

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

SEP 27 2017

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

S.C. SUPREME COURT

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

The State,

Respondent,

v.

Dennis E. Hoover,

Appellant.

RECORD ON APPEAL

Alan Wilson
Attorney General

William M. Blich, Jr.
Assistant Attorney General
S.C. Bar No. 15608

Post Office Box 11549
Columbia, South Carolina 29211
Telephone: (803) 734-3727

Ernest A. Finney, III
Solicitor, Third Judicial Circuit
41 N. Main Street
Sumter, South Carolina 29150
Telephone: (803) 436-2185

ATTORNEYS FOR RESPONDENT

Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
S.C. Bar No. 5457

Katherine Carruth Goode
229 Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
S.C. Bar No. 8951

ATTORNEYS FOR APPELLANT

INDEX

Indictment No. 2014-GS-31-0050	1
Sentence Sheet	3
Trial Transcript:	
Opening Statements by Mr. Jones	5
Donna Boyce:	
Direct Examination by Mr. Gentry	14
Mikkos Newman:	
Direct Examination by Mr. Gentry	18
Cross Examination by Mr. Jones	20
David Capps:	
Direct Examination by Mr. Gentry	21
Cross Examination by Mr. Jones	29
Redirect Examination by Mr. Gentry	43
David P. Atkinson:	
Direct Examination by Mr. Gentry	46
Cross Examination by Mr. Jones	48
Luis Torres:	
Direct Examination by Mr. Gentry	50
Debra A. Wilson:	
Direct Examination by Mr. Gentry	54
Cross Examination by Mr. Jones	65
Redirect Examination by Mr. Gentry	72
Leana R. Adams:	
Direct Examination by Mr. Gentry	73
Cross Examination by Mr. Jones	78
Redirect Examination by Mr. Gentry	80

Anthony L. Bostick:	
Direct Examination by Mr. Gentry	81
Voir Dire Examination by Mr. Jones	87
Cross Examination by Mr. Jones	92
Redirect Examination by Mr. Gentry	97
Gregory S. Logan:	
Direct Examination by Mr. Gentry	98
Cross Examination by Mr. Jones	103
Redirect Examination by Mr. Gentry	105
R. Justin Boyce:	
Direct Examination by Mr. Gentry	106
Cross Examination by Mr. Jones	126
Redirect Examination by Mr. Gentry	146
Marshall Boyce:	
Direct Examination by Mr. Gentry	148
Cross Examination by Mr. Jones	153
J. Tommy Hoover:	
Direct Examination by Mr. Gentry	161
James Dellinger:	
Direct Examination by Mr. Gentry	164
Cross Examination by Mr. Jones	179
Dan M. Hopla:	
Direct Examination by Mr. Gentry	213
Cross Examination by Mr. Jones	218
Jacqueline Logan:	
Direct Examination by Mr. Jones	221
Cross Examination by Mr. Gentry	225
Edward Ellerby:	
Direct Examination by Mr. Jones	229
Cross Examination by Mr. Gentry	234
Sally Chavis:	
Direct Examination by Mr. Jones	235
Cross Examination by Mr. Gentry	240

Dennis Hoover:	
Direct Examination by Mr. Jones	242
Cross Examination by Mr. Gentry	287
Redirect Examination by Mr. Jones	325
Teresa R. Lee:	
Direct Examination by Mr. Gentry	327
Closing Arguments by Mr. Jones	335
Closing Arguments by Mr. Gentry	356
Charge to the Jury	375
Sentencing	377
State's Exhibit 2 (DVD-Store Video)	Filed Separately
State's Exhibit 3 (DVD-Summarized Store Video)	Filed Separately
State's Exhibit 29 (Photograph)	389
State's Exhibit 30 (Photograph)	390
State's Exhibit 31 (Photograph)	391
State's Exhibit 32 (Photograph)	392
State's Exhibit 33 (Photograph)	393
State's Exhibit 34 (Photograph)	394
State's Exhibit 35 (Photograph)	395
State's Exhibit 36 (Photograph)	396
State's Exhibit 37 (Photograph)	397
State's Exhibit 47 (Timeline)	398
State's Exhibit 50 (Jail Medical Screen History Report/Booking Report)	399
Defendant's Exhibits 1 A-C (Photographs)	402

Defendant's Exhibits 2 A-H (Photographs)	405
Certificate of Counsel	413

State's Exhibits 2 (DVD-Store Video) and 3 (DVD-Summarized Store Video) are omitted from this printed Record on Appeal and counsel are seeking to have transported to the South Carolina Court of Appeals pursuant to court order.

WITNESSES

J D Dellinger

Lee County Sheriff

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

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

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

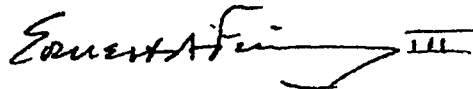
At a Court of General Sessions, convened on March 13, 2014 the Grand Jurors of
Lee County present upon their oath:

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



STATE OF SOUTH CAROLINA

COUNTY OF
STATE

Lee

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 disposition of the said indictment comes now the Defendant who was

TO: Murder / Attempted Murder

Assault + Battery First Degree

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-3-602(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) ☐ §17-25-45The 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 committed 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 formonths/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 PTUP

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

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

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

Court Reporter:

SCCA/217 (03/2011)

James A. Davis

Theresa B. Ray

Presiding Judge

Judge Code:

Sentence Date:

2127
January 22, 2015

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

STATE OF SOUTH CAROLINA)

STATE,)

v.)

TRANSCRIPT OF RECORD
14-GS-31-00050

DENNIS E. HOOVER,)

DEFENDANT.)

January 20, 2015
Bishopville, South Carolina

BEFORE :

THE HONORABLE CLIFTON B. NEWMAN, JUDGE;
AND JURY

APPEARANCES:

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

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

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

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

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

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

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

21 THE COURT: Mr. Jones.

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

24 THE COURT: Yes, sir.

25 MR. JONES: Ladies and gentlemen of the

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

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

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

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

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

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

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

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

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

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

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

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

15 MR. GENTRY: Donna Boyce.

16 THE COURT: First witness.

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

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

20 WHEREUPON,

21 **DONNA BOYCE,**

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

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

SW - D. BOYCE - DIRECT

1 THE WITNESS: Donna R. Boyce.

2 **DIRECT EXAMINATION**

3 BY MR. GENTRY:

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

6 A Yes, sir.

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

9 A Saint Matthews.

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

13 A Yes, sir.

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

16 A Yes, sir.

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

19 A He did.

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

23 A I did on January 7th.

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

SW - D. BOYCE - DIRECT

1 A His forehead.

2 Q And is that the injury you took the picture of?

3 A It is.

4 Q All right. That's State's Exhibit 32. How about
5 State's Exhibit Number 33?

6 A His chin.

7 Q Can you tell us approximately when you took these
8 pictures?

9 A On January 7th in our bathroom.

10 Q Okay. And that's after the bandages had come
11 off?

12 A It is.

13 Q Well, he didn't have a bandage up here, did he?

14 A No, sir, he had them down here and on his hand.

15 Q State's Exhibit 33. State's Exhibit Number 34
16 shows a slash on his left side?

17 A Under his arm, yea, right.

18 Q All right. And when did you take that picture,
19 same date?

20 A Yes, sir.

21 Q Will be January 7th I believe you said?

22 A Yes, sir.

23 Q And number 35. Number 35, is that a picture of
24 his wound which is right above his naval?

25 A Yes, sir.

SW - D. BOYCE - DIRECT

1 Q Okay. 36, what's that a picture of?

2 A His hand.

3 Q And that's how it looked on January 7th to you?

4 A Yes, sir.

5 Q Okay. And number 37, that's on his thigh?

6 A Yes, sir.

7 Q That was another slash mark. You didn't do this,
8 did you?

9 A No, sir.

10 Q He came home looking like this?

11 A Yes, sir.

12 Q Okay. Now your husband had already had some
13 pictures made of his injuries at the Lee County
14 Sheriff's Office; is that correct?

15 A He did.

16 Q And why did he take these additional pictures?

17 A 'Cause he was bandaged still at the Sheriff's
18 Department, and when he took the bandages off I took
19 the pictures.

20 Q Once you took these pictures what did you do with
21 them?

22 A I had them developed at Wal-Mart, and then I took
23 them to the Sheriff's Department.

24 Q Okay. Did you alter or change or photo shop or
25 mark these in any way, shape, or form?

SW - D. BOYCE - DIRECT

1 A No, sir.

2 Q That's, those pictures, that's how they looked at
3 that time?

4 A Yes, sir.

5 Q Let me ask you one more question. He left home
6 on January 4th to go duck hunting, 2014?

7 A Right.

8 Q And the next time you saw him was where?

9 A McLeod Hospital.

10 Q Thank you, ma'am.

11 MR. GENTRY: We move to admit 32 through
12 37.

13 THE COURT: Any objection?

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

16 THE COURT: They're admitted.

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

19 MR. GENTRY: Mikkos Newman.

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

22 THE COURT: Yes.

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

25 THE CLERK: Place your left hand on the

SW - M. NEWMAN - DIRECT

1 Bible, raise your right hand.

2 WHEREUPON,

3 **MIKKOS NEWMAN,**

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

6 THE CLERK: State your full name for the
7 record.

8 THE WITNESS: Mikkos Newman.

9 THE COURT: How you spell your last name?

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

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

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

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

15 **DIRECT EXAMINATION**

16 BY MR. GENTRY:

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

19 A Yes, sir.

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

22 A Yes, sir.

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

SW - M. NEWMAN - DIRECT

1 A Yes, sir, I did.

2 Q What did you do?

3 A When I arrived I spoke with Sergeant Torres and I
4 began helping process the scene by photographing.

5 Q All right. Let me show you what's been marked as
6 State's Exhibit 25, 26 and 27, and ask you, are
7 those photographs that you took?

8 A Yes, sir, they are.

9 Q All right. Beginning with number 25, what does
10 that represent?

11 A Blood from the victim in the hall way at the
12 Interstate Shell.

13 Q Is that coming out of the restroom, men's room?

14 A Yes, sir, I believe so.

15 Q Okay. And look at the next one. That's number
16 26?

17 A Yes, sir.

18 Q And what does that represent?

19 A Blood going to the front door by the victim.

20 Q Okay. And number 27, what does that represent?

21 A Blood also by the front door from the victim.

22 Q Okay. Did you have any other involvement in this
23 other than to take those photographs?

24 A No, sir, I did not.

25 Q Answer any questions Mr. Jones may have.

SW - M. NEWMAN - CROSS

CROSS-EXAMINATION

1

2 BY MR. JONES:

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

5 A Yes, sir.

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

8 A Yes, sir.

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

11 A Yes, sir, close to it.

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

14 A No, sir.

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

17 THE COURT: Any redirect?

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

20 MR. JONES: Objection.

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

22 THE COURT: All right, basis for your
23 objection.24 MR. JONES: Your Honor, motion was not
25 made to admit those — this is recross, excuse me,

SW - D. CAPPS - DIRECT

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

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

6 MR. GENTRY: Thank you.

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

9 MR. GENTRY: No, sir.

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

12 THE COURT: You may step down.

13 MR. GENTRY: Investigator Capps.

14 WHEREUPON,

15 **DAVID CAPPS,**
16 having been duly sworn by the Clerk, testified as
17 follows:

18 THE CLERK: State your full name for the
19 record.

20 THE WITNESS: Investigator David Capps.

21 **DIRECT EXAMINATION**

22 BY MR. GENTRY:

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

SW - D. CAPPS - DIRECT

1 A Yes.

2 Q How long have you been in law enforcement?

3 A Thirty-one years.

4 Q You have a copy of State's Exhibit Number 1,
5 excuse me, Number 2? Did you receive a copy of
6 State's Exhibit Number 2 for identification? And
7 that is labeled as a copy of the video from the
8 Interstate Shell store.

9 A Yes, sir, I did.

10 Q And as a result of reviewing that particular
11 videotape did you prepare a summary of the events
12 involving only Mr. Boyce and Mr. Hoover?

13 A Yes, sir, I did.

14 Q Is that the material marked as Interstate -- as
15 Exhibit 3 for identification?

16 A Yes, sir.

17 Q All right, sir. Thank you. How did you go about
18 preparing the disks that's the summary?

19 A I reviewed the main disk, noted the times and
20 dates and the individuals in those, took them out in
21 sequential order using a piece of software and then
22 put it together with a different piece of software.

23 Q Did you in any way alter, amend, change, or
24 delete anything from State's Exhibit 2 for
25 identification?

SW - D. CAPPS - DIRECT

1 A No, sir.

2 Q And basically what did State's Exhibit 3 for
3 identification do, who did it follow?

4 A It followed both gentlemen around. It was close
5 to time frame as it could.

6 Q Okay. Now, let me show you something else here.
7 Exhibits 29, 30 and 31 for identification. And do
8 you recognize those?

9 A Yes, sir.

10 Q And what are those?

11 A These are some photos I took of Mr. Boyce
12 sometime after some bandages were removed from his
13 injuries.

14 Q Okay, that was -- those were taken on or about,
15 what, January 6th or 7th?

16 A Approximately.

17 Q Okay. Now when you took the one of him on
18 State's Exhibit 29 for identification, I notice
19 there's a ruler in front of his forehead.

20 A Yes, sir.

21 Q What was that ruler for?

22 A That's just to show scale.

23 Q And to show the length of the scar?

24 A Yes, sir, it does that.

25 Q Okay. And the same thing would occur with

SW - D. CAPPS - DIRECT

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

3 A That's correct.

4 Q And that ruler shows what?

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

6 Q Okay.

7 MR. GENTRY: We move to admit 29, 30, and
8 31.

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

13 MR. GENTRY: Sure.

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

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

22 THE COURT: All right, how long are they?

23 MR. GENTRY: Sir?

24 THE COURT: How long are they?

25 MR. GENTRY: One is about twelve minutes

SW - D. CAPPS - DIRECT

1 and the other one is about eight minutes.

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

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

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

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

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

15 THE COURT: All right.

16 (Video was played.)

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

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

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

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

SW - D. CAPPS - DIRECT

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

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

4 THE COURT: All right, where do we stand?

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

9 THE COURT: Any objection to them being
10 admitted?

11 MR. JONES: None, Your Honor.

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

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

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

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

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

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

SW - D. CAPPS - DIRECT

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

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

4 BY MR. GENTRY:

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

7 A Mr. Boyce.

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

10 A Yes, sir.

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

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

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

18 A Yes.

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

22 A Yes, sir.

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

25 A That's correct.

SW - D. CAPPS - DIRECT

1 Q Did you open the box -- let me ask you this,
2 since that day has the box been under your
3 continuous care, custody, and control?

4 A It has.

5 Q Did you open it one day to show the contents to
6 defense counsel?

7 A I did.

8 Q And did you re-seal it in his presence?

9 A We did.

10 Q Would you open it please and take out the red
11 shirt. This is going to be marked as State's
12 Exhibit 43 for identification.

13 A (Complies.)

14 Q Is that the red shirt?

15 MR. GENTRY: Mark it on the bag please, 43
16 for identification.

17 (WHEREUPON, State's Exhibit No. 43 was marked for
18 identification only.)

19 BY MR. GENTRY:

20 Q Would you take the other bag out, the blue jean,
21 which will be marked State's Exhibit 44 for
22 identification.

23 THE COURT: Identification usually entails

24 —

25 MR. GENTRY: Sir?

SW - D. CAPPS - DIRECT

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

6 MR. GENTRY: All right.

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

9 THE COURT: All right.

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

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

14 THE COURT: All right. Mr. Jones.

15 MR. JONES:

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

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

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

25 **CROSS-EXAMINATION**

SW - D. CAPPS - CROSS

1 BY MR. JONES:

2 Q Mr. Capps, right?

3 A Yes, sir.

4 Q Mr. Capps, I gather you're sort of a whiz on
5 computers; aren't you?

6 A I wouldn't say that.

7 Q You're not?

8 A I do okay.

9 Q Are you the one that put this together; aren't
10 you?

11 A Yes, sir.

12 Q So you know how to run this then; don't you?

13 A Yes, sir.

14 Q All right. Well, I want you to step up here if
15 you will, and take the exhibit that shows all the
16 frames at one time.

17 A Okay.

18 Q I want you to step up there and play that so the
19 jury can see it, okay. Thank you for helping me
20 too, Mr. Capps.

21 A (Complies.)

22 Q Mr. Capps, can you stop and start this piece of
23 equipment as well?

24 A I believe so.

25 Q Okay, all right. That can be a major feat for a

SW - D. CAPPS - CROSS

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

4 A Yes, sir.

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

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

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

10 A Yes, sir.

11 Q So watch me take this pointer. I see the number
12 14, actually there's 16 frames, correct?

13 A Yes, sir.

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

17 A Yes, sir.

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

20 A Yes.

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

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

25 Q And in this particular case there were some

SW - D. CAPPS - CROSS

1 protruding out the ceiling; aren't there?

2 A Yes.

3 Q So when you walk in you could tell they were
4 there?

5 A Oh, yes.

6 Q So let me -- when the jury looks at this like,
7 for example, frame five and frame one, that's a
8 picture of the clerk working the front desk; is that
9 right?

10 A Yes, sir.

11 Q Okay. Now the rest of it is like, I look another
12 frame number 16, that's the side of the building,
13 right, side door?

14 A That's one of the side doors.

15 Q Okay. Then this is the front row in frame 15,
16 correct?

17 A Yes, sir.

18 Q And then these other are pictures of the inside
19 of the building, correct?

20 A Yes, sir.

21 Q Well, actually these pictures are pictures of by
22 the pump, correct?

23 A Yes, sir.

24 Q But there are no pictures of the outside of the
25 Interstate, are there?

SW - D. CAPPS - CROSS

1 A None that I'm aware of.

2 Q Okay. Beyond the door on the side and beyond the
3 picture, there's a trash can it appears, there are
4 no -- there's no pictures of the outside of the
5 Interstate Shell, are there?

6 A No, sir.

7 Q So there are no security cameras to show what
8 happened outside the Interstate Shell, are there?

9 A Correct.

10 Q This is all there is, correct?

11 A Yes, sir.

12 Q So there's none inside the bathroom, correct?

13 A No, sir.

14 Q And there's none on the outside of the Interstate
15 Shell, correct?

16 A None other than the picture here.

17 Q Now I want you to go ahead and play this now and
18 I'll be asking you to stop here and there so please
19 accommodate me. So start it off there if you would.

20 A (Complies.)

21 Q Okay, stop it for a second, if you would. Okay.
22 Now the time of when this is happening written on
23 there too, 4:27:36. Am I right?

24 A Yes, sir.

25 Q 4:27:36. So this is simultaneous. All these

SW - D. CAPPS - CROSS

1 frames are at the same time. Am I right?

2 A Yes, sir.

3 Q So that time is a valid time of when these things
4 are happening in the frames, correct?

5 A Correct.

6 Q Okay. Go ahead.

7 (Continue playing of the video.)

8 BY MR. GENTRY:

9 Q Okay, stop it if you would. You see there are
10 other people walking around the store; aren't they?

11 A Yes, sir.

12 Q Okay. So the only customers in the store were
13 not Justin Boyce and Dennis Hoover, correct?

14 A That's correct.

15 Q And so there were other people there?

16 A Yes, sir.

17 Q Walking in plain view, correct?

18 A Yes, sir.

19 Q And these frames will show all the other
20 customers there, correct?

21 A Yes, sir.

22 Q And even though it was 4:30 in the morning there
23 were a lot of people in there; weren't there?

24 A There were a few.

25 Q Okay. If you'd crank it up again, thank you.

SW - D. CAPPS - CROSS

1 (Continued playing of the video.)

2 BY MR. JONES:

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

6 A Yes, sir.

7 Q In the pink blouse?

8 A Yes, sir.

9 Q Go ahead and start it up if you would.

10 (Continued playing of the video.)

11 BY MR. JONES:

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

15 A Yes, sir.

16 Q That's not Justin Boyce, is it?

17 A No, sir.

18 Q There's a customer there, right?

19 A Correct.

20 Q There's a customer here, correct?

21 A Yes, sir.

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

25 A Yes, sir.

SW - D. CAPPS - CROSS

1 Q Okay, go ahead.

2 (Continued playing of the video.)

3 BY MR. JONES:

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

6 A Yes, sir.

7 Q You see her looking out of the door?

8 A Yes, sir.

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

12 A Yes, sir.

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

14 A Yes, sir.

15 Q All right, go ahead, play on.

16 (Continued playing of the video.)

17 BY MR. JONES:

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

21 A Yes, sir.

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

24 A Yes, sir.

25 Q And then frame 5 is the lady behind the counter

SW - D. CAPPS - CROSS

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

3 A Yes, sir.

4 Q Okay, go ahead.

5 (Continued playing of the video.)

6 BY MR. JONES:

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

9 A Yes, sir.

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

11 A Yes, sir.

12 Q All right.

13 (Continued playing of the video.)

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

16 BY MR. JONES:

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

18 A Yes, sir.

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

21 A Yes, sir.

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

25 A Yes, sir.

SW - D. CAPPS - CROSS

1 Q That's an employee working there, right?

2 A Yes, sir.

3 Q So that's the person who is mopping the floor?

4 A Correct.

5 Q So you got the person mopping the floor and you
6 got the person working the front desk, correct?

7 A Yes.

8 Q Those are all people there at that time. Am I
9 correct?

10 A Yes, sir.

11 Q Okay, go ahead.

12 (Continued playing of the video.)

13 BY MR. JONES:

14 Q Stop a second. Do you see, in frame 15 you see
15 the lady in the pink standing at the door?

16 A I do.

17 Q Okay. Go ahead.

18 (Continued playing of the video.)

19 BY MR. JONES:

20 Q Stop a second. Now Mr. Capps, in frame 15 three
21 ladies walk out. You don't know where they went, do
22 you?

23 A No, sir.

24 Q You don't know what happened to them?

25 A No, I do not.

SW - D. CAPPS - CROSS

1 Q Mr. Capps, I want to make sure the jury
2 understands this too. You weren't there that night,
3 were you?

4 A No, sir.

5 Q Your knowledge of what happened is related to
6 this video, correct?

7 A Yes, sir.

8 Q Okay, go ahead.

9 (Continued playing of the video.)

10 BY MR. JONES:

11 Q Stop it a second. I'm looking at frame 15. See
12 frame 15?

13 A Yes, sir.

14 Q I believe you said that's Mr. Dennis Hoover,
15 correct?

16 A Yes, sir.

17 Q Now Mr. Hoover goes to his right; doesn't he?

18 A Correct.

19 Q Okay, go ahead. Frame 15. Mr. Hoover goes to
20 his right, correct?

21 A Yes, sir.

22 (Continued playing of video.)

23 BY MR. JONES:

24 Q Stop for a second. The person leaves in the
25 black, leaves the store, correct?

SW - D. CAPPS - CROSS

1 A Yes, sir.

2 Q You don't know where he went, do you?

3 A No, sir.

4 Q Go ahead.

5 (Continues playing of the video.)

6 THE WITNESS: That's it.

7 BY MR. JONES:

8 Q Okay, thank you. I'd like to now, the first
9 video that you played, I'd like for you to play that
10 for me as you did this one.

11 A It's up there.

12 Q Thank you, Mr. Capps for helping me with this; I
13 appreciate it.

14 A Is that it?

15 Q Yes, sir. Can you — how about move that to
16 4:33:10 if you can, on that tape. 4:33:10. Excuse
17 me, 4:28. I'm looking for 4:28:23, I'm sorry. Or
18 20, stop it there. 28:20. Okay. Mr. Capps, I want
19 you to — I want you to look at this video that you
20 have, 4:28:20, and I want you to tell me if 4:28:23
21 Justin Boyce enters the bathroom, 4:28:23. How
22 about play it and see if that's what you see.
23 4:28:23 Justin Boyce goes to the bathroom. Doesn't
24 show that, does it?

25 A No, sir.

SW - D. CAPPS - CROSS

1 Q All right. Does it show — you have two strips
2 here. You have two pieces of this film; don't you?

3 A There are several different cameras laid
4 together.

5 Q All right. Can you show on this video when
6 Justin Boyce entered the bathroom?

7 A I have to conclude all spliced together.

8 Q Stop it at 4:28:23. Did you stop it then? Is
9 that when Justin Boyce entered the bathroom?

10 A Appears so.

11 Q Justin Boyce entered the bathroom based on this
12 video 4:28:23?

13 A Yeah.

14 Q All right. Now can you tell this jury when
15 Dennis Hoover entered the bathroom?

16 A I have to turn it to the video.

17 Q Sir?

18 A I'd have to look at the video.

19 Q All right. Look at 43:18, tell me if that's when
20 Mr. Hoover entered the bathroom.

21 A (Complies.) That will be it.

22 Q So Mr. Dennis Hoover entered the bathroom
23 4:33:18, correct?

24 A Yes, sir.

25 Q Now look at 4:35:40. Is that when Mr. Justin

SW - D. CAPPS - CROSS

1 Boyce came out of the bathroom?

2 A Right there, sir.

3 Q Is that 4:35:40?

4 A Yes, sir.

5 Q So that means that Mr. Dennis Hoover and Justin
6 Boyce were in the bathroom at the same time. Two
7 minutes and 12 seconds. Does that sound right to
8 you?

9 A Yes, sir.

10 Q Two minutes and twelve seconds that they were in
11 bathroom together?

12 A Yes, sir.

13 Q Now Justin Boyce entered the bathroom 4:28:23 and
14 then he came out 4:35. Justin Boyce was in there
15 some seven minutes and eighteen sec— seventeen
16 seconds; wasn't he?

17 A Yes, sir.

18 Q Justin Boyce was in that bathroom seven minutes
19 and eighteen seconds, two minutes and twelve seconds
20 in which Dennis Hoover was in there, correct?

21 A Yes, sir.

22 Q So Justin Boyce was in that bathroom some five
23 minutes or better before Dennis Hoover went in the
24 bathroom, correct?

25 A Yes, sir.

SW - D. CAPPS - REDIRECT

1 Q Thank you, sir. Mr. Capps, I know I asked you
2 this same question, my apologies; but you weren't
3 there that night, were you?

4 A No, sir.

5 Q Okay. You weren't in the bathroom that night,
6 were you?

7 A No, sir.

8 Q All you've seen is videos that were given to you
9 by the people at Interstate Shell, correct?

10 A Correct.

11 Q Okay. And you can testify only to what you saw
12 in the video, correct?

13 A Yes, sir.

14 Q You don't know anything else about what happened,
15 correct, of your own knowledge?

16 A Nothing more than the photographs that we've
17 entered and I took photographs of, correct.

18 Q That's correct. But you weren't there, you don't
19 know?

20 A No, sir.

21 Q Okay.

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

24 **REDIRECT EXAMINATION**

25

SW - D. CAPPS - REDIRECT

1 BY MR. GENTRY:

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

7 A I don't know that.

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

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

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

17 A There were none.

18 Q No customers then?

19 A Two employees and two gentlemen here.

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

22 A I had a brief conversation with him and learned

23 —

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

SW - D. CAPPS - REDIRECT

1 BY MR. GENTRY:

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

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

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

7 A Yes, sir.

8 MR. GENTRY: Nothing further.

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

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

13 MR. GENTRY: We call Phillip Atkinson.

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

16 (Pause.)

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

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

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

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

25 WHEREUPON,

SW- D. ATKINSON - DIRECT

1 **PHILLIP ATKINSON,**
2 having been duly sworn by the Clerk, testified
3 as follows:

4 THE CLERK: State your full name for the
5 record.

6 THE WITNESS: David Phillip Atkinson.

7 **DIRECT EXAMINATION**

8 BY MR. GENTRY:

9 Q Mr. Atkinson, where do you live?

10 A I live at

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

13 A No, sir, I do not.

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

16 A Yes, sir, I do.

17 Q How do you know him?

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

21 Q Okay. Had you and Justin had any plans to meet
22 in the early morning hours of January the 4th of
23 2014?

24 A Yes, sir, we did.

25 Q Where were you gonna meet?

SW - D. ATKINSON -- CROSS

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

2

3 Q What time were you supposed to meet?

4 A Justin was supposed to have been there by five
5 that morning.

6 Q Okay. What were you guys gonna do?

7 A We were going down to an impoundment to shoot
8 ducks that morning.

9 Q Did you actually meet Justin that morning?

10 A No, sir, I did not.

11 Q Did you receive a call from him that morning?

12 A No, sir, I did not, I called him.

13 Q You called him? Do you remember about what time,
14 if you remember?

15 A It was just a few minutes daylight, five minutes
16 after five or so; it wasn't long.

17 Q Okay. And what, do you recall the substance of
18 that call, not what you said and what he said back
19 to you, but what was the substance of the call?

20 A Well, I was wondering where he was 'cause Justin
21 always been on time. My brother, you know, he
22 wanting to know too. I called to see if he was on
23 the way, and he said, you know, there had been
24 something happening at the store.

25 Q Okay. And -- thank you very much.

SW - D.. ATKINSON - CROSS

CROSS-EXAMINATION

1

2 BY MR. JONES:

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

5 A Yes, sir, we were.

6 Q You shoot ducks with what?

7 A Shotgun.

8 Q Okay, like 12 gauge?

9 A Yes, sir, I do.

10 Q Okay. Justin have a shotgun too?

11 A I never saw him that morning.

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

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

15 Q Okay, but he was going duck hunting?

16 A Yes, sir.

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

19 A He better if he's going to shoot.

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

22 A Probably.

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

24 A I don't know.

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

SW - D. ATKINSON - CROSS

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

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

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

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

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

10 A Yes, sir.

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

12 A No, sir.

13 Q Okay. Where were you going shooting?

14 A An impoundment, it's called an impoundment.

15 Q Impoundment?

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

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

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

21 Q So you and your friend and Justin were going?

22 A Me and my brother and Justin.

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

SW - LUIS TORRES - DIRECT

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

4 Q Okay. There's the Summerton diner there?

5 A Yes, sir.

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

8 MR. GENTRY: Nothing further.

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

11 MR. GENTRY: I call Sergeant Torres.

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

14 WHEREUPON,

15 **LUIS TORRES,**
16 having been duly sworn by the Clerk, testified as
17 follows:

18 THE CLERK: State your full name for the
19 record.

20 THE WITNESS: Luis Torres.

21 **DIRECT EXAMINATION**

22 BY MR. GENTRY:

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

SW - LUIS TORRES - DIRECT

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

SW - LUIS TORRES - DIRECT

1 said EMS is on their way.

2 Q Did you ask him who did it?

3 A Yes, I did.

4 Q And what did he say?

5 A He said Mr. Hoover did it.

6 Q Okay. And did he say anything about what caused
7 the problem?

8 A He said that -- all he said to me was he was in
9 the bathroom and all of a sudden Mr. Dennis Hoover
10 approached him and started assaulting him.

11 Q Okay. Did Sergeant Watson, Sergeant Cam Watson
12 appear on the scene?

13 A Yes, he did.

14 Q What did you do at that point?

15 A At that point I told dispatch to make contact
16 with the investigator.

17 Q Okay. And did you tell Sergeant Watson what
18 Mr. Boyce had told you?

19 A I had briefed him what had taken place.

20 Q Okay. And that was the extent of your
21 involvement?

22 A Yes, sir.

23 Q What did you do at that point?

24 A At that point I turned it over to Investigator
25 Newman.

1 Q And had EMS come and transport Mr. Boyce?

2 A Yes, sir.

3 Q Okay.

4 MR. GENTRY: Your witness.

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

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

9 Next witness.

10 MR. GENTRY: Judge, I have no other
11 witness at this point that would last 10, 15
12 minutes.

13 THE COURT: All right. You guys ready to
14 quit for the day?

15 MR. GENTRY: We're moving very
16 expeditiously, yes.

17 THE COURT: Ladies and gentlemen of the
18 jury, we're through for the day. Thank you very
19 much. We will start back at 9:30 tomorrow morning.
20 I need you back at 9:30 tomorrow morning. Remember
21 my admonition that you're not to do, engage in any
22 form of investigation on your own. You're not to
23 discuss the case with anyone. If you normally get
24 your gas from the Interstate Shell or your chicken
25 from Kentucky Fried, go someplace else while you're

SW - D. WILSON - DIRECT

1 judge. All right, very good.

2 Call your next witness.

3 MR. GENTRY: Sir?

4 THE COURT: Your next witness.

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

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

9 WHEREUPON,

10 **DEBRA WILSON,**

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

13 THE CLERK: State your full name for the
14 record.

15 THE WITNESS: Debra Ann Wilson.

16 **DIRECT EXAMINATION**

17 BY MR. GENTRY:

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

22 A Yes, sir.

23 Q How long have you been the manager there?

24 A I've been a manager three years.

25 Q All right. Were you the manager on January

SW - D. WILSON - DIRECT

1 the 4th of 2014?

2 A Yes, sir.

3 Q How long have you worked for Interstate Shell?

4 A Almost eight years.

5 Q Okay. Who was on duty during the hours of 4 a.m.
6 and 6 p.m. -- a.m. that morning?

7 A Leana Adams and Elijah Williams.

8 Q Okay. Who was the cashier and who was performing
9 the custodial duties?

10 A Leana Adams was the cashier and Elijah Williams
11 was custodial.

12 Q Does your store have a video recording system to
13 record events that occur both inside and to a
14 certain extent outside the store?

15 A Yes, sir.

16 Q Does it record audio at all?

17 A Yes.

18 Q It does?

19 A Sometime, yes.

20 Q How many cameras does it have?

21 A Fourteen.

22 Q Now that -- okay, let me show you what, what is
23 the purpose of the recording system?

24 A For our safety and customer safety.

25 Q Okay. How many views are shown on the master

SW - D. WILSON - DIRECT \

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

3 A Okay.

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

6 A Yes.

7 Q How many views are shown on there?

8 A Thirteen.

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

10 A Yes, minus two.

11 Q So that's fourteen?

12 A Yea.

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

15 A It's from behind the cash register.

16 Q The second view?

17 A It's our second register.

18 Q The third view?

19 A Is our entrance way.

20 Q The fourth view?

21 A Our diesel aisle on the outside.

22 Q The fifth view?

23 A Cash register reel.

24 Q The sixth view?

25 A Cash register reel.

SW - D. WILSON - DIRECT

- 1 Q The seventh view?
- 2 A Diesel aisle.
- 3 Q Eighth view?
- 4 A Diesel aisle.
- 5 Q Ninth view?
- 6 A The cooler doors.
- 7 Q Tenth view?
- 8 A Snack aisle.
- 9 Q Eleventh?
- 10 A Snack aisle. It's out, but it's the snack aisle.
- 11 Q That was out on January 4th?
- 12 A Yes.
- 13 Q Twelfth?
- 14 A It's a view of all the aisles.
- 15 Q Thirteen?
- 16 A It's the stock area.
- 17 Q Fourteen?
- 18 A Diesel aisle.
- 19 Q Fifteen?
- 20 A Front door entry.
- 21 Q Sixteen?
- 22 A Stock door entry.
- 23 Q Thank you, ma'am. You can be seated?
- 24 A (Complies.)
- 25 Q Are any areas on the, that are not covered by

SW - D. WILSON - DIRECT

1 your video cameras?

2 A Just our gas pumps.

3 Q How about the restrooms?

4 A And the restrooms.

5 Q Why you don't cover the restrooms?

6 A Privacy.

7 Q Okay. Is there a view that's focused
8 specifically on the men's restroom door?

9 A No.

10 Q All right. Let me take a look here at number 13.
11 What is that a view of?

12 A The cooler doors.

13 Q And if you turn to the right just past that from
14 this, where does that lead you?

15 A Hallway to the men's bathroom.

16 Q So there's a passageway there?

17 A Yes.

18 Q Now on all of these screens I see a date, time, a
19 year, month, day, year. Are all these recorded
20 contemporaneously as the video is shot?

21 A Yes.

22 Q Did your store system capture events which
23 occurred between 4:27 a.m. on January 4th, 2014, and
24 4:37:59 a.m. on January 4th, 2014?

25 A Yes.

SW - D. WILSON - DIRECT

1 Q Did you furnish a duplicate of these events on a
2 disk to Major Dellinger of the Lee County Sheriff's
3 Office?

4 A Yes.

5 Q And you have reviewed that on more than one
6 occasion, correct?

7 A Correct.

8 Q Okay. Now the events -- screens 11 and 13 don't
9 show anything?

10 A No.

11 Q Why is that?

12 A When we have a power outage it will knock some
13 cameras out so one camera was out and camera 13 is
14 out. That's our storage area. If we have the
15 lights out it doesn't record.

16 Q So we don't -- you weren't expecting anything
17 from either one of those two screens?

18 A No.

19 Q Okay. I want to show you what's been previously
20 marked as Exhibits 4, 5, 6, 7 and 8 and ask you can
21 you identify the locations of those photographs?

22 A Yes, I can. Exhibit 4 is our front door entry.
23 Exhibit 5 is our front door entry. Exhibit 6 is our
24 second checkout area. Exhibit 7 is in front of the
25 cooler door leading to the men's bathroom. Exhibit

SW - D. WILSON - DIRECT

1 8 is the side exit door.

2 Q Okay. Has anything materially changed in either
3 of those pictures since January 4th of 2014?

4 A No, sir.

5 Q Let me show you these exhibits. These are marked
6 19, 20, 21, 22, 23, 24, 25 and 26. Can you identify
7 the locations of those exhibits?

8 A Number 19 is the hallway leading to the men's
9 bathroom. Number 20 is the diagram of the men's
10 bathroom. Number 21 is a diagram of the urinals in
11 the men's bathroom. 22 is the sink area. 23 is the
12 men's bathroom. 24 is a view of the, leading from
13 the men's bathroom to the side door. And 25 is the
14 entryway to the men's bathroom, and 26 is our Pepsi
15 cooler up front.

16 Q Okay, thank you.

17 A You're welcome.

18 Q Now going further, Exhibit 23 is a true and
19 accurate copy of the way the men's bathroom looks as
20 exhibited in that picture?

21 A Yes, sir.

22 Q And that shows the men's bathroom stalls,
23 correct?

24 A Correct.

25 Q And there is a gap between the door and stall and

SW - D. WILSON - DIRECT

1 the middle?

2 A Correct.

3 Q And the floor?

4 A Yes.

5 Q All right. Let me show you what's been marked
6 Exhibits 9 and 10 for identification, and just those
7 two right there, and ask you if you can identify
8 those?

9 A 9 is a view of our outside area at the gas pump.
10 And 10 is a view of our parking area in front of our
11 store, the front of the doors.

12 Q Okay. Now on Exhibit 9 that also overlaps a
13 little. It shows part of the parking area, correct?

14 A Correct.

15 Q Are these fair and accurately portrayals of these
16 parking areas?

17 A Yes.

18 Q Now the cars are for no never mind for right now,
19 correct?

20 A Correct.

21 MR. GENTRY: Your Honor, at this point we
22 move to introduce 19, 20, 21, 22, 23, 9 and 10, and
23 also, 4, 5, 6, 7 and 8.

24 MR. JONES: Thank you, Your Honor. Will
25 you allow me to take a look at these please.

SW - D. WILSON - DIRECT

1 objection.

2 MR. JONES: I do not have an objection to
3 23, nor 24.

4 THE COURT: They are admitted without
5 objection.

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

8 THE COURT: It's admitted without
9 objection.

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

12 THE COURT: What's the objection.

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

19 THE COURT: All right.

20 MR. JONES: I'm representing —

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

23 MR. GENTRY: 20 is admitted?

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

SW - D. WILSON - DIRECT

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

3 THE COURT: They were admitted yesterday.

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

7 THE COURT: Do you have questions for this
8 witness?

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

11 BY MR. GENTRY:

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

14 A Yes, sir.

15 Q Is that — what is that area?

16 A The hall leading into our men's bathroom.

17 Q What is 26?

18 A A Pepsi box in front of our store.

19 Q That's inside of your store?

20 A Yes.

21 Q And 27?

22 A That's in front of our doorway.

23 Q That's coming in to the store?

24 A Yes.

25 THE COURT: All right. You may publish

SW - D. WILSON - DIRECT

1 them to the jury if you want to.

2 MR. GENTRY: Thank you, sir.

3 MR. JONES: Please note my objection.

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

6 MR. JONES: Thank you, Your Honor.

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

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

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

18 You may proceed with cross-examination at
19 this time.

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

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

SW - D. WILSON - CROSS

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

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

5 THE COURT: All right.

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

8 **CROSS-EXAMINATION**

9 BY MR. JONES:

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

12 A No, I wasn't.

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

15 A No, sir.

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

18 A Correct.

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

21 A Correct.

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

24 A Correct.

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

SW - D. WILSON - CROSS

1 that you took or you were there for, correct?

2 A Correct.

3 Q Okay.

4 MR. JONES: Your Honor, I guess I'll give
5 it back to the jury now so they can have it if they
6 want to.

7 BY MR. JONES:

8 Q Actually those pictures were taken by law
9 enforcement; weren't they?

10 A Yes.

11 Q Okay. I want to talk to you a little bit about
12 the stalls themselves. I'm looking at Exhibit
13 Number 23. Look at Exhibit Number 23. You see
14 that?

15 A Yes, sir.

16 Q Now you see the stall doors there; don't you?

17 A Yes.

18 Q Those stall doors are like most stall doors.
19 They open in; don't they?

20 A Yes.

21 Q That is, when you unlatch it, if you — let's say
22 you're in the stall, when you unlatch it the door
23 comes to you; isn't that right?

24 A Yes.

25 Q The door doesn't open out, does it?

SW - D. WILSON - CROSS

1 A No.

2 Q Okay. So these stall doors open in, correct?

3 A Correct.

4 Q You're familiar with the Interstate Shell; aren't
5 you?

6 A Yes, sir.

7 Q You've been there a long time, right?

8 A Yes, sir.

9 Q Okay.

10 MR. JONES: I pass this to the jury, Your
11 Honor. I'm so sorry I had to take it from them when
12 they were looking at them.

13 BY MR. JONES:

14 Q Okay. I want to hand you a photograph. It's
15 Exhibit Number 22. You see Exhibit Number 22?

16 A Yes.

17 Q I believe you've identified that as inside the
18 bathroom; haven't you?

19 A Yes.

20 Q That's inside the men's bathroom, correct?

21 A Correct.

22 Q And there are two sinks; aren't they?

23 A Yes.

24 Q There are two sinks, right?

25 A Yes.

SW - D. WILSON - CROSS

1 Q Okay, all right.

2 MR. JONES: I publish that to the jury.

3 That's Exhibit Number 22, Your Honor.

4 BY MR. JONES:

5 Q Okay. Now I want to hand you Exhibit Number 20.

6 Exhibit Number 20 I believe you've identified that

7 as a full plan of the bathroom; haven't you?

8 A Yes, sir.

9 Q Did you draw that floor plan?

10 A No, sir.

11 Q Okay. Do you know where that floor plan came

12 from?

13 A No, sir.

14 Q Okay, all right. Let me talk to you about the

15 floor plan a little bit. First of all, look at the

16 stall doors. How does it show the stall doors are

17 open?

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

19 Q Yes. So that diagram shows the stall doors are

20 opening out; isn't that right?

21 A Yes.

22 Q But actually the stall doors in this bathroom you

23 said they open in; don't they?

24 A Yes.

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

SW - D. WILSON - CROSS

- 1 A Yes.
- 2 Q It is mistaken?
- 3 A Yes.
- 4 Q Okay. Let me ask you another question about that
- 5 diagram. What was the number on that exhibit number
- 6 22? Number 20, I'm sorry, Exhibit Number 20.
- 7 Ms. Wilson, thank you for your patience. I'm asking
- 8 this. Okay, all right, let me look at the number of
- 9 sinks. The number of sinks that are shown there in
- 10 that bathroom, how many sinks does it show?
- 11 A Three.
- 12 Q Actually there are only two, right?
- 13 A Yes.
- 14 Q So that diagram is mistaken again; isn't it?
- 15 A Yes.
- 16 Q So that diagram is not an accurate depiction of
- 17 the bathroom, is it?
- 18 A No, it's not.
- 19 Q That document was given to you by the solicitor;
- 20 wasn't it?
- 21 A Yes.
- 22 Q Okay. You didn't draw that, did you?
- 23 A No.
- 24 Q Okay. So the diagram presented is not accurate,
- 25 correct?

SW - D. WILSON - CROSS

1 A Correct.

2 Q Okay. Let me hand this up to the jury. Thank
3 you for your patience. Thank you. I want you to
4 look then at Exhibit Number 9 and Exhibit Number 10.
5 You see exhibit 9 and 10? It's front and back. You
6 see it?

7 A Yes.

8 Q All right. I want you to look at the Interstate,
9 right at the front of Interstate Shell. You see the
10 pictures there, 9 and 10?

11 A Yes.

12 Q All right. If you're looking at the open door,
13 you see it? If you're looking at the front of your
14 place, right?

15 A Yes.

16 Q There's a Kentucky Fried Chicken to the right of
17 your place, correct?

18 A Correct.

19 Q And actually, don't parking spaces extend from
20 the front of your store all the way down to the
21 front of Kentucky Fried Chicken?

22 A Yes.

23 Q Okay. There are probably 15 parking spaces
24 there; aren't they?

25 A Correct.

SW - D. WILSON - CROSS

1 Q Okay. So there'd be as many as 15 parking spaces
2 to the right of the entrance to your Interstate
3 Shell; wouldn't there?

4 A Yes.

5 Q Okay. Now let me talk to you about this too.
6 When you enter Interstate Shell — I happen to be
7 familiar with it. When you enter Interstate Shell,
8 if you're riding towards Sumter, okay, there's a
9 Kentucky Fried Chicken; but next to Kentucky Fried
10 Chicken there's a waffle house; isn't there?

11 A A couple of buildings down, but yes.

12 Q Okay, all right. What's the building right next
13 to Kentucky Fried chicken to the right?

14 A McDonalds.

15 Q McDonalds, I'm sorry. McDonalds. And actually,
16 there's an entrance between McDonalds and Kentucky
17 Fried Chicken; isn't there?

18 A Yes.

19 Q Okay. So the entrance, one can come into your
20 parking space from an entrance that's between
21 Kentucky Fried Chicken and McDonalds, right?

22 A Yes.

23 Q And that entrance is actually all the way to the
24 right of Kentucky Fried Chicken; isn't it?

25 A Yes.

SW - D. WILSON - REDIRECT

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

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

7 THE COURT: All right. Redirect.

8 **REDIRECT EXAMINATION**

9 BY MR. GENTRY:

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

12 A Roughly probably about — I'm not good with
13 distances.

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

15 THE WITNESS: I'm not good with distances
16 but — .

17 BY MR. GENTRY:

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

19 A Yes, it is.

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

23 A Yes.

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

25 A Yes.

SW - L. ADAMS - DIRECT

1 Q Thank you.

2 MR. GENTRY: Nothing further.

3 THE COURT: All right.

4 MR. JONES: Nothing further, Your Honor.

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

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

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

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

13 WHEREUPON,

14 **LEANA ADAMS,**

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

17 THE CLERK: State your full name for the
18 record.

19 THE WITNESS: Leana Renee Adams.

20 **DIRECT EXAMINATION**

21 BY MR. GENTRY:

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

24 A I do not.

25 Q Do you know this gentlemen here in the blue

SW - L. ADAMS - DIRECT

1 shirt?

2 A No, sir.

3 Q Okay.

4 MR. GENTRY: Let the record reflect I
5 identified the victim in this case and the defendant
6 in this case respectfully.

7 THE COURT: All right.

8 BY MR. GENTRY:

9 Q Are you an employee of Interstate Shell located
10 on Sumter Highway in Bishopville?

11 A Yes, sir.

12 Q How long have you been employed there?

13 A At that location for about two years.

14 Q Two years. You're a part-time employee?

15 A I'm a full-time employee.

16 Q Full-time employee, all right. Were you on duty
17 at Interstate Shell around 4:35 a.m. on January 4th
18 of 2014?

19 A Yes, sir.

20 Q Did anything unusual happen at that time?

21 A A gentleman ran out the bathroom. He was cut up
22 and asked me to call 9-1-1.

23 Q Did he say -- what did he exclaim?

24 A Help me, he's trying to kill me, call 9-1-1.

25 Q Help, he's trying to kill me, call 9-1-1?

SW - L. ADAMS - DIRECT

1 A Yes, sir.

2 Q All right. What did you do?

3 A I immediately picked up the phone, or our store
4 phone, and dialed 9-1-1 and spoke with the
5 dispatcher.

6 Q And what happened after that?

7 A The ambulance -- well, first the sheriff showed
8 up and then it wasn't too long after that the
9 ambulance, the EMTs actually showed up.

10 Q Okay. And so things sort of calmed down just a
11 little bit after EMS left?

12 A Yea.

13 Q The sheriff was there. Now did you see at some
14 point a man in a red shirt, brown hat?

15 A Not when he initially came in. But once the guy
16 had caught my attention when he had hollered out
17 after he came out the bathroom, I did see him walk
18 out that side door.

19 Q You saw a man in a brown hat and red shirt walk
20 out the side door?

21 A Yes.

22 Q All right. Let me see if I can get this thing
23 straightened out. All right, I'm not gonna start
24 this at the very beginning. I'm gonna start this at
25 the 4:30 mark. I'm gonna run it forward to about

SW - L. ADAMS - DIRECT

1 4:32. This is off of Exhibit 2. This is a blowup
2 of the scene and you're acting as the cashier and
3 you're doing what?

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

6 Q Okay. What just happened?

7 A The gentleman walked behind the cash— or the
8 customer that I was ringing up.

9 Q Walked behind the customer?

10 A Yeah.

11 Q Did you even notice him?

12 A At that time no, I...

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

15 A Yes.

16 Q All right. I'm gonna run this forward to about
17 4:35:00. Tell us what's happening on these screens.

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

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

23 A No, there was not to my knowledge.

24 Q What's happening here?

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

SW - L. ADAMS - DIRECT

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

4 Q What did you do?

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

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

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

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

16 A Yes, sir.

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

19 A You mean like the big long cooler?

20 Q Yeah, big old Pepsi cooler.

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

24 Q All right.

25 MR. GENTRY: I have no further questions

SW - L. ADAMS - CROSS

1 of this witness.

2 THE COURT: Mr. Jones.

3 MR. JONES: Thank you, Your Honor.

4 **CROSS-EXAMINATION**

5 BY MR. JONES:

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

8 A Yes.

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

10 A Indeed.

11 Q Ma'am?

12 A Indeed.

13 Q You said indeed?

14 A Yes.

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

17 A Yes, sir.

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

20 A Yes, sir.

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

23 A Yes, sir.

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

SW - L. ADAMS - CROSS

1 A Well, at that time I had just had it's like a
2 family had came in, they were getting gas. You
3 know, they were, you know, kind of musing around, I
4 guess, trying to get their legs worked up. But
5 usually we don't have that much foot traffic. It
6 kind of depends on the day really.

7 Q But you did that day?

8 A Yeah, for that point in time, yeah. We had that
9 one, that family that came in, yes, sir.

10 Q Okay. Now that morning you didn't actually go in
11 the men's bathroom, did you?

12 A No, sir, I never go in the men's bathroom.

13 Q Have you ever been in that men's bathroom?

14 A One time I had to clean it up 'cause there was no
15 one else there so I had to put an out-of-order sign
16 on it.

17 Q But that morning January the 4th you were not in
18 there?

19 A No, sir.

20 Q Okay. All right. Did you notice anything about
21 anybody who walked in the store that morning?

22 A No. As you can tell, you know, I kind of stand
23 to the side, you know. I watch my customers come in
24 unless I'm actually ringing up the customers and at
25 that time, you know...

SW - L. ADAMS - REDIRECT

1 Q Okay. So you didn't notice anything about Dennis
2 Hoover or Justin Boyce when they walked by?

3 A No, sir.

4 Q Okay. The only time you noticed something is
5 when Mr. Boyce came out and said something to you,
6 correct?

7 A Yes, sir.

8 Q Okay. But before that you hadn't noticed
9 anything?

10 A No, I had not.

11 Q Okay. Thank you very much.

12 A Thank you.

13 **REDIRECT EXAMINATION**

14 BY MR. GENTRY:

15 Q One last question, please, ma'am. When you heard
16 these shouts from the guy who was bleeding how did
17 he sound?

18 A He was very distraught. He was, he was running
19 towards the front and he kind of stumbled when he
20 first got to that corner and he came on to the front
21 and I immediately called 9-1-1.

22 Q Was there a considerable amount of blood on the
23 floor around the front door?

24 A Yes.

25 Q Thank you, ma'am.

SW - A. BOSTICK - DIRECT

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

3 THE COURT: Anything else?

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

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

8 MR. GENTRY: I call Doctor Anthony
9 Bostick.

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

12 WHEREUPON,

13 **ANTHONY BOSTICK,**
14 'having been duly sworn by the Clerk, testified as
15 follows:

16 THE CLERK: State your full name for the
17 record.

18 THE WITNESS: Anthony Lawrence Bostick.

19 **DIRECT EXAMINATION**

20 BY MR. GENTRY:

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

24 A Yes, sir, I am.

25 Q And you also have duties as in the emergency room

SW - A. BOSTICK - DIRECT

1 department in other hospitals in the state?

2 A Yes, I do.

3 Q All right. What's your educational background,
4 Doctor Bostick?

5 A I have a bachelor's of science from South
6 Carolina State University, M.D. degree from Howard
7 University in Washington D.C.

8 Q Your medical degree is from Howard?

9 A Yes, sir.

10 Q And did you do any residency?

11 A My residency, the first year in transitional
12 internal medicine at Howard as I stated and
13 performed a three year residency in emergency
14 medicine.

15 Q All right, sir. And are you board certified in
16 particular specialty?

17 A Residency training board certified in emergency
18 medicine.

19 Q All right, sir. On the morning of January 4th of
20 2014 were you on duty in the emergency room at
21 McLeod Regional Medical Center in Florence?

22 A Yes, I was.

23 Q Did you come in contact with a gentleman named
24 Robert Justin Boyce?

25 A Yes, I did.

SW - A. BOSTICK - DIRECT

1 Q Would you describe the circumstances surrounding
2 that contact?

3 A Arrived by EMS after being assaulted at a local
4 gas station by another individual. Reported being
5 cut severely in the face, came in with lights and
6 siren. That's how we classify emergencies as. And
7 he was delivered to trauma bed where we initiated
8 our survey and initiated treatment.

9 Q All right, sir. Let me show you what's been
10 marked as 29, Exhibits 29 through 37, see if you
11 recognize any of those.

12 A Yes, sir, I recognize all these pictures.

13 Q Would you start out with -- some of them are
14 duplicates. Would you start off with the first one
15 and tell us what that represents.

16 A The first one represents a deep cut over his left
17 frontal area of his face.

18 Q All right.

19 A Reported as a slashing type of injury number one
20 across the face.

21 Q A slashing type jury, all right, sir. What's the
22 next one?

23 A The next one is a more scary one. This one
24 started below the left eye, extends down the cheek
25 down to the under side of the chin going to any the

SW - A. BOSTICK - DIRECT

1 area, top portion of the neck triangles.

2 Q Were there actually two cuts on his cheek?

3 A Yeah, there are two. There are two.

4 Q All right, sir.

5 A Kind of here involving the lips.

6 Q What's the next one represent?

7 A These are the repaired photos that I'm looking at
8 now and you see the cuts that come down here, and
9 it's also upper and lower lip.

10 Q Okay. And that's number, what's the number on
11 that one please, sir?

12 A 31.

13 Q All right, sir.

14 A 29, 30 and 31.

15 Q And 32?

16 A 32. Again, we're looking at the repaired
17 forehead laceration and a top portion of the left
18 infraorbital cheek laceration.

19 Q And 33?

20 A 33 is a horizontal left chest axillary type of
21 laceration.

22 Q All right, sir. The next one, 34?

23 A This again is another view of the face. It's a
24 redundant photo of the left forehead laceration,
25 left infraorbital cheek and mouth and chin

SW - A. BOSTICK - DIRECT

1 laceration.

2 Q And the next one?

3 A It's the horizontal upper abdominal laceration.

4 Q All right, sir. And the last one I believe? No,
5 excuse me, next to the last one?

6 A The next to the last Exhibit Number 36 is a
7 left — it's to the right, it looks right from the
8 photo. A right hand femur (ph) enimus laceration.

9 Q And the last one please?

10 A This one is a thigh laceration.

11 Q That was not very deep it appeared, is it?

12 A That doesn't look very deep at all. These are
13 all repaired.

14 Q All right, sir. Do you have any — do you note
15 the depths of any of the lacerations?

16 A I don't believe I notated the depth; but just as
17 report to the trama surgeon on-call the repair
18 surgeon number on call. They were very deep.

19 Q You didn't do any of the repairs yourself, did
20 you?

21 A No, I did not.

22 Q You stabilized him and prepared him for the
23 surgeons?

24 A You stabilize and prepare for surgery, the
25 permits, hand him over, hand him over to the

SW - A. BOSTICK - DIRECT

1 surgeon.

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

6 MR. JONES: Objection, objection, Your
7 Honor.

8 THE COURT: Basis of the objection?

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

11 THE COURT: As to the kind of wound —

12 MR. JONES: Well —

13 THE COURT: —or as to?

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

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

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

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

25 THE COURT: All right, you may do so.

SW - A. BOSTICK - VOIR DIRE

1 MR. JONES: Thank you.

2 **VOIR DIRE EXAMINATION**

3 BY MR. JONES:

4 Q Doctor Bostick, you are — you got your residency
5 in emergency room medicine?

6 A Emergency medicine.

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

9 A Yes.

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

14 A Well, initially it's — I also performed an
15 internship in internal medicine which is a
16 transitional medicine which involves trauma surgery,
17 internal medicine, various other rotations, and
18 any — get the opportunities to participate in
19 emergency medicine residency where you then repeat
20 some of those same trainings under the same
21 specialist, different specialists and you do
22 emergency medicine. Now in answering your question,
23 emergency medicine training involves some total of
24 experiences, training to manage various emergency
25 situations whether it be surgical, medical,

SW - A. BOSTICK - VOIR DIRE

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

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

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

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

11 A There are pathologists that practice forensic
12 medicine.

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

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

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

22 A Robert Justin Boyce.

23 Q Yes, sir.

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

SW - A. BOSTICK - DIRECT

1 I haven't finished my direct examination.

2 THE COURT: Objection sustained.

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

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

7 MR. JONES: I do not.

8 THE COURT: All right, thank you.

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

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

19 Yes, sir, you may continue.

20 BY MR. GENTRY:

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

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

SW - A. BOSTICK - DIRECT

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

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

7 A Definitely, yes.

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

13 A Yes, it can.

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

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

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

25 A Oh, yes.

SW - A. BOSTICK - DIRECT

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

3 (Victim approaches.)

4 BY MR. GENTRY:

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

8 A How are you, sir? This cuts start here. Right
9 here, sir. Mid forehead extending laterally in the
10 direction of the temple. The left infraorbital cut
11 starting right below the globe extending down
12 lateral down to the mandible area down into the neck
13 area of the upper quarter on the neck triangles.

14 And the other laceration vertically and left
15 infraorbital area extending down involving upper and
16 the lower lip and coming down to the chin area.

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

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

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

SW - A. BOSTICK - CROSS

1 A Lucky and blessed.

2 Q Okay. Thank you, sir. Answer any questions Mr.
3 Jones may have.

4 **CROSS-EXAMINATION**

5 BY MR. JONES:

6 Q Thank you, Doctor Bostick. Doctor Bostick, you
7 testified lacerations you saw, all of them were on
8 the front of Justin Boyce's body, correct?

9 A No.

10 Q Okay. One was on the side, right?

11 A Yes, sir.

12 Q Okay. Let me see that one, it's on the side
13 front. You have it in front of you?

14 A A portion here. Exhibit 34 and at the top of
15 exhibit 35.

16 Q Okay. So exhibit 34 and 35, these, you have a
17 wound on the side, right, and then you had a wound
18 on the top of the stomach, correct?

19 A Yes, sir.

20 Q But there were no wounds on his back, on Justin
21 Boyce's back, were there?

22 A None that I described were repaired and recessed.

23 Q So what you saw was saw one on his side and you
24 saw one on the stomach, and then you have one on his
25 hand and on his face and forehead? Is that what you

SW - A. BOSTICK - CROSS

1 saw, and one on his leg?

2 A Leg, forehead, intraorbital times two, chin,
3 neck, epigastric, axilla, and thigh.

4 Q Okay, all right. But there were none on his back
5 or back. I guess you guys it call it posterior in
6 medicine; don't you?

7 A Dorsal surface back, also known as synonymous.

8 Q What I mean is — and I'm turning my back to you.
9 But nothing, there were cuts on his back of his
10 arms, no cuts on the back of his legs, were there?

11 A Not that I saw or appreciated.

12 Q Okay. There were no cuts on the top of his hands
13 either, were there? Like a backside of his hand?
14 There were no cuts there, were there?

15 A Not that I described. The hand cut appears to be
16 defensive cut turned down.

17 Q But you weren't there, were you?

18 A I was in the emergency room, sir.

19 Q That's right. You weren't there when this
20 happened?

21 A I wasn't.

22 Q When this attack happened you weren't there, were
23 you?

24 A I was working in the emergency room.

25 Q You weren't in the bathroom that night when this

SW - A. BOSTICK - CROSS

1 attack happened, were you?

2 A If that's your question, no.

3 Q Sir?

4 A If that's your question, no.

5 Q Okay, thank you. So we have no cuts on the back
6 of Justin Boyce's hand that you saw, correct?

7 A That I saw, yes, sir.

8 Q Okay. Well, you looked at his whole body; didn't
9 you?

10 A Generally we refer it to a surgeon.

11 Q Sir?

12 A Generally we refer it to a surgeon.

13 Q And so the cuts that you've discussed are the
14 only ones you saw?

15 A The only ones I appreciated.

16 Q Yes, sir. Were there others?

17 A Not that I appreciated.

18 Q So there were cuts on his arms either, were
19 there?

20 A Not that I described in my report, sir.

21 Q Okay. So the cuts we have, we got one cut on his
22 forehead, correct?

23 A Yes.

24 Q Then there's a cut on his thumb, his right thumb?

25 A Hand.

SW - A. BOSTICK - CROSS

- 1 Q Hand?
- 2 A Hand including the thumb.
- 3 Q Okay, right hand?
- 4 A Yes.
- 5 Q Then there's a cut on his leg, correct?
- 6 A Yes, sir.
- 7 Q Then there's a cut on his side, correct?
- 8 A His axilla.
- 9 Q Okay. You're going over my head there. The
10 axilla?
- 11 A This is the axillary region.
- 12 Q Okay. Could I say side? Okay, okay. So, and
13 then there's a cut on his stomach, right?
- 14 A Yes.
- 15 Q And then there were two cuts on his cheek,
16 correct?
- 17 A There was a cut, two cuts in his left face
18 involving a number of different zones.
- 19 Q Yes, sir, okay. So those are the seven cuts.
20 That's what you saw, right?
- 21 A That's what I described.
- 22 Q Yes, sir. I think you — I think when you
23 testified earlier I think you said you could not
24 give an opinion as to how these wounds were given or
25 what happened to cause these wounds, could you?

SW - A. BOSTICK - CROSS

1 A As I reiterated, I stated he was the victim of a
2 violent assault.

3 Q Okay. Let me ask you, you weren't there for the
4 fight though, were you?

5 A I was working in the emergency department.

6 Q Yes, sir. So your answer is no, you weren't
7 there?

8 A If you're asking where I physically was at the
9 time of the altercation, I was in the emergency
10 department. He was at a gas station, as I said
11 earlier.

12 Q And you weren't there?

13 THE COURT: Asked and answered.

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

15 BY MR. JONES:

16 Q You really, you don't know what kind of
17 instrument was used for this, the cut, do you?

18 A There's no way for me to say that.

19 Q Sir?

20 A There's no way for me to tell you what instrument
21 did the cut.

22 Q Okay. Doctor Bostick, thanks for being here
23 today. I know this is out of your way but I
24 appreciate your being here. Thank you so much,
25 Doctor Bostick. Thank you.

SW - G. LOGAN - DIRECT

REDIRECT EXAMINATION

1
2 BY MR. GENTRY:

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

7 A It appears a defensive wound.

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

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

14 THE COURT: Objection is sustained.

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

17 THE COURT: Anything further from the
18 Defense?

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

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

23 MR. GENTRY: We call Greg Logan.

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

SW - G. LOGAN - DIRECT

1 WHEREUPON,

2 **GREGORY S. LOGAN,**

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

5 THE CLERK: State your full name for the
6 record.

7 THE WITNESS: Gregory S. Logan.

8 BY MR. GENTRY:

9 Q Mr. Logan, where do you live?

10 A

11 Q That's in the Lucknow area?

12 A Yes, sir.

13 Q You're currently employed by Thompson Industrial?

14 A Yes, sir.

15 Q How long have you been employed by them?

16 A Off and on since '95.

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

19 A Yes, sir.

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

21 A Dennis Hoover (indicating).

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

24 A Yes, sir.

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

SW - G. LOGAN - DIRECT

1 Robert Justin Boyce; and if you do, point him out
2 and say his name?

3 A Yes, sir, Justin Boyce (indicating).

4 Q He's over here wearing a plaid shirt?

5 A Yes, sir.

6 Q How do you know these people?

7 A Both of them are pretty much from the same
8 community I'm from, and I've known Dennis since I
9 was a little boy, grow up around him.

10 Q And how long have you known Justin?

11 A I pretty much knew him since he was junior,
12 senior high school.

13 Q Okay. That's been a while?

14 A Yes, sir, yes, sir. 10 to 12 years, something
15 like that.

16 Q Okay. At one time did you operate a feed and a
17 trap store on Highway 341?

18 A Yes, sir.

19 Q And that was going towards Bethune just past
20 Ronnie Fountain's store?

21 A Yes, sir.

22 Q Did you — when did you close the store?

23 A I closed the store in April of 2013.

24 Q Before you closed the store did any of the Boyces
25 come by to visit?

SW - G. LOGAN - DIRECT

1 A No, sir.

2 Q And that would be Bob and Marshall or Justin?

3 A Yes, sir.

4 Q None of them came by to visit?

5 A No, sir.

6 Q How about the defendant?

7 A Yes, sir.

8 Q How many times did he come by and visit?

9 A Five, six, seven times a week. Sometimes he's
10 stopped in pretty often.

11 Q Multiple times?

12 A Yes, sir.

13 Q Now are you aware of an accident that involved
14 Marshall Boyce and the defendant which occurred on
15 or about June 30th of 2011, without getting into
16 details?

17 A Yes, I heard about it.

18 Q Before this incident had the defendant ever
19 expressed any hostility toward any of the Boyces?

20 A No, sir.

21 Q What were his views about turkey houses at this
22 time?

23 A He didn't like turkey houses.

24 Q Didn't like turkey houses?

25 A No, sir.

SW - G. LOGAN - DIRECT

1 Q After the incident did you hear different
2 versions depending on who was talking?

3 A Excuse me?

4 Q Different versions of the incident?

5 A Yes, sir. Yes, sir.

6 Q Okay. Now did — in these discussions that you
7 had, not discussions but statements he made at your
8 place, did he think the Boyces had anything to do
9 with his brother's turkey house permit?

10 A He never expressed anything about that —.

11 Q Okay.

12 A —to me.

13 Q All right. After the incident, the one I'm
14 talking about in 2011, did either of the Boyces
15 express to you any hostility toward the defendant?

16 A I never heard them say anything about it.

17 Q Okay. After the incident did the defendant
18 express any hostility towards any of the Boyces?

19 A Yeah, every now and then he would get upset
20 talking about him.

21 Q What did he say?

22 A He just didn't — he felt like he had been done
23 wrong.

24 Q Done wrong?

25 A Yes.

SW - G. LOGAN - DIRECT

1 Q Did he put a specific on it, what he specifically
2 been, had been done wrong about?

3 A He said that both of them beat him up.

4 Q At some point after June 30th of 2011 did you
5 have occasion to call Marshall Boyce and give him a
6 warning?

7 A Yes, sir.

8 Q And what did this warning concern?

9 A Mr. Hoover was in my store that day and a sale
10 was coming up and they needed a tractor for
11 equipment sale. And he just, he was venting a
12 little bit. I -- he said enough that I thought
13 Marshall and Justin didn't need to be at the sale.

14 Q In other words you feared for their safety?

15 A Yes, I didn't want to -- me and my son was going
16 to the same sale, and I didn't want anything going
17 on there and...

18 Q Okay. What did you tell Marshall?

19 A I told him that Mr. Hoover had talked to me and
20 he was upset and that I didn't think he needed to go
21 to the sale and make a call to Justin and let him
22 know.

23 Q Why did you tell Marshall what you told him?

24 A I didn't want anything to happen.

25 Q Didn't want Marshall to get hurt?

SW - G. LOGAN - CROSS

1 A No, sir.

2 Q Didn't want Justin to get hurt?

3 A No, sir.

4 Q To the best of your knowledge did the Boyces
5 attend that sale?

6 A No, sir.

7 Q You closed your store in 2013. Did the defendant
8 make any threats against either the Boyces before
9 the store closed?

10 A Just what pretty much what he said that day.

11 Q What exactly did he say he was gonna do?

12 A I can't remember exactly. It's been a couple of
13 years. He just -- I can't remember why he was so
14 upset but...

15 Q Okay. But did you take him seriously?

16 A Yes, sir.

17 Q Okay. Had he commented earlier about any kind of
18 method of violence toward either of the Boyces?

19 A I don't know.

20 Q Like shooting or cutting or anything like that?

21 A I'm not sure. He very well could have; I'm not
22 sure.

23 Q Okay. Answer any questions Mr. Jones may have.

24 **CROSS-EXAMINATION**

25

SW - G. LOGAN - CROSS

1 BY MR. JONES:

2 Q Good morning, Mr. Logan.

3 A How are you?

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

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

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

10 A Yes, sir.

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

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

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

16 A Yes, sir.

17 Q You remember talking to Donald Steven about this
18 case?

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

21 Q Okay.

22 A He talked about coming to court.

23 Q Okay.

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

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

3 **REDIRECT EXAMINATION**

4 BY MR. GENTRY:

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

7 A Absolutely not.

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

10 A Yes, sir.

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

13 A Yes, sir.

14 MR. GENTRY: Nothing further.

15 THE COURT: Anything further?

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

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

19 MR. GENTRY: We call Marshall Boyce —
20 excuse me, Justin Boyce.

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

25 (Whereupon, the jury was removed from the courtroom

SW - J. BOYCE - DIRECT

1 at 11:00 a.m.)

2 THE COURT: We'll take ten minutes.

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

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

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

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

11 THE COURT: Let's bring them on.

12 (Whereupon, the jury was returned to the courtroom

13 at 11:20 a.m.)

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

16 MR. GENTRY: Justin Boyce.

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

19 WHEREUPON,

20 **R. JUSTIN BOYCE,**

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

23 THE CLERK: State your full name for the
24 record.

25 THE WITNESS: Robert Justin Boyce.

SW - J. BOYCE - DIRECT

DIRECT EXAMINATION

1
2 BY MR. GENTRY:

3 Q Where do you live, Mr. Boyce?

4 A

5 Q Okay. And that's up off 341?

6 A Yes, sir.

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

9 A I do.

10 Q How do you know him?

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

13 Q Is there any other way you know him?

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

16 Q Point him out and say his name please.

17 A Dennis Hoover.

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

20 A Yes, sir.

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

23 A Yes, sir, I do.

24 Q Whereabouts is that?

25 A Right over in Watkins Road.

SW - J. BOYCE - DIRECT

1 Q About how far is that from your house?

2 A Probably three to four miles.

3 Q Do you know what kind of vehicle he drives or was
4 driving on January the 4th of 2014?

5 A Yes, sir, I do.

6 Q What was that?

7 A A white Toyota pickup with a camper shell on the
8 back.

9 Q Okay. How do you know that?

10 A Just by living in the same area and passing him
11 on the road and by seeing him getting back in it the
12 morning of the incident.

13 Q Okay. And do you have any personal disagreements
14 with the defendant?

15 A No, sir.

16 Q Did you witness an episode between the defendant
17 and your brother in September of 2011 -- excuse me,
18 in the summer of 2011?

19 A Yes, sir, I did.

20 Q Did you take any part in that episode?

21 A The only thing I did that morning was to break
22 them apart, break up the fight one time.

23 Q Now that happened in the summer of 2011?

24 A Yes, sir.

25 Q You normally -- do you normally go to the Lydia

SW - J. BOYCE - DIRECT

1 auction sales in Lydia?

2 A Yes, sir. Usually we go, it's kind of a
3 gathering farmers and people in that community Lydia
4 with chicken bog and everything. We usually go
5 there.

6 Q Did you go to the Lydia auction sale in December
7 of 2012?

8 A No, sir.

9 Q Why not?

10 A We got word that Dennis Hoover was there also,
11 and we decided we wasn't, not to go because we
12 didn't want to have any trouble over there.

13 Q Now on or about 4:30 a.m. on January 4th, 2014,
14 where were you?

15 A What's that again?

16 Q On January 4th of 2014?

17 A Yes, sir.

18 Q About 4:30 in the morning, where were you?

19 A I was pulling up to the Interstate Shell out
20 there at I-20.

21 Q All right. What caused you to stop at Interstate
22 Shell?

23 A I was on the way duck hunting and I had plenty of
24 time, I was running kind of early, and decided I was
25 going to use the restroom and get a cup of coffee

SW - J. BOYCE - DIRECT

1 and head on out.

2 Q You were going to meet who that morning?

3 A Phillip Atkinson.

4 Q About what time were you supposed to meet?

5 A 5:00.

6 Q Where does Phillip live?

7 A Wisack community.

8 Q What did you do when you got there?

9 A Got out my truck and went straight in the store
10 and straight to the restroom.

11 Q All right, bear with me one second. Let me show
12 you what's been previously introduced as Exhibit 10.

13 Can you show, tell me what that's all about.

14 A That's the parking lot at the front of the
15 Interstate Shell.

16 Q Can you indicate to me approximately where you
17 parked that night, indicate it by placing the letter
18 B and circling that?

19 A Yes, sir (complies).

20 Q I believe this is also displayed in video tape;
21 is that correct?

22 A Yes, sir, I think so.

23 Q All right. You said you went to the restroom?

24 A Yes, sir.

25 Q And what was your purpose in going to the

SW - J. BOYCE - DIRECT

1 restroom?

2 A There's not too many restrooms in the swamps of
3 Santee so I was going to make use of the one at
4 Interstate Shell.

5 Q Did you go to use the urinal or use a commode?

6 A Stall.

7 Q A stall?

8 A Yes, sir.

9 Q And the stalls contain the commodes?

10 A Yes, sir.

11 Q And so you didn't have to urinate, you had to do
12 something else?

13 A Yes, sir. It's not a good situation to be in
14 when you have all those clothes on out in the middle
15 of the water.

16 Q I understand that completely. Did that — point
17 out please, sir, on this exhibit which I will show
18 you in just a minute as soon as I find the
19 confounded thing. Let me show you what's been
20 marked as Exhibit 23. Can you tell me what that is
21 please, sir.

22 A That's the restroom at Interstate Shell.

23 Q Which stall did you enter?

24 A I went straight through the door in the middle
25 one right there.

SW - J. BOYCE - DIRECT

1 Q Would you take this and put a mark B on the door
2 of the stall you utilized.

3 A (Complies.)

4 Q Okay, thank you. Now while you were engaged in
5 your business did you hear or see or anybody come
6 in?

7 A Yes, sir. I noticed somebody came in the door.
8 I heard the door open up, the entrance of the
9 restroom, and I heard the door shut. And I did
10 notice — I knew it was weird 'cause they wouldn't,
11 they didn't go in a stall or didn't go to a urinal
12 and didn't hear nobody using a urinal. I didn't
13 hear any water running in the sink and I knew
14 somebody was in there with me.

15 Q Okay. Now could you tell us how, approximately
16 how long you had been in the stall before you heard
17 this person come in?

18 A Talking about how long was I in the stall when he
19 came in the door?

20 Q When they came in the door, yeah.

21 A Probably three minutes or something like that.
22 Three or four minutes.

23 Q That's not something you keep a time clock on, is
24 it?

25 A No, sir.

SW - J. BOYCE - DIRECT

1 Q When you completed your business in the stall
2 what did you do?

3 A I came out the stall and opened the door and ran
4 in to Mr. Dennis Hoover. He immediately started
5 thrashing me or raking me with something. And I
6 thought he was hitting me with his fists and he was
7 between me and the door. And as I tried to maybe go
8 around the door I noticed I started bleeding pretty
9 bad and blood was flowing down my eye and down my
10 cheek, and I still couldn't figure out what was
11 going on. I still thought he was hitting me. I
12 didn't know what was -- I mean, i couldn't
13 understand why I was bleeding so bad. One time he
14 came across I saw something shiny in his hand and it
15 came across my face like this. I realized I was
16 being cut and not hit, and I knew I was cut. That's
17 all I know is cut and bleeding bad.

18 Q And what did you do when you discovered you were
19 bleeding?

20 A I ran out the bathroom.

21 Q After the fact when the doctors looked at you how
22 many cuts did you have on your body?

23 A Seven.

24 Q And that includes one on your thumb, your
25 forehead, two on your face, one on your abdomen, one

SW - J. BOYCE - DIRECT

1 on your side and one on the thigh; is that correct?

2 A Yes, sir.

3 Q Did you ever identify what he had in his hand
4 that was shiny?

5 A No, sir, all I know is he was cutting me to
6 pieces.

7 Q When you were running out the front of the store
8 what did you do?

9 A When I ran out the bathroom I didn't know what
10 was going on. All I knew is I was trying to go get
11 away with him. And as soon as I got out the
12 bathroom I saw him come out the bathroom so I ran up
13 towards the front of the doors and I looked back
14 again and I saw him go out the side door. And I
15 still was trying to get away from him so I went out.
16 I thought he was going to come around so I was going
17 to get in my truck, whatever, and I went out the
18 front door of my truck. As I got to my — as soon
19 as I broke through the front door the Shell Station,
20 I saw him coming towards my truck so I came back in
21 the store.

22 Q Did you make any cries to the manager or the
23 clerk while you were running around in there?

24 A As soon as I came up to the front I saw the lady
25 behind the cash register and I told her he's trying

SW - J. BOYCE - DIRECT

1 to kill me, please call 9-1-1.

2 Q Okay. What did you think he was trying to do?

3 A I think he was trying to kill me.

4 Q Okay.

5 A I thought I was going to bleed to death before I
6 could get any help.

7 Q Did you see the defendant again out front when
8 you said you did?

9 A Yes, sir.

10 Q What was he doing?

11 A He was steady walking. He cut — like I said, I
12 saw him come around and go behind my pickup and
13 after that I lost sight of him until I saw his
14 pickup pulling out and him leaving. I saw him — he
15 pulled out, he went back in front of my sight and i
16 saw him in the truck and I saw him leaving out.

17 Q All right. What kind of truck was this he was
18 in?

19 A It's a white Toyota pickup with a camper shell.

20 Q Was there any other white Toyota pickup with a
21 camper shell anywhere in the proximity that day?

22 A I have not — I don't think so.

23 Q Let me show you what's been marked as Exhibit 10
24 for identification and ask you — okay. Court's —
25 State's Exhibit 11 for identification and ask you

SW - J. BOYCE - DIRECT

1 what that is?

2 A That's the back of, the back window of my pickup
3 with my farm name on it.

4 Q And so this is a, what brand of truck?

5 A A Dodge pickup.

6 Q And it has the Boyce Brothers Farms decal on the
7 right hand side upper?

8 A Yes, sir.

9 Q This the truck you were driving that night?

10 A It was.

11 Q Is this the truck you parked in front of
12 Interstate Shell on January the 4th at about 4:30 in
13 the morning?

14 A It was.

15 MR. GENTRY: I move to admit.

16 MR. JONES: No objection, Your Honor.

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

19 BY MR. GENTRY:

20 Q Now, did you discover at some time several items
21 of personal property missing from your body, from
22 you?

23 A No, sir.

24 Q How about your cell phone?

25 A During all the commotion and everything, the

SW - J. BOYCE - DIRECT

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

6 Q Did he?

7 A Yes, sir, he did.

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

10 A No, sir, not -- not —

11 Q Phillip called you?

12 A He called me, yes, sir.

13 Q When Deputy Torres arrived what did you tell him?

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

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

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

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

23 A McLeods emergency room.

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

SW - J. BOYCE - DIRECT

1 A No, sir, not really. I had so many people
2 working on me I didn't know who was who.

3 Q What happened to you there?

4 A They stitched me up -- well, not stitch me up,
5 but I sat there for a little while. They had to
6 call in a plastic surgeon and ended up having to put
7 me to sleep going into operation, surgery.

8 Q All right. Now your injuries were repaired at
9 McLeod, correct?

10 A What's that?

11 Q Your injuries were repaired at McLeod Regional
12 Medical Center?

13 A Yes, sir.

14 Q Did you go into a local or general anesthetic?

15 A I don't know. I know I was out.

16 Q You were out?

17 A Knocked me out, yes, sir.

18 Q Okay. Looking at Exhibits 29 through 31, is that
19 you in those pictures?

20 A Yes, sir.

21 Q And those are taken by the Sheriff's Office?

22 A Yes, sir.

23 Q Now looking at 32 through 36, 32 through 37, who
24 is this?

25 A That's me.

SW - J. BOYCE - DIRECT

1 Q All right, sir. And those were taken after your
2 injuries were repaired?

3 A Yes, sir, after the bandages came off.

4 Q That's when your wife took those, correct?

5 A Yes, sir.

6 Q All right. Do they accurately show the location
7 of the injuries inflicted on you at Interstate Shell
8 on January 4th, 2014?

9 A Yes, sir.

10 Q When you talked to Deputy Torres when he got
11 there how were you feeling?

12 A I, I didn't think I was going to make it.

13 Q Let me ask you, let me show you this. You've
14 seen these before; have you not?

15 A Yes, sir.

16 Q And what are these videos of?

17 A Different locations of, different locations of
18 the different cameras in the Shell Station.

19 Q This is from State's Exhibit 2. You remember
20 what time you pulled in?

21 A No, sir, around 4:30, somewhere in there.

22 Q But whatever time is indicated on the chart is
23 probably about the time you came in, right?

24 A Yes, sir.

25 Q This says 4:28:02. Would that be about right?

SW - J. BOYCE - DIRECT

- 1 A Yes, sir.
- 2 Q And that's you coming in the store?
- 3 A It is.
- 4 Q What did you do after you came into the store?
- 5 A Went straight to the restroom.
- 6 Q Okay. Did you go back outside the store at any
- 7 time before you got to the restroom?
- 8 A No, sir.
- 9 Q Did you look back over your shoulder or anything?
- 10 A No, sir.
- 11 Q Were you aware there was a white vehicle that
- 12 followed you into the parking lot?
- 13 A No, sir.
- 14 Q That's a white vehicle, correct?
- 15 A Yes, sir.
- 16 Q Can't tell what brand or make or anything else,
- 17 but it's a white vehicle?
- 18 A Yes, sir.
- 19 Q And that pulled in 4:28:10?
- 20 A Yes, sir.
- 21 Q That's eight seconds after you walked in the
- 22 door. Let me change this screen. Take a look at
- 23 screen number 9. Is that you that just walked
- 24 through there?
- 25 A Yes, sir.

SW - J. BOYCE - DIRECT

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

SW - J. BOYCE - DIRECT

1 hand and everything.

2 Q What just happened? Who is that?

3 A That's Dennis Hoover.

4 Q That's in the red?

5 A Yes, sir.

6 Q Where is he going?

7 A Walking out the door outside.

8 Q Where are you at this time?

9 A By then I was already at the front of the store.

10 Q Back this up just a bit. At 4:35:40 who is this
11 over here?

12 A I can't.

13 Q You can't see it?

14 A No, sir.

15 Q All right, we'll start it again here. Who is
16 that?

17 A That's me.

18 Q Who is this guy in the red?

19 A That's Mr. Hoover.

20 Q What did you do there?

21 A I was trying to find, see where he's at and if he
22 was still coming after me. And then as I saw him go
23 out the door I kept on going towards the front of
24 the store.

25 Q This view is the front of the store, correct?

SW - J. BOYCE - DIRECT

1 A Yes, sir.

2 Q Who is that in the brown shirt?

3 A That's me.

4 Q Who is that running across?

5 A Dennis Hoover. I was going to my pickup in the
6 left hand corner, and that's when I saw him go
7 behind it and that's when I came back in.

8 Q Why did you come back in?

9 A I just wanted to be far away from him as I could.
10 I didn't want to run into him again out there in the
11 parking lot.

12 Q All right. Right there did you see something
13 move off?

14 A Yes, sir, and I was watching to see what was
15 going on, if he was leaving or getting something out
16 of his truck or what.

17 Q Okay. Did you do anything in the restroom to
18 start a fight?

19 A No, sir.

20 Q Did you — what were you wearing that day, blue
21 jeans?

22 A I had — under my blue jeans I had thermal
23 underwear on and I still had — well, I had my
24 working uniform on. Then I got back from Santee I
25 was planning on going straight to work. I also had

SW - J. BOYCE - DIRECT

1 thermals on under everything and uniform and the
2 heavy sweatshirt.

3 Q So you were pretty puffed up?

4 A Yes, sir.

5 Q You had all kind of clothes on?

6 A Yes, sir.

7 Q Did it make access to your pockets difficult?

8 A It did.

9 MR. GENTRY: Court's indulgence.

10 BY MR. GENTRY:

11 Q You're a farmer, right?

12 A Yes, sir.

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

15 A Yes, sir.

16 Q Did you have a pocketknife with you that day?

17 A I did.

18 Q And what size is this pocket knife?

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

23 Q Is it sometimes difficult to get the blade out?

24 A Yes, sir.

25 Q All right. Now you were going duck hunting,

SW - J. BOYCE - DIRECT

1 right?

2 A Yes, sir.

3 Q And you had a shotgun in the car?

4 A Yes, sir.

5 Q In the truck?

6 A Yes, sir.

7 Q All right. Did you ever brandish that shotgun at
8 Dennis Hoover?

9 A No, sir.

10 Q Did you ever see Dennis Hoover that morning
11 before you saw him in the restroom?

12 A No, sir.

13 Q Okay, that's it. Did you have any other kind of
14 weapon on you, potential weapon other than that
15 little pocketknife?

16 A No, sir.

17 Q Okay. Answer any questions Mr. Jones may have.

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

20 THE COURT REPORTER: You've already done
21 that.

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

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

SW - J. BOYCE - CROSS

1 THE COURT: Yes, sir.

2 **CROSS-EXAMINATION**

3 BY MR. JONES:

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

8 A Numerous times.

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

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

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

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

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

21 A Yes, sir.

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

SW - J. BOYCE - CROSS

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

7 A Yes, sir.

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

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

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

19 A I guess not, no, sir.

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

24 A Yes.

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

SW - J. BOYCE - CROSS

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

7 A Yes, sir.

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

11 A Yes, sir.

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

13 A It did.

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

17 A Yea.

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

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

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

SW - J. BOYCE - CROSS

1 A Yes, sir.

2 Q All right. Did you actually see who came in?

3 A No, sir.

4 Q Okay. But you could see through, you could see
5 that somebody came in, correct?

6 A I knew somebody was in there. I could actually
7 see up under the door better than I could anywhere
8 else.

9 Q Okay, all right. And so when you were in the
10 bathroom that's what you meant when you said
11 somebody else was in there, and you knew that?

12 A Yes, sir, I heard the door open, somebody come
13 in.

14 Q Okay. Now I'm looking at your statement here and
15 I want to see if I got this right. You said you
16 turned around to leave the bathroom. Now the reason
17 I ask that, you say you turned around to leave the
18 bathroom 'cause if you're in the stall — and this
19 is sensitive, I know, and demonstrated it's even
20 more difficult. But what happened, when you stand
21 up and then you open the door and pull it to you,
22 right?

23 A Yes, sir, usually but I think that morning I
24 stood up and turned around and flushed the toilet
25 and that's when I turned around to come out the

SW - J. BOYCE - CROSS

1 stall.

2 Q Okay, all right. So you turned around and come
3 out of the stall and you saw somebody was standing
4 there, correct?

5 A I didn't see anybody standing there. Like I
6 said, as soon as I opened the door Dennis — I
7 opened the door towards me and like I said, the
8 first thing I felt was him on with the — I saw him
9 coming around with fists. Like I said, I didn't
10 know if he was hitting me or what was going on, but
11 I just knew Dennis Hoover was attacking me as soon
12 as I opened the door up.

13 Q So were you still in the stall 'cause you had
14 your back up to open the stall, were you still in
15 the stall when you said Mr. Hoover attacked you?

16 A No, sir, 'cause as soon as I saw Mr. Hoover
17 attacking me I was on the move. I wasn't wasting
18 any time.

19 Q Okay, so he didn't attack you in the stall?

20 A Not actually in the stall. Like I said, as soon
21 as I opened the door up I was walking out. I wasn't
22 wasting any time just standing in the stall.

23 Q Okay.

24 A As soon as I went to the door I was coming out.

25 Q Okay. And you were coming out and so did Mr —

SW - J. BOYCE - CROSS

1 when you opened the door did you see Mr. Hoover when
2 you opened the door?

3 A Yes, sir. Well, I opened the door and came, was
4 going out the stall, and Mr. Hoover immediately —

5 Q All right, in the stall?

6 A I don't think I was actually in the stall. I
7 think I was, like I said, I opened the door, was
8 coming out.

9 Q Okay. Now I'm reading on, you said he started
10 throwing fists at you; is that right?

11 A I thought he was throwing fists. I — the last
12 thing on my mind was somebody attacking me with a
13 knife in the bathroom that morning. As soon as I
14 saw Dennis he was on me. And I, like I said, I
15 thought he was throwing punches until I realized I
16 had started bleeding, and I saw a shiny object in
17 his hand one time he came across.

18 Q So you thought he was just fighting with you when
19 you first started; is that right?

20 A I didn't know what he was doing.

21 Q All right.

22 A All I know I was being attacked —

23 Q Okay.

24 A —one way or the other.

25 Q Well, you said you went on to defend yourself

SW - J. BOYCE - CROSS

1 though, right?

2 A Yes, sir, 'cause he was between me and the door
3 and I was just trying to get my bearings and get my
4 way around to the door.

5 Q All right. Did you swing at him any?

6 A No, sir, I knew I was more or less fighting him
7 off me. I didn't know what was going on. As he was,
8 he was just steady raking me with doing this number
9 here (indicating), and I was just putting up my
10 hands trying to figure out whether he was trying to
11 fight me or what. I didn't know what was going on.

12 Q Okay, let me ask you, Justin, I've seen seven
13 cuts that you have. There are no cuts on your arms,
14 are there?

15 A Not — no, sir.

16 Q Okay. And there's the only cut on your hand is
17 on your right hand, correct?

18 A Yes, sir.

19 Q Okay. And no cuts on your back; is that right?

20 A I never turned my back to him. He was, as he was
21 attacking me I moved around facing him. Like I
22 said, he was raking me with the knife (indicating).

23 Q Okay. And so, but what I'm get, I want to get
24 back to, I'm trying to figure out the cuts. You
25 didn't have any cuts on the back of your hand, did

SW - J. BOYCE - CROSS

1 you?

2 A No, sir.

3 Q Okay. You had a cut on your right hand?

4 A Yes, sir.

5 Q All right. Then you had a cut on the stomach,
6 right?

7 A Yes, sir.

8 Q Now how about your clothes? Where are your
9 clothes that you were wearing that day?

10 A They're in -- we gave them to the custody of the
11 sheriff department.

12 Q The sheriff's --

13 A After they -- I know some -- they wanted them and
14 took them in and everything I believe.

15 Q Okay. So what all did you give them?

16 A I gave them everything.

17 Q All right. And that means you gave them your
18 jacket?

19 A Whatever is in the bag. They asked me for the
20 clothes and we took the clothes and put them in a
21 bag.

22 Q Okay, all right. Now I think you said you put
23 your hands up on your head; is that right?

24 A No, sir, I don't think so.

25 Q Well, look at your statement there. Let me see.

SW - J. BOYCE - CROSS

1 I want you to look at line 20 on that statement on
2 page two. You see line 20 there?

3 A Yes, sir.

4 Q And it says, "I put my hands up on my head and
5 tried to get him off me." So did you put your hands
6 up on your head?

7 A I might have. All I knew was I was trying to get
8 away from him. You know, if I put my hands over my
9 head or on my head, I don't know, but I know I had
10 my hands up trying to get away.

11 Q Well, the reason I say is in your statement you
12 said you put your hands on your head.

13 A Well, this -- I think they took this -- I mean,
14 don't hands on the head, hands over the head, I
15 mean, that's just what I said, I don't know.

16 Q Okay. Now then you talk about you said once you
17 were a few seconds into the scramble. So I gather
18 there was a scramble going on?.

19 A Well, there was a attack, a scramble, I don't
20 know exactly what you want to call it. But it
21 wasn't no rest, normal restroom activities going on
22 in there.

23 Q I'm sorry, I couldn't hear you.

24 A I said whatever, attack or scramble, but I knew I
25 was being cut, --

SW - J. BOYCE - CROSS

1 Q Okay.

2 A ---slicing, stabbing, I don't know, whatever you
3 want to call it.

4 Q And I believe you told dock-- Mr. Dellinger, once
5 you'd been in the scramble for a few seconds. So
6 you guys scrambled there for a few seconds, is that
7 what you're saying?

8 A I don't know what exactly the timeline was.

9 Q Well, the reason I say it's in your statement.
10 You said you scrambled for a few seconds. Is that
11 what you did?

12 A I don't know what you're -- what do you mean
13 scramble? I mean, you're talking about attack or,
14 what, attacking?

15 Q Okay. Well, take a look at line 20 again of your
16 statement that you gave to Officer Dellinger, which
17 would have been two days after the fight. You got
18 it there? It says but once he was a few seconds
19 into the scramble. That's what you said; isn't it?

20 A Yes, sir, that's what's on here but I don't know
21 what -- that's what I said, yes, sir.

22 Q Okay, all right. Okay. I wanted you to -- I
23 want to ask you some more questions about your
24 statement here. I believe you did have some weapon.
25 You had a knife on you that morning, right?

SW - J. BOYCE - CROSS

1 A Yes, sir.

2 Q Okay. And that knife was in your pocket?

3 A Yes, sir.

4 Q Your cell phone was in your pocket too; wasn't
5 it?

6 A It wasn't in the same pocket.

7 Q Okay. But your cell phone fell out of your
8 pocket?

9 A On the switch that I had on — I keep my knife in
10 my front pocket and when I have to sit down I can't
11 get in my front pocket, but I keep my phone and so I
12 can get to it easy. I had it in the pocket in front
13 of my sweatshirt here.

14 Q Yes, sir. And that fell out of your pocket
15 during the scramble?

16 A Yes, sir, the cell phone did.

17 Q And that's what you sent the gentleman that
18 worked there back in to get the cell phone that fell
19 out of your pocket during the scramble?

20 A Yes, sir.

21 Q Okay. Now when you talked to dock — with
22 Mr. Dellinger, you told him you had a pocketknife at
23 the time of the fight; didn't you?

24 A Yes, sir.

25 Q Okay. And you didn't show it to him though, did

SW - J. BOYCE - CROSS

1 you?

2 A No, sir.

3 Q In fact, you told him you didn't have it with
4 you, didn't you?

5 A I told him it was at the house, yes, sir.

6 Q So, and you didn't show it to Mr. Dellinger that
7 day?

8 A No, sir.

9 Q In fact, you've never shown the knife to
10 Mr. Dellinger, have you?

11 A No, sir.

12 Q Okay, thank you very much.

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

16 THE COURT: Pursuant to what rule?

17 MR. JONES: Sir?

18 THE COURT: Pursuant to what rule?

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

21 THE COURT: Pursuant to what rule?

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

SW - J. BOYCE - CROSS

1 THE COURT: What says the State?

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

6 THE COURT: Does the State object or not?

7 MR. GENTRY: State objects.

8 THE COURT: Objection sustained.

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

10 MR. GENTRY: Judge, is he through?

11 MR. JONES: No.

12 BY MR. JONES:

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

15 A In Bethune?

16 Q Yes.

17 A Not that I'm aware of.

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

21 A Yes, sir, I happened to be there.

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

25 A Yes, sir.

SW - J. BOYCE - CROSS

1 Q Okay. And about 7:15 in the morning; wasn't it?

2 A I don't know exactly the time. It was in the
3 morning, yes, sir.

4 Q And you were riding in a truck in your — in a
5 truck with your brother Marshall; weren't you?

6 A Yes, sir.

7 Q And you and your brother Marshall were headed
8 away from 341^{1/2} up to Eddie Watkins Road, correct?

9 A Part of Eddie Watkins Road, yes, sir.

10 Q All right. And Mr. Dennis Hoover was walking on
11 the right hand shoulder going toward 341 Eddie
12 Watkins Road; wasn't he?

13 A Yes, sir.

14 Q All right. So you and your brother were riding
15 on that road and you and your brother stopped the
16 truck right in the middle of the road; didn't you?

17 A We were actually going to our turkey farm or
18 Marshall's turkey farm pulling up in the truck and
19 that's when we saw Dennis Hoover walking down the
20 road, yes, sir.

21 Q And you and your brother stopped the truck in the
22 middle of the road?

23 A When we turned on Eddie Watkins Road we saw
24 Mr. Hoover walking, like I said. And as soon as he
25 saw us he was carrying a stick in his hand and he

SW - J. BOYCE - CROSS

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

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

5 A Yes, sir.

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

8 A No, sir.

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

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

16 Q Okay. And what happened after that?

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

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

21 A Yes, sir.

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

23 A No, sir, not right then.

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

SW - J. BOYCE - CROSS

1 A When Marshall and Mr. Hoover got in a fight I ran
2 around to the front of the pickup and broke them up.
3 And after that they kept on saying words and they
4 started back fighting again.

5 Q All right. Did your dad pull up after that?

6 A No, sir.

7 Q Anybody else pull up after that?

8 A No, sir.

9 Q It was just you all?

10 A During the fight Marshall — Dennis had hit
11 Marshall, had his cheek bleeding, and Marshall hit
12 Mr. Hoover and he stumbled backwards. And when he
13 stumbled backwards he fell pretty hard with some
14 pavement. He hit his head against the pavement and
15 knocked him out cold. And we stayed there and
16 helped him. We didn't want to leave him there. We
17 trying to figure out what to do, and I told Marshall
18 that he finally started coming to and that's when my
19 daddy pulled up.

20 Q So your dad pulled up and then you all left
21 Dennis Hoover in the ditch; didn't you?

22 A No, sir. We helped him up and asked him if he
23 wanted us to carry him home and he said, no, I don't
24 want y'all to help me do nothing. And he said some
25 words to my daddy. My daddy said leave him alone,

SW - J. BOYCE - CROSS

1 y'all get in the truck, y'all go to the house.

2 Q Okay. Let me talk to you about, Justin, about
3 you personally. At the time of what, on January
4 the 4th, 2014, about a year ago, you were 36 years
5 old; weren't you?

6 A Yes, sir.

7 Q Okay. You're 37 now, right?

8 A Yes, sir.

9 Q Born 1977?

10 A Yes, sir.

11 Q Okay. Would it surprise you if I told you Dennis
12 Hoover was 60 years old at the time of this fight?

13 A No, sir.

14 Q Okay. Let me talk to you a little bit about the
15 place itself. I believe said you had a shotgun in
16 your car?

17 A When was that?

18 Q When you were going hunting?

19 A January 4th?

20 Q January 4th?

21 A Yes, sir.

22 Q And also, I think the place you were in you would
23 agree with me it was well lit; wouldn't you?

24 A Yes, sir.

25 Q Okay. You wouldn't deny me if I told you you

SW - J. BOYCE - CROSS

1 were in that bathroom over seven minutes, would you?

2 A I don't know how long exactly it was, long enough

3 I was in there to use the restroom. I didn't keep

4 time.

5 Q Okay, you wouldn't deny if I told you that you

6 and Dennis Hoover mutually were in that bathroom two

7 minutes and twelve seconds, would you?

8 A Like I said, I knew while I was still in the

9 stall somebody was in there with me.

10 Q Okay. I notice that after you, after you got,

11 you went to the door, did you talk — you talked to

12 the clerk at the front desk; is that right?

13 A All I told her was that he was trying to kill me,

14 call 9-1-1.

15 Q Okay. Did you talk to the fella who was mopping

16 up and ask for him to get your cell phone?

17 A Yeah, I can't remember. I know he asked me what

18 happened and I told him I'd been attacked I think,

19 and he said something about he was -- what was going

20 on, whatever. He was, was asking questions.

21 Q Justin, you know, you said you know Dennis Hoover

22 very well; don't you?

23 A No, sir, not very well.

24 Q You don't?

25 A No, sir.

SW - J. BOYCE - CROSS

1 Q Well, the reason I say that is, you've known him
2 long enough to know that on January 4th, 2014, he
3 had not one, but three trucks?

4 A I didn't know — I know he had another truck, but
5 in prior incidents we actually run fireworks in
6 front of his house one time and I saw him riding on
7 the road and he had that white truck and that's one
8 he'd been driving. So I knew from that day forward
9 that he had a white truck with a camper shell on it.
10 And that's where we were doing the fireworks on Mr.
11 Curtis Watkins' land, and he was standing right in
12 the road.

13 Q You don't deny he had not one, but three trucks
14 on January 4th, 2014, do you?

15 A I don't know how many trucks he had.

16 Q You don't know ---

17 A I knew he had a white truck with a camper shell
18 on the back.

19 Q You don't know what other trucks he had?

20 A I know at one time he had a red, also, Toyota
21 pickup truck too at one time.

22 Q Beg the Court's indulgence please, Your Honor.
23 The truck, the pickup truck you were driving that
24 morning is I think that's called a fleet side; is
25 that what it's called?

SW - J. BOYCE - CROSS

1 A I'm not sure.

2 Q The point is it wasn't a dually, was it?

3 A No, sir.

4 Q Okay. A dually means it's got tandem wheels on
5 the back, correct?

6 A Yes, sir, I think so.

7 Q And this one was not a dually?

8 A No, sir.

9 Q Okay. Excuse me please, Your Honor.

10 A Thank you, Mr. Boyce, I have no further questions
11 at this time.

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

14 THE COURT: Do you have redirect
15 examination?

16 MR. GENTRY: I do. That's the reason I
17 asked for —

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

24 THE FOREMAN: Thank you, sir.

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

SW - J. BOYCE - REDIRECT

1 Q Did you even know he was in the vicinity?

2 A No, sir, I had no idea.

3 Q Now on the tractor sale in Lydia in 2012,
4 December of 2012 —

5 A Yes, sir.

6 Q —did you go that sale?

7 MR. JONES: Objection, Your Honor.

8 THE COURT: Basis for the objection.

9 MR. JONES: Beyond the scope of
10 cross-examination.

11 THE COURT: All right, objection
12 sustained.

13 BY MR. GENTRY:

14 Q All right. Do you know why Dennis Hoover and
15 your brother were at odds?

16 A Marshall Boyce told me before that —

17 THE MR. JONES: Your Honor, object to what
18 hearsay.

19 THE COURT: All right. Objection is
20 sustained as to any hearsay.

21 BY MR. GENTRY:

22 Q Okay. Well, let me ask you this, if he didn't
23 say anything to you did you have any idea what the
24 dispute was about?

25 A Yes, sir.

SW - J. BOYCE - REDIRECT

1 MR. JONES: Objection, must lay
2 foundation.

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

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

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

11 BY MR. GENTRY:

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

14 A I — it was kind of — I was kind of out of the
15 loop. Marshall had said to me —

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

18 A Yes.

19 Q Was Marshall cooperating with Tommy Hoover?

20 A Yes.

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

22 MR. JONES: Objection, Your Honor.

23 MR. GENTRY: If he knows.

24 THE COURT: Overrule the objection.

25 MR. GENTRY: Do you know —

SW - M. BOYCE - DIRECT

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

3 BY MR. GENTRY:

4 Q Okay, go ahead answer, if you know.

5 A Yes, sir, it upset him.

6 Q Okay. Thank you very much.

7 THE COURT: Anything further.

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

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

12 MR. GENTRY: We call Marshall Boyce.

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

15 WHEREUPON,

16 MARSHALL BOYCE,
17 having been duly sworn by the Clerk, testified as
18 follows:

19 THE CLERK: State your full name for the
20 record.

21 THE WITNESS: Marshall Adrian Boyce.

22 **DIRECT EXAMINATION**

23 BY MR. GENTRY:

24 Q Where do you live, Mr. Boyce?

25 A

SW - M. BOYCE - DIRECT

1 Q Okay, that's up in the Lucknow section?

2 A Yes, sir.

3 Q Do you know the defendant in this case, and if
4 you do, please point him out and say his name.

5 A (Indicating) Dennis Hoover.

6 Q How do you know the defendant?

7 A From living in the community all my life.

8 Q Have you ever gotten into a physical altercation
9 with the defendant?

10 A Yes, I have.

11 Q Would you describe the circumstances of that
12 altercation?

13 A Yes. I was traveling down the road one day on
14 Eddie Watkins Road and he signed me down. He — I
15 was hoping maybe he wanted to speak and had some
16 issues circling around, you know, things we were
17 hearing. And I stopped and he swung at me with the
18 stick, and we got in an altercation. He hit me
19 several times and I hit him knocking him to the
20 ground, and then tried to help him up and asked that
21 it be over, and I asked that we could all be around
22 each other and be friends again, and he did not want
23 any part of that. All he would say is I'm gonna get
24 you; and that, that's it.

25 Q Let me ask you this, did you sustain any injury?

SW - M. BOYCE - DIRECT

1 A Yes, I did.

2 Q And you've actually filed an incident report with
3 the Sheriff's Office, correct?

4 A Yes, sir, I did.

5 Q But you didn't pursue it?

6 A No, sir.

7 Q Now from that day until December 2012 did you
8 have any contact with the defendant?

9 A The only contact I had was whenever he would pass
10 me in the road or he would — I would be traveling
11 on my way to work and he would be standing at the
12 intersection of his road and my road with a shotgun
13 standing in the middle of the road. And various
14 times I'd be going to town or feeding my cows and
15 doing different things traveling throughout my daily
16 work, and I'd be pulling out of a cow pasture or out
17 of a place of business and he'd pull up shaking his
18 fists, giving me the finger, just ranting and
19 raving. And I — wherever I was out I'd get out of
20 there as quick as I could. I knew he meant business
21 and I knew he wanted to harm me come hell high
22 water.

23 Q Okay. In November or December of 2012 did you
24 receive a call from Greg Logan?

25 A Yes, sir, I did.

SW - M. BOYCE - DIRECT

1 Q Who is Greg Logan?

2 A Greg Logan is another neighbor who lives in our
3 community and I've known him for a number of years.

4 Q As a result of the conversation you had with
5 Mr. Logan did you and your brother go to the Lydia
6 auction sale December 2012?

7 A No, we did not. We were scared to death and we
8 just wanted to be away from him if we even — 'cause
9 we knew he most likely would be there and we did not
10 want any confrontation or any interaction with him
11 whatsoever.

12 Q Now who was with you on the date of June 30th,
13 2011 when Mr. Hoover flagged you down?

14 A My brother Justin.

15 Q Did Justin take any part in the altercation?

16 A Justin got out of the truck one time trying to
17 break us up, and I asked my brother to get back in
18 the truck and he did. That's the only thing my
19 brother was involved in.

20 Q Now you have any turkey houses yourself?

21 A Yes, sir, I do.

22 Q Does — do you have any contacts with Tommy
23 Hoover about turkey houses?

24 A Yes. Tommy talked with me several times when he
25 was trying to go through the process of getting

SW - M. BOYCE - DIRECT

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

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

13 A He is opposed.

14 Q How opposed?

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

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

25 A Yes, sir, he did.

SW - M. BOYCE - CROSS

1 Q How did the defendant treat you before Tommy
2 applied for his permits?

3 A Fine.

4 Q How did he treat you after Tommy applied for his
5 permits.

6 A He went from treating me fine to wanting to kill
7 me.

8 Q Did Tommy receive his permit or did he apply
9 before or after June 30th, 2011, if you know?

10 A He acquired his permit before June of 2011.

11 Q Answer any questions Ms. Jones may have.

12 **CROSS-EXAMINATION**

13 BY MR. JONES:

14 Q Justin, you went to Robert E. Lee High School;
15 didn't you? Not Justin —

16 A My name is Marshall.

17 Q I'm sorry. Marshall, you went to Robert E. Lee
18 High School; didn't you?

19 A Yes.

20 Q In fact, you got a superlative in your class;
21 didn't you?

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

25 THE COURT: I overrule the objection.

SW - M. BOYCE - CROSS

1 BY MR. JONES:

2 Q You got a superlative in your class; didn't you?

3 A Yes, sir, I did.

4 Q And the superlative you got in your class was
5 biggest trouble maker; isn't that right?

6 A I was very active teenager, always -- we always
7 just did what normal teenagers do and there was --
8 we never did anything that to hurt anybody or
9 anything else.

10 Q In fact --

11 A Really want that.

12 Q In fact, in your yearbook it said loud, proud,
13 all day every day, what did I do? Yes, officer, he
14 started it.

15 A That was a joke.

16 Q That was in your yearbook though; wasn't it?

17 A Yes, sir. If you look in everybody's yearbook
18 you'll find plenty of foolish things that people say
19 in a yearbook just poking fun, just being young
20 teenagers.

21 Q Okay. And you are how old today, Marshall?

22 A I am 35 years old.

23 Q 35 years old. All right. And so that was --
24 that was when you were 18 you were called the
25 biggest trouble maker by your classmates?

SW - M. BOYCE - CROSS

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

SW - M. BOYCE - CROSS

1 hand side of you, correct?

2 A Yes, sir.

3 Q All right. And Justin is two years older than
4 you, right?

5 A Two-and-a-half.

6 Q Two-and-a-half years older than you. You're
7 driving the truck, correct?

8 A Uh-huh.

9 Q Yes, sir; is that right?

10 A Yes.

11 Q Okay. So you're on the right-hand lane, and
12 you're riding away from Highway 341, correct?

13 A Yes, sir, going towards my home, yes, sir.

14 Q And your brother is in there, correct?

15 A Yes.

16 Q And you'd been at the Fountain Store that
17 morning; hadn't you?

18 A I went and got a cup of coffee.

19 Q And that's where you go?

20 A Every morning I pick up one, yes, sir.

21 Q And that's where you were coming from is Fountain
22 Store, right?

23 A No, sir. My brother and I, I met him, pick him u
24 and carry him to my house to pick up a piece of
25 equipment we had at my house to go finish doing our

SW - M. BOYCE - CROSS

1 work that day.

2 Q All right. So you — it's about 7:15 in the
3 morning?

4 A I guess.

5 Q And you're going to get a piece of equipment?

6 A Yes, sir.

7 Q You see Dennis Hoover walking on the left-hand
8 side?

9 A Yes.

10 Q Okay. He's walking on — he's actually walking
11 on the left-hand side of the road, you're going
12 straight, he's on the left-hand side on the walking
13 side of the road, correct?

14 A He was almost on the yellow line, sir. He was
15 almost over in my lane.

16 Q All right. And so then as I understand you,
17 you're driving along this road and Mr. Hoover stops
18 you in the middle of the road?

19 A Yes, he and flagged me down, I stopped.

20 Q All right, then you get out of the truck? Yes?

21 A Yes.

22 Q And then you get in an altercation with Dennis
23 Hoover?

24 A Yes, but let me say this, it would have suited me
25 fine that nothing in this world would have suited me

SW - M. BOYCE - CROSS

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

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

9 A Yes.

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

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

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

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

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

22 A Yes.

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

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

SW - M. BOYCE - CROSS

1 Q Okay. And he stops his truck in the middle of
2 the road too, correct?

3 A He couldn't do anything but stop. He was just
4 passing by. I don't believe he could have got by if
5 he wanted to.

6 Q And the end result was you guys left Dennis
7 Hoover on side of the road?

8 A No, sir, that is not right. We did not leave him
9 on the side of the road. I tried -- when we left
10 there that day he was standing up walking, but it's
11 not like we left him laying in the road or laying in
12 a ditch or anything like that. He got in an
13 altercation with me, not him, or Bob, okay. He got
14 in an altercation with me. I realized I had to get
15 away from him 'cause he kept coming at me
16 relentlessly and I hit him three or four times and
17 knocked him out cold. He landed on his back and it
18 scared the dickens out of me. I was scared of him
19 to start with, and I tried to help him up off the
20 road and I begged him, please, let's put this behind
21 us, please, this has gone far enough, this is
22 stupid, let's all get along and just put this behind
23 us. And he continued on to say, I'm going to get
24 you, this is not the end of it. And once I realized
25 that he was still in that state of mind he was

SW - M. BOYCE - CROSS

1 to death of that man right there.

2 Q You knocked Dennis Hoover out; didn't you?

3 A Yes, sir.

4 Q You don't have any objection to Mr. Dennis Hoover
5 being opposed to turkey houses, do you?

6 A No, sir, I don't.

7 Q He's got a right to speak his mind if he opposes
8 turkey houses; doesn't he?

9 A It's a free country, yes, sir.

10 Q You would agree with me that there's some
11 argument against having turkey houses; wouldn't you?

12 A Yes, everybody is entitled to their opinion.

13 Q So Mr. -- you don't fault Mr. Hoover for opposing
14 turkey houses, do you?

15 A No, I don't.

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

18 MR. GENTRY: No questions.

19 THE COURT: Thank you, sir. Next witness.

20 MR. GENTRY: Tommy Hoover.

21 THE COURT: Come forward, sir.

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

24 WHEREUPON,

25 J. TOMMY HOOVER,

SW - T. HOOVER - DIRECT

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

3 THE CLERK: State your full name for the
4 record.

5 THE WITNESS: James Thomas Hoover.

6 **DIRECT EXAMINATION**

7 BY MR. GENTRY:

8 Q Where do you live, Mr. Hoover?

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

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

13 A Yes, I do.

14 Q Can you point him out and say his name?

15 A Right there (indicating).

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

18 A He's my brother.

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

20 A Since we were both born.

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

23 A Yes, I did.

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

SW - T. HOOVER - DIRECT

1 A Yes, there were.

2 Q Did you talk with Marshall Boyce concerning the
3 procedures to follow and the problems one would
4 encounter with turkey houses?

5 A I had a couple of brief conversations with him
6 about when the company was gonna do another
7 expansion because they do expansions based on the
8 market, and he told me one time they were.

9 Q And why did you talk to Marshall?

10 A Why?

11 Q Why, yeah.

12 A Well, I was interested in putting in some turkey
13 farms and I thought he might know when they were
14 gonna do another expansion and have some more farms
15 built.

16 Q Well, Marshall already had turkey houses; didn't
17 he?

18 A He already had eight grow out houses.

19 Q Okay. Was your brother aware of your actions
20 moving forward with your application?

21 A After Hugh McFadden from Sumter with DHEC came
22 out and put up the public notices that's, I think,
23 when he found out.

24 Q Okay. Before you applied for your — what was
25 his reaction to your application?

SW - T. HOOVER - DIRECT

1 A There was, well, if there was — he doesn't speak
2 to me so as far as anything he may have said he
3 wouldn't have said it to me.

4 Q Before you applied for your permit was he opposed
5 to turkey houses, if you know?

6 A As far as I know he wasn't. He never, as I know
7 of, said anything or tried to do anything about the
8 other guys that built turkey farms in the community
9 and the nearby communities.

10 Q After you applied for your permit was he opposed
11 to turkey houses?

12 A Oh, of course.

13 Q Without getting into any details are you aware of
14 an incident involving the defendant and Marshall
15 Boyce that occurred June 2011?

16 A Pardon?

17 Q Were you aware of an incident which occurred in
18 June 2011 between your brother and Marshall Boyce?

19 A I found that out after it happened.

20 Q All right. Was that before or after you had
21 discussions with Marshall about turkey houses?

22 A After.

23 Q Have you seen State's Exhibit Number 3 which
24 details certain events on October — or January 4th,
25 2014? Let me show it to you. Can you see that

SW - J. DELLINGER - DIRECT

1 Q How are you employed, Major Dellinger?

2 A I'm employed as an investigator with the Lee
3 County Sheriff's Office.

4 Q When did you first learn about the incident at
5 Interstate Shell which occurred on January the 4th
6 of 2014?

7 A On the morning of January 4th.

8 Q All right. Handing you what's been marked for
9 identification. How did you learn about it?

10 A Sergeant Cam Watson contacted me by telephone.

11 Q What did you do?

12 A When Sergeant Cam Watson contacted me and told me
13 about the injuries I was on my way to the hospital
14 in Florence.

15 Q Did you actually get to McLeod?

16 A I did not.

17 Q Where did you go?

18 A I had several other phone calls, and I changed
19 direction and went down 401 to the jail detention
20 Center in Sumter.

21 Q Why did you go there?

22 A That's where our magistrate was and that's where
23 I needed to go to present the incident to obtain an
24 arrest warrant.

25 Q And did you obtain an arrest warrant?

SW - J. DELLINGER - DIRECT

1 A I did.

2 Q And what did you do once you got your warrant?

3 A I came back by Interstate Shell on my way back to
4 the Sheriff's Office, reviewed the video tape there,
5 and then went to the Sheriff's Office and made
6 arrangements to serve the arrest warrant.

7 Q Was anybody with you when you came back from
8 Sumter?

9 A I believe Deputy Brown and Cam Watson both met me
10 at the Interstate Shell.

11 Q Now was the defendant ultimately arrested without
12 incident?

13 A He was.

14 Q And he was taken into custody and taken where?

15 A He was brought to Lee County Sheriff's Office.

16 Q About, do you remember what time he got there
17 roughly?

18 A I do not. It was that -- later on that
19 afternoon.

20 Q Were you already there?

21 A At the Sheriff's Office?

22 Q Yes.

23 A I was close to Mr. Hoover's residence when he was
24 arrested along with several other Lee County
25 deputies and agents when he was taken into custody.

SW - J. DELLINGER - DIRECT

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

4 Q Who actually arrested Mr. Hoover?

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

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

8 A Sergeant Cam Watson.

9 Q Where was he taken once he got there?

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

12 Q What did you do at that point?

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

15 Q Let me show you what's marked as State's Exhibit

16 1. You recognize that form?

17 A I do.

18 Q What is that form?

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

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

23 A Sergeant Cam Watson.

24 Q What did you advise the defendant of
25 specifically?

SW - J. DELLINGER - DIRECT

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

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

13 A He did.

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

16 A No, sir.

17 Q This was fairly early in the day?

18 A Yes, sir.

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

20 A Roughly ten minutes.

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

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

SW - J. DELLINGER - DIRECT

1 Q How about water, coffee or soda, food?

2 A It never came up. We weren't in there that long.

3 Again, if there would have been any indication that

4 I would have got him a bottle of water or something

5 like that.

6 Q After you explained his rights what did he say or
7 do?

8 A He first off, he refused to signed form, and then

9 he was very upset that he was being arrested.

10 Q Now there's an annotation here refused to sign,

11 refused, on the signature of appellate -- excuse me,

12 State's Exhibit 1, and there's your name is written

13 at the bottom of appellate -- excuse me, State's

14 Exhibit 1?

15 A That's correct.

16 Q Did you make both those entries?

17 A I did.

18 Q Now after you explained all these rights you said

19 he was upset about the being arrested?

20 A That's an understatement, but yes, sir.

21 Q Would you give the ladies and gentlemen of the

22 jury what happened, what'd he say?

23 A He was very argumentative, very hard, didn't

24 understand why he was being arrested, and he matter

25 of factly said this was bullshit.

SW - J. DELLINGER - DIRECT

1 Q Well, let me ask you this and back up just a
2 little bit. After he refused to sign did he say
3 anything about what would happen?

4 A I'm not sure I understand that.

5 Q Did he say something about ---

6 MR. JONES: Your Honor, object to leading.

7 THE COURT: Objection sustained.

8 BY MR. GENTRY:

9 Q Do you have your incident report handy?

10 A I do.

11 Q Would you refer to that please on the write-up?

12 A Yes, sir.

13 Q Does it indicate in there anything about what he
14 said?

15 A I told him that I wanted his side of the story.
16 He told me I would get that from his lawyer.

17 Q Okay. Now at that point you were not going to
18 interrogate him anymore, were you?

19 A No, sir.

20 Q And the reason was because he said get that story
21 from my lawyer?

22 A That's correct.

23 Q And what happened thereafter?

24 A At that time I went to, on to procedurally inform
25 him that we were getting a search warrant for his

SW - J. DELLINGER - DIRECT

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

7 Q And what did he say or do?

8 A Absolutely not.

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

10 A He would not give me the key.

11 Q Why did you ask for the key?

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

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

20 A It was burglarized while he was in custody.

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

22 A Yes, sir.

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

25 A I explained to him what we were looking for under

SW - J. DELLINGER - DIRECT

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

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

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

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

23 A He did bring the jeans back to me.

24 Q What did you do with them?

25 A I sealed them in a brown paper bag that

SW - J. DELLINGER - DIRECT

1 eventually went to SLED.

2 Q And those are currently marked as State's
3 exhibit?

4 A Yes, sir.

5 Q Specifically, State's Exhibit 44 for
6 identification.

7 A I haven't seen them since it had a sticker on it
8 so I'm not sure what that number is.

9 Q Okay.

10 A This is the bag containing the blue jeans that we
11 got from him at the time of his arrest.

12 Q And when you got the blue jeans what did you do
13 with them?

14 A I put them in this brown paper bag and made all
15 these annotations on there, case number, the charge,
16 what they were, where they found them from, where
17 they were collected from, who collected them. My
18 name, and then sealed them up with this red seal
19 tape and put my initials on the seal.

20 Q Okay. Did you subsequently obtain and execute a
21 search warrant at Dennis Hoover's house?

22 A We did.

23 Q What were you looking for?

24 A The red shirt that was visible in the video and
25 any sharp instrument capable of inflicting the

SW - J. DELLINGER - DIRECT

1 injuries that Mr. Boyce suffered.

2 Q Did you photograph it in its location, the red
3 shirt?

4 A I did locate a red shirt in Mr. Hoover's
5 residence.

6 Q Let me show you what's been marked State's 15 and
7 State's Exhibit 16. Can you identify those please?

8 A Yes, sir. Item number 15 is the red T-shirt on
9 top of a clothes basket on top of the washer or
10 dryer inside Mr. Hoover's residence as I found it.
11 And item 16 is that same red T-shirt, then opened up
12 and spread out flat.

13 Q Okay. What did you do with the red T-shirt?

14 A The red T-shirt had on the upper collar area near
15 insignia spots all over that appeared to be blood;
16 and I collected that, put it also in the brown paper
17 bag with the same case number, the same charge and
18 description what it was, a red shirt, Hoover's
19 residence, washer/dryer, signed my name to it, same
20 red tag tape on it, fold it over, sealed it, and put
21 my initials on the seal.

22 Q Okay. And that's marked as State's Exhibit
23 Number?

24 A 43.

25 Q 43 for identification. Did you find any sharp

SW - J. DELLINGER - DIRECT

1 were available were the ones in Interstate Shell?

2 A The only ones that were available were the ones
3 at Interstate Shell. KFC exterior camera covered
4 the drive-thru. The McDonalds had cameras on all of
5 the exterior but it was limited in angles to just
6 their parking area.

7 Q Okay. Now let me ask you this, at some time did
8 you go visit Agent Shropshire at SLED technical
9 services?

10 A I did.

11 Q Why did you do that?

12 A In the videotape the, both the one that I saw
13 that morning and the disk they gave us and the
14 summary that Investigator Capps performed, you can
15 clearly see Mr. Hoover entering the Interstate Shell
16 rather awkwardly with his left hand, and there's
17 something clearly in his right hand as he entered
18 the Interstate Shell. As he walks in front of the
19 cashier that same item is still in his right hand
20 down by his side. As he walks by the coolers an
21 item is still in his right hand down by his thigh.
22 As he exits the store you see him putting something
23 in his right hand pocket.

24 Q Okay.

25 A And we wanted to see if SLED could give us some

SW - J. DELLINGER - DIRECT

1 in Mr. Hoover's residence. State's Exhibit Number
2 13 is the rear bumper area of that same pickup truck
3 underneath the carport at Mr. Hoover's residence.
4 And State's Exhibit Number 14 is a closeup of the
5 license plate number and trailer hitch on
6 Mr. Hoover's pickup truck at his residence under a
7 carport.

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

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

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

15 A Yes, sir.

16 Q And why are those significant?

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

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

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

SW - J. DELLINGER - DIRECT

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

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

6 A I did.

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

9 A Yes, sir.

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

13 A We have.

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

16 A Yes, sir.

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

19 A Yes, sir.

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

22 A 4:27:36.

23 Q All right. Why is that significant?

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

SW - J. DELLINGER - DIRECT

1 truck.

2 Q Okay.

3 A 4:28:01.

4 Q Bear with me if I touch this thing wrong. It --

5 you said 4:27:01?

6 A 4:28:01.

7 Q Why is that one important?

8 A That's Justin Boyce entering the Interstate Shell

9 which is only 25 seconds after he parked his

10 vehicle.

11 Q Okay.

12 A 4:28:02.

13 Q What is significant?

14 A 4:28:02, that is Justin Boyce walking in

15 Interstate Shell walking to the rear of the store

16 towards the bathroom.

17 Q Okay.

18 A 4:28:10.

19 Q What is significant?

20 A 4:28:10, you see a white pickup truck pulled in

21 behind Justin Boyce's pickup truck, pull in front of

22 the double doors and then sits there for one minute

23 and eight seconds. 4:29:18 it moves off to the

24 right. It's gone out of view for about 18 seconds.

25 It returns coming the other direction at 4:29:37.

SW - J. DELLINGER - DIRECT

1 4:29:49 it stops directly behind Justin Boyce's
2 truck. It backs up a little bit at 4:29:57. It
3 then moves off the screen at 4:30:10. Two minutes
4 twenty seconds later at 4:32:40 Dennis Hoover comes
5 into the store.

6 Q 4:32:40?

7 A Comes in the store. He goes to the right and
8 4:32:56 he comes back from the right. He passes the
9 cashier with that same item in his right hand.
10 4:33:17 he goes to the hallway towards the bathroom.
11 You can see that same item in his right hand,
12 4:33:17 at. 4:35:39 Justin Boyce comes running out
13 of the bathroom. 4:35:49 Hoover exits the store.

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

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

23 Q All right.

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

SW - J. DELLINGER - CROSS

1 Bring the jury.

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

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

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

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

10 THE COURT: Anything further?

11 MR. GENTRY: Not from the State.

12 THE COURT: All right, cross-examination.

13 MR. JONES: Thank you.

14 **CROSS-EXAMINATION**

15 BY MR. JONES:

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

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

19 Q Okay, do you remember what happened on June 30th,
20 2011, between the Boyces and Mr. Hoover; don't you?

21 A I did not take that incident report.

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

24 A I am.

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

SW - J. DELLINGER - CROSS

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

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

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

7 A Yes, sir.

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

12 A He did tell me that.

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

15 A We — he referred to both the Boyces, the Boyces,
16 the Boyces.

17 Q And the Boyces he said attacked him on June the
18 30th, 2011; didn't he?

19 A Yes.

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

23 A Yes, sir.

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

SW - J. DELLINGER - CROSS

1 A At Interstate Shell, that's right.

2 Q You didn't take any photographs at the Interstate
3 Shell?

4 A At the time of the incident?

5 Q That's correct.

6 A No, sir.

7 Q In fact, you didn't go to the Interstate Shell
8 that day, did you?

9 A I did.

10 Q You went after Mr. Newman took pictures though,
11 right?

12 A That's correct.

13 Q And Mr. Newman's pictures that we put in are the
14 only pictures you have of Interstate Shell; is that
15 correct?

16 A Oh, no. The pictures depicting the bathroom, the
17 hallway and the corridor are all pictures that I
18 took.

19 Q All right. But you don't have any pictures of
20 the bathroom that morning, do you?

21 A I do not. I did not go there that morning.

22 Q In fact, there are not pictures of the inside of
23 that bathroom that morning, are there?

24 A Well, not that I'm aware of.

25 Q And you're the investigator on the case, correct?

SW - J. DELLINGER - CROSS

1 A I am one of the investigators, yes, sir.

2 Q Now when you said — when Mr. Gentry was asking
3 you questions Mr. Gentry said you arrested Mr.
4 Hoover without incident, correct?

5 A That's correct.

6 Q Okay. So you went to Mr. Hoover's house, you
7 picked him up without incident, correct?

8 A That's correct.

9 Q All right. In fact, the clothes that, the blue
10 jeans and the red shirt, those were in plain view on
11 top of his washing machine; weren't they?

12 A Well, he had blue jeans on at the time of his
13 arrest.

14 Q And the red shirt was on top of his washing
15 machine, correct?

16 A I don't remember if it was a washer or dryer but
17 they were side by side.

18 Q In fact, you actually went into house after he
19 was in custody, correct?

20 A That's correct with the search warrant.

21 Q But he had the shirt out there where anybody
22 could see it, right?

23 A That's correct.

24 Q Okay. Now it was after he was arrested that you
25 guys got the search warrant and went back in the

SW - J. DELLINGER - CROSS

1 house, right?

2 A That's correct.

3 Q Now you took photographs of Dennis Hoover
4 himself. You took those photographs after the day
5 after the incident; didn't you?

6 A We looked at him at the time of his arrest, had
7 him stand up, looked at his hands, looked at his
8 face, lift up his shirt, and then he was transported
9 to the jail. I photographed him the next day when I
10 was doing something procedurally.

11 Q I noticed that you took pictures of his hands,
12 you say, correct? Is that right?

13 A Yes, sir.

14 Q But you didn't take pictures of his shirt off?

15 A Again, your client wasn't overly cooperative, and
16 I wasn't going to get into an argument with him at
17 the detention center. I took the pictures that were
18 freely and available, available for me.

19 Q You don't have any evidence in terms of pictorial
20 evidence of what his torso looked like?

21 A Well, the evidence is myself and Sergeant Cam
22 Watson looked at his torso with his shirt lifted up
23 that day, and he didn't have any marks on him.

24 Q But you don't have any pictures of that?

25 A I don't have pictures but the evidence is our

SW - J. DELLINGER - CROSS

1 testimony that we didn't see any marks on his chest.

2 Q You do have pictures of his hands though?

3 A Right.

4 Q So you felt like you need to have pictures of his
5 hands —

6 A I felt like I needed to have pictures of his
7 chest but he wouldn't cooperate with me at the
8 detention center and let me do that so I didn't push
9 my luck. I just took what was there available and
10 left.

11 Q You didn't take — you took pictures of his
12 hands; he let you do that.

13 A His hands were there and available. It wasn't
14 like I had to remove any clothing or physically
15 contact him. I pulled up the camera and took the
16 picture. He immediately began to ask me why I was
17 taking the picture, lifted the camera and took a
18 picture of his face. I wasn't going to push my luck
19 and ask him to remove his shirt or anything like
20 that.

21 Q Now you've seen the video in this, correct?

22 A I have.

23 Q Your knowledge of what happened that morning is
24 based on to a large degree the videos, correct?

25 A I wouldn't necessarily say a large degree, but

SW - J. DELLINGER - CROSS

1 some, yes.

2 Q Well, the idea is — let me just ask this, you
3 know there were customers in and out of the store at
4 that time; weren't there?

5 A Yes, sir.

6 Q There were a number of customers going in and
7 out, correct?

8 A Prior to Mr. Boyce coming out and bleeding, yes.

9 Q And there were other — there was another car
10 parked in front of the Interstate Shell too; wasn't
11 there?

12 A Yes.

13 Q Okay. And there were people coming in and out of
14 the Interstate Shell; weren't they?

15 A Yes, sir, it was open. It was open for business.

16 Q Okay. Now you agreed the store was very well
17 lit, correct?

18 A It was well lit.

19 Q Okay. And you agree that there was — somebody a
20 cashier behind the desk, correct?

21 A Yes, sir.

22 Q Somebody mopping the floors there, right?

23 A Yes, sir.

24 Q And then there were customers there too, right?

25 A Yes, sir.

SW - J. DELLINGER - CROSS

1 Q And they were in plain view through that window
2 in the front; weren't they?

3 A You lost me on that.

4 Q Well, I mean, in the front of the store where you
5 could look through the glass door and see the people
6 working in there; couldn't you?

7 A I don't know what viewpoint you're talking about.

8 Q Well, if you look through the door of the
9 entrance?

10 A There's no camera view from that viewpoint.

11 Q Oh, so you can't see from the parking lot?

12 A I guess I don't understand your question,
13 Mr. Jones.

14 Q When you stand outside Interstate Shell and you
15 look in there, could you see other people walking
16 around in the Interstate Shell?

17 A You could if you were standing out there, yes,
18 sir, but there is no camera view from that on video
19 tape.

20 Q That's right. In fact, really there's no — you
21 don't have any camera or any video evidence of what
22 was going on in that parking lot, do you?

23 A Only what is in the periphery of what's going out
24 that front door and your client exiting the side
25 door. And I walked around, looked for cameras; I

SW - J. DELLINGER - CROSS

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

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

5 A I do.

6 Q All right. Let's look at your — you remember
7 taking your preliminary hearing? We took your
8 testimony at the preliminary hearing. You remember
9 that?

10 A Yes, sir.

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

13 THE COURT: Yes.

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

16 BY MR. JONES:

17 Q Have you got a copy of it?

18 A I do.

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

23 A Yes, sir.

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

SW - J. DELLINGER - CROSS

1 say, page 6? Page 32.

2 A Page 32, you said line 6.

3 Q Okay, look at page 32. My question to you was:

4 What leads you to believe that Mr. Hoover went to
5 that store looking for Justin Boyce? And this is
6 your answer. Follow along and see if I'm saying it
7 right. "I'm not sure that he went there looking for

8 Mr. Boyce. I think he was probably on his way
9 somewhere else." Number — number 11, who was on

10 the way somewhere else? Your client. So you don't
11 think he went in there looking for Justin Boyce?

12 A I think he was on his way somewhere else and then
13 saw Mr. Boyce and then went in there.

14 Q So, but you don't think — you say here, the
15 question I asked you was: What lead you to believe
16 he went to that store looking for Justin Boyce. See
17 if I'm reading this right: I'm not sure he went
18 there look for Justin Boyce?

19 A I said I think he was on his way somewhere else
20 and then saw Mr. Boyce, Mr. Boyce's truck, and then
21 went in the store.

22 Q So you don't think that he came to that store to
23 follow him to the store; that's not what you're
24 saying?

25 A I don't have any evidence of to say that he

SW - J. DELLINGER - CROSS

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

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

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

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

8 A I did not.

9 Q Sir?

10 A I did not, no.

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

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

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

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

SW - J. DELLINGER - CROSS

1 Q But you don't know that that was Mr. Hoover's
2 vehicle though, do you?

3 A No, I don't know positively that it was. It's
4 circumstantial and — he had to have drove something
5 there 'cause he walks in two minutes after that
6 vehicle pulls off the screen.

7 Q Well, we might understand he had to drive
8 something there, but you don't — you said, no, you
9 don't know what he drove there?

10 A I also said it is circumstantial. He had to
11 drive something. Mr. Boyce saw him leaved in a
12 white Toyota and he has a white Toyota. That's all
13 I can say. I was not there.

14 Q Now when Mr. Hoover went in the Interstate Shell
15 he went to his right; didn't he?

16 A Yes, sir.

17 Q He didn't go to his left. He went to his right;
18 didn't he?

19 A Yes, sir.

20 Q Okay. Now I believe that when you first talked
21 to Justin you guessed that Justin went into the
22 stall, not to sit down but you thought he was
23 standing up to do what he needed to do, correct?

24 A That's correct.

25 Q Okay.

SW - J. DELLINGER - CROSS

1 A I was mistaken about that at the preliminary
2 testimony.

3 Q Well, that was — you testified to this on March
4 the 5th, 2013, didn't you, 2014, didn't you?

5 A That's the date of preliminary?

6 Q Yes, sir.

7 A Yes, sir.

8 Q And at that time that was, that was three months
9 later you thought he was standing up in the stall?

10 A Yes, sir.

11 Q And your knowledge what happened in that bathroom
12 came from Justin, correct?

13 A That's correct.

14 Q Now when Justin told you that when he exited the
15 stall he made a punch; didn't he?

16 A I'm not sure at what part are you referring to.

17 Q Well, I'm just asking that. Didn't you say in
18 your preliminary hearing that Justin exited the
19 stall and made a punch, that he made a punch when he
20 came out?

21 A At what page and line are we at on the
22 preliminary testimony?

23 Q Let's look at — I mean, you can answer it yes or
24 no and then we can —

25 A I don't recall if that was my testimony at the

SW - J. DELLINGER - CROSS

1 preliminary hearing.

2 Q Okay. Let's go to, let's go to preliminary
3 hearing page 3 and look at line 11. Page 3, line 11
4 through 17 — excuse me, 17 through 24. As he went
5 to exit the stall — am I reading this right?

6 A Yes, sir.

7 Q "Finishing using the bathroom he was confronted
8 by Mr. Hoover who immediately attacked him. Justin
9 said he thought he made a punch to try to fend off
10 the blows."

11 A Yes, sir.

12 Q So Justin was, told you he was making punches at
13 Mr. Hoover?

14 A Punches to defend off the blow.

15 Q I understand that —

16 A But at the time blood started running down his
17 face and he realized he'd been cut, cut severely.

18 Q But the idea is that he did make a punch, that's
19 what Justin told you?

20 A That's what that was said, a punch to defend
21 offed blows.

22 Q And that's what Justin told you?

23 A A punch to defend off the blows.

24 Q Okay. Now you really don't know what happened in
25 that bathroom, do you?

SW - J. DELLINGER - CROSS

1 A I was not in the bathroom that morning.

2 Q Okay. And so your answer is, no, you don't know
3 what happened in the bathroom?

4 A No, I answered I was not in the bathroom that
5 morning.

6 Q Okay. Well, let me ask, in your testimony did
7 you testify in your preliminary hearing, you said I
8 don't know a hundred percent what happened in that
9 bathroom?

10 A That's correct.

11 Q That's what you said, right?

12 A That's correct.

13 Q Now when you went to Dennis Hoover's house you
14 went through the house, and there were other knives
15 there; weren't there?

16 A Yes, sir.

17 Q Okay. You had full access to the house; didn't
18 you?

19 A Yes, sir.

20 Q There were other knives there, correct?

21 A Yes, sir.

22 Q Okay. In fact, you said there were a number of
23 knives there, right?

24 A Yes, sir.

25 Q Yes, sir. Yet you left that place with no knife

SW - J. DELLINGER - CROSS

1 at all?

2 A That's correct. There were dozens of knives
3 everywhere, in the kitchen drawer, in the sink,
4 wrapped up in tissue, wrapped up in dresser drawers.
5 I mean, there was -- it wasn't, you know,
6 unexpected. There were knives all over.

7 Q In fact, you didn't think that was uncommon for
8 him to have a number of knives in the house,
9 correct?

10 A No, not considering somebody hunting and fishing
11 and living in rural Lee County, no, sir.

12 Q Okay. And even with all that you knew that
13 Mr. Boyce had been cut, you still didn't take any of
14 those knives with you?

15 A I did not. I didn't see any of them that had,
16 would have had blood or looked liked they had blood
17 or recently had been washed, or anything that would
18 have led me to take them for testing.

19 Q And you, I believe you've come in and you've
20 shown box cutter blade. That's one thing you took
21 out of there, right?

22 A We did take box cutter blades out of the dresser.

23 Q But you didn't take any of the knives out of
24 there?

25 A Correct.

SW - J. DELLINGER - CROSS

1 Q You didn't find any box cutters in there?

2 A There was no box cutter to with those, with those
3 blades.

4 Q Okay. Now we've talked a little bit about
5 Mr. Hoover coming in and out of the store, and
6 you've talked about something in his right hand?

7 A Yes, sir.

8 Q You don't know what he had in his right hand, do
9 you?

10 A I do not. All I know is when he — from the time
11 he entered the door he had something holding down in
12 his right hand.

13 Q You don't know what it was?

14 A I do not.

15 Q Okay. So you're not trying to lead this jury to
16 believe that you know what was in his hand?

17 A Oh, I'm not saying that I know what was in his
18 hand.

19 Q Mr. Hoover made it clear to you that he was
20 disappointed that law enforcement back in 2011 did
21 not bring a warrant against Justin and Marshall.
22 Boyce. Didn't he make that clear to you?

23 A That's probably an understatement, yes, sir.

24 Q All right, so your answer is, yes, he made it
25 clear to you?

SW - J. DELLINGER - CROSS

1 A Yes, sir.

2 Q Okay. And you know of your own knowledge that
3 when this, this attack happened on the 30th of June,
4 2011, there was no warrant issued for Justin and
5 Marshall Boyce, was there?

6 A There was no warrant issued.

7 Q Okay. You heard Justin Boyce say there was
8 scramble in the bathroom; didn't you?

9 A I heard that.

10 Q You — in fact that was part of the statement
11 that he gave you; wasn't it?

12 A Yes, sir.

13 Q One of the reasons that you brought this warrant
14 against Dennis Hoover in this case is because you
15 considered the June 30th, 2011, incident; didn't
16 you?

17 A Oh, no, I can't say that because we had an arrest
18 warrant for Mr. Hoover prior to me knowing about
19 that incident. Your client brought that up in the
20 interview room and he was already — the arrest
21 warrant was already obtained. He was already in
22 custody at that point.

23 Q Well, look at your preliminary hearing line 7 —
24 excuse me. Excuse me please, Your Honor. My
25 question to you was that the attack that happened on

SW - J. DELLINGER - CROSS

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

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

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

SW - J. DELLINGER - CROSS

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

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

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

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

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

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

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

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

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

SW - J. DELLINGER - CROSS

1 gonna get you.

2 Q Did you ask Mr. Dennis Hoover about his rendition
3 of what happened on June 30th, 2011?

4 A Mr. Hoover was very emphatic that his rendition
5 will come through his attorney.

6 Q Law enforcement would not swear out a warrant on
7 June the 30th, 2011, would they?

8 A I was not involved in the June 2011 incident.

9 It's my understanding that your client went to a
10 magistrate and the magistrate refused to issue a
11 warrant. We didn't have any bearing on that. If
12 the magistrate doesn't issue a warrant I can't
13 control that.

14 Q Justin Boyce has never identified the weapon that
15 was used, has he?

16 A No, he -- alls he could say is he seen a shiny
17 instrument slashing. I think he referred to it
18 today as raking it.

19 Q Yet the only, the only items you brought back
20 from that house were blades for a straight, blades
21 for a box cutter?

22 A Yes, sir.

23 Q And Justin Boyce didn't tell you it was a box
24 cutter, did he?

25 A No, sir, but he was severely cut, severe

SW - J. DELLINGER - CROSS

1 lacerations that could have been cause by a box
2 cutter.

3 Q And it could have before caused by a knife?

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

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

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

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

15 A I'm not sure I heard —

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

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

22 Q But the knives you didn't?

23 A I did not.

24 Q Okay. You don't know where the incident was.

25 You don't know what the knives, you don't know what

SW - J. DELLINGER - CROSS

1 was used, do you?

2 A No, sir.

3 Q Best you can say is you have to guess that the
4 knife, the blood got cleaned off the knife?

5 A Rephrase that questions please.

6 Q Well, when you went to the house, one of the
7 reasons you didn't get the knives is you said is
8 because the blood, you just guessed the blood was
9 cleaned off the knife?

10 A No, your client told me that.

11 Q That — told you what?

12 A That he washed it off.

13 Q All right. But you said you guessed at that.
14 You guessed he cleaned it?

15 A I didn't see any knives that appeared to have
16 been washed that were wet, that were in the sink,
17 that had blood on them, had any spots on them, had
18 anything that looked like blood. I didn't see
19 anything to collect and submit it.

20 Q And that's because you guessed he cleaned it off?

21 A Well, I think guess is a poor characterization.

22 Q Well, let's look at what you said. Let's look at
23 the preliminary hearing page 27, page 27, lines 9
24 through 25. Follow with me. "Okay now, what did
25 Justin, what did Mr. Hoover say to you about Justin

SW - J. DELLINGER - CROSS

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

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

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

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

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

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

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

25 A At the time of the incident?

SW - J. DELLINGER - CROSS

1 Q No, when you had an interview with him?

2 A No, I believe he said it was at home.

3 Q Well, let's take a look at preliminary hearing

4 page 26 and see what you said. Start at line 25.

5 Follow with me and see if I got this right, okay.

6 Okay. Page 26, line 25, "I specifically asked

7 Justin about the pocketknife and he had a

8 pocketknife, the same pocket knife he had for years.

9 It was in his pocket and remained in his pocket and

10 still in his pocket when I interviewed him." So he

11 had it?

12 A If that's what I said at the preliminary hearing.

13 Q Well, I mean, that's what you said, right?

14 A Yes, sir.

15 Q We can count on that; can't we?

16 A That it was in his pocket?

17 Q Yea.

18 A Yes, I didn't ask him to take it out. I didn't

19 you look at it. I didn't look at it, at the knife,

20 when I interviewed him.

21 Q Well, now let me talk to you a little bit.

22 Mr. Hoover has said that Justin's knife is the one

23 that was used in this fight, correct?

24 A And that I'm done with it now, I washed it off,

25 he can have it back.

SW - J. DELLINGER - CROSS

1 Q So your answer is yes, that's what Mr. Hoover
2 said?

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

5 Q Okay. And so Justin theoretically I understand
6 he would not have the knife because Mr. Hoover had
7 it, right?

8 A So I guess — I don't understand that.

9 Q Well, did you find out whether Justin still had
10 his knife?

11 A Justin told me he still had his knife.

12 Q But you didn't ask him to see it, did you?

13 A I did not.

14 Q You were sitting right across the desk from him;
15 weren't you?

16 A I did not look at his knife.

17 Q If Justin didn't have the knife to show you that
18 would indicate that Mr. Hoover was, got the knife
19 from Justin; wouldn't it.

20 A Or it was sitting at home on his dresser.

21 Q And, but you could have asked for it and you
22 didn't?

23 A Oh, I could have. Justin's knife, the one he
24 said he had in his pocket, didn't have — he said
25 clearly that it was in his pocket during the

SW - J. DELLINGER - CROSS

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

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

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

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

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

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

17 A I am.

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

21 A Yes, sir.

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

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

SW - J. DELLINGER - CROSS

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

4 Q You took Justin's word for it?

5 A What he said, yes.

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

8 A On what?

9 Q On that it was Justin's knife?

10 A I guess I don't understand that question.

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

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

15 Q Right?

16 A So —

17 Q And then Justin —

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

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

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

SW - J. DELLINGER - CROSS

1 produce that knife or any other knife three days
2 later.

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

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

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

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

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

18 A I've answered the question.

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

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

24 MR. JONES: I do, Your Honor.

25

SW - J. DELLINGER - CROSS

1 BY MR. JONES:

2 Q You just answered, I asked you whether or not he
3 had a right to be there. And I want to — I want to
4 read along page 33 and ask if this is what you said.
5 My question to you, line 11, was: "Okay. Okay, now
6 you don't argue Mr. Hoover had a right to be in the
7 convenience store that morning, do you. No, it's a
8 public convenience store. You can go in there, use
9 the restroom, etc., or get a cup of coffee, etc,
10 whatever you choose to do." Correct?

11 A Yes, sir. If you move down to line 22: "A
12 violation of the law wasn't going into the
13 convenience store. A violation of the law was going
14 in there and attacking somebody inside."

15 Q And that could be said of Justin Boyce too;
16 couldn't it?

17 A We're talking about Dennis Hoover.

18 Q I understand, but Mr. Hoover and Mr. Boyce both
19 had a right to be in there, correct?

20 A Yes, sir.

21 MR. JONES: Excuse me please, Your Honor.

22 BY MR. JONES:

23 Q Mr. Dennis Hoover has no criminal record, does
24 he?

25 A Not that I'm aware of.

SW - J. DELLINGER - CROSS

1 Q I want to ask you about the photographs of the
2 shirt. Let me see, I think that's Exhibit Number
3 44. Let me see if I can put my hands on it. I have
4 in my hand Exhibit Number 16 and Exhibit Number 15.
5 First of all, Exhibit Number 15 is how you found the
6 shirt; isn't that correct?

7 A Yes, sir.

8 Q Okay. And then flip it over, Exhibit Number, is
9 that 16?

10 A 16.

11 Q Exhibit Number 16, that shows the shirt we took
12 pictures of, right?

13 A Yes, sir.

14 Q All of the blood stains on that shirt were up in
15 the upper part around the shoulders; aren't they?

16 A The visible ones are, yes, sir.

17 Q Okay. Well, you say the visible ones, I mean,
18 that's all you can see, right, the ones in the upper
19 part, right?

20 A You do realize SLED did other analysis on it that
21 they may have detected things that aren't visible.

22 Q I'm asking about the picture. We don't have that
23 in evidence. I'm asking about the picture, what
24 does the picture show?

25 A The ones that I can see in this photograph are

SW - J. DELLINGER - CROSS

1 above the insignia.

2 Q Up in the shoulder, correct?

3 A Yes, sir, upper arm, shoulder, neck areas.

4 Q Okay, let me pass that to the jury please. Thank
5 you. When I took your deposition or when I

6 talked — I'm sorry, not deposition. When I did the
7 preliminary hearing on March 5th —

8 A Yes, sir.

9 Q —you had not yet talked to the gentleman who
10 was mopping the floor, had you?

11 A I had not.

12 Q Okay. And on March the 5th, that was some three
13 months later. You had not even talked to all the
14 people who were on site at the time of the incident,
15 correct?

16 A I have not been able to locate that gentleman.
17 He doesn't work at the store. He doesn't live at
18 the address that he lived at. He doesn't respond to
19 any telephone numbers. The only information I could
20 get is he lives somewhere in the Columbia area, and
21 I have not been able to trace him down, locate him.

22 Q When I asked you questions about the fella
23 mopping the store on March, in March of 2014, three
24 months after, I asked you about why you hadn't seen
25 him; didn't I?

SW - J. DELLINGER - CROSS

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

SW - J. DELLINGER - CROSS

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

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

5 A I did not.

6 Q He was the one closest to what happened?

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

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

13 A Yes, sir.

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

15 A Yes, sir.

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

20 A That's correct.

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

22 A I don't.

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

SW - D. HOPLA - DIRECT

1 Q He had anything that would indicate he had been
2 in a struggle?

3 A Not nothing at all.

4 Q What did you do with the blue jeans he was
5 wearing when you took him to jail?

6 A I brought them back to the county and put them in
7 the hands of Major Dellinger.

8 Q All right. Answer any questions Mr. Jones may
9 have.

10 MR. JONES: I have no questions.

11 MR. GENTRY: We call Doctor Dan Hopla.

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

14 WHEREUPON,

15 DAN M. HOPLA,

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

18 THE CLERK: State your full name for the
19 record.

20 THE WITNESS: Dan Michael Hopla.

21 **DIRECT EXAMINATION**

22 BY MR. GENTRY:

23 Q You are a medical doctor currently practicing in
24 Florence?

25 A Yes, sir.

SW - D. HOPLA - DIRECT

1 an otolaryngologist.

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

4 THE COURT: All right, what says Defense?

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

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

8 BY MR. GENTRY:

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

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

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

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

21 Q All the way to the bone. What's the next one,
22 33?

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

SW - D. HOPLA - DIRECT

1 and two on the lower lip also went through the mouth
2 through and through to the bone.

3 Q All right, sir. How deep is that roughly, could
4 it vary?

5 A About an inch.

6 Q Okay, all right. How many lacerations were there
7 on his left cheek?

8 A About five.

9 Q Okay.

10 A Combined.

11 Q Combined. There appears to be laceration on his
12 left side. Could you describe the nature and extent
13 of that laceration?

14 A Laceration from that pic is number 34. It was on
15 his left side. It went through the skin and
16 somewhere into fat. That's as far as it went and we
17 closed it back up using sutures and staples.

18 Q All right, that's the one on his side?

19 A On his side.

20 Q And the next one is number which?

21 A 35, it shows his abdominal laceration also. It's
22 probably about half an inch or so deep, and we
23 closed that back up with suture and staples.

24 Q Okay, and the next one is?

25 A 36 is the laceration through the femur enimus or

SW - D. HOPLA - DIRECT

1 the part of his hand that goes to his thumb.

2 Q Okay.

3 A That Doctor Conner repaired. I had him come in.
4 It was real deep and clinically it looked like it
5 could have got to the nerve going to the thumb.

6 Q Okay.

7 A When we got through looking it wasn't but it was
8 extremely deep through the thumb muscles. I can't
9 tell you more than that.

10 Q Okay. And the last one is an injury to his thigh
11 I believe?

12 A Yeah, that's, that's probably through the skin
13 and to the subcutaneous tissue and that's about it.

14 Q That's probably the least serious?

15 A That's the least of all of them.

16 Q Okay. Were these procedures done under general
17 or local anesthetic?

18 A General.

19 Q Was a blood transfusion necessary?

20 A No.

21 Q And that's because he didn't lose enough blood?

22 A He didn't lose enough, didn't needed it.

23 Q Okay. Do you have opinion — as to the nature of
24 these injuries do you have opinion as to what kind
25 of instrument caused these injuries?

SW - D. HOPLA - DIRECT

1 A Something with probably an extremely sharp blade.

2 Q Just a sharp blade? Okay. Although you do not
3 know the exact type of weapon used could the weapon
4 such as cause the injuries you describe cause death?

5 A Could.

6 Q And how about around the neck? Are there a lot
7 of ---

8 A If you got slashed around the neck deep enough
9 you could have gotten into the carotid arteries or
10 maybe the jugular vein, he could have died from
11 that.

12 Q Okay. Could a weapon such as cause the injuries
13 you repaired cause a bodily injury which causes a
14 substantial risk of death?

15 A Yes.

16 Q Could a weapon such as cause the injuries you
17 repaired cause a bodily injury -- excuse me, which
18 could seriously permanently disfigure or cause a
19 protracted loss or impairment of the function of a
20 body member or organ?

21 A Yes.

22 Q With respect to the facial area I think you've
23 already mentioned this, the facial area, and the
24 neck, what veins, arteries, nerve bundles or other
25 critical body components lie beneath the skin?

SW - D. HOPLA - CROSS

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

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

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

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

18 A Something sharp.

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

21 A Yes, sir.

22 Q All right.

23 MR. GENTRY: Your witness, Mr. Jones.

24 MR. JONES: Thank you.

25 **CROSS-EXAMINATION**

SW - D. HOPLA - CROSS

1 BY MR. JONES:

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

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

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

11 A Nothing critical was involved with them.

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

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

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

17 A Yes, sir.

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

20 A No.

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

23 A Correct.

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

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

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

6 MR. GENTRY: Nothing further.

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

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

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

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

17 MR. JONES: Your Honor, if I understand
18 from Mr. Gentry that he's got two more witnesses.
19 The reason I'm asking is, is I need to go ahead —
20 I've got witnesses under subpoena and I'm thinking I
21 don't know when to get those people here is my
22 point. I don't know how long it will take. It's
23 —

24 THE COURT: They need to be on their way.

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

DW - J. LOGAN - DIRECT

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

3 WHEREUPON,

4 JACQUELINE LOGAN,

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

7 THE CLERK: State your full name for the
8 record.

9 THE WITNESS: Jacqueline Logan.

10 **DIRECT EXAMINATION**

11 BY MR. JONES:

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

14 A Okay.

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

18 A Yes.

19 Q Jackie, where were you raised?

20 A In Bethune, South Carolina.

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

25 A I'll be 33 in about three weeks.

DW - J. LOGAN - DIRECT

1 Q Okay. You got some children?

2 A I do.

3 Q Okay. Jackie, where do you work at this time?

4 A I work at Bishopville Animal Clinic here in
5 Bishopville with Doctor Curry.

6 Q Okay. Did you go to high school in Bethune?

7 A I did.

8 Q And did you go to grammar school there too?

9 A I did.

10 Q And so you live in Bethune now I think, right?

11 A No, it's technically Bishopville. It's —

12 Q You live over on Highway 341?

13 A Yes.

14 Q Okay. There's a road right there, you turn left,
15 Leonard — what's the name of that road that you —
16 if you turn left off 341, you're right there at that
17 intersection; aren't you?

18 A I am. I don't know the name of that road, but
19 yeah, that's me.

20 Q All right. Let me ask you some questions. Do
21 you know you know Justin Boyce when you see him?

22 A Yes, I would think so. I haven't seen him in
23 about five years.

24 Q Do you know Marshall Boyce when you see him?

25 A Yes.

DW - J. LOGAN - DIRECT

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

6 A I was a bartender.

7 Q Okay. What do you do now, Jackie?

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

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

11 A Clark's Bar in Bethune.

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

15 A Yes.

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

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

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

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

25 THE COURT: And the Solicitor objects to

DW - J. LOGAN - DIRECT

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

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

5 THE COURT: All right.

6 BY MR. JONES:

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

9 A Yes.

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

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

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

16 A It was very late at night. Midnight.

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

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

DW - J. LOGAN - CROSS

1 wife.

2 Q All right. Who was it jumped on who?

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

10 Q Okay. And it was Justin and Marshall Boyce?

11 A Yes, with another friend, three of them.

12 Q And they attacked this other fella?

13 A Yes.

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

16 **CROSS-EXAMINATION**

17 BY MR. GENTRY:

18 Q Do you know somebody named Porky?

19 A Yes.

20 Q Who is he?

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

25 Q Who is this guy that Justin and Marshall and this

DW - J. LOGAN - CROSS

1 other third guy that supposedly jumped him?

2 A His name is Dusty Horton.

3 Q Dusty Horton?

4 A Yes.

5 Q And how is -- where does Mr. Horton live?

6 A In Bethune.

7 Q In Bethune. Did they give a reason why that
8 happened that way?

9 A That he was sleeping with Porky's wife.

10 Q Who was doing with Porky's wife?

11 A Dusty.

12 Q Dusty was fooling with Porky's wife?

13 A Yeah.

14 Q All right. Who hit whom?

15 A It was a big brawl but Porky was the first one to
16 throw a punch, and then the other two, Justin and
17 Marshall jumped in it, three on one. And then
18 several people at the bar had to get in to break it
19 up, get them off of him.

20 Q Are you friends with Porky?

21 A No.

22 Q Are you friends with the other guy?

23 A No.

24 Q How far were you from this alleged scene?

25 A I was behind the bar until I got my name screened

DW - J. LOGAN - CROSS

1 and then I was right in the middle trying to break
2 them up.

3 Q You jumped in the middle of these three, four
4 guys —

5 A Yes.

6 Q —trying to duke it out?

7 A Yes.

8 Q But it's been five years since you saw Justin and
9 Marshall?

10 A Yes. As I said, I don't know them well. I know
11 the three that were signed into the bar.

12 Q Where is the sign-in list now?

13 A I would assume that the owner of the bar has it.

14 Q Do you have it?

15 A No, I don't have it with me. I wasn't asked to
16 bring it.

17 Q Are you a friend of Mr. Dennis Hoover?

18 A Yes.

19 Q And that was you over here hugging him just a
20 minute ago?

21 A Yes.

22 Q Is he kin to you in any way?

23 A No, he's not.

24 Q Okay. How long have you known him?

25 A I've known Dennis probably, I'd say, my whole

DW - J. LOGAN - CROSS

1 life as a child.

2 Q Do you think it might be possible that you have
3 confused Justin and Marshall with somebody else?

4 A No, because I didn't know them. I didn't know
5 them well whenever they came in, but those were the
6 names that were signed in. They signed themselves
7 in.

8 Q Did you see them sign themselves in?

9 A No, we had to go back to look at the book.

10 Q Well, how do you know that whoever signed that
11 thing was actually Justin and Marshall?

12 A They were all friends. I knew Porky. I knew
13 Porky by face.

14 Q That's not my question. How do you know who
15 signed that book?

16 A I don't.

17 Q You don't?

18 A Huh-uh.

19 Q Was this a members only club or open to the
20 general public?

21 A It's open.

22 Q It's open?

23 A Uh-huh.

24 Q But they still have to sign in?

25 A Yes. It's a private club, but if you come in

DW - E. ELLERBY - DIRECT

1 with a member you're allowed in.

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

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

5 Q Okay, thank you.

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

8 THE COURT: You may step down.

9 MR. JONES: I ask she be excused.

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

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

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

16 THE COURT: All right.

17 Come forward.

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

20 WHEREUPON,

21 **EDWARD ELLERBY,**
22 having been duly sworn by the Clerk, testified as
23 follows:

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

DW - E. ELLERBY - DIRECT

1 THE WITNESS: Edward Ellerby.

2 **DIRECT EXAMINATION**

3 BY MR. JONES:

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

8 A Yes.

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

11 A That's right.

12 Q Mr. Ellerby, where do you live?

13 A

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

15 A No, I'm not.

16 Q Okay. Where do you work?

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

19 Q Okay.

20 A I'm —

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

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

25 Q Sally Chavis?

DW - E. ELLERBY - DIRECT

1 A Yes.

2 Q I want to ask you about June the 30th, 2011,
3 about something happening on June 30, 2011. In the
4 morning of June 30th, 2011, did you witness anything
5 happen on the road in front of your house?

6 A Well, I was coming out of Sally's house which is
7 at , on Eddie Watkin Road.

8 Q How far would it be off Eddie Watkin Road in
9 terms of feet? How far would Sally's house be off
10 Eddie's?

11 A I say a good 50 feet.

12 Q Okay, all right. So you were at Sally's house 50
13 feet off the road. Go ahead.

14 A Yes. And I was coming out that morning getting
15 ready to leave the house, and I opened the door,
16 went out, and I heard some scuffling with the feet
17 so I didn't paid it a whole lot of attention. I was
18 getting ready to lock the door and I heard some
19 grunting like you're in distress or whatever. And I
20 turned and looked back over my right shoulder which
21 is adjacent, there was a truck and some white
22 people — I don't know who they was. All I — I
23 don't know a whole lot of people down there so I
24 just saw the people. And I went back in the house
25 and I told Sally I believe there's somebody out

DW - E. ELLERBY - DIRECT

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

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

7 A Yes.

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

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

12 Q Okay.

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

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

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

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

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

DW - E. ELLERBY - DIRECT

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

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

19 A I didn't see anyone.

20 Q Okay.

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

25 Q Okay.

DW - E. ELLERBY - CROSS

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

3 **CROSS-EXAMINATION**

4 BY MR. GENTRY:

5 Q Mr. Ellerby?

6 A Yes, sir.

7 Q You didn't see anything concerning a fight, did
8 you? You didn't see any blows struck?

9 A No.

10 Q You just heard the scuffling and grunting?

11 A Yes.

12 Q You don't know who was there?

13 A I don't know the people down there, no, I don't.

14 Q Okay.

15 MR. GENTRY: I have no further questions.

16 MR. JONES: No further questions.

17 THE COURT: Thank you, sir.

18 MR. JONES: Thank you so much,

19 Mr. Ellerby, for coming here.

20 Your Honor, the Defense calls Ms. Sally
21 Chavis.

22 THE COURT: All right.

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

25 WHEREUPON,

DW - S. CHAVIS - DIRECT

1 **SALLY CHAVIS,**

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

4 THE CLERK: State your full name for the
5 record.

6 THE WITNESS: Sally Chavis.

7 **DIRECT EXAMINATION**

8 BY MR. JONES:

9 Q Ms. Chavis, the jury has heard me say this every
10 time. I'm gonna stand over here behind the bar so
11 that you can look toward them. Actually, they're
12 the ones who need to hear, okay?

13 A Okay.

14 Q Okay. Sally, I want to introduce you a little
15 bit to the jury, all right?

16 A Yes.

17 Q Now Sally, you live, you live on Eddie Watkins
18 Road; don't you?

19 A Yes.

20 Q Okay. How long have you lived there on Eddie
21 Watkins Road?

22 A About 45 years.

23 Q And what county are you from?

24 A Lee county.

25 Q And where do you work, Sally?

DW - S. CHAVIS - DIRECT

1 A Lee County School District.

2 Q And what do you do with Lee County school
3 district?

4 A I work in the finance department.

5 Q How long you been working down there?

6 A About 17 years..

7 Q Okay. Where did you work before you worked with
8 the school district?

9 A Well, it started out as Kendall (ph) but when I
10 left it was International Paper.

11 Q How long did you work at International Paper?

12 A 22 years.

13 Q Okay. Now Sally, I think your mom and dad were
14 from Lee County too; weren't they?

15 A Yes.

16 Q And you have some children too; don't you?

17 A Yes.

18 Q How many?

19 MR. JONES: Judge, is this relevant to the
20 case?

21 THE COURT: I don't know.

22 MR. JONES: Judge, I'm just introducing
23 her to the jury so the jury knows who's
24 talking.

25 THE COURT: All right.

DW - S. CHAVIS - DIRECT

1 BY MR. JONES:

2 Q Okay. You have some children, don't you?

3 A I have three.

4 Q All right. And where do those children live?

5 A One live in Texas, one lives in Georgia, and one
6 live in Columbia.

7 Q Okay. Sally, I want to talk to you a little bit
8 about what happened on June 30th, 2011, in the early
9 morning. Tell me how you're related to Mr. Ellerby?

10 A He is my ex-husband.

11 Q Okay. On June the 30th, 2011, early morning, do
12 you remember seeing any altercation on the street on
13 Eddie Watkins Road?

14 A Yes.

15 Q Would you tell the jury, just explain to the jury
16 what you saw.

17 A I was inside getting ready for work. Edward was
18 leaving.

19 Q That's Mr. Ellerby?

20 A Yes.

21 Q Okay.

22 A He was leaving. And he -- I heard him go out the
23 door, but I always listen for him to lock the door
24 behind him but he didn't. So I started down the
25 hall. When I did, he was meeting me and he was

DW - S. CHAVIS - DIRECT

1 telling me to come outside, there's something going
2 on out here in front of the house. So I went to the
3 door, and there was a pickup truck and three guys.
4 And as soon as I walked out the front door another
5 truck drove up. And we stood there for a minute;
6 and then I said to him we need to get from out here
7 because this is not our business. And we went back
8 in. Well, I went back inside and he got in his
9 truck and left.

10 Q Did you know who it was?

11 A I did, yes.

12 Q Who did you think it was?

13 A Well, I knew the voice of Dennis Hoover. I know
14 his voice because we've always lived there in the
15 same community and I know that he walked every
16 morning so I knew it was him. And then the first
17 pickup truck I seen the guys, you know, driving past
18 so I knew who that was.

19 Q And —

20 A Just by the pickup truck; I don't know him
21 personally.

22 Q Okay. Did you know that to be the Boyce boys?

23 A I knew that was the truck that they normally
24 drive, yea.

25 Q Okay. And so after the trucks, when the second

DW - S. CHAVIS - DIRECT

1 truck came up what happened?

2 A The guy got out and he was talking to the boys or
3 talking to somebody. They were talking kind of loud
4 and there was some cursing going on. And that's
5 when I told Edward let's, you know, go back inside.
6 And I went back inside just that second truck drove
7 up.

8 Q Okay. And now afterward, were the trucks there
9 later on or did the trucks ever leave so far as you
10 know.

11 A Yeah, they left as soon as we went back in the
12 house they left.

13 Q And then did you see anybody standing on by the
14 road or lying on the road right there where the
15 trucks were?

16 A Nobody.

17 Q Well, did you think to look?

18 A Well, I told Edward when he left to go to the
19 right by the church and see if he saw Dennis because
20 he may need help or something, may be hurt or
21 something because we knew that they were fighting.
22 And he said okay. And when I left I went to the
23 left toward 341 so that — and I looked and I did
24 not see him anywhere. When I got to work I called
25 Edward and I asked him, I said, did you see Dennis;

DW - S. CHAVIS - CROSS

1 and he said no. And I said neither did I. I said,
2 well, where could he have gone. And we just left it
3 at that 'cause we didn't know where he went.

4 Q Did anybody from law enforcement ever come talk
5 to you about this fight?

6 A No, nobody.

7 Q Okay.

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

10 **CROSS-EXAMINATION**

11 BY MR. GENTRY:

12 Q Ms. Chavis, was Mr. Ellerby — you and
13 Mr. Ellerby were right together when you went out;
14 is that correct?

15 A Yes.

16 Q He was in a position to see everything you saw?

17 A Yes.

18 Q Okay. You knew Mr. Hoover's voice. How did you
19 know his voice?

20 A I lived in the community with him all my life. I
21 just knew his voice, and I also knew that he walked
22 by there every morning, morning walk, and I just
23 know him from that.

24 Q Did you ever go by his house?

25 A That day?

DW - S. CHAVIS - CROSS

1 Q No, ever been by his house?

2 A Yea.

3 Q You have? You see any flags or signs or anything
4 in the yard?

5 A Yes.

6 Q What'd the sign say?

7 A I don't remember. I don't remember what the sign
8 say.

9 THE COURT: She doesn't remember so go
10 ahead.

11 BY MR. GENTRY:

12 Q Did anybody come up to your house asking for
13 help?

14 A No.

15 Q You been there 45 years and people would know you
16 too; wouldn't they?

17 A Yes.

18 Q Nobody came to ask for help?

19 A Nobody.

20 Q Did you see any blows struck?

21 A Any blows?

22 Q Any blows struck?

23 A Not really, I wasn't that close. I could hear
24 the scuffle.

25 Q Thank you, ma'am.

DW - D. HOOVER - DIRECT

1 Bible and raise your right hand.

2 WHEREUPON,

3 **DENNIS HOOVER,**

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

6 THE CLERK: State your full name for the
7 record.

8 THE WITNESS: Dennis Hoover.

9 **DIRECT EXAMINATION**

10 BY MR. JONES:

11 Q Dennis, are you nervous, Dennis?

12 A Little bit.

13 Q Mr. Hoover, I want to ask you some questions
14 about who you are and introduce you a little bit to
15 the jury, okay. Are you from Lee County?

16 A Yes, I am.

17 Q Okay. And how long have you lived in Lee County?

18 A All my life.

19 Q Okay. Where did you go to high school?

20 A Bishopville.

21 Q Okay. And you're how old, Dennis?

22 A Sixty-one.

23 Q All right. And Dennis, on January 4th, 2014, how
24 old were you?

25 A Well, I was 60.

DW - D. HOOVER - DIRECT

1 Q Okay. Dennis, I want to talk to you a little bit
2 about your physical health, okay. Tell me what,
3 what your heart condition is.

4 A I have four stints in my heart.

5 MR. GENTRY: Your Honor, I'm gonna object.
6 I don't think his medical condition is relevant to
7 the offense charged.

8 THE COURT: All right, overrule the
9 objection.

10 BY MR. JONES:

11 Q Go ahead.

12 A I live with chest discomfort. I have four stints
13 in my heart, and I'm on medication to stop blood
14 clots and keep heart beat and that sort of thing,
15 you know, three different medications for my heart.

16 Q Okay. Dennis, I don't mean to be, I don't mean
17 to embarrass you or anything, I think you gained
18 some weight since January 4th, 2014; hadn't you?

19 A Yes, I have. I haven't been able to be active
20 because I've been in jail and house arrest.

21 Q Okay, all right. And were you lighter at the
22 time of this incident?

23 A Yes, I was somewhat lighter.

24 Q Okay. Dennis, now as far as your medications and
25 I'm talking about for your heart condition, does

DW - D. HOOVER - DIRECT

1 that affect you and your body in any way?

2 A Yes.

3 Q How so?

4 A Well, you get tired easy and you just -- you
5 bruise. If you bump into anything you bruise easy
6 and you, shortness of breath, chest discomforts.
7 You know, it's a, I guess, a normal thing for heart
8 disease.

9 Q Okay, all right. Dennis, I want you to stand up,
10 if you will, stand up and stand here. Stand right
11 here so the jury can see you, okay. Stand right in
12 here. Now Dennis, your medications, you said, it
13 has some bruising effect on you, right?

14 A Yes, it does.

15 Q All right, Dennis, so the jury will know we just
16 want you -- we're gonna let them see your stomach,
17 okay?

18 A (Indicating.)

19 Q All right. Tell them -- okay, Dennis, tell them
20 what they're looking at there.

21 A I'm easy to bruise. Any kind of, if I touch or
22 bump into anything this is what occurs, (indicating)
23 bruise, and I'm certainly not one to be in a fight.
24 Any kind of fight I'm fighting for my life and I
25 want to make that clear right now. I have bad

DW - D. HOOVER - DIRECT

1 health; I'm disabled. I'm disabled, short winded,
2 chest discomfort, you can see. And this here, I
3 didn't even know I had it until my baby sister told
4 me yesterday when I was undressing.

5 Q Okay. Dennis, you can go ahead and tuck your
6 shirt tail in?

7 A You want me to show them something else?

8 Q Yeah.

9 A I want them to see this. This is a cut that came
10 from January 4th. It's a cut.

11 Q All right. You say from January 4th, you mean
12 the attack we're talking about?

13 A Yes.

14 Q Sir?

15 A Yes, sir.

16 Q Okay, all right. And for the record that, what
17 you show, for the record you show a cut that's above
18 your belt line a little way?

19 A Yes, sir.

20 Q Okay. And then you have the bruise you're
21 showing the jury today is on your lower left —

22 A Yes, it is.

23 Q —stomach? Is that right?

24 A Yes, it is.

25 Q Okay. Dennis, you can go ahead and tuck your

DW - D. HOOVER - DIRECT

1 shirt tail in there. Can you do that, Dennis.

2 A I had to embarrass me but I look slouchy, it's
3 all right.

4 Q Okay, all right. Dennis, I want to talk to you a
5 little bit about June 30th of 2011. You've heard
6 testimony about June the 30th, 2011?

7 A Yes, I have.

8 Q Can you tell the jury a little bit about what
9 happened on June the 30th, 2011?

10 A Yes, I can.

11 Q All right, sir.

12 A I always walk in the morning kind of, you know,
13 to keep my heart thumping. And every morning we
14 would see each other, me and Marshall Boyce. Well,
15 this particular morning I just passed Ms. Chavis'
16 house. They drove up in a white Buick Dodge, him
17 and Justin. And both of them got out and they
18 started — Marshall told me he was going to whip my
19 ass. And I took everything out my pocket, knife and
20 all, throwed it on the ground for a fair fight. I
21 had Marshall whooped; Justin jumped on my back. And
22 they drug me around in the highway and throwed me in
23 the ditch, and their daddy Bob Boss drove up and
24 said, all right, boys, get in the truck and leave
25 that son of a bitch in the ditch.

DW - D. HOOVER - DIRECT

1 Q All right. And so what happened then, Dennis?

2 A Well, some cars went by and nobody seem to
3 notice. And I got up, kept trying, I got up. I
4 walked up to the church, Mount Zion Church, and I
5 seen Ms. Banks up there and I met this newspaper
6 woman. It was all about turkey barns. And she
7 said, Dennis, you better go down there to the police
8 department, you can believe they down there. So
9 Ms. Banks said, change your shirt. I went on home,
10 changed my shirt. I came back to the police
11 department. And I asked this gentleman (indicating)
12 with the white tie, white tie right here.

13 Q For the record -- excuse me, Mr. Hoover. For the
14 record did you point to Officer Capps?

15 A That's right. That's exactly right.

16 Q Okay, go ahead.

17 A Officer Capps. I asked him if I could sign a
18 warrant for Justin and Marshall Boyce. He said, you
19 know you can't sign no warrant for them, you don't
20 have no witnesses. I said, well, Ms. Chavis and her
21 husband, they were there, they seen what happened.
22 He said, we have already called Ms. Chavis and she
23 said she didn't see nothing. I had no choice but to
24 exit. I went to the emergency room, three broke
25 ribs, clot on my lung. The doctor told me, you

DW - D. HOOVER - DIRECT

1 lucky they didn't kill you.

2 MR. FATA: Your Honor. That's hearsay,
3 Judge, what the doctor said.

4 THE COURT: Is there an objection?

5 MR. GENTRY: Yes, sir.

6 THE COURT: Objection, hearsay? Objection
7 sustained.

8 BY MR. JONES:

9 Q Okay, Dennis, let me back up a second. When
10 Justin and Marshall and they dad left, where were
11 you? Where did they leave you?

12 A I was in the ditch. Bob Boyce told Justin and
13 Marshall, get in the truck and leave that son of a
14 bitch in the ditch. That's his exact words.

15 Q Okay. All right, Dennis, let me ask you, now
16 you've heard testimony that you said this is not
17 over, you're gonna get them and all that. Tell the
18 jury if you said that or if you didn't say it.

19 A I did not say that. I was in the ditch. I had a
20 mouth full of rock and gravel and asphalt.

21 Q Okay. All right, Dennis, let's go from there.
22 That was June the 30th, 2011?

23 A Right.

24 Q Okay. Now tell me about January the 4th, 2014.
25 What time of day did you get up that day?

DW - D. HOOVER - DIRECT

- 1 A About 3:30.
- 2 Q All right. That's 3:30 a.m.?
- 3 A In the morning, yes, sir.
- 4 Q Okay. Now you live on Eddie Watkin Road; don't
- 5 you?
- 6 A Yes, sir.
- 7 Q How far would your house on Eddie Watkins Road be
- 8 from -- well, first of all, how far do you live from
- 9 Bethune?
- 10 A 7-miles.
- 11 Q How far do you live from Bishopville?
- 12 A 9-miles.
- 13 Q Okay. And so when you drove, you drove -- where
- 14 were you going that morning through there?
- 15 A I was going to -- according to the South Carolina
- 16 it's on the other side of Orangeburg. A man named
- 17 William Claxton (ph), he had some Cornish hens I was
- 18 interested in; and plus, he run an auction.
- 19 Q Okay. Now I want to ask about just the Cornish
- 20 hens, I'm not so much care about the Cornish hens
- 21 but --
- 22 A Okay.
- 23 Q Do you keep chickens?
- 24 A Yes, sir.
- 25 Q Okay. And do you have grapevines around there as

DW - D. HOOVER - DIRECT

1 well?

2 A Yes, sir.

3 Q You have a tractor?

4 A Yes, sir.

5 Q Okay. All right so, Dennis, you then left your
6 — you got up about 3:30. What did you do? Tell me
7 what you did until you left. How long does it take
8 usually to get to the Interstate Shell?

9 A Well, I was going — hit 20. I didn't bypass it,
10 but I was getting close. I said, well, I got to pee
11 bad. I have had bladder problems. Oh, I'm on
12 medication for that too. So I went in and I pulled
13 in with my truck and —

14 Q Dennis, let me stop you so — I don't want to
15 interrupt you.

16 A Okay.

17 Q But tell the jury the route you took because
18 these folk are from Lee County. They probably know
19 the route you took but tell them the route you took
20 from your house to where you were at that Interstate
21 Shell?

22 A Well, I came down Eddie Watkins Road, hit 341,
23 came to Bishopville, hit 15, and went out toward the
24 Interstate Shell.

25 Q Okay. And it takes — how long about did it take

DW - D. HOOVER - DIRECT

1 you to get to Interstate Shell you think?

2 A I'd say 15 to 18 minutes.

3 Q All right, all right. You thought about that
4 some, right?

5 A Yes, sir.

6 Q Okay. So what happened is when you went to
7 Interstate Shell now, tell me about the car you were
8 driving?

9 A I was driving a Chevy S-10.

10 Q Okay. Let me see if I can show you a picture of
11 that. All right, Dennis, I want to hand you a
12 photograph. Dennis, I want you to look at these
13 three photographs and ask if you can identify for
14 the jury what those are, those are pictures of.

15 A Yes, this is the truck.

16 Q That's the truck?

17 A Yes, sir.

18 Q That what?

19 A Sir?

20 Q Is that the truck you drove that day?

21 A Yes, sir, it's the truck I drove.

22 Q I see one of the photographs there's a red truck
23 in the back?

24 A Yes, sir, that's a Toyota, Toyota.

25 Q Okay. How many trucks do you have, Dennis?

DW - D. HOOVER - DIRECT

1 A Three.

2 Q Okay. You got that green one, right?

3 A Yes, sir.

4 Q You got a red one, right?

5 A Yes, sir.

6 Q Then you got a white one?

7 A I got a white one.

8 Q Okay, all right. So that truck is the one you
9 were going to drive that day?

10 A Yes, sir.

11 Q Now Dennis, since January the 4th, 2014, have you
12 been able to drive a truck?

13 A No, sir.

14 Q Why not?

15 A Last time — well, I can't go in there wearing,
16 you know, I had to have a witness. It's that bad
17 with these Boyces. I have to have a witness. If I
18 go anywhere they have me put in jail. Same with my
19 brother Tommy Hoover back there and his little
20 friend back there. I got two warrants on me now in
21 magistrate court for trespassing, and I ain't a bit
22 more trespass on their land than I am flying around
23 this courtroom.

24 Q Okay. Dennis, so this is an accurate, fair and
25 accurate depiction of your truck?

DW - D. HOOVER - DIRECT

1 A Yes, sir.

2 MR. JONES: Your Honor, I want to hand
3 these over to Mr. Gentry to publish those to him and
4 I -- Your Honor, I want to move these into evidence.
5 I tell you they're a packet of three.

6 MR. GENTRY: That's fine.

7 THE COURT: Admitted without objection.

8 MR. JONES: This will be Defendant's
9 Exhibit Number 1.

10 (WHEREUPON, State Exhibit Nos. 1-A through 1-C were
11 marked for identification and admitted into
12 evidence.)

13 MR. JONES: Your Honor, I'll publish these
14 to the jury.

15 THE COURT: Yes, sir.

16 BY MR. JONES:

17 Q Now Dennis, when you went into the parking lot of
18 Interstate Shell -- pardon me, Your Honor, so I can
19 look through. I'm handing you Exhibit Number 9 and
20 Exhibit Number 10. They are already in evidence as
21 plaintiff's Exhibit Number 9 number 10. I want to
22 hand you a photograph, or these two photographs, and
23 ask is that what you remember Interstate Shell
24 looked like?

25 A Yes, sir. Yes, sir.

DW - D. HOOVER - DIRECT

1 Q Dennis, you see on that exhibit, Exhibit Number
2 10 there's a B, circle B on there, do you see that?
3 You see a circle B written on there?

4 A Yeah, that's right.

5 Q Okay. You've heard Justin Boyce saying that's
6 where he parked his vehicle. Now can you tell the
7 jury where your vehicle was parked that morning?
8 And I'm gonna take, I'm gonna take this Exhibit
9 Number 9, Defendant's [sic] Number 9 and ask if you
10 can remember approximately where your vehicle was
11 parked that morning. Can you see Exhibit Number 9,
12 the location of approximately where your vehicle was
13 parked?

14 A Yes, I was parked where that small white truck
15 is.

16 Q All right. Well, how about circle approximately
17 where your truck was parked and — no, put an H
18 approximately where you were parked.

19 A (Complies.)

20 Q All right, and circle that.

21 A (Complies.)

22 Q Now you have circled on Exhibit Number 9
23 approximately where you were parked; is that right?

24 A Yes, sir.

25 MR. JONES: I want to publish these too to

DW - D. HOOVER - DIRECT

1 the jury please, Your Honor.

2 BY MR. JONES:

3 Q Now Dennis, when you entered the Interstate Shell,
4 did — by the way, how often do you go to Interstate
5 Shell?

6 A That's the first time.

7 Q All right. Now when you entered, when you went
8 through the Interstate Shell there are two
9 driveways, one on extreme right and one on extreme
10 left which as you faced the Interstate Shell, which
11 driveway did you go in?

12 A I'm not sure I understand.

13 Q Well, I probably didn't ask it well. There's a
14 McDonalds there to the right?

15 A Yes.

16 Q Did you go, did you go in the driveway between
17 the McDonalds and Kentucky Fried Chicken?

18 A Yes, I did. Yes, I did 'cause I bypassed
19 Interstate Shell when I said, you know, you better
20 pee before you get on the interstate, you know.

21 Q Okay. By the way, you said, you said Colin,
22 Colleton?

23 A Colten, Colleton.

24 Q Tell the jury where that's close to, what town?

25 A Orangeburg, it's close to Orangeburg.

DW - D. HOOVER - DIRECT

1 Q So about how many miles you're talking about your
2 think?

3 A I really didn't know. I was hoping to get a map
4 and make it to Orangeburg and eat breakfast and ask
5 some questions about where the auction was going to
6 be. I had talked to William Claxton about the
7 Cornish hens. It's the as the Cornish hens you buy
8 at the grocery store, they just as good as a quail.
9 I was wanting to get some of them.

10 Q Okay. And so Dennis, you were in the green truck
11 and you pulled in Interstate Shell and you parked
12 where you marked the H, then tell what happened?

13 A Well, I got out the truck and I started to walk,
14 walked inside. I seen the restroom on the right. I
15 thought the women's and the men's was there, but it
16 was just -- I walked down there, it was the women's
17 bathroom. So I backed out, and I started looking
18 around. And I went further back into the building
19 and I seen men's restroom and I went in.

20 Q Okay. When you went in the store what were you
21 looking for?

22 A I was looking for the restroom.

23 Q Okay. And now when you went -- so you walked
24 past. I want to ask you a little bit. There's been
25 some discussion about what was in your hand, okay.

DW - D. HOOVER - DIRECT

1 What was in your right hand? There was discussion
2 about that. What was in your hander?

3 A It was my keys. It's a habit I got to keep from
4 locking myself out of the truck.

5 Q Okay, Dennis, I want to hand you what's marked as
6 Exhibits 4, 5, 6, 7 and these are enhanced photos.
7 I want you to look at those photos. You see those
8 photos?

9 A Yeah.

10 Q You?

11 A That's me.

12 Q Is that that morning?

13 A Yes, sir, that's that morning.

14 Q Okay. And what's in your right hand?

15 A It's my keys. You can look at them and tell
16 that's my keys.

17 Q Well, Dennis, you have your keys in the courtroom
18 today?

19 A I don't -- no, sir, I don't. I don't.

20 Q Do you remember giving those keys to me?

21 A I think I do.

22 Q Tell the jury what I'm handing you. Tell them
23 what that is.

24 A That's the keys. That's the keys. It's got
25 several different vehicle keys on it there. And you

DW - D. HOOVER - DIRECT

1 can see this here key is a smaller on the end.
2 That's for the white Toyota truck. All right. And
3 this key here is for a lock on the red Toyota truck.
4 And this key here is for a green Chevrolet truck.
5 Q And the green Chevrolet truck is the one we've
6 shown the jury?
7 A Yes, sir. And the house keys, yes, sir.
8 Q Okay. Dennis, I want you to, I want you to -- I
9 see the enhanced photos. When you carry that key in
10 your pocket, I mean, when you carry this key you had
11 it in your right hand. Is that --
12 A Yes, sir.
13 Q --the same key you had?
14 A Yes, sir.
15 Q Okay. And that's the key you used for that truck
16 that day?
17 A That's right.
18 Q Now these enhanced photos, can you tell the jury
19 what was actually in your hand at the time?
20 A Yes, sir, that was the keys right there. That
21 was the keys.
22 Q Okay. Now Dennis, there were questions -- I'm
23 gonna publish these to the jury again. Dennis,
24 there were questions that were asked of -- there
25 were comments about that you opened the door with

DW - D. HOOVER - DIRECT

1 your left hand instead of your right hand. You
2 heard them testify to that. Can you tell the —
3 address that. Why did you open the door with your
4 left hand instead of your right hand?

5 A Well, I had to blame my daddy for it. Daddy
6 could drive a nail with each hand, and the biggest
7 part of all the grandchildren are left handed. And
8 I write right handed and bat left handed so I had to
9 blame that on mom and daddy.

10 Q Actually, that's where you and I met first, on a
11 baseball field?

12 A That's exactly right. You don't have no hard
13 feelings, do you?

14 Q No, sir, no, sir. All right, Dennis, so you
15 walked in the place that night?

16 A Yes, sir.

17 Q You walked in the place. And did you see Justin
18 Boyce in the outside part of the store?

19 A No, I didn't.

20 Q Okay. And what was your purpose for going in
21 that bathroom?

22 A I had to pee real bad.

23 Q Okay. And Dennis, did you have a right to be in
24 that store?

25 A I sure did. I had a right to be in there.

DW - D. HOOVER - DIRECT

1 Q Okay. So Dennis, you walked in the men's
2 bathroom. Tell the jury what you did.

3 A I went to the first urinal on the right, and I
4 peed. And then I went to the first sink on the
5 left. And as I was just before washing my hands I
6 heard a stall door open, and I heard footprints
7 coming. I didn't look 'cause you're in a bathroom.
8 You don't open the door or not, you know, I mean,
9 but I heard a footprint. And the footprint stopped
10 behind me; and they said, it's gonna be worse this
11 time old man. And I looked up at the mirror and
12 Justin Boyce was standing right over my left
13 shoulder between me and the door. He had a grin on
14 his face and he hit me in the back of the head.
15 Well, there was a tussle; I hit back. He had my
16 shirt up over my head trying to pull my shirt over
17 my head, and I never did get a good lick on him. I
18 hit him on the shoulder and he hit me on the top of
19 the head. And I felt something. It was hot, and I
20 knew that he had a knife 'cause I had seen him run
21 his hand in his pocket. Well, we grappling around
22 there. I got on his back somehow and we went to the
23 floor. When we went to the floor I looked around.
24 He had his hand with the knife in it like this here
25 (indicating), and I grabbed it with both hands and

DW - D. HOOVER - DIRECT

1 we rolled, and this is the way the knife was doing.
2 It was in his face. And he dropped the knife. And
3 I jumped on top of the knife and I rolled over with
4 it and he was on top of me. I told him get up off
5 of me. He kept on coming. And I started doing like
6 this, and I meant to. I meant get him off of me.
7 He could have easily killed me with the heart
8 condition; and if that ain't self-defense, I don't
9 know what is.

10 Q Well, Dennis, why didn't you, why didn't you run
11 out the bathroom?

12 A I couldn't. I couldn't. He was on top of me.
13 He had me pinned down.

14 Q Well, Dennis, did you feel any sense of fear?

15 A I sure did.

16 Q Why is that?

17 A Because I'm not put together to fight right now.
18 I can't, I can't accelerate. I can't accelerate.

19 Q Dennis, I want to talk to you about that fear a
20 little bit, okay?

21 A All right.

22 MR. JONES: Excuse me please, Your Honor.

23 BY MR. JONES:

24 Q Dennis, you had already, by your testimony today,
25 you've already, you had already been attacked by

DW - D. HOOVER - DIRECT

1 Justin Boyce one time before; hadn't you?

2 A Justin and Marshall.

3 Q Okay. And that was in June the 30th, 2011?

4 A Right.

5 Q And because of what happened on June the 30th,
6 2011, does that factor in what sort of fear you had?

7 A Yeah, it wasn't only that. The blockings in the
8 road, darting at me with 18 wheelers, I mean, it's
9 been a continuous thing. These guys got turkey
10 barns and they — I fought my brother against the
11 turkey barns. I'm not for turkey barns, none at
12 all, and I got my reasons for not being for turkey
13 barns. Now you ladies got breast cancer and you men
14 got prostate cancer. I'm sure I'm gonna be asking
15 you, are you a nutritionist, are you a scientist,
16 are you a doctor?

17 Q Dennis, I want to ask you, I want to hand you a
18 series of photographs. 1, 2, 3, 4, 5, 6, 7, 8. And
19 would you tell me if that's a fair and accurate,
20 accurate representation of how you looked after the
21 June 30th incident?

22 A I ain't as good looking as I was. That's me.

23 Q Yes, sir. This is a fair and accurate
24 representation?

25 A Yes, sir, that's me.

DW - D. HOOVER - DIRECT

1 Q Okay.

2 MR. JONES: Your Honor, I'll show these
3 Mr. Gentry.

4 MR. GENTRY: When were they taken?

5 BY MR. JONES:

6 Q Dennis, can you tell the Court — I should have
7 asked you this. Tell the Court when they were
8 taken.

9 A They was taken the day it happened by my brother
10 Lindy Hoover.

11 Q That's June 30th, 2011?

12 A Yes.

13 Q Okay.

14 MR. GENTRY: No objection.

15 MR. JONES: Your Honor, I'd like to mark
16 these Defendant's 2 as a packet.

17 THE COURT: They're admitted without
18 objection.

19 (WHEREUPON, State Exhibit Nos. 2-A through 2-H were
20 marked for identification and admitted into
21 evidence.)

22 MR. JONES: Okay Dennis, let me continue
23 on. So after you recovered the knife, tell the
24 jury, continue to tell the jury what happened.

25 A I told him to get up off of me and he kept

DW - D. HOOVER - DIRECT

1 coming. He had his hand around my neck. He's
2 trying to strangle me. And I went across -- I
3 didn't even know where I was swinging. I just went
4 back like this here. And the cuts down here, I must
5 have put them on there. You know, I claim them.
6 But these cuts up here, they come from me and him
7 rolling and wrestling on the floor and I had his
8 hand and the knife was in his hand and that's where
9 these cuts come from.

10 Q Okay. Have you had a chance to look at these
11 photographs?

12 A Yes, I think I have, but I'll look again.

13 Q Dennis, I want to hand you Exhibit Number 31.
14 Tell me, tell me what about the nature of that cut
15 that leads you to believe it actually he got cut in
16 the scramble.

17 A Well, it's on his left cheek and if you turn it
18 like this here, I had a hold of his right hand. He
19 had the knife in his hand. I had my left hand on
20 his right hand and my right hand. I couldn't turn
21 loose. I had a pistol in my pocket and a pistol
22 permit. I could have killed this man and been in
23 the right. But I am not a killer; I'm not a killer.
24 So I held on to it, I held on to it. But he
25 actually cut himself; it wasn't me. I didn't cut

DW - D. HOOVER - DIRECT

1 him. You can look at the cut marks on it. That's
2 not me; that's not me. It comes from this, rolling
3 and doing this (indicating). If it had been like
4 this here (indicating), you'd say, well, Hoover cut
5 that man; but it wasn't like that.

6 Q All right. Dennis, let me talk to you a little
7 bit about when you talked to law enforcement. I'm
8 gonna hand the jury this Exhibit Number 31. When
9 you talked to law enforcement after that, after the
10 incident, why didn't you tell them, why didn't you
11 say what you just said? Why didn't you, why didn't
12 you tell them those things? You heard Mr. Dellinger
13 say you weren't cooperative. Tell them, tell the
14 jury why you didn't tell them.

15 A Well, Mr. Dellinger, he said I wasn't
16 cooperative. You know why I wouldn't cooperate?
17 Sign this paper that you're guilty. Man, you lost
18 your mind, I ain't signing no paper. And then he —
19 I told him to take me to jail. I seen what he was
20 doing. He wanted me to admit that I was guilty to
21 something I'm not guilty of. I told him to take me
22 to jail. He wouldn't take me to jail. He kept on
23 and on, him and Cam Watson. And then they talking
24 about they look me over. They ain't look me over.
25 I've had this cut on my side. I didn't tell them

DW - D. HOOVER - DIRECT

1 nothing about it. I wasn't looking for no help from
2 them. They didn't help me before I come down here
3 wanting warrants for them Boyces for jumping on me.
4 They could have killed me. The doctor told me that
5 I lucky they didn't —

6 MR. GENTRY: Objection to what the doctor
7 told him.

8 BY MR. JONES:

9 Q Dennis, let me ask you, what do you mean they
10 didn't help you before?

11 A The police department here in Bishopville told me
12 that I needed a witness to take a warrant out for
13 the Boyces.

14 Q When was this, Dennis?

15 A This was June 30th.

16 Q Okay.

17 A 2011. I can get into a little detail but it'd be
18 speculation again. But politics and sheriff's
19 office hand in hand.

20 Q Dennis, let me ask this, and we're gonna look at
21 the video in a minute so the jury can see that as
22 well. When you walk out of the station, tell me a
23 little bit about what you were thinking and why you
24 walked out like you did. I notice you weren't
25 running when you left. Why weren't you running when

DW - D. HOOVER - DIRECT

1 you walked out of the bathroom itself?

2 A I didn't feel that I had anything to be guilty
3 about.

4 Q And why is that?

5 A Because he attacked me, and I could have very
6 well lost my life and I consider myself lucky that I
7 didn't lose my life.

8 Q Okay. All right, so Dennis, we're gonna look at
9 the video in a little bit. As you walked out you
10 put your hand in your pocket. What did you have in
11 your hand when you put it in your pocket?

12 A I wanted to get my keys for the truck where I
13 could sky-daddle.

14 Q Well, let me ask about the knife that was used
15 that Mr. — I believe you said that was Mr. Boyce's
16 knife, correct?

17 A Yes, sir.

18 Q What happened to that knife?

19 A When I got home I had two knives in my pocket and
20 a pistol, and I put the two knives in the medicine
21 cabinet. And the pistol, I might have put it on my
22 dresser, but I know the two knives was in the
23 medicine cabinet.

24 Q Okay. All right, obviously you had the knife in
25 your hand. Can you describe what kind of knife it

DW - D. HOOVER - DIRECT

1 was?

2 A It was a hunting knife, hunting knife, skinning
3 knife.

4 Q Okay. All right, so Dennis, we're gonna look at
5 the video just a minute. When we look through the
6 video it shows you running, appear to be running in
7 front of the station. Why is it you were running at
8 that time?

9 A I thought he was going to get a gun 'cause I
10 thought he had a gun. They always — I know that
11 Marshall and Justin carry a AR-15 assault rifle, and
12 that was no match for, I mean, my little pistol, for
13 no match for assault rifle.

14 Q All right. So after you left and ran in front of
15 the store where did you go?

16 A I went to my truck and then I left and went home.

17 Q And what color truck were you driving?

18 A I was driving a green truck.

19 Q All right. So did you go on to Colleton County
20 for —

21 A No, no, no, no. I knew that I was going to
22 probably be arrested because the reason I didn't go
23 to the police department is because they didn't help
24 me before and I didn't have no confidence they was
25 going to help me again. So I went home and I seen

DW - D. HOOVER - DIRECT

1 them ride up and down the road. Neighbor called me
2 and told me they had both ends of the road, and then
3 a cousin called me and told me and said, why don't
4 you give up. I said, I'm gonna give up but I ain't
5 gonna jump in the jail house, they're gonna have to
6 come up here and get me. So they called me and told
7 me, said Dennis, I need to talk to you. I said come
8 on up here, I ain't gonna hurt you. They come on up
9 there. Then Cam come up there and arrested me, but
10 Cam was not the arresting officer, SLED was.

11 Q Okay. Now you've heard, you've heard Mr. Watson
12 say that you said, you said I'm surprised you didn't
13 get here sooner or something like that or I knew you
14 were coming. Did you say that? If you did, what
15 did you mean by it?

16 A I don't remember saying it; but if I did, it was
17 probably cutting fool with Cam. You know, like he's
18 supposed to be Mat Dillon, you know. I mean, I just
19 cut the fool with him, you know, when I see him
20 around, you know.

21 Q You knew Cam before you started?

22 A Yes, I knew Cam.

23 Q All right. Now when you went to the sheriff's
24 department what happened then?

25 A Well, interrogation, you know, he -- he would not

DW - D. HOOVER - DIRECT

1 turn me loose. It was over and over, sign this, I'm
2 gonna help you, you know. I said, okay, take me to
3 jail, I ain't got nuttin to say. Come on, Dennis,
4 tell me, you know, I'm gonna help you, I'm gonna
5 help you. Yeah, uh-huh, well, you see where I'm at,
6 some kind of help.

7 Q Okay, all right, Dennis, I want to talk to you a
8 little bit about the video so the jury can hear your
9 discussion of the video, okay.

10 MR. JONES: Your Honor, would it be okay
11 if we could recess for a moment to allow me to set
12 up the video so I can get my assistant on that so we
13 can make a smooth presentation.

14 THE COURT: All right, ladies and
15 gentlemen of the jury, I'll have you go to the jury
16 room for a few minutes. Please do not discuss the
17 case.

18 (Whereupon, the jury was removed from the courtroom
19 at 10:57 a.m. and a break was taken from the
20 proceedings.)

21 THE COURT: All right, bring them on.
22 (Whereupon, the jury was returned to the courtroom
23 at 11:13 a.m.)

24 THE COURT: Yes, sir, you may proceed.

25 MR. JONES: Thank you.

DW - D. HOOVER - DIRECT

1 BY MR. JONES:

2 Q Dennis, before I forget, I want to move these
3 into evidence. These keys that you talked about,
4 those are the keys you had that day?

5 A Yes, sir.

6 Q That's the key ring you had?

7 A Yes, sir.

8 MR. JONES: Your Honor, I'd like to move
9 these into evidence, Defendant's Exhibit Number 3.

10 MR. GENTRY: No objection.

11 (Whereupon, Defendant Exhibit No. 3
12 was marked for identification and admitted into
13 evidence.

14 THE COURT: Without objection.

15 MR. JONES: Judge, I suppose I have ---

16 THE COURT: Yes, everything in evidence
17 will go to the jury room at the end of the case, ---

18 MR. JONES: Yes, sir.

19 THE COURT: ---ladies and gentlemen of the
20 jury.

21 MR. JONES: Thank you. I'd publish these
22 to the jury, Your Honor.

23 BY MR. JONES:

24 Q Okay, Dennis, I want to bring you up here to the
25 video. Now Dennis, I want you to stand here because

DW - D. HOOVER - DIRECT

1 Ms. Frances, the court reporter has got to be able
2 to see your mouth, okay.

3 MR. JONES: Your Honor, can you see from
4 here?

5 THE COURT: Can I see what?

6 MR. JONES: Sir?

7 THE COURT: Can I see that computer, that
8 TV screen?

9 MR. JONES: Have you got enough — you
10 seeing —

11 THE COURT: No, it's turned. I can't see
12 around the corner.

13 MR. JONES: How about that, Judge?

14 THE COURT: That's good.

15 MR. JONES: Okay. Your Honor, I'll just
16 try to watch that I don't block. Ms. Burris, I want
17 you to — Ms. Burris is my assistant, been with me
18 35 years. She's kind enough to help me on this.
19 Ms. Burris, would you go ahead and begin the video
20 please.

21 (Defendant steps down from the witness stand.)

22 (Video is played for the jury.)

23 BY MR. JONES:

24 Q Mr. Hoover, I want you to look at this video.

25 When it gets to 4:28:23, where is Justin Boyce going

DW - D. HOOVER - DIRECT

1 right about the front of the store?

2 A I don't know.

3 Q Okay, all right. You weren't in the store,
4 correct?

5 A No, I wasn't in the store.

6 Q All right, go ahead.

7 (Video continued.)

8 BY MR. JONES:

9 Q Dennis, you see -- you've seen a white vehicle
10 going back and forth in front of the store. Is that
11 your vehicle?

12 A No, that's not my vehicle. I can't tell if it's
13 a car, a truck, a mini van, I don't know what it is.

14 Q Okay. Go ahead.

15 (Video continued.)

16 BY MR. JONES:

17 Q All right, Dennis, you see the time is 4:32:39.
18 You see that; don't you?

19 A Yes, sir.

20 Q Is that you entering the store?

21 A It looks like it, yes, sir.

22 Q And where did you park your green truck?

23 A Right next to Kentucky Fried Chicken.

24 Q Now if you're facing the store, the jury looking
25 at the store, which way would it be, which

DW - D. HOOVER - DIRECT

1 direction? Left or right?

2 A Right. /

3 Q If you're facing looking out of the store like
4 the jury is looking out of the store?

5 A Looking at the store it would be to the left.

6 Q Okay. All right. And you had parked as you
7 indicated on the exhibit, correct?

8 A Yes.

9 Q All right. Now stop it. Dennis, you notice you
10 opened it with your left hand. I've asked you some
11 questions about that, some questions, and your
12 response is what?

13 A That's Herbert Hoover's idea.

14 Q And who is Herbert Hoover?

15 A My father. I write right-handed, bat
16 left-handed.

17 Q Okay.

18 A But there's some Hoovers back here left-handed?

19 Q Okay.

20 A The family is fully of left-handed people.

21 Q All right. And Dennis, a jury, a jury, the jury
22 might be wondering, say, you know, it's January 4th,
23 you got on short sleeves. Tell the jury why you had
24 on short sleeves.

25 A Well, I was going on a long ride and I'd always

DW - D. HOOVER - DIRECT

1 take my jacket off in the truck. And I just got
2 out. I didn't put my jacket on 'cause I was going
3 to be a short time in the heat. That's basically
4 it, you know.

5 Q All right, Dennis, what do you have in your right
6 hand?

7 A That's my truck keys.

8 Q Okay. And Dennis, I want you to watch what you
9 do next, okay?

10 A Okay.

11 Q Go ahead.

12 (Video continues.)

13 MR. JONES: Stop it.

14 BY MR. JONES:

15 Q Now Dennis, at 4:32:43 you turned to your right,
16 correct?

17 A Yes, sir.

18 Q What are you looking for when you went in that
19 store, Dennis?

20 A Restroom.

21 Q Were you looking for a person when you went in
22 that store?

23 A No, I wasn't looking. I didn't know any of those
24 women or nothing. I checked them out a little bit
25 but I didn't know nobody.

DW - D. HOOVER - DIRECT

1 Q Okay.

2 A I ain't never been in there. That was my first
3 time in there.

4 Q Okay. So you were looking for a bathroom; is
5 that right?

6 A Yes, I was looking for a bathroom.

7 Q Is that why you turned to the right?

8 A Yes, I did see restroom on the door; but as I got
9 closer, it said women's restroom. I said, well, I
10 can't go in there so.

11 Q Yeah, so —

12 A I backed out.

13 Q Okay, go ahead.

14 (Video continued.)

15 BY MR. JONES:

16 Q Now Dennis, I notice your gate? How fast or slow
17 you were walking? Were you walking fast or slow, or
18 is that your normal walk?

19 A Well, I was walking, you know, I was wanting to
20 get to the restroom. I wasn't going to win the
21 Kentucky Derby, but I was moving on, you know, with
22 a pretty, pretty good steps, I'd say, stride.

23 Q Okay.

24 MR. JONES: All right, go ahead please.

25 (Vide continued.)

DW - D. HOOVER - DIRECT

1 BY MR. JONES:

2 Q All right, Dennis, at 4:33:18 had you just turned
3 into the bathroom?

4 A I think I was pretty close by what it looks like
5 in there.

6 Q So you went in the bathroom about 4:33:18?

7 A Yes, sir, pretty close to it.

8 Q 4:33:18 is when you went to the bathroom,
9 correct?

10 A Yes, sir.

11 Q All right. Now, all right, that's 4:35:40. What
12 is that a picture of; can you tell me?

13 A It's too blurry, too blurry.

14 Q 4:35:41, who is that, if you know?

15 A That's somebody running.

16 Q Do you know who it is?

17 A Not really.

18 Q All right.

19 MR. JONES: Go.

20 (Video continued.)

21 BY MR. JONES:

22 Q Do you know who that is in that picture?

23 A That looks like me.

24 Q Okay. So at 4:35:40 is when Justin came out the
25 bathroom, correct?

DW - D. HOOVER - DIRECT

1 A Must have been, yes.

2 Q Okay. Dennis, is that you at 2 minute 12
3 seconds?

4 A Yes, that's exactly what it is.

5 Q All right, Dennis, so when you're walking out, I
6 want you to describe to the jury, are you running
7 out, walking out? Tell the jury what you're doing.

8 A It's hard to complain the excitement, your blood,
9 your heart pumping; but I wasn't running but I had a
10 pretty fast walk. I was planning on getting out
11 'cause I didn't know what would be expected. I
12 really and truly didn't know what to expect. I know
13 these fellas carry assault rifles, and I just had a
14 little pocket pistol with me this morning. And I
15 was really trying to protect myself by getting out
16 of a position that I could have got hurt.

17 Q Okay.

18 MR. JONES: Go ahead, Ms. Burris.

19 (Video continued.)

20 BY MR. JONES:

21 Q Okay, Dennis, it's 4:35:50. You had your hand in
22 your right pocket, is that right?

23 A Yes, sir.

24 Q And why did you have your hand in your right
25 pocket?

DW - D. HOOVER - DIRECT

1 A I was trying to find my keys.

2 Q All right. And did you have Justin's knife at
3 that time?

4 A Yes, I did.

5 Q Okay, all right. And so what were your
6 intentions at that point?

7 A To get back to 717 Eddie Watkins Road.

8 Q Okay. And why didn't you plan to go ahead and go
9 to Colleton county?

10 A Because I knew that there was going to be law
11 enforcement involved, I felt like that. And after
12 going through fighting for my life as I did, it
13 wouldn't be no fun regardless of what I had planned.
14 I was pretty much a nervous wreck.

15 Q Okay.

16 MR. JONES: All right, go ahead please.

17 (Video continued.)

18 BY MR. JONES:

19 Q Now Dennis, it appears to be somebody running in
20 the front of the interstate. Is that you running
21 through there?

22 A Very well could have been.

23 Q All right. Why were you running at that point?

24 A I, like I said, I was in fear for my life, and I
25 know that he carries an AR-15.

DW - D. HOOVER - DIRECT

1 Q Okay.

2 A I've had too many people tell me. They can't
3 deny.

4 Q Okay.

5 (Video continued.)

6 BY MR. JONES:

7 Q Now I see that Mr. Boyce came out of the store.
8 Did you see him at that point?

9 A Yeah -- no. Outside? I -- no, I didn't. My --
10 as a matter of fact I can't see him now, but I know
11 he's out there; I seen him go out.

12 Q Okay, go ahead.

13 (Video continued.)

14 BY MR. JONES:

15 Q Dennis, you can go ahead and take your seat.

16 A (Complies.)

17 Q Dennis, after you had a chance to look at the
18 knife that Mr. Boyce, you say Mr. Boyce had, was the
19 knife sharp?

20 A Yes, it was.

21 Q Okay.

22 A It was a skinning knife, camouflage.

23 Q Okay. Dennis, why didn't you -- you told law
24 enforcement I believe they've said that you said you
25 lost the knife. Why didn't you tell them where the

DW - D. HOOVER - DIRECT

1 knife was?

2 A Well, it had got to the point where me and Mr.
3 Dellinger, that I was willing to talk as much junk
4 as he did. But I had the knife; I had the knife.
5 And had my knife. Both of them were in the medicine
6 cabinet in the bathroom. And shortly afterwards,
7 three young men broke in my house and stole all my
8 knives.

9 Q All right, Dennis, you had the Mr — or the State
10 has presented some razor blades, or not razor blades
11 but some box cutter blades, and they've said they
12 got these from your house. I'm gonna hand you —
13 that's Plaintiff's Exhibit Number 46. Are those
14 blades, are those or they look like blades that were
15 in your house when they searched your house?

16 A I remember one of them, they said one of them was
17 open. I remember trying to put a blade in one of
18 these things and I don't recall putting it in there.
19 But there was a box cutter or carpet knife or
20 utility knife, there's supposed to be difference, is
21 what somebody told me. But anyways, those are my
22 blades and I got them out of a tool box that I
23 bought from the flea market.

24 Q Okay. Well, did you have, did you have a box
25 cutter or utility knife or something like that at

DW - D. HOOVER - DIRECT

1 your house?

2 A Yes, I did, and I had seven more out in the old
3 house.

4 Q You say the old house. Is that house right next
5 to yours?

6 A Yes, sir, the house I was raised in. Yes, sir.

7 Q The house you were raised in?

8 A Well, yes, sir, from one to four and from four to
9 eleven and then moved back from eleven on up, you
10 know, till I was a man.

11 Q Okay. Dennis, when you went in that bathroom
12 that day did you attack Justin Boyce?

13 A I certainly did not.

14 Q All right.. Tell the jury who attacked who when
15 you went in that bathroom?

16 MR. GENTRY: Asked and answered.

17 THE COURT: Objection is overruled.

18 THE WITNESS: Is it all right if I answer
19 it?

20 BY MR. JONES:

21 Q Yes, sir, go ahead, look at the jury and tell
22 them.

23 A Justin Boyce attacked me. This is the second
24 time this man has jumped on my back, second time.
25 That says a lot about a man that jump on an old

DW - D. HOOVER - DIRECT

1 man's back.

2 MR. JONES: Excuse me please, Your Honor.

3 BY MR. JONES:

4 Q Dennis, did you know that Justin Boyce was in the
5 Interstate Shell when you entered the Interstate
6 Shell?

7 A No, I did not.

8 Q When is the first time you knew that Justin Boyce
9 was in that Interstate Shell at all?

10 A When I heard a voice behind me. I heard the
11 steps coming. I heard the stall door open. I heard
12 the steps coming. And we were right there at the
13 exit door, or the entrance door. And I heard a
14 voice, said it's gonna be worse this time old man.
15 And I looked up in the mirror and he was standing on
16 my left shoulder between me and the door.

17 Q Okay. Dennis, exhibit 17 and 18 is a picture of
18 you and your hands. Did you object when those
19 pictures were taken of you and your hands? Did you
20 object to that?

21 A No, I didn't object to it.

22 Q And —

23 A I'd have shown them something else if they wanted
24 to look.

25 Q Did anybody ask you to take off your shirt?

DW - D. HOOVER - DIRECT

1 A No.

2 Q Would you have done that had they asked you to?

3 A I would have, yeah, I would have. Well, I, I'm
4 not rejecting none -- I mean, I'm already in the
5 jail house. I'm not going to reject to make things
6 worse on me.

7 MR. JONES: Excuse me please, Your Honor.
8 Beg the Court's indulgence, Your Honor. I want to
9 look through these exhibits.

10 BY MR. JONES:

11 Q All right, Dennis, I'm handing you Exhibit Number
12 21 and Exhibit Number 22, and I want you to take a
13 pen on Exhibit Number 21 and mark the urinal at
14 which you were the one that you used when you went
15 in that Interstate Shell?

16 A Okay. What you want me to put on it?

17 Q I just want you to put an H by the one that you
18 used.

19 A Okay, that's the first one right there.

20 Q So when you went in it's the first one on the
21 right; is that correct?

22 A That's exactly right.

23 Q All right. Now Dennis, I want you to put an H on
24 Exhibit number 32 that shows where you were standing
25 when you first saw Justin Boyce.

1 A (Complies.)

2 THE COURT: Is this the first time going
3 over this information, or are you going over the
4 same thing again?

5 MR. JONES: Actually, he's marking
6 photographs to depict where he was standing.

7 THE COURT: All right.

8 MR. JONES: Okay, I'll publish this to the
9 jury, Your Honor.

10 THE WITNESS: You want this, Dickie?

11 BY MR. JONES:

12 Q Yeah, probably a good idea to keep it together.
13 Dennis, when you were in the scramble on the floor
14 with Justin Boyce, did you intend to kill him?

15 A No, I was fighting for my life. I was, I am not
16 able to fight nobody. I am disabled, four stints in
17 my heart. And this has been since 1997, and it's a
18 continuous thing. '05, two more stints. I've been
19 on Plavix now since '97. Somebody told me you're
20 not supposed to be on that type medication for a
21 period of time so I must be in pretty bad shape
22 'cause I don't have no energy.

23 MR. JONES: Your Honor, I think I just
24 need to put Exhibit 3 back in unless Mr. Gentry —
25 Your Honor, I have no further questions of this

1 witness at this time.

2 THE COURT: Any cross-examination?

3 MR. GENTRY: Judge, we'd like to take a
4 brief recess before we begin cross.

5 THE COURT: All right, please go to the
6 jury room for a brief recess. Please do not discuss
7 the case.

8 (Whereupon, the jury was removed from the courtroom
9 at 11:39 a.m.)

10 THE COURT: How much time you need,
11 gentlemen, Mr. Gentry?

12 MR. GENTRY: Five or ten minutes, Judge.

13 THE COURT: Say it again?

14 MR. GENTRY: Five to ten minutes.

15 THE COURT: Okay, you tell me the time.

16 MR. GENTRY: Ten.

17 THE COURT: Ten minutes?

18 MR. GENTRY: Yes, sir, at the most. I'll
19 come see you when we're ready.

20 THE COURT: All right. We'll take -- I'm
21 gonna announce a recess. It won't be when you come
22 and tell me. We'll take a ten minute recess.

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

25 MR. GENTRY: State's ready, Your Honor.

DW - D. HOOVER - CROSS

1 THE COURT: All right, let's bring them
2 on.

3 (Whereupon, the jury was returned to the courtroom
4 at 11:57 a.m.)

5 THE COURT: Cross-examination.

6 MR. GENTRY: Yes, sir.

7 **CROSS-EXAMINATION**

8 BY MR. GENTRY:

9 Q Mr. Hoover, you said I believe this was the first
10 time you'd been to the Interstate Shell; is that
11 correct?

12 A Yes, sir.

13 Q Normally you eat breakfast at Wilco's; isn't that
14 right?

15 A Not always, no, sir.

16 Q But quite frequently?

17 A I had, you know, a doughnut or cup of coffee and
18 maybe go to Florence Flea Market.

19 Q So they had restrooms at Wilco, correct?

20 A I wasn't going that far.

21 Q You were going to the interstate and you were
22 going underneath the entrance to the interstate;
23 were you not?

24 A No, I was going towards ---

25 Q No?

DW - D. HOOVER - CROSS

1 A —Columbia, and I was going to hit 601, go to
2 Orangeburg.

3 Q Oh, I see. So in other words, you were not going
4 to come anywhere near the I-20 interchange?

5 A You what — I don't understand.

6 Q I-20 interchange is where I-20 meets US 15.

7 A Well, I don't —

8 Q Just past---

9 A I get off at 15 on I-20 going to Columbia.

10 Q And how far is Wilco past that interchange?

11 A I really don't know. It's probably third of a
12 mile maybe.

13 Q Not far then, is it?

14 A No, it's not far.

15 Q Okay, thank you. But you know they have a
16 restroom in the Wilco?

17 A Why ---

18 Q Mr. — I asked you a question. Did you know they
19 had a restroom at Wilco?

20 A Yea, I could have stopped off the side of the
21 road and peed.

22 Q All right, thank you, sir. When you walked in
23 the door you did not ask the clerk where the
24 restroom was, did you?

25 A Mr. — as far as I'm concerned there wasn't

DW - D. HOOVER - CROSS

1 nobody standing right there. There wasn't nobody
2 standing there.

3 Q Nobody was behind the clerk's counter?

4 A Well, there might have been behind the clerk's
5 counter, but I'm talking about at the women's
6 restroom.

7 Q Well, of course nobody was standing in the
8 women's room. We're talking about the clerk's
9 counter.

10 A I didn't know it was a women's restroom.

11 Q I understand that, but did you ask the clerk
12 where the restroom was?

13 A No, I didn't. She was busy.

14 Q When you got -- I'm a little bit confused here
15 about this business and the restroom quite frankly.
16 You say you had completed your business, you had
17 gone to the urinal, you had finished your business
18 there. You had gone to the sink to wash your hands.
19 Is that correct?

20 A That's it.

21 Q All right. And you were at the second sink on
22 the left; is that correct?

23 A I was at the first sink.

24 Q The first sink coming in the door?

25 A Coming in the door on the left.

DW - D. HOOVER - CROSS

1 Q The first sink coming in the door on the left.

2 All right, sir. Would you take a look at what's
3 been marked State's Exhibit 23 for identification
4 and tell me where the mirror is there.

5 A A mirror?

6 Q The mirror?

7 A It's over the sink.

8 Q It's over the sink. It runs all the way from the
9 entrance way to the toilets to the left; does it
10 not?

11 A Mr. Gentry, I couldn't see the toilets from here.

12 Q I'm asking you, can you see that mirror right
13 there?

14 A Oh, yeah, there's a mirror there, but there's a
15 wall here.

16 Q I understand that. I'm not asking you about
17 anybody in the toilet; I'm asking you about that
18 mirror. That mirror ran all the way over to the
19 sink you were standing at?

20 A That's right.

21 Q All you had to do was look up and you could see
22 who was coming out of the toilet area, correct?

23 A Mr. Gentry, I don't know about that now.

24 Q Well, you standing at the sink and all you got to
25 do is look and doesn't the mirror -- don't mirrors

DW - D. HOOVER - CROSS

1 reflect?

2 A If I wanted to know who was in the toilet I'd
3 went back and stuck my head under the door.

4 Q Oh, really. You didn't do that though, did you?

5 A No, I didn't.

6 Q You saw somebody in there, but knew that was
7 Justin Boyce in there; didn't you?

8 A No, I didn't.

9 Q Oh, okay. Let me ask you this question, Mr.
10 Hoover, you didn't drive that white pickup that
11 morning, did you?

12 A No, I didn't.

13 Q All right. Now you were going to an auction
14 sale?

15 A That's right.

16 Q And what did you hope to buy?

17 A Some Cornish hens.

18 Q Some Cornish hens, all right, sir. Does the S-10
19 have a camper shell on it?

20 A No, it doesn't.

21 Q How were you planning on transporting the Cornish
22 hens back? Inside the truck with you?

23 A Orange crates.

24 Q Sir?

25 A Orange crates.

DW - D. HOOVER - CROSS

1 Q Orange crates. And these crates would be in the
2 back of your truck?

3 A That's right.

4 Q What was the temperature that day?

5 A Well, it couldn't have been real cold 'cause I
6 had on my short sleeves and other people was in
7 their short sleeves so.

8 Q Well, I think you said earlier you took your
9 jacket off and left it in the truck; didn't you?

10 A I did that at the house. I never even put it on.

11 Q You never put your jacket on?

12 A No.

13 Q You didn't have it with you?

14 A Yes, I did.

15 Q You did have it with you, all right. Now if
16 you'd driven back from Orangeburg or wherever you
17 were going with chickens in the back of that thing,
18 even with orange crates, wouldn't it have been
19 rather cold? Could they have frozen?

20 A I don't know what the temperature was; but
21 however, let me explain to you something about foul.
22 Game foul or animals or any type of chicken can
23 stand cold weather as good or better than a polar
24 bear.

25 Q That's because of the feathers?

DW - D. HOOVER - CROSS

1 A I imagine so.

2 Q You don't know; you just think so, okay. Where
3 was Justin's knife when you got out of the
4 Interstate Shell? You said it was a skinning knife?

5 A It was in my pocket..

6 Q It was in your pocket?

7 A Yes, it was.

8 Q How long was it?

9 A Well, I believe it was as long as this pen here.

10 Q That's not much of a skinning knife, is it?

11 A Yes, it is.

12 Q That's including the handle?

13 A Well, a lock blade folds out like this here, see.

14 Q Uh-huh?

15 A Yeah.

16 Q And you had already folded the lock blade up and
17 you put it in your pocket that way?

18 A That's right.

19 Q Okay. So let me go back and ask you some other
20 questions about that. Now you say you were standing
21 at the sink and Justin came up to you and said
22 something to the effect, it's gonna be worse this
23 time old man?

24 A He did.

25 Q And then he hit you in the back of your head?

DW - D. HOOVER - CROSS

1 A With a grin on his face.

2 Q All right. And what did he do then?

3 A Well, that when he throwed some punches. Neither
4 one of us —

5 Q Wait a second, he was behind you?

6 A Right.

7 Q What was the next thing that happened?

8 A When he was behind me?

9 Q Yes.

10 A He hit me in the back of the head.

11 Q Right. Then what happened?

12 A I hit back at him. He pushed me around.

13 Q Wait a second. How did you hit back at him?

14 A With a three way combination.

15 Q You turned around?

16 A Wait a minute, I know what you're getting at. He
17 was between me and the door.

18 Q Uh-huh.

19 A And I could not make an exit.

20 Q But he was directly behind you you said?

21 A No.

22 Q No?

23 A He was over my left shoulder. He was between me
24 and the door.

25 Q So he was going to block you in you think?

DW - D. HOOVER - CROSS

- 1 A Well, if that's what he intended to do, yes.
- 2 Q You don't know that. You just know he was over
- 3 your left shoulder?
- 4 A Yes, I do too. I couldn't get out the door. I
- 5 thought about it. I couldn't get out the door.
- 6 Q When did you see that knife?
- 7 A I saw it on the second combination.
- 8 Q You were both throwing punches?
- 9 A Well, Justin had throwed the punch. My shirt was
- 10 over my head.
- 11 Q Okay.
- 12 A And I couldn't accurately throw punches, but I
- 13 did —
- 14 Q How did your shirt go over your head?
- 15 A He jerked it over my head.
- 16 Q He jerked it over your head?
- 17 A Yeah. And it wasn't all the way over my head,
- 18 but, he tried to get over my head.
- 19 Q Okay. Is this the shirt you were wearing that
- 20 morning?
- 21 A That's right.
- 22 Q That's the one right there; it says heritage on
- 23 it?
- 24 A That's right.
- 25 Q All right. And you see all those places where

DW - D. HOOVER - CROSS

1 they took blood spatters?

2 A Yeah, that's —

3 Q You said you had a cut I believe on your right
4 side?

5 A Yes.

6 Q You see any indication that there's blood on the
7 right side of this shirt you were wearing?

8 A I don't know. See, I was cut in fatty area too
9 so I don't, you know. If you lay that shirt down I
10 can show you how I got blood on it.

11 Q Go right ahead.

12 A It was like in here (indicating). All this blood
13 here and here come from Justin being on top of me.

14 Q Uh-huh, all right.

15 A All right.

16 Q So y'all — tell me what happened after that?

17 A We rolled around. I was on top of him; he was on
18 top of me.

19 Q Okay. And you're an old man, and you can't
20 fight?

21 A I can't fight.

22 Q You can't fight. That doesn't explain why you
23 threw everything to the ground and tried to engage
24 with Marshall earlier that, in 2011?

25 A I'm gonna tell you something, Mr. Gentry.

DW - D. HOOVER - CROSS

1 Q I just want you to answer the question.

2 A You don't understand.

3 Q I want you to answer the question. You can
4 explain it to your heart's content when your defense
5 counsel asks you. Answer my question.

6 A I am not scared of Marshall boys or no other man.
7 They might get a -- I might not get but a sandwich
8 while they're getting steak, but I will not run. I
9 am not gonna run from no man.

10 Q As a matter of fact, the reason you're so mad at
11 the Boyces because they don't run from you; isn't
12 it?

13 A Of course not. The reason I don't care about the
14 Boyces is turkey barns and they dirty; they double
15 team you.

16 Q Well, let's talk about that just for a minute.
17 Now you didn't have any problems with the turkey
18 barns until your brother put turkey barns or had
19 applied for his permit; did you?

20 A Well, that might be what they told, but I found
21 out early about the turkey barns and the chemicals
22 and the contamination.

23 Q Now let's go back and talk just for a minute
24 about what happened there at Interstate Shell. You
25 didn't stop and call the clerk and say call 9-1-1,

DW - D. HOOVER - CROSS

1 this guy just tried to kill me, did you?

2 A Mister, I am walking with pain right now down my
3 back through my shoulder because of that.

4 Q All right. Now let me ask you this question,
5 when you got home did you call the Sheriff's Office
6 and tell them what had happened?

7 A I figured they was coming.

8 Q Well, let me ask you this, did you call them and
9 tell them?

10 A If I called them and they'd come out there, the
11 first thing they probably would have done ---

12 Q Just answer the question please, Mr. Hoover.

13 A ---they would have shot me, tazed me, or beat me.

14 Q Why?

15 A That's all you see on TV, shit.

16 Q This is not TV, Mr. Hoover ---

17 A They killed somebody in ---

18 Q ---this is Lee County.

19 A ---New Jersey last night ---

20 Q This is Lee County ---

21 A ---and he didn't have a gun.

22 THE COURT REPORTER: One at a time please.

23 BY MR. GENTRY:

24 Q You don't mean to tell me you think you'd be
25 treated any differently because of who you are, do

DW - D. HOOVER - CROSS

1 you? Yes or no.

2 A I'm thinking. Yes, you're exactly right, it's
3 who you are.

4 Q Who you are. Now you've asked for help from the
5 Sheriff's Office before; have you not?

6 A Yes.

7 Q And the Sheriff's Office gave it to you?

8 A No, they didn't.

9 Q Well, let's see here. In 2004 you filed an
10 incident report against your brother and you
11 subsequently got a warrant against your brother.
12 And the sheriff took the incident report and when
13 the magistrate issued that warrant, they served it,
14 right?

15 A I don't know.

16 Q You don't know. You don't remember going to
17 court with this?

18 A Well, look, with Tommy Hoover it's about every
19 two or three weeks there's something, some kind of
20 warrant, some kind of gun violation. It's a
21 continuous thing with him.

22 Q It's not a continuous thing with you?

23 A No.

24 Q You're an honest, law abiding citizen?

25 A Well —

DW - D. HOOVER - CROSS

1 Q You don't make your opinions known to everybody?

2 A I have been fishing without a license.

3 Q Okay. You don't make your opinions known to
4 everybody?

5 A Well, I don't have nothing to hide.

6 Q You think you're pretty opinionated or you're
7 pretty straight forward and you're reasonable or
8 calm?

9 A Well, I felt -- I feel like, you know, that I can
10 answer about what anything you got to ask.

11 Q All right, let me ask you this, what's this all
12 about, this picture I'm showing you? That was a
13 photograph of a sign posted in your yard; wasn't it?

14 A That's exactly right.

15 Q Okay.

16 A And I can tell you exactly why I did that.

17 Q Why?

18 A Because I'm being stalked by these people.

19 Q You're being stalked?

20 A Yes, I am.

21 Q It's all their fault?

22 A Well, it's got to be if he's stalking me.

23 Q Okay. Back up just -- they're stalking you. You
24 didn't drive that white truck?

25 A Look, it's in the transcript, Mr. Gentry. If you

DW - D. HOOVER - CROSS

1 want to read the transcript. It's in —

2 Q I've read more transcripts —

3 A —the transcript.

4 Q —than you have over my lifetime, sir.

5 A Say what?

6 Q I've read more transcripts than you have in your
7 lifetime.

8 A Well, you ain't read the right one —

9 Q Well, —

10 A —because Tommy Hoover admitted that him and the
11 Boyces were taking turns watching me.

12 Q Really? What transcript is that?

13 A It's in one of them.

14 Q In one of them? Well maybe your lawyer can show
15 it to me. You think so?

16 A I believe he can.

17 Q Do you have a copy of it?

18 A No, I don't.

19 Q You don't?

20 A Not with me.

21 Q Not with you, all right. Now let's go back and
22 look at these pictures you say were made at your
23 brother's feed store. This is 2-G. Correct?

24 A Yeah, that's what it says.

25 Q All right. Those are all scratch marks down your

DW - D. HOOVER - CROSS

1 back. How did you get those scratch marks?

2 A On rocks and asphalt.

3 Q Okay. They look pretty uniformed. You sure this
4 wasn't done with a rake?

5 A Ha, I'm not a pile of leaves or trash in the yard
6 —

7 Q No, but somebody could have —

8 A ---in the yard. You think that I'm gonna lay
9 down and let somebody hurt me?

10 Q Why did you take your stuff out of your pocket to
11 engage in fisticuffs with Marshall Boyce if you are
12 a sick old and infirm?

13 A Plain and simple. Even though I'm not able to
14 fight I was going to be fair about it.

15 Q You're going do what you thought you had to do?

16 A Well, you know, Marshall, you know, he's kind of
17 a cocky guy. I wanted him to get some of it if he
18 wanted it.

19 Q And you thought you could give it to him?

20 A Let me answer something another way.

21 Q No, just answer the question. You thought you
22 could give it to him?

23 A No matter what reason, what purpose, most men
24 aren't willing to fight, I am, and don't forget it.
25 Don't forget it.

DW - D. HOOVER - CROSS

1 Q Wonderful, that's wonderful, I appreciate that
2 comment. Let me ask ---

3 A I'm not saying that I'm starting no fights, and
4 I'm not saying I'm able to fight. I'm just saying
5 you ain't gonna run me off.

6 Q Well, let me ask you this, after you got trounced
7 that day, after both of them jumped on you and beat
8 you senseless apparently, you had two witnesses come
9 in yesterday. I think it was Mr. Ellerby and Ms --
10 I can't remember that lady's name. And they said,
11 we thought we heard Dennis Hoover's name out there,
12 we thought we heard his voice; and yet they went
13 outside and couldn't find anybody, what happened.

14 A I think they seen the vehicles. They seen three
15 guys, they heard my voice. They knew what kind of
16 vehicles Boyces were driving. I think that's good
17 enough evidence.

18 Q No, sir, that's not that they said. That's what
19 you're saying they said. That's what you're saying
20 they heard. They didn't see you. They didn't come
21 to you. You didn't go to them.

22 A I was in the ditch.

23 Q You were in the ditch?

24 A That's the reason they didn't see me.

25 Q Okay. And so yet you were able to recover enough

DW - D. HOOVER - CROSS

1 to get up. How did you get back home that day?

2 A It wasn't easy. It wasn't easy. I had three
3 broke rib, a clot in my lung. I had to walk back.

4 Q And what did you do after you got back home?

5 A Well, I can't remember if I went to the Sheriff
6 Department or went to the emergency room.

7 Q All right. But in the meanwhile you were aware
8 that Marshall Boyce had filed an incident report
9 alleging assault and battery in the third degree
10 against you; is that correct?

11 A You know, that's strange to me how they can get
12 an incident report against me and both of them
13 jumped on me.

14 Q What day did you go down to the Sheriff's
15 Department to get that incident report?

16 A I believe it was the same day.

17 Q Same day. And these pictures were taken the same
18 day?

19 A I'm not sure. I believe they was. I believe
20 they was.

21 Q Did you go to the doctor the same day?

22 A I went to the emergency room, yes.

23 Q Same day?. Where are the records?

24 A They at the Camden emergency room.

25 Q Well, why aren't they here?

DW - D. HOOVER - CROSS

1 A My word is good enough.

2 Q Okay. You might think so, sir, but there are
3 people who would dispute that.?

4 MR. JONES: Object, Your Honor, testimony
5 by counsel.

6 THE COURT: Objection sustained.

7 MR. JONES: I ask it be stricken.

8 THE COURT: The jury is to disregard that
9 comment by counsel.

10 BY MR. GENTRY:

11 Q Okay. Now I believe you indicated that -- go
12 back, let's go back to the restroom there. And you
13 said Justin hit you in the back of the head and he
14 put both hands around your neck?

15 A When I was on the floor.

16 Q When you were on the floor. All right, and then
17 what happened?

18 A We rolled. It was sky, or ceiling, floor. You
19 ever been in a fight? That the way it goes.

20 Q Yeah.

21 A Ceiling, floor.

22 Q I doubt I've been in as many as you have,
23 Mr. Hoover, that's neither here nor there.

24 MR. JONES: Object, Your Honor.

25 THE WITNESS: I got a clean record,

DW - D. HOOVER - CROSS

1 Mr. Gentry.

2 MR. JONES: Object to the testimony of
3 counsel, Your Honor.

4 THE WITNESS: Don't try to make me out to
5 be a bad man because I'm a lover.

6 BY MR. GENTRY:

7 Q So that's how those scratches got on your back?

8 A Well, them scratches got on my back from two butt
9 holes dragging me around the concrete rocks.

10 Q All right. Now let's go back to the, to the
11 restroom in the service station. Justin hit you in
12 the back of the head and he put both hands -- you
13 turned around I guess. He put both hands around
14 your neck?

15 A Wrong.

16 Q Wrong. Tell me, what happened? Where did he put
17 his hands?

18 A We were on the floor when that happened, Mr.
19 Gentry.

20 Q Okay. And he put both hands around your neck?

21 A He sure did. That shirt ought to be proof
22 enough. You see the blood around my collar.

23 Q But he had both hands around your neck?

24 A I think he did, yes. I believe he did. I know he
25 did.

DW - D. HOOVER - CROSS

1 Q Which hand did he use, the third hand to hold
2 that knife?

3 A I had the knife.

4 Q You had the knife?

5 A He dropped the knife, and I confiscated the
6 knife.

7 Q Oh, okay. So he had the knife initially. He
8 dropped it. Why'd he drop it?

9 A You want me to show you? Come over here, I'll be
10 happy to show you.

11 Q I don't need to show that. I don't need that.

12 A I'll be happy to show you.

13 Q I want you to answer the question. I want you to
14 answer the question.

15 A Justin Boyce had the knife originally when he
16 pulled it.

17 Q Uh-huh.

18 A He had it in his hand like this here. I was on
19 his back and I had both my hands here.

20 Q Okay.

21 A And it was back and forth in front of his face.
22 And if you look at that picture you know that that's
23 the kind of cut it was. It wasn't no cut like this
24 (indicating).

25 Q It was a horizontal cut?

1 A I don't know if it was horizontal.

2 Q Across his face?

3 A You know, you out of space now.

4 Q That's a up and down cut. That's a vertical cut.
5 Isn't it?

6 A That ain't no up and down. You're looking at —

7 Q That's 33. That's his face.

8 A Well, it might be 44. But I'm still telling you,
9 you can look in his face and tell that that wasn't
10 no cut like this here.

11 Q Oh, really, despite what the doctor said
12 yesterday?

13 A Well, that doctor didn't look too impressive to
14 me.

15 Q I see —

16 THE COURT: Let's have order in court. I
17 don't want any reaction to any testimony.

18 BY MR. GENTRY:

19 Q And Mr. Hoover, you've had four years of college
20 and four years of medical school and internships and
21 graduate assistantships and certified in all these
22 medical fields?

23 A I've castrated a few pigs; I'm qualified.

24 Q Okay. That makes you an expert in medicine?

25 A Well, I ain't gonna say that, Mr. Gentry. I'm

DW - D. HOOVER - CROSS

1 not gonna tell you I'm the smartest man in the
2 world; but however, I'm a country man and I know
3 about raising gardens, pigs, chickens.

4 Q I think — but this, instead of being a skinning
5 knife, this was a lock blade knife now, right?

6 A Mr. Gentry, most knives, skinning knives, are
7 lock blades.

8 Q Oh, really, they're not like a sheath knife?

9 A They can be.

10 Q Can be, all 'right. Now, did you see when Justin
11 opened that lock knife?

12 A I sure did.

13 Q When?

14 A When we were fighting.

15 Q When you were fighting, while you were fighting
16 around he reached in his pocket, pulled his knife
17 out and opened it up?

18 A I don't think Justin liked what was going on.

19 Q So you had — he had to take both hands off of
20 you at some point to reach in his pocket, pull out
21 his knife, and open it?

22 A No.

23 Q No?

24 A We was apart when that happened when he got the
25 knife.

DW - D. HOOVER - CROSS

1 Q If that's the case why didn't you go out?

2 A I couldn't. He had the door blocked.

3 Q So you just couldn't move him off to one side,
4 throw him off and go out the door?

5 A Well, I don't know about how strong I am right
6 now, Mr. Gentry, but I'm working on it, okay. I --
7 it took all I could do to hang in there with Justin
8 Boyce, okay. I am not able to fight and however I
9 want you to understand, I was fighting for my life.

10 Q So you had his big adrenaline rush?

11 A That's different.

12 Q You got it.

13 A When you fighting for your life, yes.

14 Q So you could have thrown him -- with this
15 adrenaline rush you could have thrown him off to one
16 side and gone out the door?

17 A No, no, not hardly.

18 Q No, that's not enough adrenaline?

19 A Mr. Gentry, we wasn't on our feet long. We were
20 what they call graveling, if you've ever watched a
21 tennis match.

22 Q But you said when this thing got started that he
23 was to your left shoulder?

24 A He was.

25 Q And at that point did you feel any kind of

DW - D. HOOVER - CROSS

1 adrenaline rush?

2 A Mr. Gentry, he pushed me down the sink, okay. He
3 was still between me and the door. This is where he
4 pulled the knife.

5 Q That's where he pulled the knife.

6 A That's right, and that's — and my shirt was up
7 here (indicating) and he cut me.

8 Q Okay.

9 A All right, he cut me.

10 Q And there's no blood on your shirt?

11 A No blood on my shirt.

12 Q Okay. But you're cut?

13 A Yep.

14 Q Now you supposedly bleed and bruise real easy.

15 A Well, sometimes I can knick a finger and it'll
16 bleed bad. And then sometimes, you know, I can have
17 a deeper cut and it don't, don't bleed that much. I
18 think that's true with everybody.

19 Q Well, let me ask you this one second, Mr. Hoover.
20 This is the picture they took of you at the jail the
21 day after. That's what Major Dellinger took.

22 A Well, you can look at this picture and tell I was
23 worked over. You ain't never seen such a sad face
24 on a man.

25 Q Oh, my goodness, a sad face means you've been

DW - D. HOOVER - CROSS

1 worked over?

2 A Sure it does.

3 Q Did it bruise your mouth?

4 A Pride.

5 Q Did you -- oh, your pride, okay. Now let's look
6 on the other thing, on your hands. That's the
7 reverse of this. That's State's Exhibit Number 18.

8 You see any bruises there?

9 A You know something, I believe I do.

10 Q Really?

11 A Uh-huh.

12 Q You're the only one that has so far, Mr. Hoover.

13 A Hum, well, I'm the only one looking for them. Do
14 you see this right here (indicating)? That looks
15 like to me a bruise or some type of injury.

16 Q And that's the only one, that's the only possible
17 one you saw?

18 A Well, like I say, you know, these guys, they said
19 they looked for this and looked for that but, I had
20 the mark on me and they didn't see it so.

21 Q Well, let me ask you this question, Mr. Hoover.
22 You were going to a sale that morning, correct?

23 A Yeah.

24 Q You were going to an auction sale? Was there
25 going to be anything involved at the auction other

DW - D. HOOVER - CROSS

1 than chickens?

2 A I don't really know if they were having an
3 auction or not. This man, his name is William
4 Claxton.

5 Q Okay.

6 A He's over at Colleton, other side of Orangeburg,
7 12-miles. I know his son had -- there's zebras and
8 monkeys. And I was really interested in the Cornish
9 hens.

10 Q All right. You didn't know what you were going
11 to buy though, did you?

12 A No, I, I'm a sucker for about anything.

13 Q Okay. So are you in the habit of leaving large
14 sums of money in your trucks overnight?

15 A Yes, I am.

16 Q You are? So you left \$18,800 in your white
17 Toyota truck that night?

18 A It's better than my house. If it had been in my
19 house when these burglars broke in I wouldn't have
20 had it.

21 Q But your burglars broke in after you were
22 arrested; isn't that correct?

23 A That's right.

24 Q Now where did you keep this box cutter you had in
25 your house?

DW - D. HOOVER - CROSS

1 A It was in the bottom kitchen drawer.

2 Q Bottom kitchen drawer,, And you heard Major
3 Dellinger say they looked all around there and found
4 no box cutter. They found a bunch of knives. All
5 they found were the blades.

6 A The only thing I got, again, what Major Dellinger
7 said, and why didn't he take all the knives. I
8 got -- you counting kitchen knives, you counting
9 pocketknives, you counting hunting knives? And he
10 didn't take nothing but the razor blades or the
11 carpet blades or whatever they are?

12 Q I believe you heard him say why he didn't take
13 them; there were too many.

14 A Oh. Well, he could have borrowed a truck or
15 something.

16 Q Let me ask you this, State's exhibit 11, what
17 does that show?

18 A It look like a tiger paw Boyce's farm.

19 Q Boyce farm, Boyce brother's farms. And this was
20 the same truck that was parked at Interstate Shell?

21 A Hey, I did not see that at Interstate Shell.
22 Let's make that clear.

23 Q You saw the white truck though.

24 A I seen the front. I seen two white trucks. I
25 seen the front of these trucks. And when I was

DW - D. HOOVER - CROSS

1 running out I seen the truck leave.

2 Q Did you see a white Toyota pickup truck with a
3 camper shell on it leave?

4 A I can't identify, tell you if it was a Toyota or
5 what it was.

6 Q But you own a white Toyota pickup with a camper
7 shell on the back?

8 A Yes, I do. Would you like to go through the
9 pictures again, Mr. Gentry?

10 Q I don't know, Mr. Hoover. I think you've
11 probably seen them enough with Mr. Jones. We'll see
12 in just a minute.

13 A Is there any video on the outside, Mr. Gentry,
14 that might say that that was my truck?

15 Q I think you've heard that testimony, Mr. Hoover.
16 Let me ask you this, looking here at State's Exhibit
17 Number 1. You were talking about how Major
18 Dellinger was so difficult to deal with. Now he
19 gave you this form; did he not?

20 A I don't remember.

21 Q You don't remember. You remember being at the
22 Sheriff's Office —

23 A Yeah.

24 Q —and him telling you some rights?

25 A Yeah, I didn't even —

DW - D. HOOVER - CROSS

1 THE COURT: If you'd refer to the exhibit.

2 BY MR. GENTRY:

3 Q Exhibit Number 1.

4 THE COURT: There's a proper way to
5 reference something given to a witness.

6 MR. GENTRY: Yes, sir.

7 BY MR. GENTRY:

8 Q You have the right to remain silent. You
9 remember hearing that?

10 A They probably told me that.

11 Q Anything you can say, you say can and will be
12 used against you in a court of law. You remember
13 that?

14 A Oh, yeah, I remember that.

15 Q You have the right to talk to a lawyer and have
16 him or her present with you while you're being
17 questioned?

18 A Well, it might say that, but that wasn't the way
19 it was approached to me.

20 Q Well, let me ask you this, that's what it said;
21 wasn't it? That's what was read to you.

22 A That might be what's on that paper —

23 Q Okay.

24 A —but it was signed I help you or you got to do
25 it —

DW - D. HOOVER - CROSS

1 Q Mr. Hoover, did he tell you that or did he not
2 tell you that?

3 A What?

4 Q What I just said. If you cannot afford to hire a
5 lawyer the Court will appoint one to represent you?

6 A Well, that's just, that's — I mean, that's
7 normal. That's, you know, it wasn't nothing just,
8 you know, being asking me. It would have been
9 asking anybody that was arrested.

10 Q So he — you were treated normal?

11 A Now is that what normal?

12 Q That's what he —

13 A Well, you just —

14 Q —calls normal.

15 A You just said that I was entitled to an attorney.

16 Q Well, that's —

17 A He didn't call me no attorney.

18 Q You [sic] said you're entitled to one if you want
19 one. Did you tell him you wanted one?

20 A I told him, yes, you can talk to my attorney.

21 Q You said you'd hear my story from my attorney is
22 what he said.

23 A Well, there might be something discrepancy there.

24 Q Okay. And if you decide to answer questions now
25 without a lawyer present you will still have the

DW - D. HOOVER - CROSS

1 right to stop answering at any time until you talk
2 to a lawyer. You remember that?

3 A I don't know. I don't know. I, look, I told him
4 take me to jail, take me to jail, I ain't got
5 nothing else to say to you.

6 Q And then you refused to sign?

7 A That's what it says, I refused?

8 Q Yeah, that's what he said.

9 A I refused to sign it.

10 Q Okay. Then after that Major Dellinger asked you
11 some questions about search warrants and getting a
12 key to your house?

13 A Mr. Gentry, that was crazy. SLED was already
14 there at my house and the door was open.

15 Q You mean to tell me nobody locked the door when
16 you left the house under arrest?

17 A That's exactly right.

18 Q So Major Dellinger —

19 A I left the back door open.

20 Q The back door open?

21 A Yes, sir.

22 Q So how is Major Dellinger supposed to know that?

23 A I figured, you know, one cop is too many at the
24 house.

25 Q Oh, okay. So you didn't tell him anything about

DW - D. HOOVER - CROSS

1 the door being open?

2 A Well, I don't know whether I did or not.

3 Q Okay, so I take that as a no. All right. Now
4 then, did he tell you why he wanted a key for the
5 house?

6 A Well, my nephew did 'cause he throwed everything
7 out the dressers in the floor.

8 Q Well, my question is this, did he tell you why
9 wanted a key for your house?

10 A No, he didn't. I don't know ---

11 Q He didn't tell you he wanted a key for your house
12 because he didn't want to have to break in the door?

13 A But he might as well have; he demolished
14 everything else.

15 Q Well, my question is this, did he tell you that?

16 A I can't remember, Mr. Gentry, I can't.

17 Q But the bottom line is you did not give him a key
18 to your house?

19 A I, well, I shouldn't have. The SLED was already
20 there.

21 Q That's not my question SLED is not already there;
22 that doesn't count. You don't think they're gonna
23 leave that house open while you're being taken to
24 jail?

25 A It don't make sense when you got four hundred

DW - D. HOOVER - CROSS

1 cops surrounding a double wide mobile home, it don't
2 make sense when they are already searching my house,
3 SLED is, it don't make sense.

4 Q What evidence do you have they were already
5 searching your house?

6 A I knew they were.

7 Q You knew they were?

8 A Yeah.

9 Q That's just what you saw on television again,
10 isn't it?

11 A Television?

12 Q Yeah.

13 A I've seen a lot on television; I ain't never seen
14 nothing like that.

15 Q Hum, so how many cops were there, did you count
16 them?

17 A I believe there were six or seven in that one
18 vehicle, SLED agents.

19 Q But there weren't 400, right?

20 A Not yet.

21 Q Not yet?

22 A Yeah, not yet.

23 Q So you saw Cam Watson come up, and there was some
24 other person with him I think you said?

25 A No, there wasn't.

DW - D. HOOVER - CROSS

- 1 Q There wasn't? This is just Cam?
- 2 A Just Cam.
- 3 Q And he arrested you?
- 4 A Yeah. He said, you ain't got no pistol on you,
- 5 have you.
- 6 Q You always try to make fun of law enforcement
- 7 when they're out there trying to arrest somebody for
- 8 attempted murder?
- 9 A No, just Cam. Me and him kind of buddies.
- 10 Q Oh, okay.
- 11 A Yeah.
- 12 Q You don't remember the temperature that night, do
- 13 you?
- 14 A No, I ain't too much on being a weather man.
- 15 Q Okay. Let me ask you this question,~ where was
- 16 your green truck parked that night?
- 17 A In the front.
- 18 Q In the where?
- 19 A In the front.
- 20 Q All right. But it was out in the open, right?
- 21 A What are you talking about, Mr. Gentry? Parked
- 22 where?
- 23 Q The green truck that parked at your house.
- 24 A It was in the front.
- 25 Q In the front. And that's not under cover

DW - D. HOOVER - CROSS

1 anywhere, was it?

2 A No.

3 Q Was there frost that night?

4 A I have no idea.

5 Q You don't remember? Okay.

6 A I don't think there was because I drove it and I
7 didn't give it very long to warm up.

8 Q Beg the Court's indulgence. Mr. Hoover, I
9 believe you testified that you were in the restroom
10 when Justin attacked you, correct?

11 A Uh-huh.

12 Q And you're fighting for your life?

13 A Uh-huh.

14 Q And while Justin is pulling out his pocketknife,
15 what were you doing about the pistol in your pocket?

16 A Mr. Gentry, I told a lot of junk. I am not a
17 killer. Now if Justin had continued to cut on me
18 I'd have shot him and it would have been a lot
19 simpler than it is now, all right. And if I'd have
20 shot him, it'd have been over with right then. And
21 I had a right to shoot him. That's why I got a
22 pistol permit is 'cause of both them Boyce boys
23 jumping on me. I didn't shoot him —

24 Q Whether or not it was right or not is up to these
25 twelve people over here?

DW - D. HOOVER - CROSS

1 A Oh, it's up to these guys?

2 Q Yeah, that's the jury.

3 A Okay.

4 Q They're gonna decide whether what you did was
5 right or not.

6 A That's fair enough for me.

7 Q Now Mr. Hoover, when you were admitted to jail
8 over when you were arrested, did you undergo a
9 physical examination as well as being changed into
10 jail clothes?

11 A I know I went through the jail clothes, but no, I
12 don't think I went through no physical examination.

13 Q Well, I don't mean one like your doctor performs.
14 I mean sort of a once-over, just to look —

15 A Once-over?

16 Q Once over to see if you're all in one piece.

17 A You know, I ain't trying to get smart. I get kind
18 of a strange feeling over me when a man want to look
19 at me.

20 Q Uh-huh.

21 A But I can't remember, no, sir, I don't.

22 Q Okay. Mr. Hoover, do you think these strange
23 feelings — why do you get those strange feelings
24 when a man wants to look at your body, a doctor —

25 A I'm not gonna get checked by all—

DW - D. HOOVER - CROSS

1 MR. JONES: Objection, Your Honor.

2 MR. GENTRY: —a medical person?

3 MR. JONES: Objection, Your Honor.

4 THE COURT: To what?

5 MR. JONES: That question is totally
6 irrelevant. It goes far beyond the probative value.

7 THE COURT: All right. Madam court
8 reporter, what was the question?

9 (Court reporter begins reading question
10 and is interrupted.)

11 THE WITNESS: Well, it's according to the
12 man —

13 THE COURT: Mr. Hoover, I was talking to
14 the court reporter.

15 THE WITNESS: Oh, you were?

16 THE COURT: Yes, if you'll be quiet, yes,
17 sir.

18 Go ahead, ma'am.

19 (Court reporter reads back the last question.)

20 THE COURT: All right, the objection is
21 overruled.

22 BY MR. GENTRY:

23 Q Do you always get those strange feelings when
24 somebody wants to look at your body?

25 A It's according on what kind of voice they got.

DW - D. HOOVER - REDIRECT

1 If he says, "Hey, Mr. Hoover, take your clothes off
2 [change in voice reflection]". If he said, "Hey,
3 Mr. Hoover, take your clothes off [change in voice
4 reflection].

5 Q You're not a big fan of gay people, are you?

6 A Well, they stay over there, I stay over here.

7 Q Okay, thank you. Thank you very much,
8 Mr. Hoover. Answer any questions that Mr. Jones may
9 have for you.

10 THE COURT: The objection is sustained to
11 the extent that the question solicited in response
12 that was just given. The jury is to disregard the
13 question.

14 MR. JONES: Will the Court so instruct.

15 THE COURT: Whenever the Court sustains an
16 objection the jury is to disregard the comment.

17 Redirect examination.

18 MR. JONES: Thank you, Your Honor.

19 **REDIRECT EXAMINATION**

20 BY MR. JONES:

21 Q Dennis, I want to ask you about the -- there were
22 some comments about the fight and you talked about
23 you asked Mr -- you asked Mr. Gentry if you want to
24 demonstrate?

25 A Right.

DW - D. HOOVER - REDIRECT

1 Q And he didn't want to do that?

2 A Right.

3 Q You want to demonstrate how the cuts on
4 Mr. Boyce's face came about?

5 A Yes, I do.

6 Q All right. Why don't you take this pen, take
7 this pen use that as the knife?

8 A You hold the pen; that's the knife.

9 Q Okay.

10 A (Indicating.)

11 Q And what are you saying by the demonstration?

12 A I'm saying it's not a straight cut. I'm saying
13 that that's where these marks in here come from.
14 This jag you want to know about? That's where it
15 come from.

16 Q Okay.

17 MR. JONES: I have no further questions of
18 this witness, Your Honor. Thank you.

19 THE COURT: Anything further?

20 MR. GENTRY: No, sir, not on recross. The
21 State does anticipate reply.

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

24 THE WITNESS: Thank you, Your Honor.

25 THE COURT: Yes, sir. Any further

SW - T. LEE - DIRECT

1 having been duly sworn by the Clerk, testified as
2 Follows:

3 THE CLERK: State your full name for the
4 record.

5 THE WITNESS: Teresa Ray Lee.

6 **DIRECT EXAMINATION**

7 BY MR. GENTRY:

8 Q You are — what is your current position please,
9 ma'am?

10 A I'm administrative captain of Sumter-Lee Regional
11 Detention Center.

12 Q As part of your duties you are custodian of
13 records there?

14 A Yes, sir.

15 Q Now I'm gonna show you what's been previously —
16 let me ask you this, in the course of your business
17 do you all keep records in the ordinary course of
18 your business?

19 A Yes, sir.

20 Q Why do you do that?

21 A I'm just required to keep those records so that
22 we have the information in which we collected from
23 the time of each person's incarceration.

24 Q These are required by law or by statute
25 procedure?

SW - T. LEE - DIRECT

1 A Yes, sir.

2 Q All right. Let me show you what's been marked as
3 Exhibit 50 and ask you if you can identify that?

4 A Yes, sir, jail medical screening history report.

5 Q All right. And who is that on?

6 A And this is on Mr. Dennis Edmond Hoover.

7 Q What time of day was that conducted?

8 A The actual report was conducted around 3:53 in
9 the afternoon, 15:53.

10 Q And what date was that?

11 A On January 4th, 2014.

12 Q And that would have been the date he was admitted
13 to custody; is that correct?

14 A Yes. And actually, excuse me, that date I just
15 read to you in time was the time he was booked in.

16 The actual record screening was done at 16:55.

17 Q Was this record done by qualified medical
18 personnel at your facility?

19 A Yes.

20 Q All right. And does — let me show you what's
21 been marked on — page 1 asks on paragraph two, are
22 any visible signs of fever, jaundice, skin lesions,
23 rash or infection, cuts, bruises —

24 MR. JONES: Object. Objection, Your
25 Honor. If this calls for hearsay, somebody else

SW - T. LEE - DIRECT

1 filled out this form, it calls for hearsay, then we
2 would object. And I make the objection in
3 anticipation of the fact it is hearsay.

4 MR. GENTRY: It's a business record, Your
5 Honor.

6 THE COURT: For the record is this, the
7 witness, what record is that?

8 THE WITNESS: Jail medical screening
9 history report.

10 THE COURT: All right.

11 THE WITNESS: Intake screening.

12 THE COURT: And what is that? What is a
13 jail medical record screening report?

14 THE WITNESS: The medical personnel who is
15 on duty does the screening for each intake that
16 comes into the facility.

17 THE COURT: All right.

18 MR. JONES: Your Honor, of course my
19 objection is the proper party is the medical
20 personnel, not someone else.

21 THE COURT: All right. What was the
22 question, let me hear it.

23 BY MR. GENTRY:

24 Q Would you read item one on that form please.

25 THE COURT: All right, I'm gonna overrule

SW - T. LEE - DIRECT

1 the objection.

2 BY MR. GENTRY:

3 Q Item one on the form please.

4 A Item one on the form, question one?

5 Q Yes, ma'am.

6 A Is inmate unconscious or showing visible signs of
7 injury, illness, injury, bleeding, pain, or other
8 symptoms suggesting the need for immediate emergency
9 medical referral.

10 Q And there's a block yes or no to the right?

11 A Yes, sir.

12 Q What's indicated on that form?

13 A No.

14 Q Read paragraph 2 please.

15 A Paragraph 2: Are there any visible signs of
16 fever, jaundice, skin lesions, rash, or infection,
17 cuts, bruises, or minor injuries, needle marks, body
18 burns.

19 Q And the answer to the right is yes or no, which
20 one?

21 A It's an N for no.

22 Q No, all right. May I say this one second please.

23 THE COURT: One additional question, what
24 is your position at the jail or Lee County or?

25 THE WITNESS: Our facility is the Sumter-

1 Lee Regional Detention Center, Regional Detention
2 facility that house both Lee County ---

3 THE COURT: I couldn't understand anything
4 you said. The question is what is your job again?

5 THE WITNESS: Oh, okay, my job. Okay.

6 THE COURT: Yeah, who are you and what do
7 you do?

8 THE WITNESS: Okay. I'm administrative
9 captain for the Sumter-Lee Regional Detention
10 Center. I oversee a lot of administrative
11 processes, the records, some stuff for the staff,
12 the computer system.

13 THE COURT: All right. On the basis for
14 the Court's overruling the objection is business
15 records exception to the hearsay rule.

16 MR. GENTRY: Okay.

17 THE COURT: All right.

18 MR. GENTRY: Your witness, Mr. Jones.

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

21 THE COURT: Okay, thank you.

22 MR. GENTRY: The State's reply case, Your
23 Honor. We move to admit No. 50.

24 THE COURT: Any objection?

25 MR. JONES: Objection on the same grounds.

1 THE COURT: I'll consider the objection.
2 It's marked for identification at this time.

3 MR. GENTRY: Your Honor, I —

4 THE COURT: I will rule in time.

5 MR. GENTRY: Okay.

6 THE COURT: Yes.

7 MR. GENTRY: Thank you. That's the
8 State's case, Your Honor.

9 THE COURT: All right. Ladies and
10 gentlemen, you have heard all of the evidence in the
11 case. What's coming next will be closing arguments,
12 jury charge, and then your jury deliberations.
13 We're going to break for one hour as we did
14 yesterday at 1:01 according to the computer, and we
15 will reconvene at 2:01. We're supposed to have
16 ordered y'all lunch again today. Is it here, Madam
17 Clerk?

18 THE CLERK: No, sir.

19 THE COURT: Ma'am?

20 THE CLERK: No, sir, we didn't.

21 THE COURT: You didn't what?

22 THE CLERK: You asked about lunch. No,
23 sir, we didn't.

24 THE COURT: You did not order?

25 THE CLERK: No, sir.

1 THE COURT: Ladies and gentlemen, if you
2 will go to the jury room for a moment. Please do
3 not discuss the case.

4 (Whereupon, the jury was removed from the courtroom
5 at 1:02 p.m.)

6 THE BAILIFF: They have lunch.

7 THE COURT: The lunch is in the jury room?

8 THE BAILIFF: Yes, sir.

9 THE COURT: All right, have the jurors
10 come back in to the courtroom.

11 (WHEREUPON, the jury was returned to the courtroom
12 at approximately 1:03 p.m., and the following
13 proceedings commenced in open court.)

14 THE COURT: Ladies and gentlemen, lunch
15 was ordered. I understand it's in the jury room for
16 you. We're gonna break for one hour. It's now 1:04
17 so we're gonna break until 2:04. You don't have to
18 stay in the jury room. Where did it come from?

19 THE FOREMAN: Where did the food come
20 from?

21 THE COURT: Yeah.

22 THE FOREMAN: I think it was the barbecue
23 place.

24 THE COURT: Barbecue box or something?

25 THE FOREMAN: Yes, sir.

1 THE COURT: Separately?

2 THE FOREMAN: Yes, sir.

3 THE COURT: You can take the food and go
4 if you like and be back in the jury room. Just
5 don't congregate in any area where anyone that might
6 have anything to do or any interest in this case
7 congregating. If you decide to stay in the jury
8 room then you just have to stay in the jury room;
9 otherwise, you can get it and go and be back at
10 2:04. Please do not discuss the case or allow
11 anyone to discuss it with you or in your presence.
12 Thank you.

13 (Whereupon, the jury was removed from the courtroom
14 at 1:05 p.m.)

15 THE COURT: All right. With regard to the
16 exhibit offered, the evidence is proper evidence for
17 impeachment credibility and the exhibit was admitted
18 under the business records exception to the hearsay
19 rule under the rules of evidence and it is admitted
20 into evidence over objection.

21 (WHEREUPON, State Exhibit No. 50
22 was admitted into evidence.)

23 THE COURT: All right, with regard to
24 requested jury charges.

25 MR. JONES: Yes, sir. Your Honor, we

1 for closing arguments from the State.

2 MR. GENTRY: The State would waive.

3 THE COURT: The State waives opening.

4 Defense.

5 MR. JONES: Thank you, Your Honor. Ladies
6 and gentlemen of the jury, when I was growing up my
7 mom, and by the way, is 98 and 11 months old. One
8 of the things that she taught me and I think is
9 valid, she said, when you meet people and you're
10 out, y'all smile. Guess I'll do that. Now I make
11 mention of that because I don't want you to get the
12 misimpression. I think I ought to be pleasant.
13 These are grave, grave charges that have been dealt
14 with against Mr. Hoover. So I want to talk to you
15 about these because these are grave charges. They
16 charged him with attempted murder, and we don't
17 think that is accurate. We think he's not guilty of
18 that. So I want to talk to you little bit about
19 reasonable doubt. Remember we talked to you about
20 reasonable doubt when we began? Reasonable doubt
21 the judge to going to tell you is where if you have
22 to hesitate to act, if you hesitate to think that
23 the State has proven its case beyond a reasonable
24 doubt, every element, then you must return a verdict
25 of not guilty.

1 I've got some things I want to talk to you
2 about. Make sure everybody can see this. One of
3 the first things that I told you — remember I held
4 up my fingers. There are only two people, two
5 people on the planet earth that know what happened
6 in this bathroom that day so I want to talk to you
7 about how you determine what happened in that
8 bathroom. I want you to look at the credibility
9 issue.

10 Now you know, when Mr. Hoover testified
11 today, I don't know as a lawyer, I have to tell you
12 that you wish you had a witness, you wish you had a
13 client who was maybe a little bit smoother, maybe a
14 little bit, little bit more refined, knew a little
15 bit more about how to talk and say things. But you
16 know, Mr. Hoover frankly is a country boy and you
17 guys can see that. And the reason I mention that is
18 because one thing is for sure, he might have used
19 bad grammar, he might have said some things the way
20 he shouldn't have said them, but you got to give the
21 fella high marks for credibility. And the reason I
22 say that is, you've always heard the saying, fact is
23 stranger than fiction? Well, Dennis Hoover, what he
24 said today and how he said it, that's not going to
25 be made up. It wreaked of credibility. What he

1 said wrecks of credibility. And I want to talk to
2 you a little bit about the case:

3 First of all, Mr. Hoover told you he had a
4 green truck and law enforcement said, yeah, he did
5 have a green truck. When we when around the house
6 he had a green truck, said he had a for sale sign in
7 it. You know, I had a 1999 jeep. My daughter went
8 off to college and I was trying to get this 1999
9 jeep sold; and so guess what I did. I left a for
10 sale sign in the window for about two years because
11 nobody wanted it. It was 2008, nobody wanted it. if
12 you ride by Dennis Hoover's house today, that green
13 truck at Eddie Watkins, that green truck is still
14 out in front of that house; it's still there. So
15 having a sign in the window is not an indication he
16 didn't drive it that day, and they have no evidence
17 that he didn't drive it that day. Dennis Hoover has
18 come to you with affirmative testimony, I drove the
19 green truck that day; and they've got nothing to
20 dispute that. Nobody has come up and said, no, he
21 didn't drive a green truck.

22 Let me talk to you a little bit about the,
23 talk about the white truck. They talked about a
24 white vehicle, a white truck. Let me talk to you
25 about that. Dennis Hoover's got three vehicles.

1 You remember Tommy Hoover? That's one of their
2 witnesses. He said Dennis had a red truck. He
3 does. In fact, if you look at one of the
4 pictures — excuse me, Your Honor. If you look at
5 this picture you'll see the green truck in front and
6 you will see in the background the red truck. He's
7 got, he's got three trucks. Let's talk about the
8 white truck a little bit. That white truck that
9 he's got, there's no picture of the side of that
10 truck. That could have been had but there's no
11 picture of it. So the only thing they had is the
12 front and the back of the truck. And you know,
13 there was a discussion about the frost being on the
14 truck. You know, I don't have a garage. I don't
15 have a carport but I grew up with one at home. And
16 one of the benefits of having a carport is it keep
17 the frost off of it; that's one of the benefits.
18 There's another thing was, we didn't hear from the
19 law enforcement officer when he went around there.
20 They indicated they had a lot of people from law
21 enforcement that went around there, and they waited
22 and they eventually went there to see Mr. Hoover.
23 They didn't talk about when they went around there.
24 The point is — and I want you to remember this —
25 Mr. Dellinger said, I can't identify the truck. He

1 said, I can't identify the truck. So they —
2 Mr. Hoover drove a green truck, but they can't
3 identify any truck that's associated with him.

4 Now let me talk to you a little bit more
5 about the — some things that would help. You know,
6 the State of South Carolina has a duty to come
7 forward with the proof. The only way you're gonna
8 know about what's in a case is to come forward,
9 somebody comes forward with proof. The State has
10 the burden of proving that; the judge is going to
11 tell you. They have to come out and they have to
12 show their case. And they have to show it beyond a
13 reasonable doubt, and so that's why you have law
14 enforcement officers to do those things. If the
15 State fails to sustain, or if the State fails to do
16 what they're supposed to do as far as proving the
17 case beyond a reasonable doubt, then the law says
18 you must not and cannot find guilty, you must find
19 not guilty.

20 And I want to tell you some things that I
21 wish that we had had here because I think if we had
22 it would have proven, it would have shown that what
23 Mr. Hoover has told you is right. First of all, why
24 don't we have photos of inside of the bathroom? The
25 law enforcement went around there that very morning

1 and took pictures of the outside of the bathroom but
2 not inside. If we had pictures of the inside of the
3 bathroom we would know whether there were blood
4 smudges on the floor or not. Dennis Hoover says
5 they were rolling around on the floor, and Mr. Boyce
6 says there was a scramble there. Why didn't they
7 take the inside of the bathroom? And our position
8 is if they had, it would show what really happened
9 in there, but they didn't do that. I wish they had.
10 You see, that's the burden of the State to do that.
11 You shouldn't have to guess on that. And that's why
12 the law says you must prove your case beyond a
13 reasonable doubt because the State has to do that.
14 You can't make the jury guess.

15 The next thing is the bathroom diagram.
16 There's a bathroom diagram as one of the exhibits.
17 It's mistaken. Their own witness said it's
18 mistaken. You know what would have been nice, is if
19 there could have been a diagram that Mr. Boyce could
20 have said this was a diagram of what happened and
21 where I was standing and all those things. But you
22 know what, the diagram is wrong. They said it had
23 three sinks; it only had only two. The diagram, it
24 said the stall doors opened out. Mr. Boyce said
25 they open in. There's a difference whether he

1 backed up or not. All those things matter, but you
 2 see, you can't rely on that and so what you're left
 3 to do is to guess. And you see, the State's got to
 4 prove their case beyond a reasonable doubt and you
 5 should not be left to guess. It is for that reason
 6 and one of these reasons I think that is required
 7 that you come with a not guilty because you're left
 8 to guess as to what happened because the evidence is
 9 not complete. Mr. Elijah Williams, you remember,
 10 there was a gentleman who was mopping the floor
 11 throughout the place, you remember that fella? That
 12 fellow mopping the floor, he's one of two people
 13 that was an employee of the Interstate Shell. They
 14 didn't even talk to this fella. And I understand, I
 15 know how people move; but gracious goodness, he was
 16 still working there that day, and they didn't talk
 17 to him. You know why that fella is important?
 18 Because Justin Boyce, he says there was a truck that
 19 Dennis Hoover left in, a white truck. Well, you
 20 know what would have really helped us with that is
 21 if we had the testimony of this fella mopping the
 22 floor 'cause he looked too. And if he had come in
 23 he's a disinterested third party, he could have told
 24 us what the case was. It's our position Dennis
 25 didn't get in a white truck; he got in a green

1 truck. But we don't have that witness here. If
2 only — why don't we have — the witness was
3 available; but when you wait until after the
4 preliminary hearing three months later, people move.

5 These things, these cases are important.
6 And the reason I say that is, you can't be asked to
7 rule in a case if you've not been given all the
8 evidence that you need. You need to know what that
9 fella said. I wish he was here 'cause he would back
10 us up on it. But instead, what happens is, we got
11 two people, Justin Boyce and Dennis Hoover. We got
12 two people, people, as to what truck Dennis did or
13 didn't get, the same situation with the two people.
14 Mr. Boyce is gonna tell his side believe it or not,
15 and Dennis is going to tell his side of the case.
16 If we had that witness it would help us as a
17 disinterested third party; we wish he were here.

18 Next you got side photos of the truck; I
19 mentioned that. You know, there's been discussions
20 about a truck going back and forth. You know, there
21 was reference to a truck back and forth. We don't
22 have one side photo of it; and law enforcement, they
23 went around there and had a chance to do it. But
24 it's our position if we had a side photo, it would
25 be obvious to you that that had nothing to do with

1 Mr. Hoover's truck; but we don't have that. I think
2 that's something you deserve and it's — you can't
3 rule if you don't have the evidence before you. You
4 know, we got Justin's knife. How did he get
5 Justin's knife? Dennis Hoover had said that the
6 attack is with a knife. Justin attacked him with a
7 knife. Justin said, oh, I got it. Well, where is
8 it? You know, if he didn't have it, if he didn't
9 have it, then that would say, well, that must be
10 that Dennis is right, that it was Justin's knife
11 because Justin doesn't have it anymore. But if he
12 did have it, that'd be something you need to know;
13 but they didn't look. And Justin was sitting right
14 across the desk when law enforcement said, I got it
15 in my pocket. Well, show it to me, let me see it,
16 'cause that knife is important. But we don't have
17 it.

18 Next is searching Dennis's house. Dennis
19 said that house — and they said there were a lot of
20 knives in the house. They also had, you know what
21 he didn't even bring one knife out of there. Dennis
22 Hoover said he had a hundred of them. Didn't test
23 them all to see if they were there. Dennis said, in
24 fact, the knife was there. He said, I did have it
25 there, but they didn't get it. What's really

1 interesting is that the only thing they got was
2 blades for a box cutter. And you know why I think
3 that happened? 'Cause I think that somebody had in
4 their mind, they made up their mind just from what
5 they saw that it was a box cutter used. But there's
6 no evidence. They just made it their mind it was
7 box cutters. Why not look at all instruments? And
8 so now you are left to guess and that's what
9 reasonable doubt is about. You shouldn't be left to
10 guess; that's not your fault. Law enforcement has
11 that responsibility and the State has it.

12 You know, the next thing is the warrant
13 from 6/30/11. You know, Dennis went to ask for a
14 warrant; you heard testimony about that. He did go
15 up and ask for one for the 6/30/11 incident. When
16 he was there, he couldn't get a warrant. And so
17 Dennis, you saw, you saw the pictures of the
18 whipping Dennis took. Excuse me, you saw these
19 pictures of him, the whipping he took, and you heard
20 what happened. Two fellas in a truck. Think about
21 this. Two fellas in a truck that they say they're
22 so scared of Mr. Hoover, two young fellas. This
23 fella in 2011, 57 years old. These two fellas in
24 this truck stopped the truck in the middle of the
25 road, get out of the truck, and knocked the fella

1 out. And Sally Chavis and her husband said, I
2 didn't see him; and Dennis said, I'll tell you why,
3 I was in the ditch. They left the old fella in a
4 ditch. So Dennis went to get a warrant and couldn't
5 get one. Well, I'll tell you what happens when you
6 can't count on people backing you up. When time
7 comes in a case like this one he says, well, they
8 didn't help me in the past, I don't believe these
9 people are my friends. They start out with the idea
10 that he's guilty. Let's take some pictures of the
11 bathroom, let's get the knife, let's get some
12 evidence, let's get all the knives out of my house,
13 let's get the evidence so that we can show that.
14 Well, that didn't happen. So what's happening is,
15 you guys are left to guess.

16 But you know, when I think about this
17 June 30, 2011 incident, and you say, well Mr. Jones,
18 why is that important? You know, there's a saying I
19 learned. My wife is a music major. And she'll tell
20 me sometimes, she'll say, second verse is the same
21 as the third. If the fella, these boys attacked
22 him, Justin attacked him, then what Dennis Hoover
23 says has a lot of credibility. The second verse is
24 the same as the third. You know what, it wasn't
25 just Dennis Hoover. How about the girl that was

1 bartender at Bethune. She said they -- Dennis and
2 Justin jumped on somebody else too. And do you
3 remember, you know, superlatives in high school
4 annuals, I think those are important. I think
5 because when somebody is young they don't know how
6 to cover up things. Biggest trouble maker was the
7 superlative they got. And that's one of the
8 problems we got. We got a bully situation going on
9 and we got an older fella, and what happened is they
10 attacked him in that bathroom and he had to come out
11 and do the best he could to protect himself.

12 You know, there's another word, another
13 thing too that's quite important. There's two
14 minutes and twelve seconds is what this case is
15 about 'cause everything happened in that bathroom in
16 two minutes and twelve seconds. You can look at all
17 the stuff out of it. All the stuff out of it is
18 important only to the extent that it talks about the
19 two minutes and twelve seconds, that two minutes and
20 twelve seconds. Let me tell you something, let me
21 say this, sometimes you think about two minutes and
22 twelve seconds and say, well shoot, that's not too
23 long. Let me just try this out for you. Listen to
24 this ten seconds. One thousand one, one thousand
25 two, one thousand three, one thousand four, one

1 thousand five, one thousand six, one thousand seven,
2 one thousand eight, one thousand nine, one thousand
3 ten. I emphasize that because two minutes and
4 twelve seconds is 132 of those. And what happened,
5 is while Dennis Hoover was in that bathroom this
6 whole thing happened. It all happened that one
7 spot. When Justin, when we asked him to describe
8 the ordeal, he wasn't really clear on the details of
9 what happened. He did say that we had a scramble in
10 there; we had a scramble. That's what, that's the
11 evidence that we have before us that there was a
12 scramble; that's what he called it. Dennis Hoover
13 came before you and he went and explained everything
14 that happened in there. As I told you, I told you
15 about Dennis Hoover, he might not have said the best
16 grammar, he might not have said it the best way, but
17 it wreaks of credibility. He told what happened
18 inside there. He explained how the facial cut. you
19 look at the facial cut. The facial cut on the left
20 side is jagged. It looks like a stab dig which is
21 consistent with what Dennis said, holding a hand and
22 doing this, and that's of course, why the knife got
23 dropped. So I think what Dennis, he gave you
24 details and certainly, certainly based on the facts
25 in this case, it'd certainly give you enough reason

1 to hesitate.

2 Now let me say this to you, you know, I —
3 doctors, I respect doctors, I think they're smart.
4 Certainly smarter than I am, that's for sure. They
5 go to all this school. And the good part of
6 doctors, they have a lot of compassion which is a
7 good thing, I like that. We might remember, there
8 are two people that know what happened in that
9 bathroom. It is true that the doctor saw the
10 wounds; that's true. But the doctor who stitched up
11 the face that he stitched up the facial portion in
12 here, they don't know what happened in that
13 bathroom. They know what they were told, but they
14 don't know what happened because they weren't there.
15 They see what they saw, but they don't know more
16 than that. And they certainly, they said we're not
17 sure what kind of instrument was used either. So I
18 respect the doctor. I wanted him to testify, glad
19 he testified. But the problem is, I'm hoping that
20 you understand that they can testify only so far as
21 what they know. And only two people know what
22 happened in that bathroom.

23 You know, there's an age difference here,
24 and I assume you'll take into consideration. Dennis
25 Hoover was 60 years old when this happened. I

1 happen to be 61. As I told you, Dennis Hoover and I
2 played pony league baseball with each other. That's
3 how I met him. But when you're 60 years old -- and
4 you guys probably don't get it -- but when you're 60
5 years old and you just don't have what you one time
6 had, but when you're 35 or 37 -- Justin was born
7 1977. When you're 35, 37, first of all -- and some
8 of you are that age -- and I can look back at myself
9 when I was 61 and I thought I could concur the
10 world. When you get to be 61 then you start, well,
11 maybe I'm not so smart after all. But when you're a
12 young fella sometimes you jump on some things you
13 ought not jump on. That's what happened here.

14 You know, there were photos of the hand --
15 excuse me, 2011 is over; I've already discussed that
16 with you. This is the same problem we had in the
17 past. The photos of the hands only -- you know,
18 again, it would have been nice if we had photos of
19 Dennis' upper body. Why not? Why not do that?
20 Dennis would let them take pictures of his hand.
21 Why not ask him to do that? Why not say, Dennis,
22 will you lift your shirt up, let me take a picture;
23 but they didn't do that so we left. There's another
24 thing here that -- the guns in Justin's truck, when
25 you see Dennis running by, nobody has ever denied

1 that Justin had it. Dennis talked to you about AR-15
2 in the back of his truck. That's an automatic
3 rifle; it's a military rifle. Nobody ever denied
4 that's the case. Not one person denied that he had
5 one in there. Dennis had reason to run for that
6 green truck when he got around the end of the
7 building.

8 There's another thing that I think you
9 need to consider is think about how many customers
10 were in that store. I want you to think about this.
11 Dennis Hoover, if we accept what the State has said,
12 if we accept that it does make sense, then it's
13 certainly enough to have reasonable doubt. It
14 doesn't make sense and here's why. Tell me if you
15 plan to go hurt somebody, if you're going to go pick
16 out a place that's got a lot of bright lights, a
17 place that's got customers walking in and out that
18 you can see when you go in there, got some fella
19 mopping the floor, got somebody working the desk,
20 you got cars parked out front. You know you got
21 cameras in there; you know you do. Is that the
22 place that you're gonna pick to attack somebody?
23 That doesn't make sense. That doesn't make sense.
24 And that's what happened here though. What happened
25 is, Dennis goes in a place that's well lit and it's

1 got cameras there, people all over the place. He is
2 not gonna do that that. That does not make sense.
3 But the assault, the attack, it was by Justin, is
4 very similar actually to what happened in Bethune
5 and what happened in 2011, very similar.

6 Another thing about the other customers in
7 the store. You know, you got other customers in the
8 store. You got cars going back and forth. Well,
9 you know, when I take my wife to the grocery
10 store — I just want you to think of this, and I
11 should do better I suppose. When I take my wife to
12 the grocery store I say, Jill, how about you go in
13 there and get a loaf of bread, I'll stay outside and
14 watch for you so that I don't have to park and then
15 I'll pick you out. You got people coming in and out
16 of a store, I suspect that goes on. You know,
17 again, this is a part that's — nobody can identify.
18 Nobody can identify that Dennis was in anything but
19 the green truck. That's exactly what he said. And
20 Major Dellinger said that he can't identify. Now
21 there's one thing that I hope that you didn't miss
22 is that when Justin left that bathroom, his cell
23 phone was left in there. A cell phone is in your
24 pocket. If you're reaching in your pocket to get
25 something else in there out of your pocket like a

1 knife, and sometimes what you might do is you're
2 going to knock whatever else is in that pocket like
3 a cell phone. For some reason Justin was going in
4 his pocket; otherwise, why did the cell phone fall
5 out 'cause it did fall out. He said it fell out.
6 He actually sent the fella who was mopping the place
7 back in there to get it. As far as -- this is an
8 important factor here too. Now when Dennis Hoover
9 came in that, when we show this, when he first
10 walked in that Interstate Shell, what did he look
11 for? He looked for a bathroom. He didn't look for
12 a person. In fact, when he came in he walked to the
13 right to go to the bathroom. If he had been looking
14 for Justin Boyce and knew where Justin Boyce was, he
15 wouldn't have gone to the right. That's where the
16 lady's bathroom is. What he would have done is gone
17 back to the back of the store, which he did only
18 after he realized this was a women's bathroom.

19 You know, there's one thing that I want
20 you to remember too. If Dennis Hoover was cutting,
21 cutting as Justin indicates, why aren't any cuts on
22 the back of his hand. If he was doing this why
23 aren't there cuts on the back of his hand? Why
24 aren't there cuts on his arm if he was doing all
25 this. But, if you reach for a knife you cut your

1 thumb. Or if you're really going at him on the
2 floor you can get cut on the stomach. Of if you get
3 held from the back you can get yourself cut on the
4 face. But if you're just doing this, that's another
5 thing. I want you to look at it. I want you to
6 think about that because it certainly calls for
7 reason to hesitate. There's another thing too. The
8 cuts on Justin Boyce, they're all in the front.
9 There are none on the back, nobody pursuing him. We
10 submit to you as Dennis did, he was coming at him.
11 He's coming at him and so all the cuts on the front,
12 not on the back.

13 Now I want you to look at — I want to
14 talk to you a little bit about the shirt. Well,
15 first of all, before I do that, one of the points
16 that have been made is enhanced photos. I want you
17 to look at them. If you — when you look at that
18 and Dennis told you he had his keys in his hand,
19 when I get out of my car and I suspect you do the
20 same thing, when I get out of my car, what I do is I
21 take my keys and I put them in my right hand and
22 make sure I don't lock my keys in my car so I carry
23 them with me. When I walk off I have it in my hand.
24 I want you to look. You look at the enhanced photos
25 and tell me if you don't think that this looks this

1 way. One thing for sure, one thing for sure,
2 there's enough cause to hesitate to act. And that's
3 one of the things I want you to consider in this
4 case.

5 You know, I want to talk to you about the
6 shirt a little bit. And I want you to look at this
7 shirt. Look at where all the blood is. On the top.
8 Look where that is. Now let me tell you why. Like
9 I said, Dennis Hoover told you that he was on the
10 floor on his back, could not leave, could not
11 retreat. So Dennis Hoover said he was doing that
12 and that's where the blood is, which means that
13 somebody was over him and somebody who could have
14 been choking him was at the top of the shirt.
15 That's where it was. That's all consistent with
16 what Dennis Hoover said. And the fact that Dennis
17 Hoover himself has said that he has, the shirt was
18 pulled up. You can understand the shirt wasn't
19 touching him down here where he was cut, but it's
20 shown in the pictures though. The enhanced photos I
21 talked to you about — let me say this too. You
22 now, Dennis Hoover has no criminal record. We've
23 heard talk about that he's this and he's that, but
24 he's got no criminal record. But what Dennis Hoover
25 did get is he got beat up on the side of the road in

1 2011, and then he got attacked again. And as a
2 result of that, we're here today. Let me say this,
3 ladies and gentlemen, that one of the most difficult
4 things in a case like this is there are two people.
5 There are two people stating what happened, nobody
6 else on the planet. The doctors can't say, law
7 enforcement people can't say it. Only two people.

8 Clearly in this case, if you look at the
9 facts and circumstances of this case you got to find
10 that the State has not sustained its burden of going
11 beyond a reasonable doubt. And thank goodness,
12 thank goodness that there's no beyond a reasonable
13 — that there is a beyond a reasonable doubt these
14 days because otherwise what it is is his words
15 against his. Two people words against theirs.

16 You know, one of my favorite quotes is
17 this, when I was — I've done some reading in this.
18 They said that — I heard in Germany there was a —
19 they said, this fellow said at first they came and
20 they got the Catholics and I didn't say anything
21 because I wasn't Catholic. And the second thing is
22 they came and got the Baptists. And I didn't say
23 anything because I wasn't a Baptist. And then they
24 came and they got the Jews, and I didn't say
25 anything because I wasn't a Jew. And then they came

1 to get me and nobody there to speak.

2 Ladies and gentlemen, as jurors in this
3 case you have an opportunity to set the record
4 straight on this. Two people that know what
5 happened inside the bathroom, and you must look at
6 the facts and circumstances of this case. And take
7 those steps necessary to insure that my client is
8 not convicted for something he didn't do for the
9 State must prove beyond a reasonable doubt that he
10 is anything but innocent. He is innocent. And the
11 judge will tell you, when he comes into this
12 courtroom he is cloaked with innocence. And just
13 like those people in Germany, you must speak for him
14 because speaking for him protects us all. Thank you
15 very much for your kindness and for listening to me
16 and your patience. You've been attentive to what I
17 had to say and I thank you very much. Actually it's
18 a tribute to our entire system, and we have folk
19 like you who give the attention you do. You're not
20 just going through the motion. You've given it the
21 attention it deserves. Thank you very much.

22 THE COURT: Ladies and gentlemen, I'll
23 give you a chance for a three minute stretch. You
24 can go to the jury room, you do that in that period
25 of time. Do not discuss the case.

1 (Whereupon, the jury was removed from the courtroom
2 at 2:42 p.m.)

3 THE COURT: We'll take that three minute
4 stretch too.

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

7 THE COURT: All right, bring in the jury.
8 (Whereupon, the jury was returned to the courtroom
9 at 2:47 p.m.)

10 THE COURT: Mr. Gentry.

11 MR. GENTRY: As I introduced myself
12 earlier, I'm John Gentry, the assistant solicitor,
13 one of two we have in Lee County. My job has been
14 to prosecute this case. I know you have been
15 attentive. We have been moving along steadily and
16 swiftly since you got here on Tuesday afternoon, and
17 we're about to put the case in your hands for your
18 decision. I can tell you right now I'm gonna show
19 you all the evidence that has been admitted on the
20 State's case. I'm just gonna give it to you
21 briefly. You will have all of it with you in the
22 jury room when you go so let me just recapitulate
23 with you.

24 Number 1 is the State's, the first one
25 that we saw. That was one that Major Dellinger gave

1 the defendant his Miranda rights which he refused to
2 sign. That was at the interview he conducted on
3 January 4th. Number 2 is the master tape, the
4 master disk from Interstate Shell which occurred on
5 January the 4th, that period of about 4:30 in the
6 morning to 4:35 or somewhere along there. I'm not
7 gonna show you that because we have a summary tape.
8 Exhibit 3 I'm gonna show you instead. Here is the
9 enhanced photos we have. We see in that, that's
10 number 4, shows Mr. Hoover coming through the front
11 door. Number 5 shows Mr. Hoover as he comes through
12 the front door. It's just a little further to the
13 side; he looked off to his right. Number 6 is an
14 additional picture of Mr. Hoover as he goes by the
15 cashier. We know there's something in his hand,
16 something in his hand; we don't know what it was. I
17 don't think the State is going to assume or said
18 anything. Mr. Hoover says it's the keys. That's --
19 all we know is that Mr. Boyce came out of that
20 restroom cut up pretty bad. There's Mr. Hoover
21 going down by the package case. That's Exhibit
22 Number 7. Number 8 shows him going outside the
23 store taking the outside exit going back to the car,
24 or a vehicle. Number 9 shows the outside of the
25 Shell. This is where he's parked over in this

1 vicinity right here. That's where he said. That's
2 his H on Exhibit 9. This is the fella — this is
3 Number 10. This is where Mr. Boyce said he was
4 parked, right here. Mr. Hoover would be parked over
5 here. His mark was this. This big sign — and
6 there may be some gamecock fans here, I'm not sure
7 — but at any rate, that decal was in the back of
8 Mr. Boyce's truck the night in question. It was
9 parked in front of the Interstate Shell. And why
10 does it become important? You can see this white
11 vehicle going back and forth. Somebody stopped
12 behind there and looked at the back of that truck.
13 Somebody had a reason to look at the back of that
14 truck; that's why that's important.

15 This is a picture of Mr. Hoover's Toyota
16 pickup truck. If you'll recall Justin Boyce
17 testified that Mr. Hoover left that area in a white
18 Toyota pickup truck with a camping shell on the
19 back. And low and behold, here is the white Toyota
20 pickup truck with a camper shell on the back; that's
21 Mr. Hoover's.

22 And you'll recall Deputy Watson also said
23 that he went out there early in the morning right
24 after, pretty early, there was no frost on that
25 truck. This is the back of Mr. Hoover's truck

1 showing his bumper hitch and his license number.
2 And incidentally, when you look at the defense
3 exhibit here which is Defense Exhibit 1-A, you'll
4 see a front view, a side view, and a 45 degree view
5 which you won't see one from the back view; and
6 that's because we think there's no license tag on
7 here, it's not insured. You'll also see when you
8 look at here on 1-C there's no for sale sign in that
9 vehicle.

10 This is Number 15. This is where
11 Mr. Hoover's shirt found in the laundry hamper in
12 his home. Also, you've heard the testimony that the
13 blue jeans he was wearing when he was arrested were
14 picked up by Deputy Watson and given to Major
15 Dellinger to be sent to SLED. This is a photo of
16 the shirt, Number 16. The shirt is in the bag
17 marked as an exhibit, which you will be able to take
18 in with you.

19 Number 16, 17 is Mr. Hoover. This is
20 taken the next day after his arrest. That would be
21 January 5th by SLED. You can see better on the
22 photograph than you can on the screen. There's no
23 marks on his face or neck, none. You recall his
24 testimony talking about how much they struggled and
25 Justin had his hands around his throat. This is

1 Number 18 that shows Mr. Hoover's hands. This shows
2 actually better on the photograph than it does on
3 the screen. But if you look there you'll see
4 there's no marks on his hands or arms. Number 19 is
5 the entrance way to Interstate Shell. It's the
6 men's room. You can see as you come down the cooler
7 on the red tile section, turn to the right, and you
8 go down the hallway just a bit, and there is the
9 restroom, the men's room.

10 This is the schematic that we were
11 referring to earlier. That is in evidence. And you
12 can see the photographs demonstrated. This is the
13 urinals in the bathroom. They're on the right-hand
14 side of the bathroom, four of them. Here is a
15 picture, Number 22, of the left-hand side of the
16 bathroom coming in. You'll notice there is a
17 wall-to-wall mirror going all the way from the left
18 to the right over the sinks. Anybody that's
19 standing at the left-hand sink where Mr. Hoover was,
20 can obviously see anybody coming out of the bathroom
21 area by the reflection in the mirror. Exhibit 23 is
22 a photograph where Mr. Boyce was. He said he was in
23 here. He said he was in the middle stall. There's
24 a handicap stall on the right. There's another
25 stall on the left. You can see there is a gap here.

1 You can see that gap. So anybody who comes into the
2 bathroom like where I'm standing right now could see
3 somebody was using one of those stalls.

4 This is a corridor leading from -- not
5 from the men's room, but as you go out of the men's
6 room right here, take a left and go out this exit
7 door right here. That's the exit door to the fuel
8 tanks for the trucks. This is a photograph coming
9 out of the men's room taken by Investigator Newman.
10 Notice the blood stains, not very many there, not
11 very many at all. These are blood stains that were
12 assembled around the Pepsi Cola machine up towards
13 the front of the store. You see a lot more bleeding
14 there, a lot more bleeding while Mr. Boyce is
15 waiting for EMS or the deputies to come. This is in
16 the very front of the store. I think if you'll
17 remember when you watched the video, there's
18 probably a mat there. That's the reason there's no
19 blood on this area. Somebody had done something
20 with the mat. But here is the blood. There's
21 bloody tile. And you can see later on on the master
22 video that the Elijah Williams was handing Mr. Boyce
23 a wad of paper towels to put on his face.

24 This is a photograph of Mr. Boyce. It was
25 taken over at Lee County Sheriff's Office. You'll

1 note the gash here, a vertical gash, horizontal gash
2 across his forehead, and two vertical gashes down
3 his cheek, two vertical gashes down his cheek. Also
4 notice there was a measurement on there, and those
5 things appear to be from about two-and-a-half or
6 more inches. This is a photograph of Mr. Boyce and
7 also taken over at the Sheriff's Office. You can
8 see here that gash come down to his throat. You can
9 see this gash over here. And you'll recall from the
10 emergency room, Doctor Bostick, talked about he was
11 blessed that he wasn't killed, if you'll remember
12 that testimony. This is a different view of that
13 particular wound area. It shows two dashes. One is
14 vertical, coming down the left side of Mr. Boyce's
15 face and you can see and the tape measurement is put
16 beside it. It goes from number two to six. That is
17 about four inches worth of a gash at least, at
18 least. This is a photograph of Mr. Boyce that was
19 taken by his wife after his bandages came off. You
20 know, the deputies also took pictures of this. This
21 is subsequent to the deputies taking the photograph.
22 Another shot of Mr. Boyce, and you tell it's two
23 gashes vertically, vertically. Somebody was cutting
24 down. There's a wound under Mr. Boyce's left
25 amput. Somebody was slashing horizontally. Maybe

1 he had his hand up. He got it this way. His hands
2 were up, his hands were up. He got across here. If
3 his hands were up, the same thing would have
4 occurred to the neck, across his stomach. Somebody
5 did a horizontal slash on Mr. Boyce.

6 That wound is of his thumb. This was
7 another picture taken by his wife. That's Exhibit
8 Number 36. You'll recall that Doctor Hopla said
9 this was a serious wound because it required -- that
10 was a deep cut; it was very deep cut. Doctor
11 Bostick opined this was a defensive wound. He was
12 trying to fend off an attack. This is the last of
13 the slash marks on Mr. Boyce's left thigh, probably
14 occurred when he was trying to leave. It's not too
15 deep; it's not very long.

16 Number 38 is the location of the box
17 cutter blades that were found in the defendant's
18 house. Number 39 is a picture of the box cutter
19 blades. You will also have these blades. They have
20 been coming into evidence. They're in Exhibit
21 Number 46. Take a look at them. You'll find that
22 several missing. This is the report issued by,
23 first report issued by SLED. This indicates that
24 there was blood present on the jeans and on the
25 shirt seized from Mr. Hoover. And they will tell

1 you that it was done simply to try to figure out if
2 it really was blood so it could go to DNA for
3 analysis. Here is a report from the DNA analyst. If
4 You'll read on page 3 of the report she opines as
5 how there's one chance of probability of randomly
6 selecting an individual having a DNA profile
7 matching these terms is approximately 1 in 53
8 quadrillion. That's more people that's ever been
9 born in this world, ever.

10 This is the truck the Defense put up, 1-B.
11 Anybody see the for sale sign up there? The other
12 document I will not analyze for you just now. As I
13 told you before, this is Number 46 which is box
14 cutter blades. These two exhibits here are the
15 results of samples from SLED, the DNA and the
16 serologist stuff. This is the jail medical screen
17 history report that was brought in in rebuttal. It
18 indicates that the inmate was not unconscious or
19 showing any physical signs of illness, injury,
20 bleeding, pain, or other symptoms suggesting a need
21 for a medical emergency medical referral. There
22 were no visible signs of fever, jaundice, skin
23 lesions, grafts, or infection, cuts, bruises, or
24 other minor injuries, any marks on his body. That's
25 50.

1 And of course, what we'll talk about more
2 very soon is the timeline on how all these things
3 occurred because a timeline is critical. I can't
4 sit here and count one thousand one, one thousand
5 two. I can't tell you how much time elapsed without
6 a stopwatch; I can't do that. It's almost
7 impossible. So, without further adieu let's go into
8 the tape. Bear with me a moment while I get this
9 thing straight.

10 (Pause.)

11 MR. GENTRY: My degree was not in
12 technical communications like Agent Shropshire.

13 (Pause.)

14 MR. GENTRY: The way I did this just a
15 minute ago by putting that thing on the floor —
16 years ago I was a young lieutenant in the Marine
17 Corp. I was flying helicopters down in Guantanamo
18 Bay. That was back in the days before. Things got
19 really exciting then. One day we were hauling the
20 admiral on the baseline, and he didn't quite
21 understand the difference — there were two
22 different kinds of safety belts in a helicopter.
23 One was an insert to lock, and the other was over
24 center lock like this. I'm sitting up there, I'm
25 looking down between my legs and I see him in the

1 bottom, he's jumped in the preacher's seat. And
2 what he does, he takes one of one kind and one of
3 the other kind and tries to put them together; it
4 doesn't work. He tries three or four times to do
5 that. He just finally said the heck with it; you
6 could see it on his face. He tied those things and
7 he'd give me a thumbs up, and we started flying.
8 That's what I'm doing right here so hang in there
9 along with me.

10 If you want this timeline to compare, if
11 you want to see any of these videos again, any part
12 any time, feel free, ask the judge. You'll see Mr.
13 Boyce come in right now. That's his truck pulling
14 into the parking lot in the space shown in the
15 photograph. He parks it at 4:27:36. In just a
16 second or two he'll run in. Notice he has a hoodie
17 and a ball cap, and he's headed to the back of the
18 store going to the restroom. You'll recall his
19 testimony he was going to get a cup of coffee. You
20 might have missed that. It was a white truck pulled
21 in right behind him. White vehicle, I'm sorry, a
22 white vehicle. So Mr. Boyce is walking on back to
23 the back of the store. I think you'll recall he
24 testified he was dressed in to go duck hunting. It
25 was January; it was cold on Santee. He had on

1 thermal jeans, a hoody and a jacket in the car to
2 start with. He's heading on back. You can see this
3 is the point where turn to the right to go down the
4 corridor to the bathroom. You see the shelves with
5 the coolers there. He turns to the right and goes
6 through the bathroom corridor. Now there's a white
7 vehicle here, can't exactly figure out who that is,
8 can't get a definite positive I.D. on it, but that's
9 a white vehicle of some kind. Whether it's a truck
10 or SUV, don't know, at this point don't know. You
11 heard testimony from the lady who's the manager out
12 there at Interstate Shell. They don't have a whole
13 lot of cameras out there. Primarily the cameras are
14 inside and they're on the gas pumps. And that makes
15 sense. They want to keep the people who are
16 stealing their gas, they want to have it on tape.
17 This truck stays out there. How long? It stays
18 there roughly 4:28:10 to 4:29:18. It starts to move
19 on. It's gonna stop. Why do you think it stops?
20 We believe it's because he wants to see inside.
21 Whoever this white truck, we think he wants to see
22 inside a little better, see if he can see who is in
23 there. The truck is coming back right now. 4:29:37
24 he comes up. He stops behind the Boyce truck. What
25 is in the rear window of the Boyce truck? A big

1 sign that says Boyce Brothers Farm. Now what's he
2 gonna do? He's gonna back up. Why does it make any
3 difference to that person what kind of sign is in
4 the back of the Boyce Brother's Truck. Somebody
5 with a grudge perhaps? Somebody who ought to know
6 better? Mr. Hoover comes in at 4:32:40 using his
7 left hand to open the door with something in his
8 right hand. Mr. Hoover says it's his keys. We say
9 we don't know what it is. All it is, he's got
10 something in his right hand. I would suggest to you
11 that somebody who's walking around with keys would
12 probably put them in his pocket so he won't lose
13 them for sure if he stops somewhere. There he goes
14 down heading down towards the rear of the store.
15 There he comes making the turn going to the restroom
16 4:33:18. 4:35:37, 38:40, out comes Mr. Boyce. Two
17 minutes, a little bit more than two minutes. And
18 there goes Mr. Hoover walking the same purposeful
19 pace, the same purposeful pace. There you'll see
20 Mr. Boyce coming in across the front of the store.
21 Mr. Hoover just exited through the other exit there.
22 He comes — you'll see Mr. Boyce coming this way.
23 Heading over to the left heading towards the clerk's
24 counter, Mr. Hoover is walking with his same
25 purposeful pace with his hands in his pocket.

1 Mr. Elijah Williams, the gentleman who couldn't be
2 located. There goes Mr. Hoover. He's beating feet
3 now. He's going across back there. There's
4 Mr. Boyce going out to look; he sees that. What
5 does he see? He sees Mr. Hoover getting into a
6 white pickup truck with a shell on it. You can see
7 it right here in just a second. You'll see the end
8 of the bumper. There it is right there. End of the
9 bumper. Moves off. And that's that video. If you
10 all want to see it again during your deliberations
11 please ask the Court to let me show it again. I'll
12 be happy to.

13 Let's talk just a little bit about what
14 else is going on here. You know, we know from facts
15 that the white truck is a white vehicle that's clear
16 in the video, absolutely clear in the video.
17 Somebody came up to that store who most probably
18 knew Justin Boyce's truck and saw that sign in the
19 back that said Boyce Brother Farm somebody who had a
20 grudge against the Boyce brothers, and we know who
21 that was. Tommy Hoover told you who that was.
22 Marshall Boyce told you who that was. And I guess
23 to a sense Mr. Hoover told you who that was. Of
24 course, if you believe him it's their fault. If you
25 believe the other guys, it's his fault. Well, at

1 any rate, you notice anybody else come in that store
2 after Mr. Hoover came in? Anybody else come in?
3 No. Did anybody else leave that store after
4 Mr. Hoover left? No. So who got in the white truck
5 and moved off? Mr. Boyce saw Mr. Hoover running
6 behind across the front of that store. He's the one
7 identified Mr. Hoover. Mr. Hoover had the white
8 truck. Who else had a white truck there? That
9 white truck moved back and forth, back and forth,
10 and stopped and backed up. What are they doing?
11 They're not out there inventorying folks. They're
12 not taking census or anything else; they're looking
13 for somebody. That person is looking for someone.
14 We know from the pictures we have that there was a
15 clear gap at the bottom of that first stall.
16 Anybody looking in from the door could tell somebody
17 was in the stall. Nobody could tell exactly who it
18 was, but you know that truck was outside. By
19 process of elimination, if he's not in the main
20 store where else could he be? He can't be in the
21 women's restroom. That wouldn't be kosher, would
22 it? Not at all. So he's got to be back there. At
23 this point does the knife make any difference? I
24 mean, what we're talking about here is credibility
25 or believability of the witnesses.

1 And you can resolve this in one or two
2 ways. You can say, you can toss a coin and say the
3 heck with it, let's just believe them both in which
4 case nothing happens. Or you can evaluate the
5 evidence according to the terms the judge is going
6 to give you, and assess credibility based on all the
7 evidence and determine somebody is not telling the
8 truth here. Somebody is just not telling the truth.
9 And if you think you have to have all doubt cleared,
10 if you think you have to have every piece of
11 evidence in your hand, if you have to have that in
12 your hand, then I want to tell you you're in a
13 different world than what everybody else is in
14 because you make decisions every day without having
15 full information. You have to look at this thing
16 and you have to decide do you have enough, do you
17 have enough. And I tell you when one side is lying
18 and the other side isn't, and if you believe the one
19 side and that one side fits in with what the judge
20 tells you and the other evidence in the case. Then
21 I think your course is clear. That's a guilty as
22 charged.

23 Now I want you to remember something else.
24 You saw Mr. Boyce come running out of there. When
25 you saw him go in he had his ball cap on; didn't he?

1 When he came running out he didn't. When Mr. Hoover
2 came out he had that same brimmed hat on. Now
3 Mr. Hoover is fearing for his life, he can't tell me
4 that if Justin was behind him that that hat would
5 have come off at some point. And you can't tell he
6 stopped in the bathroom when he was scared to death
7 as an old man, and he had to pick that hat up and
8 put it on his head and go out of there. That makes
9 no sense. I suggest to you that the idea that
10 Mr. Hoover's story wrecks credibility is right up to
11 a point. His story wrecks, his story wrecks. It
12 smells like the high heavens. Now looking at the
13 jury I don't think anybody here fell off a turnip
14 truck on the way here today. I think you're fully
15 capable of making decisions, sound decisions. So
16 y'all ought to know something else. If he was all
17 that scared of Justin Boyce, he have had that pistol
18 on him when he walked into that bathroom. And you
19 telling me he'd rather pick up a pistol — a knife
20 off the floor instead of pulling that pistol out and
21 shooting him? That don't make any sense, not 60
22 year old man with four stints in his heart and down
23 on hard times and on so and so. So story about
24 June 30th of 2011, he's the only one that saw that.
25 He's the only one who did that. Nobody else out

1 there knows anything about this. Mr. Ellerby didn't
2 know anything about it. Mr. Ellerby's ex-wife
3 didn't know anything about it. She heard him. He
4 was in the ditch he says, but he had to walk home.
5 You think if he'd been beaten severely as he says he
6 was beaten that he'd have walked all the way home
7 and if there's people on the way, knock on the door,
8 help me, I need some help. And when he was so
9 serious about getting an incident report, he wasn't
10 serious about that until three weeks later according
11 to Investigator Capps. No, you'll find there's a
12 considerable gap in this whole thing. You'll find
13 there's a long time whenever that white truck moves
14 off and before he moves in. The question is, was he
15 waiting for Mr. Boyce to come out to get him? Or
16 did he finally say, oh, heck with it, I'm going in
17 to get him myself, I'm gonna root him out. That's
18 the question you can certainly consider.

19 Now nobody says this has to make sense.
20 No person in the world that says this is rightful,
21 had to be logical, and has to follow this particular
22 format. People do illogical things every day, and
23 I'm sure you've done something yourself. You may
24 have been called to task for them. You may not have
25 been called to task for them. You sit in judgment

1 today. You are the conscience of the community.
2 You are the twelve people who have been chosen here
3 to put the law into effect. All the legislature can
4 do is pass the laws. All the police can do is
5 arrest people who seem to have broken the laws. And
6 what you do, is put those people in jail who deserve
7 to be put in jail. If you believe Mr. Hoover,
8 that's fine. It's perfectly in your province. But
9 I suggest to you that if you believe Mr. Boyce,
10 that's the proper way to go.

11 Now the judge will tell you about beyond a
12 reasonable doubt and Mr. Jones had a long list of
13 things that would have been helpful. But the
14 question is, does it have to be beyond all doubt.
15 It doesn't have to be beyond all doubt. It can be
16 circumstantial. It can be direct. It can be things
17 within your common knowledge. Common sense. We
18 didn't ask you to check your common sense at the
19 door when you walked in here today. So after all of
20 this, after sitting here for, since Tuesday, when
21 you arrive at your opinion, I suggest you come back
22 with a finding of guilty as charged. Thank you.

23 THE COURT: Mr. Foreman, and members of
24 the jury, you've heard the testimony, received the
25 evidence, and heard the arguments of the State and

1 before the jury comes out with a verdict?

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

4 THE COURT: All right. Let's have the
5 jury.

6 (Whereupon, the jury was returned to the courtroom
7 at 5:44 p.m.)

8 THE COURT: Mr. Foreman, have you reached
9 a verdict?

10 THE FOREMAN: Yes, sir, we have.

11 THE COURT: Is it unanimous?

12 THE FOREMAN: Yes, sir, it is.

13 THE COURT: All right. I want to admonish
14 everyone in the courtroom before the verdict is
15 announced that order must be kept in court at all
16 times. There are to be no outbursts based on the
17 jury's verdict. If you'll pass the verdict. If
18 defendant will rise.

19 (Verdict was tendered to the Court.)

20 THE COURT: You may publish the verdict.

21 THE CLERK: The State of South Carolina
22 versus Dennis E. Hoover: we, the jury, unanimously
23 find the defendant Dennis E. Hoover as to the charge
24 of guilty of assault and battery in the first
25 degree. Signed by the foreperson.

1 assault and battery second degree, which you did not
2 find, carries up to three years in prison. And then
3 there's assault and battery third degree which
4 carries up to 30 days which used to be simple
5 assault, when you slap somebody, push them, or
6 otherwise. So you found the defendant guilty of
7 this offense. You have had no role whatsoever in
8 sentencing, as I explained to you when you sent out
9 the question. The role of sentencing is up to the
10 judge and we move into that phase of it right now.

11 If you'd bring the defendant forward for
12 sentencing.

13 All right, I'll hear anything else that
14 the State has to offer.

15 MR. GENTRY: Your Honor, the State has no
16 record or prior convictions. The State has the
17 victim here, Mr. Boyce, Mr. Justin Boyce, and his
18 wife Donna.

19 THE COURT: All right, Mr. Boyce, I'll be
20 happy to hear anything that you or Mrs. Boyce or
21 anyone else would like to say.

22 MR. BOYCE: Thank you, Your Honor. I
23 didn't really, wasn't scared of anything till
24 January the 4th of last year. Ever since then
25 every -- laying in bed, every time I hear a dog bark

1 I woke up in fear thinking it might be somebody
2 trying to get me again. And it's been a major toll
3 on my wife and children and my whole family, the
4 whole community, really. Dennis Hoover has
5 terrorized us for a long time, for years. I don't
6 know how to explain it whenever I kind of got pulled
7 in the middle of this thing by accident. But it's
8 been a nightmare.

9 THE COURT: What's going on with him?
10 What's — you said he's been terrorizing for years,
11 what do you mean?

12 MR. BOYCE: We've had threats from him.
13 We've had — heard threats through him, he was gonna
14 get us. And pass him in the road he'd be shaking a
15 finger at you and just all around. It's a small
16 community; word gets around pretty fast. And —

17 THE COURT: Are you saying that he's like
18 just like a bully, a —

19 MR. BOYCE: Yes, sir. And it's not just
20 my family, it's — his own brother, his own brother
21 is scared to come out his own house, he was so
22 afraid of Dennis. Other people in the community, he
23 used to have signs in his yard threatening people.
24 I mean, it's just a nightmare, a bully nightmare.
25 And he just thought he could terrorize. That's

1 what — he terrorized our community, and we just
2 want to get it over with and behind us. I mean,
3 just was — we just want to get it behind us and —

4 THE COURT: What do you think of the
5 jury's verdict?

6 MR. BOYCE: Very good, I was very pleased
7 with it.

8 THE COURT: All right.

9 MR. GENTRY: May it please the Court, I'm
10 gonna hand up Exhibits 26, 27, 31 through, 29
11 through — anyhow they're the photos of the victim
12 after the incident.

13 THE COURT: All right.

14 MR. GENTRY: I believe the Court will
15 recall the testimony of Doctor Bostick who was the
16 emergency room doctor who testified he was blessed.

17 THE COURT: Mrs. Boyce.

18 MR. BOYCE: Indeed I was.

19 THE COURT: All right.

20 MRS. BOYCE: I woke up on January the 4th
21 telling me my husband was in the hospital. They
22 told me that he was lucky to be here. I had to get
23 my three kids to the grandparents house so I could
24 rush to the hospital to be with him. And when they
25 got home they didn't know what to think of their

1 daddy; he was all bandaged up. And then we had to
2 tell them what happened to their daddy, and then
3 they had to go to bed had every night scared of a
4 man that they didn't know. And we had never set our
5 alarm until then, and then every time they heard a
6 dog bark or door open they were scared. And then I
7 was scared to even be at home by myself so I would
8 always lock the door. And during the alarm on and I
9 had conversations with people on the phone telling
10 me how scared I was. Even though I knew he was in
11 jail it just, somewhere in the back of my head I was
12 just worried that he would get out and come get and
13 back and get us. And my husband would keep telling
14 me that I needed to talk to somebody, I needed to
15 see somebody until I just kept -- I don't. I don't
16 know. Until I finally just kind of got over it and
17 they kept telling me he wasn't going to get out and
18 then --

19 THE COURT: How long was he in jail before
20 he got out?

21 MR. BOYCE: From January to May.

22 MRS. BOYCE: May. But we constantly set
23 our alarm and we live this way did in and day out.

24 THE COURT: What did you think when you
25 heard Mr. Hoover was the one that had done that to

1 your husband?

2 MRS. BOYCE: When I first heard that he
3 was, when I first heard that he was hurt I thought
4 maybe he had gotten in a wreck at a gas and he had
5 been robbed until I heard the name. And when I
6 heard the name that's when I knew.

7 THE COURT: You heard the name and you
8 weren't surprised?

9 MRS. BOYCE: I was not.

10 THE COURT: All right.

11 MRS. BOYCE: Not at all. I heard the name
12 before.

13 THE COURT: All right. What you hear, Mr.
14 Gentry?

15 MR. GENTRY: I have nothing further, Your
16 Honor.

17 THE COURT: Office Dellinger, anything?

18 MAJOR DELLINGER: Your Honor, I think
19 you've heard the facts of the case, and so I won't
20 go back into that. But you didn't get the
21 opportunity to hear the complaints and hear the
22 members of the community of how they were
23 intimidated by him. He was just the stereo typical
24 bully of that community. And as Mr. Jones said
25 today that he wasn't polished and he doesn't

1 pronounce things, the sad part about it is
2 Mr. Hoover, when he was on the stand showed a
3 portion of his character; but he was on his best
4 behavior here in court. He's much more
5 argumentative, much more belligerent, much more
6 difficult to deal with in the community and in
7 society, and he's tormented those people in that
8 area from his brother to councilmen, to the Boyces,
9 for years. I think this is one of the situations
10 where this case cries out for the maximum sentence.

11 THE COURT: All right. Mr. Jones?

12 MR. JONES: Yes, sir. Your Honor, I have
13 family members here I'd like to have a chance to
14 speak if the Court will allow it.

15 THE COURT: Yes, sir.

16 MR. JONES: We call Mr. Lindy Hoover up
17 here. This is the brother of Mr. Dennis Hoover.

18 THE COURT: Yes, sir.

19 LINDY HOOVER: How are you doing? I'm not
20 aware of the bullying and things I just heard; and
21 he has been on his best behavior since he's been
22 out, been no problems. I've never had any problems
23 with him. He does have a problem with my younger
24 brother, but it's been that way their whole life.
25 So I just don't think he needs, you know, the

1 maximum sentence.

2 THE COURT: All right, thank you, sir.

3 MR. JONES: Tommy Watkins. I'm first
4 cousins with Dennis. Other than, you know, I never
5 heard all this bullying before and I talked with him
6 every other day on the phone. He's been out of
7 jail. I don't know of any trouble he's been in
8 since he's been in there. But you know, I don't, I
9 just don't see, you know, a lot of trouble that he
10 been in, you know, I've never heard of it. I mean,
11 I mean, I live in Lumberton.

12 THE COURT: Of course, if he's never been
13 in trouble, he started out pretty big with an
14 attempted murder charge.

15 MR. WATKINS: I said he's never been in
16 any type of, you know —

17 THE COURT: I'm saying he's even, if he's
18 never been in any trouble he started out pretty big;
19 And he, when your first trouble is being on trial
20 for attempted murder.

21 MR. WATKINS: Well, all I know is what I
22 heard in court. One, the other one. You know, like
23 he said only two people knows what happened that
24 night so that's all I know.

25 LINDY HOOVER: Could I say one more thing?

1 THE COURT: Yes, sir.

2 LINDY HOOVER: I'd like to say there was
3 bullying on both sides. I mean, the bullying, you
4 need to look at other directions also. This man
5 went through a lot.

6 MR. JONES: Your Honor, if I could get his
7 sister now.

8 THE COURT: Yes, sir.

9 SISTER OF DEFENDANT: I'm Dennis' sister
10 and I'm sorry that Mr. Boyce got hurt, I really am.
11 I'm very sorry that my brother got hurt too. Those
12 boys both stopped — Dennis was walking. They were
13 in a vehicle. They didn't have to stop that
14 morning. They stopped with intention to attack him.
15 And that's what they did. And when he went in that
16 store he said it was self-defense, that he was
17 attacked again, and I believed him. And they were
18 bullying him. And as far as my brother Tom, Dennis
19 is not the only one in the family that he doesn't
20 get along with. He won't have anything to do with
21 my oldest brother or my sister or my cousins.

22 Dennis has been through a lot. I'm sorry
23 that all this hurt has happened, I really am. But I
24 know Dennis, and I know that he would never attack
25 anyone with a knife unprovoked if — whatever

1 happened to his attack first he would not go there
2 and attack someone with a knife.

3 THE COURT: I understand. Of course, I
4 understand your view. That's why we have a trial
5 and that was for the jury to decide that particular
6 issue.

7 SISTER OF DEFENDANT: He means a lot to
8 me.

9 THE COURT: We can't, we can't rehash
10 that. We've been here all week deciding that
11 question.

12 SISTER OF DEFENDANT: He means a lot to
13 all the nieces and nephews and grand children. He
14 will be missed by the family. This family needs
15 Dennis. We love him, care for him, depend on him.
16 And like I said, I'm sorry, but I would ask for
17 leniency for my brother.

18 THE COURT: All right.

19 MR. TURNER: I'm Gerard Turner, I'm not
20 related in any manner. Mr. Hoover is a coffee
21 drinking buddy of mine that would meet every morning
22 before daylight. He's the kind of man that I would
23 call a man's man. He's not gonna put up with any
24 foolishness. He will defend himself. He is also a
25 generous man. In many cases that I have been

1 involved with some high people donated money to, but
2 I have known cases where he is in the community
3 where he would go out to a needy family, bought
4 groceries, carried it to them, and was glad to do
5 it, a generous heart. He and I have gone to flea
6 markets together; we have gone to auctions together.
7 And we've, I've enjoyed his friendship. He has been
8 no threat to me. I've never seen any bullying out
9 of him towards anyone. But I would also say he's a
10 man's man. He's my kind of man that will defend
11 himself or defend you or anybody else. He'll talk
12 to you in jeopardy; he would step in. He's the type
13 of man that would step in. But he was also a man
14 that opened up his pocketbook if he thought you
15 needed something; he'd give his shirt off his back.

16 THE COURT: All right, thank you, sir.

17 MR. JONES: Your Honor, if I could ask
18 Mr. Hoover to speak, Mr. Dennis Hoover.

19 THE COURT: Yes, sir, I'm happy to hear
20 from him.

21 THE DEFENDANT: Your Honor, I'm Dennis
22 Hoover. A lot of what you heard is true, very true.
23 I'm not just a bully here. Them Boyces have bullied
24 me. They beat me up, throw me in the ditch and left
25 me. They have tried to run me off the road with 18

1 wheelers, and they have tried to set up traps to
2 make me stop along the road where they could jump on
3 me personally. So I know I have already been found
4 guilty, but I want this courtroom to know that the
5 Boyces is just as much wrong as I am, but I'm man
6 enough to say I'm sorry.

7 Justin, I'm sorry to you, your family, and
8 your wife, your children, I'm sorry, and that's a
9 man's word.

10 THE COURT: All right. Thank you.

11 MR. JONES: Your Honor, you've heard,
12 you've heard Mr. Hoover testify. You heard him
13 today. He does not have for lack of a better term,
14 savoir fare, some would argue to be anything but
15 absolutely transparent. I mean, what you see, good
16 or bad, that is the man. And I think you saw that
17 on the stand today; I think you see it now. When
18 I've dealt with this guy, I've been dealing with him
19 solid for a year. I visit at his home a bunch of
20 times and what you got here is a guy who he thinks
21 in straight lines. It's either black, white, right
22 or wrong. And what happened is this turkey house
23 thing, he is really convinced that turkey house
24 thing is wrong and he's convinced that that's not
25 good for the community, that's not good for him.

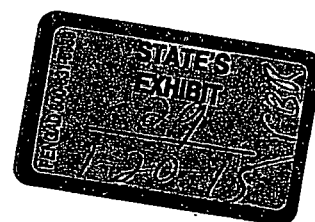
1 know how he's able to muster that up today 'cause he
2 doesn't sound like a man who does much apologizing,
3 but he did. That's a good thing. I think that
4 obviously from the number of people here who have
5 been here during this trial, this is a very serious
6 matter for this county and that community and in
7 that — and a whole lot of folks on that side of the
8 courtroom who wants to see justice. And had a few
9 on this side as well. You know, everyone's voice is
10 just as important.

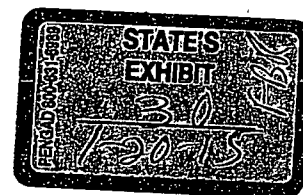
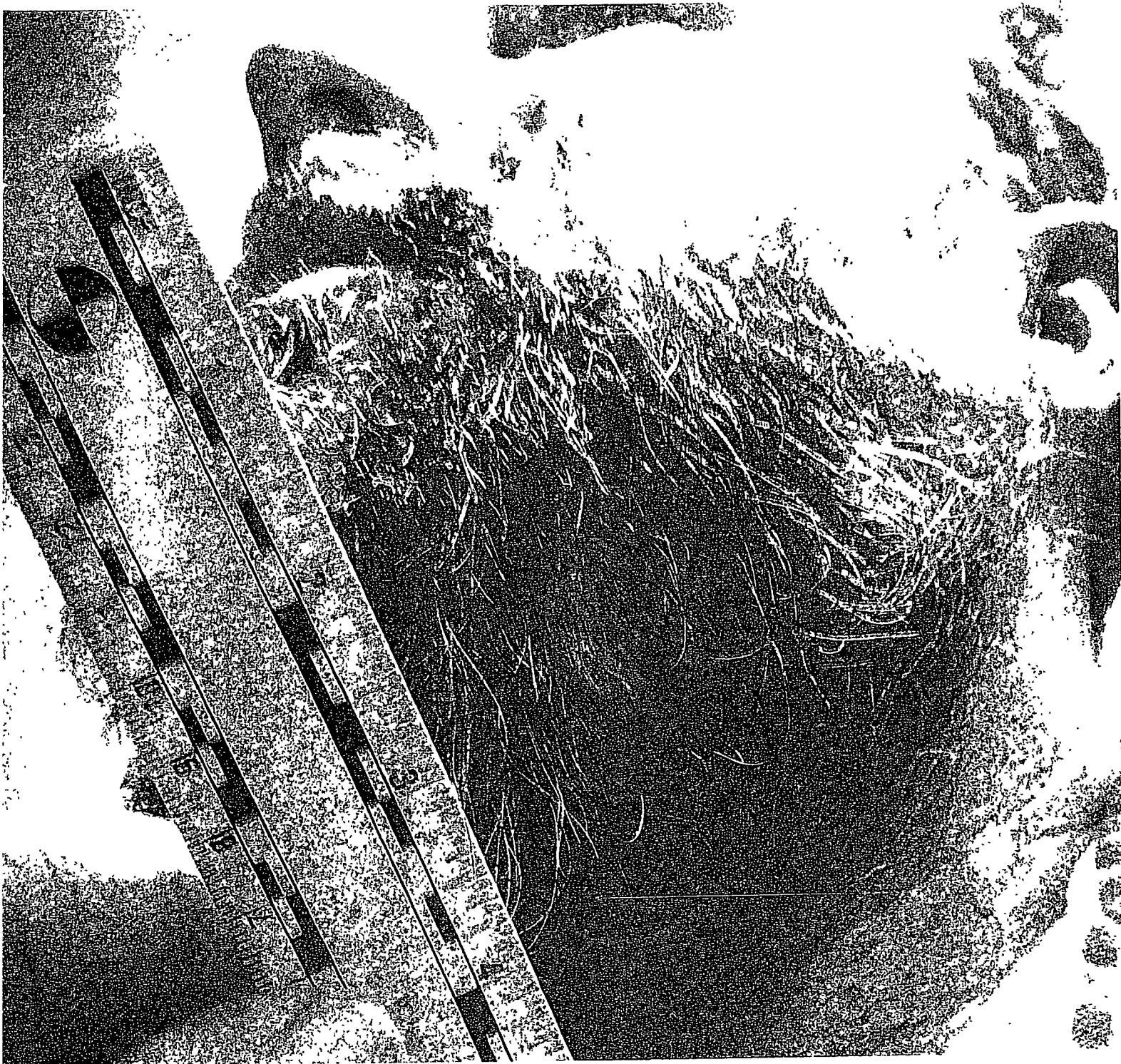
11 Mr. Hoover, the sentence of the Court is
12 that you be committed to the State Department of
13 Corrections for a period of nine years and you get
14 credit for time served. That's the sentence of the
15 Court. Good luck to you.

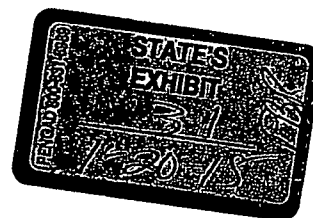
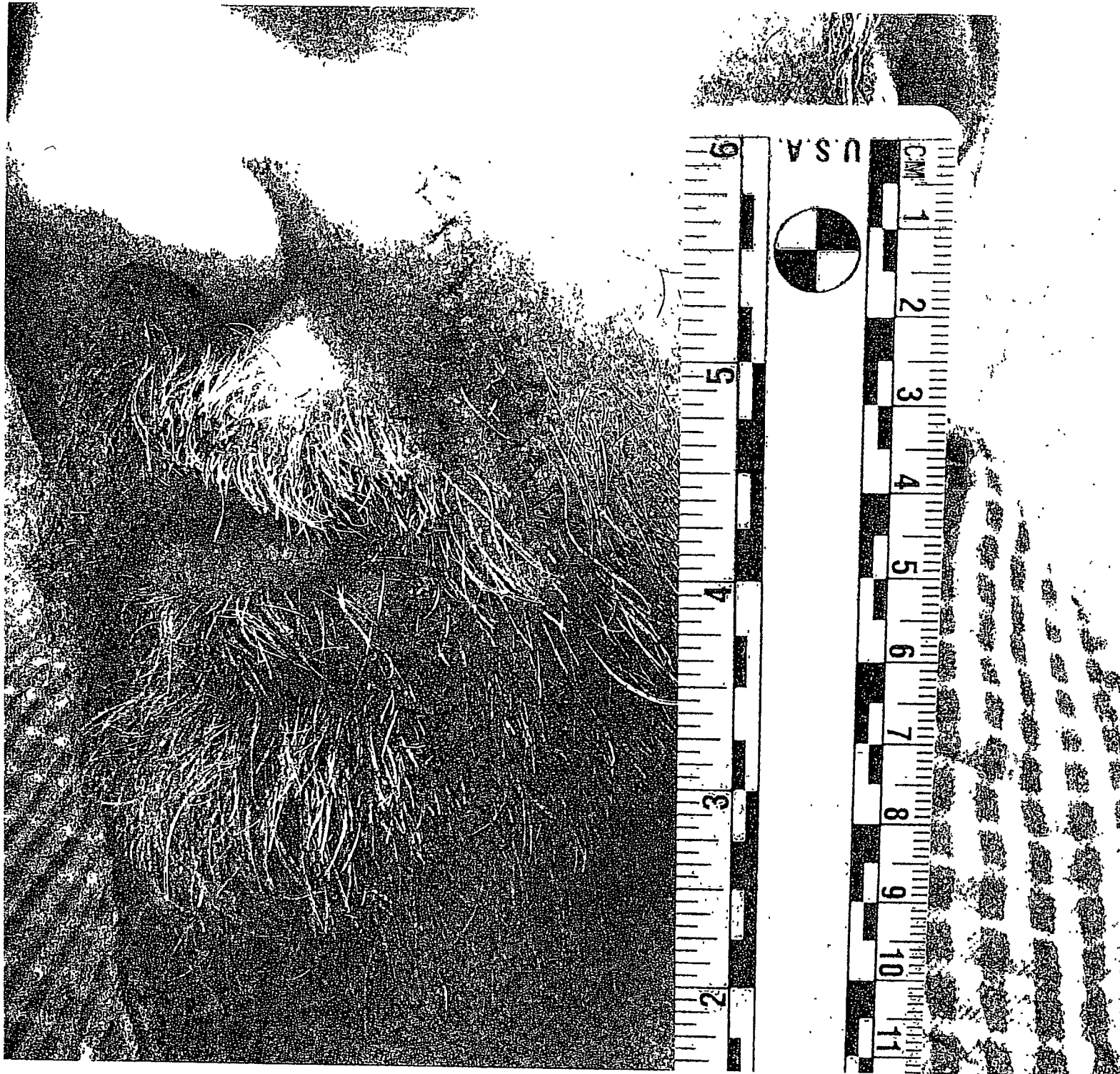
16 MR. GENTRY: Your Honor, is restitution
17 involved?

18 THE COURT: Further, restitution is
19 ordered to be paid in the sum of 2,820-dollars, the
20 recipient being Robert Justin Boyce.

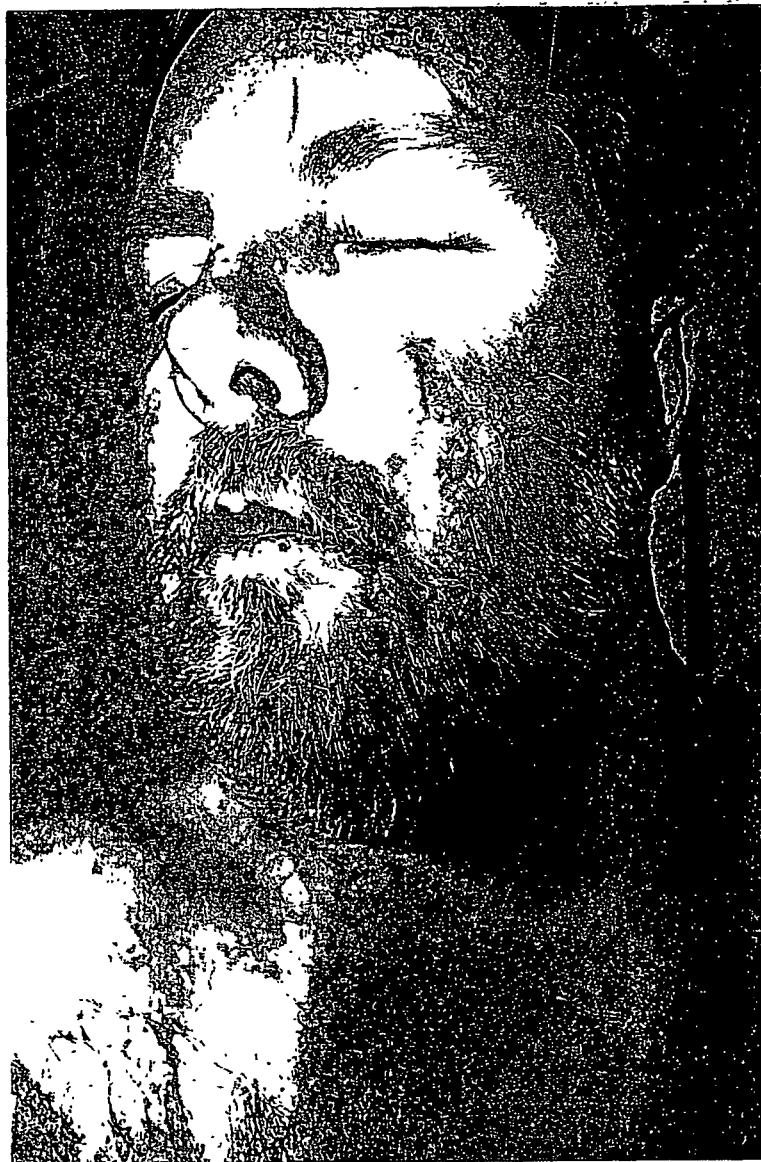
21
22 * * * END OF REQUESTED TRANSCRIPT OF RECORD * * *
23
24
25





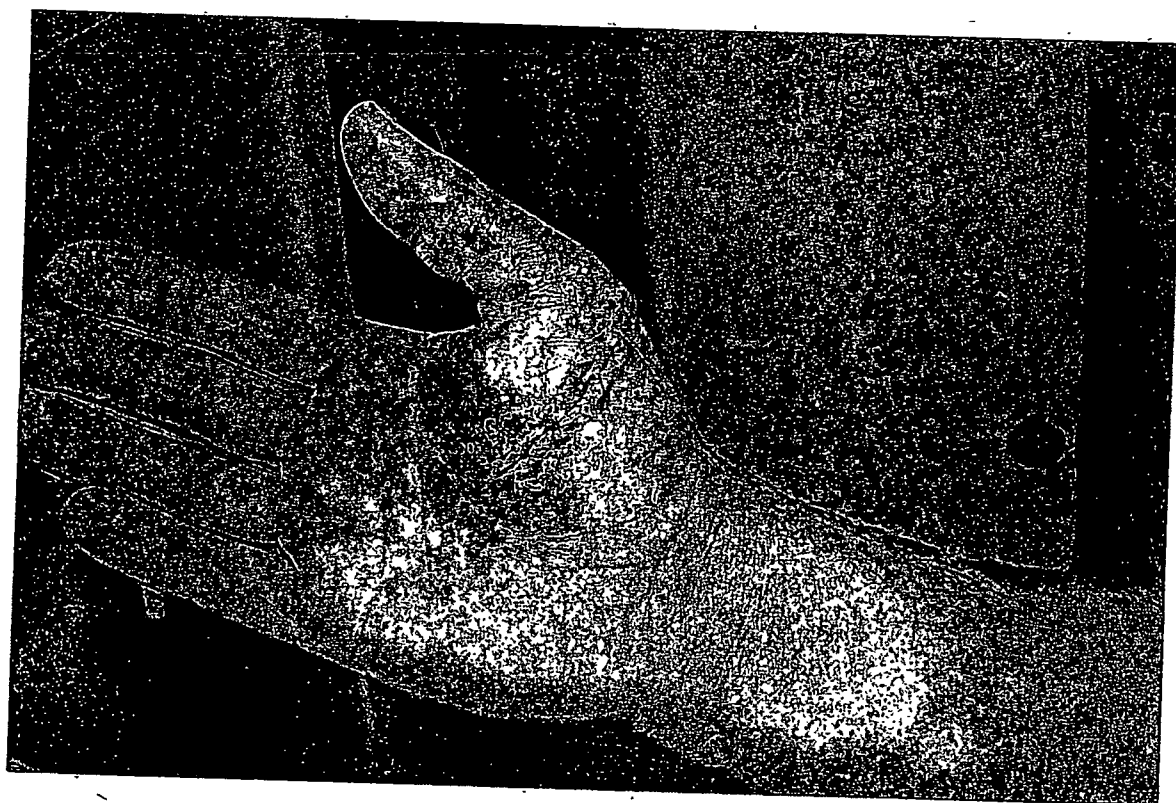














Disc summary January 8, 2015

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: 01/01/1952

SSN: 123-45-6789

Booking #: 30122

Booking Officer: DUKES, P. A.

Date/Time: 01/04/2014 15:53:00

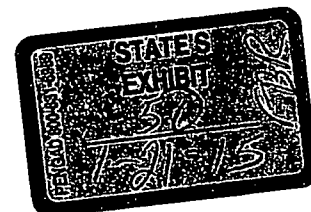
Screening Officer: MOORE, T. A.

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 symptoms 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- DOESNT CHECK FSBS HTN STATES HAS HAD SEIZURES ONCE OR TWICE IN THE PAST CONCILING FOR MENTAL HEALTH PROBLEMS SUCH AS DEPRESSION
7	Have you taken or are you taking any medication(s) prescribed for you by a physician?	Y	XANAX ER 3MG QDAY VALTREX 500MG QDAY TRAZODONE 150MG 1 & 1/2 TABLETS QHS METOPROLOL 50 DAILY PLAVIX 75MG CRESTOR 5MG RAMIPRIL 5MG
8	Are you allergic to any medications, foods, plants, etc? 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	INMATE 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

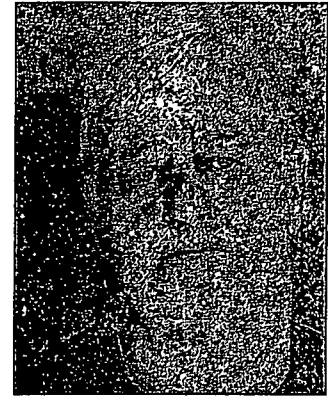
Signature of Classification Officer

X

Signature of Inmate

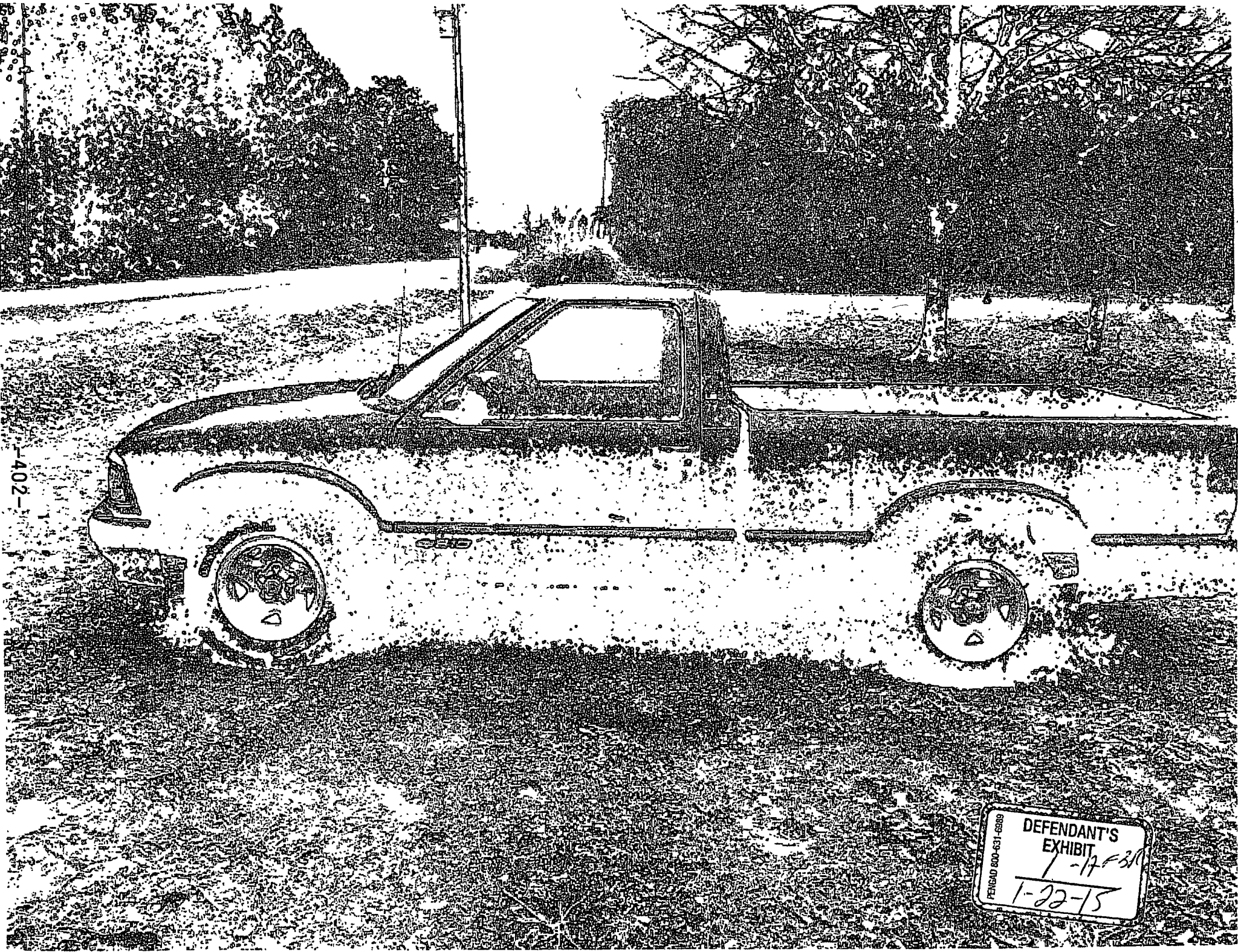
BOOKING REPORT

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-

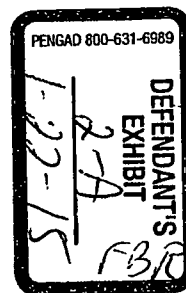
DEFENDANT'S
EXHIBIT
1-17-31
1-22-15
PENGAD 800-631-6989

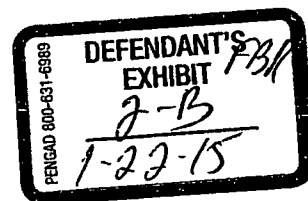
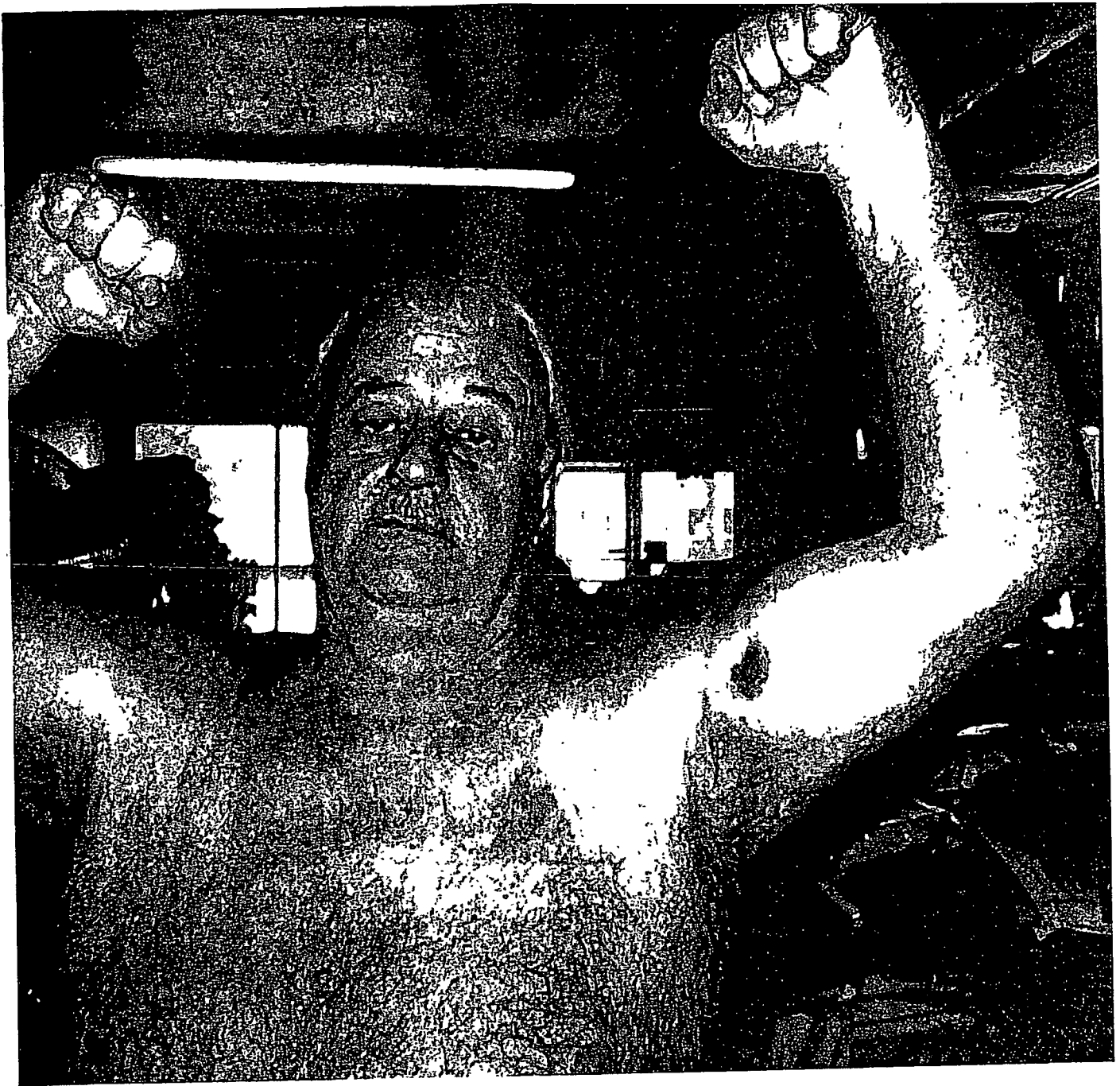


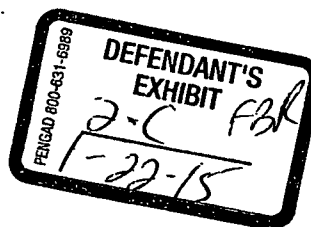
DEFENDANT'S
EXHIBIT
1-B F32
1-22-15
FENCAD 800-531-6989

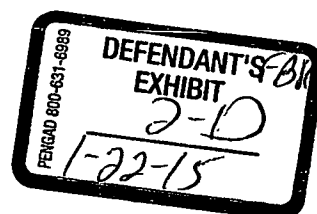


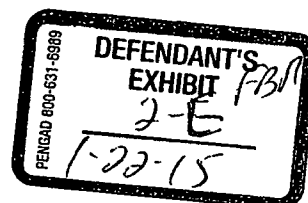
PENGAD 000-631-6889
DEFENDANT'S
EXHIBIT
1-C
1-22-15
FBI

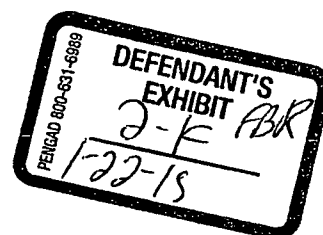
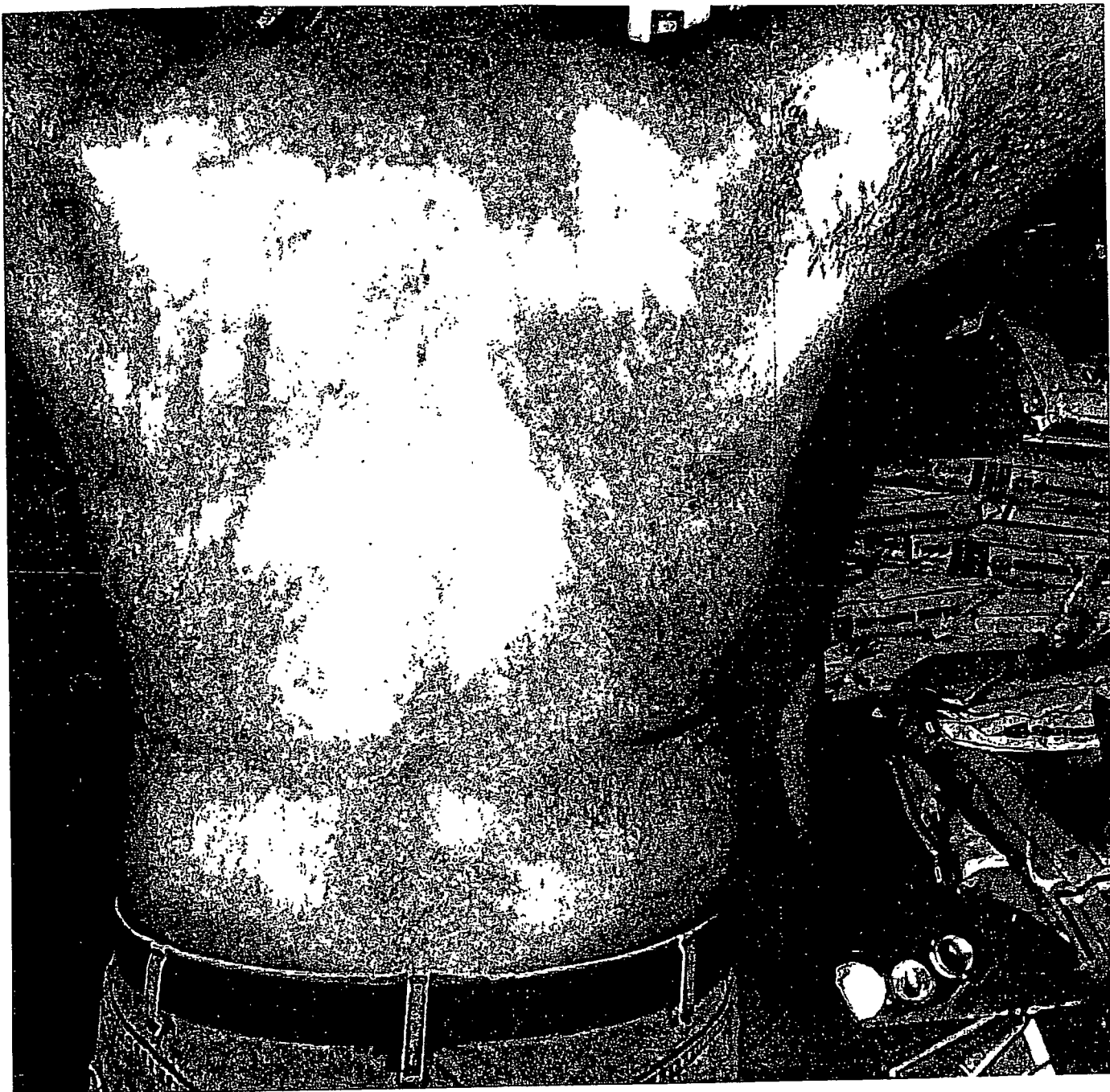


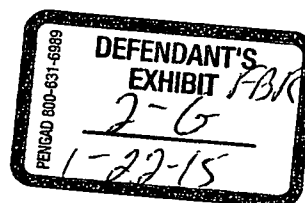


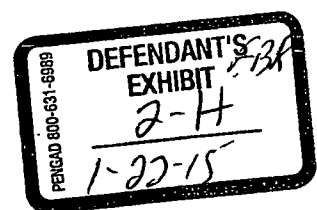
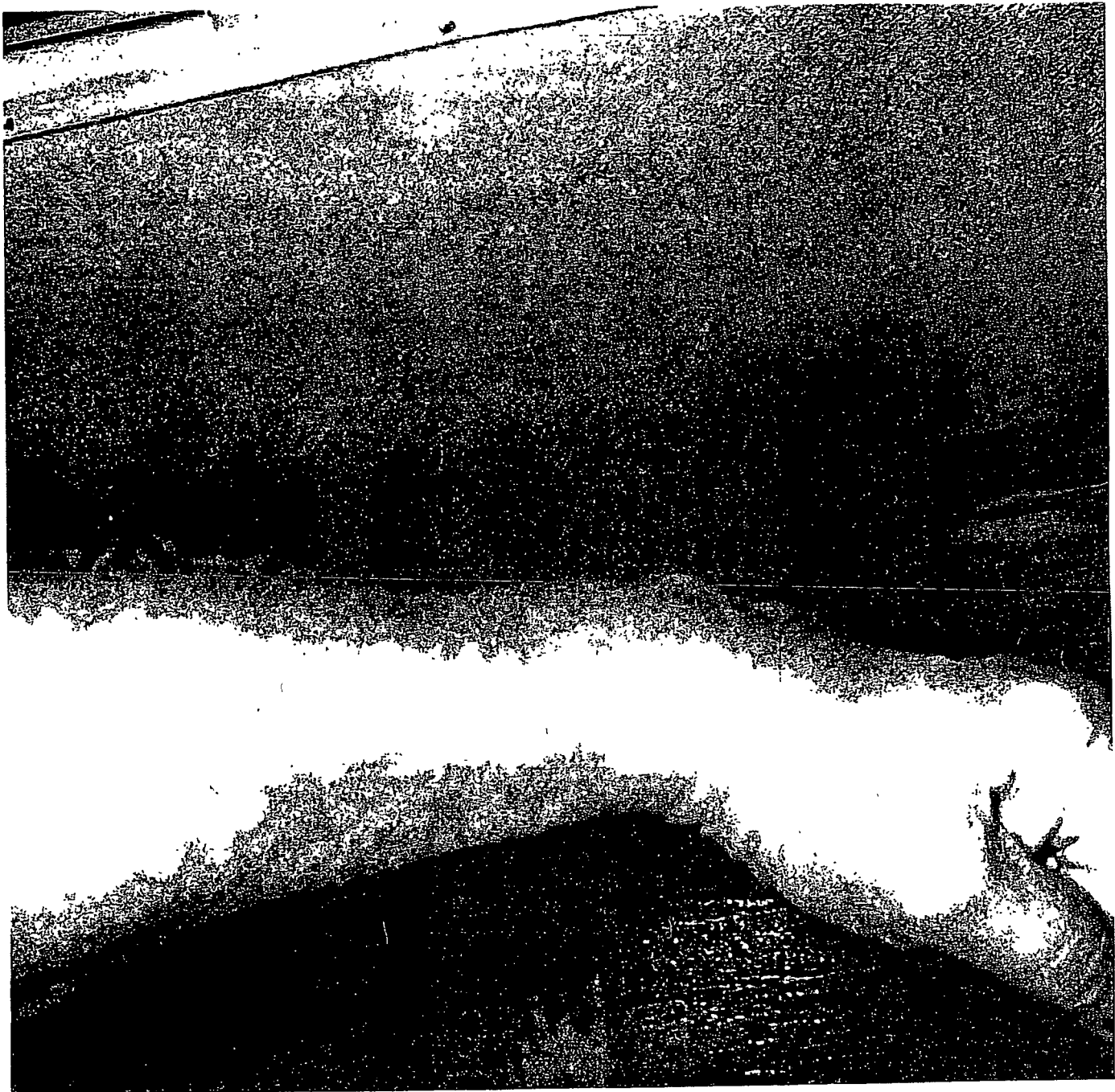








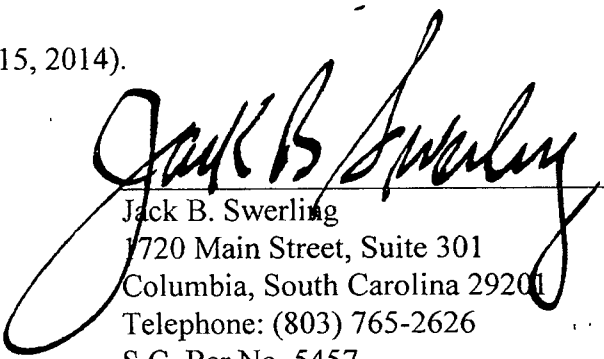




CERTIFICATE OF COUNSEL

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).



Jack B. Swerling
1720 Main Street, Suite 301
Columbia, South Carolina 29201
Telephone: (803) 765-2626
S.C. Bar No. 5457

Katherine Carruth Goode
229 Congress Street
Post Office Box 1175
Winnsboro, South Carolina 29180
Telephone: (803) 799-4440
S.C. Bar No. 8951

ATTORNEYS FOR APPELLANT

RECEIVED

MAY 18 2016

SC Court of Appeals