got to the front and I knowed Dennis Hoover was gone, I told the custodian there if he would go back in the bathroom and get it for me. That's ---

Q Did he?

A Yes, sir, he did.

Q All right. Did you make any calls on your cell phone?

A No, sir, not -- not ---

Q Phillip called you?

A He called me, yes, sir.

Q When Deputy Torres arrived what did you tell him?

A I told him I'd been attacked and it was Dennis Hoover.

Q Okay. At that time you said that were you feeling good?

A No, sir, I was anxious; and like I said, I thought I was going to bleed to death before I ever get to the hospital.

Q Now what happened to you? Where did you end up that morning?

A McLeods emergency room.

Q Were you aware of doctor, the doctor there, the emergency room doctor?

A No, sir, not really. I had so many people working on me I didn't know who was who.
Q What happened to you there?
A They stitched me up -- well, not stitch me up, but I sat there for a little while. They had to call in a plastic surgeon and ended up having to put me to sleep going into operation, surgery.
Q All right. Now your injuries were repaired at McLeod, correct?
A What's that?
Q Your injuries were repaired at McLeod Regional Medical Center?
A Yes, sir.
Q Did you go into a local or general anesthetic?
A I don't know. I know I was out.
Q You were out?
A Knocked me out, yes, sir.
Q Okay. Looking at Exhibits 29 through 31, is that you in those pictures?
A Yes, sir.
Q And those are taken by the Sheriff's Office?
A Yes, sir.
Q Now looking at 32 through 36, 32 through 37, who is this?
A That's me.

Q All right, sir. And those were taken after your injuries were repaired?
A Yes, sir, after the bandages came off.
Q That's when your wife took those, correct?
A Yes, sir.
Q All right. Do they accurately show the location of the injuries inflicted on you at Interstate Shell on January 4th, 2014?
A Yes, sir.
Q When you talked to Deputy Torres when he got there how were you feeling?
A I, I didn't think I was going to make it.
Q Let me ask you, let me show you this. You've seen these before; have you not?
A Yes, sir.
Q And what are these videos of?
A Different locations of, different locations of the different cameras in the Shell Station.
Q This is from State's Exhibit 2. You remember what time you pulled in?
A No, sir, around 4:30, somewhere in there.
Q But whatever time is indicated on the chart is probably about the time you came in, right?
A Yes, sir.
Q This says 4:28:02. Would that be about right?

A Yes, sir.
Q And that's you coming in the store?
A It is.
Q What did you do after you came into the store?
A Went straight to the restroom.
Q Okay. Did you go back outside the store at any time before you got to the restroom?
A No, sir.
Q Did you look back over your shoulder or anything?
A No, sir.
Q Were you aware there was a white vehicle that followed you into the parking lot?
A No, sir.
Q That's a white vehicle, correct?
A Yes, sir.
Q Can't tell what brand or make or anything else, but it's a white vehicle?
A Yes, sir.
Q And that pulled in 4:28:10?
A Yes, sir.
Q That's eight seconds after you walked in the door. Let me change this screen. Take a look at screen number 9. Is that you that just walked through there?
A Yes, sir.

Q Okay. You were on your way to the restroom?
A Yes, sir.
Q You had just turned the corner to go in?
A Yes, sir.
Q That white truck that was in screen number 15 has moved off; has it not?
A Yes, sir.
Q It's moving off right there; isn't it?
A Yes, sir.
Q How was Dennis Hoover dressed that night?
A He had a red shirt on and a wide rim hat.
Q Brown?
A Yes, sir.
Q This takes up again at 4:30:01. Fast forward just a bit. Who is that coming to the door?
A Dennis Hoover.
Q Got any idea what he's looking for?
A No, sir.
Q Who is that at 4:32:57?
A Dennis Hoover.
Q This gentleman on screen 9, is that the individual that got your cell phone for you?
A Which one is 9? Which one is 9?
Q Right here.
A Yes, sir. He's the one that had the mop in his

hand and everything.
Q What just happened? Who is that?
A That's Dennis Hoover.
Q That's in the red?
A Yes, sir.
Q Where is he going?
A Walking out the door outside.
Q Where are you at this time?
A By then I was already at the front of the store.
Q Back this up just a bit. At 4:35:40 who is this over here?
A I can't.
Q You can't see it?
A No, sir.
Q All right, we'll start it again here. Who is that?
A That's me.
Q Who is this guy in the red?
A That's Mr. Hoover.
Q What did you do there?
A I was trying to find, see where he's at and if he was still coming after me. And then as I saw him go out the door I kept on going towards the front of the store.
Q This view is the front of the store, correct?

A Yes, sir.
Q Who is that in the brown shirt?
A That's me.
Q Who is that running across?
A Dennis Hoover. I was going to my pickup in the left hand corner, and that's when I saw him go behind it and that's when I came back in.
Q Why did you come back in?
A I just wanted to be far away from him as I could. I didn't want to run into him again out there in the parking lot.
Q All right. Right there did you see something move off?
A Yes, sir, and I was watching to see what was going on, if he was leaving or getting something out of his truck or what.
Q Okay. Did you do anything in the restroom to start a fight?
A No, sir.
Q Did you -- what were you wearing that day, blue jeans?
A I had -- under my blue jeans I had thermal underwear on and I still had -- well, I had my working uniform on. Then I got back from Santee I was planning on going straight to work. I also had

thermals on under everything and uniform and the heavy sweatshirt.

Q So you were pretty puffed up?

A Yes, sir.

Q You had all kind of clothes on?

A Yes, sir.

Q Did it make access to your pockets difficult?

A It did.

MR. GENTRY: Court's indulgence.

BY MR. GENTRY:

Q You're a farmer, right?

A Yes, sir.

Q And in the course of your business do you ever have opportunity or need to use a pocketknife?

A Yes, sir.

Q Did you have a pocketknife with you that day?

A I did.

Q And what size is this pocket knife?

A It wasn't very, it was a what they call a lock blade, just maybe three inches, three-and-a-half inches in length total, weighing handle and everything.

Q Is it sometimes difficult to get the blade out?

A Yes, sir.

Q All right. Now you were going duck hunting,

right?
A Yes, sir.
Q And you had a shotgun in the car?
A Yes, sir.
Q In the truck?
A Yes, sir.
Q All right. Did you ever brandish that shotgun at Dennis Hoover?
A No, sir.
Q Did you ever see Dennis Hoover that morning before you saw him in the restroom?
A No, sir.
Q Okay, that's it. Did you have any other kind of weapon on you, potential weapon other than that little pocketknife?
A No, sir.
Q Okay. Answer any questions Mr. Jones may have.

MR. GENTRY: Before that can I move introduction of Exhibit 10?

THE COURT REPORTER: You've already done that.

MR. GENTRY: It's already in? Okay, never mind.

MR. JONES: Your Honor, may I approach the Bench.

THE COURT: Yes, sir.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Justin, I want to hand you a transcript there, put that in front of you, okay. Justin, do you remember talking to Officer Dellinger, the investigator in this case about this case?

A Numerous times.

Q Okay. And do you remember talking to him on January 6th of 2014?

A I've been talking to Mr. Dellinger the past year very pretty much a lot.

Q But you would agree with me that you gave him a statement on January 6th, 2014; didn't you?

A I gave, like I said, I've given him statements from since this time last year.

Q Okay. I want you to take a look at that transcript in front of you there. How about open that up, if you will, and go to page two of it. You see at the top it says Officer Dellinger?

A Yes, sir.

Q It says I want to read this to you and see if I'm reading it right, you tell me, okay. "Today's date is January 6th, 2013, approximately 10:50 a.m. My name is Major J.D. Dellinger with the Lee County

Sheriff Department and I have a Justin Boyce here with me in reference to an incident that happened at Interstate Shell involving the suspect Dennis Hoover. Justin, and kind of in your own words, tell me what happened the other morning." You remember talking to Officer Dellinger that day?

A Yes, sir.

Q Okay. So in this transcript I have you would agreed with me that you gave a statement to Mr. Dellinger at that time; wouldn't you?

A I gave Mr. Dellinger a statement at that time. I don't know if all this is what this is. I hadn't seen this before.

Q Okay, all right. Let me go through with it you a little bit, okay. If I told you that this, that the Sheriff's Department Officer Dellinger gave me a disk with your statement on it, you wouldn't dispute that, would you?

A I guess not, no, sir.

Q Okay. Let's talk a little bit about what you said. Answer the question there and I believe you were -- you were in the bathroom at the time. You heard somebody come in I believe you said, right?

A Yes.

Q Now let me ask you, Justin, a little bit and this

is kind of, I know it's real sensitive. We're talking about the bathroom, I know that, and my apologies to the jury but the facts of this case of course it matters now. Justin, when you were, when you were -- I gather you went in the bathroom and you were seated in there, right?

A Yes, sir.

Q Okay, all right. And when you were seated in there you were inside the stall with the door closed, right?

A Yes, sir.

Q Okay. Now the door opened inward; didn't it?

A It did.

Q Okay. And when you're seated in that middle stall there's a crack right there along where the door meets the stall partition; isn't there?

A Yea.

Q So you can kind of peep out of there and see who comes in; can't you?

A I don't know if I can or not. I don't know how big the crack is. I never paid that match attention before. I hadn't never been in a lot of stalls in bathrooms and stuff like that.

Q Okay. The reason I ask that is you said you knew somebody was in there?

A Yes, sir.
Q All right. Did you actually see who came in?
A No, sir.
Q Okay. But you could see through, you could see that somebody came in, correct?
A I knew somebody was in there. I could actually see up under the door better than I could anywhere else.
Q Okay, all right. And so when you were in the bathroom that's what you meant when you said somebody else was in there, and you knew that?
A Yes, sir, I heard the door open, somebody come in.
Q Okay. Now I'm looking at your statement here and I want to see if I got this right. You said you turned around to leave the bathroom. Now the reason I ask that, you say you turned around to leave the bathroom 'cause if you're in the stall -- and this is sensitive, I know, and demonstrated it's even more difficult. But what happened, when you stand up and then you open the door and pull it to you, right?
A Yes, sir, usually but I think that morning I stood up and turned around and flushed the toilet and that's when I turned around to come out the

stall.
Q Okay, all right. So you turned around and come out of the stall and you saw somebody was standing there, correct?
A I didn't see anybody standing there. Like I said, as soon as I opened the door Dennis -- I opened the door towards me and like I said, the first thing I felt was him on with the -- I saw him coming around with fists. Like I said, I didn't know if he was hitting me or what was going on, but I just knew Dennis Hoover was attacking me as soon as I opened the door up.
Q So were you still in the stall 'cause you had your back up to open the stall, were you still in the stall when you said Mr. Hoover attacked you?
A No, sir, 'cause as soon as I saw Mr. Hoover attacking me I was on the move. I wasn't wasting any time.
Q Okay, so he didn't attack you in the stall?
A Not actually in the stall. Like I said, as soon as I opened the door up I was walking out. I wasn't wasting any time just standing in the stall.
Q Okay.
A As soon as I went to the door I was coming out.
Q Okay. And you were coming out and so did Mr --

when you opened the door did you see Mr. Hoover when you opened the door?
A Yes, sir. Well, I opened the door and came, was going out the stall, and Mr. Hoover immediately ---
Q All right, in the stall?
A I don't think I was actually in the stall. I think I was, like I said, I opened the door, was coming out.
Q Okay. Now I'm reading on, you said he started throwing fists at you; is that right?
A I thought he was throwing fists. I -- the last thing on my mind was somebody attacking me with a knife in the bathroom that morning. As soon as I saw Dennis he was on me. And I, like I said, I thought he was throwing punches until I realized I had started bleeding, and I saw a shiny object in his hand one time he came across.
Q So you thought he was just fighting with you when you first started; is that right?
A I didn't know what he was doing.
Q All right.
A All I know I was being attacked ---
Q Okay.
A ---one way or the other.
Q Well, you said you went on to defend yourself

though, right?
A Yes, sir, 'cause he was between me and the door and I was just trying to get my bearings and get my way around to the door.
Q All right. Did you swing at him any?
A No, sir, I knew I was more or less fighting him off me. I didn't know what was going on. As he was, he was just steady raking me with doing this number here (indicating), and I was just putting up my hands trying to figure out whether he was trying to fight me or what. I didn't know what was going on.
Q Okay, let me ask you, Justin, I've seen seven cuts that you have. There are no cuts on your arms, are there?
A Not -- no, sir.
Q Okay. And there's the only cut on your hand is on your right hand, correct?
A Yes, sir.
Q Okay. And no cuts on your back; is that right?
A I never turned my back to him. He was, as he was attacking me I moved around facing him. Like I said, he was raking me with the knife (indicating).
Q Okay. And so, but what I'm get, I want to get back to, I'm trying to figure out the cuts. You didn't have any cuts on the back of your hand, did

you?
A No, sir.
Q Okay. You had a cut on your right hand?
A Yes, sir.
Q All right. Then you had a cut on the stomach, right?
A Yes, sir.
Q Now how about your clothes? Where are your clothes that you were wearing that day?
A They're in -- we gave them to the custody of the sheriff department.
Q The sheriff's ---
A After they -- I know some -- they wanted them and took them in and everything I believe.
Q Okay. So what all did you give them?
A I gave them everything.
Q All right. And that means you gave them your jacket?
A Whatever is in the bag. They asked me for the clothes and we took the clothes and put them in a bag.
Q Okay, all right. Now I think you said you put your hands up on your head; is that right?
A No, sir, I don't think so.
Q Well, look at your statement there. Let me see.

I want you to look at line 20 on that statement on page two. You see line 20 there?
A Yes, sir.
Q And it says, "I put my hands up on my head and tried to get him off me." So did you put your hands up on your head?
A I might have. All I knew was I was trying to get away from him. You know, if I put my hands over my head or on my head, I don't know, but I know I had my hands up trying to get away.
Q Well, the reason I say is in your statement you said you put your hands on your head.
A Well, this -- I think they took this -- I mean, don't hands on the head, hands over the head, I mean, that's just what I said, I don't know.
Q Okay. Now then you talk about you said once you were a few seconds into the scramble. So I gather there was a scramble going on?.
A Well, there was a attack, a scramble, I don't know exactly what you want to call it. But it wasn't no rest, normal restroom activities going on in there.
Q I'm sorry, I couldn't hear you.
A I said whatever, attack or scramble, but I knew I was being cut, ---

Q Okay.
A ---slicing, stabbing, I don't know, whatever you want to call it.
Q And I believe you told dock-- Mr. Dellinger, once you'd been in the scramble for a few seconds. So you guys scrambled there for a few seconds, is that what you're saying?
A I don't know what exactly the timeline was.
Q Well, the reason I say it's in your statement. You said you scrambled for a few seconds. Is that what you did?
A I don't know what you're -- what do you mean scramble? I mean, you're talking about attack or, what, attacking?
Q Okay. Well, take a look at line 20 again of your statement that you gave to Officer Dellinger, which would have been two days after the fight. You got it there? It says but once he was a few seconds into the scramble. That's what you said; isn't it?
A Yes, sir, that's what's on here but I don't know what -- that's what I said, yes, sir.
Q Okay, all right. Okay. I wanted you to -- I want to ask you some more questions about your statement here. I believe you did have some weapon. You had a knife on you that morning, right?

A Yes, sir.
Q Okay. And that knife was in your pocket?
A Yes, sir.
Q Your cell phone was in your pocket too; wasn't it?
A It wasn't in the same pocket.
Q Okay. But your cell phone fell out of your pocket?
A On the switch that I had on -- I keep my knife in my front pocket and when I have to sit down I can't get in my front pocket, but I keep my phone and so I can get to it easy. I had it in the pocket in front of my sweatshirt here.
Q Yes, sir. And that fell out of your pocket during the scramble?
A Yes, sir, the cell phone did.
Q And that's what you sent the gentleman that worked there back in to get the cell phone that fell out of your pocket during the scramble?
A Yes, sir.
Q Okay. Now when you talked to dock -- with Mr. Dellinger, you told him you had a pocketknife at the time of the fight; didn't you?
A Yes, sir.
Q Okay. And you didn't show it to him though, did

you?
A No, sir.
Q In fact, you told him you didn't have it with you, didn't you?
A I told him it was at the house, yes, sir.
Q So, and you didn't show it to Mr. Dellinger that day?
A No, sir.
Q In fact, you've never shown the knife to Mr. Dellinger, have you?
A No, sir.
Q Okay, thank you very much.

MR. JONES: Your Honor, I would like to enter this statement of Mr. Boyce into evidence please as Defense Exhibit Number 1.

THE COURT: Pursuant to what rule?

MR. JONES: Sir?

THE COURT: Pursuant to what rule?

MR. GENTRY: We object. We've not seen this.

THE COURT: Pursuant to what rule?

MR. JONES: Well, this is evidence that they have provided to us in discovery, and this is -- this is evidence that we've used by way of cross-examination.

THE COURT: What says the State?

MR. GENTRY: Your Honor, I think the best evidence is just his testimony. I don't know who transcribed this thing or I don't know where it came from.

THE COURT: Does the State object or not?

MR. GENTRY: State objects.

THE COURT: Objection sustained.

MR. JONES: Okay. Thank you, Your Honor.

MR. GENTRY: Judge, is he through?

MR. JONES: No.

BY MR. JONES:

Q Justin, you were in an altercation over in Bethune several months back; weren't you?

A In Bethune?

Q Yes.

A Not that I'm aware of.

Q All right. On June the 30th, 2011, that was the day I believe that Mr. Hoover, your brother and you were involved in an altercation; isn't that right?

A Yes, sir, I happened to be there.

Q Okay, I want to talk to you a little bit about that. Now that was on Eddie Watkins Road; wasn't it?

A Yes, sir.

Q Okay. And about 7:15 in the morning; wasn't it?
A I don't know exactly the time. It was in the morning, yes, sir.
Q And you were riding in a truck in your -- in a truck with your brother Marshall; weren't you?
A Yes, sir.
Q And you and your brother Marshall were headed away from 341 up to Eddie Watkins Road, correct?
A Part of Eddie Watkins Road, yes, sir.
Q All right. And Mr. Dennis Hoover was walking on the right hand shoulder going toward 341 Eddie Watkins Road; wasn't he?
A Yes, sir.
Q All right. So you and your brother were riding on that road and you and your brother stopped the truck right in the middle of the road; didn't you?
A We were actually going to our turkey farm or Marshall's turkey farm pulling up in the truck and that's when we saw Dennis Hoover walking down the road, yes, sir.
Q And you and your brother stopped the truck in the middle of the road?
A When we turned on Eddie Watkins Road we saw Mr. Hoover walking, like I said. And as soon as he saw us he was carrying a stick in his hand and he

started waving the stick at us and Marshall stopped, yes, sir.

Q All right. And he left the truck right in the middle of the road; didn't he?

A Yes, sir.

Q All right. And then he walked over to Mr. Dennis Hoover; didn't he?

A No, sir.

Q Okay. All right. Did your brother stay in the truck the whole time?

A As soon as we stopped Dennis Hoover came up to his passenger window. Marshall opened the door and stepped out, and they -- Hoover was still waving the stick and carrying on and Marshall asked him what his problem was.

Q Okay. And what happened after that?

A As soon as that happened some words were exchanged and they got in a fight.

Q Okay. And you got out of the truck too; didn't you?

A Yes, sir.

Q Okay. And then your dad drove up; didn't he?

A No, sir, not right then.

Q Did he drive up before you left that spot where Dennis Hoover was?

A When Marshall and Mr. Hoover got in a fight I ran around to the front of the pickup and broke them up. And after that they kept on saying words and they started back fighting again.
Q All right. Did your dad pull up after that?
A No, sir.
Q Anybody else pull up after that?
A No, sir.
Q It was just you all?
A During the fight Marshall -- Dennis had hit Marshall, had his cheek bleeding, and Marshall hit Mr. Hoover and he stumbled backwards. And when he stumbled backwards he fell pretty hard with some pavement. He hit his head against the pavement and knocked him out cold. And we stayed there and helped him. We didn't want to leave him there. We trying to figure out what to do, and I told Marshall that he finally started coming to and that's when my daddy pulled up.
Q So your dad pulled up and then you all left Dennis Hoover in the ditch; didn't you?
A No, sir. We helped him up and asked him if he wanted us to carry him home and he said, no, I don't want y'all to help me do nothing. And he said some words to my daddy. My daddy said leave him alone,

y'all get in the truck, y'all go to the house.
Q Okay. Let me talk to you about, Justin, about you personally. At the time of what, on January the 4th, 2014, about a year ago, you were 36 years old; weren't you?
A Yes, sir.
Q Okay. You're 37 now, right?
A Yes, sir.
Q Born 1977?
A Yes, sir.
Q Okay. Would it surprise you if I told you Dennis Hoover was 60 years old at the time of this fight?
A No, sir.
Q Okay. Let me talk to you a little bit about the place itself. I believe said you had a shotgun in your car?
A When was that?
Q When you were going hunting?
A January 4th?
Q January 4th?
A Yes, sir.
Q And also, I think the place you were in you would agree with me it was well lit; wouldn't you?
A Yes, sir.
Q Okay. You wouldn't deny me if I told you you

were in that bathroom over seven minutes, would you?
A I don't know how long exactly it was, long enough I was in there to use the restroom. I didn't keep time.
Q Okay, you wouldn't deny if I told you that you and Dennis Hoover mutually were in that bathroom two minutes and twelve seconds, would you?
A Like I said, I knew while I was still in the stall somebody was in there with me.
Q Okay. I notice that after you, after you got, you went to the door, did you talk -- you talked to the clerk at the front desk; is that right?
A All I told her was that he was trying to kill me, call 9-1-1.
Q Okay. Did you talk to the fella who was mopping up and ask for him to get your cell phone?
A Yeah, I can't remember. I know he asked me what happened and I told him I'd been attacked I think, and he said something about he was -- what was going on, whatever. He was, was asking questions.
Q Justin, you know, you said you know Dennis Hoover very well; don't you?
A No, sir, not very well.
Q You don't?
A No, sir.

Q Well, the reason I say that is, you've known him long enough to know that on January 4th, 2014, he had not one, but three trucks?
A I didn't know -- I know he had another truck, but in prior incidents we actually run fireworks in front of his house one time and I saw him riding on the road and he had that white truck and that's one he'd been driving. So I knew from that day forward that he had a white truck with a camper shell on it. And that's where we were doing the fireworks on Mr. Curtis Watkins' land, and he was standing right in the road.
Q You don't deny he had not one, but three trucks on January 4th, 2014, do you?
A I don't know how many trucks he had.
Q You don't know ---
A I knew he had a white truck with a camper shell on the back.
Q You don't know what other trucks he had?
A I know at one time he had a red, also, Toyota pickup truck too at one time.
Q Beg the Court's indulgence please, Your Honor. The truck, the pickup truck you were driving that morning is I think that's called a fleet side; is that what it's called?

A I'm not sure.
Q The point is it wasn't a dually, was it?
A No, sir.
Q Okay. A dually means it's got tandem wheels on the back, correct?
A Yes, sir, I think so.
Q And this one was not a dually?
A No, sir.
Q Okay. Excuse me please, Your Honor.
A Thank you, Mr. Boyce, I have no further questions at this time.

MR. GENTRY: Judge, we have a matter to take up outside the presence of the jury.

THE COURT: Do you have redirect examination?

MR. GENTRY: I do. That's the reason I asked for ---

THE COURT: Ladies and gentlemen of the jury, if you all go to the jury room. Please do not discuss the case. When you return, Mr. Martin, I need you to be the foreperson of the jury, sir, as the spokesperson. Take the foreman's seat and preside over the deliberations.

THE FOREMAN: Thank you, sir.

(Whereupon, the jury was removed from the at 12:19

Q Did you even know he was in the vicinity?
A No, sir, I had no idea.
Q Now on the tractor sale in Lydia in 2012, December of 2012 ---
A Yes, sir.
Q ---did you go that sale?
MR. JONES: Objection, Your Honor.
THE COURT: Basis for the objection.
MR. JONES: Beyond the scope of cross-examination.
THE COURT: All right, objection sustained.
BY MR. GENTRY:
Q All right. Do you know why Dennis Hoover and your brother were at odds?
A Marshall Boyce told me before that ---
THE MR. JONES: Your Honor, object to what hearsay.
THE COURT: All right. Objection is sustained as to any hearsay.
BY MR. GENTRY:
Q Okay. Well, let me ask you this, if he didn't say anything to you did you have any idea what the dispute was about?
A Yes, sir.

MR. JONES: Objection, must lay foundation.

THE COURT: What's your response to the objection.

MR. GENTRY: Judge, I'm asking him if he knew what the dispute was between him and his brother which caused this episode on June, I believe, of 2011.

THE COURT: You can tell us if you know the nature of the dispute.

BY MR. GENTRY:

Q Do you know the nature of the dispute? If you know.

A I -- it was kind of -- I was kind of out of the loop. Marshall had said to me ---

Q No, I don't want to hear what Marshall said. Did Marshall have turkey houses?

A Yes.

Q Was Marshall cooperating with Tommy Hoover?

A Yes.

Q All right. You know if that upset Dennis Hoover?

MR. JONES: Objection, Your Honor.

MR. GENTRY: If he knows.

THE COURT: Overrule the objection.

MR. GENTRY: Do you know ---

THE COURT: You've asked the question. He can answer the question.

BY MR. GENTRY:

Q Okay, go ahead answer, if you know.

A Yes, sir, it upset him.

Q Okay. Thank you very much.

THE COURT: Anything further.

MR. JONES: I have no questions, Your Honor.

THE COURT: Thank you, sir. You may step down.

MR. GENTRY: We call Marshall Boyce.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**MARSHALL BOYCE,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Marshall Adrian Boyce.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Where do you live, Mr. Boyce?

A

Q Okay, that's up in the Lucknow section?
A Yes, sir.
Q Do you know the defendant in this case, and if you do, please point him out and say his name.
A (Indicating) Dennis Hoover.
Q How do you know the defendant?
A From living in the community all my life.
Q Have you ever gotten into a physical altercation with the defendant?
A Yes, I have.
Q Would you describe the circumstances of that altercation?
A Yes. I was traveling down the road one day on Eddie Watkins Road and he signed me down. He -- I was hoping maybe he wanted to speak and had some issues circling around, you know, things we were hearing. And I stopped and he swung at me with the stick, and we got in an altercation. He hit me several times and I hit him knocking him to the ground, and then tried to help him up and asked that it be over, and I asked that we could all be around each other and be friends again, and he did not want any part of that. All he would say is I'm gonna get you; and that, that's it.
Q Let me ask you this, did you sustain any injury?

A Yes, I did.
Q And you've actually filed an incident report with the Sheriff's Office, correct?
A Yes, sir, I did.
Q But you didn't pursue it?
A No, sir.
Q Now from that day until December 2012 did you have any contact with the defendant?
A The only contact I had was whenever he would pass me in the road or he would -- I would be traveling on my way to work and he would be standing at the intersection of his road and my road with a shotgun standing in the middle of the road. And various times I'd be going to town or feeding my cows and doing different things traveling throughout my daily work, and I'd be pulling out of a cow pasture or out of a place of business and he'd pull up shaking his fists, giving me the finger, just ranting and raving. And I -- wherever I was out I'd get out of there as quick as I could. I knew he meant business and I knew he wanted to harm me come hell high water.
Q Okay. In November or December of 2012 did you receive a call from Greg Logan?
A Yes, sir, I did.

Q Who is Greg Logan?
A Greg Logan is another neighbor who lives in our community and I've known him for a number of years.
Q As a result of the conversation you had with Mr. Logan did you and your brother go to the Lydia auction sale December 2012?
A No, we did not. We were scared to death and we just wanted to be away from him if we even -- 'cause we knew he most likely would be there and we did not want any confrontation or any interaction with him whatsoever.
Q Now who was with you on the date of June 30th, 2011 when Mr. Hoover flagged you down?
A My brother Justin.
Q Did Justin take any part in the altercation?
A Justin got out of the truck one time trying to break us up, and I asked my brother to get back in the truck and he did. That's the only thing my brother was involved in.
Q Now you have any turkey houses yourself?
A Yes, sir, I do.
Q Does -- do you have any contacts with Tommy Hoover about turkey houses?
A Yes. Tommy talked with me several times when he was trying to go through the process of getting

permit and acquire getting a DHEC permit for his own poultry houses which would be right down the road from mine. And he asked me what I went through in getting mine and what kind of investment it involved and what kind of type of work it involved and what I would do differently if I had to do it all over again. And I was more than glad to share that information with him because I knew what overwhelming experience it was as I went through my process.

Q Do you know whether the defendant is supportive or opposed to turkey houses?

A He is opposed.

Q How opposed?

A All I know is he gave -- he would -- he went to every DHEC meeting that was had for his brother's houses and opposed and appealed and spoke and he hired a lawyer against his brother and he went on several rants in the community about turkey houses and how they were gonna condemn or harm the world and just various conversations that I heard took place.

Q Did Tommy Hoover ever get his permits for turkey houses?

A Yes, sir, he did.

Q How did the defendant treat you before Tommy applied for his permits?
A Fine.
Q How did he treat you after Tommy applied for his permits.
A He went from treating me fine to wanting to kill me.
Q Did Tommy receive his permit or did he apply before or after June 30th, 2011, if you know?
A He acquired his permit before June of 2011.
Q Answer any questions Ms. Jones may have.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Justin, you went to Robert E. Lee High School; didn't you? Not Justin ---
A My name is Marshall.
Q I'm sorry. Marshall, you went to Robert E. Lee High School; didn't you?
A Yes.
Q In fact, you got a superlative in your class; didn't you?

MR. GENTRY: Judge, I don't know where this is going but it happened 18, 19, 20 years ago. Sounds stale to me.

THE COURT: I overrule the objection.

BY MR. JONES:
Q You got a superlative in your class; didn't you?
A Yes, sir, I did.
Q And the superlative you got in your class was biggest trouble maker; isn't that right?
A I was very active teenager, always -- we always just did what normal teenagers do and there was -- we never did anything that to hurt anybody or anything else.
Q In fact ---
A Really want that.
Q In fact, in your yearbook it said loud, proud, all day every day, what did I do? Yes, officer, he started it.
A That was a joke.
Q That was in your yearbook though; wasn't it?
A Yes, sir. If you look in everybody's yearbook you'll find plenty of foolish things that people say in a yearbook just poking fun, just being young teenagers.
Q Okay. And you are how old today, Marshall?
A I am 35 years old.
Q 35 years old. All right. And so that was -- that was when you were 18 you were called the biggest trouble maker by your classmates?

A I wasn't 18 then. I was 17, sir.
Q So you were called the biggest trouble maker by your classmates?
A You're saying it.
Q Well, I'll get you to look at it. That's a picture of your yearbook; isn't it?
A Yes, sir, it is.
Q It says biggest trouble maker; doesn't it?
A Yes, sir. What does your yearbook say?
Q So Marshall, on June the 30th, 2011, which was now about four years ago, you're 35. So you were 31 at the time, right?
A Yes, sir.
Q Okay. And June 30th, 2011, is when you got out of your truck, right?
A Yes, sir, after I was signed down by your client there, yes, sir.
Q Okay. I want to talk about that a little bit. Let me see if I got this right. So you're riding in a Dually truck, correct?
A That's correct.
Q Dually means it's got tandem wheels on the back, right?
A Yes, sir.
Q You got your brother Justin sitting in the right

hand side of you, correct?
A Yes, sir.
Q All right. And Justin is two years older than you, right?
A Two-and-a-half.
Q Two-and-a-half years older than you. You're driving the truck, correct?
A Uh-huh.
Q Yes, sir; is that right?
A Yes.
Q Okay. So you're on the right-hand lane, and you're riding away from Highway 341, correct?
A Yes, sir, going towards my home, yes, sir.
Q And your brother is in there, correct?
A Yes.
Q And you'd been at the Fountain Store that morning; hadn't you?
A I went and got a cup of coffee.
Q And that's where you go?
A Every morning I pick up one, yes, sir.
Q And that's where you were coming from is Fountain Store, right?
A No, sir. My brother and I, I met him, pick him u and carry him to my house to pick up a piece of equipment we had at my house to go finish doing our

work that day.
Q All right. So you -- it's about 7:15 in the morning?
A I guess.
Q And you're going to get a piece of equipment?
A Yes, sir.
Q You see Dennis Hoover walking on the left-hand side?
A Yes.
Q Okay. He's walking on -- he's actually walking on the left-hand side of the road, you're going straight, he's on the left-hand side on the walking side of the road, correct?
A He was almost on the yellow line, sir. He was almost over in my lane.
Q All right. And so then as I understand you, you're driving along this road and Mr. Hoover stops you in the middle of the road?
A Yes, he and flagged me down, I stopped.
Q All right, then you get out of the truck? Yes?
A Yes.
Q And then you get in an altercation with Dennis Hoover?
A Yes, but let me say this, it would have suited me fine that nothing in this world would have suited me

any finer for he and I to put our differences behind us and shake hands, me hug his neck, whatever, and go on about our business and keep on living and so on. The last thing I ever wanted in this world was to have altercation with him or anybody else that day.

Q So you got out of your truck and you say that Mr. Hoover swung a stick at you?

A Yes.

Q Even so, you hit Mr. Hoover in the face?

A Your client swung a stick at me. Then he swung his fists at me a bunch of times before I even defended myself and hit him back.

Q You didn't -- when he swung at you you didn't get back in your truck and go down the road?

A I didn't get back in my truck 'cause your defendant was waving on me and it was all I could do to stay on my feet.

Q So then you got in an altercation and your brother says Mr. Dennis Hoover ended up getting knocked out cold?

A Yes.

Q And so then your father came riding up, correct?

A I believe that's right. He was headed to work too that day.

Q Okay. And he stops his truck in the middle of the road too, correct?
A He couldn't do anything but stop. He was just passing by. I don't believe he could have got by if he wanted to.
Q And the end result was you guys left Dennis Hoover on side of the road?
A No, sir, that is not right. We did not leave him on the side of the road. I tried -- when we left there that day he was standing up walking, but it's not like we left him laying in the road or laying in a ditch or anything like that. He got in an altercation with me, not him, or Bob, okay. He got in an altercation with me. I realized I had to get away from him 'cause he kept coming at me relentlessly and I hit him three or four times and knocked him out cold. He landed on his back and it scared the dickens out of me. I was scared of him to start with, and I tried to help him up off the road and I begged him, please, let's put this behind us, please, this has gone far enough, this is stupid, let's all get along and just put this behind us. And he continued on to say, I'm going to get you, this is not the end of it. And once I realized that he was still in that state of mind he was

to death of that man right there.
Q You knocked Dennis Hoover out; didn't you?
A Yes, sir.
Q You don't have any objection to Mr. Dennis Hoover being opposed to turkey houses, do you?
A No, sir, I don't.
Q He's got a right to speak his mind if he opposes turkey houses; doesn't he?
A It's a free country, yes, sir.
Q You would agree with me that there's some argument against having turkey houses; wouldn't you?
A Yes, everybody is entitled to their opinion.
Q So Mr. -- you don't fault Mr. Hoover for opposing turkey houses, do you?
A No, I don't.

MR. JONES: I have no further questions at this time, Your Honor.

MR. GENTRY: No questions.

THE COURT: Thank you, sir. Next witness.

MR. GENTRY: Tommy Hoover.

THE COURT: Come forward, sir.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**J. TOMMY HOOVER,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: James Thomas Hoover.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q Where do you live, Mr. Hoover?

A I live in turkey creek community between here and Bethune.

Q Do you know the defendant in this case Dennis Hoover?

A Yes, I do.

Q Can you point him out and say his name?

A Right there (indicating).

Q Let the record reflect he's in blue shirt and green tie. How do you know him?

A He's my brother.

Q He's been your brother for life; hadn't he?

A Since we were both born.

Q Did there come a time in 2010 that you applied for a permit to put in turkey houses?

A Yes, I did.

Q Were there already turkey houses in the general area of your land?

A Yes, there were.
Q Did you talk with Marshall Boyce concerning the procedures to follow and the problems one would encounter with turkey houses?
A I had a couple of brief conversations with him about when the company was gonna do another expansion because they do expansions based on the market, and he told me one time they were.
Q And why did you talk to Marshall?
A Why?
Q Why, yeah.
A Well, I was interested in putting in some turkey farms and I thought he might know when they were gonna do another expansion and have some more farms built.
Q Well, Marshall already had turkey houses; didn't he?
A He already had eight grow out houses.
Q Okay. Was your brother aware of your actions moving forward with your application?
A After Hugh McFadden from Sumter with DHEC came out and put up the public notices that's, I think, when he found out.
Q Okay. Before you applied for your -- what was his reaction to your application?

A There was, well, if there was -- he doesn't speak to me so as far as anything he may have said he wouldn't have said it to me.
Q Before you applied for your permit was he opposed to turkey houses, if you know?
A As far as I know he wasn't. He never, as I know of, said anything or tried to do anything about the other guys that built turkey farms in the community and the nearby communities.
Q After you applied for your permit was he opposed to turkey houses?
A Oh, of course.
Q Without getting into any details are you aware of an incident involving the defendant and Marshall Boyce that occurred June 2011?
A Pardon?
Q Were you aware of an incident which occurred in June 2011 between your brother and Marshall Boyce?
A I found that out after it happened.
Q All right. Was that before or after you had discussions with Marshall about turkey houses?
A After.
Q Have you seen State's Exhibit Number 3 which details certain events on October -- or January 4th, 2014? Let me show it to you. Can you see that

Q How are you employed, Major Dellinger?
A I'm employed as an investigator with the Lee County Sheriff's Office.
Q When did you first learn about the incident at Interstate Shell which occurred on January the 4th of 2014?
A On the morning of January 4th.
Q All right. Handing you what's been marked for identification. How did you learn about it?
A Sergeant Cam Watson contacted me by telephone.
Q What did you do?
A When Sergeant Cam Watson contacted me and told me about the injuries I was on my way to the hospital in Florence.
Q Did you actually get to McLeod?
A I did not.
Q Where did you go?
A I had several other phone calls, and I changed direction and went down 401 to the jail detention Center in Sumter.
Q Why did you go there?
A That's where our magistrate was and that's where I needed to go to present the incident to obtain an arrest warrant.
Q And did you obtain an arrest warrant?

A I did.
Q And what did you do once your got your warrant?
A I came back by Interstate Shell on my way back to the Sheriff's Office, reviewed the video tape there, and then went to the Sheriff's Office and made arrangements to serve the arrest warrant.
Q Was anybody with you when you came back from Sumter?
A I believe Deputy Brown and Cam Watson both met me at the Interstate Shell.
Q Now was the defendant ultimately arrested without incident?
A He was.
Q And he was taken into custody and taken where?
A He was brought to Lee County Sheriff's Office.
Q About, do you remember what time he got there roughly?
A I do not. It was that -- later on that afternoon.
Q Were you already there?
A At the Sheriff's Office?
Q Yes.
A I was close to Mr. Hoover's residence when he was arrested along with several other Lee County deputies and agents when he was taken into custody.

I left there and was a short distance before or after Sergeant Watson in going to the Sheriff's Office.

Q Who actually arrested Mr. Hoover?

A There was a SLED agent there and Sergeant Cam Watson.

Q Who took him to Lee County Sheriff's Office?

A Sergeant Cam Watson.

Q Where was he taken once he got there?

A He was brought into an interview room in the Sheriff's Office.

Q What did you do at that point?

A The first thing I did was advise him of his Miranda rights.

Q Let me show you what's marked as State's Exhibit 1. You recognize that form?

A I do.

Q What is that form?

A That's the Lee County Sheriff's Office Miranda form which we use when interviewing individuals.

Q When you brought the defendant in who else was in the room with you?

A Sergeant Cam Watson.

Q What did you advise the defendant of specifically?

A The heading on this is Miranda Warning: You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to talk to a lawyer and have him or her present with you while you're being questioned. If you cannot afford to hire a lawyer the court will appoint one to represent you without cost if you wish. If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time."

Q Okay. Now did he appear to understand his rights?

A He did.

Q Did he appear to be under the influence of drug or alcohol?

A No, sir.

Q This was fairly early in the day?

A Yes, sir.

Q How long did y'all stay in that little room?

A Roughly ten minutes.

Q For that reason was he offered or not offered the use of a restroom?

A I didn't offer him the use of a restroom; it never came up. And had he asked I would have definitely let him use the restroom.

Q How about water, coffee or soda, food?
A It never came up. We weren't in there that long. Again, if there would have been any indication that I would have got him a bottle of water or something like that.
Q After you explained his rights what did he say or do?
A He first off, he refused to signed form, and then he was very upset that he was being arrested.
Q Now there's an annotation here refused to sign, refused, on the signature of appellate -- excuse me, State's Exhibit 1, and there's your name is written at the bottom of appellate -- excuse me, State's Exhibit 1?
A That's correct.
Q Did you make both those entries?
A I did.
Q Now after you explained all these rights you said he was upset about the being arrested?
A That's an understatement, but yes, sir.
Q Would you give the ladies and gentlemen of the jury what happened, what'd he say?
A He was very argumentative, very hard, didn't understand why he was being arrested, and he matter of factly said this was bullshit.

Q Well, let me ask you this and back up just a little bit. After he refused to sign did he say anything about what would happen?
A I'm not sure I understand that.
Q Did he say something about ---
MR. JONES: Your Honor, object to leading.
THE COURT: Objection sustained.
BY MR. GENTRY:
Q Do you have your incident report handy?
A I do.
Q Would you refer to that please on the write-up?
A Yes, sir.
Q Does it indicate in there anything about what he said?
A I told him that I wanted his side of the story. He told me I would get that from his lawyer.
Q Okay. Now at that point you were not going to interrogate him anymore, were you?
A No, sir.
Q And the reason was because he said get that story from my lawyer?
A That's correct.
Q And what happened thereafter?
A At that time I went to, on to procedurally inform him that we were getting a search warrant for his

residence and what I was going be looking for in the search warrant and was trying to explain to him that we were going to his residence and that I didn't want to have to force our way in or break our way inside the house, would he voluntarily give me a key.

Q And what did he say or do?

A Absolutely not.

Q He said he wasn't gonna give you the key?

A He would not give me the key.

Q Why did you ask for the key?

A So I didn't have to damage his house. I knew that he was, lived alone, I knew that he was gonna be arrested. If we damaged the house or forced our way in it it wouldn't be, it wouldn't be fair, it wouldn't be proper to him to leave his home unsecured while he was in jail.

Q Okay. Was, in fact, his home burglarized while he was out?

A It was burglarized while he was in custody.

Q Yes, sir, that's what I'm saying.

A Yes, sir.

Q Okay. Did you ask him anything about the sharp instrument?

A I explained to him what we were looking for under

the search warrant, the red shirt and sharp instrument. He indicated that he had lots of red shirts. I said I was specifically looking for a red shirt that had blood on it. He said it probably does have blood on it, and then he said the -- about the sharp instrument, it was Justin's, he's done with it, he can have it back now.

Q Okay. Did you tell him about the blue jeans issue?

A After that the conversation was going nowhere. We made the decision to transport him to the detention center. Before we took him to the detention center I had him stand up. I looked at his hands, front and back of it, looked at his face, asked him to lift up his shirt to see his lower abdomen and noticed what appeared to be, could be blood on his pants and instructed Sergeant Watson when they dressed him out and changed him into a uniform at the detention center to take the pants into custody and bring them back to me.

Q When Sergeant Watson returned did he have a pair of jeans with him?

A He did bring the jeans back to me.

Q What did you do with them?

A I sealed them in a brown paper bag that

eventually went to SLED.
Q And those are currently marked as State's exhibit?
A Yes, sir.
Q Specifically, State's Exhibit 44 for identification.
A I haven't seen them since it had a sticker on it so I'm not sure what that number is.
Q Okay.
A This is the bag containing the blue jeans that we got from him at the time of his arrest.
Q And when you got the blue jeans what did you do with them?
A I put them in this brown paper bag and made all these annotations on there, case number, the charge, what they were, where they found them from, where they were collected from, who collected them. My name, and then sealed them up with this red seal tape and put my initials on the seal.
Q Okay. Did you subsequently obtain and execute a search warrant at Dennis Hoover's house?
A We did.
Q What were you looking for?
A The red shirt that was visible in the video and any sharp instrument capable of inflicting the

injuries that Mr. Boyce suffered.
Q Did you photograph it in its location, the red shirt?
A I did locate a red shirt in Mr. Hoover's residence.
Q Let me show you what's been marked State's 15 and State's Exhibit 16. Can you identify those please?
A Yes, sir. Item number 15 is the red T-shirt on top of a clothes basket on top of the washer or dryer inside Mr. Hoover's residence as I found it. And item 16 is that same red T-shirt, then opened up and spread out flat.
Q Okay. What did you do with the red T-shirt?
A The red T-shirt had on the upper collar area near insignia spots all over that appeared to be blood; and I collected that, put it also in the brown paper bag with the same case number, the same charge and description what it was, a red shirt, Hoover's residence, washer/dryer, signed my name to it, same red tag tape on it, fold it over, sealed it, and put my initials on the seal.
Q Okay. And that's marked as State's Exhibit Number?
A 43.
Q 43 for identification. Did you find any sharp

were available were the ones in Interstate Shell?
A The only ones that were available were the ones at Interstate Shell. KFC exterior camera covered the drive-thru. The McDonalds had cameras on all of the exterior but it was limited in angles to just their parking area.
Q Okay. Now let me ask you this, at some time did you go visit Agent Shropshire at SLED technical services?
A I did.
Q Why did you do that?
A In the videotape the, both the one that I saw that morning and the disk they gave us and the summary that Investigator Capps performed, you can clearly see Mr. Hoover entering the Interstate Shell rather awkwardly with his left hand, and there's something clearly in his right hand as he entered the Interstate Shell. As he walks in front of the cashier that same item is still in his right hand down by his side. As he walks by the coolers an item is still in his right hand down by his thigh. As he exits the store you see him putting something in his right hand pocket.
Q Okay.
A And we wanted to see if SLED could give us some

in Mr. Hoover's residence. State's Exhibit Number 13 is the rear bumper area of that same pickup truck underneath the carport at Mr. Hoover's residence. And State's Exhibit Number 14 is a closeup of the license plate number and trailer hitch on Mr. Hoover's pickup truck at his residence under a carport.

Q Thank you. Let me show you what's been marked as Exhibits 17 and 18 and ask if you can identify these.

A Number 17 and 18 are both photographs of Mr. Hoover at the Sumter-Lee Detention Center the following day after his arrest.

Q That was the day of June -- January 5th, 2014?

A Yes, sir.

Q And why are those significant?

A The depiction is -- what's not in these photographs is any scratches, marks, injuries on his face, neck area, or any scratches, marks on his hands or forearms.

Q Let me show you what's been marked as State's Exhibits 29, 30 and 31. Do you recognize those photographs?

A 29, 30, and 31 are all three photographs of the victim in this case, Justin Boyce, and his injuries

with a scaled ruler in there that was taken at my office at the Sumter-Lee County Sheriff's Office.

Q Okay. I think we asked earlier, did you ask Investigator Capps to prepare a summarized version of State's Exhibit 2?

A I did.

Q And that has been admitted already into evidence as State's Exhibit 3, correct?

A Yes, sir.

Q All right. Now in connection with this have you reviewed State's Exhibit Number 3 and prepared a timeline of certain significant events?

A We have.

Q And that timeline is marked as State's Exhibit number 47 for identification?

A Yes, sir.

Q All right. Let me show you this, can you see that from where you are?

A Yes, sir.

Q Please tell me when to stop anywhere or pause any time.

A 4:27:36.

Q All right. Why is that significant?

A The white pickup truck there in the left-hand upper corner screen is Justin Boyce parking his

truck.
Q Okay.
A 4:28:01.
Q Bear with me if I touch this thing wrong. It -- you said 4:27:01?
A 4:28:01.
Q Why is that one important?
A That's Justin Boyce entering the Interstate Shell which is only 25 seconds after he parked his vehicle.
Q Okay.
A 4:28:02.
Q What is significant?
A 4:28:02, that is Justin Boyce walking in Interstate Shell walking to the rear of the store towards the bathroom.
Q Okay.
A 4:28:10.
Q What is significant?
A 4:28:10, you see a white pickup truck pulled in behind Justin Boyce's pickup truck, pull in front of the double doors and then sits there for one minute and eight seconds. 4:29:18 it moves off to the right. It's gone out of view for about 18 seconds. It returns coming the other direction at 4:29:37.

4:29:49 it stops directly behind Justin Boyce's truck. It backs up a little bit at 4:29:57. It then moves off the screen at 4:30:10. Two minutes twenty seconds later at 4:32:40 Dennis Hoover comes into the store.

Q 4:32:40?

A Comes in the store. He goes to the right and 4:32:56 he comes back from the right. He passes the cashier with that same item in his right hand. 4:33:17 he goes to the hallway towards the bathroom. You can see that same item in his right hand, 4:33:17 at. 4:35:39 Justin Boyce comes running out of the bathroom. 4:35:49 Hoover exits the store.

Q What's showing now is a different view ---

A It's a different camera view and Justin running towards the front. Hoover is exiting the side door there. You see him putting something in his right hand pocket. 4:35:57 Hoover is kind of jogging and trotting across the front of the store. 4:36:02 Boyce exits the store, and just a few seconds later he comes right back in. At 4:36:20 you see the vehicle back up behind Boyces' and then leave.

Q All right.

MR. GENTRY: Your Honor, at this time we would move to introduce exhibits 1, 14, 12, 13, 46,

Bring the jury.

(WHEREUPON, State Exhibit No. 47 was admitted into evidence.)

(Whereupon, the jury was returned to the courtroom at 2:56 p.m.)

THE COURT: All right, they're admitted without objection. You may proceed.

MR. JONES: Are you ready for me, Your Honor?

THE COURT: Anything further?

MR. GENTRY: Not from the State.

THE COURT: All right, cross-examination.

MR. JONES: Thank you.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Mr. Dellinger, I want to talk to you about the June 30th, 2011, incident. Do you remember that?

A I remember discussing that with you, yes, sir.

Q Okay, do you remember what happened on June 30th, 2011, between the Boyces and Mr. Hoover; don't you?

A I did not take that incident report.

Q Okay. You're familiar with the facts of that though; aren't you?

A I am.

Q Okay. Let me talk to you about that. Actually,

the way you learned about that incident is Mr., on June 30th Mr. Hoover brought that incident to your attention first; didn't he?

A Not on June 30th. He did on January 4th, 2014.

Q Okay. And he told you that he had been attacked by the Boyces on June the 30th, 2011; didn't he?

A Yes, sir.

Q Okay. Now Mr. Hoover at that time when you talked to him, he told you that he was not allowed to sign a warrant against the Boyces for the June 30th, 2011, attack; didn't he?

A He did tell me that.

Q Okay. But now Mr. Hoover also told you that at that time Marshall Boyce attacked him; didn't he?

A We -- he referred to both the Boyces, the Boyces, the Boyces.

Q And the Boyces he said attacked him on June the 30th, 2011; didn't he?

A Yes.

Q Okay. Now let me talk to you a little bit about the January 4th, 2014, incident which is what we're here for today, okay?

A Yes, sir.

Q All right. Mr. Newman is the one who took the photographs, correct?

A At Interstate Shell, that's right.
Q You didn't take any photographs at the Interstate Shell?
A At the time of the incident?
Q That's correct.
A No, sir.
Q In fact, you didn't go to the Interstate Shell that day, did you?
A I did.
Q You went after Mr. Newman took pictures though, right?
A That's correct.
Q And Mr. Newman's pictures that we put in are the only pictures you have of Interstate Shell; is that correct?
A Oh, no. The pictures depicting the bathroom, the hallway and the corridor are all pictures that I took.
Q All right. But you don't have any pictures of the bathroom that morning, do you?
A I do not. I did not go there that morning.
Q In fact, there are not pictures of the inside of that bathroom that morning, are there?
A Well, not that I'm aware of.
Q And you're the investigator on the case, correct?

A I am one of the investigators, yes, sir.
Q Now when you said -- when Mr. Gentry was asking you questions Mr. Gentry said you arrested Mr. Hoover without incident, correct?
A That's correct.
Q Okay. So you went to Mr. Hoover's house, you picked him up without incident, correct?
A That's correct.
Q All right. In fact, the clothes that, the blue jeans and the red shirt, those were in plain view on top of his washing machine; weren't they?
A Well, he had blue jeans on at the time of his arrest.
Q And the red shirt was on top of his washing machine, correct?
A I don't remember if it was a washer or dryer but they were side by side.
Q In fact, you actually went into house after he was in custody, correct?
A That's correct with the search warrant.
Q But he had the shirt out there where anybody could see it, right?
A That's correct.
Q Okay. Now it was after he was arrested that you guys got the search warrant and went back in the

house, right?
A That's correct.
Q Now you took photographs of Dennis Hoover himself. You took those photographs after the day after the incident; didn't you?
A We looked at him at the time of his arrest, had him stand up, looked at his hands, looked at his face, lift up his shirt, and then he was transported to the jail. I photographed him the next day when I was doing something procedurally.
Q I noticed that you took pictures of his hands, you say, correct? Is that right?
A Yes, sir.
Q But you didn't take pictures of his shirt off?
A Again, your client wasn't overly cooperative, and I wasn't going to get into an argument with him at the detention center. I took the pictures that were freely and available, available for me.
Q You don't have any evidence in terms of pictorial evidence of what his torso looked like?
A Well, the evidence is myself and Sergeant Cam Watson looked at his torso with his shirt lifted up that day, and he didn't have any marks on him.
Q But you don't have any pictures of that?
A I don't have pictures but the evidence is our

testimony that we didn't see any marks on his chest.
Q You do have pictures of his hands though?
A Right.
Q So you felt like you need to have pictures of his hands ---
A I felt like I needed to have pictures of his chest but he wouldn't cooperate with me at the detention center and let me do that so I didn't push my luck. I just took what was there available and left.
Q You didn't take -- you took pictures of his hands; he let you do that.
A His hands were there and available. It wasn't like I had to remove any clothing or physically contact him. I pulled up the camera and took the picture. He immediately began to ask me why I was taking the picture, lifted the camera and took a picture of his face. I wasn't going to push my luck and ask him to remove his shirt or anything like that.
Q Now you've seen the video in this, correct?
A I have.
Q Your knowledge of what happened that morning is based on to a large degree the videos, correct?
A I wouldn't necessarily say a large degree, but

some, yes.
Q Well, the idea is -- let me just ask this, you know there were customers in and out of the store at that time; weren't there?
A Yes, sir.
Q There were a number of customers going in and out, correct?
A Prior to Mr. Boyce coming out and bleeding, yes.
Q And there were other -- there was another car parked in front of the Interstate Shell too; wasn't there?
A Yes.
Q Okay. And there were people coming in and out of the Interstate Shell; weren't they?
A Yes, sir, it was open. It was open for business.
Q Okay. Now you agreed the store was very well lit, correct?
A It was well lit.
Q Okay. And you agree that there was -- somebody a cashier behind the desk, correct?
A Yes, sir.
Q Somebody mopping the floors there, right?
A Yes, sir.
Q And then there were customers there too, right?
A Yes, sir.

Q And they were in plain view through that window in the front; weren't they?
A You lost me on that.
Q Well, I mean, in the front of the store where you could look through the glass door and see the people working in there; couldn't you?
A I don't know what viewpoint you're talking about.
Q Well, if you look through the door of the entrance?
A There's no camera view from that viewpoint.
Q Oh, so you can't see from the parking lot?
A I guess I don't understand your question, Mr. Jones.
Q When you stand outside Interstate Shell and you look in there, could you see other people walking around in the Interstate Shell?
A You could if you were standing out there, yes, sir, but there is no camera view from that on video tape.
Q That's right. In fact, really there's no -- you don't have any camera or any video evidence of what was going on in that parking lot, do you?
A Only what is in the periphery of what's going out that front door and your client exiting the side door. And I walked around, looked for cameras; I

talked to the manager. There were no other camera views for me to get.

Q Okay. Now you don't that Dennis Hoover went into that store looking for Mr. Boyce, do you?

A I do.

Q All right. Let's look at your -- you remember taking your preliminary hearing? We took your testimony at the preliminary hearing. You remember that?

A Yes, sir.

MR. JONES: Your Honor, may I approach the Bench?

THE COURT: Yes.

MR. JONES: Let me hand up this, Your Honor.

BY MR. JONES:

Q Have you got a copy of it?

A I do.

Q Okay. Look at page 32, line 6 through 12. I want to read and see -- you follow along with me and see if I'm saying that line. I'm gonna start on line 5, okay? On page 6.

A Yes, sir.

Q Excuse me one second, let me make sure I got this right. Okay, page 32, line 6, through -- what'd I

say, page 6? Page 32.
A Page 32, you said line 6.
Q Okay, look at page 32. My question to you was: What leads you to believe that Mr. Hoover went to that store looking for Justin Boyce? And this is your answer. Follow along and see if I'm saying it right. "I'm not sure that he went there looking for Mr. Boyce. I think he was probably on his way somewhere else." Number -- number 11, who was on the way somewhere else? Your client. So you don't think he went in there looking for Justin Boyce?
A I think he was on his way somewhere else and then saw Mr. Boyce and then went in there.
Q So, but you don't think -- you say here, the question I asked you was: What lead you to believe he went to that store looking for Justin Boyce. See if I'm reading this right: I'm not sure he went there look for Justin Boyce?
A I said I think he was on his way somewhere else and then saw Mr. Boyce, Mr. Boyce's truck, and then went in the store.
Q So you don't think that he came to that store to follow him to the store; that's not what you're saying?
A I don't have any evidence of to say that he

followed him to that store, but he definitely saw his vehicle outside that store and then went in.

Q Now you actually did not see the vehicle that Mr. Hoover was driving, did you?

A At what time are you talking about, Mr. Jones?

Q Well, any time? You didn't see the vehicle Mr. Hoover was driving?

A I did not.

Q Sir?

A I did not, no.

Q Okay. You don't have any license tag saying what vehicle Mr. Hoover was driving, do you?

A The only information I have is what Justin Boyce said as he saw him get in the white Toyota pickup truck with a cab on it and leave Interstate Shell parking lot right after he attacked. When I went to his residence there was a vehicle matching that description parked underneath his carport.

Q But you don't have any evidence in terms of video to show what kind of car Mr. Hoover was driving, do you?

A No, only other than what Mr. Boyce saw him leaving there in that vehicle. Shortly after that vehicle backs up, parks, and sits behind Mr. Boyce's truck your client walks in the store.

Q But you don't know that that was Mr. Hoover's vehicle though, do you?
A No, I don't know positively that it was. It's circumstantial and -- he had to have drove something there 'cause he walks in two minutes after that vehicle pulls off the screen.
Q Well, we might understand he had to drive something there, but you don't -- you said, no, you don't know what he drove there?
A I also said it is circumstantial. He had to drive something. Mr. Boyce saw him leaved in a white Toyota and he has a white Toyota. That's all I can say. I was not there.
Q Now when Mr. Hoover went in the Interstate Shell he went to his right; didn't he?
A Yes, sir.
Q He didn't go to his left. He went to his right; didn't he?
A Yes, sir.
Q Okay. Now I believe that when you first talked to Justin you guessed that Justin went into the stall, not to sit down but you thought he was standing up to do what he needed to do, correct?
A That's correct.
Q Okay.

A I was mistaken about that at the preliminary testimony.
Q Well, that was -- you testified to this on March the 5th, 2013, didn't you, 2014, didn't you?
A That's the date of preliminary?
Q Yes, sir.
A Yes, sir.
Q And at that time that was, that was three months later you thought he was standing up in the stall?
A Yes, sir.
Q And your knowledge what happened in that bathroom came from Justin, correct?
A That's correct.
Q Now when Justin told you that when he exited the stall he made a punch; didn't he?
A I'm not sure at what part are you referring to.
Q Well, I'm just asking that. Didn't you say in your preliminary hearing that Justin exited the stall and made a punch, that he made a punch when he came out?
A At what page and line are we at on the preliminary testimony?
Q Let's look at -- I mean, you can answer it yes or no and then we can ---
A I don't recall if that was my testimony at the

preliminary hearing.
Q Okay. Let's go to, let's go to preliminary hearing page 3 and look at line 11. Page 3, line 11 through 17 -- excuse me, 17 through 24. As he went to exit the stall -- am I reading this right?
A Yes, sir.
Q "Finishing using the bathroom he was confronted by Mr. Hoover who immediately attacked him. Justin said he thought he made a punch to try to fend off the blows."
A Yes, sir.
Q So Justin was, told you he was making punches at Mr. Hoover?
A Punches to defend off the blow.
Q I understand that ---
A But at the time blood started running down his face and he realized he'd been cut, cut severely.
Q But the idea is that he did make a punch, that's what Justin told you?
A That's what that was said, a punch to defend offed blows.
Q And that's what Justin told you?
A A punch to defend off the blows.
Q Okay. Now you really don't know what happened in that bathroom, do you?

A I was not in the bathroom that morning.
Q Okay. And so your answer is, no, you don't know what happened in the bathroom?
A No, I answered I was not in the bathroom that morning.
Q Okay. Well, let me ask, in your testimony did you testify in your preliminary hearing, you said I don't know a hundred percent what happened in that bathroom?
A That's correct.
Q That's what you said, right?
A That's correct.
Q Now when you went to Dennis Hoover's house you went through the house, and there were other knives there; weren't there?
A Yes, sir.
Q Okay. You had full access to the house; didn't you?
A Yes, sir.
Q There were other knives there, correct?
A Yes, sir.
Q Okay. In fact, you said there were a number of knives there, right?
A Yes, sir.
Q Yes, sir. Yet you left that place with no knife

at all?
A That's correct. There were dozens of knives everywhere, in the kitchen drawer, in the sink, wrapped up in tissue, wrapped up in dresser drawers. I mean, there was -- it wasn't, you know, unexpected. There were knives all over.
Q In fact, you didn't think that was uncommon for him to have a number of knives in the house, correct?
A No, not considering somebody hunting and fishing and living in rural Lee County, no, sir.
Q Okay. And even with all that you knew that Mr. Boyce had been cut, you still didn't take any of those knives with you?
A I did not. I didn't see any of them that had, would have had blood or looked liked they had blood or recently had been washed, or anything that would have led me to take them for testing.
Q And you, I believe you've come in and you've shown box cutter blade. That's one thing you took out of there, right?
A We did take box cutter blades out of the dresser.
Q But you didn't take any of the knives out of there?
A Correct.

Q You didn't find any box cutters in there?
A There was no box cutter to with those, with those blades.
Q Okay. Now we've talked a little bit about Mr. Hoover coming in and out of the store, and you've talked about something in his right hand?
A Yes, sir.
Q You don't know what he had in his right hand, do you?
A I do not. All I know is when he -- from the time he entered the door he had something holding down in his right hand.
Q You don't know what it was?
A I do not.
Q Okay. So you're not trying to lead this jury to believe that you know what was in his hand?
A Oh, I'm not saying that I know what was in his hand.
Q Mr. Hoover made it clear to you that he was disappointed that law enforcement back in 2011 did not bring a warrant against Justin and Marshall. Boyce. Didn't he make that clear to you?
A That's probably an understatement, yes, sir.
Q All right, so your answer is, yes, he made it clear to you?

A Yes, sir.
Q Okay. And you know of your own knowledge that when this, this attack happened on the 30th of June, 2011, there was no warrant issued for Justin and Marshall Boyce, was there?
A There was no warrant issued.
Q Okay. You heard Justin Boyce say there was scramble in the bathroom; didn't you?
A I heard that.
Q You -- in fact that was part of the statement that he gave you; wasn't it?
A Yes, sir.
Q One of the reasons that you brought this warrant against Dennis Hoover in this case is because you considered the June 30th, 2011, incident; didn't you?
A Oh, no, I can't say that because we had an arrest warrant for Mr. Hoover prior to me knowing about that incident. Your client brought that up in the interview room and he was already -- the arrest warrant was already obtained. He was already in custody at that point.
Q Well, look at your preliminary hearing line 7 -- excuse me. Excuse me please, Your Honor. My question to you was that the attack that happened on

June 30th, 2011, was one of the reasons you issued a warrant in this case on June January 4th, 2014; isn't it?

A No, sir, I didn't know about that until your client told me about it in the interview room after his arrest.

Q All right. I want to ask you, I want you to look at page 19, line 9 of your preliminary hearing given March 5th, three months after this. All right. Read, see if I'm reading it right. My question to you was: All right, thank you, sir. Now when Mr. Scott asked you questions as to what investigation, what you did to determine whether or not this altercation at the station in this case, service station down here in this case was justified, what did you do to determine whether it was justified or not? Your answer, read with me: Well, it was kind of a combination of all aspects of the case. The injuries to Mr. Boyce, Mr. Boyce's statements, a review of the videotape, looking at Mr. Hoover's hands, Mr. Hoover's mannerisms, the previous incident report, it was all of that brought together. When you say the previous incident report you mean about the June 30th, 2011, your answer is yes.

A Yes. And that was at the time Mr. Scott asked me that question at the preliminary hearing, not at the time that I took out and swore out the arrest warrant. And we we went back and forth with that at the preliminary hearing about that.

Q And so your position is that you did not issue the arrest warrant for that reason?

A The June 30th, 2011 incident report did not have any impact on me issuing the arrest warrant. It does have impact of the overall investigation and it's a piece peace of this puzzle.

Q And so that's a part of why you think that Mr. Hoover is the one who instigated this attack?

A That is a piece of this puzzle, yes, sir.

Q A piece of this puzzle which is June 30th, 2011 incident.

A The June 30th is a piece of this puzzle and can't be ignored.

Q Okay. And that June 30th, 2011 incident, your knowledge of that is based on the incident report that you had on record?

A Mostly my conversation with Marshall and Justin Boyce and the fact that at the conclusion of that incident Marshall asked them to let this be over, let this be done; and he says it's not over, I'm

gonna get you.
Q Did you ask Mr. Dennis Hoover about his rendition of what happened on June 30th, 2011?
A Mr. Hoover was very emphatic that his rendition will come through his attorney.
Q Law enforcement would not swear out a warrant on June the 30th, 2011, would they?
A I was not involved in the June 2011 incident. It's my understanding that your client went to a magistrate and the magistrate refused to issue a warrant. We didn't have any bearing on that. If the magistrate doesn't issue a warrant I can't control that.
Q Justin Boyce has never identified the weapon that was used, has he?
A No, he -- alls he could say is he seen a shiny instrument slashing. I think he referred to it today as raking it.
Q Yet the only, the only items you brought back from that house were blades for a straight, blades for a box cutter?
A Yes, sir.
Q And Justin Boyce didn't tell you it was a box cutter, did he?
A No, sir, but he was severely cut, severe

lacerations that could have been cause by a box cutter.

Q And it could have before caused by a knife?

A I don't necessarily agree with that. I think the nature of the injuries I think is more of a razor blade slash-type incident rather than a knife penetrating, but I don't know that for sure.

Q But you don't know for sure, do you?

A That's right. And I don't -- any time we do any investigation it's pieces of a puzzle and we never have all the pieces of the puzzle.

Q So what happened in this case is you went in the house and you said there was these array of knives and you took none of those, right?

A I'm not sure I heard ---

Q You went through the house and took none of the knives, but you decided then that I think this was a box cutter so I'm taking the blades?

A I think the injuries were consistent with a box cutter and these may have some relevance and I took those into possession.

Q But the knives you didn't?

A I did not.

Q Okay. You don't know where the incident was. You don't know what the knives, you don't know what

was used, do you?
A No, sir.
Q Best you can say is you have to guess that the knife, the blood got cleaned off the knife?
A Rephrase that questions please.
Q Well, when you went to the house, one of the reasons you didn't get the knives is you said is because the blood, you just guessed the blood was cleaned off the knife?
A No, your client told me that.
Q That -- told you what?
A That he washed it off.
Q All right. But you said you guessed at that. You guessed he cleaned it?
A I didn't see any knives that appeared to have been washed that were wet, that were in the sink, that had blood on them, had any spots on them, had anything that looked like blood. I didn't see anything to collect and submit it.
Q And that's because you guessed he cleaned it off?
A Well, I think guess is a poor characterization.
Q Well, let's look at what you said. Let's look at the preliminary hearing page 27, page 27, lines 9 through 25. Follow with me. "Okay now, what did Justin, what did Mr. Hoover say to you about Justin

having a knife or not having a knife?" "Only thing he said was that it was Justin's knife; and he, he was done with it and he can have it back now but I lost it. "Okay, what do you mean?" "That was your client's statement." "Okay, do you know what happened to that knife?" "I guess he cleaned the blood off." That's what you said.

A Right. I said that's your client's statement that he said he cleaned it off. I don't know whether he did it or not. He could have thrown it out the window as soon as he left Interstate Shell. He could have buried it in the woods. He could have, he could have an array of things with it. That would be an assumption based on what he said that he cleaned it off.

Q And that would be important to know; wouldn't it?

A You're right, but I can't get that from your client if he won't tell me. I wish he would have told me where it was.

Q Justin had a knife that day himself; didn't he?

A He did. He did say he had a pocketknife in his pocket.

Q In fact, the day that you interviewed Justin said he had the knife in his pocket?

A At the time of the incident?

Q No, when you had an interview with him?
A No, I believe he said it was at home.
Q Well, let's take a look at preliminary hearing page 26 and see what you said. Start at line 25. Follow with me and see if I got this right, okay. Okay. Page 26, line 25, "I specifically asked Justin about the pocketknife and he had a pocketknife, the same pocket knife he had for years. It was in his pocket and remained in his pocket and still in his pocket when I interviewed him." So he had it?
A If that's what I said at the preliminary hearing.
Q Well, I mean, that's what you said, right?
A Yes, sir.
Q We can count on that; can't we?
A That it was in his pocket?
Q Yea.
A Yes, I didn't ask him to take it out. I didn't you look at it. I didn't look at it, at the knife, when I interviewed him.
Q Well, now let me talk to you a little bit. Mr. Hoover has said that Justin's knife is the one that was used in this fight, correct?
A And that I'm done with it now, I washed it off, he can have it back.

Q So your answer is yes, that's what Mr. Hoover said?
A And that I'm done with it now, he can have it back, I washed it off.
Q Okay. And so Justin theoretically I understand he would not have the knife because Mr. Hoover had it, right?
A So I guess -- I don't understand that.
Q Well, did you find out whether Justin still had his knife?
A Justin told me he still had his knife.
Q But you didn't ask him to see it, did you?
A I did not.
Q You were sitting right across the desk from him; weren't you?
A I did not look at his knife.
Q If Justin didn't have the knife to show you that would indicate that Mr. Hoover was, got the knife from Justin; wouldn't it.
A Or it was sitting at home on his dresser.
Q And, but you could have asked for it and you didn't?
A Oh, I could have. Justin's knife, the one he said he had in his pocket, didn't have -- he said clearly that it was in his pocket during the

incident, it never came out of his pocket in the incident, he never did anything to provoke Mr. Hoover, he never did anything to instigate this at all.

Q Well, what if you had said, well, let me see it, Justin, and he couldn't produce it?

A Then he wouldn't have been able to produce it. I'd either send his wife home to get it or ---

Q It also could mean that the reason he couldn't produce it is because that's the one Mr. Dennis Hoover got in the bathroom, correct?

A And who is to say it would have even been the same knife, that he could have had a different knife in his pocket and said, oh, here's this one.

Q Now you are the investigator in this case; aren't you?

A I am.

Q You understand that when you put together a charge of attempted murder you need to do your investigation, correct?

A Yes, sir.

Q You need to find out if Justin says he had a knife in his pocket that day you need to find out where that knife is, correct?

A But he also said he didn't take that knife out.

He didn't display that knife; he didn't use that knife. That knife had nothing to do with the incident.

Q You took Justin's word for it?

A What he said, yes.

Q Yes. But you didn't take Mr. Hoover's word for it?

A On what?

Q On that it was Justin's knife?

A I guess I don't understand that question.

Q Well, if Mr. Hoover said that it was Justin's knife that he took, right?

A And that I washed it off, I'm done with it, he can have it back now.

Q Right?

A So ---

Q And then Justin ---

A So if I took Mr. Hoover's word for it he still had the knife or he did something, did something with the knife.

Q And so Justin wouldn't have had a knife then, would he?

A He could have had a dozen knives. Mr. Hoover had a dozen knives. Who is to say that Mr. Boyce only had one knife and still wouldn't have been able to

produce that knife or any other knife three days later.

Q Mr. Dellinger, you don't argue that Mr. Hoover had a right to be in that Interstate Shell that night, do you?

A He had a right to go in the Interstate Shell to make purchase, use the restroom, purchase gas. He didn't have the right to go in there and viciously attack somebody and cut them.

Q But he was, he was on the premises as a customer and he had a right to do that; didn't he?

A In answer to the question, he had a right to be there to purchase gas, purchase coffee, use the restroom, get a soft drink. He didn't have a right to be in there viciously attacking and cut somebody.

Q So your answer is, yes, he had a right to be there?

A I've answered the question.

Q Okay, let's go to page 33 of your preliminary hearing and read what you said. Page 33 at your preliminary hearing, lines 11 through 25.

THE COURT: You have a question for him or just?

MR. JONES: I do, Your Honor.

BY MR. JONES:
Q You just answered, I asked you whether or not he had a right to be there. And I want to -- I want to read along page 33 and ask if this is what you said. My question to you, line 11, was: "Okay. Okay, now you don't argue Mr. Hoover had a right to be in the convenience store that morning, do you. No, it's a public convenience store. You can go in there, use the restroom, etc., or get a cup of coffee, etc, whatever you choose to do." Correct?
A Yes, sir. If you move down to line 22: "A violation of the law wasn't going into the convenience store. A violation of the law was going in there and attacking somebody inside."
Q And that could be said of Justin Boyce too; couldn't it?
A We're talking about Dennis Hoover.
Q I understand, but Mr. Hoover and Mr. Boyce both had a right to be in there, correct?
A Yes, sir.
MR. JONES: Excuse me please, Your Honor.
BY MR. JONES:
Q Mr. Dennis Hoover has no criminal record, does he?
A Not that I'm aware of.

Q I want to ask you about the photographs of the shirt. Let me see, I think that's Exhibit Number 44. Let me see if I can put my hands on it. I have in my hand Exhibit Number 16 and Exhibit Number 15. First of all, Exhibit Number 15 is how you found the shirt; isn't that correct?
A Yes, sir.
Q Okay. And then flip it over, Exhibit Number, is that 16?
A 16.
Q Exhibit Number 16, that shows the shirt we took pictures of, right?
A Yes, sir.
Q All of the blood stains on that shirt were up in the upper part around the shoulders; aren't they?
A The visible ones are, yes, sir.
Q Okay. Well, you say the visible ones, I mean, that's all you can see, right, the ones in the upper part, right?
A You do realize SLED did other analysis on it that they may have detected things that aren't visible.
Q I'm asking about the picture. We don't have that in evidence. I'm asking about the picture, what does the picture show?
A The ones that I can see in this photograph are

above the insignia.
Q Up in the shoulder, correct?
A Yes, sir, upper arm, shoulder, neck areas.
Q Okay, let me pass that to the jury please. Thank you. When I took your deposition or when I talked -- I'm sorry, not deposition. When I did the preliminary hearing on March 5th ---
A Yes, sir.
Q ---you had not yet talked to the gentleman who was mopping the floor, had you?
A I had not.
Q Okay. And on March the 5th, that was some three months later. You had not even talked to all the people who were on site at the time of the incident, correct?
A I have not been able to locate that gentleman. He doesn't work at the store. He doesn't live at the address that he lived at. He doesn't respond to any telephone numbers. The only information I could get is he lives somewhere in the Columbia area, and I have not been able to trace him down, locate him.
Q When I asked you questions about the fella mopping the store on March, in March of 2014, three months after, I asked you about why you hadn't seen him; didn't I?

A Yes, sir.
Q And you didn't see him, correct?
A I did not.
Q Okay. And even now, some nine months later, you still hadn't seen him, correct?
A I haven't been able to locate him. He doesn't work at the store anymore. He doesn't live at the address he lived at.
Q You agree he's an important witness; don't you?
A I don't know -- I never had a chance to talk to him. He may have only saw what the rest of them saw is Justin Boyce running out after he was cut.
Q Well, we don't know that, do we?
A That's correct.
Q 'Cause you didn't talk to him?
A I made every effort I could to talk to him. He doesn't live at the same address. He doesn't work there. The only thing they could give me is he lives somewhere in the Columbia area.
Q You went back to that store the same day of the incident; didn't you?
A I did.
Q And you didn't talk to him?
A He was not there. He was working the night shift. When I went back the next day I was looking

at the video and executing the arrest warrant and search warrant on Mr. Hoover.

Q You talked to the lady who works front desk; you didn't talk to him?

A I did not.

Q He was the one closest to what happened?

A I don't necessarily agree with that. He was standing by him at the front door. He wasn't in the bathroom or in that corridor. I don't think he was closest to what happened.

Q I believe you said Agent Shropshire did some enhanced photos?

A Yes, sir.

Q Of what? Of Mr. Dennis Hoover's hand?

A Yes, sir.

Q Now the pictures you have of the white truck that Mr. Dennis Hoover owns were only a side view; weren't they? Excuse me, only a front and back view; weren't they?

A That's correct.

Q You don't have a side view of it, do you?

A I don't.

Q Okay. The vehicle that's going backwards and forward in front of the Interstate Shell, that's a best side view of the bottom of it; isn't it?

Q He had anything that would indicate he had been in a struggle?
A Not nothing at all.
Q What did you do with the blue jeans he was wearing when you took him to jail?
A I brought them back to the county and put them in the hands of Major Dellinger.
Q All right. Answer any questions Mr. Jones may have.

MR. JONES: I have no questions.

MR. GENTRY: We call Doctor Dan Hopla.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**DAN M. HOPLA,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Dan Michael Hopla.

**DIRECT EXAMINATION**

BY MR. GENTRY:
Q You are a medical doctor currently practicing in Florence?
A Yes, sir.

an otolaryngologist.

THE WITNESS: Otolaryngologist. I also do facial plastic surgery.

THE COURT: All right, what says Defense?

MR. JONES: Your Honor, I have no objection.

THE COURT: All right, he's so qualified.

BY MR. GENTRY:

Q All right, sir, let me see here. Now when you, you did most of the repairs pictured in these photographs, correct?

A I did all of them except for what was on the hand.

Q On the hand. Did you have any cause to -- let me ask you this, take a look at 33. Can you give me an indication, or is it possible to give an indication of how deep that laceration was?

A On 32 there's a laceration that shows prominently on the scalp or forehead, and that looks likes it would probably go all the way through to the bone.

Q All the way to the bone. What's the next one, 33?

A 33 is multiple lacerations of the cheek. I remember these. These -- the upper cheek, went through the lip into the mouth up towards his eye

and two on the lower lip also went through the mouth through and through to the bone.
Q All right, sir. How deep is that roughly, could it vary?
A About an inch.
Q Okay, all right. How many lacerations were there on his left cheek?
A About five.
Q Okay.
A Combined.
Q Combined. There appears to be laceration on his left side. Could you describe the nature and extent of that laceration?
A Laceration from that pic is number 34. It was on his left side. It went through the skin and somewhere into fat. That's as far as it went and we closed it back up using sutures and staples.
Q All right, that's the one on his side?
A On his side.
Q And the next one is number which?
A 35, it shows his abdominal laceration also. It's probably about half an inch or so deep, and we closed that back up with suture and staples.
Q Okay, and the next one is?
A 36 is the laceration through the femur enimus or

the part of his hand that goes to his thumb.
Q Okay.
A That Doctor Conner repaired. I had him come in. It was real deep and clinically it looked like it could have got to the nerve going to the thumb.
Q Okay.
A When we got through looking it wasn't but it was extremely deep through the thumb muscles. I can't tell you more than that.
Q Okay. And the last one is an injury to his thigh I believe?
A Yeah, that's, that's probably through the skin and to the subcutaneous tissue and that's about it.
Q That's probably the least serious?
A That's the least of all of them.
Q Okay. Were these procedures done under general or local anesthetic?
A General.
Q Was a blood transfusion necessary?
A No.
Q And that's because he didn't lose enough blood?
A He didn't lose enough, didn't needed it.
Q Okay. Do you have opinion -- as to the nature of these injuries do you have opinion as to what kind of instrument caused these injuries?

A Something with probably an extremely sharp blade.
Q Just a sharp blade? Okay. Although you do not know the exact type of weapon used could the weapon such as cause the injuries you describe cause death?
A Could.
Q And how about around the neck? Are there a lot of ---
A If you got slashed around the neck deep enough you could have gotten into the carotid arteries or maybe the jugular vein, he could have died from that.
Q Okay. Could a weapon such as cause the injuries you repaired cause a bodily injury which causes a substantial risk of death?
A Yes.
Q Could a weapon such as cause the injuries you repaired cause a bodily injury -- excuse me, which could seriously permanently disfigure or cause a protracted loss or impairment of the function of a body member or organ?
A Yes.
Q With respect to the facial area I think you've already mentioned this, the facial area, and the neck, what veins, arteries, nerve bundles or other critical body components lie beneath the skin?

A Neck, carotid, and the carotid artery and the jugular vein are the two we really worry about, and if you stay more midline you can get into the airway and open it up.

Q Okay. Doctor, let me ask you this, and you may not, may or may not be able to answer this, but the wounds across the stomach and the side of the chest do not appear to be as deep as the ones on the face; is that correct?

A All that means you got -- I don't know if depth is the right word. The face, some of it stopped because it hit bone. You know, there's only so much the skin and bone before it hit something. After all it may only have four or five inches of stuff so once you get through it, you know.

Q All right. The other thing is you believe it was caused by a sharp object?

A Something sharp.

Q It could be a razor or box cutter or something with a sharp blade?

A Yes, sir.

Q All right.

MR. GENTRY: Your witness, Mr. Jones.

MR. JONES: Thank you.

**CROSS-EXAMINATION**

BY MR. JONES:

Q Doctor Hopla, the injuries you repaired were to the face; is that right?

A I repaired the injury to the face like close so the main lacerations on the body because they're wasn't deep. The plastic surgeon did the hand. He may have helped me a little bit on the body. Plus, he was there just to do it.

Q So you say you repaired the ones to the body 'cause those weren't deep?

A Nothing critical was involved with them.

Q Okay. And then you repaired lacerations on the face?

A Face, forehead, general area on the left side.

Q Okay. And so you put stitches actually on the facial portion, correct?

A Yes, sir.

Q Okay. And you didn't put any stitches in the neck, did you?

A No.

Q Okay. Because the cut was to left side of the face?

A Correct.

Q And so I believe you said there were five cuts to the left side of the face?

A Yeah. Some of those from where repaired sort of connected them together so they could close them better but.

Q Okay, all right. I have no further questions. Thank you so much.

MR. GENTRY: Nothing further.

THE COURT: Thank you, Doctor. You may step down.

MR. GENTRY: Your Honor, I have two witnesses left. It might be an appropriate time to take a brief recess.

THE COURT: All right, we will take a brief recess. Please go to the jury room. Please do not discuss the case.

(Whereupon, the jury was removed from the courtroom at 4:08 p.m.)

MR. JONES: Your Honor, if I understand from Mr. Gentry that he's got two more witnesses. The reason I'm asking is, is I need to go ahead -- I've got witnesses under subpoena and I'm thinking I don't know when to get those people here is my point. I don't know how long it will take. It's ---

THE COURT: They need to be on their way.

MR. JONES: All right, sir. You want me

THE COURT: All right, Ms. Logan, if you will come forward.

WHEREUPON,

**JACQUELINE LOGAN,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Jacqueline Logan.

**DIRECT EXAMINATION**

BY MR. JONES:

Q Jackie, I'm gonna stand over here so that you'll look toward the jury, okay?

A Okay.

Q Actually, you're supposed to talk to them, not to me, all right. Jackie, and you're Jackie Logan, right?

A Yes.

Q Jackie, where were you raised?

A In Bethune, South Carolina.

Q Okay. And Jackie, I know it's not good to ask a lady her age but I'm gonna ask it 'cause the jury needs to get to know you a little bit. How old are you?

A I'll be 33 in about three weeks.

Q Okay. You got some children?
A I do.
Q Okay. Jackie, where do you work at this time?
A I work at Bishopville Animal Clinic here in Bishopville with Doctor Curry.
Q Okay. Did you go to high school in Bethune?
A I did.
Q And did you go to grammar school there too?
A I did.
Q And so you live in Bethune now I think, right?
A No, it's technically Bishopville. It's ---
Q You live over on Highway 341?
A Yes.
Q Okay. There's a road right there, you turn left, Leonard -- what's the name of that road that you -- if you turn left off 341, you're right there at that intersection; aren't you?
A I am. I don't know the name of that road, but yeah, that's me.
Q All right. Let me ask you some questions. Do you know you know Justin Boyce when you see him?
A Yes, I would think so. I haven't seen him in about five years.
Q Do you know Marshall Boyce when you see him?
A Yes.

Q Okay. All right, I want to ask you some questions. You were, sometime back you were working at a business establishment there in Bethune; weren't you? Tell me what your job was there in Bethune.

A I was a bartender.

Q Okay. What do you do now, Jackie?

A I work for Doctor Curry. I'm a receptionist.

Q Okay. So you were a bartender at -- what's the name of the place there in Bethune?

A Clark's Bar in Bethune.

Q And Jackie, did you ever have occasion to be at this place in Bethune when Mr. Justin Boyce and/or Mr. Marshall Boyce came there?

A Yes.

Q All right. Would you tell the jury what you remember about what you saw while you were there?

MR. GENTRY: Your Honor, I'm gonna object without a little more specificity.

THE COURT: All right. Mr. Jones, is this relating to any, something specifically relevant to this case or something relevant regarding reputation?

MR. JONES: Yes. Yes, it is, Your Honor.

THE COURT: And the Solicitor objects to

the broad open nature of the questioning, that it might solicit improper hearsay testimony.

MR. JONES: Okay, I'll try to make it more specific, Your Honor.

THE COURT: All right.

BY MR. JONES:

Q Jackie, you were working I think you said in Bethune, correct?

A Yes.

Q Okay. And did -- about how long ago did you see Justin and Marshall Boyce in your place where you were working in Bethune?

A It's been about five years, about five, yes, sir.

Q Okay. And tell me what time of day it was when you saw them?

A It was very late at night. Midnight.

Q Okay. All right, and what did you see Justin Boyce or Marshall Boyce while you were there?

A There with another friend of theirs attacked a customer of mine. They were in there for a very short time, only about 15 minutes. I believe that was the intention they had to, when they came to the bar. But they just kind of walked up to him, didn't really say anything. They just jumped on him for -- he was supposed to be sleeping with their friend's

wife.

Q All right. Who was it jumped on who?

A The boys name that they jumped on was Dusty, and it was Marshall, Justin, and another guy named Porky. I'm not sure of his real name; I just know that's what they call him. I didn't know who they were at the time. We had to go look on the books because everybody has to sign in when they come into the bar, and that's how I found out their names.

Q Okay. And it was Justin and Marshall Boyce?

A Yes, with another friend, three of them.

Q And they attacked this other fella?

A Yes.

MR. JONES: I have no further questions Your Honor.

**CROSS-EXAMINATION**

BY MR. GENTRY:

Q Do you know somebody named Porky?

A Yes.

Q Who is he?

A Last name is Errants. I told you I don't know them very -- I don't know any of them very well. I just know those were the three that were signed into the bar that night.

Q Who is this guy that Justin and Marshall and this

other third guy that supposedly jumped him?
A His name is Dusty Horton.
Q Dusty Horton?
A Yes.
Q And how is -- where does Mr. Horton live?
A In Bethune.
Q In Bethune. Did they give a reason why that happened that way?
A That he was sleeping with Porky's wife.
Q Who was doing with Porky's wife?
A Dusty.
Q Dusty was fooling with Porky's wife?
A Yeah.
Q All right. Who hit whom?
A It was a big brawl but Porky was the first one to throw a punch, and then the other two, Justin and Marshall jumped in it, three on one. And then several people at the bar had to get in to break it up, get them off of him.
Q Are you friends with Porky?
A No.
Q Are you friends with the other guy?
A No.
Q How far were you from this alleged scene?
A I was behind the bar until I got my name screened

and then I was right in the middle trying to break them up.
Q You jumped in the middle of these three, four guys ---
A Yes.
Q ---trying to duke it out?
A Yes.
Q But it's been five years since you saw Justin and Marshall?
A Yes. As I said, I don't know them well. I know the three that were signed into the bar.
Q Where is the sign-in list now?
A I would assume that the owner of the bar has it.
Q Do you have it?
A No, I don't have it with me. I wasn't asked to bring it.
Q Are you a friend of Mr. Dennis Hoover?
A Yes.
Q And that was you over here hugging him just a minute ago?
A Yes.
Q Is he kin to you in any way?
A No, he's not.
Q Okay. How long have you known him?
A I've known Dennis probably, I'd say, my whole

life as a child.
Q Do you think it might be possible that you have confused Justin and Marshall with somebody else?
A No, because I didn't know them. I didn't know them well whenever they came in, but those were the names that were signed in. They signed theirselves in.
Q Did you see them sign themselves in?
A No, we had to go back to look at the book.
Q Well, how do you know that whoever signed that thing was actually Justin and Marshall?
A They were all friends. I knew Porky. I knew Porky by face.
Q That's not my question. How do you know who signed that book?
A I don't.
Q You don't?
A Huh-uh.
Q Was this a members only club or open to the general public?
A It's open.
Q It's open?
A Uh-huh.
Q But they still have to sign in?
A Yes. It's a private club, but if you come in

with a member you're allowed in.

Q Okay. Or if you come in with five dollars you're allowed in?

A If you come in with a member you're allowed in.

Q Okay, thank you.

MR. JONES: I have no further questions of this witness, Your Honor.

THE COURT: You may step down.

MR. JONES: I ask she be excused.

THE COURT: All witnesses are excused when they step from the stand.

MR. JONES: Okay, thank you. I'll get my next witness, Your Honor.

Your Honor, we call Mr. Ellerby to the stand please.

THE COURT: All right.

Come forward.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**EDWARD ELLERBY,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Edward Ellerby.

**DIRECT EXAMINATION**

BY MR. JONES:

Q Mr. Ellerby, the jury has heard me say this but I'm gonna stand back here by the rail because you usually talk to them, that they're the ones who need to hear what you have to say, okay?

A Yes.

Q Mr. Ellerby, I want to introduce you a little bit to the jury. You're Mr. Edward Ellerby?

A That's right.

Q Mr. Ellerby, where do you live?

A

Q All right. And you, are you from Lee County?

A No, I'm not.

Q Okay. Where do you work?

A I was employed at Wateree Textile in Lugoff, South Carolina.

Q Okay.

A I'm ---

Q And I want to ask you a little bit about -- you got any family here in town?

A No, not here in -- well, in Lee County which is turkey creek area, Sally R. Chavis, yes.

Q Sally Chavis?

A Yes.
Q I want to ask you about June the 30th, 2011, about something happening on June 30, 2011. In the morning of June 30th, 2011, did you witness anything happen on the road in front of your house?
A Well, I was coming out of Sally's house which is at , on Eddie Watkin Road.
Q How far would it be off Eddie Watkin Road in terms of feet? How far would Sally's house be off Eddie's?
A I say a good 50 feet.
Q Okay, all right. So you were at Sally's house 50 feet off the road. Go ahead.
A Yes. And I was coming out that morning getting ready to leave the house, and I opened the door, went out, and I heard some scuffling with the feet so I didn't paid it a whole lot of attention. I was getting ready to lock the door and I heard some grunting like you're in distress or whatever. And I turned and looked back over my right shoulder which is adjacent, there was a truck and some white people -- I don't know who they was. All I -- I don't know a whole lot of people down there so I just saw the people. And I went back in the house and I told Sally I believe there's somebody out

there fighting or something. So she came to the door. And by then they was getting ready to get back in the truck to leave, but I still don't know by name and by person. I don't know who they was.

Q Okay. Well, let me ask you first of all about the truck. There was a truck in the road?

A Yes.

Q Was it in the right-hand lane or middle of the road?

A I don't really know. All I know it was in the road.

Q Okay.

A I didn't pay enough attention to see whether it was in the right-hand or left-hand lane. All I know is it was in the road.

Q Okay. And so there's one truck there. Did any other trucks come up while you were watching?

A There was one truck there and I went back in and told Sally what was happening so she came to the door. By the time I got back there was another truck there and it was getting ready to leave then so that was, that was the end of it.

Q Okay. Now after the trucks left did you see anybody over there by where the trucks were?

A Well, after the trucks left we went back into the

house, and we communicated about what was going on, what you think was going, what I thought it was, what she thought it was so. And then we talked for a few minutes. Then I got in my -- went to the door again. I looked left and right; I didn't see anyone. And so I got in and I told her I was leaving. So I got in my car and I left, and I said I was going to go back. Sally told me she said she thought it was Dennis because she knew his voice, which I don't know Dennis. So I went back to the right. I said I'm gonna go back up that way to see do I see them. So I went as far as Mount Zion Church and I turn on Hun Kelly Road, went back right, went back to 341, and I went on to Bethune. That was it. I didn't see him nowhere.

Q All right. Did you see -- so after the trucks left did you see anybody on the side of the road over there where the trucks were?

A I didn't see anyone.

Q Okay.

A The reason I went that way that's Sally told me that's who it was, to see what, did he make it home. If he'd made it home that fast he had to be a good sprinter or whatever 'cause I didn't see anybody.

Q Okay.

MR. JONES: I have no further questions of this witness. Thank you so much, Mr. Ellerby.

**CROSS-EXAMINATION**

BY MR. GENTRY:

Q Mr. Ellerby?

A Yes, sir.

Q You didn't see anything concerning a fight, did you? You didn't see any blows struck?

A No.

Q You just heard the scuffling and grunting?

A Yes.

Q You don't know who was there?

A I don't know the people down there, no, I don't.

Q Okay.

MR. GENTRY: I have no further questions.

MR. JONES: No further questions.

THE COURT: Thank you, sir.

MR. JONES: Thank you so much, Mr. Ellerby, for coming here.

Your Honor, the Defense calls Ms. Sally Chavis.

THE COURT: All right.

THE CLERK: Place your left hand on the Bible and raise your right hand.

WHEREUPON,

**SALLY CHAVIS,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Sally Chavis.

**DIRECT EXAMINATION**

BY MR. JONES:

Q Ms. Chavis, the jury has heard me say this every time. I'm gonna stand over here behind the bar so that you can look toward them. Actually, they're the ones who need to hear, okay?

A Okay.

Q Okay. Sally, I want to introduce you a little bit to the jury, all right?

A Yes.

Q Now Sally, you live, you live on Eddie Watkins Road; don't you?

A Yes.

Q Okay. How long have you lived there on Eddie Watkins Road?

A About 45 years.

Q And what county are you from?

A Lee county.

Q And where do you work, Sally?

A Lee County School District.
Q And what do you do with Lee County school district?
A I work in the finance department.
Q How long you been working down there?
A About 17 years.
Q Okay. Where did you work before you worked with the school district?
A Well, it started out as Kendall (ph) but when I left it was International Paper.
Q How long did you work at International Paper?
A 22 years.
Q Okay. Now Sally, I think your mom and dad were from Lee County too; weren't they?
A Yes.
Q And you have some children too; don't you?
A Yes.
Q How many?

MR. JONES: Judge, is this relevant to the case?

THE COURT: I don't know.

MR. JONES: Judge, I'm just introducing her to the jury so the jury knows who's talking.

THE COURT: All right.

BY MR. JONES:

Q Okay. You have some children, don't you?

A I have three.

Q All right. And where do those children live?

A One live in Texas, one lives in Georgia, and one live in Columbia.

Q Okay. Sally, I want to talk to you a little bit about what happened on June 30th, 2011, in the early morning. Tell me how you're related to Mr. Ellerby?

A He is my ex-husband.

Q Okay. On June the 30th, 2011, early morning, do you remember seeing any altercation on the street on Eddie Watkins Road?

A Yes.

Q Would you tell the jury, just explain to the jury what you saw.

A I was inside getting ready for work. Edward was leaving.

Q That's Mr. Ellerby?

A Yes.

Q Okay.

A He was leaving. And he -- I heard him go out the door, but I always listen for him to lock the door behind him but he didn't. So I started down the hall. When I did, he was meeting me and he was

telling me to come outside, there's something going on out here in front of the house. So I went to the door, and there was a pickup truck and three guys. And as soon as I walked out the front door another truck drove up. And we stood there for a minute; and then I said to him we need to get from out here because this is not our business. And we went back in. Well, I went back inside and he got in his truck and left.

Q Did you know who it was?

A I did, yes.

Q Who did you think it was?

A Well, I knew the voice of Dennis Hoover. I know his voice because we've always lived there in the same community and I know that he walked every morning so I knew it was him. And then the first pickup truck I seen the guys, you know, driving past so I knew who that was.

Q And ---

A Just by the pickup truck; I don't know him personally.

Q Okay. Did you knew that to be the Boyce boys?

A I knew that was the truck that they normally drive, yea.

Q Okay. And so after the trucks, when the second

truck came up what happened?
A The guy got out and he was talking to the boys or talking to somebody. They were talking kind of loud and there was some cursing going on. And that's when I told Edward let's, you know, go back inside. And I went back inside just that second truck drove up.
Q Okay. And now afterward, were the trucks there later on or did the trucks ever leave so far as you know.
A Yeah, they left as soon as we went back in the house they left.
Q And then did you see anybody standing on by the road or lying on the road right there where the trucks were?
A Nobody.
Q Well, did you think to look?
A Well, I told Edward when he left to go to the right by the church and see if he saw Dennis because he may need help or something, may be hurt or something because we knew that they were fighting. And he said okay. And when I left I went to the left toward 341 so that -- and I looked and I did not see him anywhere. When I got to work I called Edward and I asked him, I said, did you see Dennis;

and he said no. And I said neither did I. I said, well, where could he have gone. And we just left it at that 'cause we didn't know where he went.

Q Did anybody from law enforcement ever come talk to you about this fight?

A No, nobody.

Q Okay.

MR. JONES: I have no further questions of this witness at this time, Your Honor.

**CROSS-EXAMINATION**

BY MR. GENTRY:

Q Ms. Chavis, was Mr. Ellerby -- you and Mr. Ellerby were right together when you went out; is that correct?

A Yes.

Q He was in a position to see everything you saw?

A Yes.

Q Okay. You knew Mr. Hoover's voice. How did you know his voice?

A I lived in the community with him all my life. I just knew his voice, and I also knew that he walked by there every morning, morning walk, and I just know him from that.

Q Did you ever go by his house?

A That day?

Q No, ever been by his house?
A Yea.
Q You have? You see any flags or signs or anything in the yard?
A Yes.
Q What'd the sign say?
A I don't remember. I don't remember what the sign say.
THE COURT: She doesn't remember so go ahead.
BY MR. GENTRY:
Q Did anybody come up to your house asking for help?
A No.
Q You been there 45 years and people would know you too; wouldn't they?
A Yes.
Q Nobody came to ask for help?
A Nobody.
Q Did you see any blows struck?
A Any blows?
Q Any blows struck?
A Not really, I wasn't that close. I could hear the scuffle.
Q Thank you, ma'am.

Bible and raise your right hand.

WHEREUPON,

**DENNIS HOOVER,**

having been duly sworn by the Clerk, testified as follows:

THE CLERK: State your full name for the record.

THE WITNESS: Dennis Hoover.

**DIRECT EXAMINATION**

BY MR. JONES:

Q Dennis, are you nervous, Dennis?

A Little bit.

Q Mr. Hoover, I want to ask you some questions about who you are and introduce you a little bit to the jury, okay. Are you from Lee County?

A Yes, I am.

Q Okay. And how long have you lived in Lee County?

A All my life.

Q Okay. Where did you go to high school?

A Bishopville.

Q Okay. And you're how old, Dennis?

A Sixty-one.

Q All right. And Dennis, on January 4th, 2014, how old were you?

A Well, I was 60.

Q Okay. Dennis, I want to talk to you a little bit about your physical health, okay. Tell me what, what your heart condition is.

A I have four stints in my heart.

MR. GENTRY: Your Honor, I'm gonna object. I don't think his medical condition is relevant to the offense charged.

THE COURT: All right, overrule the objection.

BY MR. JONES:

Q Go ahead.

A I live with chest discomfort. I have four stints in my heart, and I'm on medication to stop blood clots and keep heart beat and that sort of thing, you know, three different medications for my heart.

Q Okay. Dennis, I don't mean to be, I don't mean to embarrass you or anything, I think you gained some weight since January 4th, 2014; hadn't you?

A Yes, I have. I haven't been able to be active because I've been in jail and house arrest.

Q Okay, all right. And were you lighter at the time of this incident?

A Yes, I was somewhat lighter.

Q Okay. Dennis, now as far as your medications and I'm talking about for your heart condition, does

that affect you and your body in any way?
A Yes.
Q How so?
A Well, you get tired easy and you just -- you bruise. If you bump into anything you bruise easy and you, shortness of breath, chest discomforts. You know, it's a, I guess, a normal thing for heart disease.
Q Okay, all right. Dennis, I want you to stand up, if you will, stand up and stand here. Stand right here so the jury can see you, okay. Stand right in here. Now Dennis, your medications, you said, it has some bruising effect on you, right?
A Yes, it does.
Q All right, Dennis, so the jury will know we just want you -- we're gonna let them see your stomach, okay?
A (Indicating.)
Q All right. Tell them -- okay, Dennis, tell them what they're looking at there.
A I'm easy to bruise. Any kind of, if I touch or bump into anything this is what occurs, (indicating) bruise, and I'm certainly not one to be in a fight. Any kind of fight I'm fighting for my life and I want to make that clear right now. I have bad

health; I'm disabled. I'm disabled, short winded, chest discomfort, you can see. And this here, I didn't even know I had it until my baby sister told me yesterday when I was undressing.

Q Okay. Dennis, you can go ahead and tuck your shirt tail in?

A You want me to show them something else?

Q Yeah.

A I want them to see this. This is a cut that came from January 4th. It's a cut.

Q All right. You say from January 4th, you mean the attack we're talking about?

A Yes.

Q Sir?

A Yes, sir.

Q Okay, all right. And for the record that, what you show, for the record you show a cut that's above your belt line a little way?

A Yes, sir.

Q Okay. And then you have the bruise you're showing the jury today is on your lower left ---

A Yes, it is.

Q ---stomach? Is that right?

A Yes, it is.

Q Okay. Dennis, you can go ahead and tuck your

shirt tail in there. Can you do that, Dennis.
A I had to embarrass me but I look slouchy, it's all right.
Q Okay, all right. Dennis, I want to talk to you a little bit about June 30th of 2011. You've heard testimony about June the 30th, 2011?
A Yes, I have.
Q Can you tell the jury a little bit about what happened on June the 30th, 2011?
A Yes, I can.
Q All right, sir.
A I always walk in the morning kind of, you know, to keep my heart thumping. And every morning we would see each other, me and Marshall Boyce. Well, this particular morning I just passed Ms. Chavis' house. They drove up in a white Buick Dodge, him and Justin. And both of them got out and they started -- Marshall told me he was going to whip my ass. And I took everything out my pocket, knife and all, throwed it on the ground for a fair fight. I had Marshall whooped; Justin jumped on my back. And they drug me around in the highway and throwed me in the ditch, and their daddy Bob Boss drove up and said, all right, boys, get in the truck and leave that son of a bitch in the ditch.

Q All right. And so what happened then, Dennis?
A Well, some cars went by and nobody seem to notice. And I got up, kept trying, I got up. I walked up to the church, Mount Zion Church, and I seen Ms. Banks up there and I met this newspaper woman. It was all about turkey barns. And she said, Dennis, you better go down there to the police department, you can believe they down there. So Ms. Banks said, change your shirt. I went on home, changed my shirt. I came back to the police department. And I asked this gentleman (indicating) with the white tie, white tie right here.
Q For the record -- excuse me, Mr. Hoover. For the record did you point to Officer Capps?
A That's right. That's exactly right.
Q Okay, go ahead.
A Officer Capps. I asked him if I could sign a warrant for Justin and Marshall Boyce. He said, you know you can't sign no warrant for them, you don't have no witnesses. I said, well, Ms. Chavis and her husband, they were there, they seen what happened. He said, we have already called Ms. Chavis and she said she didn't see nothing. I had no choice but to exit. I went to the emergency room, three broke ribs, clot on my lung. The doctor told me, you

lucky they didn't kill you.

MR. FATA: Your Honor. That's hearsay, Judge, what the doctor said.

THE COURT: Is there an objection?

MR. GENTRY: Yes, sir.

THE COURT: Objection, hearsay? Objection sustained.

BY MR. JONES:

Q Okay, Dennis, let me back up a second. When Justin and Marshall and they dad left, where were you? Where did they leave you?

A I was in the ditch. Bob Boyce told Justin and Marshall, get in the truck and leave that son of a bitch in the ditch. That's his exact words.

Q Okay. All right, Dennis, let me ask you, now you've heard testimony that you said this is not over, you're gonna get them and all that. Tell the jury if you said that or if you didn't say it.

A I did not say that. I was in the ditch. I had a mouth full of rock and gravel and asphalt.

Q Okay. All right, Dennis, let's go from there. That was June the 30th, 2011?

A Right.

Q Okay. Now tell me about January the 4th, 2014. What time of day did you get up that day?

A About 3:30.
Q All right. That's 3:30 a.m.?
A In the morning, yes, sir.
Q Okay. Now you live on Eddie Watkin Road; don't you?
A Yes, sir.
Q How far would your house on Eddie Watkins Road be from -- well, first of all, how far do you live from Bethune?
A 7-miles.
Q How far do you live from Bishopville?
A 9-miles.
Q Okay. And so when you drove, you drove -- where were you going that morning through there?
A I was going to -- according to the South Carolina it's on the other side of Orangeburg. A man named William Claxton (ph), he had some Cornish hens I was interested in; and plus, he run an auction.
Q Okay. Now I want to ask about just the Cornish hens, I'm not so much care about the Cornish hens but ---
A Okay.
Q Do you keep chickens?
A Yes, sir.
Q Okay. And do you have grapevines around there as

well?
A Yes, sir.
Q You have a tractor?
A Yes, sir.
Q Okay. All right so, Dennis, you then left your -- you got up about 3:30. What did you do? Tell me what you did until you left. How long does it take usually to get to the Interstate Shell?
A Well, I was going -- hit 20. I didn't bypass it but I was getting close. I said, well, I got to pee bad. I have had bladder problems. Oh, I'm on medication for that too. So I went in and I pulled in with my truck and ---
Q Dennis, let me stop you so -- I don't want to interrupt you.
A Okay.
Q But tell the jury the route you took because these folk are from Lee County. They probably know the route you took but tell them the route you took from your house to where you were at that Interstate Shell?
A Well, I came down Eddie Watkins Road, hit 341, came to Bishopville, hit 15, and went out toward the Interstate Shell.
Q Okay. And it takes -- how long about did it take

you to get to Interstate Shell you think?
A I'd say 15 to 18 minutes.
Q All right, all right. You thought about that some, right?
A Yes, sir.
Q Okay. So what happened is when you went to Interstate Shell now, tell me about the car you were driving?
A I was driving a Chevy S-10.
Q Okay. Let me see if I can show you a picture of that. All right, Dennis, I want to hand you a photograph. Dennis, I want you to look at these three photographs and ask if you can identify for the jury what those are, those are pictures of.
A Yes, this is the truck.
Q That's the truck?
A Yes, sir.
Q That what?
A Sir?
Q Is that the truck you drove that day?
A Yes, sir, it's the truck I drove.
Q I see one of the photographs there's a red truck in the back?
A Yes, sir, that's a Toyota, Toyota.
Q Okay. How many trucks do you have, Dennis?

A Three.
Q Okay. You got that green one, right?
A Yes, sir.
Q You got a red one, right?
A Yes, sir.
Q Then you got a white one?
A I got a white one.
Q Okay, all right. So that truck is the one you were going to drive that day?
A Yes, sir.
Q Now Dennis, since January the 4th, 2014, have you been able to drive a truck?
A No, sir.
Q Why not?
A Last time -- well, I can't go in there wearing, you know, I had to have a witness. It's that bad with these Boyces. I have to have a witness. If I go anywhere they have me put in jail. Same with my brother Tommy Hoover back there and his little friend back there. I got two warrants on me now in magistrate court for trespassing, and I ain't a bit more trespass on their land than I am flying around this courtroom.
Q Okay. Dennis, so this is an accurate, fair and accurate depiction of your truck?

A Yes, sir.

MR. JONES: Your Honor, I want to hand these over to Mr. Gentry to publish those to him and I -- Your Honor, I want to move these into evidence. I tell you they're a packet of three.

MR. GENTRY: That's fine.

THE COURT: Admitted without objection.

MR. JONES: This will be Defendant's Exhibit Number 1.

(WHEREUPON, State Exhibit Nos. 1-A through 1-C were marked for identification and admitted into evidence.)

MR. JONES: Your Honor, I'll publish these to the jury.

THE COURT: Yes, sir.

BY MR. JONES:

Q Now Dennis, when you went into the parking lot of Interstate Shell -- pardon me, Your Honor, so I can look through. I'm handing you Exhibit Number 9 and Exhibit Number 10. They are already in evidence as plaintiff's Exhibit Number 9 number 10. I want to hand you a photograph, or these two photographs, and ask is that what you remember Interstate Shell looked like?

A Yes, sir. Yes, sir.

Q Dennis, you see on that exhibit, Exhibit Number 10 there's a B, circle B on there, do you see that? You see a circle B written on there?
A Yeah, that's right.
Q Okay. You've heard Justin Boyce saying that's where he parked his vehicle. Now can you tell the jury where your vehicle was parked that morning? And I'm gonna take, I'm gonna take this Exhibit Number 9, Defendant's [sic] Number 9 and ask if you can remember approximately where your vehicle was parked that morning. Can you see Exhibit Number 9, the location of approximately where you vehicle was parked?
A Yes, I was parked where that small white truck is.
Q All right. Well, how about circle approximately where your truck was parked and -- no, put an H approximately where you were parked.
A (Complies.)
Q All right, and circle that.
A (Complies.)
Q Now you have circled on Exhibit Number 9 approximately where you were parked; is that right?
A Yes, sir.
MR. JONES: I want to publish these too to

the jury please, Your Honor.

BY MR. JONES:

Q Now Dennis, when you entered the Interstate Shell, did -- by the way, how often do you go to Interstate Shell?

A That's the first time.

Q All right. Now when you entered, when you went through the Interstate Shell there are two driveways, one on extreme right and one on extreme left which as you faced the Interstate Shell, which driveway did you go in?

A I'm not sure I understand.

Q Well, I probably didn't ask it well. There's a McDonalds there to the right?

A Yes.

Q Did you go, did you go in the driveway between the McDonalds and Kentucky Fried Chicken?

A Yes, I did. Yes, I did 'cause I bypassed Interstate Shell when I said, you know, you better pee before you get on the interstate, you know.

Q Okay. By the way, you said, you said Colin, Colleton?

A Colten, Colleton.

Q Tell the jury where that's close to, what town?

A Orangeburg, it's close to Orangeburg.

Q So about how many miles you're talking about your think?
A I really didn't know. I was hoping to get a map and make it to Orangeburg and eat breakfast and ask some questions about where the auction was going to be. I had talked to William Claxton about the Cornish hens. It's the as the Cornish hens you buy at the grocery store, they just as good as a quail. I was wanting to get some of them.
Q Okay. And so Dennis, you were in the green truck and you pulled in Interstate Shell and you parked where you marked the H, then tell what happened?
A Well, I got out the truck and I started to walk, walked inside. I seen the restroom on the right. I thought the women's and the men's was there, but it was just -- I walked down there, it was the women's bathroom. So I backed out, and I started looking around. And I went further back into the building and I seen men's restroom and I went in.
Q Okay. When you went in the store what were you looking for?
A I was looking for the restroom.
Q Okay. And now when you went -- so you walked past. I want to ask you a little bit. There's been some discussion about what was in your hand, okay.

What was in your right hand? There was discussion about that. What was in your hander?

A It was my keys. It's a habit I got to keep from locking myself out of the truck.

Q Okay, Dennis, I want to hand you what's marked as Exhibits 4, 5, 6, 7 and these are enhanced photos. I want you to look at those photos. You see those photos?

A Yeah.

Q You?

A That's me.

Q Is that that morning?

A Yes, sir, that's that morning.

Q Okay. And what's in your right hand?

A It's my keys. You can look at them and tell that's my keys.

Q Well, Dennis, you have your keys in the courtroom today?

A I don't -- no, sir, I don't. I don't.

Q Do you remember giving those keys to me?

A I think I do.

Q Tell the jury what I'm handing you. Tell them what that is.

A That's the keys. That's the keys. It's got several different vehicle keys on it there. And you

can see this here key is a smaller on the end. That's for the white Toyota truck. All right. And this key here is for a lock on the red Toyota truck. And this key here is for a green Chevrolet truck.

Q And the green Chevrolet truck is the one we've shown the jury?

A Yes, sir. And the house keys, yes, sir.

Q Okay. Dennis, I want you to, I want you to -- I see the enhanced photos. When you carry that key in your pocket, I mean, when you carry this key you had it in your right hand. Is that ---

A Yes, sir.

Q ---the same key you had?

A Yes, sir.

Q Okay. And that's the key you used for that truck that day?

A That's right.

Q Now these enhanced photos, can you tell the jury what was actually in your hand at the time?

A Yes, sir, that was the keys right there. That was the keys.

Q Okay. Now Dennis, there were questions -- I'm gonna publish these to the jury again. Dennis, there were questions that were asked of -- there were comments about that you opened the door with

your left hand instead of your right hand. You heard them testify to that. Can you tell the -- address that. Why did you open the door with your left hand instead of your right hand?

A Well, I had to blame my daddy for it. Daddy could drive a nail with each hand, and the biggest part of all the grandchildren are left handed. And I write right handed and bat left handed so I had to blame that on mom and daddy.

Q Actually, that's where you and I met first, on a baseball field?

A That's exactly right. You don't have no hard feelings, do you?

Q No, sir, no, sir. All right, Dennis, so you walked in the place that night?

A Yes, sir.

Q You walked in the place. And did you see Justin Boyce in the outside part of the store?

A No, I didn't.

Q Okay. And what was your purpose for going in that bathroom?

A I had to pee real bad.

Q Okay. And Dennis, did you have a right to be in that store?

A I sure did. I had a right to be in there.

Q Okay. So Dennis, you walked in the men's bathroom. Tell the jury what you did.
A I went to the first urinal on the right, and I peed. And then I went to the first sink on the left. And as I was just before washing my hands I heard a stall door open, and I heard footprints coming. I didn't look 'cause you're in a bathroom. You don't open the door or not, you know, I mean, but I heard a footprint. And the footprint stopped behind me; and they said, it's gonna be worse this time old man. And I looked up at the mirror and Justin Boyce was standing right over my left shoulder between me and the door. He had a grin on his face and he hit me in the back of the head. Well, there was a tussle; I hit back. He had my shirt up over my head trying to pull my shirt over my head, and I never did get a good lick on him. I hit him on the shoulder and he hit me on the top of the head. And I felt something. It was hot, and I knew that he had a knife 'cause I had seen him run his hand in his pocket. Well, we grappling around there. I got on his back somehow and we went to the floor. When we went to the floor I looked around. He had his hand with the knife in it like this here (indicating), and I grabbed it with both hands and

we rolled, and this is the way the knife was doing. It was in his face. And he dropped the knife. And I jumped on top of the knife and I rolled over with it and he was on top of me. I told him get up off of me. He kept on coming. And I started doing like this, and I meant to. I meant get him off of me. He could have easily killed me with the heart condition; and if that ain't self-defense, I don't know what is.

Q Well, Dennis, why didn't you, why didn't you run out the bathroom?

A I couldn't. I couldn't. He was on top of me. He had me pinned down.

Q Well, Dennis, did you feel any sense of fear?

A I sure did.

Q Why is that?

A Because I'm not put together to fight right now. I can't, I can't accelerate. I can't accelerate.

Q Dennis, I want to talk to you about that fear a little bit, okay?

A All right.

MR. JONES: Excuse me please, Your Honor.

BY MR. JONES:

Q Dennis, you had already, by your testimony today, you've already, you had already been attacked by

Justin Boyce one time before; hadn't you?
A Justin and Marshall.
Q Okay. And that was in June the 30th, 2011?
A Right.
Q And because of what happened on June the 30th, 2011, does that factor in what sort of fear you had?
A Yeah, it wasn't only that. The blockings in the road, darting at me with 18 wheelers, I mean, it's been a continuous thing. These guys got turkey barns and they -- I fought my brother against the turkey barns. I'm not for turkey barns, none at all, and I got my reasons for not being for turkey barns. Now you ladies got breast cancer and you men got prostate cancer. I'm sure I'm gonna be asking you, are you a nutritionist, are you a scientist, are you a doctor?
Q Dennis, I want to ask you, I want to hand you a series of photographs. 1, 2, 3, 4, 5, 6, 7, 8. And would you tell me if that's a fair and accurate, accurate representation of how you looked after the June 30th incident?
A I ain't as good looking as I was. That's me.
Q Yes, sir. This is a fair and accurate representation?
A Yes, sir, that's me.

Q Okay.

MR. JONES: Your Honor, I'll show these Mr. Gentry.

MR. GENTRY: When were they taken?

BY MR. JONES:

Q Dennis, can you tell the Court -- I should have asked you this. Tell the Court when they were taken.

A They was taken the day it happened by my brother Lindy Hoover.

Q That's June 30th, 2011?

A Yes.

Q Okay.

MR. GENTRY: No objection.

MR. JONES: Your Honor, I'd like to mark these Defendant's 2 as a packet.

THE COURT: They're admitted without objection.

(WHEREUPON, State Exhibit Nos. 2-A through 2-H were marked for identification and admitted into evidence.)

MR. JONES: Okay Dennis, let me continue on. So after you recovered the knife, tell the jury, continue to tell the jury what happened.

A I told him to get up off of me and he kept

coming. He had his hand around my neck. He's trying to strangle me. And I went across -- I didn't even know where I was swinging. I just went back like this here. And the cuts down here, I must have put them on there. You know, I claim them. But these cuts up here, they come from me and him rolling and wrestling on the floor and I had his hand and the knife was in his hand and that's where these cuts come from.

Q Okay. Have you had a chance to look at these photographs?

A Yes, I think I have, but I'll look again.

Q Dennis, I want to hand you Exhibit Number 31. Tell me, tell me what about the nature of that cut that leads you to believe it actually he got cut in the scramble.

A Well, it's on his left cheek and if you turn it like this here, I had a hold of his right hand. He had the knife in his hand. I had my left hand on his right hand and my right hand. I couldn't turn loose. I had a pistol in my pocket and a pistol permit. I could have killed this man and been in the right. But I am not a killer; I'm not a killer. So I held on to it, I held on to it. But he actually cut hisself; it wasn't me. I didn't cut

him. You can look at the cut marks on it. That's not me; that's not me. It comes from this, rolling and doing this (indicating). If it had been like this here (indicating), you'd say, well, Hoover cut that man; but it wasn't like that.

Q All right. Dennis, let me talk to you a little bit about when you talked to law enforcement. I'm gonna hand the jury this Exhibit Number 31. When you talked to law enforcement after that, after the incident, why didn't you tell them, why didn't you say what you just said? Why didn't you, why didn't you tell them those things? You heard Mr. Dellinger say you weren't cooperative. Tell them, tell the jury why you didn't tell them.

A Well, Mr. Dellinger, he said I wasn't cooperative. You know why I wouldn't cooperate? Sign this paper that you're guilty. Man, you lost your mind, I ain't signing no paper. And then he -- I told him to take me to jail. I seen what he was doing. He wanted me to admit that I was guilty to something I'm not guilty of. I told him to take me to jail. He wouldn't take me to jail. He kept on and on, him and Cam Watson. And then they talking about they look me over. They ain't look me over. I've had this cut on my side. I didn't tell them

nothing about it. I wasn't looking for no help from them. They didn't help me before I come down here wanting warrants for them Boyces for jumping on me. They could have killed me. The doctor told me that I lucky they didn't ---

MR. GENTRY: Objection to what the doctor told him.

BY MR. JONES:

Q Dennis, let me ask you, what do you mean they didn't help you before?

A The police department here in Bishopville told me that I needed a witness to take a warrant out for the Boyces.

Q When was this, Dennis?

A This was June 30th.

Q Okay.

A 2011. I can get into a little detail but it'd be speculation again. But politics and sheriff's office hand in hand.

Q Dennis, let me ask this, and we're gonna look at the video in a minute so the jury can see that as well. When you walk out of the station, tell me a little bit about what you were thinking and why you walked out like you did. I notice you weren't running when you left. Why weren't you running when

you walked out of the bathroom itself?
A I didn't feel that I had anything to be guilty about.
Q And why is that?
A Because he attacked me, and I could have very well lost my life and I consider myself lucky that I didn't lose my life.
Q Okay. All right, so Dennis, we're gonna look at the video in a little bit. As you walked out you put your hand in your pocket. What did you have in your hand when you put it in your pocket?
A I wanted to get my keys for the truck where I could sky-daddle.
Q Well, let me ask about the knife that was used that Mr. -- I believe you said that was Mr. Boyce's knife, correct?
A Yes, sir.
Q What happened to that knife?
A When I got home I had two knives in my pocket and a pistol, and I put the two knives in the medicine cabinet. And the pistol, I might have put it on my dresser, but I know the two knives was in the medicine cabinet.
Q Okay. All right, obviously you had the knife in your hand. Can you describe what kind of knife it

was?
A It was a hunting knife, hunting knife, skinning knife.
Q Okay. All right, so Dennis, we're gonna look at the video just a minute. When we look through the video it shows you running, appear to be running in front of the station. Why is it you were running at that time?
A I thought he was going to get a gun 'cause I thought he had a gun. They always -- I know that Marshall and Justin carry a AR-15 assault rifle, and that was no match for, I mean, my little pistol, for no match for assault rifle.
Q All right. So after you left and ran in front of the store where did you go?
A I went to my truck and then I left and went home.
Q And what color truck were you driving?
A I was driving a green truck.
Q All right. So did you go on to Colleton County for ---
A No, no, no, no. I knew that I was going to probably be arrested because the reason I didn't go to the police department is because they didn't help me before and I didn't have no confidence they was going to help me again. So I went home and I seen

them ride up and down the road. Neighbor called me and told me they had both ends of the road, and then a cousin called me and told me and said, why don't you give up. I said, I'm gonna give up but I ain't gonna jump in the jail house, they're gonna have to come up here and get me. So they called me and told me, said Dennis, I need to talk to you. I said come on up here, I ain't gonna hurt you. They come on up there. Then Cam come up there and arrested me, but Cam was not the arresting officer, SLED was.

Q Okay. Now you've heard, you've heard Mr. Watson say that you said, you said I'm surprised you didn't get here sooner or something like that or I knew you were coming. Did you say that? If you did, what did you mean by it?

A I don't remember saying it; but if I did, it was probably cutting fool with Cam. You know, like he's supposed to be Mat Dillon, you know. I mean, I just cut the fool with him, you know, when I see him around, you know.

Q You knew Cam before you started?

A Yes, I knew Cam.

Q All right. Now when you went to the sheriff's department what happened then?

A Well, interrogation, you know, he -- he would not

turn me loose. It was over and over, sign this, I'm gonna help you, you know. I said, okay, take me to jail, I ain't got nuttin to say. Come on, Dennis, tell me, you know, I'm gonna help you, I'm gonna help you. Yeah, uh-huh, well, you see where I'm at, some kind of help.

Q Okay, all right, Dennis, I want to talk to you a little bit about the video so the jury can hear your discussion of the video, okay.

MR. JONES: Your Honor, would it be okay if we could recess for a moment to allow me to set up the video so I can get my assistant on that so we can make a smooth presentation.

THE COURT: All right, ladies and gentlemen of the jury, I'll have you go to the jury room for a few minutes. Please do not discuss the case.

(Whereupon, the jury was removed from the courtroom at 10:57 a.m. and a break was taken from the proceedings.)

THE COURT: All right, bring them on.

(Whereupon, the jury was returned to the courtroom at 11:13 a.m.)

THE COURT: Yes, sir, you may proceed.

MR. JONES: Thank you.

BY MR. JONES:

Q Dennis, before I forget, I want to move these into evidence. These keys that you talked about, those are the keys you had that day?

A Yes, sir.

Q That's the key ring you had?

A Yes, sir.

MR. JONES: Your Honor, I'd like to move these into evidence, Defendant's Exhibit Number 3.

MR. GENTRY: No objection.

(Whereupon, Defendant Exhibit No. 3 was marked for identification and admitted into evidence.

THE COURT: Without objection.

MR. JONES: Judge, I suppose I have ---

THE COURT: Yes, everything in evidence will go to the jury room at the end of the case, ---

MR. JONES: Yes, sir.

THE COURT: ---ladies and gentlemen of the jury.

MR. JONES: Thank you. I'd publish these to the jury, Your Honor.

BY MR. JONES:

Q Okay, Dennis, I want to bring you up here to the video. Now Dennis, I want you to stand here because

Ms. Frances, the court reporter has got to be able to see your mouth, okay.

MR. JONES: Your Honor, can you see from here?

THE COURT: Can I see what?

MR. JONES: Sir?

THE COURT: Can I see that computer, that TV screen?

MR. JONES: Have you got enough -- you seeing ---

THE COURT: No, it's turned. I can't see around the corner.

MR. JONES: How about that, Judge?

THE COURT: That's good.

MR. JONES: Okay. Your Honor, I'll just try to watch that I don't block. Ms. Burris, I want you to -- Ms. Burris is my assistant, been with me 35 years. She's kind enough to help me on this. Ms. Burris, would you go ahead and begin the video please.

(Defendant steps down from the witness stand.)

(Video is played for the jury.)

BY MR. JONES:

Q Mr. Hoover, I want you to look at this video. When it gets to 4:28:23, where is Justin Boyce going

right about the front of the store?
A I don't know.
Q Okay, all right. You weren't in the store, correct?
A No, I wasn't in the store.
Q All right, go ahead.
(Video continued.)
BY MR. JONES:
Q Dennis, you see -- you've seen a white vehicle going back and forth in front of the store. Is that your vehicle?
A No, that's not my vehicle. I can't tell if it's a car, a truck, a mini van, I don't know what it is.
Q Okay. Go ahead.
(Video continued.)
BY MR. JONES:
Q All right, Dennis, you see the time is 4:32:39. You see that; don't you?
A Yes, sir.
Q Is that you entering the store?
A It looks like it, yes, sir.
Q And where did you park your green truck?
A Right next to Kentucky Fried Chicken.
Q Now if you're facing the store, the jury looking at the store, which way would it be, which

direction? Left or right?
A Right.
Q If you're facing looking out of the store like the jury is looking out of the store?
A Looking at the store it would be to the left.
Q Okay. All right. And you had parked as you indicated on the exhibit, correct?
A Yes.
Q All right. Now stop it. Dennis, you notice you opened it with your left hand. I've asked you some questions about that, some questions, and your response is what?
A That's Herbert Hoover's idea.
Q And who is Herbert Hoover?
A My father. I write right-handed, bat left-handed.
Q Okay.
A But there's some Hoovers back here left-handed?
Q Okay.
A The family is fully of left-handed people.
Q All right. And Dennis, a jury, a jury, the jury might be wondering, say, you know, it's January 4th, you got on short sleeves. Tell the jury why you had on short sleeves.
A Well, I was going on a long ride and I'd always

take my jacket off in the truck. And I just got out. I didn't put my jacket on 'cause I was going to be a short time in the heat. That's basically it, you know.

Q All right, Dennis, what do you have in your right hand?

A That's my truck keys.

Q Okay. And Dennis, I want you to watch what you do next, okay?

A Okay.

Q Go ahead.

(Video continues.)

MR. JONES: Stop it.

BY MR. JONES:

Q Now Dennis, at 4:32:43 you turned to your right, correct?

A Yes, sir.

Q What are you looking for when you went in that store, Dennis?

A Restroom.

Q Were you looking for a person when you went in that store?

A No, I wasn't looking. I didn't know any of those women or nothing. I checked them out a little bit but I didn't know nobody.

Q Okay.
A I ain't never been in there. That was my first time in there.
Q Okay. So you were looking for a bathroom; is that right?
A Yes, I was looking for a bathroom.
Q Is that why you turned to the right?
A Yes, I did see restroom on the door; but as I got closer, it said women's restroom. I said, well, I can't go in there so.
Q Yeah, so ---
A I backed out.
Q Okay, go ahead.

(Video continued.)

BY MR. JONES:
Q Now Dennis, I notice your gate? How fast or slow you were walking? Were you walking fast or slow, or is that your normal walk?
A Well, I was walking, you know, I was wanting to get to the restroom. I wasn't going to win the Kentucky Derby, but I was moving on, you know, with a pretty, pretty good steps, I'd say, stride.
Q Okay.

MR. JONES: All right, go ahead please.

(Vide continued.)

BY MR. JONES:

Q All right, Dennis, at 4:33:18 had you just turned into the bathroom?

A I think I was pretty close by what it looks like in there.

Q So you went in the bathroom about 4:33:18?

A Yes, sir, pretty close to it.

Q 4:33:18 is when you went to the bathroom, correct?

A Yes, sir.

Q All right. Now, all right, that's 4:35:40. What is that a picture of; can you tell me?

A It's too blurry, too blurry.

Q 4:35:41, who is that, if you know?

A That's somebody running.

Q Do you know who it is?

A Not really.

Q All right.

MR. JONES: Go.

(Video continued.)

BY MR. JONES:

Q Do you know who that is in that picture?

A That looks like me.

Q Okay. So at 4:35:40 is when Justin came out the bathroom, correct?

A Must have been, yes.
Q Okay. Dennis, is that you at 2 minute 12 seconds?
A Yes, that's exactly what it is.
Q All right, Dennis, so when you're walking out, I want you to describe to the jury, are you running out, walking out? Tell the jury what you're doing.
A It's hard to complain the excitement, your blood, your heart pumping; but I wasn't running but I had a pretty fast walk. I was planning on getting out 'cause I didn't know what would be expected. I really and truly didn't know what to expect. I know these fellas carry assault rifles, and I just had a little pocket pistol with me this morning. And I was really trying to protect myself by getting out of a position that I could have got hurt.
Q Okay.

MR. JONES: Go ahead, Ms. Burris.

(Video continued.)

BY MR. JONES:
Q Okay, Dennis, it's 4:35:50. You had your hand in your right pocket, is that right?
A Yes, sir.
Q And why did you have your hand in your right pocket?

A I was trying to find my keys.
Q All right. And did you have Justin's knife at that time?
A Yes, I did.
Q Okay, all right. And so what were your intentions at that point?
A To get back to 717 Eddie Watkins Road.
Q Okay. And why didn't you plan to go ahead and go to Colleton county?
A Because I knew that there was going to be law enforcement involved, I felt like that. And after going through fighting for my life as I did, it wouldn't be no fun regardless of what I had planned. I was pretty much a nervous wreck.
Q Okay.

MR. JONES: All right, go ahead please.

(Video continued.)

BY MR. JONES:
Q Now Dennis, it appears to be somebody running in the front of the interstate. Is that you running through there?
A Very well could have been.
Q All right. Why were you running at that point?
A I, like I said, I was in fear for my life, and I know that he carries an AR-15.

Q Okay.
A I've had too many people tell me. They can't deny.
Q Okay.
(Video continued.)
BY MR. JONES:
Q Now I see that Mr. Boyce came out of the store. Did you see him at that point?
A Yeah -- no. Outside? I -- no, I didn't. My -- as a matter of fact I can't see him now, but I know he's out there; I seen him go out.
Q Okay, go ahead.
(Video continued.)
BY MR. JONES:
Q Dennis, you can go ahead and take your seat.
A (Complies.)
Q Dennis, after you had a chance to look at the knife that Mr. Boyce, you say Mr. Boyce had, was the knife sharp?
A Yes, it was.
Q Okay.
A It was a skinning knife, camouflage.
Q Okay. Dennis, why didn't you -- you told law enforcement I believe they've said that you said you lost the knife. Why didn't you tell them where the

knife was?
A Well, it had got to the point where me and Mr. Dellinger, that I was willing to talk as much junk as he did. But I had the knife; I had the knife. And had my knife. Both of them were in the medicine cabinet in the bathroom. And shortly afterwards, three young men broke in my house and stole all my knives.
Q All right, Dennis, you had the Mr -- or the State has presented some razor blades, or not razor blades but some box cutter blades, and they've said they got these from your house. I'm gonna hand you -- that's Plaintiff's Exhibit Number 46. Are those blades, are those or they look like blades that were in your house when they searched your house?
A I remember one of them, they said one of them was open. I remember trying to put a blade in one of these things and I don't recall putting it in there. But there was a box cutter or carpet knife or utility knife, there's supposed to be difference, is what somebody told me. But anyways, those are my blades and I got them out of a tool box that I bought from the flea market.
Q Okay. Well, did you have, did you have a box cutter or utility knife or something like that at

your house?
A Yes, I did, and I had seven more out in the old house.
Q You say the old house. Is that house right next to yours?
A Yes, sir, the house I was raised in. Yes, sir.
Q The house you were raised in?
A Well, yes, sir, from one to four and from four to eleven and then moved back from eleven on up, you know, till I was a man.
Q Okay. Dennis, when you went in that bathroom that day did you attack Justin Boyce?
A I certainly did not.
Q All right. Tell the jury who attacked who when you went in that bathroom?

MR. GENTRY: Asked and answered.

THE COURT: Objection is overruled.

THE WITNESS: Is it all right if I answer it?

BY MR. JONES:
Q Yes, sir, go ahead, look at the jury and tell them.
A Justin Boyce attacked me. This is the second time this man has jumped on my back, second time. That says a lot about a man that jump on an old

man's back.

MR. JONES: Excuse me please, Your Honor.

BY MR. JONES:

Q Dennis, did you know that Justin Boyce was in the Interstate Shell when you entered the Interstate Shell?

A No, I did not.

Q When is the first time you knew that Justin Boyce was in that Interstate Shell at all?

A When I heard a voice behind me. I heard the steps coming. I heard the stall door open. I heard the steps coming. And we were right there at the exit door, or the entrance door. And I heard a voice, said it's gonna be worse this time old man. And I looked up in the mirror and he was standing on my left shoulder between me and the door.

Q Okay. Dennis, exhibit 17 and 18 is a picture of you and your hands. Did you object when those pictures were taken of you and your hands? Did you object to that?

A No, I didn't object to it.

Q And ---

A I'd have shown them something else if they wanted to look.

Q Did anybody ask you to take off your shirt?

A No.
Q Would you have done that had they asked you to?
A I would have, yeah, I would have. Well, I, I'm not rejecting none -- I mean, I'm already in the jail house. I'm not going to reject to make things worse on me.

MR. JONES: Excuse me please, Your Honor. Beg the Court's indulgence, Your Honor. I want to look through these exhibits.

BY MR. JONES:
Q All right, Dennis, I'm handing you Exhibit Number 21 and Exhibit Number 22, and I want you to take a pen on Exhibit Number 21 and mark the urinal at which you were the one that you used when you went in that Interstate Shell?
A Okay. What you want me to put on it?
Q I just want you to put an H by the one that you used.
A Okay, that's the first one right there.
Q So when you went in it's the first one on the right; is that correct?
A That's exactly right.
Q All right. Now Dennis, I want you to put an H on Exhibit number 32 that shows where you were standing when you first saw Justin Boyce.

A (Complies.)

THE COURT: Is this the first time going over this information, or are you going over the same thing again?

MR. JONES: Actually, he's marking photographs to depict where he was standing.

THE COURT: All right.

MR. JONES: Okay, I'll publish this to the jury, Your Honor.

THE WITNESS: You want this, Dickie?

BY MR. JONES:

Q Yeah, probably a good idea to keep it together. Dennis, when you were in the scramble on the floor with Justin Boyce, did you intend to kill him?

A No, I was fighting for my life. I was, I am not able to fight nobody. I am disabled, four stints in my heart. And this has been since 1997, and it's a continuous thing. '05, two more stints. I've been on Plavix now since '97. Somebody told me you're not supposed to be on that type medication for a period of time so I must be in pretty bad shape 'cause I don't have no energy.

MR. JONES: Your Honor, I think I just need to put Exhibit 3 back in unless Mr. Gentry -- Your Honor, I have no further questions of this

witness at this time.

THE COURT: Any cross-examination?

MR. GENTRY: Judge, we'd like to take a brief recess before we begin cross.

THE COURT: All right, please go to the jury room for a brief recess. Please do not discuss the case.

(Whereupon, the jury was removed from the courtroom at 11:39 a.m.)

THE COURT: How much time you need, gentlemen, Mr. Gentry?

MR. GENTRY: Five or ten minutes, Judge.

THE COURT: Say it again?

MR. GENTRY: Five to ten minutes.

THE COURT: Okay, you tell me the time.

MR. GENTRY: Ten.

THE COURT: Ten minutes?

MR. GENTRY: Yes, sir, at the most. I'll come see you when we're ready.

THE COURT: All right. We'll take -- I'm gonna announce a recess. It won't be when you come and tell me. We'll take a ten minute recess.

(WHEREUPON, a recess was taken from the proceedings.)

MR. GENTRY: State's ready, Your Honor.

THE COURT: All right, let's bring them on.

(Whereupon, the jury was returned to the courtroom at 11:57 a.m.)

THE COURT: Cross-examination.

MR. GENTRY: Yes, sir.

**CROSS-EXAMINATION**

BY MR. GENTRY:

Q Mr. Hoover, you said I believe this was the first time you'd been to the Interstate Shell; is that correct?

A Yes, sir.

Q Normally you eat breakfast at Wilco's; isn't that right?

A Not always, no, sir.

Q But quite frequently?

A I had, you know, a doughnut or cup of coffee and maybe go to Florence Flea Market.

Q So they had restrooms at Wilco, correct?

A I wasn't going that far.

Q You were going to the interstate and you were going underneath the entrance to the interstate; were you not?

A No, I was going towards ---

Q No?

A ---Columbia, and I was going to hit 601, go to Orangeburg.
Q Oh, I see. So in other words, you were not going to come anywhere near the I-20 interchange?
A You what -- I don't understand.
Q I-20 interchange is where I-20 meets US 15.
A Well, I don't ---
Q Just past---
A I get off at 15 on I-20 going to Columbia.
Q And how far is Wilco past that interchange?
A I really don't know. It's probably third of a mile maybe.
Q Not far then, is it?
A No, it's not far.
Q Okay, thank you. But you know they have a restroom in the Wilco?
A Why ---
Q Mr. -- I asked you a question. Did you know they had a restroom at Wilco?
A Yea, I could have stopped off the side of the road and peed.
Q All right, thank you, sir. When you walked in the door you did not ask the clerk where the restroom was, did you?
A Mr. -- as far as I'm concerned there wasn't

nobody standing right there. There wasn't nobody standing there.

Q Nobody was behind the clerk's counter?

A Well, there might have been behind the clerk's counter, but I'm talking about at the women's restroom.

Q Well, of course nobody was standing in the women's room. We're talking about the clerk's counter.

A I didn't know it was a women's restroom.

Q I understand that, but did you ask the clerk where the restroom was?

A No, I didn't. She was busy.

Q When you got -- I'm a little bit confused here about this business and the restroom quite frankly. You say you had completed your business, you had gone to the urinal, you had finished your business there. You had gone to the sink to wash your hands. Is that correct?

A That's it.

Q All right. And you were at the second sink on the left; is that correct?

A I was at the first sink.

Q The first sink coming in the door?

A Coming in the door on the left.

Q The first sink coming in the door on the left. All right, sir. Would you take a look at what's been marked State's Exhibit 23 for identification and tell me where the mirror is there.
A A mirror?
Q The mirror?
A It's over the sink.
Q It's over the sink. It runs all the way from the entrance way to the toilets to the left; does it not?
A Mr. Gentry, I couldn't see the toilets from here.
Q I'm asking you, can you see that mirror right there?
A Oh, yeah, there's a mirror there, but there's a wall here.
Q I understand that. I'm not asking you about anybody in the toilet; I'm asking you about that mirror. That mirror ran all the way over to the sink you were standing at?
A That's right.
Q All you had to do was look up and you could see who was coming out of the toilet area, correct?
A Mr. Gentry, I don't know about that now.
Q Well, you standing at the sink and all you got to do is look and doesn't the mirror -- don't mirrors

reflect?
A If I wanted to know who was in the toilet I'd went back and stuck my head under the door.
Q Oh, really. You didn't do that though, did you?
A No, I didn't.
Q You saw somebody in there, but knew that was Justin Boyce in there; didn't you?
A No, I didn't.
Q Oh, okay. Let me ask you this question, Mr. Hoover, you didn't drive that white pickup that morning, did you?
A No, I didn't.
Q All right. Now you were going to an auction sale?
A That's right.
Q And what did you hope to buy?
A Some Cornish hens.
Q Some Cornish hens, all right, sir. Does the S-10 have a camper shell on it?
A No, it doesn't.
Q How were you planning on transporting the Cornish hens back? Inside the truck with you?
A Orange crates.
Q Sir?
A Orange crates.

Q Orange crates. And these crates would be in the back of your truck?
A That's right.
Q What was the temperature that day?
A Well, it couldn't have been real cold 'cause I had on my short sleeves and other people was in their short sleeves so.
Q Well, I think you said earlier you took your jacket off and left it in the truck; didn't you?
A I did that at the house. I never even put it on.
Q You never put your jacket on?
A No.
Q You didn't have it with you?
A Yes, I did.
Q You did have it with you, all right. Now if you'd driven back from Orangeburg or wherever you were going with chickens in the back of that thing, even with orange crates, wouldn't it have been rather cold? Could they have frozen?
A I don't know what the temperature was; but however, let me explain to you something about foul. Game foul or animals or any type of chicken can stand cold weather as good or better than a polar bear.
Q That's because of the feathers?

A I imagine so.
Q You don't know; you just think so, okay. Where was Justin's knife when you got out of the Interstate Shell? You said it was a skinning knife?
A It was in my pocket.
Q It was in your pocket?
A Yes, it was.
Q How long was it?
A Well, I believe it was as long as this pen here.
Q That's not much of a skinning knife, is it?
A Yes, it is.
Q That's including the handle?
A Well, a lock blade folds out like this here, see.
Q Uh-huh?
A Yeah.
Q And you had already folded the lock blade up and you put it in your pocket that way?
A That's right.
Q Okay. So let me go back and ask you some other questions about that. Now you say you were standing at the sink and Justin came up to you and said something to the effect, it's gonna be worse this time old man?
A He did.
Q And then he hit you in the back of your head?

A With a grin on his face.
Q All right. And what did he do then?
A Well, that when he throwed some punches. Neither one of us ---
Q Wait a second, he was behind you?
A Right.
Q What was the next thing that happened?
A When he was behind me?
Q Yes.
A He hit me in the back of the head.
Q Right. Then what happened?
A I hit back at him. He pushed me around.
Q Wait a second. How did you hit back at him?
A With a three way combination.
Q You turned around?
A Wait a minute, I know what you're getting at. He was between me and the door.
Q Uh-huh.
A And I could not make an exit.
Q But he was directly behind you you said?
A No.
Q No?
A He was over my left shoulder. He was between me and the door.
Q So he was going to block you in you think?

A Well, if that's what he intended to do, yes.
Q You don't know that. You just know he was over your left shoulder?
A Yes, I do too. I couldn't get out the door. I thought about it. I couldn't get out the door.
Q When did you see that knife?
A I saw it on the second combination.
Q You were both throwing punches?
A Well, Justin had throwed the punch. My shirt was over my head.
Q Okay.
A And I couldn't accurately throw punches, but I did ---
Q How did your shirt go over your head?
A He jerked it over my head.
Q He jerked it over your head?
A Yeah. And it wasn't all the way over my head, but, he tried to get over my head.
Q Okay. Is this the shirt you were wearing that morning?
A That's right.
Q That's the one right there; it says heritage on it?
A That's right.
Q All right. And you see all those places where

they took blood spatters?
A Yeah, that's ---
Q You said you had a cut I believe on your right side?
A Yes.
Q You see any indication that there's blood on the right side of this shirt you were wearing?
A I don't know. See, I was cut in fatty area too so I don't, you know. If you lay that shirt down I can show you how I got blood on it.
Q Go right ahead.
A It was like in here (indicating). All this blood here and here come from Justin being on top of me.
Q Uh-huh, all right.
A All right.
Q So y'all -- tell me what happened after that?
A We rolled around. I was on top of him; he was on top of me.
Q Okay. And you're an old man, and you can't fight?
A I can't fight.
Q You can't fight. That doesn't explain why you threw everything to the ground and tried to engage with Marshall earlier that, in 2011?
A I'm gonna tell you something, Mr. Gentry.

Q I just want you to answer the question.
A You don't understand.
Q I want you to answer the question. You can explain it to your heart's content when your defense counsel asks you. Answer my question.
A I am not scared of Marshall boys or no other man. They might get a -- I might not get but a sandwich while they're getting steak, but I will not run. I am not gonna run from no man.
Q As a matter of fact, the reason you're so mad at the Boyces because they don't fun from you; isn't it?
A Of course not. The reason I don't care about the Boyces is turkey barns and they dirty; they double team you.
Q Well, let's talk about that just for a minute. Now you didn't have any problems with the turkey barns until your brother put turkey barns or had applied for his permit; did you?
A Well, that might be what they told, but I found out early about the turkey barns and the chemicals and the contamination.
Q Now let's go back and talk just for a minute about what happened there at Interstate Shell. You didn't stop and call the clerk and say call 9-1-1,

this guy just tried to kill me, did you?
A Mister, I am walking with pain right now down my back through my shoulder because of that.
Q All right. Now let me ask you this question, when you got home did you call the Sheriff's Office and tell them what had happened?
A I figured they was coming.
Q Well, let me ask you this, did you call them and tell them?
A If I called them and they'd come out there, the first thing they probably would have done ---
Q Just answer the question please, Mr. Hoover.
A ---they would have shot me, tazed me, or beat me.
Q Why?
A That's all you see on TV, shit.
Q This is not TV, Mr. Hoover ---
A They killed somebody in ---
Q ---this is Lee County.
A ---New Jersey last night ---
Q This is Lee County ---
A ---and he didn't have a gun.
THE COURT REPORTER: One at a time please.
BY MR. GENTRY:
Q You don't mean to tell me you think you'd be treated any differently because of who you are, do

you? Yes or no.
A I'm thinking. Yes, you're exactly right, it's who you are.
Q Who you are. Now you've asked for help from the Sheriff's Office before; have you not?
A Yes.
Q And the Sheriff's Office gave it to you?
A No, they didn't.
Q Well, let's see here. In 2004 you filed an incident report against your brother and you subsequently got a warrant against your brother. And the sheriff took the incident report and when the magistrate issued that warrant, they served it, right?
A I don't know.
Q You don't know. You don't remember going to court with this?
A Well, look, with Tommy Hoover it's about every two or three weeks there's something, some kind of warrant, some kind of gun violation. It's a continuous thing with him.
Q It's not a continuous thing with you?
A No.
Q You're an honest, law abiding citizen?
A Well ---

Q You don't make your opinions known to everybody?
A I have been fishing without a license.
Q Okay. You don't make your opinions known to everybody?
A Well, I don't have nothing to hide.
Q You think you're pretty opinionated or you're pretty straight forward and you're reasonable or calm?
A Well, I felt -- I feel like, you know, that I can answer about what anything you got to ask.
Q All right, let me ask you this, what's this all about, this picture I'm showing you? That was a photograph of a sign posted in your yard; wasn't it?
A That's exactly right.
Q Okay.
A And I can tell you exactly why I did that.
Q Why?
A Because I'm being stalked by these people.
Q You're being stalked?
A Yes, I am.
Q It's all their fault?
A Well, it's got to be if he's stalking me.
Q Okay. Back up just -- they're stalking you. You didn't drive that white truck?
A Look, it's in the transcript, Mr. Gentry. If you

want to read the transcript. It's in ---

Q I've read more transcripts ---

A ---the transcript.

Q ---than you have over my lifetime, sir.

A Say what?

Q I've read more transcripts than you have in your lifetime.

A Well, you ain't read the right one ---

Q Well, ---

A ---because Tommy Hoover admitted that him and the Boyces were taking turns watching me.

Q Really? What transcript is that?

A It's in one of them.

Q In one of them? Well maybe your lawyer can show it to me. You think so?

A I believe he can.

Q Do you have a copy of it?

A No, I don't.

Q You don't?

A Not with me.

Q Not with you, all right. Now let's go back and look at these pictures you say were made at your brother's feed store. This is 2-G. Correct?

A Yeah, that's what it says.

Q All right. Those are all scratch marks down your

back. How did you get those scratch marks?
A On rocks and asphalt.
Q Okay. They look pretty uniformed. You sure this wasn't done with a rake?
A Ha, I'm not a pile of leaves or trash in the yard ---
Q No, but somebody could have ---
A ---in the yard. You think that I'm gonna lay down and let somebody hurt me?
Q Why did you take your stuff out of your pocket to engage in fisticuffs with Marshall Boyce if you are a sick old and infirm?
A Plain and simple. Even though I'm not able to fight I was going to be fair about it.
Q You're going do what you thought you had to do?
A Well, you know, Marshall, you know, he's kind of a cocky guy. I wanted him to get some of it if he wanted it.
Q And you thought you could give it to him?
A Let me answer something another way.
Q No, just answer the question. You thought you could give it to him?
A No matter what reason, what purpose, most men aren't willing to fight, I am, and don't forget it. Don't forget it.

Q Wonderful, that's wonderful, I appreciate that comment. Let me ask ---
A I'm not saying that I'm starting no fights, and I'm not saying I'm able to fight. I'm just saying you ain't gonna run me off.
Q Well, let me ask you this, after you got trounced that day, after both of them jumped on you and beat you senseless apparently, you had two witnesses come in yesterday. I think it was Mr. Ellerby and Ms -- I can't remember that lady's name. And they said, we thought we heard Dennis Hoover's name out there, we thought we heard his voice; and yet they went outside and couldn't find anybody, what happened.
A I think they seen the vehicles. They seen three guys, they heard my voice. They knew what kind of vehicles Boyces were driving. I think that's good enough evidence.
Q No, sir, that's not that they said. That's what you're saying they said. That's what you're saying they heard. They didn't see you. They didn't come to you. You didn't go to them.
A I was in the ditch.
Q You were in the ditch?
A That's the reason they didn't see me.
Q Okay. And so yet you were able to recover enough

to get up. How did you get back home that day?
A It wasn't easy. It wasn't easy. I had three broke rib, a clot in my lung. I had to walk back.
Q And what did you do after you got back home?
A Well, I can't remember if I went to the Sheriff Department or went to the emergency room.
Q All right. But in the meanwhile you were aware that Marshall Boyce had filed an incident report alleging assault and battery in the third degree against you; is that correct?
A You know, that's strange to me how they can get an incident report against me and both of them jumped on me.
Q What day did you go down to the Sheriff's Department to get that incident report?
A I believe it was the same day.
Q Same day. And these pictures were taken the same day?
A I'm not sure. I believe they was. I believe they was.
Q Did you go to the doctor the same day?
A I went to the emergency room, yes.
Q Same day? Where are the records?
A They at the Camden emergency room.
Q Well, why aren't they here?

A My word is good enough.
Q Okay. You might think so, sir, but there are people who would dispute that.?
MR. JONES: Object, Your Honor, testimony by counsel.
THE COURT: Objection sustained.
MR. JONES: I ask it be stricken.
THE COURT: The jury is to disregard that comment by counsel.
BY MR. GENTRY:
Q Okay. Now I believe you indicated that -- go back, let's go back to the restroom there. And you said Justin hit you in the back of the head and he put both hands around your neck?
A When I was on the floor.
Q When you were on the floor. All right, and then what happened?
A We rolled. It was sky, or ceiling, floor. You ever been in a fight? That the way it goes.
Q Yeah.
A Ceiling, floor.
Q I doubt I've been in as many as you have, Mr. Hoover, that's neither here nor there.
MR. JONES: Object, Your Honor.
THE WITNESS: I got a clean record,

Mr. Gentry.

MR. JONES: Object to the testimony of counsel, Your Honor.

THE WITNESS: Don't try to make me out to be a bad man because I'm a lover.

BY MR. GENTRY:

Q So that's how those scratches got on your back?

A Well, them scratches got on my back from two butt holes dragging me around the concrete rocks.

Q All right. Now let's go back to the, to the restroom in the service station. Justin hit you in the back of the head and he put both hands -- you turned around I guess. He put both hands around your neck?

A Wrong.

Q Wrong. Tell me, what happened? Where did he put his hands?

A We were on the floor when that happened, Mr. Gentry.

Q Okay. And he put both hands around your neck?

A He sure did. That shirt ought to be proof enough. You see the blood around my collar.

Q But he had both hands around your neck?

A I think he did, yes. I believe he did. I know he did.

Q Which hand did he use, the third hand to hold that knife?
A I had the knife.
Q You had the knife?
A He dropped the knife, and I confiscated the knife.
Q Oh, okay. So he had the knife initially. He dropped it. Why'd he drop it?
A You want me to show you? Come over here, I'll be happy to show you.
Q I don't need to show that. I don't need that.
A I'll be happy to show you.
Q I want you to answer the question. I want you to answer the question.
A Justin Boyce had the knife originally when he pulled it.
Q Uh-huh.
A He had it in his hand like this here. I was on his back and I had both my hands here.
Q Okay.
A And it was back and forth in front of his face. And if you look at that picture you know that that's the kind of cut it was. It wasn't no cut like this (indicating).
Q It was a horizontal cut?

A I don't know if it was horizontal.
Q Across his face?
A You know, you out of space now.
Q That's a up and down cut. That's a vertical cut. Isn't it?
A That ain't no up and down. You're looking at ——
Q That's 33. That's his face.
A Well, it might be 44. But I'm still telling you, you can look in his face and tell that that wasn't no cut like this here.
Q Oh, really, despite what the doctor said yesterday?
A Well, that doctor didn't look too impressive to me.
Q I see ——
THE COURT: Let's have order in court. I don't want any reaction to any testimony.
BY MR. GENTRY:
Q And Mr. Hoover, you've had four years of college and four years of medical school and internships and graduate assistantships and certified in all these medical fields?
A I've castrated a few pigs; I'm qualified.
Q Okay. That makes you an expert in medicine?
A Well, I ain't gonna say that, Mr. Gentry. I'm

not gonna tell you I'm the smartest man in the world; but however, I'm a country man and I know about raising gardens, pigs, chickens.

Q I think -- but this, instead of being a skinning knife, this was a lock blade knife now, right?

A Mr. Gentry, most knives, skinning knives, are lock blades.

Q Oh, really, they're not like a sheath knife?

A They can be.

Q Can be, all right. Now, did you see when Justin opened that lock knife?

A I sure did.

Q When?

A When we were fighting.

Q When you were fighting, while you were fighting around he reached in his pocket, pulled his knife out and opened it up?

A I don't think Justin liked what was going on.

Q So you had -- he had to take both hands off of you at some point to reach in his pocket, pull out his knife, and open it?

A No.

Q No?

A We was apart when that happened when he got the knife.

Q If that's the case why didn't you go out?
A I couldn't. He had the door blocked.
Q So you just couldn't move him off to one side, throw him off and go out the door?
A Well, I don't know about how strong I am right now, Mr. Gentry, but I'm working on it, okay. I -- it took all I could do to hang in there with Justin Boyce, okay. I am not able to fight and however I want you to understand, I was fighting for my life.
Q So you had his big adrenaline rush?
A That's different.
Q You got it.
A When you fighting for your life, yes.
Q So you could have thrown him -- with this adrenaline rush you could have thrown him off to one side and gone out the door?
A No, no, not hardly.
Q No, that's not enough adrenaline?
A Mr. Gentry, we wasn't on our feet long. We were what they call graveling, if you've ever watched a tennis match.
Q But you said when this thing got started that he was to your left shoulder?
A He was.
Q And at that point did you feel any kind of

adrenaline rush?
A Mr. Gentry, he pushed me down the sink, okay. He was still between me and the door. This is where he pulled the knife.
Q That's where he pulled the knife.
A That's right, and that's -- and my shirt was up here (indicating) and he cut me.
Q Okay.
A All right, he cut me.
Q And there's no blood on your shirt?
A No blood on my shirt.
Q Okay. But you're cut?
A Yep.
Q Now you supposedly bleed and bruise real easy.
A Well, sometimes I can knick a finger and it'll bleed bad. And then sometimes, you know, I can have a deeper cut and it don't, don't bleed that much. I think that's true with everybody.
Q Well, let me ask you this one second, Mr. Hoover. This is the picture they took of you at the jail the day after. That's what Major Dellinger took.
A Well, you can look at this picture and tell I was worked over. You ain't never seen such a sad face on a man.
Q Oh, my goodness, a sad face means you've been

worked over?
A Sure it does.
Q Did it bruise your mouth?
A Pride.
Q Did you -- oh, your pride, okay. Now let's look on the other thing, on your hands. That's the reverse of this. That's State's Exhibit Number 18. You see any bruises there?
A You know something, I believe I do.
Q Really?
A Uh-huh.
Q You're the only one that has so far, Mr. Hoover.
A Hum, well, I'm the only one looking for them. Do you see this right here (indicating)? That looks like to me a bruise or some type of injury.
Q And that's the only one, that's the only possible one you saw?
A Well, like I say, you know, these guys, they said they looked for this and looked for that but, I had the mark on me and they didn't see it so.
Q Well, let me ask you this question, Mr. Hoover. You were going to a sale that morning, correct?
A Yeah.
Q You were going to an auction sale? Was there going to be anything involved at the auction other

than chickens?
A I don't really know if they were having an auction or not. This man, his name is William Claxton.
Q Okay.
A He's over at Colleton, other side of Orangeburg, 12-miles. I know his son had -- there's zebras and monkeys. And I was really interested in the Cornish hens.
Q All right. You didn't know what you were going to buy though, did you?
A No, I, I'm a sucker for about anything.
Q Okay. So are you in the habit of leaving large sums of money in your trucks overnight?
A Yes, I am.
Q You are? So you left $18,800 in your white Toyota truck that night?
A It's better than my house. If it had been in my house when these burglars broke in I wouldn't have had it.
Q But your burglars broke in after you were arrested; isn't that correct?
A That's right.
Q Now where did you keep this box cutter you had in your house?

A It was in the bottom kitchen drawer.
Q Bottom kitchen drawer. And you heard Major Dellinger say they looked all around there and found no box cutter. They found a bunch of knives. All they found were the blades.
A The only thing I got, again, what Major Dellinger said, and why didn't he take all the knives. I got -- you counting kitchen knives, you counting pocketknives, you counting hunting knives? And he didn't take nothing but the razor blades or the carpet blades or whatever they are?
Q I believe you heard him say why he didn't take them; there were too many.
A Oh. Well, he could have borrowed a truck or something.
Q Let me ask you this, State's exhibit 11, what does that show?
A It look like a tiger paw Boyce's farm.
Q Boyce farm, Boyce brother's farms. And this was the same truck that was parked at Interstate Shell?
A Hey, I did not see that at Interstate Shell. Let's make that clear.
Q You saw the white truck though.
A I seen the front. I seen two white trucks. I seen the front of these trucks. And when I was

running out I seen the truck leave.
Q Did you see a white Toyota pickup truck with a camper shell on it leave?
A I can't identify, tell you if it was a Toyota or what it was.
Q But you own a white Toyota pickup with a camper shell on the back?
A Yes, I do. Would you like to go through the pictures again, Mr. Gentry?
Q I don't know, Mr. Hoover. I think you've probably seen them enough with Mr. Jones. We'll see in just a minute.
A Is there any video on the outside, Mr. Gentry, that might say that that was my truck?
Q I think you've heard that testimony, Mr. Hoover. Let me ask you this, looking here at State's Exhibit Number 1. You were talking about how Major Dellinger was so difficult to deal with. Now he gave you this form; did he not?
A I don't remember.
Q You don't remember. You remember being at the Sheriff's Office ---
A Yeah.
Q ---and him telling you some rights?
A Yeah, I didn't even ---

THE COURT: If you'd refer to the exhibit.

BY MR. GENTRY:

Q Exhibit Number 1.

THE COURT: There's a proper way to reference something given to a witness.

MR. GENTRY: Yes, sir.

BY MR. GENTRY:

Q You have the right to remain silent. You remember hearing that?

A They probably told me that.

Q Anything you can say, you say can and will be used against you in a court of law. You remember that?

A Oh, yeah, I remember that.

Q You have the right to talk to a lawyer and have him or her present with you while you're being questioned?

A Well, it might say that, but that wasn't the way it was approached to me.

Q Well, let me ask you this, that's what it said; wasn't it? That's what was read to you.

A That might be what's on that paper ---

Q Okay.

A ---but it was signed I help you or you got to do it ---

Q Mr. Hoover, did he tell you that or did he not tell you that?
A What?
Q What I just said. If you cannot afford to hire a lawyer the Court will appoint one to represent you?
A Well, that's just, that's -- I mean, that's normal. That's, you know, it wasn't nothing just, you know, being asking me. It would have been asking anybody that was arrested.
Q So he -- you were treated normal?
A Now is that what normal?
Q That's what he ---
A Well, you just ---
Q ---calls normal.
A You just said that I was entitled to an attorney.
Q Well, that's ---
A He didn't call me no attorney.
Q You [sic] said you're entitled to one if you want one. Did you tell him you wanted one?
A I told him, yes, you can talk to my attorney.
Q You said you'd hear my story from my attorney is what he said.
A Well, there might be something discrepancy there.
Q Okay. And if you decide to answer questions now without a lawyer present you will still have the

right to stop answering at any time until you talk to a lawyer. You remember that?
A I don't know. I don't know. I, look, I told him take me to jail, take me to jail, I ain't got nothing else to say to you.
Q And then you refused to sign?
A That's what it says, I refused?
Q Yeah, that's what he said.
A I refused to sign it.
Q Okay. Then after that Major Dellinger asked you some questions about search warrants and getting a key to your house?
A Mr. Gentry, that was crazy. SLED was already there at my house and the door was open.
Q You mean to tell me nobody locked the door when you left the house under arrest?
A That's exactly right.
Q So Major Dellinger ---
A I left the back door open.
Q The back door open?
A Yes, sir.
Q So how is Major Dellinger supposed to know that?
A I figured, you know, one cop is too many at the house.
Q Oh, okay. So you didn't tell him anything about

the door being open?
A Well, I don't know whether I did or not.
Q Okay, so I take that as a no. All right. Now then, did he tell you why he wanted a key for the house?
A Well, my nephew did 'cause he throwed everything out the dressers in the floor.
Q Well, my question is this, did he tell you why wanted a key for your house?
A No, he didn't. I don't know ---
Q He didn't tell you he wanted a key for your house because he didn't want to have to break in the door?
A But he might as well have; he demolished everything else.
Q Well, my question is this, did he tell you that?
A I can't remember, Mr. Gentry, I can't.
Q But the bottom line is you did not give him a key to your house?
A I, well, I shouldn't have. The SLED was already there.
Q That's not my question SLED is not already there; that doesn't count. You don't think they're gonna leave that house open while you're being taken to jail?
A It don't make sense when you got four hundred

cops surrounding a double wide mobile home, it don't make sense when they are already searching my house, SLED is, it don't make sense.

Q What evidence do you have they were already searching your house?

A I knew they were.

Q You knew they were?

A Yeah.

Q That's just what you saw on television again, isn't it?

A Television?

Q Yeah.

A I've seen a lot on television; I ain't never seen nothing like that.

Q Hum, so how many cops were there, did you count them?

A I believe there were six or seven in that one vehicle, SLED agents.

Q But there weren't 400, right?

A Not yet.

Q Not yet?

A Yeah, not yet.

Q So you saw Cam Watson come up, and there was some other person with him I think you said?

A No, there wasn't.

Q There wasn't? This is just Cam?
A Just Cam.
Q And he arrested you?
A Yeah. He said, you ain't got no pistol on you, have you.
Q You always try to make fun of law enforcement when they're out there trying to arrest somebody for attempted murder?
A No, just Cam. Me and him kind of buddies.
Q Oh, okay.
A Yeah.
Q You don't remember the temperature that night, do you?
A No, I ain't too much on being a weather man.
Q Okay. Let me ask you this question, where was your green truck parked that night?
A In the front.
Q In the where?
A In the front.
Q All right. But it was out in the open, right?
A What are you talking about, Mr. Gentry? Parked where?
Q The green truck that parked at your house.
A It was in the front.
Q In the front. And that's not under cover

anywhere, was it?
A No.
Q Was there frost that night?
A I have no idea.
Q You don't remember? Okay.
A I don't think there was because I drove it and I didn't give it very long to warm up.
Q Beg the Court's indulgence. Mr. Hoover, I believe you testified that you were in the restroom when Justin attacked you, correct?
A Uh-huh.
Q And you're fighting for your life?
A Uh-huh.
Q And while Justin is pulling out his pocketknife, what were you doing about the pistol in your pocket?
A Mr. Gentry, I told a lot of junk. I am not a killer. Now if Justin had continued to cut on me I'd have shot him and it would have been a lot simpler than it is now, all right. And if I'd have shot him, it'd have been over with right then. And I had a right to shoot him. That's why I got a pistol permit is 'cause of both them Boyce boys jumping on me. I didn't shoot him ---
Q Whether or not it was right or not is up to these twelve people over here?

A Oh, it's up to these guys?
Q Yeah, that's the jury.
A Okay.
Q They're gonna decide whether what you did was right or not.
A That's fair enough for me.
Q Now Mr. Hoover, when you were admitted to jail over when you were arrested, did you undergo a physical examination as well as being changed into jail clothes?
A I know I went through the jail clothes, but no, I don't think I went through no physical examination.
Q Well, I don't mean one like your doctor performs. I mean sort of a once-over, just to look ---
A Once-over?
Q Once over to see if you're all in one piece.
A You know, I ain't trying to get smart. I get kind of a strange feeling over me when a man want to look at me.
Q Uh-huh.
A But I can't remember, no, sir, I don't.
Q Okay. Mr. Hoover, do you think these strange feelings -- why do you get those strange feelings when a man wants to look at your body, a doctor ---
A I'm not gonna get checked by all---

MR. JONES: Objection, Your Honor.

MR. GENTRY: ---a medical person?

MR. JONES: Objection, Your Honor.

THE COURT: To what?

MR. JONES: That question is totally irrelevant. It goes far beyond the probative value.

THE COURT: All right. Madam court reporter, what was the question?

(Court reporter begins reading question and is interrupted.)

THE WITNESS: Well, it's according to the man ---

THE COURT: Mr. Hoover, I was talking to the court reporter.

THE WITNESS: Oh, you were?

THE COURT: Yes, if you'll be quiet, yes, sir.

Go ahead, ma'am.

(Court reporter reads back the last question.)

THE COURT: All right, the objection is overruled.

BY MR. GENTRY:

Q Do you always get those strange feelings when somebody wants to look at your body?

A It's according on what kind of voice they got.

If he says, "Hey, Mr. Hoover, take your clothes off [change in voice reflection]". If he said, "Hey, Mr. Hoover, take your clothes off [change in voice reflection].

Q You're not a big fan of gay people, are you?

A Well, they stay over there, I stay over here.

Q Okay, thank you. Thank you very much, Mr. Hoover. Answer any questions that Mr. Jones may have for you.

THE COURT: The objection is sustained to the extent that the question solicited in response that was just given. The jury is to disregard the question.

MR. JONES: Will the Court so instruct.

THE COURT: Whenever the Court sustains an objection the jury is to disregard the comment.

Redirect examination.

MR. JONES: Thank you, Your Honor.

**REDIRECT EXAMINATION**

BY MR. JONES:

Q Dennis, I want to ask you about the -- there were some comments about the fight and you talked about you asked Mr -- you asked Mr. Gentry if you want to demonstrate?

A Right.

Q And he didn't want to do that?
A Right.
Q You want to demonstrate how the cuts on Mr. Boyce's face came about?
A Yes, I do.
Q All right. Why don't you take this pen, take this pen use that as the knife?
A You hold the pen; that's the knife.
Q Okay.
A (Indicating.)
Q And what are you saying by the demonstration?
A I'm saying it's not a straight cut. I'm saying that that's where these marks in here come from. This jag you want to know about? That's where it come from.
Q Okay.

MR. JONES: I have no further questions of this witness, Your Honor. Thank you.

THE COURT: Anything further?

MR. GENTRY: No, sir, not on recross. The State does anticipate reply.

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

THE WITNESS: Thank you, Your Honor.

THE COURT: Yes, sir. Any further

having been duly sworn by the Clerk, testified as Follows:

THE CLERK: State your full name for the record.

THE WITNESS: Teresa Ray Lee.

**DIRECT EXAMINATION**

BY MR. GENTRY:

Q You are -- what is your current position please, ma'am?

A I'm administrative captain of Sumter-Lee Regional Detention Center.

Q As part of your duties you are custodian of records there?

A Yes, sir.

Q Now I'm gonna show you what's been previously -- let me ask you this, in the course of your business do you all keep records in the ordinary course of your business?

A Yes, sir.

Q Why do you do that?

A I'm just required to keep those records so that we have the information in which we collected from the time of each person's incarceration.

Q These are required by law or by statute procedure?

A Yes, sir.
Q All right. Let me show you what's been marked as Exhibit 50 and ask you if you can identify that?
A Yes, sir, jail medical screening history report.
Q All right. And who is that on?
A And this is on Mr. Dennis Edmond Hoover.
Q What time of day was that conducted?
A The actual report was conducted around 3:53 in the afternoon, 15:53.
Q And what date was that?
A On January 4th, 2014.
Q And that would have been the date he was admitted to custody; is that correct?
A Yes. And actually, excuse me, that date I just read to you in time was the time he was booked in. The actual record screening was done at 16:55.
Q Was this record done by qualified medical personnel at your facility?
A Yes.
Q All right. And does -- let me show you what's been marked on -- page 1 asks on paragraph two, are any visible signs of fever, jaundice, skin lesions, rash or infection, cuts, bruises ---
MR. JONES: Object. Objection, Your Honor. If this calls for hearsay, somebody else

filled out this form, it calls for hearsay, then we would object. And I make the objection in anticipation of the fact it is hearsay.

MR. GENTRY: It's a business record, Your Honor.

THE COURT: For the record is this, the witness, what record is that?

THE WITNESS: Jail medical screening history report.

THE COURT: All right.

THE WITNESS: Intake screening.

THE COURT: And what is that? What is a jail medical record screening report?

THE WITNESS: The medical personnel who is on duty does the screening for each intake that comes into the facility.

THE COURT: All right.

MR. JONES: Your Honor, of course my objection is the proper party is the medical personnel, not someone else.

THE COURT: All right. What was the question, let me hear it.

BY MR. GENTRY:

Q Would you read item one on that form please.

THE COURT: All right, I'm gonna overrule

the objection.
BY MR. GENTRY:
Q Item one on the form please.
A Item one on the form, question one?
Q Yes, ma'am.
A Is inmate unconscious or showing visible signs of injury, illness, injury, bleeding, pain, or other symptoms suggesting the need for immediate emergency medical referral.
Q And there's a block yes or no to the right?
A Yes, sir.
Q What's indicated on that form?
A No.
Q Read paragraph 2 please.
A Paragraph 2: Are there any visible signs of fever, jaundice, skin lesions, rash, or infection, cuts, bruises, or minor injuries, needle marks, body burns.
Q And the answer to the right is yes or no, which one?
A It's an N for no.
Q No, all right. May I say this one second please.
THE COURT: One additional question, what is your position at the jail or Lee County or?
THE WITNESS: Our facility is the Sumter-

Lee Regional Detention Center, Regional Detention facility that house both Lee County ---

THE COURT: I couldn't understand anything you said. The question is what is your job again?

THE WITNESS: Oh, okay, my job. Okay.

THE COURT: Yeah, who are you and what do you do?

THE WITNESS: Okay. I'm administrative captain for the Sumter-Lee Regional Detention Center. I oversee a lot of administrative processes, the records, some stuff for the staff, the computer system.

THE COURT: All right. On the basis for the Court's overruling the objection is business records exception to the hearsay rule.

MR. GENTRY: Okay.

THE COURT: All right.

MR. GENTRY: Your witness, Mr. Jones.

MR. JONES: I have no questions, Your Honor.

THE COURT: Okay, thank you.

MR. GENTRY: The State's reply case, Your Honor. We move to admit No. 50.

THE COURT: Any objection?

MR. JONES: Objection on the same grounds.

THE COURT: I'll consider the objection. It's marked for identification at this time.

MR. GENTRY: Your Honor, I ---

THE COURT: I will rule in time.

MR. GENTRY: Okay.

THE COURT: Yes.

MR. GENTRY: Thank you. That's the State's case, Your Honor.

THE COURT: All right. Ladies and gentlemen, you have heard all of the evidence in the case. What's coming next will be closing arguments, jury charge, and then your jury deliberations. We're going to break for one hour as we did yesterday at 1:01 according to the computer, and we will reconvene at 2:01. We're supposed to have ordered y'all lunch again today. Is it here, Madam Clerk?

THE CLERK: No, sir.

THE COURT: Ma'am?

THE CLERK: No, sir, we didn't.

THE COURT: You didn't what?

THE CLERK: You asked about lunch. No, sir, we didn't.

THE COURT: You did not order?

THE CLERK: No, sir.

THE COURT: Ladies and gentlemen, if you will go to the jury room for a moment. Please do not discuss the case.

(Whereupon, the jury was removed from the courtroom at 1:02 p.m.)

THE BAILIFF: They have lunch.

THE COURT: The lunch is in the jury room?

THE BAILIFF: Yes, sir.

THE COURT: All right, have the jurors come back in to the courtroom.

(WHEREUPON, the jury was returned to the courtroom at approximately 1:03 p.m., and the following proceedings commenced in open court.)

THE COURT: Ladies and gentlemen, lunch was ordered. I understand it's in the jury room for you. We're gonna break for one hour. It's now 1:04 so we're gonna break until 2:04. You don't have to stay in the jury room. Where did it come from?

THE FOREMAN: Where did the food come from?

THE COURT: Yeah.

THE FOREMAN: I think it was the barbecue place.

THE COURT: Barbecue box or something?

THE FOREMAN: Yes, sir.

THE COURT: Separately?

THE FOREMAN: Yes, sir.

THE COURT: You can take the food and go if you like and be back in the jury room. Just don't congregate in any area where anyone that might have anything to do or any interest in this case congregating. If you decide to stay in the jury room then you just have to stay in the jury room; otherwise, you can get it and go and be back at 2:04. Please do not discuss the case or allow anyone to discuss it with you or in your presence. Thank you.

(Whereupon, the jury was removed from the courtroom at 1:05 p.m.)

THE COURT: All right. With regard to the exhibit offered, the evidence is proper evidence for impeachment credibility and the exhibit was admitted under the business records exception to the hearsay rule under the rules of evidence and it is admitted into evidence over objection.

(WHEREUPON, State Exhibit No. 50 was admitted into evidence.)

THE COURT: All right, with regard to requested jury charges.

MR. JONES: Yes, sir. Your Honor, we

for closing arguments from the State.

MR. GENTRY: The State would waive.

THE COURT: The State waives opening.

Defense.

MR. JONES: Thank you, Your Honor. Ladies and gentlemen of the jury, when I was growing up my mom, and by the way, is 98 and 11 months old. One of the things that she taught me and I think is valid, she said, when you meet people and you're out, y'all smile. Guess I'll do that. Now I make mention of that because I don't want you to get the misimpression. I think I ought to be pleasant. These are grave, grave charges that have been dealt with against Mr. Hoover. So I want to talk to you about these because these are grave charges. They charged him with attempted murder, and we don't think that is accurate. We think he's not guilty of that. So I want to talk to you little bit about reasonable doubt. Remember we talked to you about reasonable doubt when we began? Reasonable doubt the judge to going to tell you is where if you have to hesitate to act, if you hesitate to think that the State has proven its case beyond a reasonable doubt, every element, then you must return a verdict of not guilty.

I've got some things I want to talk to you about. Make sure everybody can see this. One of the first things that I told you -- remember I held up my fingers. There are only two people, two people on the planet earth that know what happened in this bathroom that day so I want to talk to you about how you determine what happened in that bathroom. I want you to look at the credibility issue.

Now you know, when Mr. Hoover testified today, I don't know as a lawyer, I have to tell you that you wish you had a witness, you wish you had a client who was maybe a little bit smoother, maybe a little bit, little bit more refined, knew a little bit more about how to talk and say things. But you know, Mr. Hoover frankly is a country boy and you guys can see that. And the reason I mention that is because one thing is for sure, he might have used bad grammar, he might have said some things the way he shouldn't have said them, but you got to give the fella high marks for credibility. And the reason I say that is, you've always heard the saying, fact is stranger than fiction? Well, Dennis Hoover, what he said today and how he said it, that's not going to be made up. It wreaked of credibility. What he

said wreaks of credibility. And I want to talk to you a little bit about the case.

First of all, Mr. Hoover told you he had a green truck and law enforcement said, yeah, he did have a green truck. When we when around the house he had a green truck, said he had a for sale sign in it. You know, I had a 1999 jeep. My daughter went off to college and I was trying to get this 1999 jeep sold; and so guess what I did. I left a for sale sign in the window for about two years because nobody wanted it. It was 2008, nobody wanted it. if you ride by Dennis Hoover's house today, that green truck at Eddie Watkins, that green truck is still out in front of that house; it's still there. So having a sign in the window is not an indication he didn't drive it that day, and they have no evidence that he didn't drive it that day. Dennis Hoover has come to you with affirmative testimony, I drove the green truck that day; and they've got nothing to dispute that. Nobody has come up and said, no, he didn't drive a green truck.

Let me talk to you a little bit about the, talk about the white truck. They talked about a white vehicle, a white truck. Let me talk to you about that. Dennis Hoover's got three vehicles.

You remember Tommy Hoover? That's one of their witnesses. He said Dennis had a red truck. He does. In fact, if you look at one of the pictures -- excuse me, Your Honor. If you look at this picture you'll see the green truck in front and you will see in the background the red truck. He's got, he's got three trucks. Let's talk about the white truck a little bit. That white truck that he's got, there's no picture of the side of that truck. That could have been had but there's no picture of it. So the only thing they had is the front and the back of the truck. And you know, there was a discussion about the frost being on the truck. You know, I don't have a garage. I don't have a carport but I grew up with one at home. And one of the benefits of having a carport is it keep the frost off of it; that's one of the benefits. There's another thing was, we didn't hear from the law enforcement officer when he went around there. They indicated they had a lot of people from law enforcement that went around there, and they waited and they eventually went there to see Mr. Hoover. They didn't talk about when they went around there. The point is -- and I want you to remember this -- Mr. Dellinger said, I can't identify the truck. He

said, I can't identify the truck. So they -- Mr. Hoover drove a green truck, but they can't identify any truck that's associated with him.

Now let me talk to you a little bit more about the -- some things that would help. You know, the State of South Carolina has a duty to come forward with the proof. The only way you're gonna know about what's in a case is to come forward, somebody comes forward with proof. The State has the burden of proving that; the judge is going to tell you. They have to come out and they have to show their case. And they have to show it beyond a reasonable doubt, and so that's why you have law enforcement officers to do those things. If the State fails to sustain or if the State fails to do what they're supposed to do as far as proving the case beyond a reasonable doubt, then the law says you must not and cannot find guilty, you must find not guilty.

And I want to tell you some things that I wish that we had had here because I think if we had it would have proven, it would have shown that what Mr. Hoover has told you is right. First of all, why don't we have photos of inside of the bathroom? The law enforcement went around there that very morning

and took pictures of the outside of the bathroom but not inside. If we had pictures of the inside of the bathroom we would know whether there were blood smudges on the floor or not. Dennis Hoover says they were rolling around on the floor, and Mr. Boyce says there was a scramble there. Why didn't they take the inside of the bathroom? And our position is if they had, it would show what really happened in there, but they didn't do that. I wish they had. You see, that's the burden of the State to do that. You shouldn't have to guess on that. And that's why the law says you must prove your case beyond a reasonable doubt because the State has to do that. You can't make the jury guess.

The next thing is the bathroom diagram. There's a bathroom diagram as one of the exhibits. It's mistaken. Their own witness said it's mistaken. You know what would have been nice, is if there could have been a diagram that Mr. Boyce could have said this was a diagram of what happened and where I was standing and all those things. But you know what, the diagram is wrong. They said it had three sinks; it only had only two. The diagram, it said the stall doors opened out. Mr. Boyce said they open in. There's a difference whether he

backed up or not. All those things matter, but you see, you can't rely on that and so what you're left to do is to guess. And you see, the State's got to prove their case beyond a reasonable doubt and you should not be left to guess. It is for that reason and one of these reasons I think that is required that you come with a not guilty because you're left to guess as to what happened because the evidence is not complete. Mr. Elijah Williams, you remember, there was a gentleman who was mopping the floor throughout the place, you remember that fella? That fellow mopping the floor, he's one of two people that was an employee of the Interstate Shell. They didn't even talk to this fella. And I understand, I know how people move; but gracious goodness, he was still working there that day, and they didn't talk to him. You know why that fella is important? Because Justin Boyce, he says there was a truck that Dennis Hoover left in, a white truck. Well, you know what would have really helped us with that is if we had the testimony of this fella mopping the floor 'cause he looked too. And if he had come in he's a disinterested third party, he could have told us what the case was. It's our position Dennis didn't get in a white truck; he got in a green

truck. But we don't have that witness here. If only -- why don't we have -- the witness was available; but when you wait until after the preliminary hearing three months later, people move.

These things, these cases are important. And the reason I say that is, you can't be asked to rule in a case if you've not been given all the evidence that you need. You need to know what that fella said. I wish he was here 'cause he would back us up on it. But instead, what happens is, we got two people, Justin Boyce and Dennis Hoover. We got two people, people, as to what truck Dennis did or didn't get, the same situation with the two people. Mr. Boyce is gonna tell his side believe it or not, and Dennis is going to tell his side of the case. If we had that witness it would help us as a disinterested third party; we wish he were here.

Next you got side photos of the truck; I mentioned that. You know, there's been discussions about a truck going back and forth. You know, there was reference to a truck back and forth. We don't have one side photo of it; and law enforcement, they went around there and had a chance to do it. But it's our position if we had a side photo, it would be obvious to you that that had nothing to do with

Mr. Hoover's truck; but we don't have that. I think that's something you deserve and it's -- you can't rule if you don't have the evidence before you. You know, we got Justin's knife. How did he get Justin's knife? Dennis Hoover had said that the attack is with a knife. Justin attacked him with a knife. Justin said, oh, I got it. Well, where is it? You know, if he didn't have it, if he didn't have it, then that would say, well, that must be that Dennis is right, that it was Justin's knife because Justin doesn't have it anymore. But if he did have it, that'd be something you need to know; but they didn't look. And Justin was sitting right across the desk when law enforcement said, I got it in my pocket. Well, show it to me, let me see it, 'cause that knife is important. But we don't have it.

Next is searching Dennis's house. Dennis said that house -- and they said there were a lot of knives in the house. They also had, you know what he didn't even bring one knife out of there. Dennis Hoover said he had a hundred of them. Didn't test them all to see if they were there. Dennis said, in fact, the knife was there. He said, I did have it there, but they didn't get it. What's really

interesting is that the only thing they got was blades for a box cutter. And you know why I think that happened? 'Cause I think that somebody had in their mind, they made up their mind just from what they saw that it was a box cutter used. But there's no evidence. They just made it their mind it was box cutters. Why not look at all instruments? And so now you are left to guess and that's what reasonable doubt is about. You shouldn't be left to guess; that's not your fault. Law enforcement has that responsibility and the State has it.

You know, the next thing is the warrant from 6/30/11. You know, Dennis went to ask for a warrant; you heard testimony about that. He did go up and ask for one for the 6/30/11 incident. When he when there, he couldn't get a warrant. And so Dennis, you saw, you saw the pictures of the whipping Dennis took. Excuse me, you saw these pictures of him, the whipping he took, and you heard what happened. Two fellas in a truck. Think about this. Two fellas in a truck that they say they're so scared of Mr. Hoover, two young fellas. This fella in 2011, 57 years old. These two fellas in this truck stopped the truck in the middle of the road, get out of the truck, and knocked the fella

out. And Sally Chavis and her husband said, I didn't see him; and Dennis said, I'll tell you why, I was in the ditch. They left the old fella in a ditch. So Dennis went to get a warrant and couldn't get one. Well, I'll tell you what happens when you can't count on people backing you up. When time comes in a case like this one he says, well, they didn't help me in the past, I don't believe these people are my friends. They start out with the idea that he's guilty. Let's take some pictures of the bathroom, let's get the knife, let's get some evidence, let's get all the knives out of my house, let's get the evidence so that we can show that. Well, that didn't happen. So what's happening is, you guys are left to guess.

But you know, when I think about this June 30, 2011 incident, and you say, well Mr. Jones, why is that important? You know, there's a saying I learned. My wife is a music major. And she'll tell me sometimes, she'll say, second verse is the same as the third. If the fella, these boys attacked him, Justin attacked him, then what Dennis Hoover says has a lot of credibility. The second verse is the same as the third. You know what, it wasn't just Dennis Hoover. How about the girl that was

bartender at Bethune. She said they -- Dennis and Justin jumped on somebody else too. And do you remember, you know, superlatives in high school annuals, I think those are important. I think because when somebody is young they don't know how to cover up things. Biggest trouble maker was the superlative they got. And that's one of the problems we got. We got a bully situation going on and we got an older fella, and what happened is they attacked him in that bathroom and he had to come out and do the best he could to protect himself.

You know, there's another word, another thing too that's quite important. There's two minutes and twelve seconds is what this case is about 'cause everything happened in that bathroom in two minutes and twelve seconds. You can look at all the stuff out of it. All the stuff out of it is important only to the extent that it talks about the two minutes and twelve seconds, that two minutes and twelve seconds. Let me tell you something, let me say this, sometimes you think about two minutes and twelve seconds and say, well shoot, that's not too long. Let me just try this out for you. Listen to this ten seconds. One thousand one, one thousand two, one thousand three, one thousand four, one

thousand five, one thousand six, one thousand seven, one thousand eight, one thousand nine, one thousand ten. I emphasize that because two minutes and twelve seconds is 132 of those. And what happened, is while Dennis Hoover was in that bathroom this whole thing happened. It all happened that one spot. When Justin, when we asked him to describe the ordeal, he wasn't really clear on the details of what happened. He did say that we had a scramble in there; we had a scramble. That's what, that's the evidence that we have before us that there was a scramble; that's what he called it. Dennis Hoover came before you and he went and explained everything that happened in there. As I told you, I told you about Dennis Hoover, he might not have said the best grammar, he might not have said it the best way, but it wreaks of credibility. He told what happened inside there. He explained how the facial cut. you look at the facial cut. The facial cut on the left side is jagged. It looks like a stab dig which is consistent with what Dennis said, holding a hand and doing this, and that's of course, why the knife got dropped. So I think what Dennis, he gave you details and certainly, certainly based on the facts in this case, it'd certainly give you enough reason

to hesitate.

Now let me say this to you, you know, I -- doctors, I respect doctors, I think they're smart. Certainly smarter than I am, that's for sure. They go to all this school. And the good part of doctors, they have a lot of compassion which is a good thing, I like that. We might remember, there are two people that know what happened in that bathroom. It is true that the doctor saw the wounds; that's true. But the doctor who stitched up the face that he stitched up the facial portion in here, they don't know what happened in that bathroom. They know what they were told, but they don't know what happened because they weren't there. They see what they saw, but they don't know more than that. And they certainly, they said we're not sure what kind of instrument was used either. So I respect the doctor. I wanted him to testify, glad he testified. But the problem is, I'm hoping that you understand that they can testify only so far as what they know. And only two people know what happened in that bathroom.

You know, there's an age difference here, and I assume you'll take into consideration. Dennis Hoover was 60 years old when this happened. I

happen to be 61. As I told you, Dennis Hoover and I played pony league baseball with each other. That's how I met him. But when you're 60 years old -- and you guys probably don't get it -- but when you're 60 years old and you just don't have what you one time had, but when you're 35 or 37 -- Justin was born 1977. When you're 35, 37, first of all -- and some of you are that age -- and I can look back at myself when I was 61 and I thought I could concur the world. When you get to be 61 then you start, well, maybe I'm not so smart after all. But when you're a young fella sometimes you jump on some things you ought not jump on. That's what happened here.

You know, there were photos of the hand -- excuse me, 2011 is over; I've already discussed that with you. This is the same problem we had in the past. The photos of the hands only -- you know, again, it would have been nice if we had photos of Dennis' upper body. Why not? Why not do that? Dennis would let them take pictures of his hand. Why not ask him to do that? Why not say, Dennis, will you lift your shirt up, let me take a picture; but they didn't do that so we left. There's another thing here that -- the guns in Justin's truck, when you see Dennis running by, nobody has ever denied

that Justin had it. Dennis talked to you about AR-15 in the back of his truck. That's an automatic rifle; it's a military rifle. Nobody ever denied that's the case. Not one person denied that he had one in there. Dennis had reason to run for that green truck when he got around the end of the building.

There's another thing that I think you need to consider is think about how many customers were in that store. I want you to think about this. Dennis Hoover, if we accept what the State has said, if we accept that it does make sense, then it's certainly enough to have reasonable doubt. It doesn't make sense and here's why. Tell me if you plan to go hurt somebody, if you're going to go pick out a place that's got a lot of bright lights, a place that's got customers walking in and out that you can see when you go in there, got some fella mopping the floor, got somebody working the desk, you got cars parked out front. You know you got cameras in there; you know you do. Is that the place that you're gonna pick to attack somebody? That doesn't make sense. That doesn't make sense. And that's what happened here though. What happened is, Dennis goes in a place that's well lit and it's

got cameras there, people all over the place. He is not gonna do that that. That does not make sense. But the assault, the attack, it was by Justin, is very similar actually to what happened in Bethune and what happened in 2011, very similar.

Another thing about the other customers in the store. You know, you got other customers in the store. You got cars going back and forth. Well, you know, when I take my wife to the grocery store -- I just want you to think of this, and I should do better I suppose. When I take my wife to the grocery store I say, Jill, how about you go in there and get a loaf of bread, I'll stay outside and watch for you so that I don't have to park and then I'll pick you out. You got people coming in and out of a store, I suspect that goes on. You know, again, this is a part that's -- nobody can identify. Nobody can identify that Dennis was in anything but the green truck. That's exactly what he said. And Major Dellinger said that he can't identify. Now there's one thing that I hope that you didn't miss is that when Justin left that bathroom, his cell phone was left in there. A cell phone is in your pocket. If you're reaching in your pocket to get something else in there out of your pocket like a

knife, and sometimes what you might do is you're going to knock whatever else is in that pocket like a cell phone. For some reason Justin was going in his pocket; otherwise, why did the cell phone fall out 'cause it did fall out. He said it fell out. He actually sent the fella who was mopping the place back in there to get it. As far as -- this is an important factor here too. Now when Dennis Hoover came in that, when we show this, when he first walked in that Interstate Shell, what did he look for? He looked for a bathroom. He didn't look for a person. In fact, when he came in he walked to the right to go to the bathroom. If he had been looking for Justin Boyce and knew where Justin Boyce was, he wouldn't have gone to the right. That's where the lady's bathroom is. What he would have done is gone back to the back of the store, which he did only after he realized this was a women's bathroom.

You know, there's one thing that I want you to remember too. If Dennis Hoover was cutting, cutting as Justin indicates, why aren't any cuts on the back of his hand. If he was doing this why aren't there cuts on the back of his hand? Why aren't there cuts on his arm if he was doing all this. But, if you reach for a knife you cut your

thumb. Or if you're really going at him on the floor you can get cut on the stomach. Of if you get held from the back you can get yourself cut on the face. But if you're just doing this, that's another thing. I want you to look at it. I want you to think about that because it certainly calls for reason to hesitate. There's another thing too. The cuts on Justin Boyce, they're all in the front. There are none on the back, nobody pursuing him. We submit to you as Dennis did, he was coming at him. He's coming at him and so all the cuts on the front, not on the back.

Now I want you to look at -- I want to talk to you a little bit about the shirt. Well, first of all, before I do that, one of the points that have been made is enhanced photos. I want you to look at them. If you -- when you look at that and Dennis told you he had his keys in his hand, when I get out of my car and I suspect you do the same thing, when I get out of my car, what I do is I take my keys and I put them in my right hand and make sure I don't lock my keys in my car so I carry them with me. When I walk off I have it in my hand. I want you to look. You look at the enhanced photos and tell me if you don't think that this looks this

way. One thing for sure, one thing for sure, there's enough cause to hesitate to act. And that's one of the things I want you to consider in this case.

You know, I want to talk to you about the shirt a little bit. And I want you to look at this shirt. Look at where all the blood is. On the top. Look where that is. Now let me tell you why. Like I said, Dennis Hoover told you that he was on the floor on his back, could not leave, could not retreat. So Dennis Hoover said he was doing that and that's where the blood is, which means that somebody was over him and somebody who could have been choking him was at the top of the shirt. That's where it was. That's all consistent with what Dennis Hoover said. And the fact that Dennis Hoover himself has said that he has, the shirt was pulled up. You can understand the shirt wasn't touching him down here where he was cut, but it's shown in the pictures though. The enhanced photos I talked to you about -- let me say this too. You now, Dennis Hoover has no criminal record. We've heard talk about that he's this and he's that, but he's got no criminal record. But what Dennis Hoover did get is he got beat up on the side of the road in

2011, and then he got attacked again. And as a result of that, we're here today. Let me say this, ladies and gentlemen, that one of the most difficult things in a case like this is there are two people. There are two people stating what happened, nobody else on the planet. The doctors can't say, law enforcement people can't say it. Only two people.

Clearly in this case, if you look at the facts and circumstances of this case you got to find that the State has not sustained its burden of going beyond a reasonable doubt. And thank goodness, thank goodness that there's no beyond a reasonable -- that there is a beyond a reasonable doubt these days because otherwise what it is is his words against his. Two people words against theirs.

You know, one of my favorite quotes is this, when I was -- I've done some reading in this. They said that -- I heard in Germany there was a -- they said, this fellow said at first they came and they got the Catholics and I didn't say anything because I wasn't Catholic. And the second thing is they came and got the Baptists. And I didn't say anything because I wasn't a Baptist. And then they came and they got the Jews, and I didn't say anything because I wasn't a Jew. And then they came

to get me and nobody there to speak.

Ladies and gentlemen, as jurors in this case you have an opportunity to set the record straight on this. Two people that know what happened inside the bathroom, and you must look at the facts and circumstances of this case. And take those steps necessary to insure that my client is not convicted for something he didn't do for the State must prove beyond a reasonable doubt that he is anything but innocent. He is innocent. And the judge will tell you, when he comes into this courtroom he is cloaked with innocence. And just like those people in Germany, you must speak for him because speaking for him protects us all. Thank you very much for your kindness and for listening to me and your patience. You've been attentive to what I had to say and I thank you very much. Actually it's a tribute to our entire system, and we have folk like you who give the attention you do. You're not just going through the motion. You've given it the attention it deserves. Thank you very much.

THE COURT: Ladies and gentlemen, I'll give you a chance for a three minute stretch. You can go to the jury room, you do that in that period of time. Do not discuss the case.

(Whereupon, the jury was removed from the courtroom at 2:42 p.m.)

THE COURT: We'll take that three minute stretch too.

(WHEREUPON, a recess was taken from the proceedings.)

THE COURT: All right, bring in the jury.

(Whereupon, the jury was returned to the courtroom at 2:47 p.m.)

THE COURT: Mr. Gentry.

MR. GENTRY: As I introduced myself earlier, I'm John Gentry, the assistant solicitor, one of two we have in Lee County. My job has been to prosecute this case. I know you have been attentive. We have been moving along steadily and swiftly since you got here on Tuesday afternoon, and we're about to put the case in your hands for your decision. I can tell you right now I'm gonna show you all the evidence that has been admitted on the State's case. I'm just gonna give it to you briefly. You will have all of it with you in the jury room when you go so let me just recapitulate with you.

Number 1 is the State's, the first one that we saw. That was one that Major Dellinger gave

the defendant his Miranda rights which he refused to sign. That was at the interview he conducted on January 4th. Number 2 is the master tape, the master disk from Interstate Shell which occurred on January the 4th, that period of about 4:30 in the morning to 4:35 or somewhere along there. I'm not gonna show you that because we have a summary tape. Exhibit 3 I'm gonna show you instead. Here is the enhanced photos we have. We see in that, that's number 4, shows Mr. Hoover coming through the front door. Number 5 shows Mr. Hoover as he comes through the front door. It's just a little further to the side; he looked off to his right. Number 6 is an additional picture of Mr. Hoover as he goes by the cashier. We know there's something in his hand, something in his hand; we don't know what it was. I don't think the State is going to assume or said anything. Mr. Hoover says it's the keys. That's -- all we know is that Mr. Boyce came out of that restroom cut up pretty bad. There's Mr. Hoover going down by the package case. That's Exhibit Number 7. Number 8 shows him going outside the store taking the outside exit going back to the car, or a vehicle. Number 9 shows the outside of the Shell. This is where he's parked over in this

vicinity right here. That's where he said. That's his H on Exhibit 9. This is the fella -- this is Number 10. This is where Mr. Boyce said he was parked, right here. Mr. Hoover would be parked over here. His mark was this. This big sign -- and there may be some gamecock fans here, I'm not sure -- but at any rate, that decal was in the back of Mr. Boyce's truck the night in question. It was parked in front of the Interstate Shell. And why does it become important? You can see this white vehicle going back and forth. Somebody stopped behind there and looked at the back of that truck. Somebody had a reason to look at the back of that truck; that's why that's important.

This is a picture of Mr. Hoover's Toyota pickup truck. If you'll recall Justin Boyce testified that Mr. Hoover left that area in a white Toyota pickup truck with a camping shell on the back. And low and behold, here is the white Toyota pickup truck with a camper shell on the back; that's Mr. Hoover's.

And you'll recall Deputy Watson also said that he went out there early in the morning right after, pretty early, there was no frost on that truck. This is the back of Mr. Hoover's truck

showing his bumper hitch and his license number. And incidentally, when you look at the defense exhibit here which is Defense Exhibit 1-A, you'll see a front view, a side view, and a 45 degree view which you won't see one from the back view; and that's because we think there's no license tag on here, it's not insured. You'll also see when you look at here on 1-C there's no for sale sign in that vehicle.

This is Number 15. This is where Mr. Hoover's shirt found in the laundry hamper in his home. Also, you've heard the testimony that the blue jeans he was wearing when he was arrested were picked up by Deputy Watson and given to Major Dellinger to be sent to SLED. This is a photo of the shirt, Number 16. The shirt is in the bag marked as an exhibit, which you will be able to take in with you.

Number 16, 17 is Mr. Hoover. This is taken the next day after his arrest. That would be January 5th by SLED. You can see better on the photograph than you can on the screen. There's no marks on his face or neck, none. You recall his testimony talking about how much they struggled and Justin had his hands around his throat. This is

Number 18 that shows Mr. Hoover's hands. This shows actually better on the photograph than it does on the screen. But if you look there you'll see there's no marks on his hands or arms. Number 19 is the entrance way to Interstate Shell. It's the men's room. You can see as you come down the cooler on the red tile section, turn to the right, and you go down the hallway just a bit, and there is the restroom, the men's room.

This is the schematic that we were referring to earlier. That is in evidence. And you can see the photographs demonstrated. This is the urinals in the bathroom. They're on the right-hand side of the bathroom, four of them. Here is a picture, Number 22, of the left-hand side of the bathroom coming in. You'll notice there is a wall-to-wall mirror going all the way from the left to the right over the sinks. Anybody that's standing at the left-hand sink where Mr. Hoover was, can obviously see anybody coming out of the bathroom area by the reflection in the mirror. Exhibit 23 is a photograph where Mr. Boyce was. He said he was in here. He said he was in the middle stall. There's a handicap stall on the right. There's another stall on the left. You can see there is a gap here.

You can see that gap. So anybody who comes into the bathroom like where I'm standing right now could see somebody was using one of those stalls.

This is a corridor leading from -- not from the men's room, but as you go out of the men's room right here, take a left and go out this exit door right here. That's the exit door to the fuel tanks for the trucks. This is a photograph coming out of the men's room taken by Investigator Newman. Notice the blood stains, not very many there, not very many at all. These are blood stains that were assembled around the Pepsi Cola machine up towards the front of the store. You see a lot more bleeding there, a lot more bleeding while Mr. Boyce is waiting for EMS or the deputies to come. This is in the very front of the store. I think if you'll remember when you watched the video, there's probably a mat there. That's the reason there's no blood on this area. Somebody had done something with the mat. But here is the blood. There's bloody tile. And you can see later on on the master video that the Elijah Williams was handing Mr. Boyce a wad of paper towels to put on his face.

This is a photograph of Mr. Boyce. It was taken over at Lee County Sheriff's Office. You'll

note the gash here, a vertical gash, horizontal gash across his forehead, and two vertical gashes down his cheek, two vertical gashes down his cheek. Also notice there was a measurement on there, and those things appear to be from about two-and-a-half or more inches. This is a photograph of Mr. Boyce and also taken over at the Sheriff's Office. You can see here that gash come down to his throat. You can see this gash over here. And you'll recall from the emergency room, Doctor Bostick, talked about he was blessed that he wasn't killed, if you'll remember that testimony. This is a different view of that particular wound area. It shows two dashes. One is vertical coming down the left side of Mr. Boyce's face and you can see and the tape measurement is put beside it. It goes from number two to six. That is about four inches worth of a gash at least, at least. This is a photograph of Mr. Boyce that was taken by his wife after his bandages came off. You know, the deputies also took pictures of this. This is subsequent to the deputies taking the photograph. Another shot of Mr. Boyce, and you tell it's two gashes vertically, vertically. Somebody was cutting down. There's a wound under Mr. Boyce's left armpit. Somebody was slashing horizontally. Maybe

he had his hand up. He got it this way. His hands were up, his hands were up. He got across here. If his hands were up, the same thing would have occurred to the neck, across his stomach. Somebody did a horizontal slash on Mr. Boyce.

That wound is of his thumb. This was another picture taken by his wife. That's Exhibit Number 36. You'll recall that Doctor Hopla said this was a serious wound because it required -- that was a deep cut; it was very deep cut. Doctor Bostick opined this was a defensive wound. He was trying to fend off an attack. This is the last of the slash marks on Mr. Boyce's left thigh, probably occurred when he was trying to leave. It's not too deep; it's not very long.

Number 38 is the location of the box cutter blades that were found in the defendant's house. Number 39 is a picture of the box cutter blades. You will also have these blades. They have been coming into evidence. They're in Exhibit Number 46. Take a look at them. You'll find that several missing. This is the report issued by, first report issued by SLED. This indicates that there was blood present on the jeans and on the shirt seized from Mr. Hoover. And they will tell

you that it was done simply to try to figure out if it really was blood so it could go to DNA for analysis. Here is a report from the DNA analyst. If You'll read on page 3 of the report she opines as how there's one chance of probability of randomly selecting an individual having a DNA profile matching these terms is approximately 1 in 53 quadrillion. That's more people that's ever been born in this world, ever.

This is the truck the Defense put up, 1-B. Anybody see the for sale sign up there? The other document I will not analyze for you just now. As I told you before, this is Number 46 which is box cutter blades. These two exhibits here are the results of samples from SLED, the DNA and the serologist stuff. This is the jail medical screen history report that was brought in in rebuttal. It indicates that the inmate was not unconscious or showing any physical signs of illness, injury, bleeding, pain, or other symptoms suggesting a need for a medical emergency medical referral. There were no visible signs of fever, jaundice, skin lesions, grafts, or infection, cuts, bruises, or other minor injuries, any marks on his body. That's 50.

And of course, what we'll talk about more very soon is the timeline on how all these things occurred because a timeline is critical. I can't sit here and count one thousand one, one thousand two. I can't tell you how much time elapsed without a stopwatch; I can't do that. It's almost impossible. So, without further adieu let's go into the tape. Bear with me a moment while I get this thing straight.

(Pause.)

MR. GENTRY: My degree was not in technical communications like Agent Shropshire.

(Pause.)

MR. GENTRY: The way I did this just a minute ago by putting that thing on the floor -- years ago I was a young lieutenant in the Marine Corp. I was flying helicopters down in Guantanamo Bay. That was back in the days before. Things got really exciting then. One day we were hauling the admiral on the baseline, and he didn't quite understand the difference -- there were two different kinds of safety belts in a helicopter. One was an insert to lock, and the other was over center lock like this. I'm sitting up there, I'm looking down between my legs and I see him in the

bottom, he's jumped in the preacher's seat. And what he does, he takes one of one kind and one of the other kind and tries to put them together; it doesn't work. He tries three or four times to do that. He just finally said the heck with it; you could see it on his face. He tied those things and he'd give me a thumbs up, and we started flying. That's what I'm doing right here so hang in there along with me.

If you want this timeline to compare, if you want to see any of these videos again, any part any time, feel free, ask the judge. You'll see Mr. Boyce come in right now. That's his truck pulling into the parking lot in the space shown in the photograph. He parks it at 4:27:36. In just a second or two he'll run in. Notice he has a hoodie and a ball cap, and he's headed to the back of the store going to the restroom. You'll recall his testimony he was going to get a cup of coffee. You might have missed that. It was a white truck pulled in right behind him. White vehicle, I'm sorry, a white vehicle. So Mr. Boyce is walking on back to the back of the store. I think you'll recall he testified he was dressed in to go duck hunting. It was January; it was cold on Santee. He had on

thermal jeans, a hoody and a jacket in the car to start with. He's heading on back. You can see this is the point where turn to the right to go down the corridor to the bathroom. You see the shelves with the coolers there. He turns to the right and goes through the bathroom corridor. Now there's a white vehicle here, can't exactly figure out who that is, can't get a definite positive I.D. on it,but that's a white vehicle of some kind. Whether it's a truck or SUV, don't know, at this point don't know. You heard testimony from the lady who's the manager out there at Interstate Shell. They don't have a whole lot of cameras out there. Primarily the cameras are inside and they're on the gas pumps. And that makes sense. They want to keep the people who are stealing their gas, they want to have it on tape. This truck stays out there. How long? It stays there roughly 4:28:10 to 4:29:18. It starts to move on. It's gonna stop. Why do you think it stops? We believe it's because he wants to see inside. Whoever this white truck, we think he wants to see inside a little better, see if he can see who is in there. The truck is coming back right now. 4:29:37 he comes up. He stops behind the Boyce truck. What is in the rear window of the Boyce truck? A big

sign that says Boyce Brothers Farm. Now what's he gonna do? He's gonna back up. Why does it make any difference to that person what kind of sign is in the back of the Boyce Brother's Truck. Somebody with a grudge perhaps? Somebody who ought to know better? Mr. Hoover comes in at 4:32:40 using his left hand to open the door with something in his right hand. Mr. Hoover says it's his keys. We say we don't know what it is. All it is, he's got something in his right hand. I would suggest to you that somebody who's walking around with keys would probably put them in his pocket so he won't lose them for sure if he stops somewhere. There he goes down heading down towards the rear of the store. There he comes making the turn going to the restroom 4:33:18. 4:35:37, 38:40, out comes Mr. Boyce. Two minutes, a little bit more than two minutes. And there goes Mr. Hoover walking the same purposeful pace, the same purposeful pace. There you'll see Mr. Boyce coming in across the front of the store. Mr. Hoover just exited through the other exit there. He comes -- you'll see Mr. Boyce coming this way. Heading over to the left heading towards the clerk's counter, Mr. Hoover is walking with his same purposeful pace with his hands in his pocket.

Mr. Elijah Williams, the gentleman who couldn't be located. There goes Mr. Hoover. He's beating feet now. He's going across back there. There's Mr. Boyce going out to look; he sees that. What does he see? He sees Mr. Hoover getting into a white pickup truck with a shell on it. You can see it right here in just a second. You'll see the end of the bumper. There it is right there. End of the bumper. Moves off. And that's that video. If you all want to see it again during your deliberations please ask the Court to let me show it again. I'll be happy to.

Let's talk just a little bit about what else is going on here. You know, we know from facts that the white truck is a white vehicle that's clear in the video, absolutely clear in the video. Somebody came up to that store who most probably knew Justin Boyce's truck and saw that sign in the back that said Boyce Brother Farm somebody who had a grudge against the Boyce brothers, and we know who that was. Tommy Hoover told you who that was. Marshall Boyce told you who that was. And I guess to a sense Mr. Hoover told you who that was. Of course, if you believe him it's their fault. If you believe the other guys, it's his fault. Well, at

any rate, you notice anybody else come in that store after Mr. Hoover came in? Anybody else come in? No. Did anybody else leave that store after Mr. Hoover left? No. So who got in the white truck and moved off? Mr. Boyce saw Mr. Hoover running behind across the front of that store. He's the one identified Mr. Hoover. Mr. Hoover had the white truck. Who else had a white truck there? That white truck moved back and forth, back and forth, and stopped and backed up. What are they doing? They're not out there inventorying folks. They're not taking census or anything else; they're looking for somebody. That person is looking for someone. We know from the pictures we have that there was a clear gap at the bottom of that first stall. Anybody looking in from the door could tell somebody was in the stall. Nobody could tell exactly who it was, but you know that truck was outside. By process of elimination, if he's not in the main store where else could he be? He can't be in the women's restroom. That wouldn't be kosher, would it? Not at all. So he's got to be back there. At this point does the knife make any difference? I mean, what we're talking about here is credibility or believability of the witnesses.

And you can resolve this in one or two ways. You can say, you can toss a coin and say the heck with it, let's just believe them both in which case nothing happens. Or you can evaluate the evidence according to the terms the judge is going to give you, and assess credibility based on all the evidence and determine somebody is not telling the truth here. Somebody is just not telling the truth. And if you think you have to have all doubt cleared, if you think you have to have every piece of evidence in your hand, if you have to have that in your hand, then I want to tell you you're in a different world than what everybody else is in because you make decisions every day without having full information. You have to look at this thing and you have to decide do you have enough, do you have enough. And I tell you when one side is lying and the other side isn't, and if you believe the one side and that one side fits in with what the judge tells you and the other evidence in the case. Then I think your course is clear. That's a guilty as charged.

Now I want you to remember something else. You saw Mr. Boyce come running out of there. When you saw him go in he had his ball cap on; didn't he?

When he came running out he didn't. When Mr. Hoover came out he had that same brimmed hat on. Now Mr. Hoover is fearing for his life, he can't tell me that if Justin was behind him that that hat would have come off at some point. And you can't tell he stopped in the bathroom when he was scared to death as an old man, and he had to pick that hat up and put it on his head and go out of there. That makes no sense. I suggest to you that the idea that Mr. Hoover's story wreaks credibility is right up to a point. His story wreaks, his story wreaks. It smells like the high heavens. Now looking at the jury I don't think anybody here fell off a turnip truck on the way here today. I think you're fully capable of making decisions, sound decisions. So y'all ought to know something else. If he was all that scared of Justin Boyce, he have had that pistol on him when he walked into that bathroom. And you telling me he'd rather pick up a pistol -- a knife off the floor instead of pulling that pistol out and shooting him? That don't make any sense, not 60 year old man with four stints in his heart and down on hard times and on so and so. So story about June 30th of 2011, he's the only one that saw that. He's the only one who did that. Nobody else out

there knows anything about this. Mr. Ellerby didn't know anything about it. Mr. Ellerby's ex-wife didn't know anything about it. She heard him. He was in the ditch he says, but he had to walk home. You think if he'd been beaten severely as he says he was beaten that he'd have walked all the way home and if there's people on the way, knock on the door, help me, I need some help. And when he was so serious about getting an incident report, he wasn't serious about that until three weeks later according to Investigator Capps. No, you'll find there's a considerable gap in this whole thing. You'll find there's a long time whenever that white truck moves off and before he moves in. The question is, was he waiting for Mr. Boyce to come out to get him? Or did he finally say, oh, heck with it, I'm going in to get him myself, I'm gonna root him out. That's the question you can certainly consider.

Now nobody says this has to make sense. No person in the world that says this is rightful, had to be logical, and has to follow this particular format. People do illogical things every day, and I'm sure you've done something yourself. You may have been called to task for them. You may not have been called to task for them. You sit in judgment

today. You are the conscience of the community. You are the twelve people who have been chosen here to put the law into effect. All the legislature can do is pass the laws. All the police can do is arrest people who seem to have broken the laws. And what you do, is put those people in jail who deserve to be put in jail. If you believe Mr. Hoover, that's fine. It's perfectly in your province. But I suggest to you that if you believe Mr. Boyce, that's the proper way to go.

Now the judge will tell you about beyond a reasonable doubt and Mr. Jones had a long list of things that would have been helpful. But the question is, does it have to be beyond all doubt. It doesn't have to be beyond all doubt. It can be circumstantial. It can be direct. It can be things within your common knowledge. Common sense. We didn't ask you to check your common sense at the door when you walked in here today. So after all of this, after sitting here for, since Tuesday, when you arrive at your opinion, I suggest you come back with a finding of guilty as charged. Thank you.

THE COURT: Mr. Foreman, and members of the jury, you've heard the testimony, received the evidence, and heard the arguments of the State and

before the jury comes out with a verdict?

MR. JONES: Nothing from the Defense, Your Honor.

THE COURT: All right. Let's have the jury.

(Whereupon, the jury was returned to the courtroom at 5:44 p.m.)

THE COURT: Mr. Foreman, have you reached a verdict?

THE FOREMAN: Yes, sir, we have.

THE COURT: Is it unanimous?

THE FOREMAN: Yes, sir, it is.

THE COURT: All right. I want to admonish everyone in the courtroom before the verdict is announced that order must be kept in court at all times. There are to be no outbursts based on the jury's verdict. If you'll pass the verdict. If defendant will rise.

(Verdict was tendered to the Court.)

THE COURT: You may publish the verdict.

THE CLERK: The State of South Carolina versus Dennis E. Hoover: we, the jury, unanimously find the defendant Dennis E. Hoover as to the charge of guilty of assault and battery in the first degree. Signed by the foreperson.

assault and battery second degree, which you did not find, carries up to three years in prison. And then there's assault and battery third degree which carries up to 30 days which used to be simple assault, when you slap somebody, push them, or otherwise. So you found the defendant guilty of this offense. You have had no role whatsoever in sentencing, as I explained to you when you sent out the question. The role of sentencing is up to the judge and we move into that phase of it right now.

If you'd bring the defendant forward for sentencing.

All right, I'll hear anything else that the State has to offer.

MR. GENTRY: Your Honor, the State has no record or prior convictions. The State has the victim here, Mr. Boyce, Mr. Justin Boyce, and his wife Donna.

THE COURT: All right, Mr. Boyce, I'll be happy to hear anything that you or Mrs. Boyce or anyone else would like to say.

MR. BOYCE: Thank you, Your Honor. I didn't really, wasn't scared of anything till January the 4th of last year. Ever since then every -- laying in bed, every time I hear a dog bark

I woke up in fear thinking it might be somebody trying to get me again. And it's been a major toll on my wife and children and my whole family, the whole community, really. Dennis Hoover has terrorized us for a long time, for years. I don't know how to explain it whenever I kind of got pulled in the middle of this thing by accident. But it's been a nightmare.

THE COURT: What's going on with him? What's -- you said he's been terrorizing for years, what do you mean?

MR. BOYCE: We've had threats from him. We've had -- heard threats through him, he was gonna get us. And pass him in the road he'd be shaking a finger at you and just all around. It's a small community; word gets around pretty fast. And ---

THE COURT: Are you saying that he's like just like a bully, a ---

MR. BOYCE: Yes, sir. And it's not just my family, it's -- his own brother, his own brother is scared to come out his own house, he was so afraid of Dennis. Other people in the community, he used to have signs in his yard threatening people. I mean, it's just a nightmare, a bully nightmare. And he just thought he could terrorize. That's

what -- he terrorized our community, and we just want to get it over with and behind us. I mean, just was -- we just want to get it behind us and ---

THE COURT: What do you think of the jury's verdict?

MR. BOYCE: Very good, I was very pleased with it.

THE COURT: All right.

MR. GENTRY: May it please the Court, I'm gonna hand up Exhibits 26, 27, 31 through, 29 through -- anyhow they're the photos of the victim after the incident.

THE COURT: All right.

MR. GENTRY: I believe the Court will recall the testimony of Doctor Bostick who was the emergency room doctor who testified he was blessed.

THE COURT: Mrs. Boyce.

MR. BOYCE: Indeed I was.

THE COURT: All right.

MRS. BOYCE: I woke up on January the 4th telling me my husband was in the hospital. They told me that he was lucky to be here. I had to get my three kids to the grandparents house so I could rush to the hospital to be with him. And when they got home they didn't know what to think of their

daddy; he was all bandaged up. And then we had to tell them what happened to their daddy, and then they had to go to bed had every night scared of a man that they didn't know. And we had never set our alarm until then, and then every time they heard a dog bark or door open they were scared. And then I was scared to even be at home by myself so I would always lock the door. And during the alarm on and I had conversations with people on the phone telling me how scared I was. Even though I knew he was in jail it just, somewhere in the back of my head I was just worried that he would get out and come get and back and get us. And my husband would keep telling me that I needed to talk to somebody, I needed to see somebody until I just kept -- I don't. I don't know. Until I finally just kind of got over it and they kept telling me he wasn't going to get out and then ---

THE COURT: How long was he in jail before he got out?

MR. BOYCE: From January to May.

MRS. BOYCE: May. But we constantly set our alarm and we live this way did in and day out.

THE COURT: What did you think when you heard Mr. Hoover was the one that had done that to

your husband?

MRS. BOYCE: When I first heard that he was, when I first heard that he was hurt I thought maybe he had gotten in a wreck at a gas and he had been robbed until I heard the name. And when I heard the name that's when I knew.

THE COURT: You heard the name and you weren't surprised?

MRS. BOYCE: I was not.

THE COURT: All right.

MRS. BOYCE: Not at all. I heard the name before.

THE COURT: All right. What you hear, Mr. Gentry?

MR. GENTRY: I have nothing further, Your Honor.

THE COURT: Office Dellinger, anything?

MAJOR DELLINGER: Your Honor, I think you've heard the facts of the case, and so I won't go back into that. But you didn't get the opportunity to hear the complaints and hear the members of the community of how they were intimidated by him. He was just the stereo typical bully of that community. And as Mr. Jones said today that he wasn't polished and he doesn't

pronounce things, the sad part about it is Mr. Hoover, when he was on the stand showed a portion of his character; but he was on his best behavior here in court. He's much more argumentative, much more belligerent, much more difficult to deal with in the community and in society, and he's tormented those people in that area from his brother to councilmen, to the Boyces, for years. I think this is one of the situations where this case cries out for the maximum sentence.

THE COURT: All right. Mr. Jones?

MR. JONES: Yes, sir. Your Honor, I have family members here I'd like to have a chance to speak if the Court will allow it.

THE COURT: Yes, sir.

MR. JONES: We call Mr. Lindy Hoover up here. This is the brother of Mr. Dennis Hoover.

THE COURT: Yes, sir.

LINDY HOOVER: How are you doing? I'm not aware of the bullying and things I just heard; and he has been on his best behavior since he's been out, been no problems. I've never had any problems with him. He does have a problem with my younger brother, but it's been that way their whole life. So I just don't think he needs, you know, the

maximum sentence.

THE COURT: All right, thank you, sir.

MR. JONES: Tommy Watkins. I'm first cousins with Dennis. Other than, you know, I never heard all this bullying before and I talked with him every other day on the phone. He's been out of jail. I don't know of any trouble he's been in since he's been in there. But you know, I don't, I just don't see, you know, a lot of trouble that he been in, you know, I've never heard of it. I mean, I mean, I live in Lumberton.

THE COURT: Of course, if he's never been in trouble, he started out pretty big with an attempted murder charge.

MR. WATKINS: I said he's never been in any type of, you know ---

THE COURT: I'm saying he's even, if he's never been in any trouble he started out pretty big; And he, when your first trouble is being on trial for attempted murder.

MR. WATKINS: Well, all I know is what I heard in court. One, the other one. You know, like he said only two people knows what happened that night so that's all I know.

LINDY HOOVER: Could I say one more thing?

THE COURT: Yes, sir.

LINDY HOOVER: I'd like to say there was bullying on both sides. I mean, the bullying, you need to look at other directions also. This man went through a lot.

MR. JONES: Your Honor, if I could get his sister now.

THE COURT: Yes, sir.

SISTER OF DEFENDANT: I'm Dennis' sister and I'm sorry that Mr. Boyce got hurt, I really am. I'm very sorry that my brother got hurt too. Those boys both stopped -- Dennis was walking. They were in a vehicle. They didn't have to stop that morning. They stopped with intention to attack him. And that's what they did. And when he went in that store he said it was self-defense, that he was attacked again, and I believed him. And they were bullying him. And as far as my brother Tom, Dennis is not the only one in the family that he doesn't get along with. He won't have anything to do with my oldest brother or my sister or my cousins.

Dennis has been through a lot. I'm sorry that all this hurt has happened, I really am. But I know Dennis, and I know that he would never attack anyone with a knife unprovoked if -- whatever

happened to his attack first he would not go there and attack someone with a knife.

THE COURT: I understand. Of course, I understand your view. That's why we have a trial and that was for the jury to decide that particular issue.

SISTER OF DEFENDANT: He means a lot to me.

THE COURT: We can't, we can't rehash that. We've been here all week deciding that question.

SISTER OF DEFENDANT: He means a lot to all the nieces and nephews and grand children. He will be missed by the family. This family needs Dennis. We love him, care for him, depend on him. And like I said, I'm sorry, but I would ask for leniency for my brother.

THE COURT: All right.

MR. TURNER: I'm Gerard Turner, I'm not related in any manner. Mr. Hoover is a coffee drinking buddy of mine that would meet every morning before daylight. He's the kind of man that I would call a man's man. He's not gonna put up with any foolishness. He will defend himself. He is also a generous man. In many cases that I have been

involved with some high people donated money to, but I have known cases where he is in the community where he would go out to a needy family, bought groceries, carried it to them, and was glad to do it, a generous heart. He and I have gone to flea markets together; we have gone to auctions together. And we've, I've enjoyed his friendship. He has been no threat to me. I've never seen any bullying out of him towards anyone. But I would also say he's a man's man. He's my kind of man that will defend himself or defend you or anybody else. He'll talk to you in jeopardy; he would step in. He's the type of man that would step in. But he was also a man that opened up his pocketbook if he thought you needed something; he'd give his shirt off his back.

THE COURT: All right, thank you, sir.

MR. JONES: Your Honor, if I could ask Mr. Hoover to speak, Mr. Dennis Hoover.

THE COURT: Yes, sir, I'm happy to hear from him.

THE DEFENDANT: Your Honor, I'm Dennis Hoover. A lot of what you heard is true, very true. I'm not just a bully here. Them Boyces have bullied me. They beat me up, throw me in the ditch and left me. They have tried to run me off the road with 18

wheelers, and they have tried to set up traps to make me stop along the road where they could jump on me personally. So I know I have already been found guilty, but I want this courtroom to know that the Boyces is just as much wrong as I am, but I'm man enough to say I'm sorry.

Justin, I'm sorry to you, your family, and your wife, your children, I'm sorry, and that's a man's word.

THE COURT: All right. Thank you.

MR. JONES: Your Honor, you've heard, you've heard Mr. Hoover testify. You heard him today. He does not have for lack of a better term, savoir fare, some would argue to be anything but absolutely transparent. I mean, what you see, good or bad, that is the man. And I think you saw that on the stand today; I think you see it now. When I've dealt with this guy, I've been dealing with him solid for a year. I visit at his home a bunch of times and what you got here is a guy who he thinks in straight lines. It's either black, white, right or wrong. And what happened is this turkey house thing, he is really convinced that turkey house thing is wrong and he's convinced that that's not good for the community, that's not good for him.

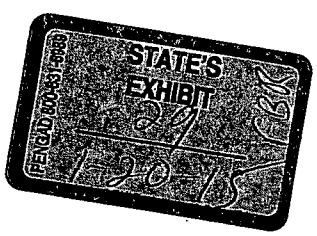
know how he's able to muster that up today 'cause he doesn't sound like a man who does much apologizing, but he did. That's a good thing. I think that obviously from the number of people here who have been here during this trial, this is a very serious matter for this county and that community and in that -- and a whole lot of folks on that side of the courtroom who wants to see justice. And had a few on this side as well. You know, everyone's voice is just as important.

Mr. Hoover, the sentence of the Court is that you be committed to the State Department of Corrections for a period of nine years and you get credit for time served. That's the sentence of the Court. Good luck to you.

MR. GENTRY: Your Honor, is restitution involved?

THE COURT: Further, restitution is ordered to be paid in the sum of 2,820-dollars, the recipient being Robert Justin Boyce.

* * * END OF REQUESTED TRANSCRIPT OF RECORD * * *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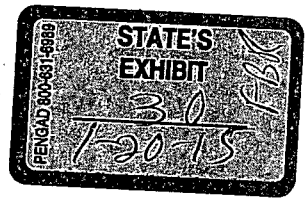
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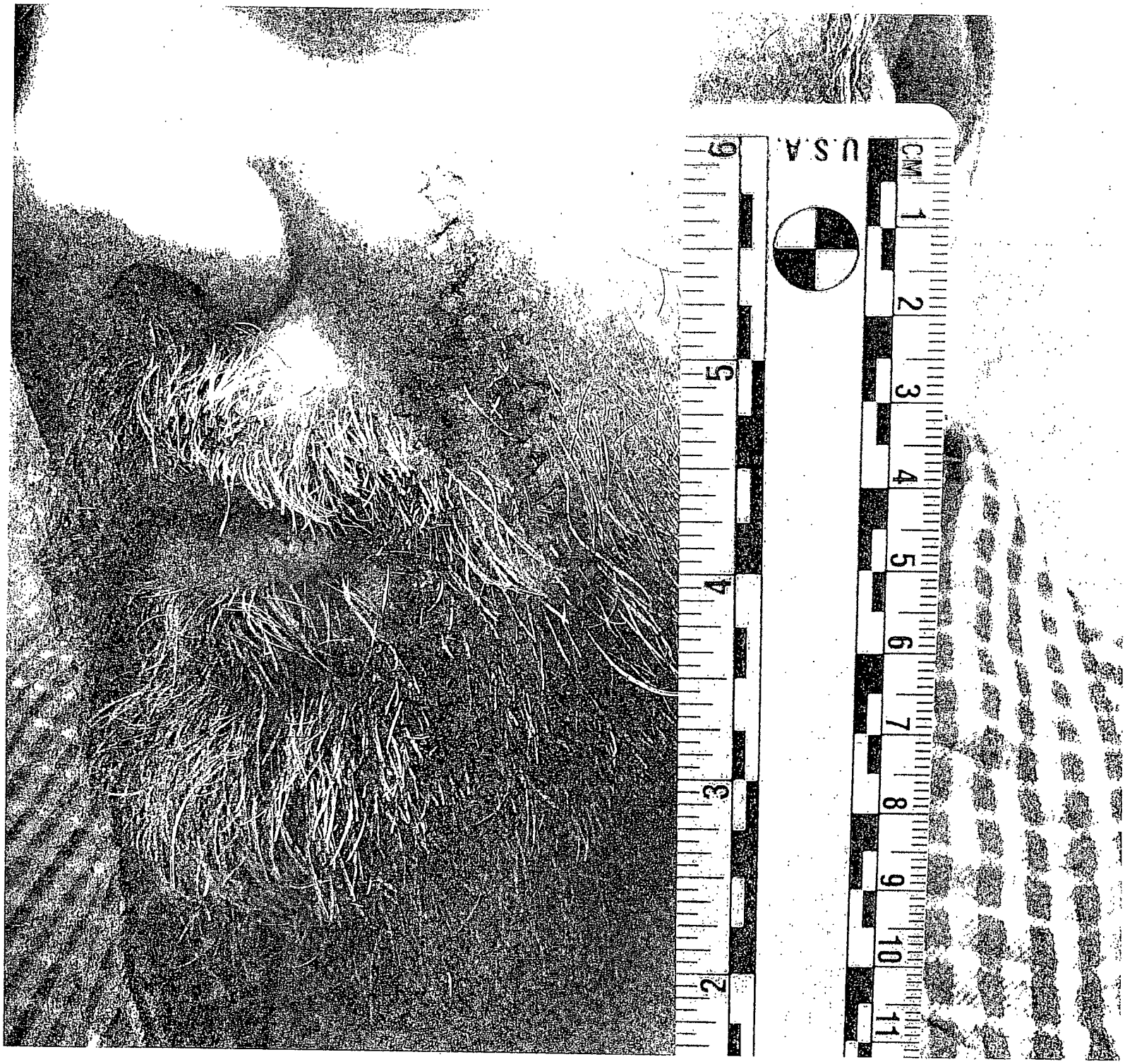
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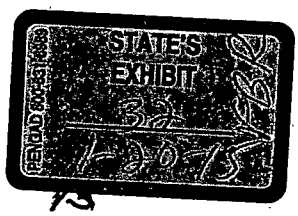
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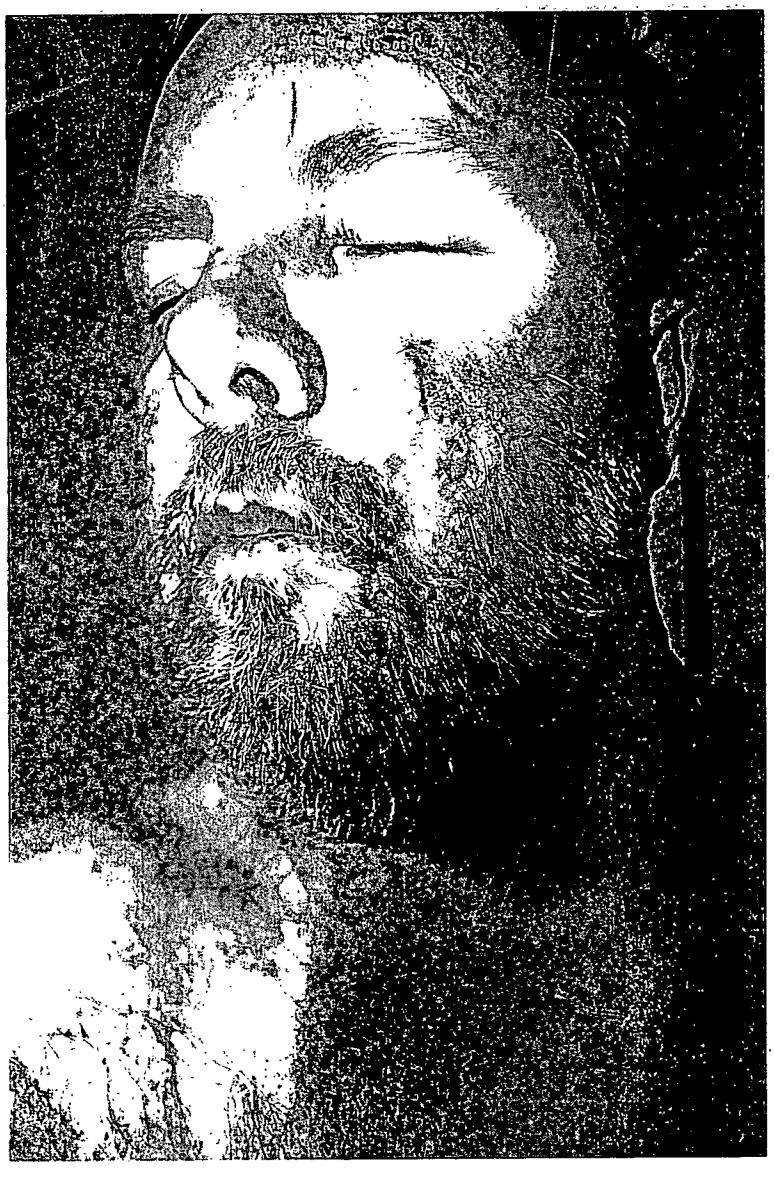

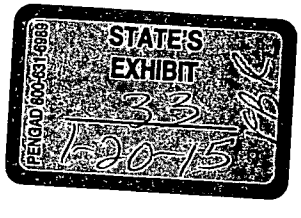
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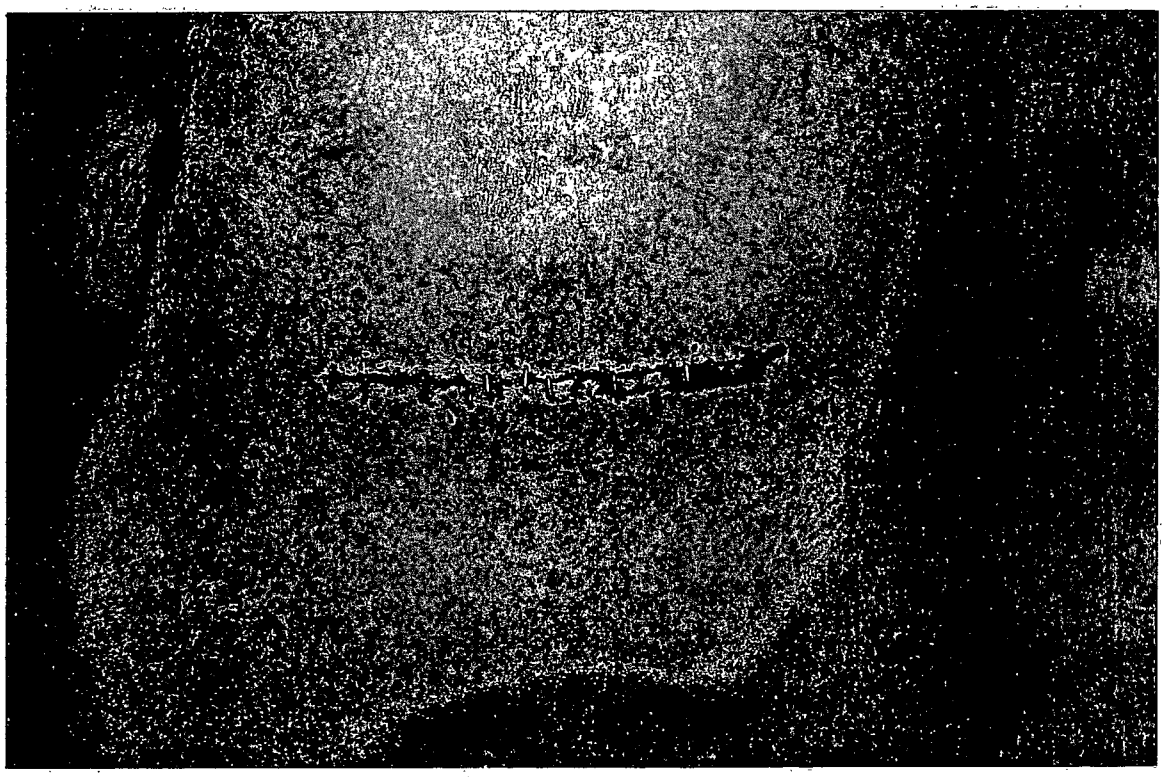

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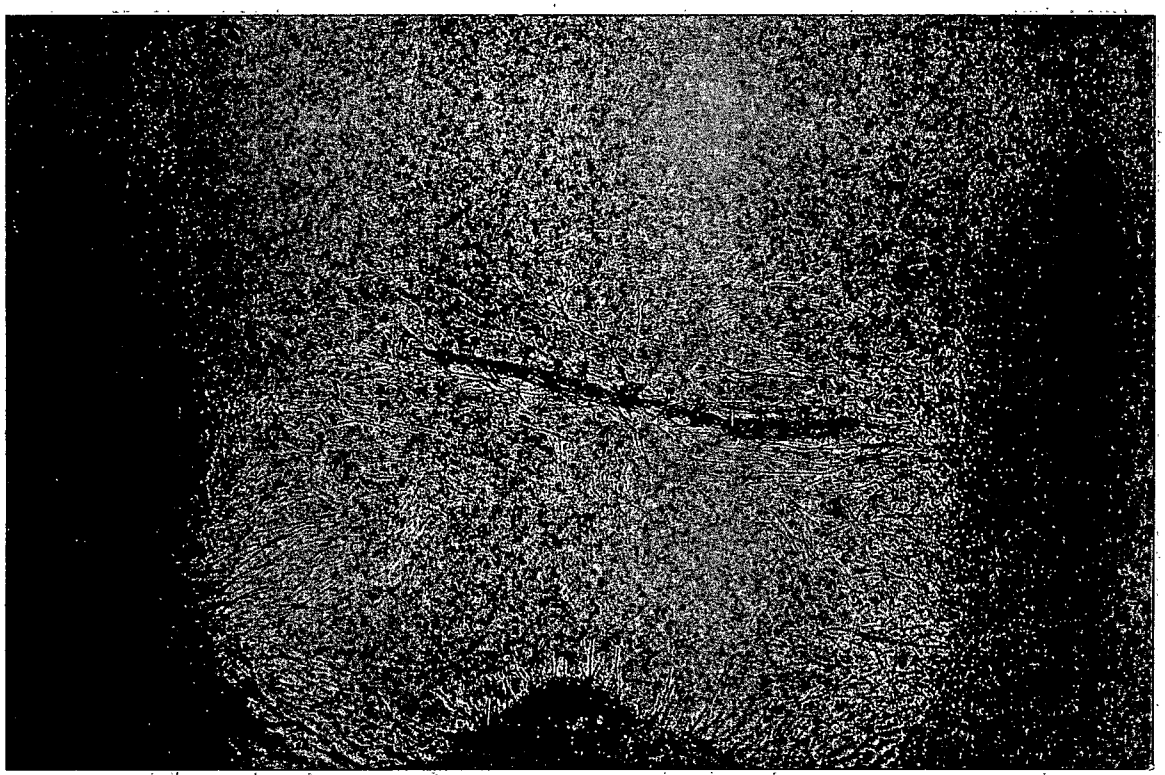

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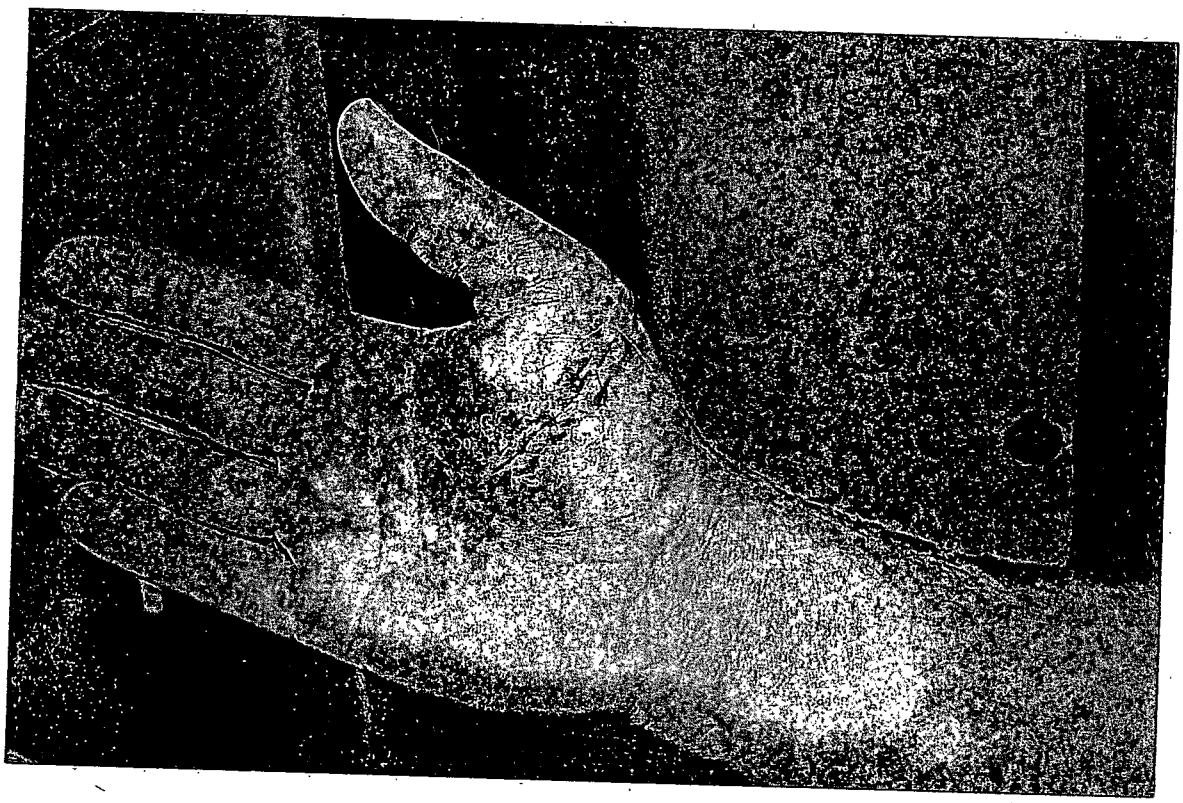

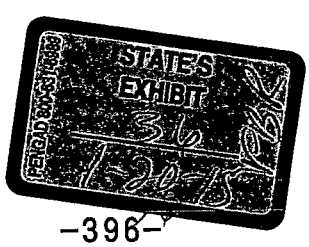
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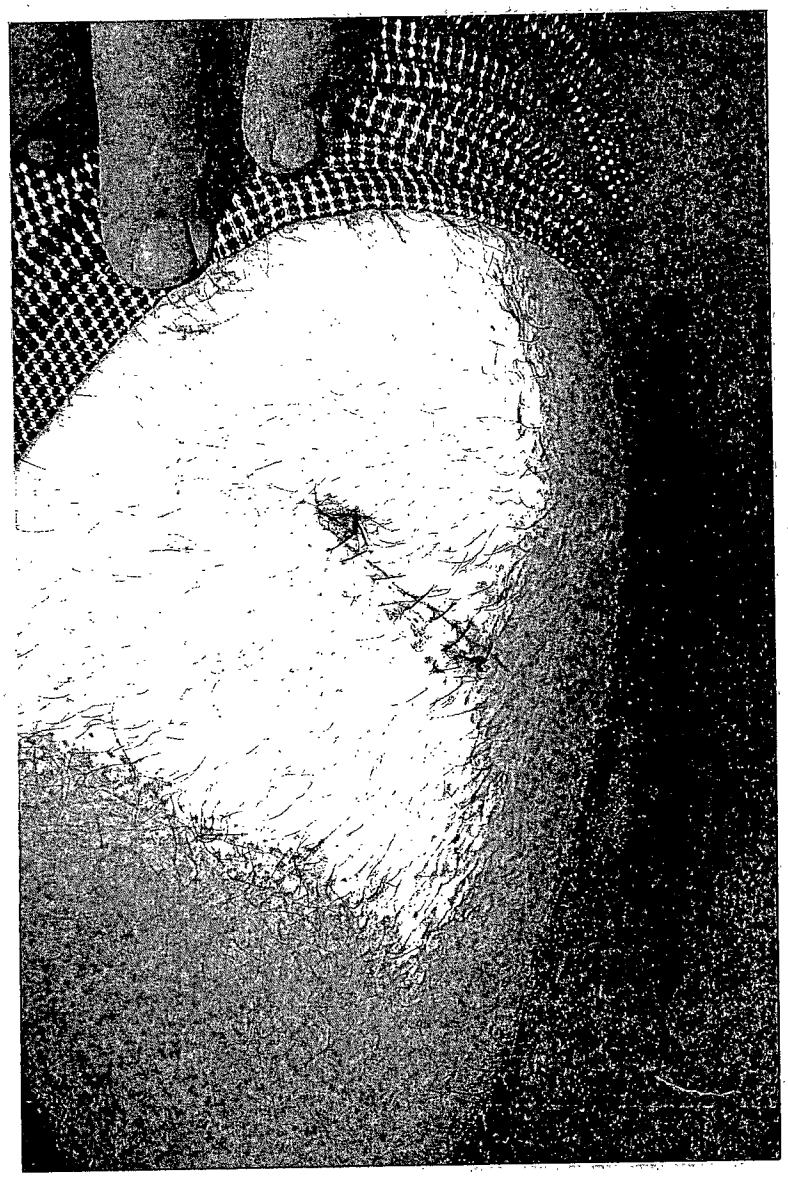

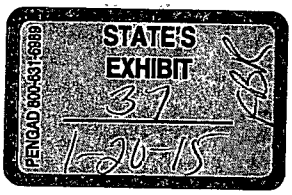
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Disc summary January 8, 2015

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|---|---|
| Disc begins | 4:27:19 |
| Boyce truck parks | 4:27:36 |
| Boyce to Building | 4:28:01 |
| Boyce walking to rear | 4:28:02 |
| White truck pulls up | 4:28:10 |
| Boyce turns corner to mens room | 4:28:20 |
| WT Moves off to right | 4.29.18 |
| Back at | 4.29.37 |
| Stops behind boyce truck | 4.29.49 |
| Backs up | 4.29.57 |
| Moves off-screen | 4.30.10 |
| Hoover comes in | 4.32.40 |
| Comes back from right | 4.32.56 |
| Moves into RR corridor | 4.33.17 |
| Boyce runs to front of store | 4.35.39 |
| Boyce turns, looks back | 4.35.46 |
| Boyce continues, looks back | 4.35.49 |
| Hoover exits side door | 4.35.49 |
| Hoover walks outside | 4.35.51 |
| Runs in front of store | 4.35.57 |
| Boyce exits store, | 4,36.02 |
| Boyce quickly returns | 4.36.08 |
| Vehicle moves off | 4.36.20 |
| Boyce partially opens door, looks out | 4.36.27 |
| Summary ends | 4.36.30 |

# Jail Medical Screen History Report

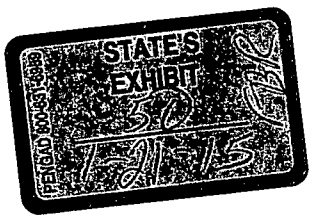
**Inmate:** HOOVER, DENNIS EDWIN **Race:** W **Sex:** M **DOB:** **SSN:**

**Booking #:** 30122 **Booking Officer:** DUKES, P. A. **Date/Time:** 01/04/2014 15:53:00

**Screening Officer:** MOORE, T. A. **Date:** 01/04/2014 16:55:14

**Reviewed By (Nurse):** **Date:**

| Q.# | Question | Answer | Notes |
|---|---|---|---|
| 1 | Is inmate unconscious or showing visible signs of illness, injury, bleeding, pain, or other symtoms suggesting the need for immediate emergency medical referral? | N | |
| 2 | Are there any visible signs of fever, jaundice, skin lesions, rash,or infection: cuts, bruises, or minor injuries; needle marks, body vermin? | N | |
| 3 | Does the inmate exhibit any signs that suggest the risk of suicide, assault, or abnormal behavior? | N | |
| 4 | Does the inmate appear to be under the influence of, or withdrawing from drugs or alcohol? | N | |
| 5 | Is the inmate's mobility restricted in any way due to deformity, cast, injury, etc. | N | |
| 6 | Have you had or been treated for: asthma, diabetes, epilepsy, heart condition, high blood pressure, mental health problems, seizures, ulcers, or other conditions? | Y | BORDER LINE DIABETES-<br>DOESNT CHECK FSBS<br>HTN<br>STATES HAS HAD SEIZURES<br>ONCE OR TWICE IN THE PAST<br>CONCILING FOR MENTAL<br>HEALTH PROBLEMS SUCH AS<br>DEPRESSION |
| 7 | Have you taken or are you taking any medication(s) prescribed for you by a physician? | Y | XANAX ER 3MG QDAY<br>VALTREX 500MG QDAY<br>TRAZODONE 150MG 1 & 1/2<br>TABLETS QHS<br>METOPROLOL 50 DAILY<br>PLAVIX 75MG<br>CRESTOR 5MG<br>RAMIPRIL 5MG |
| 8 | Are you allergic to any medications, foods, plants, etc?<br>If yes list. | N | |
| 9 | Have you fainted or had a head injury within the last 72 hours? | N | |
| 10 | Do you have or have you been exposed to AIDS, hepatitis, TB, VD, or other communicable disease? | N | |
| 11 | Have you been hospitalized by a physician or psychiatrist within the last year? | N | |
| 12 | Have you ever considered or attempted suicide? | N | |
| 13 | Do you have painful dental conditions? | N | |
| 14 | Are you on a specific diet prescribed by a physician? | N | |
| 15 | Do you use drugs? | N | |



**Inmate:** HOOVER, DENNIS EDWIN **Race:** W **Sex:** M **DOB:** **SSN:**

**Booking #:** 30122 **Booking Officer:** DUKES, P. A. **Date/Time:** 01/04/2014 15:53:00

**Screening Officer:** MOORE, T. A. **Date:** 01/04/2014 16:55:14

**Reviewed By (Nurse):** **Date:**

| Q. # | Question | Answer | Notes |
|---|---|---|---|
| 20 | Do you use alcohol? | Y | |
| 21 | How often? | Y | SOMETIMES |
| 22 | What kind of alcohol? | Y | BEER |
| 23 | When was the last time you drank? | Y | "WINE DAY BEFORE YESTERDAY" |
| 24 | How much do you drink? | Y | SOME WINE |
| 25 | Vital Sign: Respiration: | Y | 16 |
| 26 | Pulse: | Y | 88 |
| 27 | Temperature: | Y | 98.6 |
| 28 | Blood Pressure: | Y | 132/84 |
| 29 | HAVE ALL CONCERNS FROM OFFICER INTAKE FORM BEEN ADDRESSED WITH INMATE? | Y | |
| 30 | ARE ALL STATED CHRONIC CONDITIONS NOTED? | N | |
| 31 | PPD IMPLANTED? | N | |
| 34 | Have you had or been treated for mental health problems? Bipolar Disorder, Depression, Schizophrenia, Anxiety Disorder, Panic Attacks, OCD, or other conditions? | Y | ATTENDS CONCILING FOR MENTAL HEALTH PROBLEMS. SOMETIMES HAD DEPRESSION |
| 35 | REMARKS | Y | INMAT E VOICED UNDERSTANDING TO NOTIFY OFFICER OF ANY EMERGENCY IMMEDIATELY AND TO FILL OUT A SICK CALL FOR ANY NONEMERGENT MEDICAL CONCERN |

(Confinement Code: LEE )

**Total 'YES' Answers:** 14 **Total 'NO' Answers:** 15 **Total 'REFUSE' Answers:** 0

Signature of Classification Officer

X

*Signature of Inmate*

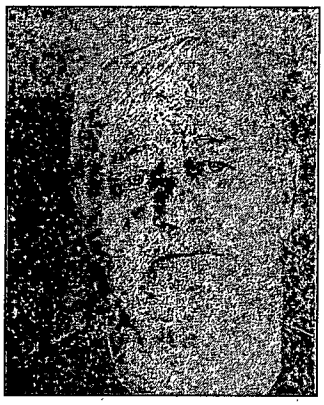
User: TRAYLEE,

# SUMTER-LEE DETENTION CENTER

01/22/2015 11:42

## BOOKING REPORT

| | | |
|---|---|---|
| Booking #: 30122 | | Status: Inactive |
| Date/Time: 01/04/2014 15:53 | Cell Location: | |
| Booking Officer: DUKES, P. A. (320C) | Name ID: 45878 | |
| Fingerprint Officer: BROWN, K. T. (333C) | Prior Bookings: None | |
| Search Officer: GARDNER, W. D. (326C) | | |
| Fingerprint: N/A | Security: MED | |
| Property Bins: MAIN, PROP, BAG, 0379 | | |



### INMATE INFORMATION

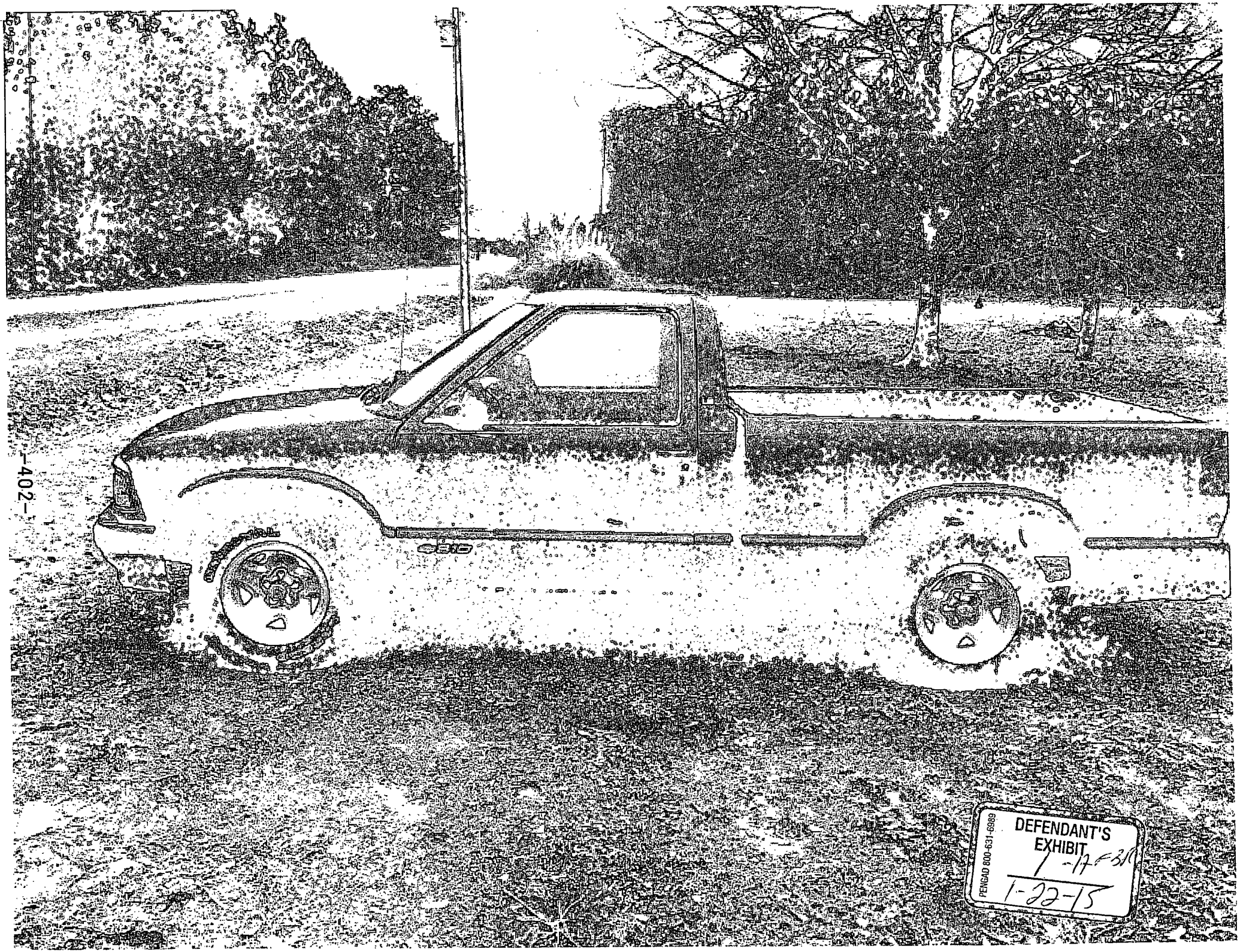
| | | | |
|---|---|---|---|
| Name: HOOVER, DENNIS EDWIN | | | Local ID (Names): N/A |
| Address: | | Race: W | Sex: M |
| | | Hair: GRY | Eye: HAZ |
| DOB: | Age: 61 | Height: 6'00 | Weight: 210 |
| SSN: | Marital Status: Unknown, 0 Dependents | | Time Lived In Area: Unk |
| Local ID (Jail): N/A | SID: | FBI #: | |
| Juvenile: Adult | Country of Birth: United States | | Citizenship: United States |
| Employer: Retired | | | Religion: Unk |
| Employer Address: N/A | | | Employer Phone #: N/A |
| Attorney: Unk | | | Attorney Phone #: N/A |
| AKA: None | | | |
| Jail Alerts: None | | | |

### CHARGES

| Docket # | Date Arrested | Officer | Agency | Charge | Charge: UCR | Type | Status | Amount | Bond: Status | Type |
|---|---|---|---|---|---|---|---|---|---|---|
| 2014A3110200001 | 01/04/2014 | Dellinger 1020 | LCSD | MURDER/ ATTEMPTED MURDER | 13A | F | PRET | | INAC | DENI |

### NOTES

PANTS CONFISCATED BY WATSON WITH LCSD [01/04/2014 17:08, PDUKES, 40, SLDC]



-402-

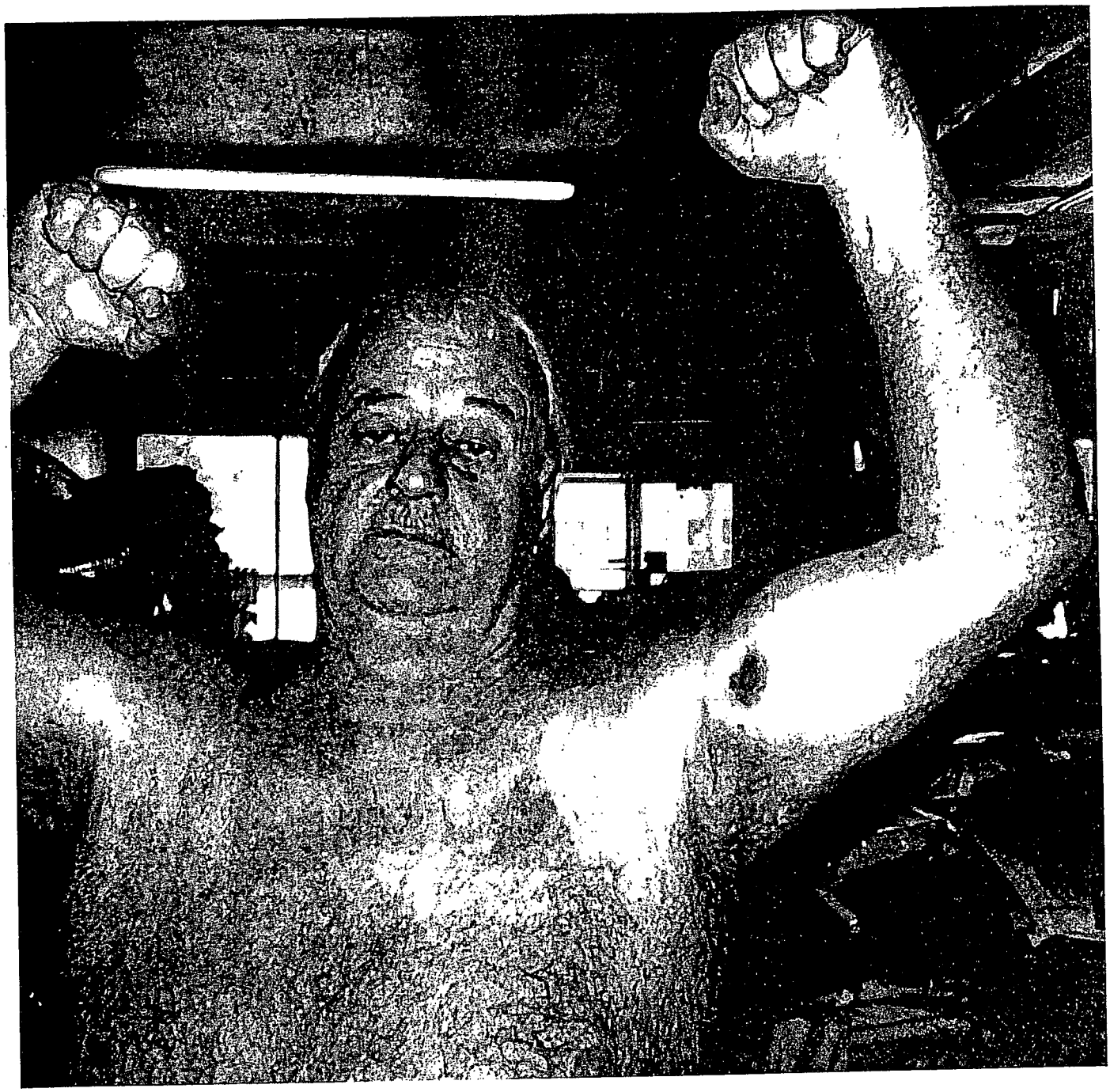
PENGAD 800-631-6989

DEFENDANT'S EXHIBIT
1-17-F-310
1-22-15

PENGAD 800-631-6989
DEFENDANT'S
EXHIBIT
1-B
1-22-15

DEFENDANT'S
EXHIBIT
1-C
1-22-15
PENGAD 800-631-6989

PENGAD 800-631-6989
DEFENDANT'S EXHIBIT
2-A
1-22-15
FBI



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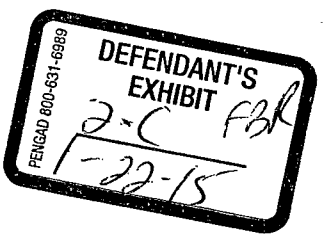
DEFENDANT'S EXHIBIT
2-B
1-22-15


DEFENDANT'S
EXHIBIT
2-C
1-22-15
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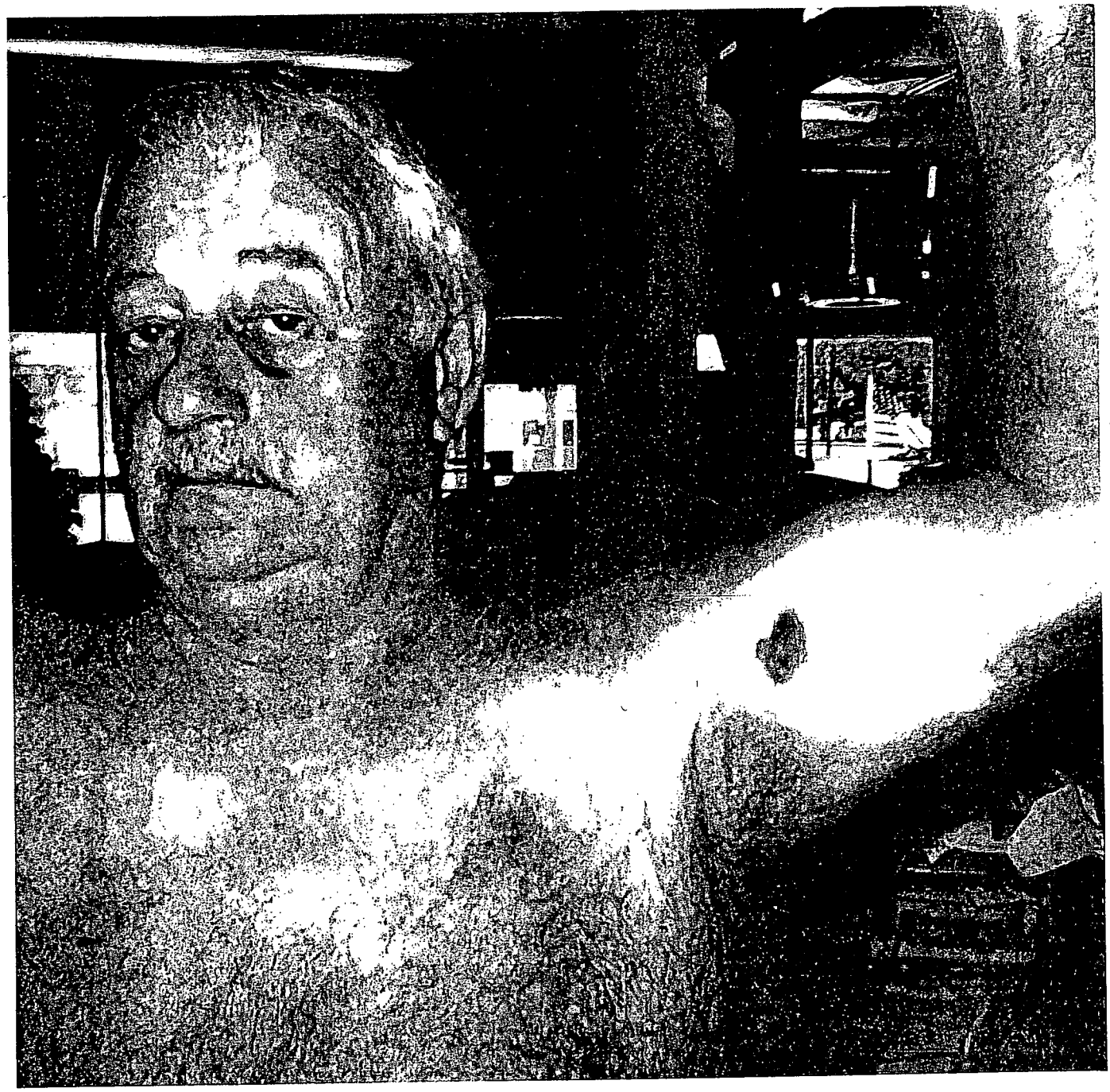

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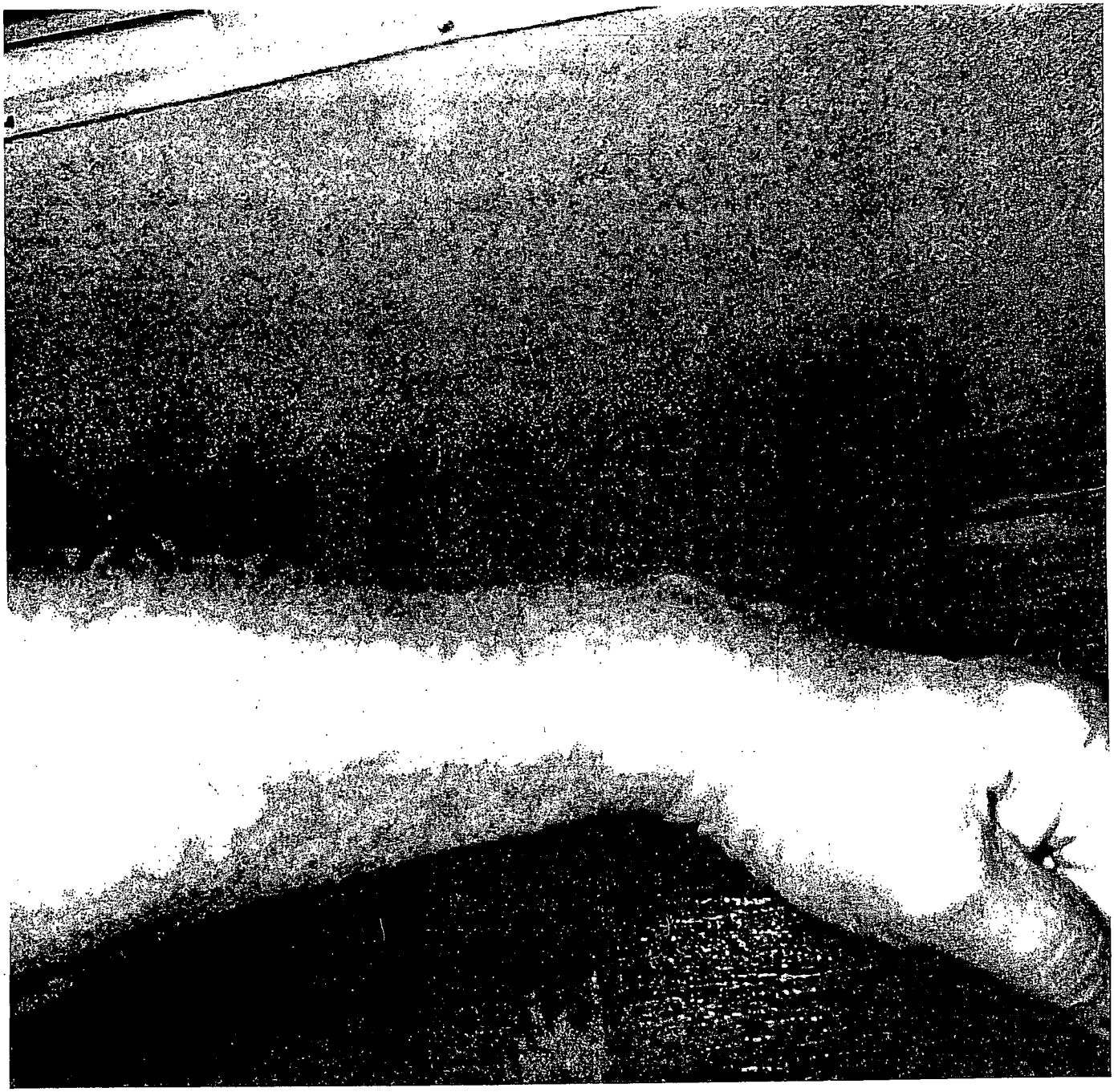
DEFENDANT'S EXHIBIT
2-D
1-22-15

PENGAD 800-631-6989
DEFENDANT'S EXHIBIT
2-E
1-22-15

PENGAD 800-631-6989
DEFENDANT'S
EXHIBIT
2-F
1-22-15

PENGAD 800-631-6989
DEFENDANT'S EXHIBIT FBK
2-G
1-22-15



PENGAD 800-631-6989
DEFENDANT'S
EXHIBIT
2-H
1-22-15

CERTIFICATE OF COUNSEL

Pursuant to Rule 210(g) of the South Carolina Appellate Court Rules, counsel for appellant certifies that this record on appeal contains all material proposed to be included by any of the parties (except the exhibits that counsel are seeking to have transported to the South Carolina Court of Appeals, as noted in the index to this Record on Appeal, at page iii) and not any other material.

Counsel further certifies that this record on appeal complies with the Order of the Supreme Court of South Carolina entitled *Re: Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings,* 407 S.C. 607, 757 S.E.2d 421 (April 15, 2014).

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