

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lancaster County

Honorable Thomas L. Hughston, Circuit Court Judge

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

TIFFANY MAE MILES,

APPELLANT.

APPELLATE CASE NO. 2019-000893

RECORD ON APPEAL

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STATE OF SOUTH CAROLINA IN THE GENERAL COURT OF JUSTICE
 LANCASTER COUNTY CIRCUIT COURT DIVISION
 2018-GS-29-00498

-----X	
STATE OF SOUTH CAROLINA,	:
	:
Plaintiff,	:
	:
vs.	:
	:
	:
TIFFANY MAE MILES,	:
	:
Defendant.	:
-----X	

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May 13 - May 14, 2019
 Lancaster, South Carolina

B E F O R E

The Honorable Thomas J. Hughston, Jr., Judge Presiding.

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STATE OF SOUTH CAROLINA V. TIFFANY MAE MILES - 2018-GS-29-000498

1 PROCEEDINGS

2 * * *

3 MONDAY, MAY 13, 2018

4 LANCASTER, SOUTH CAROLINA

5 (Whereupon, the following proceedings were
6 held in open court. The defendant was
7 present with her attorney, along with
8 counsel for the State.)

9 THE COURT: All right. What is this about?

10 MR. PAYNE: Judge, I have a few pretrial matters.

11 THE COURT: What is the case? State v. who?

12 MR. MCMASTER: Tiffany Miles.

13 THE COURT: What is the charge?

14 MR. MCMASTER: Domestic Violence II.

15 THE COURT: All right. What kind of pretrial
16 matters do you want to bring to my attention?

17 MR. PAYNE: Judge, I have a copy of my motion. I
18 have given a copy to Solicitor McMaster as well. I
19 believe some of these have already been settled, but in
20 an abundance of caution, I have included them in my
21 motion.

22 I just received the witness list that the State
23 intends to use at trial. I believe Motion One that
24 deals with rap sheets of potential witnesses has been
25 resolved at this point.

1 THE COURT: How was it resolved?

2 MR. PAYNE: I received a copy of the alleged
3 victim's rap sheet. I didn't know if there any other
4 non-police officer or law enforcement-related
5 individuals who the State intends to call. It appears
6 they do not plan to call anyone other than law
7 enforcement, the alleged victim in the case, as well as
8 the minor children. I received all of their rap sheets.

9 With respect to Number 2, I don't believe at this
10 time there are any other statements that I haven't
11 received. I received a follow-up statement by the
12 alleged victim in the case. I don't believe the
13 children gave statements in the case. I would just like
14 the State to put on the record that there are not any
15 other statements I don't know about.

16 MR. MCMASTER: That's correct, Your Honor.

17 THE COURT: So you have given him everything
18 encompassed within that?

19 MR. MCMASTER: If there are any new substantive
20 statements, I will give those statements to Mr. Payne.

21 THE COURT: I am making my note. There are no
22 other statements you have not given him.

23 All the statements you have that you might use or
24 whatever, you have given to him?

25 MR. MCMASTER: Yes, Your Honor.

STATE OF SOUTH CAROLINA V. TIFFANY MAE MILES - 2018-GS-29-000498

1 THE COURT: Okay. What is next?

2 MR. PAYNE: Judge, the third motion deals with
3 photographs that were taken by the officer. I am moving
4 to exclude a few of them, based on the fact that I
5 believe they are prejudicial. I also believe they are
6 cumulative.

7 THE COURT: They wouldn't come in unless they were
8 prejudicial. Anyway, what else?

9 MR. PAYNE: I believe they would be cumulative as
10 well.

11 THE COURT: Well, I won't know about that until I
12 get there and see what they are going to offer. If I
13 think there are too many, I will keep them out then. I
14 would rather deal with the photographs at trial.

15 I will put my note on that. At the trial I will
16 make that decision.

17 What else?

18 MR. PAYNE: Judge, I don't believe my client has a
19 record that would qualify for the look-back period.

20 THE COURT: What about that; trying to use any kind
21 of record to impeach him if he testifies?

22 MR. MCMASTER: She does have --

23 THE COURT: She?

24 MR. MCMASTER: She does, Your Honor, have a petty
25 larceny from 2010.

1 THE COURT: What does the rule say about that?

2 MR. MCMASTER: I believe it goes to her moral
3 turpitude.

4 THE COURT: Moral turpitude isn't the standard
5 anymore, is it? It's whatever the Rule says.

6 What is the Rule number on that?

7 MS. MCMAHAN: 609. There was just a case that came
8 out: State v. Robinson on the 8th.

9 THE COURT: What does it say?

10 MR. MCMASTER: I have a summary on it, Your Honor.
11 I haven't read the whole thing yet. There are three
12 different ways it could come in. If we could just put a
13 pause button on this issue and let us research it.

14 THE COURT: That would be good. I usually like to
15 make all my decisions at trial anyway. We will come
16 back to that, if we need to, at some point.

17 What is next?

18 MR. PAYNE: The next motion deals with rap sheets
19 of potential jurors. It's my understanding that the
20 State has pulled rap sheets on all the potential jurors
21 in this case. We would like the ability to sit down
22 this afternoon and look through the rap sheets as well.

23 THE COURT: Do you want to do that?

24 MR. MCMASTER: We have no problem with that.

25 MR. PAYNE: We agree to that.

1 THE COURT: All right. What else?

2 MR. PAYNE: THE sixth motion deals with any other
3 pending charges my client might have. If she should
4 take the stand, I would like there to be an exclusion.

5 THE COURT: No other pending charges are going to
6 come in; correct?

7 MR. MCMASTER: That's correct.

8 THE COURT: So no problem with that.

9 MR. PAYNE: Judge, from the date that she was
10 served this warrant, I would just like a blanket
11 exclusion of any kind of domestic disputes that happened
12 after this incident, after she was arrested.

13 THE COURT: You are not planning on doing anything
14 like that, are you?

15 MR. MCMASTER: No, sir, Your Honor.

16 THE COURT: Okay. I didn't think so.
17 Next?

18 MR. PAYNE: Judge, I don't believe my client has
19 ever given a statement, but if the Solicitor's office
20 intends to use any kind of statement she ever gave to
21 officers, we would object to that.

22 THE COURT: Any defense confession?

23 MS. MCMAHAN: No.

24 THE COURT: In quotation marks. None.

25 Okay. That takes care of that.

1 MR. PAYNE: Eight through ten deal with -- I have
2 subpoenaed the minor children to be witnesses in this
3 case. I requested giving the Solicitor's Office the
4 opportunity to sit down and interview the children as
5 witnesses in this case. They are currently in the
6 custody of Mr. Bowers, who is their father.

7 That request was respectfully denied by the
8 Solicitor's Office. I don't know anything about these
9 kids. Potentially, I could call them as witnesses.

10 THE COURT: Is there anything under the Rule that
11 you think entitles you to do that?

12 MR. PAYNE: I think they are witnesses. I will
13 issue a subpoena for them. I would just ask the Court
14 to have a small, in camera hearing to decide whether or
15 not they are competent.

16 THE COURT: If you want to raise that at the trial
17 and everything, I will have to decide that at the trial.

18 How old are these children, Mr. Solicitor?

19 MR. MCMASTER: Eleven, twelve, and fourteen.

20 THE COURT: I would imagine at that age they know
21 what it means to tell a lie or tell the truth, which is
22 basically the test; right?

23 MR. PAYNE: Yes, sir.

24 THE COURT: I don't think it's going to take a
25 whole lot of time to do that, so I will do that at the

1 trial, if necessary.

2 MR. PAYNE: Judge, the last motion, in substance,
3 deals with the bodycam footage that the Solicitor's
4 Office intends to introduce, as well as the 911 call as
5 well. I have no objection to the 911 call coming in. I
6 just don't want it coming in with any part of it
7 redacted.

8 With respect to the bodycam footage --

9 THE COURT: Wait a minute. Let's talk about one
10 thing at a time. So you have a 911 call and everything.
11 You are not objecting to that, as I understand it?

12 MR. PAYNE: No, sir.

13 THE COURT: So the 911 call is okay, as far as you
14 are concerned.

15 MR. PAYNE: Yes. I just want it to come in intact
16 with no redactions.

17 THE COURT: No problem with that?

18 MR. MCMASTER: Your Honor, we have a little problem
19 with that, just because --

20 THE COURT: What do you mean?

21 MR. MCMASTER: The operator asked if this had
22 happened between them before. Just to stay on track
23 with that one incident.

24 THE COURT: You don't want that to come in, do you?

25 MR. PAYNE: I do, Judge.

1 THE COURT: You do?

2 MR. PAYNE: Yes, sir, because I don't think it
3 happened before with my client being charged. I think
4 it was the other way around the last time it happened.

5 MR. MCMASTER: Your Honor, for the record, I do
6 intend to introduce it redacted.

7 THE COURT: My first inclination is to let it all
8 come in, but we will see.

9 What else? The 911 call. My inclination is to
10 play it all.

11 What else do we have to deal with?

12 MR. PAYNE: Judge, the bodycam footage worn by the
13 responding officer -- the part begins where he is asking
14 the alleged victim about her prior history of domestic
15 violence. In the State's defense, the victim also said
16 that my client has some mental issues as well.

17 I would just as soon let it all in rather than to
18 redact that part. If the bodycam comes in, let's just
19 have it all come in.

20 THE COURT: Do you know what he is talking about?

21 MR. MCMASTER: We have a couple of confrontation
22 issues. I have sent Mr. Payne the areas that I would
23 like to keep out. Again, it goes back to talking about
24 this incident and not talking about other prior or
25 subsequent incidents, and relevance, Your Honor.

1 THE COURT: Before I decide, I will have to listen
2 to both and make a decision at the time of the trial. I
3 don't think I should try to make this call, this
4 decision, without actually hearing what the 911 call
5 said and what the bodycamera said, shows, or whatever.

6 Let me hear that and listen to it. I think we can
7 do that at the trial. It will be an interruption to a
8 certain extent, but I will just reserve that and tell
9 you that my inclination with regard to both of those
10 things is probably to let it in. So we will see what
11 happens.

12 MR. PAYNE: We also filed a motion for all the
13 witnesses to be sequestered during the trial.

14 THE COURT: All right. So you-all make
15 arrangements to keep everybody out in the hallway, once
16 the trial starts. Of course, you can keep the
17 prosecuting officer in here if you want to, or the main
18 complaining witness or whoever. You can keep one person
19 in here if you want to and everything. Everybody else
20 sits out in the hallway and call them in; okay?

21 MR. MCMASTER: Yes, sir, Your Honor.

22 MR. PANYE: That is all I have for pretrial.

23 THE COURT: Sounds good. So we will be here
24 tomorrow morning at 9:30. Do one thing, I think, before
25 we pick the jury. We will pick the jury after that and

1 get started with the trial as soon as we can.

2 MR. MCMASTER: Thank you, Judge.

3 MR. PAYNE: Thank you.

4 THE COURT: Anything else today?

5 MR. MCMASTER: No, sir.

6 THE COURT: Okay. 9:30 tomorrow morning then.

7 (Whereupon, at 5:18 p.m., the proceedings were
8 continued to be resumed the following day
9 without interruption.)

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STATE OF SOUTH CAROLINA v. TIFFANY MAE MILES - 2018-GS-29-000498

1 PROCEEDINGS

2 * * *

3 TUESDAY, MAY 14, 2019

4 * * *

5 LANCASTER SOUTH CAROLINA

6 * * *

7 THE COURT: First of all, let me introduce myself.

8 My name is Tommy Houston. I work as a Circuit Court

9 Judge for the State of South Carolina. I have been

10 assigned by the Chief Justice to preside over a week of

11 General Sessions, or what we normally think of as

12 criminal court here in Lancaster County.

13 I believe the clerk has already called the roll of

14 who we have here. At this point in time, I need to ask

15 you some additional questions to make sure that you are

16 qualified to serve on the jury.

17 I will ask a series of about 10 or 12 questions to

18 you as a group. If your answer is yes to any of the

19 questions, please stand from where you are seated. If

20 you answer, yes, I may need to follow up with some

21 additional questions to you.

22 Again, I am going to ask a series of about 10 or 12

23 questions to you as a group. If your answer is yes to

24 any of the questions, please stand.

25 Is there anyone here to serve on the jury who is

1 not now a resident of Lancaster County? If so, please
2 stand.

3 (No indication)

4 THE COURT: No one is standing.

5 Is there anyone here who is not now a citizen of
6 the United States of America? If so, please stand.

7 (No indication)

8 THE COURT: Anyone here to serve on the jury who
9 cannot read, write, or speak the English language?

10 If so, please stand.

11 (No indication)

12 THE COURT: No one is standing.

13 Anyone here who has less than a sixth-grade
14 education or its equivalent?

15 If so, please stand.

16 (No indication)

17 THE COURT: No one is standing.

18 Is there anyone here who is a County Officer, a law
19 enforcement officer of any type, a teacher, a student,
20 or who is involved within the walls of any courthouse?

21 If so, please stand.

22 Yes, sir.

23 THE PROSPECTIVE JUROR: Justin Cope, Number 37. I
24 am a student. I am done for the year.

25 THE COURT: Thank you. Have a seat.

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1 Yes, ma'am.

2 THE PROSPECTIVE JUROR: Lindsay McCorkle, Number
3 98. I am a teacher at a daycare.

4 We can transfer you to a later term when it's more
5 convenient and you can make other arrangements. They
6 will notify you.

7 Yes, ma'am.

8 THE PROSPECTIVE JUROR: Sheila Miller, Number 108.
9 I work for the Lancaster County School District. Be on
10 the lookout for another notice.

11 Yes, ma'am.

12 THE PROSPECTIVE JUROR: Aubrey Thiede, Number 170.

13 THE COURT: Do you want to be transferred, or do
14 you want to serve?

15 THE PROSPECTIVE JUROR: I would like to serve.

16 THE COURT: Thank you very much.

17 THE PROSPECTIVE JUROR: Laura Gainer, 54. I work
18 for the Lancaster County School District, and I would
19 like to be transferred.

20 THE COURT: All right. You will be notified.

21 Yes, ma'am.

22 THE PROSPECTIVE JUROR: Tia Cox, I am a teacher.

23 THE COURT: Do you want to be transferred, or do
24 you want to serve?

25 THE PROSPECTIVE JUROR: I want to serve.

1 THE COURT: Thank you for being here. Have a
2 seat.

3 Is there anybody here who is to serve on the jury
4 who has been convicted or pled guilty in a State or
5 Federal Court to a crime punishable by imprisonment for
6 more than one year or whose civil rights have not been
7 restored by pardon or amnesty?

8 If so, please stand.

9 (No indication)

10 THE COURT: No one is standing.

11 Anyone here to serve on the jury who have physical
12 or mental problems, health problems of some type: Back,
13 heart problem, or whatever.

14 Anyone with any physical or mental disability that
15 you think would interfere on your ability to serve on
16 the jury this week, please stand.

17 Yes, sir.

18 THE PROSPECTIVE JUROR: Number 73, Mr. Johnson.

19 I have severe problems with my back.

20 THE COURT: How long do you think could you sit
21 without too much difficulty?

22 THE PROSPECTIVE JUROR: About 45 minutes.

23 THE COURT: Why don't you stay with us. We will
24 keep that in mind. If you need to stand up, move
25 around, or whatever, we will take care of it.

STATE OF SOUTH CAROLINA V. TIFFANY MAE MILES - 2018-GS-29-000498

1 He will stay with us.

2 Anyone else with any type of physical or mental
3 problem that you think would interfere with your ability
4 to serve on the jury?

5 (No indication)

6 THE COURT: No one else standing. Good.

7 Anyone under the age of 18 or over the age of 65?
8 If so, please stand. Under 18 or over 65.

9 THE PROSPECTIVE JUROR: Barbara Pressley, Number
10 131. I am 68.

11 THE COURT: You have the option of serving or not
12 serving. If you choose to be excused, we would be sad
13 to see you go, but if you would like to stay, we would
14 love to have you stay.

15 THE PROSPECTIVE JUROR: I would be glad to stay.

16 THE COURT: Thank you very much.

17 THE PROSPECTIVE JUROR: Jessie Brice, Number 21. I
18 am 67.

19 THE COURT: You have the option to serve or be
20 excused.

21 THE PROSPECTIVE JUROR: I will serve.

22 THE COURT: Your name and number.

23 THE PROSPECTIVE JUROR: Billie Price, Number 132.
24 I am 65.

25 THE COURT: All right. Would you like to stay?

1 THE PROSPECTIVE JUROR: Yes.

2 THE COURT: Thank you.. Anyone else?

3 Anyone here on the jury panel here to serve on the
4 jury who has a small child, young child, for whom you
5 have the duty of custody and care, or I include at this
6 point -- we have people who are caring for a parent or
7 something like that where you are required to take care
8 of an older person. Anyone with any type of problem
9 like that?

10 THE COURT: Yes, ma'am. Your name and number.

11 THE PROSPECTIVE JUROR: Amanda Loccasio, Number 90.
12 I have three children. I am a stay-at-home mom.

13 THE COURT: Would you like to be excused?

14 THE PROSPECTIVE JUROR: No, sir. I'll stay.

15 THE COURT: I think the response takes care of
16 that.

17 THE PROSPECTIVE JUROR: Stephen Howie, 68. I need
18 to make sure I can pick my kids up at school.

19 THE COURT: If you are on the jury, we work until
20 about 5:00 in the afternoon. That is a little bit past
21 the pickup time. We work until about 5:00.

22 THE PROSPECTIVE JUROR: I didn't really make any
23 other arrangements.

24 THE COURT: You need to be excused then?

25 THE PROSPECTIVE JUROR: Yes, sir.

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1 THE COURT: All right. You are free to go. You
2 will be transferred.

3 Now, in addition to those reasons that I can excuse
4 you or transfer you and I have a list for, there may be
5 some type of compelling personal situation, a problem
6 with your job or family obligations or something of that
7 sort that makes it particularly inconvenient for you to
8 serve this week.

9 I cannot excuse you on the basis of such a personal
10 reason, but I can consider transferring you to a later
11 term of court where you can make better arrangements and
12 be able to serve on a jury.

13 Is there anyone who would like to be considered for
14 a transfer to a later term of court? If so, please
15 stand.

16 THE PROSPECTIVE JUROR: John Moore. I have a
17 problem this week, but I am pretty wide open over the
18 summer.

19 THE COURT: I will transfer Mr. Moore.

20 Anybody else?

21 THE PROSPECTIVE JUROR: Richard Schwartz, 146. I
22 have several sessions of court this week. I just need a
23 transfer.

24 THE COURT: He will be transferred.

25 Anybody else?

1 (No indication)

2 THE COURT: Our normal hours of operation are from
3 about 9:30 in the morning. That is when we usually
4 start. We work until about 12:30, 1:00. We take a
5 lunch break for about an hour, and then we come back and
6 we work until about 5:00 or so in the afternoon,
7 depending on where we are during the course of the
8 trial. We select 12 jurors and one alternate juror. If
9 you are one of those 12 or 13 people to be on the jury,
10 we will release you or ask you to come back at a later
11 time or date, where we would anticipate meeting you to
12 pick another jury for the trial of the next case.

13 The clerk will provide you with a telephone number
14 for you to call in, in the later afternoon or early
15 evening. There will be a recorded message about when to
16 come back, whatever, as far as service is concerned.

17 We will pick a jury today and start the trial of
18 the case. Then, as I have said, you are not actually
19 off the jury until we release you and have you come back
20 at a later time and date to get further instructions
21 about your further service on the jury for the week.

22 I will ask the Solicitor now to give me an
23 indictment.

24 All right. We have a case. The State charges
25 Tiffany Mae Miles.

1 Stand up so the jury can see. She is the person
2 who is charged. The State claims that she violated one
3 of the laws of this state called domestic violence II.

4 This charge relates to an incident that the State
5 said happened on or about November 6, 2017. It involves
6 her and a person by the name of Robert Bowers, who the
7 State says was a member of that household at that time.
8 The State claims that she did commit certain acts
9 against Mr. Bowers that resulted in this charge against
10 her.

11 I will define that term later on as we get into
12 this later. That is the charge that the State has
13 against Tiffany Mae Miles. To that charge, Ms. Miles
14 has said "I am not guilty." That places the burden of
15 proving her guilty on the State.

16 A person who is charged is never required to prove
17 himself or herself innocent. The burden of proof is on
18 the State at all times to prove her guilty of the charge
19 beyond a reasonable doubt. That is what this is about.

20 If you are on the jury, the question you will
21 answer at the end of the case is exactly that. The
22 State met the burden of proof of proving that she is
23 guilty of this charge beyond a reasonable doubt.

24 Is there anyone on the jury who is related by blood
25 or marriage or do you know in any way Ms. Miles, the

1 defendant, or the victim, Robert Bowers?

2 (No indication)

3 THE COURT: How about potential witnesses for the
4 State?

5 Mr. McMaster, call out the names to the jury if you
6 would, please.

7 MR. MCMASTER: Robert Bowers; R.M. [REDACTED]; A.B.
8 A.B. [REDACTED]; I.B. [REDACTED]; Deputy John Mummert, with the
9 Lancaster County Sheriff's Office.

10 THE COURT: Is there anyone on the jury who is
11 related by blood or marriage to any of those witnesses?

12 (No indication)

13 THE COURT: Any other names?

14 MR. MCMASTER: Chastity Davis; Sandy Folthem;
15 Steven Blackwelder; John Bowers.

16 THE COURT: Is there anyone on the jury who is
17 related by blood or marriage to any of those people who
18 were just named?

19 (No indication)

20 THE COURT: No one is standing.

21 I will ask the lawyers to introduce yourselves to
22 the jury. Just stand and introduce yourselves to the
23 jury, if you would, please.

24 MR. MCMASTER: I am a Junior Assistant Solicitor
25 here in Lancaster County.

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1 MR. PAYNE: My name is Ryan Payne. I am here on
2 behalf of Ms. Tiffany Miles. I am from the Public
3 Defender's Office.

4 MR. PALACIO: My name is Edwin Palacio. I am the
5 same as Ryan Payne.

6 THE COURT: Do you know of anybody or related by
7 blood or marriage to any of the lawyers involved in this
8 case?

9 If so, please stand.

10 (No indication)

11 THE COURT: No one is standing.

12 Does anyone in the jury panel have any knowledge,
13 know anything at all about any factual circumstances
14 that may be involved in the trial of this case?

15 If so, please stand.

16 (No indication)

17 THE COURT: Is anyone aware of any bias or
18 prejudice you have decided in this case before the case
19 begins?

20 If so, please stand.

21 (No indication)

22 THE COURT: No one is standing.

23 These questions are personal, so to speak, but I
24 will ask a few of these types of questions.

25 Has anyone on the jury panel that you know of ever

1 been involved in any type of domestic violence case?

2 If so, please stand.

3 THE PROSPECTIVE JUROR: Priscilla Kimel, Number 82.

4 I have been the victim of domestic violence.

5 THE COURT: Thank you for that information.

6 THE PROSPECTIVE JUROR: Dierdre Lesho, Number 88.

7 My brother in York County was involved in a case.

8 THE COURT: Thank you for that information.

9 THE PROSPECTIVE JUROR: Tammy Horn, Number 67. It
10 was my son that was involved in a case. It was years
11 ago.

12 THE PROSPECTIVE JUROR: Jennifer Young, 197. It
13 also was my brother who was involved.

14 THE COURT: Thank you for that information.

15 Yes, sir.

16 THE PROSPECTIVE JUROR: Tony Ruffo, Number 142. I
17 was involved in a domestic violence case about eight
18 years ago.

19 THE COURT: Thank you for that information.

20 Has anyone on the jury panel ever served on a jury
21 of any type in any court in any level? Anyone ever been
22 on a jury of any type?

23 THE PROSPECTIVE JUROR: Tammy Horne, Number 67. I
24 have been on a jury for the County and the City.

25 THE COURT: Thank you for that information.

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1 Yes, sir. Your name and number.

2 THE PROSPECTIVE JUROR: Luis Ortega, Number 119. I
3 was a juror in Lancaster, and also in district court in
4 North Carolina.

5 THE COURT: Do you remember what kind of case it
6 was?

7 THE PROSPECTIVE JUROR: One was a traffic
8 violation, and the other one I don't recall.

9 THE COURT: Has any of the jury panel or any member
10 of your family that you know of been involved in any
11 type of law enforcement or what we call victim advocacy
12 groups, such as MADD, SADD -- any type of organizations
13 like that?

14 If so, please stand.

15 (No indication)

16 THE COURT: Okay. We are now going to call out the
17 names of the people who are on the list.

18 Joanne Hicks; Michael Snipe; Lucas Wenceslao,
19 Michael Gilmartin; Martha Clark; Danni Brewer, Robin
20 Cox; Donnie Birchfield, Sr.; Clifford Tidwell; Luis
21 Ortega; Teresa Reed; Krista Novak; Richard Hatch; Teresa
22 Williams; Michael Ott; Kevin Knight; William C.
23 Hedgpeth, Jr.; Michael Phillips; Pricella Kimel;
24 Gabriela Botello.

25 THE COURT: We are ready to pick the jury. Start

1 at the top.

2 THE CLERK: Juror Number 1.

3 MR. MCMASTER: Please present the juror.

4 MR. PAYNE: Please swear the juror.

5 THE CLERK: Juror Number 2.

6 MR. MCMASTER: Please present the juror.

7 MR. PAYNE: Please swear the juror.

8 THE CLERK: Juror Number 3.

9 MR. MCMASTER: Please present the juror.

10 MR. PAYNE: Please excuse the juror.

11 THE CLERK: Juror Number 4.

12 MR. MCMASTER: Please present the juror.

13 MR. PAYNE: Please excuse the juror.

14 THE CLERK: Juror Number 5.

15 MR. MCMASTER: Please present the juror.

16 MR. PAYNE: Please swear the juror.

17 THE CLERK: Juror Number 6.

18 MR. MCMASTER: Please present the juror.

19 MR. PAYNE: Please swear the juror.

20 THE CLERK: Juror Number 7.

21 MR. MCMASTER: Please present the juror.

22 MR. PAYNE: Please swear the juror.

23 THE CLERK: Juror Number 8.

24 MR. MCMASTER: Please present the juror.

25 MR. PAYNE: Please excuse the juror.

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1 THE CLERK: Juror Number 9.

2 MR. MCMASTER: Please present the juror.

3 MR. PAYNE: Please swear the juror.

4 THE CLERK: Juror Number 10.

5 MR. MCMASTER: Please present the juror.

6 MR. PAYNE: Please swear the juror.

7 THE CLERK: Juror Number 11.

8 MR. MCMASTER: Please present the juror.

9 MR. PAYNE: Please excuse the juror.

10 THE CLERK: Juror Number 12.

11 MR. MCMASTER: Please present the juror.

12 MR. PAYNE: Please swear the juror.

13 THE CLERK: Juror Number 13.

14 MR. MCMASTER: Please present the juror.

15 MR. PAYNE: Please excuse the juror.

16 THE CLERK: Juror Number 14.

17 MR. MCMASTER: Please present the juror.

18 MR. PAYNE: Please swear the juror.

19 THE CLERK: Alternate Number 1.

20 MR. MCMASTER: Please present the juror.

21 MR. PAYNE: Please swear the juror.

22 THE COURT: All right. Please follow the bailiff

23 to the jury room. The balance of you are free to go.

24 (Whereupon, a recess was held.)

25 (Whereupon, the following proceedings were

1 held in open court. The defendant was
2 present with her attorney, along with
3 counsel for the State.)

4 THE COURT: Please swear in the jury.

5 (Whereupon, the jury was duly sworn and impaneled.)

6 THE COURT: The oath that you just took was an
7 oath whereby you swore you would decide this case based
8 on the testimony and the evidence that will be presented
9 to you from the witness stand -- from the witness box
10 right here. The witnesses will sit here, and they will
11 tell you what they know, as far as this case is
12 concerned.

13 You just took an oath whereby you swore you would
14 decide this case based on the facts, the evidence that
15 is presented to you from the witnesses?

16 A And my instructions to you on the law. You are the
17 sole judges of the facts of this case. I don't have
18 anything to do with the facts.

19 My job is to make sure that the parties follow the
20 rules in presenting the facts to you. Your job is to
21 decide the facts based on your full and fair evaluation
22 of the testimony and the evidence that will be presented
23 to you. Keep that in mind, what your job is going to be
24 at the conclusion of this case.

25 You are the judges of the facts of this case. As I

1 told you earlier, the State claims that this defendant,
2 Tiffany Mae Miles, committed what is called Domestic
3 Violence II on Robert Bowers back on November 6, 2017.
4 Now, to this charge, she has said "I am not guilty."

5 As I said earlier, that places the burden of
6 proving her guilty on the State. A person is never
7 required to prove herself innocent. The burden of proof
8 is on the State at all times, until you, the jury, have
9 reached a conclusion in the jury room at the end of the
10 case that they have met the burden of proof of proving
11 her guilty beyond a reasonable doubt.

12 That is the question that you will answer. The sum
13 and substance that you will answer at the end of this
14 case will be: Has the State met the burden of proof?

15 Now, the way we will go about learning about this
16 case -- first of all, I am going to allow the attorney
17 for each side make a brief opening statement to you.

18 The State will tell you more about what the charge
19 is against the defendant, then there will be a response
20 from the defendant to that charge. That is not
21 testimony. That is not evidence.

22 I do allow each side through an attorney to
23 introduce themselves a little further to you and tell
24 you a little bit more about what this case may be about.

25 After we have those opening statements, we will

1 have witnesses who will come up here and take an oath to
2 tell you what they know about the facts of this case.

3 You will hear from the witnesses; people will tell
4 you what they know about this case. After all the
5 witnesses have been presented and after everybody has
6 had a chance to present any evidence, any facts that
7 they want you to consider in this case, then we will
8 have summations, an argument from the lawyers.

9 After that, I will discuss with you more fully what
10 your duties and responsibilities are as a juror in this
11 case and the law that may be involved in this case.

12 Then you will go to the jury room and deliberate, and
13 you will answer that question: Has the State met the
14 burden of proof of proving her guilty of this charge
15 beyond a reasonable doubt.

16 Now, during the conduct of the trial, you cannot
17 discuss the case, even amongst yourselves. So when you
18 take a break, when you go to lunch, if it goes over into
19 tomorrow, do not talk about it tonight when you go home
20 or anything like that. They are not one of the 12
21 people who will be involved in this case.

22 You are not to discuss the case even amongst
23 yourselves until you have heard everything. That is
24 when you will make your decision; after everything has
25 been presented to you or even during the trial. Do not

1 discuss it during breaks, lunch, or whatever. Wait
2 until you have heard everything, arguments, my
3 instruction to you. That is when you deliberate, and
4 that's when you will make your decision in regard to
5 this case.

6 One other thing: The seating is not assigned or
7 anything like that. You are free to sit anywhere you
8 like, except for the alternate juror, Robin Cox. That
9 is the seat we are going to reserve for you. For the
10 rest of you, you can sit anywhere you like.

11 One of the things I would like for you to do
12 though, is when you do take a break -- I usually do this
13 when we take our lunch break. I would like for you to
14 select the foreperson of the jury. The foreperson is
15 the person who will preside over the jury deliberations
16 at the end of the case when you will consider your
17 verdict.

18 The foreperson's vote doesn't count any more than
19 anybody else's vote, as far as deciding this case is
20 concerned, we ask you to select one person who will be
21 the spokesman here in court for any reason. If you need
22 to ask me any questions or do anything with regard to
23 the case is concerned. That will be the spokesperson.
24 Also, that will be the person who is presiding over your
25 deliberations at the end of the case. You will keep the

1 discussion going, keep it on track, and report to us
2 when you have reached a verdict.

3 So I would ask you to elect one person to act as a
4 spokesperson and as your presiding officer during the
5 course of your deliberations.

6 Let me know afterwards, when we come back after
7 lunch, who that person is that you have selected as your
8 foreperson at that point.

9 Now we will hear from the attorneys as they make
10 their opening statements to you.

11 Mr. McMaster.

12 * * *

13 OPENING STATEMENT BY MR. MCMASTER

14 MR. MCMASTER: This case is about self-control. On
15 November 6, 2017 the defendant, Tiffany Miles, was
16 driving in the car with her three children. She ran off
17 the road. She had an accident. The children were in
18 the car. Her long-time boyfriend of 13 years, Robert
19 Bowers, comes to her aid. During that time, he is
20 asking what happened.

21 The did get safely back home. Later that night,
22 the argument starts. Mr. Bowers asking what
23 happened in the car wreck. Mr. Bowers is acting as any
24 concerned parent would be for his three children.

25 Back at the house, the argument escalates to an

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1 assault. The defendant, Tiffany Miles, hits Robert
2 Bowers in the head. Multiple times.

3 What does Mr. Bowers do? Not defend himself. He
4 calls the law. While on the phone with police, Tiffany
5 Miles, the defendant, continues to hit. Instead of
6 defending himself, Rob Bowers called the police to let
7 them know. Shortly thereafter, Deputy Mummert arrives
8 at the scene. Who does he see at the house?

9 He sees Robert Bowers. He sees the three
10 children. He does not see Tiffany Miles. Tiffany Miles
11 left the house. Over the next couple of days, you will
12 hear testimony from the witnesses who were there. You
13 will also hear pieces of evidence.

14 I just ask that you listen to all the facts.
15 Please stay attentive. Listen to all the testimony. I
16 appreciate you being here. Thank you.

17 THE COURT: Mr. Payne.

18 * * *

19 OPENING STATEMENT BY MR. PAYNE

20 MR. PAYNE: Good morning, ladies and gentlemen. I
21 know we met a few moments ago in the jury room, but I
22 will re-introduce myself at this time. My name is Ryan
23 Payne. I am a defense attorney. I am here today on
24 behalf of Tiffany Mae Miles.

25 When I went to law school, I always thought that

1 what you saw on TV movies is how it is. Somebody is
2 going to burst in the door at the last minute and say
3 "That person didn't do it. I did it."

4 They usually don't get much of the stuff right in
5 movies. They get one thing right. That is the burden
6 of proof in a criminal case. This may seem at times
7 like a divorce hearing. It's a criminal matter. The
8 burden is on the State. The burden of proof in this
9 case is beyond a reasonable doubt.

10 The Judge will get into all of that as you get
11 closer to your deliberations, but I want to talk to you
12 a little bit about what beyond a reasonable doubt means.
13 If you think it's 50/50 -- I don't know what happened
14 that night. Maybe she did; maybe she didn't -- then you
15 have to come back with a not guilty verdict?

16 A At the end of this thing, you say will it's more
17 likely than not that she did it, 51/49. You still have
18 to come back not guilty. Beyond a reasonable doubt
19 means that the State must prove my client guilty in all
20 12 of your minds beyond all reasonable doubt in your
21 minds.

22 The other term that you will hear in this case is
23 the word victim. The State is going to allege that Mr.
24 Bowers is the victim in this case. Ladies and
25 gentlemen, he is only the victim if you-all decide that

1 he is.

2 As far as I am concerned, the victim in this case
3 is 4'8, 90 pounds, the mother of three who is sitting at
4 my table. Her name is Tiffany May Miles.

5 You are going to hear some horrific details
6 straight from her mouth about the night this incident
7 happened. You will hear how she got burned in the face
8 with a lit cigarette at the hands of Mr. Bowers. You
9 will hear how she struggled to get away from him while
10 he held her against her will. You will hear this from
11 her mouth. She has got nothing to hide.

12 I ask you that you sit here. I know it's against
13 your will -- because we all picked you -- but I picked
14 you and she picked you. We believe you can be honest
15 and open and understand all of the evidence in this
16 case.

17 I ask that you be open-minded and fair, not only
18 for me, but for Ms. Miles. I ask at the end of this
19 thing, that you return a verdict of not guilty.

20 Thank you very much.

21 THE COURT: Mr. McMaster, call your first
22 witness.

23 MR. MCMASTER: The State calls Stephen
24 Blackwelder.

25 * * *

1 STEPHEN BLACKWELDER,
2 called as a witness by and on behalf of
3 the State to testify, being first duly
4 sworn was examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. MCMASTER:

7 Q Mr. Blackwelder, state your name for the record.
8 A My name is Stephen Blackwelder.
9 Q Where are you employed?
10 A I am the director of 911, Public Safety
11 Communications for Lancaster County.
12 Q Your title there, you said --
13 A Director.
14 Q Can you explain what that title entails?
15 A I am in charge of the entire 911 system. So the
16 call is placed to the dispatchers, and the management of
17 that department. It's entailing from the start of a 911
18 call to just managing that group.
19 Q When a 911 call comes in, how is it stored?
20 A We record them electronically and store them on a
21 server that is housed in our server room that is at our
22 site.
23 Q How long have you been working there?
24 A I started June 12, 2017, so almost two years.
25 Q Were you working on the day of November 6, 2017?

1 A This call occurred in the afternoon/evening. I was
2 not technically at work. I work 8:00 to 5:00 as my
3 typical shift. Yes, I did work on that day.

4 Q I will hand you what has been premarked as State's
5 Exhibit 1.

6 Do you recognize that exhibit?

7 A Yes, sir.

8 Q Can you see any marks on it?

9 A 911 call. The date and the call number.

10 Q So it has some identifying characteristics?

11 A Yes, sir.

12 Q Can you tell me how that exhibit is obtained?

13 A Typically, we go through a Freedom of Information
14 Act form that we provide. Once we get that form, we go
15 through our recordings. In this case, my assistant did
16 this recording, but I typically do these as well.

17 We will provide it either in a CD form or by email,
18 depending on who the requester is and how they want it
19 to be done. We have a recording system that only
20 certain people are authorized to use. We provide those
21 under the Freedom of Information Act requirements.

22 Q Who is the assistant that you said?

23 A Sandy Cauthen.

24 Q Did you say that she was the custodian on that
25 exhibit?

1 A Yes, sir.

2 Q Where is she today?

3 A She has some health issues that kept her from being
4 in the courtroom today, so I am here in her place.

5 Q I hope that she feels better.

6 A Thank you.

7 Q How did you become familiar with the exhibit?

8 A I was sent emails by Ms. Cauthen that she couldn't
9 come. She told me the circumstances of the case.

10 Q That is good.

11 Can you tell me if that exhibit is in the same or
12 substantially the same as it was at the time it came
13 from your department to the Sheriff's Department?

14 A It is typical of how she would package it for a
15 case as this.

16 Q Are there any marks that you can tell that by?

17 A It has her handwriting on there, what I recognize
18 -- believe to be her handwriting.

19 It says "Solicitor's copy."

20 Q Were you present at the time that that exhibit was
21 burned?

22 A No, sir.

23 Q The other custodian, was she present when the CD
24 was burned?

25 A Yes.

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1 Q Do you have knowledge of how the CD was burned and
2 when it was burned?

3 A Typically, our computers store it electronically.
4 She would burn the CD, depending on how it was requested
5 to us. Sometimes we email them and other people burn
6 them. It looks like this one she burned it and gave it
7 in hard copy.

8 Q You mentioned earlier, but who has access to those
9 recordings?

10 A Only she and I can release a recording such as
11 this. The center -- the folks who do 911 calls have a
12 short-term playback. If they need to hear something to
13 clarify a call that is currently occurring, they can do
14 that, but they can't go back several hours later and get
15 a call.

16 Q Do you keep these calls in the regular course of
17 business?

18 A Yes, sir. For three years we maintain those files.

19 Q Are you familiar with Ms. Cauthen's handwriting?

20 A Yes, sir.

21 Q Do you recognize that to be Ms. Cauthen's
22 handwriting?

23 A I believe the top piece there with the CAD number
24 and 911 call is her writing.

25 MR. MCMASTER: No further questions from the State.

1 Please answer any questions that Mr. Payne has.

2 CROSS-EXAMINATION

3 BY MR. PAYNE:

4 Q Good morning, Mr. Blackwelder. I just have a few
5 quick questions for you.

6 Would you have gotten a copy of all the 911 calls
7 on that day?

8 A Not as a routine situation. We get hundreds of
9 calls every day. I would have access to those, if that
10 is what you are asking.

11 Q Are you aware of any other 911 calls that were made
12 on this day involving this incident?

13 A No, sir.

14 MR. PAYNE: No further questions.

15 THE COURT: Thank you very much.

16 You can return to your place and be dismissed.

17 MR. MCMASTER: No further questions, Your Honor.

18 THE COURT: Thank you very much. You are free to
19 go.

20 Next witness.

21 MR. MCMASTER: Your Honor, the State calls Chastity
22 Davis.

23 CHASSITY DAVIS,

24 called as a witness by and on behalf of
25 the State to testify, being first duly

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1 sworn was examined and testified as follows:

2 DIRECT EXAMINATION

3 BY MR. MCMASTER:

4 Q Hello, Ms. Davis. How are you?

5 A Good. How are you?

6 Q Please state your name for the record.

7 A Chassity Marie Davis.

8 Q Ms. Davis, where are you employed?

9 A Lancaster, Public Safety Communications.

10 Q What is your title there?

11 A Telecommunicator.

12 Q What does that title entail?

13 A It means taking 911 calls, dispatching out the
14 police officers, fire department, EMS, and helping the
15 citizens of the county.

16 Q How many calls would you say you get a day?

17 A It depends on the day. It's a high volume. We get
18 quite a few hundred calls.

19 Q What is a busy day?

20 A Maybe on a 12-hour shift, you may get 200 to 300
21 calls.

22 Q Ms. Davis, were you working on the night of
23 November 6, 2017?

24 A Yes, sir.

25 Q Do you remember -- what is the normal way when

1 somebody calls you? How does that work? Explain that
2 to the jury.

3 A When someone calls, when you say, "911. What is
4 the address of your emergency, they tell us where they
5 are calling from. We ask them to tell us what is going
6 on; what is the emergency? They start describing what
7 is going on.

8 We ask them a series of questions. Do you have any
9 weapons? Is the person still there? Do you need EMS?
10 It's questions that might could figure out what is going
11 on, so we can go ahead and call it in to our officers
12 and responding units.

13 Q Is that your normal course of business?

14 A Yes.

15 Q I will hand you what has been premarked as State's
16 Exhibit 1.

17 Do you recognize that exhibit?

18 A Yes, sir.

19 Q Do you recognize any marks on it? Do you recognize
20 any certain marks?

21 A No, sir. I recognize the names involved.

22 Q Are exhibits like that part of your normal course
23 of business?

24 A Yes, sir.

25 Q Explain the process of how the requests come from

1 those offices. You are familiar with that process?

2 A Yes, sir.

3 Q Were you working on the night of November 6, 2017?

4 A Yes, sir.

5 Q Do you remember speaking with Robert Bowers?

6 A Yes, sir.

7 Q Without saying what he said, can you tell me about
8 that call?

9 A He called in, and his girlfriend at the time was
10 attacking him. You could hear it in the background that
11 she was heavily intoxicated. You hear her saying that
12 she had hit him. The kids was there, and she was
13 definitely intoxicated.

14 She had punched him in the face and the mouth. We
15 asked if he needed EMS. He said he didn't need EMS.

16 Q Do you remember how long the call was?

17 A I don't remember.

18 Q I am going to hand you what has been premarked as
19 State Exhibit's Number 2.

20 A Yes, sir.

21 Q Do you recognize that exhibit?

22 A Yes, sir.

23 Q How do you recognize it?

24 A We get QA's. It often comes in these forms. Our
25 calls are graded.

1 Q What are those forms called?

2 A CAD reports.

3 Q What does that stand for?

4 A It's our CAD system. It's our call for service
5 detailed report. It lets you know the details of the
6 call in every aspect.

7 Q How are those reports made?

8 A As soon as we get the 911 call and we get the
9 address, we start a card. We get the details, and the
10 responders are dispatched out. From there on, you are
11 able to find that call after it's cleared. Sometimes it
12 gets pulled for QA purposes, or for purposes such as
13 this.

14 Q Can you tell me how that report is obtained by you?

15 A We don't specifically do it. It's on the admin
16 side. I am not exactly sure how it is pulled.

17 Q How do you get information from the call into those
18 reports?

19 A Every time the person says what is going on, we
20 type exactly what they say in the reports. So it may
21 say that someone is hitting them.

22 Sometimes if we hear disturbance in the background,
23 it may not be what someone said, but what we are
24 hearing. We are typing everything that we hear in the
25 CAD reports, so it's able to be viewed at any

1 time.

2 Q That information goes into the report?

3 A Yes. It's in our computer system.

4 Q Then where does that report go?

5 A After you -- enter you have entered a call and it's
6 cleared, anyone within the communications center can
7 find the call. You just have to type in the address,
8 and it's able to be pulled up.

9 Q What type of training do you have to go through for
10 this?

11 A We have quite a few classes that we have to take.
12 First-responder class. We do a lot of 8:00 to 5:00 days
13 where you train on the phones. Your trainer is sitting
14 there with you taking these calls until they feel
15 comfortable that you are confident in how to ask these
16 questions and get the information that the responding
17 officers and the responding units need to know.

18 We have different classes that we have to take.
19 We also have to go to the dispatch academy, and you have
20 to take a test before they clear you.

21 Q What amount of time would you say that is?

22 A Two or three months.

23 Q How long have you been answering calls?

24 A I have been hired since June 26, 2017.

25 Q You said earlier that you thought that the

1 defendant in this case, Tiffany Miles, was intoxicated.

2 Can you explain that?

3 A On the playback, if you listen, it was the way her
4 voice was -- I am not sure if you would say slurred or
5 like that. You can always tell when someone is
6 intoxicated. You can hear her say, "Don't hit me back."

7 You could hear him being hit, and there were kids
8 in the background.

9 Q Have you seen one of these CAD reports before?

10 A Yes, sir.

11 Q This report is consistent with other reports that
12 you have seen?

13 A Yes, sir.

14 Q You recognize the notes that you put in it?

15 A Yes, sir.

16 Q What does the report -- what does it tell you, if
17 you had to narrow it down?

18 A If you had to summarize it, to tell you what was
19 going on, it was just that she was attacking him, and he
20 was calling to report it.

21 When I talked to him that night, I believe she was
22 still on scene -- well, she was still on the scene.
23 When the officer got there, she was no longer on the
24 scene.

25 Q You had mentioned the Q and A responses?

1 A Yes.

2 Q Tell me about that.

3 A The Q and A makes sure that we get our calls within
4 a reasonable amount of time. You ask all the responding
5 questions that you need to ask, get the officers'
6 information, and they tell us to get information that
7 protects the person calling like if this has ever
8 happened before; has there been any history of drugs or
9 alcohol, because that can play a part in things, too.
10 If there are any weapons, or anything like that.

11 Q And those are all normal questions that you would
12 ask?

13 A Yes. For a typical disturbance or domestic, those
14 are typical questions. You need to know if there are
15 weapons, especially for the first on the scene; or if
16 the person has a history of domestic violence or is
17 intoxicated a lot. And the kids' safety, if there are
18 kids there.

19 MR. MCMASTER: Your Honor, at this time the State
20 moves the admissibility into evidence of all the
21 exhibits that have been marked and presented so far.

22 State's Exhibit 1 and State's Exhibit 2.

23 THE COURT: Anything you want to say?

24 MR. PAYNE: May we approach, Judge?

25 THE COURT: No.

1 MR. PAYNE: I think this is one of the pretrial
2 issues.

3 THE COURT: Members of the jury panel, I need you
4 to go to the jury room for a few minutes, please. I
5 need to discuss these exhibits with the lawyers. I will
6 be back with you just as soon as I can.

7 Please go to the jury room, please.

8 (Whereupon, the jury exited the courtroom.)

9 THE COURT: The jury is out, and the door is
10 closed.

11 State's Exhibit 1 is the recording of the 911 call;
12 right?

13 MR. MCMASTER: Yes, sir.

14 MR. PAYNE: Yes, sir.

15 THE COURT: I guess we need to play it, so we can
16 see what it says.

17 MR. PAYNE: I just want to ensure that it's the
18 whole --

19 THE COURT: Let's go ahead and play it.

20 How long is it?

21 MR. MCMASTER: It's about seven minutes.

22 THE COURT: Go ahead.

23 (Whereupon, State's Exhibit 1 was published to the
24 Court for review.)

25 THE COURT: All right. We have listened to all of

1 State's Exhibit Number 1.

2 Mr. Payne, do you object to that?

3 MR. PAYNE: No, sir, Your Honor.

4 THE COURT: No objection to that?

5 MR. PAYNE: No, sir.

6 THE COURT: So that comes in without objection. I
7 haven't heard anything about State's Exhibit 2.

8 What is that?

9 MR. MCMASTER: It's the CAD report.

10 THE COURT: Do you have an objection to that?

11 MR. PAYNE: Judge, I would argue additionally that
12 it's cumulative. If the 911 calls comes in, this is
13 basically a transcript.

14 THE COURT: Let me see it then.

15 What do you want to say about this?

16 You object to this?

17 MR. PAYNE: I do, Judge.

18 THE COURT: All right.

19 Why should this come in, Mr. McMaster? I guess
20 your objection is that it's hearsay. Anything else?

21 MR. PAYNE: I think hearsay in the sense that it
22 uses the name Ashley Kirkley. I don't believe that is
23 on the State's witness list.

24 Page 3 of the report involves entering information
25 from somebody named Ashley Kirkley. I also think it's

1 cumulative, because it's just a transcript of the 911
2 call.

3 THE COURT: Why should this come in? Your basic
4 objection is, I guess, hearsay, as to what she recorded,
5 as to what she wrote down as far as all of this stuff is
6 concerned.

7 Anything else?

8 MR. MCMASTER: Your Honor, it helps the jury follow
9 along with what happened on the call. Ms. Davis and Mr.
10 Blackwelder have established the chain of custody, the
11 normal course of business. The State is willing to
12 redact Ashley Kirkley's name from her report.

13 THE COURT: I appreciate it. I sustain the
14 objection to this. The other came in without
15 objection. I will let you play the thing, but I will
16 sustain the objection to State's Exhibit Number 2.

17 I will give this to the court reporter.

18 The other came in without objection for whatever
19 reason.

20 Bring the jury back in.

21 (Whereupon, the jury entered the courtroom.)

22 (Whereupon, the following proceedings were
23 held in open court. The defendant was
24 present with her attorney, along with
25 counsel for the State.)

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1 THE COURT: We have the jury with us and the
2 parties are present along with her attorney. The
3 bailiff has told me that Mr. Clark is going to serve as
4 the foreperson of the jury.

5 We would ask that you sit in that seat, and the
6 alternate juror, Ms. Cox, back there.

7 State's Exhibit Number 1, the CD, recording of the
8 911 call, you are offering that, and that is coming in
9 without objection. You can play that now.

10 (The aforementioned item was marked as
11 State's Exhibit 1 for identification and was
12 admitted into evidence.)

13 MR. MCMASTER: Your Honor, we are going to publish
14 it to the jury after the victim's testimony.

15 THE COURT: You don't want to play it now? That is
16 all right. You do it however you want to.

17 MR. MCMASTER: We will publish it now.

18 THE COURT: Go ahead.

19 (Whereupon, State's Exhibit 1 was published for the
20 jury.)

21 THE COURT: Any other questions for this witness?

22 MR. MCMASTER: No other questions from the State.

23 THE COURT: Any cross-examination?

24 MR. PAYNE: Yes, Your Honor.

25 * * *

1 CROSS-EXAMINATION

2 BY MR. PAYNE:

3 Q Good morning, Ms. Davis. How are you?

4 A Good morning.

5 Q How long did you say you have been working for
6 Public Safety doing 911 calls?

7 A June 26, 2017.

8 Q Do you remember about how many calls you got on
9 this date?

10 A No.

11 Q It's been awhile?

12 A Yes. It's been awhile.

13 Q Were you aware if there were any previous calls
14 before this?

15 A Not that I am aware of.

16 Q You testified earlier that you believe that my
17 client was intoxicated; that you could hear her in the
18 background slurring her words; is that correct?

19 A Yes, sir.

20 Q After you just heard that recording, do you still
21 hold that same opinion?

22 A Yes, sir.

23 Q Where at in the 911 call can you hear her slurring
24 her words in that audio?

25 A You can hear her being very loud in the background.

1 It sounds like a disturbance in the background. You
2 could hear her fussing.

3 Q She was being loud?

4 A Loud. I don't know if you would say abrasive. It
5 was loud. You could hear. I am not for sure how to
6 explain it. When someone is intoxicated, they have this
7 way of talking. That is what she sounded like.

8 Q Are you an expert in -- do you have a medical
9 degree or anything?

10 A No, sir.

11 Q You testified earlier that she was slurring her
12 words. Did you ever hear her slurring her words?

13 A I believe from what I heard earlier, it sounded
14 like it in the background, yes, sir.

15 Q Do you get a lot of domestic calls?

16 A Yes, sir.

17 Q Is it typical for someone to say, "Do we need an
18 officer?"

19 A Yes, sir.

20 Q In a domestic call?

21 A Yes, sir.

22 Q How often does that happen?

23 A When they ask if we need an officer?

24 Q Yes.

25 A It just depends on the call, really, and who is

1 calling it in. We get a lot of domestic violence calls.

2 Q Do they often ask, "Do you want me to stop it?"

3 A No, sir.

4 Q How many times have you listened to this 911 call?

5 A This is probably the fourth time now, after the
6 original call.

7 Q Is there a part in the audio that you can hear my
8 client say that Mr. Bowers put a cigarette in her face?

9 A No, sir. I don't recall that.

10 Q Did Mr. Bowers have any trouble remembering his
11 address during that 911 call?

12 A Yes, sir. It's often that people have problems
13 with their addresses, especially in a high-volume
14 situation.

15 Q Did he stutter at all when you asked him if this
16 had ever happened before?

17 A It sounded like it. Yes, sir.

18 Q It sounded like he paused?

19 A Sometimes they do. Yes, in this case.

20 Q Did he also tell you during that 911 call that he
21 knew how this worked? He would go to jail?

22 A It sounded like so he didn't have to go to jail
23 tonight. Yes, sir.

24 Q He told you that he knew, basically, how the system
25 works?

1 A Yes, sir.

2 MR. PAYNE: Just a moment, Your Honor.

3 I don't have any further questions.

4 THE COURT: Anything on redirect?

5 MR. MCMASTER: No, Your Honor.

6 THE COURT: Thank you very much. You may return to
7 your seat or be excused.

8 (Whereupon, the witness exited the witness stand.)

9 THE COURT: Call your next witness.

10 MR. MCMASTER: Joan Bowers.

11 JOAN BOWERS,

12 called as a witness by and on behalf of

13 the State to testify, being first duly

14 sworn was examined and testified as follows:

15 * * *

16 DIRECT EXAMINATION

17 BY MR. MCMASTER:

18 Q Hello, Ms. Bowers.

19 A Good morning.

20 Q Could you state your name for the record.

21 A Joan Bowers.

22 Q Just for the record, do you have any relation to
23 the victim?

24 A No.

25 Q Any relation to the defendant?

1 A No.

2 Q Ms. Bowers, tell me where you are employed.

3 A Lancaster County Sheriff's Office.

4 THE COURT: I am sorry?

5 THE WITNESS: Lancaster County Sheriff's
6 Office.

7 BY MR. MCMASTER:

8 Q What do you do at the Lancaster County Sheriff's
9 Office?

10 A I work in evidence. I am a digital evidence
11 technician. I am responsible for the body cameras and
12 in-car camera videos.

13 Q Explain how that works.

14 A Back in May of 2017, we had a grant that allowed us
15 to have body cameras and in-car cameras. I am
16 responsible for the videos coming in. If we get a
17 request, I would be able to export them on a disk to
18 provide them to the Solicitor's Office or to the
19 officers.

20 Q When did you say you started doing that?

21 A In May 2017.

22 Q How long have you been with the Lancaster County
23 Sheriff's Office?

24 A I started in February 2013. I started in records.
25 Then this position came up, and I transferred over.

1 Q How do you burn the body camera footage onto CDs?

2 A We have a system called the Watch Guard System.
3 With the Watch Guard System, it provides the body camera
4 videos through a server in the in-car. I research the
5 case number based on the video itself. I take that
6 video and export it onto the desktop into a folder. Then
7 once it gets into a folder, it's imported onto a disk.
8 Depending on the size, it could be a disk or it could be
9 a jump drive.

10 Q Who else touches those videos? Tell us how that
11 works.

12 A It comes from the deputies' cameras. Some of those
13 are automatically downloaded through the cars, depending
14 on which type of car system they have.

15 Sometimes they have to go through a docking
16 station. Once it's docked in the docking system, it's
17 automatically downloaded into a server.

18 Once it is into a server, the deputies -- they can
19 view it before it goes in. Other than that, they are
20 finished with that. It's onto the server. I can go in,
21 based on if it needs to be marked as General Sessions,
22 Magistrate Court, liability, arrest warrant, or
23 non-significant. I make sure it's categorized.

24 Then it's on the server. From there, like I said,
25 I research the video. Then I take that particular video

1 or several videos and export them into a folder or file.

2 Then I can download them onto a disk.

3 Q Does the deputy have any ability to change the
4 video?

5 A No. Not at all.

6 Q So this is all part of your normal course of
7 business?

8 A Yes, sir.

9 Q I will show you what has been premarked as State's.
10 Exhibit Number 5.

11 Do you recognize this exhibit?

12 A Yes, sir.

13 Q How do you recognize it?

14 a When I do the videos, I will mark the case number
15 on the disk itself. There is a label on it that gets
16 all the information related to that case. We have the
17 incident number, the case number, the defendant, the
18 charges, and your victim.

19 Q So is that your handwriting on there?

20 A Yes, sir. That is my handwriting.

21 Q Do you recognize it?

22 A Yes, sir.

23 Q Has that disk been changed at all?

24 A No, sir.

25 Q Is it in substantially the same form as when it

1 left your hands?

2 A Yes, sir.

3 MR. MCMASTER: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 BY MR. MCMASTER:

6 Q How long do you-all normally keep videos?

7 A With a General Sessions case, we have it on the

8 server for 99 years. It's like an indefinite time.

9 Magistrate court cases are two years. Anything

10 non-significant will go away in 90 days. Your liability

11 and arrest warrants are also treated like General

12 Sessions. So it's 99 years. It's an indefinite amount

13 of time.

14 MR. MCMASTER: Thank you. No more questions from

15 the State.

16 THE COURT: Any questions?

17 * * *

18 CROSS-EXAMINATION

19 BY MR. PAYNE:

20 Q Ms. Bowers, do you keep track of all bodycam

21 footage for the whole county?

22 A I do for the Sheriff's Office.

23 Q Are you aware of any previous bodycam footage that

24 may be available in relation to my client?

25 A I look at the particular case. That is when -- I

1 run from the case number.

2 Q You wouldn't have looked at --

3 A No, sir.

4 MR. PAYNE: No further questions.

5 THE COURT: Thank you very much. You can return to
6 your place in the courtroom or be excused.

7 (Whereupon, the witness exited the witness stand.)

8 THE COURT: Call your next witness.

9 MR. MCMASTER: Your Honor, the State calls Robert
10 Bowers.

11 THE COURT: I think Mr. Bowers is named in the
12 indictment?

13 MR. MCMASTER: Yes, sir, Your Honor.

14 THE COURT: I think this witness will be rather
15 long. I think it's best to take a lunch break now. I
16 think it will be better to have it all completed at one
17 time. Let's take a lunch break at this time. It's
18 12:30 now. Let's try to be back at 1:30. We will
19 take about an hour for a lunch break. Remember, do not
20 discuss the case amongst yourselves. If two of you
21 happen to go to lunch together, do not talk about the
22 case. Talk about the nice weather or whatever, but do
23 not talk about the case. Be back in the jury room at
24 1:30. Have a nice lunch.

25 (Whereupon, the jury exited the courtroom.)

1 THE COURT: You-all give the jury an opportunity to
2 clear the courthouse so you will not be walking out with
3 them or anything like that. Be back at 1:30.

4 Ms. Miles, you have been out on bond. I will let
5 you stay out. I won't keep you here if you promise to
6 be back here at 1:30 to continue with the trial.

7 THE DEFENDANT: I will.

8 THE COURT: If you are not here, the trial will go
9 on in your absence.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay. Be back at 1:30.

13 (Whereupon, a luncheon recess was held.)

14 (Whereupon, the following proceedings were
15 held in open court. The defendant was
16 present with her attorney, along with
17 counsel for the State.)

18 (Whereupon, the jury entered the courtroom.)

19 THE COURT: We have the jury with us. Ms. Miles
20 is present along with her attorneys. I hope you had a
21 nice lunch. We will continue now with the trial.

22 We have Mr. Bowers coming up.

23 MR. MCMASTER: Yes, Your Honor. The State calls
24 Robert Bowers.

25 * * *

1 ROBERT BOWERS,
2 called as a witness by and on behalf of
3 the State to testify, being first duly
4 sworn was examined and testified as follows:

5 * * *

6 DIRECT EXAMINATION

7 BY MR. MCMASTER:

8 Q How are you doing, Mr. Bowers?

9 A Good. How are you?

10 Q Good.

11 Can you state your name for the record.

12 A Robert Bowers.

13 Q Are you employed, Mr. Bowers?

14 A Yes, sir.

15 Q Tell me where you are employed.

16 A Henderson Electric.

17 Q What do you do there?

18 A I'm an electrician, foreman.

19 Q What does that mean?

20 A Line up guys to do electrical work and wire

21 buildings and whatever.

22 Q What kind of electrical work do you do?

23 A Residential, commercial, industrial.

24 Q How long have you been doing that?

25 A About 18 years.

1 Q Where have you been doing that?

2 A Seventeen years of it has been with Henderson
3 Electric; one year of it was down in Mississippi.

4 Q How did you learn to be an electrician?

5 A My dad.

6 Q How old are you?

7 A Thirty-four.

8 Q How long have you been living in Lancaster?

9 A I have been living in Lancaster approximately 25
10 years.

11 Q Do you have any children?

12 A Yes, sir.

13 Q Tell me about them.

14 A I have one son who is 14. I have two daughters.
15 One of them is 12, and one of them is 11.

16 Q The 14-year-old, his name is?

17 A R.M. [REDACTED].

18 Q Tell me about R.M. [REDACTED]. Do you call him a certain
19 name?

20 A I call him R.M. [REDACTED].

21 Q Tell me about R.M. [REDACTED].

22 A He is a good kid. He likes to go fishing. He
23 likes to work on vehicles with me. He likes doing a lot
24 of outdoor activities, and he also likes playing Xbox.

25 Q You said he is how old now?

1 A Fourteen.

2 Q Does he go to school?

3 A Yes, sir.

4 Q Who is his mother?

5 A Tiffany Miles.

6 Q Who is his father?

7 A Robert Miles, her former husband.

8 Q How long have you known R.M. [REDACTED]?

9 A I have known R.M. [REDACTED] since he was about six months
10 old.

11 Q The other two girls, what are their names?

12 A A.B. [REDACTED] and J.B. [REDACTED].

13 Q A.B. [REDACTED] is the older?

14 A Yes.

15 Q How old is she?

16 A She is 12.

17 Q J.B. [REDACTED] is?

18 A Eleven.

19 Q Tell me about them.

20 A A.B. [REDACTED] is a girly-girl. She likes trying out for
21 track, cheerleading and all of that. She likes playing
22 Xbox. She likes to fish, but she doesn't like to touch
23 the worms or the fish.

24 We like to hang out and doing stuff. J.B. [REDACTED] is a
25 kind of a tomboy. She likes the outdoors. She likes

1 working on cars. She plays Xbox with us as well.

2 Q Where are the three children today?

3 A At school doing state testing.

4 Q The two young girls, who are their parents?

5 A Me, Robert Bowers, and her mother Tiffany Miles.

6 Q You all share them in common?

7 A Yes, sir.

8 Q Do you remember where you were November 6, 2017?

9 A Work.

10 Q Can you walk me through that day.

11 A I was working.

12 Q Before I get to that, can you tell me how you know
13 Tiffany Miles?

14 A We dated back in high school. She went back to New
15 York, where she was originally from. She came back, and
16 we started dating then. We have been living together
17 for about 13 years, and we had kids together.

18 Q At the time of this incident, you-all had been
19 together for how long?

20 A At the time of this incident, roughly
21 two-and-a-half years.

22 Q Had you been living together that whole time?

23 A Yes, sir.

24 Q On November 6, 2017, Monday, you said you were at
25 work. Can you tell me -- do you remember where you were

1 working that day?

2 A More than likely I was probably working at Connet.

3 Q What is that?

4 A A plant in Monroe that makes 18-wheeler hubs.

5 Melt them down and make the hubs for truck drivers.

6 Q How did you become involved -- when did you see the
7 defendant that day?

8 A I seen her around 6:30, 7:00. I got a phone call
9 around 6:00 saying she run off the road into a ditch. I
10 went to where she had run off the road. She hit the
11 ditch pretty hard. I had to drive the car to my aunt's
12 house, and she had to drive my grandma's truck to my
13 aunt's house.

14 Q What kind of car was it?

15 A '07 Honda Civic.

16 Q Who was driving in the car?

17 A Tiffany, and all three of the kids, R.M. A.B.
18 and J.B.

19 Q Were they injured?

20 A No, sir.

21 Q What did you do to help them into the car?

22 A They got in my uncle's car; he got there before I
23 did. He rode back to their house in their vehicle. I
24 got in the car and drove it to my aunt's house because
25 the radio was busted. She drove my grandma's truck to

1 my aunt's house.

2 Q What is your aunt's name?

3 A Donna Parker.

4 Q What happened next?

5 A We got there. I asked how it happened. There was
6 a little argument at my aunt's house. We got in my
7 grandma's truck and went back home. We sat there, and I
8 asked her how it happened. I was curious about how it
9 happened. I asked her if she had been drinking. I
10 thought I smelled alcohol. Then we started arguing.

11 Q Where was that?

12 A [REDACTED]

13 Q That is your residence?

14 A Yes, sir.

15 Q Tell me where you-all were arguing?

16 A Kitchen, living room, hallway.

17 Q Did it start at some particular place?

18 A In the kitchen.

19 Q How did it start?

20 A Me asking if she had been drinking with the kids in
21 the car, driving the kids to and from school.

22 Q Had you been drinking at all that day?

23 A No, sir.

24 Q Had you been drinking anytime around that day?

25 A No, sir.

1 Q Would you say that you drink?

2 A I probably drink a beer once a year.

3 Q So in the kitchen the argument started?

4 A Yes, sir.

5 Q Did it ever get physical in the kitchen?

6 A No, sir.

7 Q Where is the next room that you went to?

8 A The living room.

9 Q Was there anybody else in the living room besides
10 you two?

11 A I think the kids was in there.

12 Q How many of the kids?

13 A I think all three of them. I am not 100 percent on
14 that.

15 Q Were you focused on talking with the defendant at
16 that point?

17 A Yes. I was focused on trying to get it resolved.
18 I wanted to know what happened. If it was the car that
19 had malfunctioned, I needed to know what to fix on it.

20 Q Do you remember how bad the car wreck was?

21 A The front bumper got destroyed, the radiator, and
22 the air-conditioner, the cooler.

23 Q Do you have that car today?

24 A No, sir.

25 Q In the living room, that is the next place you-all

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1 went?

2 A Yes, sir.

3 Q What happened?

4 A We were still talking, arguing.

5 Q About how far away would you say you-all were
6 talking apart?

7 A It started out probably from about me to you. One
8 couch is over there, and the chair is about where you
9 are. We was talking. It kept on, kept on. We was
10 standing there fussing and in each other's face. It
11 just kept continuing until it turned into a fight.

12 Q If you can, what is the next thing that happened?
13 After you-all were arguing, what was the next thing that
14 happened?

15 A We argued. We were sitting there arguing. Then I
16 got hit. I pushed back like that (indicating). That is
17 when all the fist fighting and stuff started.

18 Q How did you get hit?

19 A Fist.

20 Q Who hit you?

21 a Tiffany Miles.

22 Q Where did she hit you?

23 A At that time it was my ear.

24 Q Which ear?

25 A This one (indicating).

1 Q Then what happened?

2 A It kept on. We kept arguing, kept going. I
3 finally told my son to call 911.

4 Q What did he do?

5 A He picked up his phone, and he dialed 911 and
6 handed me the phone.

7 Q Were there any other physical touches between you
8 and Tiffany before you called 911?

9 A Yes. I got hit. I kept pushing back. I grabbed
10 her up one time and held onto her.

11 Q Why did you do that?

12 A To keep from getting hit.

13 Q How many times would you say you got hit before
14 calling 911?

15 A Probably about 10, 15.

16 Q Where was that?

17 A All in the face and head.

18 Q So the 911 call was made from whose phone?

19 A R.M.'s phone.

20 Q Why is that?

21 A I was unsure where my phone was at, at the time, so
22 I had Robert call 911.

23 Q Was it you who talked to 911?

24 A Yes, sir.

25 Q As you were talking to 911, what happened?

1 Without telling too much about what was said, what
2 happened?

3 A I was hoping that with me calling them, it would
4 diffuse the situation and then it would stop. It
5 didn't. She kept on. I got hit one more time. She
6 left. She came back, and she said something else and
7 left. That is when she was gone.

8 Q You mean left the room?

9 A No. She went outside the house.

10 Q She left the house?

11 A Yes, sir.

12 Q Were you talking to 911 for a long time?

13 A It felt like a long time, but I don't think it was
14 that long of a time.

15 Q Was there ever any interception with the call?

16 A Not that I know of.

17 Q Were you holding the phone?

18 A Yes, sir.

19 Q Do you remember if you were holding the phone the
20 whole time?

21 A No. It got knocked out of my hand one time, and I
22 picked it right back up.

23 Q Do you remember what was happening when that
24 happened?

25 A I got punched.

1 Q Who punched you?

2 A Tiffany Miles.

3 Q Did it knock the phone out of your hand?

4 A Yes, sir.

5 Q What happened after that?

6 A After that, I think that is when she went outside
7 and left before the officers arrived.

8 Q So you said you were in the living room. Was that
9 the only place you-all were?

10 A No. At the time of the 911 call, I made it into my
11 son's bedroom.

12 Q Where is that in relation to the living room?

13 A Up three stairs and down the hallway about 15 feet.

14 Q Where were your children in all of this?

15 A They was in R.M.'s room. After I told them to go
16 to their room after arguing in the living room, they
17 went to R.M.'s room. That is when I told R.M. to
18 call 911. I went in there to get the phone.

19 Q Which of your children saw all of this?

20 A If I am not mistaken, I think all of them saw it.
21 I am not 100 percent for sure.

22 Q How long would you say all of this took place?

23 A The whole altercation or the whole fight?

24 Q The whole fight.

25 A It was probably about an hour-and-a-half.

1 Q Did you ever defend yourself?

2 A Yes.

3 Q How did you do that?

4 A I pushed back and grabbed ahold of her and held
5 onto her.

6 Q How many times did you do that?

7 A I probably grabbed ahold of her twice and pushed
8 back probably about three times.

9 Q Did you ever hit her?

10 A No, sir.

11 Q Back to the children. Try to walk me through where
12 they were when you were getting hit.

13 A I think the children was in the living room for the
14 first hit. That is when I told them to go to their
15 rooms. I think they either went in the room or they
16 were standing in the hallway for the rest of it. I am
17 not 100 percent. That last hit was in R.M.'s room. I
18 think all three of them saw it.

19 Q You said it was R.M. who you asked to call 911?

20 A Yes, sir.

21 Q Because your phone was --

22 A I had no clue where mine was at.

23 Q How long did Tiffany Miles stay at the house --

24 A After the 911 call?

25 Q -- after that?

1 A She left in probably a minute. Well, she left when

2 I was on the phone with 911.

3 Q Just wondering. Did you see her again that night
4 after she left?

5 A I think I went to bed that night.

6 Q Do you remember law enforcement showing up?

7 A Yes, sir.

8 Q Do you remember talking to them?

9 A Yes, sir.

10 Q Did you have any markings on you?

11 A Yes, sir.

12 Q What kind of markings did you have on you?

13 A A busted eardrum, a bloody lip, and a scratch. I
14 am not sure.

15 Q When you say eardrum, what do you mean by that?

16 A Not eardrum; earlobe.

17 Q I will show you some pictures that have been
18 premarked as State's Exhibit 3A.

19 Do you recognize that photo?

20 A Yes, sir.

21 Q That is State's Exhibit 3A.

22 Robert, can you describe what is in that picture?

23 A Me with no shirt on, blood on the ear, and the
24 blood on my chest.

25 Q Is that a true and accurate representation of what

1 you looked like that night?

2 A Yes, sir.

3 Q Do you remember that picture being taken?

4 A Yes, sir.

5 Q Do you remember who took it?

6 A The officer who showed up. I don't recall his
7 name.

8 Q Do you remember when he took it?

9 A He took it right before he started taking
10 statements. Probably about five minutes after showing
11 up.

12 Q I am handing you what has been premarked as
13 State's Exhibit 3B. Robert, do you recognize that
14 picture?

15 A Yes, sir.

16 Q Is it a true and accurate representation of the
17 picture that was taken?

18 A Yes, sir.

19 Q Tell me what the picture is of.

20 A The blood on my chest.

21 Q Where did that blood come from?

22 A My ear.

23 Q What part of your chest was it?

24 A Right here above the tattoo (indicating).

25 Q Handing you State's premarked Exhibit 3C. Do you

1 recognize that photo?

2 A Yes, sir.

3 Q Is it a true and accurate representation of the
4 photo taken that night?

5 A Yes, sir.

6 Q Can you tell me what it is?

7 A My left ear where it was bleeding, and a couple
8 spots on my head.

9 Q Can you see anything else in it?

10 A I just see some red marks and blood.

11 Q Where is the blood coming from?

12 A My ear.

13 Q Handing you what has been premarked as State's
14 Exhibit 3G. Do you recognize that photo?

15 A Yes, sir.

16 Q Can you tell me what it is?

17 A A picture of my living room.

18 Q Is that a true and accurate representation of your
19 living room?

20 A Yes, sir.

21 Q Was that picture taken the same night?

22 A Yes, sir.

23 Q Handing you what has been premarked as State's
24 Exhibits 3H and 3I. Do you recognize those photos?

25 A Yes, sir.

1 Q Tell me what they are pictures of?

2 A One picture is of my son's bedroom. The other
3 picture is of the bathroom.

4 Q Are those fair and accurate representations of the
5 rooms and their state?

6 A Yes, sir.

7 Q Are those the rooms that you and Tiffany Miles were
8 in when the argument was going on?

9 A We was in the living room, we were in R.M.'s
10 bedroom, and I don't remember the bathroom.

11 Q You remember the living room and R.M.'s bedroom,
12 but not so much the bathroom?

13 A Not so much the bathroom..

14 Q Showing you what has been premarked as State's
15 Exhibit 3J. Do you recognize that picture?

16 A Yes, sir.

17 Q Tell me what it is a picture of.

18 A A picture of R.M.'s bed with blood on the sheet.

19 Q Were you familiar with R.M.'s bed before the
20 incident?

21 A Yes, sir.

22 Q Were you familiar with it afterwards?

23 A Yes, sir.

24 Q Is that a fair and accurate representation of
25 R.M.'s bed?

1 A Yes, sir.

2 Q Do you know how that blood got there that night?

3 A Off of me.

4 MR. MCMASTER: Your Honor, at this time the State
5 would move to enter State's premarked exhibits into
6 evidence.

7 THE COURT: 3A through J. Is that what it is?

8 MR. MCMASTER: Yes, sir, with the exception of 3D,
9 3E, 3F.

10 THE COURT: Any objection?

11 MR. PAYNE: I haven't seen the exhibits yet.

12 THE COURT: Show them to him.

13 (Mr. McMaster complies.)

14 MR. PAYNE: No objection, Your Honor.

15 THE COURT: All right.

16 (The aforementioned items were marked as
17 State's Exhibits 3A through 3C and 3G through 3J
18 were admitted into evidence.)

19 MR. MCMASTER: I would like to publish these
20 pictures to the jury.

21 THE COURT: All right.

22 Ladies and gentlemen, bear in mind that is not the
23 only chance you will get to look at those. You will get
24 to see them when you are in the jury room at the end of
25 the case when you consider your verdict.

1 Bear that in mind now and see how much time you
2 spend looking at them now knowing you will have them
3 with you in the jury room. Anything admitted into
4 evidence will be with you in the jury room.

5 Go ahead.

6 MR. MCMASTER: Thank you, Your Honor.

7 (State's Exhibits 3A through 3C and 3G through 3J
8 were published to the jury for their review.)

9 BY MR. MCMASTER:

10 Q Robert, what was your relationship with Tiffany
11 Miles after this incident?

12 A We was trying to make it work. I would have liked
13 to make it work out and still be together.

14 Q Why would you do that?

15 A She is the kids' mother. I just love her.

16 Q What happened the next day?

17 A The next day, me and her met and we talked. We
18 discussed everything. We had it worked out. We thought
19 we were going to work through it.

20 Q Did you always want these charges pursued?

21 A No.

22 Q Why is that?

23 A I wanted to make it work out for me and her and the
24 kids.

25 Q Did you ever give any statements that prove that?

1 A That I didn't want charges? Yes, sir.

2 Q Just for clarification, the day of you said 6:30.

3 Did you mean a.m. or p.m?

4 A 6:30 in the evening.

5 Q Going back to the incident, there was the mention
6 of -- defense is mentioning a cigarette. Tell me about
7 the cigarette.

8 A I was smoking during the argument. Me and her both
9 smoke cigarettes. As far as what happened to the
10 cigarette during the argument and the fussing and
11 fighting, I have no clue.

12 Q What could have happened?

13 A It could have gotten knocked out of my mouth, fell
14 out of my mouth. I don't know.

15 Q Do you remember ever doing anything with the
16 cigarette?

17 A No, sir.

18 Q Do you remember what happened to it?

19 A The only thing I remember is I picked the cigarette
20 up off the floor later on that evening.

21 Q Is there any reason that you would have taken the
22 cigarette out of your mouth and used it otherwise, other
23 than for smoking?

24 A No, sir.

25 Q Did you ever see a doctor after the assault?

1 A No, sir.

2 Q Why not?

3 A Because I have took worse hits than that before.

4 Q What do you mean?

5 A I get electrocuted at work. I have been hit
6 numerous times. I didn't see no need in it. I wasn't
7 gushing blood. I didn't need stitches. I didn't have
8 no head trauma, I don't believe. I just didn't go.

9 Q How often do you get shocked at your job?

10 A Probably about once a week.

11 Q The day after, who made the first attempt to reach
12 out to the other one?

13 A I think it was me. It might have been her. I am
14 not 100 percent on that.

15 Q During the fight between you two, did you ever
16 push her?

17 A I pushed back.

18 Q Pushed back? Did you injure her?

19 A No, sir.

20 Q Do you remember what she was wearing that night?

21 A No, sir. I do not.

22 Q Do you know if she had clothes on?

23 A Yes.

24 Q Was there anything different about the clothes?

25 Do you remember anything about the clothes?

1 A No. I just know she had clothes on when the
2 argument was going on, and I know she had clothes on
3 when she left.

4 Q Where did you see blood that night?

5 A On me, the floor, and R.M.'s bed.

6 Q Where on you?

7 A On my ear and my chest.

8 Q And which floor?

9 A The living room floor.

10 Q Then R.M.'s bedroom?

11 A Yes, sir.

12 Q Where did the blood get on you?

13 A It pretty much run down my ear and went on my
14 chest.

15 Q The only blood that you saw was your blood?

16 A Yes, sir.

17 Q Did you ever see anybody else's blood that night?

18 A No, sir.

19 Q Do you remember giving a statement to Officer
20 Mummert that night?

21 A Yes, sir.

22 Q Did you say if you were or were not under the
23 influence?

24 A I was not.

25 Q When you describe Tiffany Miles -- how would you

1 describe her that night?

2 A I thought she had been drinking. I know she was.

3 Q What was your relationship?

4 A My girlfriend, fiance', kids' mother.

5 Q Robert, would you like to see the statement to
6 refresh your recollection?

7 A Yes, sir.

8 Q I will ask you a couple of questions about it.

9 As to the question, "Who is Tiffany Miles," what
10 is the answer?

11 A "My girlfriend for 13 years and my kids' momma."

12 Q To the question, "What happened tonight between
13 you and Tiffany?"

14 A "Fussing about a car. I was being called names.
15 Started yelling. Tiffany started hitting until I
16 couldn't take it anymore. I was trying to hold her off
17 of me."

18 Q The question, "When did the fight start?"

19 A "It started in the living room of my house."

20 Q To the question, "What happened in the bathroom and
21 your son's bedroom?"

22 A "In the bathroom was fussing and calling me names.
23 I asked her to stop. She started hitting me in the
24 face. Had my son to call the law."

25 Q To the question, "Did you defend yourself in any

1 way? If so, how?"

2 A "Yes, I did. I pushed back and held her down and
3 put my arm around her to calm her down. It didn't help
4 anything. Didn't ever put pressure on her."

5 Q To the question, "When you were holding her, when
6 did you let go?"

7 A "I had my arm around her telling her to calm down.
8 She wouldn't let go so I would be clear. Then she would
9 start right back on me."

10 Q To the question, "Were your children present during
11 the incident? Did they see it?"

12 A "They was in the house and the room. Something
13 happened, but they seen too much. My son was the one
14 who called 911 for me to talk to the law."

15 Q The final question was, "Is there anything else you
16 would like to add?"

17 A "No."

18 Q Just a couple more questions about the incident.

19 During the fight, what did she look like?

20 How was she acting?

21 A Mad and irritated.

22 Q What about her -- any body motions?

23 A Moving her hands and pointing.

24 Q Was she flailing around at you?

25 A Flailing? Like that (indicating)?

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1 Q Yes.

2 A Yes.

3 Q Was there any screaming?

4 A Yes, sir. It was screaming, hollering, fussing,
5 and cussing.

6 Q If you described her, how would you describe her?

7 A I guess I would say irate.

8 Q How many times do you remember her coming at you?

9 A Probably about five or six.

10 Q How could you say that?

11 A It just kept going.

12 MR. MCMASTER: No further questions, Your Honor.

13 MR. PAYNE: Cross-examination.

14 MR. PAYNE: Thank you, Your Honor.

15 * * *

16 CROSS-EXAMINATION

17 BY MR. PAYNE:

18 Q Good morning. How tall are you?

19 A 5, 10.

20 Q How much do you weigh?

21 A About 240.

22 Q Let's talk about the evening of the incident
23 first. Let's talk about the car wreck.

24 Did you go to the car wreck scene?

25 A Yes, sir.

1 Q What time was that, that you got on the scene?

2 A I probably got on scene around 6:30, 7:00.

3 Q Was anyone from the Sheriff's Office there?

4 A There was a Sheriff's car, a deputy there.

5 Q Had they gotten the car out of the ditch at that
6 point?

7 A Yeah. They allowed a pickup truck to pull the car
8 out of the ditch.

9 Q The Sheriff's deputy was from Lancaster County?

10 A Yes, sir.

11 Q Did he make a report or anything?

12 A No, sir.

13 Q You mentioned that when you got on scene -- is that
14 when you started to suspect that Ms. Miles had been
15 drinking?

16 A No. I didn't suspect that until after she drove my
17 grandma's truck to my aunt's house.

18 Q Do you think she got drunk on the drive over to
19 your aunt's house?

20 A No, sir.

21 Q When do you think she got --

22 A I don't know. I wasn't around Tiffany all day.

23 Q The night of the accident, did the deputy wait for
24 you-all to get everything cleared out before he cleared
25 out of the scene?

1 A As soon as they pulled the vehicle out, he left.

2 Q Did he do any sobriety tests on her?

3 A No, sir.

4 Q Could you smell any alcohol on her right then?

5 A When I got there, they already had the car pulled
6 out.

7 Q Did she get arrested at the car wreck scene?

8 A No, sir.

9 Q Did she ever get charged with driving under the
10 influence?

11 A No. It was never reported or nothing.

12 Q Did your son have any injuries from the car wreck?

13 A He cut his knee on the back console.

14 Q How bad was the cut?

15 A Not bad.

16 Q Was it something that he needed EMS treatment for?

17 A No, sir.

18 Q What about your daughters?

19 A They was not hurt.

20 Q Tell me about the car. It went head-on into the
21 ditch?

22 A The car, from what I could tell -- and I ain't an
23 investigator -- it hit the ditch. When it hit the
24 ditch, it crumpled the front end and busted the radiator
25 and the motor mounts.

1 Q Did it still run after you-all got it pulled out?

2 A Yes, but it ran hot. It wouldn't make it nowhere
3 hardly.

4 Q Was there any damage to the car before the wreck?

5 A The only damage to the car before the wreck was the
6 rear bumper.

7 Q What was wrong with the rear bumper?

8 A It was loose. The plastic was flapping on it. I
9 put a screw in it and tied it up.

10 Q How did you tie it up?

11 A A shoestring. She had it tied to the door handle.

12 Q You had the rear bumper. How much does that
13 weigh? I don't know much about cars. How much does it
14 weigh?

15 A Ten pounds.

16 Q The bottom up under the trunk?

17 A Yes, sir.

18 Q That was hanging on by a thread?

19 A No, sir. You have clips all the way around the
20 bumper. The clip on this side had broke from the wind
21 grabbing it, I guess. It was flapping a little bit, so
22 I put a screw in and a string. I didn't put the string
23 on it, she put the string on it.

24 Q The car was basically -- they were driving around
25 with a shoestring attached and the door to the bumper?

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1 A Uh-huh.

2 Q At the scene, did you talk to Ms. Miles herself to
3 ask her how it happened?

4 A No, sir.

5 Q You-all just got in the car and left?

6 A Yes.

7 Q Where did you go to after that?

8 A My aunt's house.

9 Q What is her name?

10 A Donna Parker.

11 Q What time did you-all get to your aunt's house?

12 A Probably around 7:45.

13 Q How long did you stay there?

14 A Probably about 8:00. So 15 minutes.

15 Q Were you all arguing at your aunt's house?

16 A Yes.

17 Q Who started the -- did you question her first about
18 the wreck when you-all got there?

19 A Yes. I asked how it happened. Was it a steering
20 issue or did she run off the road with no involvement?

21 Q Did the argument get heated while you-all were
22 there?

23 A No. She went into my aunt's house, and I stayed
24 outside trying to figure out what was wrong with the
25 car.

1 Q How did you-all get the car from your aunt's house
2 back to your house?

3 A I didn't. I left it there.

4 Q What did you drive back?

5 A My grandma's truck.

6 Q Who drove back from your aunt's house?

7 A I did.

8 Q At that point when you were at your aunt's house,
9 did you think she was intoxicated?

10 A I thought I smelled it on her when we was at my
11 aunt's house when I got in the truck, so I asked her
12 about it.

13 Q Did you start arguing about that?

14 A Yes.

15 Q What time did you get back to your house?

16 A Probably around 8:30.

17 Q When you got to your house, 8:30-ish, did you-all
18 go to the kitchen first?

19 A Yes, sir.

20 Q Did you keep asking her questions over and over
21 about the wreck?

22 A I asked her what happened. Can she tell me how it
23 happened, so when I start fixing it, if there was
24 something wrong with the steering. She said, "No." She
25 said that she didn't know how it happened.

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1 I said, "Have you been drinking tonight?"

2 That is how everything got heated real fast, real
3 quick.

4 Q At what point did you light a cigarette? About
5 what time?

6 A I have no clue.

7 Q Was it while you-all were in the kitchen?

8 A In the kitchen, living room. I probably smoked
9 more than just one that night.

10 Q What time did you-all walk into the living room?
11 Give me an estimate.

12 A Probably about five minutes after we got home.

13 Q We are looking at 8:35, 8:40-ish? Somewhere in
14 there?

15 A Yes, sir. I wasn't looking at a clock.

16 Q Was she on the phone when you were in the living
17 room?

18 A Yes. She was on the phone with somebody.

19 Q Where were you standing in the living room when she
20 was on the phone?

21 A Standing probably from me to you.

22 Q Did you come towards her while she was on the
23 phone, or did she come towards you?

24 A I walked up, and I asked her how did it happen
25 again. I walked away, and that is when she was calling

1 me a dumb -- and all of that.

2 Q You got up in her face?

3 A I didn't get in her face.

4 Q Did you have a cigarette in your mouth when you
5 were in the living room?

6 A Yes.

7 Q How close did you get to her while you were
8 standing in the living room?

9 A Probably from me to the end of that thing right
10 there (indicating).

11 Q About right here?

12 A Yes, sir.

13 Q No closer?

14 A No, sir.

15 Q Where were your kids, while you were in the living
16 room?

17 A In the hallway.

18 Q Was J.B. [REDACTED] sitting in the living room with you-all?

19 A I think it was all up in the hallway.

20 Q How big is your hallway?

21 A Roughly, 23 feet.

22 Q They were just all standing in the hallway watching
23 this?

24 A Yes.

25 Q At any time, did your cigarette hit Tiffany in the

1 face?

2 A No.

3 Q Not even accidentally?

4 A No. It couldn't have hit her in the face from
5 where I was standing at.

6 Q You never got in her face when you were in the
7 living room?

8 A No.

9 Q Where did you-all go from your living room? Did
10 she attempt to leave the living room at any point?

11 A She got up and left. That is when the hitting
12 started.

13 Q You are saying that she started hitting you in the
14 living room?

15 A Yes.

16 Q Is that in the ear?

17 A In the ear or the mouth.

18 Q Where did she go from the living room?

19 A She went up the hallway. I guess she was going to
20 go get her shoes and everything. I told her -- then she
21 started saying she was going to take the kids walking.

22 I said, "You ain't taking the kids walking."

23 We live down a dark, country road.

24 Q Did you follow her going to the bathroom?

25 A No.

1 Q Are you sure?

2 A Yes.

3 Q At any point, did you put your arms and your legs
4 up while she was in the bathroom or your son's room to
5 keep her in the room?

6 A Not to keep her in the room.

7 Q Did she ever go up under your arms like that or
8 under your legs?

9 A No.

10 Q You mentioned you got hit in the face. How many
11 times did you get hit in the face?

12 A Roughly, about eight.

13 Q Did you have a busted lip?

14 A My lip on the inside was bleeding, but not on the
15 outside.

16 Q They didn't take any pictures of your lip?

17 A No.

18 Q Just to recap. You never got physical in the
19 kitchen. You-all were just arguing in the kitchen?

20 A Yes.

21 Q It got physical, from your point of view, in the
22 living room?

23 A Yes.

24 Q Then you went to the bathroom?

25 A She went to the bathroom. I was in my son's room,

1 right there in the hallway. I told her she ain't taking

2 the kids down that road.

3 Q Were you on the phone with 911 at that point?

4 A Yes.

5 Q Do you remember about what time you called 911?

6 A No.

7 Q Did you try to call 911 first?

8 A No, sir.

9 Q You never tried to call 911?

10 A Not that I can remember.

11 Q Did you have a phone that night?

12 A I had a cell phone somewhere.

13 Q You never tried to use it to call 911, though?

14 A I didn't know where it was at.

15 Q Were you texting anybody that night on the phone?

16 A Not until later on.

17 Q Who were you texting on the phone?

18 A I asked her sister what was going on and what did I
19 need to do.

20 Q Did your son call 911 initially and hang up?

21 A I am not sure.

22 Q So your son calls 911 and gives you the phone;
23 right?

24 A Yes.

25 Q What did you initially tell 911 when he asked you

1 if you needed a deputy?

2 A I am not sure. I asked her if she wanted to get a
3 deputy or not.

4 Q Why were you asking her?

5 A I didn't want to go this route.

6 Q Did the 911 deputy ask you if that had happened
7 before?

8 A Uh-huh.

9 Q What was your response to that?

10 A I said we was fussing and fighting.

11 Q Did Tiffany say anything while you-all were on the
12 phone with 911 about a cigarette?

13 A No, sir.

14 Q You said you drink about one beer a year?

15 A Yes, sir.

16 Q Would you consider yourself a drinker, or would you
17 say you never drink?

18 A I wouldn't consider myself a drinker.

19 Q You told 911 -- did you tell 911 that you-all were
20 going to break up after that night?

21 A Probably. I did say, "No more."

22 Q The next day, did you meet with someone from the
23 Sheriff's Office, or did you talk on the phone with
24 somebody from the Sheriff's Office?

25 A The next day?

1 Q Yes.

2 A Might be I did. I am not sure.

3 Q Maybe a victim's advocate?

4 A Yes, I think.

5 Q Did you tell her you wanted to drop the charges?

6 A Yes.

7 Q Did you receive a Victim's Impact Statement from
8 the Solicitor's Office -- a packet in the mail asking
9 what you wanted to do with this case?

10 A Yes. I believe I did.

11 Q Did you check in that packet that you wanted the
12 case to be dismissed; you didn't want to proceed with
13 prosecution of the case?

14 A No, sir. I never opened the packet probably.

15 Q Did you write a statement to the Solicitor?

16 A Yes.

17 Q What did you say in that statement?

18 A That it was all a misunderstanding, and I wanted it
19 to be dropped.

20 Q Did you say that she -- did you say that you
21 grabbed her, and she turned around and inadvertently hit
22 you, in that statement?

23 A Yes.

24 Q Would you agree that that is substantially
25 different than what you told law enforcement the night

1 that it happened?

2 A I agree that was a white lie that I wrote down.

3 Q Mr. Bowers, just a few more questions..

4 Who would you say started the argument when you-all
5 got home?

6 A I would say her. I wasn't screaming and hollering
7 when I asked the question.

8 Q You were constantly coming up to her?

9 A I asked if she had been drinking, and I asked what
10 happened.

11 Q At any point during this altercation, did you hit
12 her?

13 A No.

14 Q Did you strangle her?

15 A No.

16 Q You mentioned on the 911 call that you didn't want
17 to call 911 because you knew how this worked.

18 What does that mean?

19 A Guys always go to jail for anything.

20 Q Has that been true in your case before?

21 A No.

22 Q Before this night happened, have you ever strangled
23 your wife?

24 MR. MCMASTER: Objection.

25 MR. PAYNE: I will withdraw that question.

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1 MR. MCMASTER: Your Honor, relevance.

2 THE COURT: Ask another question.

3 MR. PAYNE: I don't have any more questions, Judge.

4 THE COURT: Anything on redirect?

5 MR. MCMASTER: Yes, Your Honor. Just briefly.

6 * * *

7 REDIRECT EXAMINATION

8 BY MR. MCMASTER:

9 Q Robert, you testified about asking Tiffany Miles
10 about the drinking. Why did you care if she was
11 drinking and driving?

12 A It's not the point of her drinking and driving.
13 It's the point of her drinking and driving with three
14 kids. That is what I wanted to know.

15 Q How would it make you feel if she were to do that?

16 A Irritated and ill.

17 Q What did it feel like when the kids saw this fight?

18 A It felt terrible; that we both failed as parents.
19 Kids shouldn't be watching each other fuss and fight.

20 Q You-all have been together for 13 years?

21 A Yes, sir.

22 Q Why would you want the case to be dismissed
23 originally?

24 A It's a lot of time to put in with somebody just to
25 end it.

1 Q Do the kids have anything to do with that?

2 A I want the kids to know both parents growing up.

3 Like I said, I still love her. I mean, who wouldn't
4 after 13 years?

5 MR. MCMASTER: Your Honor, nothing further.

6 THE COURT: Thank you very much.

7 MR. PAYNE: Your Honor, very briefly.

8 THE COURT: All right.

9 * * *

10 RE CROSS-EXAMINATION

11 BY MR. PAYNE:

12 Q Mr. Bowers, you mentioned that at the scene of the
13 accident, there was somebody from the Lancaster County
14 Sheriff's Office; correct?

15 A Yes, sir.

16 Q Do you think they did a bad job by not charging her
17 with DUI?

18 A They didn't do -- they done a bad job by not
19 writing that in her statement.

20 Q They didn't do anything to investigate whether or
21 not she was drinking?

22 A No, sir.

23 MR. PAYNE: No further questions.

24 THE COURT: Thank you very much. You can return
25 to your place or be excused.

1 (Whereupon, the witness exited the witness stand.)

2 THE COURT: Call your next witness.

3 MR. MCMASTER: Your Honor, the State would like to
4 remind the Court about the previous matter we have
5 scheduled.

6 THE COURT: Members of the jury panel, they
7 scheduled something with me other than this trial that I
8 need to take care of. It will take about ten minutes,
9 something like that. So we will take a short break and
10 let you go to the jury room while I deal with another
11 case for about 10 minutes.

12 Go to the jury room, please. I will be back with
13 you just as soon as I can.

14 (Whereupon, the jury exited the courtroom.)

15 MR. MCMASTER: Your Honor, the State doesn't intend
16 to call any more witnesses today due to scheduling and
17 the children being in school.

18 THE COURT: We will talk about that as soon as I
19 finish this.

20 (Interruption in the proceedings.)

21 (Whereupon, a recess was held.)

22 (Whereupon, the following proceedings were
23 held in open court. The defendant was
24 present with her attorney, along with
25 counsel for the State.)

1 THE COURT: Bring the jury in.

2 MR. MCMASTER: Your Honor, we don't have anymore
3 witnesses today. Would you like to address the bodycam
4 footage?

5 THE COURT: All right. What do you mean by that?

6 MR. MCMASTER: One of the defense's motion in
7 limine is with regard to the redactions on the bodycam
8 footage. The State and the defense have different ideas
9 for the bodycam -- how much can be allowed in.

10 THE COURT: So I will have to look at the bodycam
11 stuff.

12 How long is that?

13 MR. MCMASTER: The whole video is about an
14 hour-and-45 minutes, but the sections that we are
15 talking about might last a half-hour or so, maybe more.

16 THE COURT: Mr. Payne, are you wanting stuff in or
17 out, as far as the bodycam stuff is concerned?

18 THE COURT: At this point, I want it all in. I
19 would like the whole video played. I know it's a
20 reverse trial.

21 THE COURT: So are you wanting it out; is that it?

22 MR. MCMASTER: Your Honor, there are statements
23 that are made by the victim and the children that have
24 to do with what has happened in previous times. The
25 State would just say it's not relevant.

1 THE COURT: I will make the judgment and say it is,
2 and I will let it in, and everything, at least at this
3 point and everything. So can we show that to the jury
4 now?

5 MR. MCMASTER: We don't have Deputy Mummert here or
6 the children.

7 THE COURT: You don't need him here, do you?

8 MR. PAYNE: I will cross-examine him anyway.

9 THE COURT: You can call him later. We can go
10 ahead and show the jury this now. We have an
11 hour-and-a-half to play the video, don't we?

12 MR. PAYNE: I am fine with that.

13 THE COURT: Let's go ahead and do the video,
14 subject to your cross-examination of the deputy later
15 on; okay?

16 MR. PAYNE: I would actually prefer it that way,
17 Your Honor.

18 THE COURT: All right. Let's go ahead and do the
19 video. Bring the jury in.

20 MR. MCMASTER: Your Honor, we have to make sure the
21 video is ready to go.

22 THE COURT: Okay. Well, get it ready then.

23 MR. MCMASTER: I'm not sure how long it is going to
24 take.

25 THE COURT: Well, do it as quickly as you can so

1 the jury can start watching it.

2 (Whereupon, the jury entered the courtroom.)

3 THE COURT: We have the jury with us now. Ms.
4 Miles is present, along with her attorney.

5 I apologize for keeping you back there. They
6 scheduled another matter that we had to deal with
7 without your being out here. It was a different case
8 and a different situation that I had to deal with before
9 you-all were gone.

10 Now, we will have a video. They are going to show
11 you a video from the body camera from an officer that
12 responded to the home of the people that are involved in
13 this.

14 I will say this: Normally, you would put up an
15 officer. He would have to testify about it. He is not
16 here right now and everything, so both sides have agreed
17 to do it without him being here. He will have to come
18 in here later on and testify that that shows what was on
19 his body camera and all that sort of stuff and
20 everything later on.

21 The defense can cross-examine him and everything
22 during that time. We will do it without him right now,
23 by the agreement of the attorneys for both sides. They
24 are setting up the machine now to show you that body
25 camera as soon as they can. Bear with us while we get

1 that going.

2 MR. MCMASTER: I will attempt to do this now and
3 see if it works.

4 THE COURT: Do the best you can.

5 MR. MCMASTER: Will do.

6 THE COURT: Technology at work.

7 (Whereupon, State's Exhibit 5 was published to the
8 jury for their review.)

9 THE COURT: We will stop for the evening at this
10 point and let you go home and everything.

11 I will tell you not to discuss the case with
12 friends, family, or anyone else. They are not the ones
13 making a decision in this case; you are. If they want
14 to know what you are doing, tell them you are in the
15 trial of a case.

16 You are hearing testimony, and the trial has
17 started. If you want to blame someone, blame it on me.
18 Tell them the Judge specifically told you not to discuss
19 the case until it is over; that if you do discuss the
20 case, it would be a violation of the oath that you took
21 as jurors in this case. Remember, they are not the
22 people to decide this case and everything. You are the
23 ones to make a decision. Keep that in mind if anyone
24 stops you or asks you anything about the case.
25 If anyone sends you an email or anything like that, let

1 me know about it. They would be in violation of the law
2 by doing that.

3 Remember, no contact. No talking about it. Don't
4 do anything along those lines. We ask you to be back in
5 the jury room tomorrow morning at 9:30, and we will get
6 started as soon as we can after that. Have a nice
7 evening.

8 (Whereupon, the jury exited the courtroom.)

9 THE COURT: Ms. Miles, I am not going to require
10 that you stay with us over the evening recess on your
11 promise to be here tomorrow morning at 9:30 we start
12 back with this trial.

13 Will you do that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: If you are not here, the trial will go
16 on in your absence.

17 Do you understand that?

18 THE DEFENDANT: I will be here, Your Honor.

19 THE COURT: Thank you very much. You-all wait a
20 little while. Let the jury have time to clear the
21 courthouse.

22 Let me see the lawyers up here for a minute. I
23 just wanted to talk to you a minute. I like to put
24 everything on the record. I am not trying to hide
25 anything from you, you know, or anything.

1 I am just thinking about how I am going to submit
2 this case to the jury. I am not pre-judging it in any
3 way. I am looking at the indictment; looking at the
4 Code of Laws, as far as the definitions and everything
5 is concerned.

6 She is entitled to present any defense that would
7 be an absolute defense to anything that the State has
8 claimed in this case. I am not saying that she is
9 going -- I am not ruling that out. She is entitled to
10 whatever defense she wants to put up in regard to the
11 claim that the charge that the State is making against
12 her.

13 It would seem to me, at least at this point -- what
14 I want to narrow this case down to for the jury is, it
15 would seem to me that if anything -- if she has violated
16 anything, it would be by committing a third-degree
17 domestic violence offense in the presence or perceived
18 by the children. That would be what I would think the
19 evidence would support at this point. That is how I see
20 it anyway.

21 I just wanted to let you-all know that and
22 everything. Of course, you-all can try to persuade me
23 something otherwise, if you want to, but I am telling
24 the State basically and everything, and also the
25 defense, in terms of what you may be thinking about,

1 that that is the way it seems to me. If anything, it
2 would be a third-degree domestic violence that was
3 committed in the presence of or perceived by the
4 children, which would have come it up to the
5 second-degree. All this other definitional stuff and
6 everything that is in the Indictment and the Statutes
7 and everything, that would confuse the jury, in my
8 opinion.

9 MR. MCMASTER: As long as you explain what Domestic
10 Violence III is.

11 THE COURT: Yes. That is just physical injuries.
12 I don't think it's moderate physical injuries, so it
13 wouldn't be Second-degree for that reason. It would
14 just be some physical injury that she committed on him
15 in the presence of or perceived by the children.

16 That is way I would like to narrow it down and
17 present it to the jury, unless something changes between
18 now and then and everything.

19 That is just my thinking about it and everything to
20 try to -- I would like to try to keep it as narrow and
21 as simple as possible in presenting the case to the
22 jury. That is my thinking at this point.

23 Now, that is it, as far as this case is concerned.

24 MR. PAYNE: My client needs to run to the rest
25 room.

1 THE COURT: Go ahead.

2 MR. MCMASTER: Your Honor, I don't know if we have
3 put on the record that we were admitting the video into
4 evidence.

5 THE COURT: No objection to that; right?

6 It's in evidence without objection.

7 (The aforementioned item was marked as
8 State's Exhibit 5 for identification and was
9 admitted into evidence.)

10 MR. PAYNE: Judge, I think the only thing left on
11 it was him getting back in the car. I don't see a need
12 to restart it tomorrow.

13 THE COURT: Good. Whatever. Keep it simple.
14 That is what I try to do; keep it simple. I don't know
15 how much more you want to get in. I guess you want to
16 cross-examine him and everything. We have to do that,
17 and then you will do the children, too, tomorrow morning
18 sometime?

19 MR. MCMASTER: Your Honor, at this point --

20 THE COURT: You do that whatever. You don't have
21 to tell me what you want to do. Anyway, you do whatever
22 you want to do and everything as far as any other any
23 evidence is concerned. We know he wants the deputy to
24 come, so have him here tomorrow morning at 9:30.

25 MR. MCMASTER: That is the problem, Your Honor.

1 Deputy Mummert is on the third shift; meaning, he gets
2 off of work at 4:00 a.m. tomorrow. I have talked to
3 him. He can be here at 1:00.

4 THE COURT: Are you going to do the children? If
5 you are going to do the children, have them here. I
6 don't want to make him sick or anything like that, but
7 he ought to be able to come sometime soon.

8 Get him here as soon as you can.

9 MR. MCMASTER: Okay. We can start up in the
10 morning. I do think there are one or two things outside
11 of this case.

12 THE COURT: Okay, but let's move this case along.
13 Let's move this case along. We don't want to keep this
14 jury here, except when we have to have them here or
15 whatever, so let's move this case along.

16 All right.

17 We are adjourned until 9:30 tomorrow.

18 * * *

19 (Whereupon, at 5:18 p.m., the proceedings were
20 continued to be resumed the following day without
21 interruption.)

22

23

24

25

STATE OF SOUTH CAROLINA v. TIFFANY MAE MILES - 2018-GS-29-000498

STATE OF SOUTH CAROLINA IN THE GENERAL COURT OF JUSTICE
 LANCASTER COUNTY CIRCUIT COURT DIVISION
 2018-GS-29-00498

-----X
 STATE OF SOUTH CAROLINA, :
 :
 Plaintiff, :
 :
 vs. : TRANSCRIPT OF TRIAL
 : VOLUME II
 : PAGES 111 - 254
 TIFFANY MAE MILES, :
 :
 Defendant. :
 -----X

May 15, 2019
 Lancaster, South Carolina

B E F O R E

The Honorable Thomas J. Hughston, Jr., Judge Presiding.

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1 P R O C E E D I N G S

2 * * *

3 WEDNESDAY, MAY 15, 2019

4 LANCASTER, SOUTH CAROLINA

5 * * *

6 (Whereupon, the following proceedings were
7 held in open court. The defendant was
8 present with her attorney, along with
9 counsel for the State.)

10 THE COURT: All right. Are we ready to bring the
11 jury in?

12 MR. MCMASTER: The State is ready, Your Honor.

13 THE COURT: What is next?

14 MR. MCMASTER: The children witnesses.

15 THE COURT: All right.

16 Who is going to be the first one?

17 MR. MCMASTER: R.M. [REDACTED].

18 THE COURT: Do you want me to examine him about his
19 competency, Mr. Payne?

20 MR. PAYNE: I do, Judge.

21 * * *

22 R.M. [REDACTED],

23 called as a witness by and on behalf of
24 the Court to testify, being first duly
25 sworn was examined and testified as follows:

1

* * *

2

EXAMINATION BY THE COURT

3

THE COURT: Tell me your name.

4

MR. R.M. : R.M.

5

THE COURT: How old are you?

6

MR. R.M. : Fourteen.

7

THE COURT: Are you in school?

8

MR. R.M. : Yes, sir.

9

THE COURT: What grade are you in?

10

MR. R.M. : Eighth.

11

THE COURT: How are you doing in school?

12

MR. R.M. : Good.

13

THE COURT: What is your favorite subject?

14

MR. R.M. : Math.

15

THE COURT: Of course, you have been called to

16

testify about what happened back on November 6, 2017,

17

out at your home between your mother and your

18

stepfather.

19

Do you understand that?

20

MR. R.M. : Yes, sir.

21

THE COURT: Of course, what we are wanting to know

22

is: Will you tell us the truth about what happened?

23

MR. R.M. : Yes, sir.

24

THE COURT: Do you know what it means to tell the

25

truth?

1 MR. R.M.: Yes, sir.

2 THE COURT: Do you know what it means to tell a
3 lie?

4 MR. R.M.: Yes, sir.

5 THE COURT: You know that if you lie, there are bad
6 consequences?

7 MR. R.M.: Yes, sir.

8 THE COURT: One of which is in a situation like
9 this. If I know that you are lying, I can send you to
10 jail.

11 Do you understand that?

12 MR. R.M.: Yes, sir.

13 THE COURT: Will you tell us the truth?

14 MR. R.M.: Yes, sir.

15 THE COURT: Any questions you want to ask him?
16 Either one of you?

17 MR. MCMASTER: Nothing from the State, Your Honor.

18 MR. PAYNE: Very briefly, Your Honor.

19 THE COURT: Go ahead.

20 VOIR DIRE EXAMINATION BY MR. PAYNE

21 BY MR. PAYNE:

22 Q Good morning, R.M.

23 A Good morning.

24 Q Do you understand the type of court that we are in?

25 A Yes, sir.

1 Q Do you understand it's a criminal court?

2 A Yes, sir.

3 Q Do you understand that if you lie, there are
4 criminal penalties?

5 A Yes, sir.

6 Q Do you understand that if your mother is convicted,
7 she --

8 MR. MCMASTER: Objection, Your Honor.

9 THE COURT: I will allow that.

10 BY MR. PAYNE:

11 Q Do you understand that if your mother is convicted,
12 that she faces the possibility of going to prison?

13 A Yes, sir.

14 Q You promise to tell the truth?

15 A Yes, sir.

16 Q Has anyone bribed you to tell the truth?

17 A No, sir.

18 Q Are you sure?

19 A Yes, sir.

20 MR. PAYNE: No further questions, Your Honor.

21 THE COURT: I think he is competent. I called you
22 without the jury in here. It may seem funny, but I need
23 you to go back out there and have a seat on the front
24 row. Meanwhile, we will bring the jury in, and I will
25 call you back up here in just a few minutes.

1 (Whereupon, the witness exited the witness stand.)

2 THE COURT: Bring the jury in.

3 (Whereupon, the jury entered the courtroom.)

4 THE COURT: We have the jury with us. Ms. Miles
5 is present.

6 Where is she?

7 MR. PAYNE: Your Honor, may we approach?

8 THE COURT: I'm sorry. Members of the jury, I need
9 you to go back to the jury room for a moment. I didn't
10 realize what the situation was here. I need you to go
11 back to the jury room for just a moment.

12 (Whereupon, the jury exited the courtroom.)

13 THE COURT: All right. We have the jury out now.
14 The door is closed. I apologize. I just assumed she
15 was here. I didn't survey the courtroom to see if she
16 was here. I apologize for not doing that and
17 everything.

18 MR. PAYNE: I apologize. I should have told you
19 ahead of time. I assumed we were going to roll and
20 pretend like she was here.

21 I told her last night to be back in my office
22 at 9:00 this morning. She sent a message to our office
23 through our office Facebook account. I told her again,
24 "We are starting the trial at 9:30 without you."

25 At this point, I would move for a bench warrant, if

1 the Court would be inclined. She is essential to my
2 case. Her testimony is the only one this morning.

3 THE COURT: It's essential to her case.

4 MR. PAYNE: Her case, too, yes. Her testimony is
5 the only evidence I have this morning.

6 THE COURT: Okay. I told her that if she wasn't
7 here, the trial would go on in her absence, so the trial
8 is going to go on in her absence. I will be glad to
9 sign a bench warrant, if you have a form there for her.
10 Go right ahead and give it to the deputy. Tell us
11 where you think she is, maybe.

12 MR. PAYNE: Judge, I have no idea.

13 THE COURT: Do you know where she is staying now?

14 MR. PAYNE: The last I heard, she was in a motel on
15 the Bypass, but she might have moved. She hasn't given
16 me her new address. She is afraid that somebody might
17 find her and do something to her, so she won't even give
18 me that. I have a phone number for her, but half the
19 time I call the phone, it's disconnected.

20 THE COURT: Well, come up and give the clerk
21 whatever information you have.

22 (Whereupon, a recess was held.)

23 (The following proceedings were held. All parties
24 were present, with the exception of the defendant,
25 who was not present.)

1 THE COURT: Let's go ahead and get started.

2 MR. MCMASTER: Your Honor, Deputy Mummert asked if
3 he can come in at 1:00. I said I will do the best I
4 can.

5 THE COURT: Let me think about that. I guess we
6 could go ahead and let me hear from those other two
7 children. You are going to call them after the other
8 young gentleman I just talked to?

9 MR. MCMASTER: Yes, Your Honor.

10 THE COURT: All right. Bring in the next child
11 witness.

12 MR. MCMASTER: Yes, Your Honor. It will be A.B.
13 A.B.

14 * * *

15 A.B.

16 called as a witness by and on behalf of
17 the Court to testify, being first duly
18 sworn was examined and testified as follows:

19 * * *

20 EXAMINATION BY THE COURT

21 THE COURT: Tell me your name, please.

22 MS. A.B. : A.B.

23 THE COURT: Your last name is what?

24 MS. A.B. : A.B.

25 THE COURT: And how old are you?

1 MS. A.B. : Twelve.

2 THE COURT: What grade are you in?

3 MS. A.B. : Seventh.

4 THE COURT: What is the name of your school?

5 MS. A.B. : Buford Middle.

6 THE COURT: How do you spell that?

7 MS. A.B. : B-u-f-o-r-d M-i-d-d-l-e.

8 THE COURT: How are you doing at school this year?

9 MS. A.B. : Good.

10 THE COURT: What is your favorite subject?

11 MS. A.B. : Social studies.

12 THE COURT: What are you studying in social
13 studies right now?

14 MS. A.B. : The civil war.

15 THE COURT: This is a courtroom, and there is a
16 trial going on. Do you understand that?

17 MS. A.B. : Yes, sir.

18 THE COURT: The reason you are here, of course, is
19 about what happened at your home back on November 6,
20 2017, between your mother and your father.

21 Do you understand that?

22 MS. A.B. : Yes, sir.

23 THE COURT: Of course, you just took an oath. That
24 means that you swore that you will tell us the truth
25 about what happened.

1 Do you understand that?

2 MS. A.B. [REDACTED]: Yes, sir.

3 THE COURT: Do you know the difference between
4 telling the truth and telling a lie?

5 MS. A.B. [REDACTED]: Yes, sir.

6 THE COURT: Tell me what the difference is. Tell
7 me what I mean by telling a lie.

8 MS. A.B. [REDACTED]: If I got a dollar and then I said
9 I didn't, but I really did, that is a lie.

10 THE COURT: All right. That is pretty good.

11 Do you understand that if you told a lie here in
12 court and I found out about it, I could send you to
13 jail?

14 Do you understand that?

15 MS. A.B. [REDACTED]: Yes, sir.

16 THE COURT: Do you want to go to jail?

17 MS. A.B. [REDACTED]: No, sir.

18 THE COURT: Will you tell us the truth?

19 MS. A.B. [REDACTED]: Yes, sir.

20 THE COURT: All right. Any questions, you want to
21 ask her?

22 MR. PAYNE: Very briefly, Judge.

23 VOIR DIRE EXAMINATION BY MR. PAYNE

24 BY MR. PAYNE:

25 Q Good morning, A.B. [REDACTED]. How are you?

1 A Good. How are you?

2 Q Are you nervous at all?

3 A Yeah.

4 Q Do you know what type of court this is? This is
5 criminal court; right?

6 A Yes, sir.

7 Q Do you understand that if your mother gets found
8 guilty, there is a chance she could go to prison?

9 A Yes, sir.

10 Q Do you promise to tell the truth in this case?

11 A Yes, sir.

12 Q Is anybody bribing you or trying to make you say
13 something that is not true?

14 A Yes, sir.

15 Q Who tried to bribe you?

16 A My mom did bribe me yesterday and the day before.

17 Q What did she say?

18 A She has money coming in. She has a two-story
19 house.

20 MR. PAYNE: No further questions.

21 THE COURT: All right. I find that she is
22 competent then. I will allow her to testify.

23 You can have a seat out there next to your
24 brother.

25 (Whereupon, the witness exited the witness stand.)

1 THE COURT: Do you want to call the other young
2 lady?

3 MR. MCMASTER: Yes, sir, Your Honor.

4 * * *

5 J.B. [REDACTED]
6 called as a witness by and on behalf of
7 the Court to testify, being first duly
8 sworn was examined and testified as follows:

9 EXAMINATION BY THE COURT

10 THE COURT: Tell me your name, please.

11 MS. J.B. [REDACTED]: J.B. [REDACTED].

12 THE COURT: That is a pretty name. Anybody ever
13 told you that before?

14 MS. J.B. [REDACTED]: A lot of people.

15 THE COURT: I hope so.

16 Do you know where it comes from; what J.B. [REDACTED] is?

17 MS. J.B. [REDACTED]: A flower.

18 THE COURT: You are here to tell us what happened,
19 if you remember what happened, back on November 6, 2017
20 at your house between your mother and your father.

21 Do you understand that?

22 MS. J.B. [REDACTED]: Yes, sir.

23 THE COURT: Do you remember that?

24 MS. J.B. [REDACTED]: Not really.

25 THE COURT: You don't?

1 MS. J.B. [REDACTED]: No.

2 THE COURT: So if I asked you to tell me what
3 happened between your mother and your daddy back on
4 November 6, 2017, what would you tell me?

5 MS. J.B. [REDACTED]: That they was fussing.

6 THE COURT: They were fussing? Why did you think
7 they were fussing? Did you see anything actually happen
8 between them?

9 MS. J.B. [REDACTED]: She was hitting.

10 THE COURT: What I want to know, then, basically is
11 for you to tell us the truth about what happened.

12 MS. J.B. [REDACTED]: I don't know really what
13 happened. I do know that she was hitting and he was a
14 victim his-self.

15 THE COURT: Do you know the difference between
16 telling the truth and telling a lie?

17 MS. J.B. [REDACTED]: Yes, sir.

18 THE COURT: What would happen to you if you told a
19 lie?

20 MS. J.B. [REDACTED]: I would go to jail.

21 THE COURT: Okay. Will you tell us the truth?

22 MS. J.B. [REDACTED]: Yes, sir.

23 THE COURT: Any questions you want to ask her?

24 MR. PAYNE: Briefly.

25 VOIR DIRE EXAMINATION BY MR. PAYNE

1 BY MR. PAYNE:

2 Q Good morning, J.B. How are you? Are you
3 nervous?

4 A A little bit.

5 Q Do you understand what kind of court this is; that
6 you are in a criminal court?

7 A Yes, sir.

8 Q You realize that if your mother gets found guilty,
9 there is the chance at the end of it she could go to
10 prison or jail.

11 Do you understand that?

12 A Yes, sir.

13 Q Knowing that, do you promise to tell the truth in
14 what you say?

15 A Yes, sir.

16 MR. PAYNE: No further questions.

17 THE COURT: Thank you very much.

18 We will let you go back out into the hallway then.

19 Thank you, J.B. We will call you back in a little
20 while.

21 (Whereupon, the witness exited the witness stand.)

22 (Whereupon, the defendant was present in the
23 courtroom along with her attorney.)

24 THE COURT: All right. Ms. Miles is here. Glad
25 to have you here. We were worried about you. Glad to

1 have you here.

2 I think all three children have now been
3 questioned, and I will allow them to testify. Bring the
4 jury in.

5 (Whereupon, the jury entered the courtroom.)

6 THE COURT: We have the jury back with us. Ms.
7 Miles is now present. We are ready to go forward with
8 the trial. I apologize for bringing you out in Ms.
9 Miles' absence. She is here now, and we will go on with
10 the trial.

11 Solicitor, call your next witness.

12 MR. MCMASTER: Thank you, Your Honor. The State
13 calls R.M. [REDACTED].

14 * * *

15 R.M. [REDACTED]

16 called as a witness by and on behalf of
17 the State to testify, being first duly
18 sworn was examined and testified as follows:

19 * * *

20 DIRECT EXAMINATION

21 BY MR. MCMASTER:

22 Q Good morning, R.M. [REDACTED].

23 A Good morning.

24 Q State your name for the record.

25 A Huh?

1. Q Are you nervous?
2. A A little. I wasn't ready to be here.
3. Q State your name for the record.
4. A R.M. [REDACTED].
5. Q What grade are you in?
6. A Eighth.
7. Q Where do you go to school?
8. A Buford Middle.
9. Q What are you studying in school right now?
10. A Mostly the State testing.
11. Q How is that going?
12. A Good. We got one today. I can't be there.
13. Q Can you make it up?
14. A Yeah.
15. Q Tell me who your mom is.
16. A Tiffany Miles.
17. Q Can you tell me who your dad is?
18. A Robert Bowers.
19. Q Do you remember being in a car wreck in 2017, in
20. November? Do you remember being in a car wreck with
21. your mom?
22. A Yes, sir.
23. Q Do you remember who was there?
24. A Yes, sir.
25. Q Can you tell me who was there and what happened?

1 A In the car, my two sisters, me, and my mom was
2 driving.

3 We turned on the road. She was fiddling with the
4 charger. Then some way she turned the wheel and went on
5 the other side of the road and went through a ditch.
6 The ditch finally caught the car and slung it.

7 Q Did you get hurt?

8 A My knee got busted open. Nobody else got hurt.

9 Q What happened after the wreck?

10 A After the wreck, she was nervous to call daddy.
11 She was saying he was going to beat her. He wasn't
12 going to do it. She finally said -- when she called
13 him, she said, I think it was -- she told him that she
14 ran in the ditch. That is what it was. She said she
15 just ran in the ditch.

16 He didn't know the car was totaled. When he got
17 there, he was frustrated because it was totaled almost.

18 Q What did your dad look like?

19 A He was mad. That was our only car at the time.

20 Q How about your sisters?

21 A My sisters -- we just went inside to Donna's house
22 after the wreck happened. We went in Donna's house. We
23 went in there and talked to her for a little while. I
24 think we ate dinner.

25 After we left there, we went home. We was riding

1 in our nanny's truck. It was a burgundy truck, I think
2 it was. When we got to the house, they was arguing,
3 fussing in the truck when we was going home.

4 We got to the house, and she was saying that there
5 was a rope tied to the bumper. The rope pulled the
6 bumper up, so it wouldn't scrape against the ground.
7 She tried to tie the rope to the tire. The rope was not
8 long enough for it to get tied in the tire.

9 Q What do you mean by they was fussing?

10 A Arguing back and forth.

11 Q Were they making any threats to each other?

12 A Yes.

13 Q What was the -- did you ever see your mom do
14 anything to your dad?

15 A In the truck?

16 Q Back at the home.

17 A At the house, it was arguing and fussing first.
18 Then it moved on to arguing, fussing, fighting. It went
19 to the living room, the hallway, to the bedroom, the
20 bathroom, the hallway again, to my room.

21 While she was fighting, she was trying to get daddy
22 to hit her, but he wouldn't. She punched him in the
23 mouth and in the ear, and made it blood.

24 Q Did you see that?

25 A Yes.

1 Q Where were you standing?

2 A I was in the hallway when she did it. He was
3 holding her. He had her two arms like this
4 (indicating). He had his arms around her arms. He was
5 holding her arms against her body to calm her down a
6 little bit.

7 Q What else did your dad do?

8 A He held her, and she was kicking and kicking and
9 kicking and kicking. It was really bad.

10 Q Did your dad ever ask you to do something?

11 A Like, what?

12 Q Do you remember dialing 911?

13 A Yes. He couldn't find his phone. Since he
14 couldn't find his phone, he told me to dial 911. I
15 didn't know what to say. I never did it before. I gave
16 it to him, and he called them on my phone.

17 Q Your phone?

18 A Yes.

19 Q Did you ever talk to any law enforcement that
20 night?

21 A Yes, sir.

22 Q Do you remember if it was from Lancaster County
23 Sheriff's Office?

24 A I think it was.

25 Q Do you remember the officer's name?

1 A I don't remember his name.

2 Q I will show you some pictures that have been moved
3 into evidence by the State. Tell me what those are
4 pictures of.

5 Do you recognize those pictures?

6 A Yes. When they went in my bedroom where he was
7 dripping blood. It dripped on my sheets when they was
8 fighting.

9 Q What are those two pictures of?

10 A My bed when they was in my room. It is his blood.

11 Q Did you ever see the blood spill onto the bed?

12 A I didn't see it spill. Those were clean sheets.
13 They didn't have no blood on them before.

14 Q It didn't look like that before this?

15 A No. She was drinking beer that night. She drunk
16 half of a can of beer. I took it outside. When I went
17 in there and grabbed it, I noticed the blood on my
18 sheets. I told him about it. That is when I brung the
19 beer out past them.

20 Q Do you remember seeing your dad after the incident?

21 A After the incident? When he was talking to the
22 cops. She ran.

23 Q I am showing you three pictures marked State's
24 Exhibits 3A, 3B, 3C.

25 Do you recognize those three pictures?

1 A Yes, sir.

2 Q Tell me what these are pictures of.

3 A One of them is his ear bashed open. One is blood

4 drips, his ear or mouth. The other one is he got a

5 picture of his face where he was bleeding in his mouth.

6 It was all over his lip.

7 Q Did he look like that before the fight?

8 A No.

9 Q Have you ever seen him like that before?

10 A Like that? I don't think so. No.

11 MR. MCMASTER: Beg the Court's indulgence, Your

12 Honor.

13 THE COURT: Yes.

14 MR. MCMASTER: No further questions from the State.

15 Robert, if you would please answer any questions the

16 defense may have for you.

17 CROSS-EXAMINATION

18 BY MR. PAYNE:

19 Q Hi, R.M. How are you?

20 A Good.

21 Q Let's talk about the wreck. What time was that?

22 A It was dark, I know that. I don't remember what

23 time.

24 Q 6:00 or 6:30?

25 A Probably.

1 Q You-all were going down Textile Road when the wreck
2 happened? Which road was it on?

3 A I don't know roads. I know when we left Jefferson,
4 we were going through the back roads. You come to the
5 crossroads up there where the man sells old cars.

6 Q Okay.

7 A We turned right from there. When we was going
8 down the road, she started fiddling with the charger.
9 It wouldn't charge her phone. The steering wheel went
10 straight to one side. It was going against the ditch.
11 The car was on the ditch. The ditch finally caught the
12 car and slung us.

13 Q Why was she trying to charge her phone? Was it
14 dead?

15 A Yes.

16 Q Anything happen if it goes down -- goes dead?

17 A No.

18 Q What happened when the front of the car went into
19 the ditch?

20 A When we was on the side, the whole side was in the
21 ditch. It was scraping against the ditch. When the car
22 caught, it caught in the bumper up there. When we was
23 on the ditch, we went like this (indicating). It
24 caught, slung us over like this (indicating).

25 Q Was somebody from the Sheriff's Office there when

1 it happened?

2 A He didn't happen to be there at that moment. He
3 came around the turn and seen us wrecked and turned on
4 his lights and everything.

5 Q Was it the Lancaster County Sheriff's Office?

6 A I don't know.

7 Q Was it a police deputy? Somebody with badge on?

8 A Yes. I'm not sure.

9 Q What did he do?

10 A He said "Do you need me to call a tow truck?"

11 She said, "No.

12 The man who sells the cars at the crossroads helped
13 us. We drove it to Donna's house.

14 Q Did you see your mom talking to the person from the
15 Sheriff's Office -- the deputy?

16 Were you standing there when he was saying to you,
17 "Do you need us to pull you out?"

18 A Yes. We were on top of the ditch getting out of
19 the traffic.

20 Q How close were they?

21 A About the distance we are now.

22 Q Did the deputy do any kind of tests on your mom?

23 Did he ask her if she was okay to drive or anything
24 like that?

25 A I am not sure. He seen my knee busted open. He

1 asked me if I needed an ambulance, and I said, no. It
2 was just busted open.

3 Q What do you mean by busted open? How bad was it
4 busted open? How bad was the cut?

5 A I will explain it from the inside. I was inside
6 the car, and I didn't put a seat belt on. Usually, when
7 we are riding, at a certain distance, I remember it, and
8 I will just put it on.

9 I didn't put it on. When it slung over and we went
10 into the ditch, I was on the driver's side in the
11 backseat.

12 When she swerved back into the road, I swung in the
13 middle. Then she slung back over, and I didn't sling
14 that time back to the driver's side. I stayed in the
15 middle.

16 When the ditch caught us, I went dead into the
17 thing where you put storage in the middle of the front
18 seat.

19 Q The console?

20 A Yes.

21 Q Did you have to get stitches or anything?

22 A No. It just busted up.

23 Q Like falling and getting it scraped up?

24 A I have a scar.

25 Q You mentioned that your momma was scared after the

1 wreck.

2 Why was she scared again?

3 A She was trying to say that he was going to beat
4 her.

5 Q Why would she say that?

6 A I don't know. She was saying she was scared and
7 stuff. When she called him, the reason why she was mad
8 is because she just said she ran into the ditch.

9 She didn't say she messed up the car and messed up the
10 motor mounts and all that kind of stuff.

11 Q Did your daddy come to where the car was -- the
12 scene?

13 A Yes.

14 Q Was he mad when he got there?

15 A When he got to the scene, they was already pulling
16 out the car. When we pulled out, we went to Donna's.
17 Then he got mad because of how bad he seen it.

18 Q Did he get mad at the crash scene?

19 A I don't think he got out. I think he stayed in
20 the truck.

21 Q You-all just followed him back? Who drove the car
22 back to Donna's?

23 A She did. We drove in his truck back to Donna's.

24 Q When you got to Donna's, what time was that?

25 A Probably around 7:00-something or 8:00-something.

1 Q About 8:00. You-all ate dinner there?

2 A I think we did. I am not sure, though.

3 Q How is Donna related to you?

4 A She is my third cousin. We call her our
5 aunt.

6 Q The night that this happened, did you have some
7 trouble remembering how you were related to her when the
8 deputy was asking you about it?

9 A No.

10 Q When you were at Donna's house, were you downstairs
11 at her house? Were you upstairs?

12 A We was downstairs with her talking.

13 Q What about -- do you want me to call him your dad
14 or your stepdad?

15 A Dad.

16 Q I know where you are coming from on that end.

17 So your mom and your dad, where were they at
18 Donna's house?

19 A He was outside talking to Jessie, Donna's husband.
20 Jessie was trying to calm him down, get him to calm
21 down, because of the incident with the car.

22 He finally calmed down, but when they was on the
23 ride home, they were arguing.

24 Q Is it fair to say your dad is the one who was mad
25 at Donna and Jesse's house and not your mom?

1 A She was mad, too. She kept on saying that the
2 string caught it. Any person in this courtroom -- if
3 you could see the string, you would have common sense
4 and say it couldn't get stuck.

5 Q So in the truck ride home, were they still arguing?

6 A They was arguing, but no hitting or anything.

7 Q What did you do with the car that got wrecked?

8 A The car that got wrecked, he tried to fix it up and
9 everything. Too much money to spend on it, so he junked
10 it.

11 Q Where did it stay that night?

12 A That night, I think it stayed -- it stayed at
13 Donna's house for a month or two.

14 We finally got it to my house, and eventually he
15 junked it.

16 Q When you-all were at Donna's house and you were on
17 the ride home, is it safe to say that your dad was mad
18 at your momma?

19 A Yes, because how she said that -- she just said
20 that we just went into the ditch.

21 Q Was he ill with her?

22 A Yeah. When we was at Donna's house, he cooled him
23 down. He got cooled down from Jesse. He was a lot
24 madder.

25 Q What time did you-all get home?

1 A Probably around 9:00 or 10:00. I don't know.

2 Q How long were you all home before the argument
3 started?

4 A We got home, and I think we was watching TV.
5 Eventually, the fight started. They just started
6 arguing about it. She kept on trying to say the string
7 caught the tire and slung her. When the wreck happened,
8 when we got out of the car, it was still tied to the
9 door. When A.B. that little girl, my middle sister,
10 she nudged the door and broke the string off.

11 Q Where did the arguing first start at? Which room?

12 A The arguing?

13 Q Yes. Just the verbal.

14 A It started in the living room.

15 Q What was your momma doing in the living room? Was
16 she on the phone with anybody?

17 A No. They was sitting in the same chair, or they
18 was in separate chairs. I don't know.

19 Q The living room is that little room that you walk
20 down into when you come in your house, right?

21 A Yeah. It has, like, two stairs.

22 Q That room itself, is there any other exit out of
23 that room other than when you walk down the stairs, or
24 just the stairs?

25 A No. Just the stairs.

1 Q Was your dad smoking a cigarette?

2 A Almost when the deputy was coming, almost. We done
3 called the cops and everything. He was smoking a
4 cigarette in the chair. When he had it in his mouth,
5 she opened her mouth and went straight ahead at him. It
6 got her tongue.

7 Q That was while you-all were on the phone with 911?

8 A No. It was before we called them, or it was after
9 we called them. I can barely remember it.

10 Q But that is a kind of a big deal; right?

11 A I know he didn't pick it up and throw it down her
12 throat. It was in his mouth, and I sat right there and
13 watched it.

14 Q Did he see her get burned?

15 A I don't know. I know it was in his mouth. He was
16 smoking it. He was sitting in the chair. When they was
17 arguing, he had his back to the chair. Her mouth just
18 collided into the cigarette.

19 Q Where did it burn her at on her mouth?

20 A It went into her mouth and burned her tongue.

21 Q What did she do after she got burned?

22 A After that, she said that he burned her tongue and
23 stuff.

24 Q Did she hit him at that point?

25 A No. I think it was right after we left the

1 bathroom.

2 Q Let's backtrack. You have me confused.

3 In the living room when this all started, were they
4 smoking cigarettes at all?

5 A No. Not yet.

6 Q Were they sitting together, or were they sitting
7 apart from each other?

8 A I think she was sitting in one chair and he was
9 sitting in one chair. I am not really sure about the
10 chairs.

11 Q Did you see him sitting in there arguing?

12 A I was in there.

13 Q Did your dad walk towards your mom, or did she walk
14 towards him?

15 A Yeah. They was in the same chair. They started
16 arguing right there. We was trying to cool them down
17 and keep everybody calm and not fight that night. It
18 didn't work, so they got in an argument.

19 They was sitting in the same chair. They went to
20 the living room just arguing, to the hallway, to the
21 kitchen with just arguing, to the bathroom. Then after
22 they left the bathroom from arguing, they went into the
23 little hallway right there.

24 Q When did your momma -- when did she throw the first
25 punch?

1 A That is what I was about to tell you. When they
2 left the bathroom and went into the hallway, she punched
3 him in the ear and busted his ear all the way back here.
4 (indicating). She busted it open.

5 Q When they left your living room initially,
6 was he blocking the doorway at all where she couldn't
7 leave?

8 A No.

9 Q Who left the living room first?

10 A I know at one point in the fight, he went into his
11 room. We tried to keep them separate, but she ran back
12 at him and started again.

13 Q When she left the living room the first time, did
14 she leave first, or did he leave the room first?

15 A I think he left it first and then went up the
16 stairs, then she followed him up the steps and started
17 arguing.

18 Q They went up the stairs and started arguing. I am
19 assuming they were in the hallway?

20 A Yeah.

21 Q Then it went where?

22 A To the kitchen. Well, the dining room.

23 Q It hadn't gotten physical at that point, according
24 to you; right?

25 A No.

1 Q Then did they come back to the living room?

2 A They came back to the hallway, and then they went
3 back to the bathroom. When they left the bathroom, they
4 went back into the hallway. Then she punched his ear.
5 He wouldn't hit her. So after she is done busting his
6 ear open and everything, she punched him in the jaw to
7 try to get him to hit her, and he still wouldn't do
8 it.

9 Q Did your dad at any point, I guess in the
10 bathroom, put his hands up to where she couldn't get by
11 and she had to crawl under his arms or crawl under his
12 legs to get away from him?

13 A No.

14 Q Are you sure?

15 A Yes, sir.

16 Q Do you remember when the officer came to your
17 house?

18 A Yes.

19 Q Do you remember that he had that little camera on
20 that was recording?

21 A Yes.

22 Q Did he tell you that you were being recorded that
23 night?

24 A Yeah.

25 Q Do you remember exactly what you told him on that

1 bodycam?

2 A I told him about the fight. I think it was when
3 he was talking to daddy, I brung out the beer can that
4 she was drinking.

5 Q We will get to that.

6 Did you tell the officer that night that your dad
7 had to put his hands up in the doorway to try to keep
8 her in the bathroom or your bedroom or anything like
9 that?

10 A I don't think so.

11 Q You never told the officer that she had to crawl
12 under his arms to get by him?

13 A I don't think so. I know he was holding her to
14 keep her to calm down. She would just kick.

15 Q Where was he holding her at?

16 A In the hallway, mostly.

17 Q How was he holding her?

18 A I don't know.

19 Q Was it like his arms around her neck?

20 A No. He would -- like someone just standing
21 straight up with their arms by their side. He would
22 grab her like this (indicating) and hold her arms
23 against her body so she couldn't fight or anything
24 anymore.

25 Q Like a bear hug?

1 A Yes. Then she kept kicking and kicking.

2 Q Were you sitting in the room when the officer was
3 taking the statements on the bodycam -- when he was
4 getting your dad to write down all what happened and
5 everything?

6 A Yes.

7 Q Were you there when your dad demonstrated the way
8 that he held your mom on your sister?

9 Do you recall that part?

10 A I think he did. I don't remember.

11 Q Do you remember him simulating a head lock on your
12 sister that night?

13 A I don't remember that.

14 Q Do you remember the deputy asking him "You didn't
15 choke her, did you"?

16 A Huh?

17 Q You don't remember that question that the deputy
18 asked him?

19 A I know that when the deputy was talking to daddy,
20 he was outside.

21 Q What about when you-all were inside?

22 A When we was inside, he talked to daddy outside and
23 then me outside. I think he talked to me outside. He
24 talked to the girls in the living room.

25 Q Did he talk to you while your dad was standing

1 there?

2 A No. He went inside.

3 Q Are you sure?

4 A I think he was standing there or -- I don't know.
5 I don't know where he was when he was talking to me.

6 Q You don't remember if your dad was telling you
7 anything when the deputy was talking to you?

8 A No. He wasn't telling me nothing.

9 MR. PAYNE: I'm sorry, Your Honor. I would like
10 the jury to be --

11 THE COURT: Members of the jury, I need you to go
12 to the jury room for just a moment, please.

13 (Whereupon, the jury exited the courtroom.)

14 MR. PAYNE: Your Honor, may I please be excused
15 for a moment to see what is going on with her?

16 THE COURT: No problem.

17 MR. PAYNE: I know this is very emotional for her.

18 THE COURT: I'm sure. Go right ahead.

19 (Whereupon, a recess was held.)

20 (Whereupon, the following proceedings were
21 held in open court. The defendant was present with
22 her attorney, along with counsel for the State.)

23 THE DEFENDANT: I'm sorry, Your Honor.

24 THE COURT: That's all right. I wanted to
25 tell you, you know, if you need to get out of the

1 courtroom or leave the courtroom or whatever, you
2 certainly are free to do so.

3 All right. Bring the jury in.

4 Feel free to get up if you need to do so.

5 MR. PAYNE: I'm sorry, Your Honor. I know it's
6 emotional.

7 THE COURT: Don't worry about it. No problem.

8 (Whereupon, the jury entered the courtroom.)

9 THE COURT: All right. The jury is back with us,
10 and Ms. Miles is present along with her attorney.

11 You may continue to examine the witness.

12 CROSS-EXAMINATION CONTINUES

13 BY MR. PAYNE:

14 Q R.M. , I think before we took a break, we were
15 talking about if your dad ever boxed your momma in
16 during the fight.

17 Do you remember that part -- when I was asking you
18 that question earlier?

19 A Yeah. I remember that part.

20 Q That never happened; is what you are saying?

21 A No.

22 Q He never put his hands up in the doorway? She
23 never had to, like, crawl up under him or anything to
24 get away from him?

25 A I don't think so.

1 Q We were talking about the officer that took the
2 statement from you that night. You remember all of
3 that?

4 A Not all the words.

5 Q But you remember him recording you; correct?

6 A He told all of us that he was recording us with
7 that little camera.

8 Q We were talking about the hold. Your dad was
9 giving your mom a bear hug; right?

10 A Yeah.

11 Q I asked you, I believe, did he ever put her in a
12 head lock or a choke hold or anything like that; right?

13 A The only kind of head lock -- I don't know if it's
14 called a head lock. He would put his arm right under
15 her arm. Then, right here (indicating).

16 Q Around her neck?

17 A Yeah. Just right here (indicating).

18 Q Is that a little bit different than what you
19 described earlier?

20 A He did bear hugs, too. He was trying to calm her
21 down.

22 Q You mentioned that she was kicking him.

23 A When he would bear-hug her, she would go crazy and
24 just start kicking.

25 Q If I walked up to you, and I put my arms around you

1 in a bear hug, would you try to fight out of it?

2 A Well, if you are a stranger, yeah. But if you are,
3 like, in the family, it's like playing to me if you are
4 in the family.

5 Q What if you were really angry?

6 A If you are angry? Yeah.

7 Q What if you are upset?

8 A Upset? I would tell them, stop, please or
9 something like that.

10 Q Did your mom ever say to stop?

11 A I don't know. I don't remember much.

12 Q How did your momma get free from the bear hug?

13 A He would just let her go.

14 Q After she would start kicking; right?

15 A Yeah.

16 Q Did she ever ask him to put her in a bear hug?

17 A No. He tried to do it to calm her down; to keep
18 her from hitting him.

19 Q Do you know what the word consent means?

20 A No.

21 Q Did she ever give him permission to put her in a
22 bear hug?

23 A No.

24 Q Did she ever give him permission to put his hands
25 on her?

1 A No.

2 Q Were you there when your dad was on the phone with
3 911?

4 A I just know I gave him my phone. I don't remember
5 what he said to the officer.

6 Q Do you remember if your momma said anything in the
7 background?

8 A I know that after he told her that the cops was
9 coming, she ran out the door and left.

10 Q Did she yell anything at him about having a
11 cigarette put on her face?

12 A On her face? I know it went in her mouth. That is
13 all.

14 Q Let's talk about the beer that you said your mom
15 was drinking that night. You just had one beer on the
16 bodycam, right? When the officer came, you took just
17 one can of beer out with a napkin over it, right?

18 A Not with a napkin. I just picked it up and took
19 it straight out there. I asked him what to do with it.

20 Q How much was in that can?

21 A It was almost empty. The can was about this tall
22 (indicating).

23 Q That is the only thing you saw her drink that
24 night?

25 A Yeah.

1 Q How long were you-all home? During the whole time
2 this happened, you-all got in the front door, I think
3 you said, around 9:00?

4 A Probably an hour or two.

5 Q During the time this whole thing happened?

6 A It was probably an hour and 30 minutes, probably.

7 Q They fought for an hour and 30 minutes?

8 A We watched TV for a while. Then it broke out.

9 Q What time did it break out?

10 A We was talking about it. It just got in a fight.

11 Q What time did it break out?

12 A Ask the question again. I don't know.

13 Q Give me an estimate.

14 A I would say about -- getting home around 9:00 or
15 10:00. So about 9:30 to 10:00.

16 Q What time did the police get to your house?

17 A I am not sure about that, now. I have no clue
18 about that.

19 Q How many punches did you see your mom throw that
20 night?

21 A Two.

22 Q Just two?

23 A That is all seen.

24 Q Where were those at? In your room?

25 A That was in the hallway. She punched him in his

1 ear and in his jaw.

2 Q Those are the only two that you saw?

3 A Yes.

4 Q What did you tell the deputy?

5 A I told him about the punches.

6 Q You just told him two punches?

7 A Yeah. I don't think I said two punches, but I am
8 not sure.

9 Q Did you tell -- what do you mean you don't think
10 you said two punches?

11 A I know I described the punches, like, where she was
12 punching him -- where she was punching him and stuff. I
13 don't remember saying exactly how many times she
14 punched.

15 Q You are telling me now, me and you talking, that
16 it's two; right?

17 A Yes.

18 Q One time in the ear. It cut his ear?

19 A Yes.

20 Q One time in the lip, and busted his lip.

21 A Yes. And some way his toenail got busted open. We
22 don't know how that happened.

23 Q Did she stomp on him or anything?

24 A We don't know. We never noticed his toenail
25 bleeding.

1 Q Was your leg still bleeding that night?

2 A No. When we got the gauze, she cleaned it up for
3 me and stuff, and she got all the blood and stuff to
4 stop bleeding.

5 Q R.M., just a couple more questions for you. I
6 think you testified earlier that your dad was ill with
7 your momma?

8 A He was ill at Donna's house. Jessie walked out
9 there and talked to him and eased him down.

10 Q When you-all got home, was he ill with your momma?

11 A What made him madder and madder, she kept saying
12 that the string caught the tire.

13 Q He just didn't buy her story?

14 A The string was only that long (indicating).

15 Q He didn't buy her story?

16 A The string couldn't twist around the tire.

17 Q So he didn't buy what she was selling?

18 A No. We was in the car and messing with the charger
19 and wasn't paying attention on the road.

20 Q Was he angry with your momma at the house?

21 A At my house or Donna's?

22 Q At your house?

23 A At my house after she kept on doing that, they
24 started arguing over it and saying that it wasn't that.
25 Then it moved on to fist-fighting.

1 Q Would your dad just not let it go? He just kept
2 asking her and asking her and asking her?

3 A He kept telling everybody to calm down and let it
4 go.

5 Q He kept asking her; right?

6 A No.

7 Q Why did they keep arguing?

8 A When we was in there, she wouldn't -- like he said,
9 any common-sense person would see that that string could
10 not get you in a wreck, because it was only that long
11 (indicating).

12 Q That is not letting it go, though; right?

13 A What do you mean?

14 Q You said he was trying to get everyone to let it
15 go and calm down.

16 A Yeah. In the truck, he was trying to get everybody
17 to calm down and be quiet. So he finally told us all to
18 shut up and stay quiet.

19 Q When you got home, was your dad still angry with
20 your mom?

21 A No. He was trying to calm himself down.

22 Q What happens if your dad gets angry with your mom?

23 A They would argue, and they would eventually stop
24 arguing. They wouldn't -- barely often they would start
25 fist-fighting.

1 Q Has your dad ever hit your mom before?

2 MR. MCMASTER: Objection.

3 THE COURT: I will allow it.

4 BY MR. PAYNE:

5 Q Has your dad ever hit your mom before?

6 A Hit my mom? Not in a fight.

7 Q Before the night that this allegedly happened, had
8 he ever hit her before?

9 A I don't know.

10 Q Has your dad every hit you before?

11 A Well, a whooping, yeah.

12 Q Not a whooping.

13 What are the kinds of things you got whooped for?

14 A Like smack talking. He would say something, or do
15 something, I would come back with a smart comment, and
16 he would whoop me for it. He would whoop me after so
17 many smart comments; that kind of stuff.

18 Q You don't know if he has ever hit your mom before?

19 A Before? I can't remember.

20 Q You can't remember? Okay.

21 MR. PAYNE: No further questions, Your Honor.

22 THE COURT: Anything on redirect?

23 MR. MCMASTER: Yes, Your Honor, just briefly.

24 * * *

25 REDIRECT EXAMINATION

1 BY MR. MCMASTER:

2 Q Hello again, R.M.

3 A Hello.

4 Q Back to this incident with the wreck and the fight
5 at the house, do you remember how long ago that was?

6 A I don't know. It was a long time ago.

7 Q Remind me how old you are?

8 A Fourteen.

9 Q So if this was a year-and-a-half ago, how old would
10 you have been?

11 A A year-and-a half? I would be almost 13..

12 Q Do you remember when law enforcement came out and
13 there was a deputy in the house?

14 A Yes.

15 Q Do you remember the deputy having anything on his
16 clothes?

17 A He had his badge, his camera.

18 Q Did you see his camera?

19 A Yeah. The camera was, like, right here
20 (indicating) on his pocket.

21 Q Did he tell you what it was doing; what it was
22 there for?

23 A Yeah. When I looked at it, I could tell it was a
24 camera, but he told us anyway.

25 Q Was it accurate what you told the deputy that

1 night?

2 A What do you mean?

3 Q What you told the deputy that night, was that
4 accurate?

5 A Yeah. I think.

6 Q As to your memory of the incident, when was your
7 memory more accurate?

8 A Probably -- if we had this court case -- if it was
9 a week later, I would probably remember it a lot
10 better. Since it's so long ago, it's hard to remember.

11 Q That is okay.

12 MR. MCMASTER: No further questions.

13 THE COURT: Thank you very much.

14 MR. PAYNE: Just one --

15 THE COURT: Do you have something else?

16 MR. PAYNE: Very briefly. One question or two.

17 RECROSS-EXAMINATION

18 BY MR. PAYNE:

19 Q R.M., I think I heard you say that your memory on
20 the bodycam, what you said on the bodycam may be better
21 than what you said today because it has been so long?

22 A I don't know. It has been so long ago.

23 Q Did anybody show you the video ahead of time to
24 refresh your memory?

25 A No.

1 Q So if there are any differences -- which one
2 should we put more faith in? Should I put more faith in
3 the one that happened on the bodycam or what you tell me
4 today, between me and you talking up here?

5 A I don't know which one to say. It was so long
6 ago. I don't know what I said on the bodycam. I don't
7 know.

8 MR. PAYNE: No further questions.

9 THE COURT: Thank you, very much. You can go back
10 out in the hallway, if you want to.

11 Call your next witness.

12 MR. MCMASTER: Yes, sir, Your Honor. The State
13 calls A.B. [REDACTED].

14 * * *

15 A.B. [REDACTED],
16 called as a witness by and on behalf of
17 the State to testify, being first duly
18 sworn was examined and testified as follows:

19 * * *

20 DIRECT EXAMINATION

21 BY MR. MCMASTER:

22 Q Hello, A.B. .

23 A Hi.

24 Q Say your name for the record.

25 A My name is A.B. [REDACTED].

1 Q How old are you, ma'am?

2 A I am 12.

3 Q Who is your mom?

4 A Tiffany Miles.

5 Q Who is your dad?

6 A Lee Bowers.

7 Q You are 12. What grade are you in?

8 A Seventh.

9 Q A.B. do you remember being in a car wreck back in
10 2017? You would have been a little bit younger?

11 A Yeah. I remember a little bit of it.

12 Q Was it a long time ago?

13 A Yeah.

14 Q Do you remember what happened later that night?

15 A Yeah. I came home. My mom and dad was fussing.

16 Then I went to sleep. Later that night, I woke up, and

17 I heard hollering. They was trying to fight back and

18 forth earlier. Then all I heard is the cops on the

19 phone. I was crying, and I went back to my room. That

20 is all I can remember so far.

21 Q Did you see what your mom did to your dad?

22 A Not much.

23 Q Tell me what you could see.

24 A I seen her jumping and pacing and hollering. That

25 is all I can remember.

1 Q Did you ever see them make any contact?

2 A No.

3 Q Do you remember a law enforcement officer coming
4 out to your house?

5 A Yeah. I can't remember what I said.

6 Q That is okay. It was a long time ago.

7 Do you remember if he had a camera on him?

8 A Yeah.

9 Q Do you remember talking about a camera?

10 A He had a little square-box thing.

11 Q Did you ever see that recording?

12 A No.

13 Q Did you ever watch the video?

14 A No.

15 Q Do you think what you said the night of what
16 happened is a better memory than you have now?

17 A Yes.

18 MR. MCMASTER: No further questions.

19 THE COURT: Any cross, Mr. Payne?

20 MR. PAYNE: Yes, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. PAYNE:

23 Q Good morning, A.B.. How are you?

24 A Good.

25 Q Are you nervous?

1 A A little.

2 Q Let's talk about the car wreck that you-all were
3 in. Do you remember that?

4 A Only a little.

5 Q Tell me what you remember about it.

6 A I only remember that we was driving to go back home
7 from school. My mom almost hit a tree. We swerved to
8 get back on the road, we hit a ditch, and we crashed
9 into the ditch.

10 Q Did the police happen to pull up when you-all were
11 there at the car wreck?

12 A Yes. He was trying to help us.

13 Q Did he help you-all get out of the ditch?

14 A Yeah. We had somebody else from across the street
15 help us.

16 Q Were you there when the police -- was he talking to
17 your mom at all?

18 A I don't know. I think so.

19 Q Did you see him do any kind of tests on her or
20 anything to make sure she was okay?

21 A I don't remember.

22 Q Who drove home? Did you ride with your dad, or
23 did you ride with your mom on the way home?

24 A We went back to my uncle's house. He came and
25 picked us three up. My sister and R.M. and me.

1 Q Did your mom drive home to your aunt's house?

2 A My uncle did. He came over there to the road and
3 picked me up. Before we went back home, he went back
4 home to my house with my dad.

5 Q Did you see your dad when he came to pick you and
6 your brother and your sister up at the wreck scene?

7 A I don't remember.

8 Q Do you remember if your dad was mad at your mom?

9 A Yes.

10 Q He was mad at her?

11 A Yeah.

12 Q Was he ill with her?

13 A Only a little bit.

14 Q Where did you-all go when you left the wreck?

15 A We went to my aunt's.

16 Q How long did you stay there?

17 A Only for a couple of minutes. Then we went home.

18 Q Was your dad mad at your aunt's and uncle's house?

19 A Yes. He was outside, though.

20 Q Did they get him calmed down?

21 A Yeah.

22 Q Do you remember about what time you went home that
23 night?

24 A No.

25 Q Was it dark?

1 A Yeah. It was dark.

2 Q Was it kind of later in the night, or was it early
3 in the night?

4 A It was light, but dark. In the middle.

5 Q What did you do when you got home?

6 A I ate a Hot Pocket and then went to sleep.

7 Q At some point that night, did you get back up from
8 bed?

9 A Yes.

10 Q Did you see the officer come to your house that
11 night?

12 A Yeah.

13 Q He had a camera on him; right?

14 A Yes.

15 Q Do you remember talking to him when he was
16 recording you-all?

17 A All I can remember is I was sitting down in the
18 living room, and he talked to me. He talked to me. He
19 asked why was my picture broken. I told him I cracked
20 it, and it fell. That is all I remember talking to him.

21 Q Do you remember waving to the camera, and saying
22 hey, to everybody?

23 A No.

24 Q When you all got home, did you see your dad get mad
25 at your mom at your house?

1 A He was mad. That is why I went to sleep, because
2 he was mad.

3 Q What happens when your dad gets mad at your mom?

4 A They argue back and forth.

5 Q Has your dad ever hit your mom?

6 A Not that I know of.

7 Q You have never seen it?

8 A I know he tried to defend his-self.

9 Q This time?

10 A Yeah. That is what I seen that night.

11 Q Did you ever see your dad put his arms and his legs
12 up, and she had to crawl under his arms or anything like
13 that?

14 A I don't remember that.

15 Q How did he defend himself? Did he put her in a
16 bear hug? Wrap his arms around her?

17 A The only thing I seen -- he had his hands up. That
18 is all I know.

19 Q Where was that at? When you saw that part?

20 A The way we walked from the house to the door, that
21 part, there is a hallway.

22 Q The hallway that goes back to the bathroom and your
23 room and your brother's room?

24 A You walk in, there is the door, the entrance right
25 there.

1 Q You didn't see anything that happened in the living
2 room?

3 A No. I was asleep.

4 Q Did you see your mom get burned with a cigarette?

5 A No.

6 Q I think you may have answered this when the
7 Solicitor asked you this. Is the better statement of
8 what happened? Would it be on the bodycam or what you
9 are saying today?

10 A I think the bodycam. I could remember more back
11 then.

12 MR. PAYNE: No further questions.

13 THE COURT: Anything on redirect?

14 MR. MCMASTER: Nothing further.

15 THE COURT: Thank you very much. You can go back
16 into the hallway.

17 Call your next witness.

18 MR. MCMASTER: Thank you, Your Honor. The next
19 witness the State calls is J.B. [REDACTED].

20 * * *

21 J.B. [REDACTED],

22 called as a witness by and on behalf of

23 the State to testify, being first duly

24 sworn was examined and testified as follows:

25 * * *

1 DIRECT EXAMINATION

2 BY MR. MCMASTER:

3 Q Hey, J.B. [REDACTED].

4 A Hi.

5 Q How are you?

6 A Good.

7 Q J.B. [REDACTED], say your name for the record.

8 A Even my middle name?

9 Q Yes. Even your middle name.

10 A J.B. [REDACTED].

11 Q J.B. [REDACTED], who is your mom?

12 A Tiffany Mae Miles.

13 Q How about your dad?

14 A Robert Lee Bowers.

15 Q Very good.

16 J.B. [REDACTED], how old are you?

17 A Eleven.

18 Q What grade are you in?

19 A Fourth.

20 Q Do you remember being in a car wreck two years ago?

21 A Yeah.

22 Q Do you remember what happened after that car wreck?

23 A Fussing.

24 Q Do you remember talking to a law enforcement

25 officer?

1 A No, sir.

2 Q Do you remember talking to a police officer?

3 A No, sir.

4 Q Do you remember any talk about cameras?

5 A No, sir.

6 MR. MCMASTER: Nothing further, Your Honor.

7 Answer any questions that Mr. Payne has.

8 MR. PAYNE: Very briefly, Judge.

9 * * *

10 CROSS-EXAMINATION

11 BY MR. PAYNE:

12 Q Good morning, J.B. [REDACTED].

13 A Good morning.

14 Q Is it J.B. [REDACTED] or J.B. [REDACTED]?

15 A J.B. [REDACTED].

16 Q How old are you?

17 A Eleven.

18 Q Do you remember the car wreck that happened back in
19 2017?

20 A Yes, sir.

21 Q Do you remember a -- how did you-all get out of the
22 ditch?

23 A Someone came and helped us.

24 Q Did somebody like a police officer come just while
25 you-all were on the side of the road?

1 A Yes, sir.

2 Q Did he do any kind of tests on your mom or anything
3 to make sure she was okay?

4 A I don't know.

5 Q You all left there, right?

6 A Yes, sir.

7 MR. PAYNE: I have no further questions.

8 THE COURT: Thank you very much. You can return to
9 your place in the hallway.

10 MR. PAYNE: I would ask that she not be released
11 from her subpoena.

12 THE COURT: Do you have any more witnesses?

13 MR. MCMASTER: Yes, Your Honor, we do. Deputy
14 Mummert.

15 THE COURT: I will ask you to send word to him --
16 apparently, he is your last witness. Try to have him
17 here at 2:00. Tell him we have a jury, and we need him
18 here at 2:00.

19 MR. MCMASTER: Your Honor, he says he can get here
20 by 1:00.

21 THE COURT: So 1:00. That is even better.

22 We are going to have to stop now. The next
23 witness is going to be here at 1:00.

24 Please be back at 1:00.

25 (Whereupon, the jury exited the courtroom.)

1 THE COURT: All right. You-all let the jury clear
2 the courthouse. Give them an opportunity to get out and
3 everything. Everybody be back here at 1:00.

4 MR. MCMASTER: Thank you, Judge.

5 MR. PAYNE: Thank you, Judge.

6 THE COURT: Anything else for me before then?

7 MR. MCMASTER: I don't believe so.

8 THE COURT: All right. 1:00.

9 (Whereupon, a luncheon recess was held.)

10 (Whereupon, the following proceedings were
11 held in open court. The defendant was
12 present with her attorney, along with
13 counsel for the State.)

14 THE COURT: Bring the jury in.

15 (Whereupon, the jury entered the courtroom.)

16 THE COURT: The jury is in the courtroom. Ms.
17 Miles is present along with her attorney. We are ready
18 to proceed to the next witness.

19 Who is that?

20 MR. MCMASTER: Thank you, Your Honor. The State
21 calls Deputy John Mummert.

22 * * *

23 JOHN MUMMERT,
24 called as a witness by and on behalf of
25 the State to testify, being first duly

1 sworn was examined and testified as follows:

2 * * *

3 DIRECT EXAMINATION

4 BY MR. MCMASTER:

5 Q Deputy Mummert, please place your name on the
6 record.

7 A My name is Jonathan Mummert. I am a Deputy Sheriff
8 with the Lancaster County Sheriff's Office of South
9 Carolina.

10 Q Deputy Mummert, I have handed you a copy of your
11 file in this case to refresh your recollection in case
12 you need it.

13 Deputy Mummert, can you say again what your title
14 is and your job description?

15 A I am a Deputy Sheriff with the Lancaster County
16 Sheriff's Office. I am a patrol deputy.

17 Q What does that mean?

18 A Basically what you think of as a regular road
19 police officer. I patrol and answer calls for service.

20 Q How long have you been doing that?

21 A I have been a patrol deputy with Lancaster County
22 for six years in July. So almost six years.

23 Q What kind of training did you have for that?

24 A I received most of my training at the South
25 Carolina Criminal Justice Academy in Columbia, South

1 Carolina. Also, I had several weeks of field training
2 for my first two months when I first graduated.

3 Q What kind of hours do you have at your job?

4 A Normally, it's 12-hour shifts, 4:00 p.m. to 4:00
5 a.m.

6 Q When was your last shift?

7 A My last shift was Thursday night. My last shift
8 was Sunday night.

9 Q Your next shift?

10 A Is tonight.

11 Q How many calls do you get in a day?

12 A One to two up to 10 to 15.

13 Q How familiar are you with domestic violence cases?

14 A I like to think I am pretty familiar to where I can
15 make my own decision to investigate it at the scene.

16 Q Could you say how many domestic violence cases you
17 have investigated?

18 A Several dozen.

19 Q Were you working on November 6, 2017?

20 A I was.

21 Q Did you visit [REDACTED]?

22 A I did.

23 Q Were you wearing your body camera?

24 A Yes, sir. I was.

25 Q When did you turn it on?

1 A I turned it on as I arrived on the scene.

2 Q Is that normal?

3 A Yes, sir. It is.

4 Q Have you seen a copy of the bodycam footage?

5 A No, sir. I have not.

6 Q Do you typically see them?

7 A No, sir. To my knowledge, they have to be
8 downloaded to a server first before we can access and
9 review them.

10 Q Do remember what you were told by dispatch --
11 information coming from dispatch that night?

12 A No, sir, I don't.

13 Q If you need to refresh your recollection, you can
14 do that.

15 A Dispatch had advised me that there was a call for a
16 domestic disturbance at [REDACTED], about a
17 female subject who had smacked the phone away from a
18 male subject.

19 Q Do you remember who you contacted first?

20 A I believe I spoke with Mr. Robert Bowers when I
21 first arrived on the scene. He was the male party.

22 Q Who else did you see when you were there,
23 initially?

24 A He was the first one that I saw. He said he was
25 assaulted by his girlfriend, Tiffany Miles. He said

1 that she had left the scene a few minutes before we
2 arrived. He said that she had left on foot a few
3 minutes before we arrived, but he didn't know where she
4 went, what direction of travel she went.

5 I started searching the surrounding property. I
6 spoke to a neighbor next door. I asked if they had seen
7 any female subjects walk past or anything. They stated,
8 No, they did not.

9 Q During your time there -- your body camera ran one
10 hour and 45 minutes. Did you ever see the defendant?

11 A No, sir. Not at the scene.

12 Q What are your duties when you get to the scene?

13 A The first duty is to secure the scene, render any
14 kind of medical aid or medical aid that anybody needs.

15 Q Did you do that here?

16 A Yes, sir.

17 Q What is the next thing you do?

18 A The next thing would be to interview all parties
19 involved, get statements, basically just find out what
20 happened.

21 Q What was the first statement that you got here?

22 A The first statement was from the complainant,
23 Robert Bowers, when he told me what had happened between
24 him and his girlfriend, Tiffany Miles.

25 Q Did you get any other statements?

1 A I got verbal statements from three children that
2 were on scene. I believe their names were: R.M.
3 R.M., A.B., and J.B. (sic).

4 Q Along with collecting statements, what other
5 duties do you have?

6 What is the normal thing you do when you get to a
7 scene?

8 A Basically gathering the information to see whether
9 or not there is enough information to make charges --
10 would I have probable cause to make a charge for
11 domestic violence, such as this.

12 Q Do you take pictures?

13 A Yes, sir, we do.

14 Q Did you take pictures here?

15 A I did.

16 Q I will show you what has been moved into evidence
17 by the State as 3G, 3H, 3J, 3I, 3A, 3B, 3C.

18 Do you recognize those pictures?

19 A I do.

20 Q Who took those pictures?

21 A I did.

22 Q Do you remember when you took them?

23 A I took them on November 6, 2017, after I had spoken
24 with Mr. Bowers about what happened.

25 Q That is in the normal course of business?

1 A Yes, sir.

2 To try to take fresh pictures when the incident
3 happened, as soon as possible from when it began.

4 Q How about the forms that are involved in domestic
5 violence cases?

6 A Domestic violence cases, other than gathering all
7 the information for an incident report, we do a domestic
8 violence packet, which entails several forms that are
9 specifically for domestic violence. I have a copy of it
10 right here.

11 Q Did you do that in this case?

12 A I did.

13 Q Do you always get answers when you are filling out
14 forms from victims and witnesses on the scene?

15 A Most of the time, yes; sometimes, no. Sometimes
16 they refuse to cooperate.

17 Q What did the victim do here?

18 A He cooperated.

19 Q Did the victim give you a written statement?

20 A Yes, he did.

21 Q Showing you what has been premarked as State's
22 Exhibit Number 4. Do you recognize that?

23 A I do.

24 Q How do you recognize it?

25 A This is a statement given to me by Robert Bowers

1 during the actual incident. I asked him to report to me
2 what had happened.

3 Q Is that your handwriting on there?

4 A The questions are my handwriting, yes, sir.

5 Q Is that in substantially the same form as when you
6 last saw it?

7 A Yes, sir.

8 Q Is it a true and accurate representation of what
9 was written that night?

10 A Yes, sir.

11 MR. MCMASTER: Your Honor, I would move at this
12 time to admit State's Exhibit 4 into evidence.

13 MR. PAYNE: No objection.

14 THE COURT: Admitted.

15 (The aforementioned item was marked as
16 State's Exhibit 4 for identification and was
17 admitted into evidence.)

18 MR. MCMASTER: Your Honor, I would like to publish
19 the statement to the jury.

20 MR. PAYNE: No objection.

21 THE COURT: Do you want them to read that now?

22 MR. MCMASTER: No. I would just like them to take
23 a look at it.

24 THE COURT: You will have that with you in the jury
25 room at the end of the case when you consider your

1 verdict.

2 BY MR. MCMASTER:

3 Q Deputy Mummert, in your investigation, how did you
4 determine that Robert Bowers was the victim?

5 A Several things. The statement that he gave of what
6 happened. The three children, their statements, which
7 corroborated his statement about what happened. All the
8 injuries that he sustained to his ear and left pectoral.
9 All of that taken into account, that would be sufficient
10 evidence that Ms. Miles was the aggressor.

11 Q Did he have an injury to his left pectoral or
12 blood?

13 A I am not a doctor or medical professional, but to
14 me it looked like it was a medical injury.

15 Q What did you see on Robert Bowers?

16 A I saw that his left ear was red, and there did
17 appear to be blood on his left ear and his left
18 pectoral. He said those were injuries from the incident
19 between him and Ms. Miles.

20 I asked him if he needed medical attention such as
21 EMS, and he said he didn't.

22 Q During the course of your investigations, do you
23 recognize blood?

24 A I am not a medical professional, sir. I can only
25 make an assumption that it was blood, but I do not know

1 for sure.

2 Q Did you take any photos of the defendant?

3 A No, sir. I did not. She was not on the scene at
4 the time.

5 Q Did you take her statement?

6 A No, sir. I did not. She was not on scene at the
7 time.

8 Q Did the defendant follow up and say she wanted to
9 give a statement?

10 A Not to my knowledge. Not to me.

11 MR. MCMASTER: Thank you. Please answer any
12 questions that Mr. Payne may have for you.

13 * * *

14 CROSS-EXAMINATION

15 BY MR. PAYNE:

16 Q Good afternoon, Deputy Mummert.

17 A Good afternoon.

18 Q Good morning or afternoon for you right now?

19 A Whatever suits you.

20 Q You mentioned that you went down to the Criminal
21 Justice Academy?

22 A Yes, sir.

23 Q What did they teach you down there?

24 A Basic procedure, search and seizure, hands-on stuff
25 such as driver training, firearms, things like that.

1 Q Do they teach you about interrogating witnesses or
2 getting statements?

3 A Yes, sir.

4 Q Did they teach you anything about when you have
5 multiple witnesses in a case?

6 A Yes, sir. I believe they tell us that if we can,
7 separate all parties.

8 Q Did you separate anybody in this case, specifically
9 the three children? Did you separate them from each
10 child?

11 A I don't remember, sir.

12 Q Did you talk to R.M. [REDACTED], the son?

13 A Yes, sir.

14 Q Where did you talk to him at initially?

15 A I don't remember, sir.

16 Q Did you talk to him out in the yard when you first
17 arrived?

18 A I don't remember, sir. I know it was at the
19 residence, but I don't remember where exactly.

20 Q Do you remember what you-all talked about?

21 A We talked about the incident between Robert and his
22 mother.

23 Q How quickly did you talk to him? When you got on
24 scene and you started talking to people, was he one of
25 the first people you talked to?

1 A No, sir. I don't think so, but I don't remember
2 exactly.

3 Q When you talked to him, was his dad present when
4 you were talking to him?

5 A I don't remember.

6 Q What do you recall about talking to R.M. [REDACTED],
7 the son? I guess that would be the better question to
8 ask.

9 A I believe I spoke with him inside the residence
10 about the incident that actually happened. I don't
11 remember where we were; if we were in the bedroom,
12 hallway, living room.

13 I don't remember where Mr. Bowers or his sisters
14 were at when I spoke to him.

15 Q Do you ever remember, during the course of your
16 interview, R.M. [REDACTED], the son asking Robert the dad for
17 what to tell you, specifically about family members?

18 A No, sir. I don't remember.

19 Q Do you remember R.M. [REDACTED] the son telling you that
20 Robert the dad had put his arms up and trapped Tiffany
21 in the bathroom and various other rooms so that she had
22 to crawl under his arms to get away from him?

23 A No, sir. I don't remember that.

24 Q You haven't reviewed the bodycam footage from that
25 night, have you?

1 A No, sir.

2 Q Do you recall R.M. the son telling you that
3 Robert the dad -- I believe he used the word
4 accidental -- that a cigarette had went down Ms. Miles'
5 throat?

6 A No, sir. I don't remember that.

7 Q Do you recall R.M. the son telling you that after
8 the cigarette went down her throat, that is when she
9 started punching?

10 A No, sir. I don't remember that.

11 Q When you interviewed R.M. the son, who-all was
12 around while you were doing that?

13 A I know the victim, R.M. the son, and his
14 sisters were inside the residence.

15 Q So they were not separated in any way where -- they
16 heard exactly what you were talking about with R.M.
17 the son; right?

18 A I think they may have. Yes, sir.

19 Q What about the two girls? Did they give you a
20 statement?

21 A Yes, sir. They did.

22 Q Did you separate either one of the two girls while
23 they were giving you a statement?

24 A I don't remember.

25 Q Did they tell you about anything about their dad

1 holding his arms up and their mom had to crawl under his
2 arms to get away from him?

3 A The first daughter I spoke with was A.B.. She
4 only saw part of the incident. She was sleeping in the
5 bedroom when she heard her mother yelling and screaming.
6 She came out and found Robert and her mother down the
7 hall.

8 Q You were just reading off of this; right? Your
9 report?

10 A Yes, sir.

11 Q Is the report a fair and accurate representation of
12 what is on your bodycam, or would the bodycam be the
13 best evidence?

14 A The bodycam would probably be the best evidence.

15 Q Let me ask you about what you do know about the
16 confrontation.

17 Did R.M. or any of the other children, R.M.
18 A.B. or J.B. -- did they tell you who was following
19 who around the house?

20 A I don't remember exactly. I do remember that when
21 the incident happened, Ms. Miles was sobbing and
22 punching Mr. Bowers. Mr. Bowers told the son R.M. to
23 call 911. From his statement, Ms. Miles followed the
24 son, R.M., into the bedroom. Mr. Bowers followed her
25 into the bedroom.

1 Q So he was following her; right?

2 A Yes.

3 Q Let's talk about after you got through.

4 Did you talk to A.B. and J.B. while they were in
5 the house by themselves without R.M. the son and
6 Robert the dad being in the house?

7 A I don't remember, sir.

8 Q Do you remember going back outside and talking to
9 Robert when the kids were not around? I believe you
10 said it was grownup talk.

11 A I don't remember.

12 Q You don't recall the recap that you gave him and
13 just basically asked him a "yes or no" question about
14 whether or not that is what happened?

15 A I don't remember the exact details. No, sir.

16 Q They told you about a car wreck that happened
17 earlier in the day; correct?

18 A Yes, sir. Robert said that the whole argument
19 between him and Ms. Miles started because of a supposed
20 car accident that happened earlier in the day.

21 Q He told you that she was drunk during the car
22 wreck?

23 A I believe so.

24 Q Did he also tell you that someone from your agency,
25 Lancaster County Sheriff's Office, came up to that car

1 wreck while they were there?

2 A Not that I remember, sir.

3 Q Did she get arrested for DUI that day?

4 A I don't know, sir.

5 Q How long did he tell you they had been home when
6 all of this took place?

7 A He didn't give a specific time, to my knowledge.

8 Q But he told you that she was drunk?

9 A He gave me his opinion that she was drunk. Yes,
10 sir.

11 Q Did you smell alcohol on him?

12 A I don't remember, sir.

13 Q When you were doing the domestic violence packet at
14 the end of your report, did he tell you there was a past
15 history of domestic violence in the relationship?

16 A I would have to look to see, sir.

17 Q I believe it would be on the packet.

18 A Yes, sir.

19 Q Did he tell you that the last time this happened,
20 he went to jail and she went to the hospital?

21 A I don't remember, sir. That information is not in
22 the packet.

23 MR. PAYNE: No further questions, Your Honor.

24 THE COURT: Anything on redirect?

25 MR. MCMASTER: Just one question.

1

* * *

2

REDIRECT EXAMINATION

3 BY MR. MCMASTER:

4

Q Deputy Mummert, how long after an incident do you
typically write up one of your reports?

6

A If we can, we need to do it before the end of the
shift. So no more than a couple of hours, preferably as
soon as possible.

9

MR. MCMASTER: No more questions.

10

THE COURT: Thank you very much. You can be
excused. Appreciate you coming.

12

Any more witnesses for the State?

13

MR. MCMASTER: No sir, Your Honor. The State
rests.

14

15

THE COURT: All right. Are you ready to call your
first witness?

16

17

MR. PAYNE: Your Honor, I have a matter of law.

18

THE COURT: Members of the jury panel, I need you
to go to the jury room for just a few minutes, please.
I will be back with you just as soon as I can.

20

21

(Whereupon, the jury exited the courtroom.)

22

THE COURT: All right. The jury is out and the
door is closed.

23

24

Yes, sir, Mr. Payne.

25

MR. PAYNE: We move for a direct verdict in this

1 case. At this point, I don't believe the State, in the
2 light most favorable to them, has met their burden at
3 this point. Their own officer they put on the stand --
4 his most frequent answer was, "I do not recall."

5 This is a case that is over 18 months old, at this
6 point. There was plenty of time for him to refresh his
7 memory on this trial before we came to trial today.

8 I don't believe he was a very good witness for the
9 State. Furthermore, I can't cross-examine him on any
10 bodycam footage when he is saying "I don't recall"
11 anything that is clearly on camera and clearly a record
12 of the Sheriff's Office.

13 I think there are also issues with the children,
14 who the State portrays to be unbiased. They have been
15 living with their dad since this happened. One child
16 said today that she didn't even make a statement to law
17 enforcement, which is clearly contradictory to what is
18 on the video.

19 I also think there are enough inconsistencies with
20 both the other children's testimony to draw serious
21 doubts as to their credibility.

22 With respect to the victim, I believe that is
23 really the only evidence that the State has to put
24 forward; that is, his testimony.

25 I just don't believe at this point it's enough to

1 meet their burden, and I would ask you to grant a
2 directed verdict in this case.

3 THE COURT: I appreciate the position, but I will
4 deny your motion.

5 Are you going to call any witnesses?

6 MR. PAYNE: Judge, if I could have a five-minute
7 recess?

8 THE COURT: Sure. Go ahead.

9 (Whereupon, a recess was held.)

10 (Whereupon, the following proceedings were
11 held in open court. The defendant was
12 present with her attorney, along with
13 counsel for the State.)

14 THE COURT: We have the jury back with us.
15 Ms. Miles is present along with her attorney.

16 The State has finished presenting its evidence.
17 Ms. Miles will now have the opportunity to present any
18 witnesses or evidence that she wishes to present.

19 Do you want to present evidence?

20 MR. PAYNE: I do, Your Honor.

21 THE COURT: All right. Please call your first
22 witness.

23 MR. PAYNE: The defense calls Tiffany Miles.

24 * * *

25 TIFFANY MAE MILES,

1 called as a witness by and on behalf of
2 the Defendant to testify, being first duly
3 sworn was examined and testified as follows:

4 * * *

5 DIRECT EXAMINATION

6 BY MR. PAYNE:

7 Q All right, Ms. Miles. Please state your name for
8 the record.

9 A Tiffany Mae Miles.

10 Q How old are you?

11 A Thirty-two.

12 THE COURT: Your voice is so soft. Please keep
13 your voice up.

14 BY MR. PAYNE:

15 Q How tall are you?

16 A 4'8.

17 Q How much do you weigh?

18 A Ninety-four pounds.

19 Q Where are you originally from?

20 A New York.

21 Q You can hear the accent.

22 How long have you lived in Lancaster?

23 THE COURT REPORTER: Ma'am, I'm sorry. You are
24 going to have to keep your voice up.

25 THE COURT: You have to speak up so everybody can

1 hear you.

2 THE WITNESS: I'm sorry. Fourteen years.

3 BY MR. PAYNE:

4 Q Do you have any children?

5 A I do.

6 Q What are their names and their ages?

7 A My oldest is my son R.M. He is 14.

8 My oldest daughter, A.B. she is 12.

9 My youngest is J.B. She is 11.

10 Q Who is the father of your children?

11 A My son, I divorced his father. He lives in New

12 York. My girls' father is Mr. Bowers.

13 Q How long have you known Robert Lee Bowers?

14 A Since I was younger. We went to school together.

15 Q Did you get back together after your divorce?

16 A I did.

17 Q That is when you had the two girls?

18 A Yes, sir.

19 Q How old was R.M. , your son, when you-all got back

20 together?

21 A Four months old.

22 Q How long were you-all in a relationship? When did

23 it start? What year?

24 A Define the question.

25 Q How long have you and Mr. Bowers been in a

1 relationship? What year did it start?

2 A 2004.

3 Q In your relationship, has Robert ever hit you
4 before?

5 A Every day.

6 Q Has he ever strangled you before?

7 A Not every day; every other day.

8 Q I will hand you some pictures that have been
9 premarked as Defendant's Exhibits 1A through 1E for you
10 to look at; okay?

11 A Okay.

12 Q Take a minute and look at those pictures.

13 Do you know what those pictures are?

14 A Yes, sir.

15 Q Do you recognize them?

16 A Yes, sir.

17 Q What are they pictures of?

18 A My body.

19 Q What does it show on your body?

20 A Bruises.

21 Q Do you know about when those pictures were taken?

22 A Yes, sir. It was in 2008.

23 Q Who put bruises on your body?

24 A Robert Lee Bowers.

25 MR. PAYNE: Judge, at this time I will move these

1 into evidence as Defendant's Exhibits 1A, 1B, 1C, 1D,
2 and 1E.

3 THE COURT: Any objection?

4 MR. MCMASTER: Absolutely, Your Honor. I don't
5 believe the foundation has been properly laid for that.

6 THE COURT: I appreciate that. I will overrule
7 your objection.

8 MR. PAYNE: Thank you, Your Honor. I would also
9 like to move these into evidence and publish them to the
10 jury at this time.

11 THE COURT: Go ahead.

12 (The aforementioned items were marked as
13 Defendant's Exhibits 1A - 1E for identification and
14 were admitted into evidence.)

15 BY MR. PAYNE:

16 Q Okay, Ms. Miles. Let's talk about the day this
17 happened, November 6, 2017.

18 Were you in a car wreck earlier that day?

19 A I was.

20 Q What caused the car wreck?

21 A I don't know.

22 Q Did you have a charger in the car?

23 A I did.

24 Q Were you trying to get it to charge?

25 A My daughter, J.B. [REDACTED], was in the front seat. She

1 was trying to -- I was trying to get the charger. I was
2 reaching down to my daughter to help me. J.B. [REDACTED].

3 Q Did you run off the road? What happened?

4 A I don't even know what happened. All I know is
5 that I felt a drag, and the car started turning. I was
6 trying to keep it under control. Instead of going into
7 a guard rail, I turned into a ditch.

8 Q Was it that you had to make a split-second
9 decision?

10 A Yes, sir.

11 Q Did it scare you?

12 A It shook me.

13 Q While you-all were on the side of the road, did a
14 deputy from the Sheriff's Office come by?

15 A They did. I got the kids out on an
16 embankment.

17 Q Did you talk to the deputy while he was there?

18 A Yes, sir. I did.

19 Q About how close did you get to the deputy?

20 A Closer than you are to me right now. He was making
21 sure I was all right. I hit my head.

22 Q Did he give you any field sobriety tests or
23 anything like that?

24 A No, sir.

25 Q Did you get arrested for DUI that day?

- 1 A No, sir.
- 2 Q Did Robert come to the scene?
- 3 A Yes, he did.
- 4 Q Was he mad when he got there?
- 5 A Yes.
- 6 Q On a scale of 1 to 10, how angry was he?
- 7 A Ten.
- 8 Q Was he trying to blame you for the wreck?
- 9 A Yeah. He blamed me.
- 10 Q You didn't get into any kind of physical
- 11 altercation at the wreck scene, right?
- 12 A No, sir.
- 13 Q Where did you-all go after the wreck scene?
- 14 A His aunt's.
- 15 Q Did you drive any vehicle over to the aunt's
- 16 house?
- 17 A I did.
- 18 Q Which vehicle did you drive?
- 19 A The car.
- 20 Q The one that got wrecked?
- 21 A Yes, sir.
- 22 Q Were you by yourself?
- 23 A Yes, sir.
- 24 Q About what time was the wreck? Do you remember?
- 25 A Right when school got out.

1 Q Is it fair to say 6:00 to 7:00?

2 A School gets out at 3:45. 4:15 for the middle
3 school.

4 Q Were your kids getting off the bus and you were
5 picking them up?

6 A I picked them up at the school, sir.

7 Q What time did you go to his aunt's house?

8 A Around 5:30, 6:00. After the pulling of the car
9 out.

10 Q Did you-all eat dinner there?

11 A We didn't eat.

12 Q Where did the kids go while you-all were in the
13 house?

14 A He was outside at first.

15 Q "He" is who?

16 A Robert Lee.

17 Q Where were your children at while you-all were in
18 the house?

19 A We went inside so I could help my kids and tend to
20 my injuries after I tended to my kids.

21 Q Was Robert mad at his aunt's house?

22 A Yes.

23 Q Did somebody try to calm him down while you were
24 there?

25 A No, sir.

1 Q Did you-all argue while you were at his aunt's
2 house?

3 A We did.

4 Q Did you-all get into any kind of altercation at
5 his aunt's house?

6 A No, sir.

7 Q He didn't hit you or anything while you were there?

8 A Huh-uh.

9 Q About what time did you get home?

10 A It started getting dark. So around 7:00.

11 Q Did you-all ride together in one car?

12 A No, sir.

13 Q What did you drive home?

14 A I ended up having to drive his aunt's -- he wanted
15 to see how bad the Honda was.

16 Q You left it at his aunt's house?

17 A No. He drove that Honda.

18 Q You drove the aunt's truck?

19 A I drove his grandmother's truck.

20 Q Where did the kids ride? Did they ride with you
21 or with him?

22 A They drove with me.

23 Q What time did you get home?

24 A Like, 7:20, 7:25.

25 Q When you got home, was Robert still angry with

1 you?

2 A Yes, sir.

3 Q Where did he first get angry at you? Which room of
4 the house?

5 A The living room.

6 Q Were you sitting in the living room?

7 A Yes, sir.

8 Q Were you on the phone with anyone?

9 A Yes, sir.

10 Q Who were you on the phone with?

11 A My uncle. Long-time friend.

12 Q But you call him your uncle?

13 A Yes, sir.

14 Q Family friend?

15 A Yes, sir.

16 Q While you were on the phone with your uncle, did
17 Robert come in the living room?

18 A He did.

19 Q Did he have a cigarette in his mouth?

20 A He did.

21 Q What did he do with the cigarette?

22 Was he still mad at you when he came into the
23 living room?

24 A He got even more mad.

25 Q Because you were on the phone talking about the

1 wreck with your uncle?

2 A He caught me on the phone.

3 Q When he came in the living room and he saw you on
4 the phone, what did he do at that point?

5 A He grabbed my throat. He was straddling me. His
6 legs around me, and he was sitting on me. I was sitting
7 in the chair.

8 Q What did he do when he got on top of you?

9 A He tried to snatch the phone away. He was
10 choking me so bad -- he started leaning in on me. His
11 whole weight was on me as he was choking me. A lit
12 cigarette hit my face.

13 At that point, my daughter J.B. [REDACTED] was trying --
14 she was sitting right here next to me trying to push him
15 off so -- as he went to move her, he loosened his body
16 off of me. So I ended up trying to get my knee up to
17 push him off. Because of my daughter pulling us apart,
18 he leaned into me more where the cigarette went down my
19 throat.

20 Q When the cigarette went down your throat, were you
21 able to get away from him at that point?

22 A As my knee went up, he started sliding off the back
23 of the chair. I was able to get up and around him.

24 Q When you went from the living room, did he try to
25 block the entrance of the living room at all with his

1 body?

2 A Yes, sir.

3 Q Did he put his hands up like this (indicating)?

4 A In front of the steps we have railings so there is
5 only one way up.

6 Q Were you able to go under his arms or under his
7 legs to get away?

8 A Not at that point. That is when I got him wrapped
9 up. My daughter, J.B. [REDACTED], got off the chair. Because
10 of that, I was able to get to the bathroom.

11 Q When you got away from him in the living room,
12 where did you run to first?

13 A The bathroom.

14 Q Did he follow you to the bathroom?

15 A He did.

16 Q In the bathroom, did he put his arms up there to
17 try to keep you in the bathroom?

18 A Yes, sir.

19 Q How were you able to get out of the bathroom?

20 A Under his arms.

21 Q Where did you run to after you left the bathroom?

22 A I tried to get out the door.

23 Q Did he catch you, though?

24 A Yes, sir, after that.

25 Q Where did you go after that?

1 A He knocked me into our bedroom, which is a screen
2 door. The screen broke. You can barely hear. It's not
3 soundproof. You can hear, but you can barely hear
4 people when they are inside. It's very low.

5 Q Was he on the phone with 911 at that time?

6 A Yes, sir.

7 Q When he was on the phone with 911, did you yell
8 something to the effect of -- without repeating curse
9 words at this point of the trial -- did you yell
10 something to the effect of you put a cigarette on my
11 face or down my throat?

12 A Yes, sir.

13 Q How did you get out of your bedroom?

14 A He let me out.

15 Q What was he saying the whole time when this was
16 going on?

17 A "Are you going to comply with me? It's your
18 choice," pretty much.

19 I didn't want more consequences.

20 Q What do you mean by that?

21 THE COURT: I can't understand you. You need to
22 compose yourself so the court reporter and I can hear
23 you.

24 THE WITNESS: Do as you are told; not as you
25 please.

1 BY MR. PAYNE:

2 Q When you got away from him while he was on the
3 phone with 911, how did you get out of the house?

4 A I was still going for the door, he was still asking
5 me, "What do I need to do? Do I need them to come out
6 here?" Pretty much, stop reaching for the door.

7 At that point, I was pulling. If it wasn't for my
8 son coming out of the bedroom and my daughter, A.B.
9 coming out of her room -- because they heard me scream.
10 I pulled so hard, because he looked over.

11 I knocked the phone out of his hands, so I could
12 run. He was on the phone with 911 before he lost the
13 phone.

14 Q When you left the house, where did you go to?

15 A He came out on the porch. I ran to the neighbor.
16 I didn't have no shoes on, and I barely could see.

17 Q Where did you stay that night?

18 A Home.

19 Q Did you come back home that night?

20 A Yes, sir. I had to.

21 Q What happens if you didn't come home that night?

22 A My daughter, J.B., gets the consequences.

23 Q Did he reach out to you first, or did you reach
24 out to him about coming home?

25 A He called my neighbor. He put my daughter on the

1 phone. "Mommy," which was J.B. "You have to
2 come home. Our daddy said I will get punished."

3 Q When were you actually arrested on this charge?

4 A Three days later. I don't know if the cops came
5 out or talked to them.

6 Q You said it was three days later?

7 A Yes, sir.

8 Q Did you turn yourself in three days later, or was
9 it longer than that before you turned yourself in?

10 A No, sir. When I found out, I went in. I was
11 confused.

12 Q Who drove you to turn yourself in?

13 A He did.

14 Q Did you have to put up a bond to get out of jail?

15 A Yes, sir.

16 Q Who put up the bond for you, or who arranged for
17 the bond to be paid?

18 A He did. I have no income.

19 Q Did you hit him in the ear that night that caused
20 his ear to bleed?

21 A I never struck him with my arm. I knocked the
22 phone out. I have a diamond ring, and could have. He
23 had a scratch from the cat the night before. They got
24 up there. They always try to get into his food. My cat
25 caught his ear.

1 Q When the cigarette went down your throat, did you
2 punch him at all, or did you try to just swing or
3 anything like that?

4 A I went around, trying to get around him. I
5 couldn't get to the bathroom because of the blood and
6 choking.

7 Q Just a few more questions for you.

8 I think we talked about why exactly you didn't stay
9 around at that time. But if you knew the police were
10 going to come, why didn't you go out there and tell them
11 everything that was going on?

12 A I didn't know they were coming. He hung up on
13 them a few times. I didn't know if he was really on the
14 phone with them or not. That is why I was yelling in
15 the background. "Tell 911 what you did to me. You
16 burned me. You hit me. You choked me."

17 MR. PAYNE: I don't have any further questions at
18 this time.

19 Please answer any questions that Mr. McMaster may
20 have.

21 THE COURT: Cross-examination.

22 MR. MCMASTER: Thank you, Your Honor.

23 CROSS-EXAMINATION

24 BY MR. MCMASTER:

25 Q Hello, Ms. Miles. How are you?

1 A I could be better.

2 Q Ms. Miles, there was a beer can found at the
3 house. Whose was that?

4 A I don't know. We had one of his friends living
5 with us.

6 Q Who is that?

7 A Kelly Helms. She just moved out.

8 Q How long ago was that?

9 A At the time of the incident, maybe a week before.

10 Q How long had she lived with you? Is Kelly a guy or
11 a girl?

12 A It's a girl. I don't know. Maybe four months.

13 Q Where did she stay?

14 A My daughter's bedroom. J.B. [REDACTED].

15 Q You just testified that Mr. Bowers hit you every
16 day; every night. The children testified that they have
17 never saw Mr. Bowers hit you?

18 A And they live with him.

19 MR. PAYNE: Judge, I will object to that question.

20 They didn't testify that they never saw it. I think
21 they said they didn't know. Those are two different
22 questions.

23 THE COURT: All right. Rephrase your question, if
24 you want to.

25 BY MR. MCMASTER:

1 Q One of your children testified that he has never
2 seen Mr. Bowers hit you; is that true or false?

3 A The last time I got really hit, he stuck up for
4 me. I got in between his fist and my son's face, and my
5 eye got busted. R.M. isn't his, and he holds that
6 against you.

7 Q Tell me about that.

8 A We left church on Christmas. My son was making a
9 sandwich and Jazzie was bragging about going out to
10 Waffle House. At that time, I had about 12 children in
11 the home. My nieces, nephews, their friends.

12 I was doing dishes, but because I didn't go in the
13 bedroom when he wanted to, he started coming at me. He
14 was throwing things at me. My son was making a
15 sandwich, and he put his head down, and he said "Stop.
16 Leave her alone."

17 So he started charging at my son. I got in between
18 his fist and my son's face.

19 Q What do you mean that R.M. isn't his and he
20 holds that against you?

21 A Because every day he calls him names every day, and
22 then he cries. He is his father. You love him. He is
23 your own. But he treats him differently than his own
24 girls.

25 Q The wreck that we talked about. Who was

1 responsible for the wreck?

2 A I was driving, so I guess it was me.

3 Q What did you say caused you to wreck?

4 A The bumper was tied to the door handle. The rope
5 snapped, because the bumper was on the ground. That
6 curvy road had bumps. The only thing I could think of
7 was, when I hit a bump, the bumper came down.

8 Q You mentioned something about a phone charger.

9 A That had nothing to do with the accident. If my
10 phone goes dead, I get in more trouble. As I reached
11 down, I was still driving. My daughter noticed, because
12 she knows that I get in trouble.

13 She reached to grab it and tried to hook it up
14 before I got in any more trouble if it wasn't where I
15 can answer it on the first ring.

16 Q Were you distracted by the charger at all?

17 A No. I was driving. My daughter helped me out.
18 What I got distracted and shook up about was my car
19 going out of control and the safety of my children.

20 Q The safety of your children. You watched bodycam
21 video earlier; correct?

22 A I was out of the house. I don't know what time the
23 officer showed up. So I had no clue on what time or
24 what he has done with my children at that time.

25 Q What I wanted to ask about was the children's

1 statements about being hurt from the wreck.

2 Do you remember hearing that?

3 A Yes, sir. I also know that they told the other
4 officer on the scene that they were fine. My son had a
5 busted knee, yes. The officer asked if he needed
6 medical attention. If I can drive alone like I wanted
7 to get my kids just checked.

8 You never know about body injury.

9 Q I heard A.B. talking about her chest hurt.

10 Do you remember hearing that?

11 A On the camera, yes, sir. Did I hear it at the time
12 of the moment, no. I did ask my children, and they
13 didn't.

14 Q They never said anything to you about --

15 A They never even said it to the officer on scene.
16 Regardless, I was going to take them to the hospital,
17 but I couldn't.

18 Q The wreck scene?

19 A On scene. Yes, sir.

20 Q You don't remember them saying that at all at the
21 house?

22 A We were all shook up. They kept saying their
23 friend -- R.M. -- we all wanted to go home, but we
24 couldn't. His knee was hurting pretty bad.

25 Q You still left the house knowing that your kids had

1 been in a wreck that day.

2 A I left the house so I wouldn't end up in a crate.

3 That was that evening.

4 Q You testified about getting burned by a cigarette?

5 A Multiple times.

6 Q If you had been burned with a cigarette and had a
7 mark, why didn't you stick around to show the police?

8 A I had no clue. I got out of the house to try to
9 get some help. The first time in 13 years, I got out of
10 the house.

11 Q Did you take any pictures of your tongue?

12 A It wasn't my tongue. It was down my
13 throat, clearly.

14 Q How far down?

15 A I got it back up enough where the blood and me --
16 I was choking where I couldn't get out of the bathroom.

17 Q You had to reach down and grab the cigarette?

18 A No. I was coughing it. Maybe that is when he
19 started charging at me again. I spit in his face,
20 because he was holding me down at that time.

21 Q What did you do with the cigarette?

22 A What was there to do? It was on the floor after I
23 coughed, sir.

24 Q You didn't think about calling the police
25 yourself?

1 A I didn't have a phone. I am not allowed to have a
2 phone.

3 Q You testified that J.B. [REDACTED] was trying to protect
4 you and push Mr. Bowers off of you.

5 Do you think that that goes against what she said
6 in the bodycam footage?

7 A I think she was scared of what is going to happen
8 to her. She has to obey, too. Follow the rules. Do as
9 I say, not as you please, and daddy is okay.

10 Q In the bodycam video, you didn't hear anything
11 about a child getting between you and Robert?

12 A I had no clue. I know she didn't say it, but I
13 wasn't on scene either. I was gone.

14 MR. MCMASTER: Beg the Court's indulgence, Your
15 Honor.

16 BY MR. MCMASTER:

17 Q Just two more things.

18 A Yes, sir.

19 Q Talking about cell phone, you said you can't
20 have --

21 A -- it ring.

22 Q I asked you why you couldn't call the police.

23 A You are going to ask me why I had a phone in the
24 car?

25 Q No. I am asking that -- you said you -- I asked

1 you why you couldn't call the police that night, you
2 said because you didn't have a phone.

3 A I had one, but he done snatched it out of my hands
4 when he was choking me.

5 Q But earlier you said that if you don't have your
6 phone, you said that --

7 A I got it out of his coat pocket when we got home.
8 He was already on the phone in another room with my
9 sister.

10 Q Earlier you testified that you were charging your
11 phone in the car?

12 A Yes. It was his. That is because my daughter and
13 my son, the littlest one, that I picked up, had my
14 phone. I am only allowed to have things when it is
15 necessary. They don't get given to me.

16 Q Deputy Mummert testified earlier that he talked to
17 one of the neighbors. You saw it on the bodycam
18 footage. The neighbor said he hadn't seen you.

19 You just testified that you ran to one of the
20 neighbors.

21 A I was in the home. He was actually helping me do
22 my face.

23 Q Who is that?

24 A Mike Sims. I asked him to go get his phone. He
25 said it was charging. That is the only time he left the

1 bathroom that I was in tending to my face.

2 MR. MCMASTER: No further questions, Your Honor.

3 THE COURT: Anything on redirect?

4 MR. PAYNE: Just very briefly, Judge.

5 REDIRECT EXAMINATION

6 BY MR. PAYNE:

7 Q Ms. Miles, when you had your phone on you when you
8 were driving with your children, was there an app on
9 that phone that --

10 A Yes, sir.

11 Q What does that app do?

12 A It's a tracking device. It tells your speed in
13 your car. It tells you where you are at.

14 Q Did Robert have the information to be able to
15 access that?

16 A Everything goes to him.

17 Q When you-all got home, he had taken your phone,
18 though; right?

19 A When he got to the scene, J.B. [REDACTED] handed it to him.
20 It was dead already.

21 Q Is it fair to say, just like you are a parent to
22 these three children, that Robert Bowers is a parent,
23 too?

24 In the sense that if they needed medical treatment,
25 he could have taken them, too?

1 A I would hope that he would.

2 MR. PAYNE: No further questions.

3 THE COURT: Thank you very much. You can return to
4 your place in the courtroom.

5 (Whereupon, the witness exited the witness stand.)

6 MR. PAYNE: Judge, at this time the defendant
7 rests.

8 THE COURT: Anything in reply?

9 MR. MCMASTER: Yes, sir, Your Honor.

10 We would like to recall Robert Bowers.

11 MR. PAYNE: Have him come up.

12 * * *

13 ROBERT BOWERS,

14 called as a witness by and on behalf of

15 the State to testify, being previously duly

16 sworn was examined and testified as follows:

17 REBUTTAL EXAMINATION

18 BY MR. MCMASTER:

19 Q All right, Mr. Bowers. You just heard the
20 testimony from Tiffany Miles, the defendant?

21 A Yes, sir.

22 Q In your opinion, how much of that was accurate?

23 A 2 percent.

24 Q What two is that?

25 A That she was in a car wreck.

1 Q How about the cat? Did the cat scratch your ear?

2 A No, sir.

3 Q How did you get the scratch on your ear?

4 A I got that when I got hit in the ear.

5 Q The defendant testified that your daughter,

6 J.B. [REDACTED], got in between the two of you-all.

7 Did that ever happen?

8 A No, sir.

9 Q Were there ever any children in between you two?

10 A No.

11 Q How close was the nearest child when you-all two
12 were together?

13 A When the arguing and fighting was going on,
14 probably from me to right here (indicating).

15 Q When did the defendant come back home?

16 A She called later on that evening and asked if she
17 could come back home. She came in the house, and I
18 stayed in my bed.

19 Q Did you-all talk?

20 A Not that night.

21 Q When is the next time you talked?

22 A The next day.

23 Q Do you remember what you talked about?

24 A Everything. We talked and said we would try to
25 work through everything, get through all the obstacles

1 in life and take it one day at a time.

2 Q Were you still hurt the next day?

3 A No.

4 Q Did you still have the thing on your ear?

5 A I had a scab.

6 Q When the defendant came back, did you notice any
7 marks on her?

8 A No, sir.

9 Q Did you look at her mouth?

10 A No, sir.

11 Q Did you look at her neck?

12 A No, sir.

13 Q Was there anything that looked out of the ordinary
14 from the night before?

15 A No, sir.

16 Q Mr. Bowers, I will hand you what has been put into
17 evidence as Defendant's 1C, 1B, 1A, 1E, 1D.

18 Do you recognize those pictures?

19 A Yes, sir.

20 Q Can you tell me who the pictures are of?

21 A Tiffany.

22 Q Do you remember seeing those marks on Tiffany?

23 A These was from a couple of years ago, but I am the
24 one who took the pictures.

25 Q Can you tell me more about the pictures?

1 A No. I think that was a fight between her and her
2 friend or her and my sister.

3 Q Do you know anything else about that night?

4 A No, sir. I do recognize the pictures. I am the
5 one that took them.

6 Q Whose idea was it to take them?

7 A Hers.

8 Q Why?

9 A She said she needed proof. I figured she was going
10 to take them to court or something. She never did.

11 Q To your knowledge, do you know if she ever did
12 anything with those pictures?

13 A No.

14 Q From the time that you took them until now, had you
15 ever seen them before?

16 A She has always had them on her phone. She has
17 always kept them.

18 Q You heard the defendant's testimony that you
19 abused your kids. Tell me about that.

20 A She has been trying that since day one, since I got
21 the kids back home.

22 Q What do you mean?

23 A She has lied to DSS and lied to everybody about me
24 being mean to the kids. If I was mean to the kids, the
25 kids wouldn't want to be around me.

1 Q Have you ever intimidated the kids?

2 A The only time I intimidate them is when they keep
3 fussing and fighting with each other.

4 Q Do you love your children?

5 A Yes, sir.

6 Q Tell me about this phone tracking app.

7 A It's called the Life 360 app we had on our phones
8 at one time so we could find out where each other was
9 at. We didn't have it at the time of that accident,
10 because it never worked right.

11 Q It's like a location share app?

12 A Yeah. Kinda like Facebook share, location share.
13 That is what it was. You can get on there, and you
14 could see where each other was at. That way you can
15 know where to meet at.

16 Q Was it working at the time of this incident?

17 A No, sir.

18 Q Did you see the defendant's phone that night?

19 A No, sir.

20 Q Did you see it that day at all?

21 A The only time I seen it was when she was on the
22 phone talking to her uncle when we was at the house.

23 Q Did you ever see it again that night?

24 A No, sir.

25 Q What was the first contact that you had the day

1 after the incident?

2 A When she called me from her phone later on that
3 night.

4 Q So she had her phone?

5 A Yes, sir.

6 Q Back to the incident. The defendant said you
7 grabbed her hair. Did that happen?

8 A No, sir.

9 Q The defendant says you beat her regularly. Tell me
10 about that.

11 A She is always saying I beat her. She is trying to
12 get pity from everybody to try to make herself look
13 better. I ain't got no reason to beat her.

14 Q Do you remember -- you saw the bodycam footage for
15 the first time yesterday?

16 A Yes.

17 Q Do you remember when you said, "This is what
18 happens? She tries to get me to hit her?"

19 A Yes.

20 Q And that is so you go to jail?

21 A Yes.

22 MR. MCMASTER: Beg the Court's indulgence.

23 BY MR. MCMASTER:

24 Q So the last question. How would you describe
25 the defendant's testimony?

1 A I would say it's a lie.

2 MR. MCMASTER: No further questions, Your Honor.

3 THE COURT: Any cross-examination?

4 MR. PAYNE: Yes, sir, Your Honor.

5 FURTHER CROSS-EXAMINATION

6 BY MR. PAYNE:

7 Q Mr. Bowers, you said you didn't have a reason to
8 beat her; right?

9 A Uh-huh.

10 Q You were mad at her for wrecking the car?

11 A There is a difference in being mad and beating on
12 somebody. You can be mad at somebody and not beat them.

13 Q But you were so mad that people had to calm you
14 down, didn't they?

15 A Yeah. But I never beat her.

16 Q Tell me about the Life 360 app. That lets you see
17 her location at all times?

18 A It shows both of our locations at all times. We
19 tried it out, because it said it would show you are
20 speeding and everything. It never worked.

21 Q You testified yesterday that you didn't hear from
22 her until the next day. Now, you heard from her that
23 night?

24 A I believe it was that night.

25 Q Let me ask you this question. As you have put it,

1 my client, Ms. Miles, had beat you that night. She
2 caused your ear to bleed, caused the scene with your
3 kids, and you let her come back home the same night when
4 all of this happened, after you called 911?

5 A Yes, sir.

6 Q Why is that?

7 A When you love somebody, you let them get away with
8 stuff. When they ain't got nobody around to help them
9 out, you still help them out.

10 Q You watched that bodycam footage yesterday; right?

11 A Yes.

12 Q Did you ever try to put your arms up?

13 A I don't recall doing it, but on that bodycam, it
14 said I did.

15 Q What about the cigarette part?

16 A The cigarette part about shoving it down her
17 throat?

18 Q No. I am asking about what was on the bodycam
19 footage. I believe yesterday you testified --

20 A I didn't know anything about it. When I watched
21 the bodycam footage yesterday, it said the cigarette was
22 in there. Like I said yesterday, I don't remember the
23 cigarette.

24 Q The kids all said on the bodycam that daddy burned
25 momma.

1 A They didn't say that daddy burned momma.

2 Q Was it an accidental burn?

3 A If the cigarette got knocked out of my mouth, yes.
4 They never said I burnt mommy.

5 Q Out of your mouth and on her tongue.

6 A I never said her tongue.

7 MR. PAYNE: No further questions.

8 THE COURT: Thank you very much. You can return
9 to your place in the courtroom.

10 (Whereupon, the witness exited the witness stand.)

11 THE COURT: Anything else from the defendant?

12 MR. PAYNE: No, Judge.

13 THE COURT: Excuse me.

14 Got anything else on reply?

15 MR. MCMASTER: No, Your Honor.

16 THE COURT: Then that finishes your part of the
17 testimony and your evidence.

18 Members of the jury, I will ask you to go back to
19 the jury room for about five or ten minutes.

20 I have to go over some matters with the lawyers and
21 everything. We will have summations and then my
22 instructions, and then you can decide this case.

23 Thank you very much.

24 (Whereupon, the jury exited the courtroom.)

25 THE COURT: Anything else?

1 MR. PAYNE: At this time I renew my motion for
2 directed verdict. Ms. Miles' testimony satisfies the
3 Rule for directed verdict, so I renew my previous
4 motions.

5 THE COURT: Thank you very much. I will deny your
6 motion. The clerk is making a copy of the law I would
7 like to submit in the case, the jury the questions that
8 I want them to answer, the verdict forms for them to
9 consider.

10 That is what I was talking about in terms of
11 simplifying the case for them. As soon as she gets that
12 made, we will come back and look at it.

13 I am going to attach that to the indictment and
14 have them sign the verdict form and sign it on the back
15 of the indictment. It just eliminates what I call
16 legalese, so it is clear to the jury what they have to
17 decide.

18 Any objection from the State?

19 MR. MCMASTER: None, Your Honor.

20 THE COURT: Defendant?

21 MR. PAYNE: The only thing that I would add, if you
22 are inclined to add it into the charge, I would ask for
23 a charge of self-defense.

24 THE COURT: I will give a self-defense charge. A
25 mutual combat, self-defense or whatever charge. I will

1 give something along those lines.

2 MR. PAYNE: If we could just have five minutes,
3 Your Honor.

4 THE COURT: Sure. We will recess for five minutes.

5 (Whereupon, the following proceedings were
6 held in open court. The defendant was
7 present with her attorney, along with
8 counsel for the State.)

9 THE COURT: Bring in the jury.

10 (Whereupon, the jury entered the courtroom.)

11 THE COURT: We do have the jury back with us now.

12 Ms. Miles is present along with her attorneys. That
13 finishes all the testimony and the evidence that the
14 parties wish you to consider in this case. Now we get
15 to that part of the trial where the attorneys can
16 summarize and argue to you. These will be true
17 arguments, in which they try to persuade you as to which
18 version you should take of the facts in this case, and
19 how the facts may fit into the law.

20 The way we go about hearing from them is, first of
21 all, the Solicitor, the prosecuting attorney, Mr.
22 McMaster, will argue fully to you about the facts and
23 the law. Then we will switch over here to Mr. Payne,
24 who represents Ms. Miles, will argue fully to you on the
25 facts and the law.

1 Then after that, the Rules do allow Mr. McMaster to
2 make a brief reply argument; that is, replying to the
3 matters raised by the defense. That is the way we will
4 go about the hearing from the attorneys with their
5 arguments to you.

6 Before we get to that, I want to give you a little
7 preview, so to speak, of what you are going to hear
8 after that, and what your job will be after that.

9 As I said, you are the finders of facts of this
10 case. My job is to make sure that the parties follow
11 the Rules in presenting the facts to you and then to
12 explain to you what your job is and what you will be
13 asked to do in terms of a verdict.

14 The charge -- I want to go ahead and explain to
15 you. The charge that the State has made against Ms.
16 Miles is that she has committed what is called domestic
17 violence in the second degree.

18 That is defined like this: I will read this to
19 you, and you will actually have it. This is the verdict
20 form that you have with you in the jury room.

21 This is what the State claims. The State claims
22 that Tiffany Mae Miles, did on November 6, 2017, cause
23 physical harm or injury to Robert Bowers, who is a
24 person who was a member of her household, and that this
25 was in the presence of or being perceived by a minor.

1 That is the charge that the State has made against
2 her. You will have that with you in the jury room. You
3 can read it. You will see those are the elements as to
4 everything in there that I just read to you. That is
5 what the State has to prove beyond a reasonable doubt in
6 order for you to find him guilty.

7 She has said that, I am not guilty of that. I
8 didn't do that.

9 She has also raised what we can think of in terms
10 of the idea of it being a mutual combat situation where
11 they were just fussing and fighting with each other,
12 what we call mutual combat. You might think of it as
13 self-defense; like he was the one beating on her, and
14 all she did was defend herself.

15 You have to decide those issues. You have to take
16 everything into consideration that you have heard in
17 deciding whether the State has met its burden of proof
18 in proving this claim that it makes against her in this
19 case.

20 I just wanted to give you a little bit of preview
21 before you hear from the attorneys as far as what
22 exactly it is that you are going to be called on to
23 decide at the end of this case.

24 I have defined it for you. It is contained within
25 the indictment. You will have that with you in the jury

1 room. That is what you will decide when you are in the
2 jury room considering your verdict: Either the State
3 has met its burden of proof in regard to that charge, or
4 it has not met its burden of proof. That is what you
5 will decide.

6 Mr. McMaster.

7 * * *

8 CLOSING ARGUMENT BY MR MCMASTER

9 MR. MCMASTER: Thank you, Your Honor. May it
10 please the Court.

11 Self-control. That is what I said from the get-go.
12 This case is about self-control. The defendant, Tiffany
13 Miles, had more than two chances to stop hitting the
14 victim, Robert Bowers. You have seen all the evidence.
15 You have heard the 911 call. You have seen the bodycam
16 footage. You have heard from the victim. You have
17 heard from the children. You even heard from the
18 defendant.

19 The testimony shows the victim was hit before the
20 phone call. He asked the defendant to stop. She didn't
21 stop. Robert asked young R.M. to call the police.

22 Young R.M. hands the victim the phone. Robert
23 is on the phone with the police, and the defendant still
24 continues to hit. You hear the phone fall to the ground
25 as she hits the phone out of his hands.

4

1 You hear Robert saying, "I am kind of getting hit
2 here. I am kind of under fire."

3 You have seen the bodycam footage. It's an
4 hour-and-45 minutes long. Nowhere on there is a
5 statement from the defendant, because she ran off. She
6 didn't come back. Why not?

7 She testifies that she had a cigarette burn in her
8 mouth. She testifies that the cigarette went down her
9 throat. She was strangled. She was bleeding. She also
10 testified that she had her phone earlier in the car, and
11 she had to keep it charged.

12 Yet, when I asked her where her phone was that
13 night, she said she didn't have it. Then she
14 testified -- Robert, the victim, testified that she
15 called him later that night to come back home from her
16 phone. So she definitely had her phone then.

17 If the defendant ran away and she was burned like
18 she said she was, what did she have to hide? Why didn't
19 she stick around and tell the police her side of the
20 story? You saw the bodycam footage where young A.B.
21 stated that this is what happened. Mom tries to get
22 dad to hit her so he goes to jail, then she can take us
23 to New York.

24 On the bodycam footage, you hear Robert say the
25 same thing. She tried to get me to hit her so I will go

1 to jail. You also heard in the bodycam footage that
2 Deputy Mummert, during his domestic violence packet,
3 asked, has she ever threatened you with any weapons?
4 Robert says "Yeah, a knife."

5 R.M. [REDACTED] said, "Yeah, dad. She threw that
6 knife at you."

7 The inconsistencies with the defendant's testimony,
8 the phone, distracted driving, the phone app. It just
9 doesn't add up.

10 As the Judge instructed, the defendant is being
11 charged with Domestic Violence II, based on there were
12 injuries to a household member. In this case, that
13 injury would be caused by Ms. Miles hitting Mr. Bowers.

14 The children testified, and the bodycam footage
15 shows they were there. They saw it. I ask you to keep
16 in mind the evidence and the testimony you have heard
17 here today and yesterday. I would ask that you find the
18 defendant, Tiffany Miles, guilty of Domestic Violence
19 II.

20 THE COURT: Mr. Payne.

21 * * *

22 CLOSING ARGUMENT BY MR PAYNE

23 MR. PAYNE: Thank you, Your Honor. May it please
24 the Court.

25 Ladies and gentlemen, for the last two days I have

1 been sitting here and scratching my head and wondering
2 why we are even here. Sometimes it felt like a game of
3 chess, but I wasn't the one playing it. I just felt
4 like a pawn in this game. That's almost how Tiffany
5 Miles has felt for the last 14 years living with Robert
6 Bowers.

7 Robert Bowers pulled the strings in this entire
8 trial. We are all here because there is a manipulation
9 against her, against Ms. Miles. You can hear on the 911
10 call that he says, "You want this to stop? We can stop
11 this right now. If you are that worried about being hit
12 in front of the kids, why aren't you worried about
13 trying to stop it?"

14 It's about control. That is what he tries to do to
15 her. Every other time she took it. Now, when you-all
16 came back in, you saw the screen up. You thought: Oh,
17 no. Not another video to watch. You will get the 911
18 call, and you are going to get the bodycam.

19 There is something that the 911 operator missed.
20 She got on the stand. She said, "I never heard her say
21 anything about the cigarette."

22 You-all will get this audio. I want you to put it
23 at the four minute, 20 second mark. Hopefully, the
24 Judge ain't going to hold me in contempt for quoting
25 this, but she said "You put a fucking cigarette in my

1 mouth."

2 That is what I heard.

3 If the State is right about their theory that Ms.
4 Miles fled because she did it that night without any
5 provocation, without any justification, and that she
6 came up with this whole story when it's time to come in
7 here and talk to you-all, why is she on the 911 call
8 saying, "You put a cigarette in my throat?"

9 If that was all made up to try to get some sympathy
10 from you-all, why on the night that this happened is it
11 on the 911 call? I put forth to you that it is there
12 because it happened. You heard it from her mouth. You
13 have seen her shed tears all over this courtroom when
14 talking about this.

15 She is the only person in this courtroom shedding
16 tears. They are not fake. They are real.

17 Let's talk about the Sheriff's Office in this
18 case. As a taxpayer, I feel a little bit rocky. I know
19 they do good jobs. They protect a lot of people in this
20 community. If Tiffany Miles had been drinking on the
21 day that she wrecked that car, and she was as drunk as
22 everybody said -- even the 911 operator said, "I could
23 tell she was intoxicated."

24 Why didn't she go to jail for DUI? Why is it that
25 all the kids testified that someone from the Sheriff's

1 Office pulled up. They helped her get out of the car.
2 They talked to her within walking distance where they
3 could smell alcohol. She didn't go to jail for DUI.
4 They let her go. They let her drive. Either the State
5 has the theory that she was drunk and they let a drunk
6 driver get back on the road, the Sheriff's Office did,
7 or she just simply wasn't drinking.

8 They said, "No. Forget about that. The drinking
9 happened later on that night."

10 Mr. Bowers testified that they were home for about
11 30 minutes. Assuming she drank that beer at home, how
12 do you get violently intoxicated off of one beer in 30
13 minutes so you get into a verbal, physical altercation?
14 One can of beer.

15 They had the chance to ask her about whether or not
16 she was drinking. They didn't ask her that question.

17 Let's talk about the bodycam footage. Rather than
18 go through that bodycam footage again -- there is a lot
19 of it that is not relevant to this case. There are a
20 couple of parts that I would like for you to look at.

21 The initial interview. Robert Bowers is
22 standing right beside R.M. [REDACTED], the son, while he is
23 giving a statement to Deputy Mummert. The strange thing
24 about the State's case in this case is that none of
25 their witnesses can recall anything that is actually

1 damaging or helpful to their case. The entire testimony
2 from Deputy Mummert was "I don't recall. I don't
3 recall."

4 This is a case -- you can hear it. It's 18 months
5 old. Nobody watched the bodycam. Nobody looked at it
6 before they came to court today to testify before all of
7 you-all. We watched it. They watched it. The people
8 who were there say, "I don't remember."

9 I can tell you what the bodycam shows. It shows
10 Robert Bowers giving his son answers. His son saying,
11 "What did you tell me?" Look at it at about the
12 14-minute mark. There is a mention of a cigarette. The
13 kids say, "He accidentally burned her with the
14 cigarette, and it went on her tongue."

15 If it was an accident, why did Robert Bowers say,
16 "No." Now he has changed his story. "I just didn't
17 remember it."

18 How do you not remember accidentally burning
19 somebody on the tongue? It seems like something
20 somebody would remember. Why lie about it if it's an
21 accident?

22 Officer Mummert, instead of separating each kid to
23 give a statement, he sits them all in a room. He starts
24 talking to them. J.B. [REDACTED] is very talkative. A.B. [REDACTED] is
25 very talkative.

1 The burden is on them. The burden is
2 absolutely on them, and they did not do their job in
3 this case. You heard that brave young lady there, who
4 was at the lowest point of her life. For years she has
5 taken it on the chin, figuratively and literally, at the
6 hands of this man.

7 Today is the day that she stands up for herself.
8 You heard her tell you from her mouth directly what she
9 has endured.

10 The State in this case has to prove to you beyond
11 all reasonable doubt that in your mind that exactly what
12 they said happened and what you didn't say happened; it
13 happened in the exact way that they said it happened.

14 I ask that you recognize that this is the one time
15 that she stood up for herself, and I ask you to return a
16 verdict of not guilty.

17 Thank you.

18 THE COURT: Mr. McMaster, any brief reply?

19 MR. MCMASTER: Yes, Your Honor. Just briefly.

20 SECOND CLOSING ARGUMENT BY MR. MCMASTER

21 MR. MCMASTER: Ladies and gentlemen, you have heard
22 a lot of testimony. You all are the tryers of fact
23 here. The fact is that there are a lot of
24 inconsistencies. If I had that many inconsistencies, I
25 would have trouble following myself. Speaking of

1 standing up for myself, this is the one time that Mr.
2 Bowers stands up for himself.

3 THE COURT: Thank you.

4 JURY CHARGE

5 THE COURT: Members of the jury, you have seen and
6 heard the evidence presented to you in this case. It's
7 now my duty and responsibility to discuss with you about
8 what your duties and responsibilities are as a jury in
9 this case, and the law that you may apply in this case.
10 Then you will go to the jury room, and the 12 of you
11 will deliberate.

12 You will answer the questions that I told you that
13 you would answer at the beginning of this case; that is,
14 has the State met the burden of proof for proving this
15 lady, Ms. Tiffany Mae Miles, guilty of the charge made
16 against her of what is called Domestic Violence II.

17 I will define that for you later on. I have
18 already read it to you one time. I want to make sure
19 later on that you understand exactly what the charge is
20 and exactly what it is that the State has to prove to
21 your satisfaction beyond a reasonable doubt.

22 Now, to that charge, of course -- as I told you
23 earlier -- she said, "I am not guilty."

24 That places the burden of proving her guilty on the
25 State. A person is never required to prove herself

1 innocent. The burden of proof remains on the State
2 throughout the trial until you, the jury, have reached a
3 conclusion in the jury room that the State has proven
4 her guilty beyond a reasonable doubt.

5 You are the sole judges of the facts of this case.
6 If I have said or done anything during the course of the
7 trial that you interpreted in any way as an opinion that
8 I might have about this case, about the facts of this
9 case, please disregard it. I have intended to be fair
10 and impartial to both sides in this case.

11 What do we mean that the State must prove someone
12 guilty beyond a reasonable doubt? It is not an
13 imaginary or fanciful or a weak doubt. The term
14 reasonable doubt may be best understood by giving its
15 plain and ordinary meaning.

16 A reasonable doubt is the kind of doubt that would
17 cause a reasonable person to hesitate to act. If after
18 considering all the evidence in this case, you hesitate
19 to convict this lady on this charge made against her on
20 the basis of the evidence that has been presented, then
21 she is entitled to a verdict of not guilty.

22 A reasonable doubt may arise from evidence which is
23 in the case or from the lack or absence of evidence in
24 the case. You alone must decide whether reasonable
25 doubt exists as to the guilt of this lady, Ms. Miles, on

1 this charge of Domestic Violence II.

2 As I have said, you are the sole judges of the
3 facts. That means you must judge the credibility or the
4 believability of the witnesses who have testified. You
5 have to decide who and what to believe in regard to the
6 testimony in this case.

7 I would suggest you go about doing that in much the
8 same way as you decide an issue in your everyday life.
9 You and I have to decide every day whether to believe
10 what someone tells us. It's so much a part of everyday
11 life that we oftentimes don't think about any mental
12 process that we may go through in deciding whether to
13 believe someone. You do it every day, whether on your
14 job, on the street, wherever.

15 When someone comes up to you and makes a factual
16 statement to you, and someone says something like, "Such
17 and such just happened" or "Such and such is about to
18 happen" or "You should do this because," or "You should
19 do that because."

20 When a person makes that kind of statement to you,
21 you have to decide, do I believe what that person tells
22 me? How much trust, how much faith do I put in what
23 that person tells me?

24 As I have said, I would suggest you go about
25 deciding who and what to believe in regard to the

1 testimony and the evidence in this case in much the same
2 way you decide that issue in your everyday lives.

3 Some of the things that you may want to consider --
4 this is by no means an exhaustive list. Some of the
5 things you may want to consider are such things as the
6 demeanor or manner of the witness who testified; whether
7 the witness had reason to be biased or prejudiced;
8 whether the witness' testimony was contradicted on the
9 one hand or corroborated on the other hand.

10 You certainly do not determine the truth or
11 credibility or believability merely by counting the
12 number of witnesses who may have testified for one side
13 or the other, or who may have testified concerning some
14 particular point or fact that may be involved in the
15 trial of this case.

16 You may believe a small portion of a witness'
17 testimony and disregard the larger portion, or vice
18 versa. You may believe one witness against any
19 witnesses, or maybe against one.

20 All of these things you may consider, bearing in
21 mind that you should give the defendant the benefit of
22 every reasonable doubt.

23 As I mentioned to you earlier, the charge that the
24 State makes against Ms. Miles is contained in what we
25 have referred to in this piece of paper here that I have

1 in my hand, which is called the indictment. It has the
2 case name on the back here and the number of the case
3 and all of that -- all the bookkeeping information, so
4 to speak.

5 Also, it has the formal charge. What I have done
6 with this other pieces of paper that you are going to
7 have with you, is I have distilled down, in my opinion.
8 What I have done is I have distilled down -- taken out
9 all the legalese, so to speak -- that is what I would
10 call it, legalese -- that is in this indictment. I have
11 distilled it down to what I have told you that the State
12 has to prove. That is on this piece of paper here now.

13 The State of South Carolina claims that Tiffany Mae
14 Miles did, on November 6, 2017, cause physical harm or
15 injury to Robert Bowers, a person who was a member of
16 her household, and that this was in the presence of or
17 being perceived by a minor.

18 That is the definition of Domestic Violence II,
19 which is found in the Code of Laws in this state -- this
20 book that I have here in my hands (indicating).

21 That is the way Domestic Violence II is defined
22 under the law. The law is that you should not commit a
23 Domestic Violence II. If you commit Domestic Violence
24 II and it's proven to your satisfaction beyond a
25 reasonable doubt, she would be guilty of this charge.

1 If the State has failed to meet its burden of proof
2 in proving this charge everything I just read to you
3 here contained in this charge -- if the State has failed
4 to meet the burden of proof, then she, of course, is
5 entitled to a verdict of not guilty. That is what you
6 have to decide.

7 Now, she is also -- in addition to saying, "I am
8 not guilty of this charge," her testimony -- and I am
9 not telling you what to believe, whether to believe her
10 or him or whatever, as far as this is concerned.

11 I just have to tell you that she has raised the
12 defense in addition to saying that, "I am not guilty,"
13 that through her testimony, at least, raised the defense
14 of -- at least that is how I understood her testimony to
15 be -- two other things that she wants you to consider in
16 deciding whether she is guilty of this crime or not.

17 She said that this was mutual combat, we both
18 agreed to fight it out, basically, is what she is
19 saying. That is what we refer to as mutual combat.
20 Both parties decide to fight it out. Then under the
21 law, neither one of them is guilty of having committed a
22 crime.

23 If that is your view of this testimony or evidence,
24 and you take all of that into consideration in deciding
25 whether the State has met its burden of proof, that is

1 what you can decide this case on.

2 Also, she has raised an issue of self-defense. She
3 is saying "I was just defending myself in this
4 situation. He was the one that was beating me up and I
5 all I did was defend myself." That is, under the law, a
6 good defense.

7 In order to establish self-defense, she has to show
8 that she was without fault in bringing on the
9 difficulty; that she actually believed that she was in
10 danger of being harmed, and all she could do was defend
11 herself and harm him under those circumstances.

12 Again, she doesn't have to establish that beyond a
13 reasonable doubt; either mutual combat or self defense.
14 She wants you to consider that in deciding whether the
15 State has met its burden of proof of proving her guilty
16 of the charge as I have defined that for you. That is
17 what the law is in regard to this.

18 You have to decide whether the State has met its
19 burden of proof after taking into consideration all of
20 the things that you have heard about this case,
21 including her claim of mutual combat and self-defense.

22 Your verdict must be unanimous. All 12 of you must
23 agree on what the verdict is before you can come back
24 into the courtroom and tell us that you have reached a
25 verdict in this case. We don't have any majority

1 verdicts. All 12 of you must agree.

2 There was some mention about you having the video
3 or the audio or whatever, all that stuff of the 911 call
4 and the body camera stuff. If you want to have that
5 with you in the jury room, I don't send that in the jury
6 room with you. If you want to look at the body camera
7 stuff or if you want to listen to the 911 call in any
8 way, you let me know, and we will bring you back out,
9 and we will set it up and let you look at it here in the
10 courtroom where everybody else can see it also. That is
11 the way I deal with that type of evidence.

12 It won't be with you in the jury room. You will
13 have the pictures and any other papers that may have
14 been introduced, but you won't have the 911 call or the
15 body camera. If you want to look at that, hear that,
16 any of that, as far as if you need that during the
17 course of your deliberations, you let me know, and we
18 will bring you back out here and set it up and let you
19 listen to it or look at it.

20 I want you to go to the jury room. I need to look
21 over my notes to make sure I have told you everything I
22 need to tell you. If I have, I will send you into the
23 jury room, and I will send the verdict form and the
24 physical evidence for you, and you will know at that
25 time you can begin your deliberations.

1 If I have overlooked something, I will bring you
2 back out to tell you what I overlooked before I let you
3 start your deliberations.

4 So if you would, go out into the hallway, please.

5 (Whereupon, the jury exited the courtroom.)

6 THE COURT: All right. The jury is out. The door
7 is closed. Any exceptions to the charge from the State?

8 MR. MCMASTER: No, Your Honor.

9 THE COURT: Defendant?

10 MR. PAYNE: No, Your Honor.

11 THE COURT: Good. Thank you very much.

12 (Whereupon, the court stood at ease while the jury
13 deliberated upon its verdict in the case.)

14 THE COURT: Bring the jury in. There is one more
15 thing I need to tell them.

16 (Whereupon, the jury entered the courtroom.)

17 THE COURT: We have the jury with us. Ms. Miles is
18 present along with her attorney.

19 I did forget to tell you one thing. Mr. Foreman,
20 as I said, you will see this where I have taken out the
21 legalese, and you will see the charge as I have
22 explained it to you and the two possible verdicts:

23 "We find Tiffany Mae Miles not guilty," or "We find
24 Tiffany Mae Miles guilty."

25 There is a place for you to sign. Use one of those

1 as your verdict. I will also ask you -- on the back of
2 the indictment you will see over here on one side there
3 is also the word "verdict" there and some lines and a
4 place for you to sign.

5 So, in addition to signing it on this piece of
6 paper here, sign it also on the back of the indictment
7 here. Again, that is just the official way we record a
8 verdict in this case.

9 So I will give this to you and the physical
10 evidence. When you get that in the jury room, you can
11 go ahead and start the deliberations. Knock on the door
12 and let us know when you have reached a verdict.

13 So now we will get the stuff, and we will let you
14 start the deliberations.

15 (Whereupon, the following proceedings were
16 held in open court. The defendant was
17 present with her attorney, along with
18 counsel for the State.)

19 THE COURT: Mr. McMaster, the jury sent out a note
20 saying: "We would like to see minute 12:16 of the
21 bodycam. Whoever is in charge of that, think about
22 setting it up.

23 (Whereupon, the jury entered the courtroom.)

24 THE COURT: All right. The jury is with us. Ms.
25 Miles is present along with her attorney.

1 I have this note here that says, "We would like to
2 see minute 12:16 of the bodycam."

3 I think we have got it set up close to that. We
4 will let it play.

5 THE COURT: All right. Is that all you wanted to
6 hear?

7 THE FOREPERSON: Yes, Your Honor.

8 THE COURT: All right. You may return and continue
9 your deliberations.

10 (Whereupon, the jury exited the courtroom.)

11 THE COURT: We will be at ease until we hear from
12 the jury.

13 (Whereupon, a recess was held.)

14 (Whereupon, the following proceedings were
15 held in open court. The defendant was
16 present with her attorney, along with
17 counsel for the State.)

18 READING OF THE VERDICT

19 THE COURT: The jury says they have reached a
20 verdict. So we will bring them in and hear from them.

21 (Whereupon, the jury entered the courtroom.)

22 THE COURT: We have the jury with us. Ms. Miles is
23 present along with her attorney.

24 The jury has returned a verdict of guilty. Signed
25 by the foreman of the jury.

1 Ladies and gentlemen of the jury, if this is your
2 unanimous verdict, please indicate by raising your right
3 hand.

4 (Indicating).

5 THE COURT: Anything further of this jury prior to
6 discharge from the State?

7 MR. MCMASTER: Nothing from the State.

8 THE COURT: Anything from the defendant prior to
9 the discharge of the jury?

10 MR. PAYNE: I would like to poll the jury.

11 THE COURT: Members of the jury panel, under the
12 procedures, under the laws and the regulations, once the
13 verdict is returned in open court, the procedure is that
14 the jury can be polled. What that means is, I will call
15 each one of your names. When I call your name, if you
16 would raise your hand so I can see who is answering to
17 that name, because I don't know you.

18 The question that I am asking you is this:

19 Was the verdict of guilty as I have reported it
20 here in the courtroom -- was that your verdict when you
21 last voted in the jury room, and is it still your
22 verdict here in open court?

23 If it was, say, yes. If it was not, answer, no.

24 So that is the question that I am asking you: Was
25 the verdict of guilty as I have read it on the verdict

1 form and as signed on the indictment -- was that your
2 verdict when you last voted in the jury room, and is it
3 still your verdict in open court?

4 Tia Cox. Was that your verdict when you last went
5 into the jury room, and is it still your verdict here in
6 open court?

7 THE JUROR: Yes.

8 THE COURT: Michael Ott. Was that your verdict
9 when you last went into the jury room, and is it still
10 your verdict here in open court?

11 THE JUROR: Yes.

12 THE COURT: Teresa Williams. Was that your verdict
13 when you last went into the jury room, and is it still
14 your verdict here in open court?

15 THE JUROR: Yes.

16 THE COURT: Richard Hatch. Was that your verdict
17 when you last went into the jury room, and is it still
18 your verdict here in open court?

19 THE JUROR: Yes.

20 THE COURT: Gabriela Botello. Was that your
21 verdict when you last went into the jury room, and is it
22 still your verdict here in open court?

23 THE JUROR: Yes.

24 THE COURT: Michael Phillips. Was that your
25 verdict when you last went into the jury room, and is it

1 still your verdict here in open court?

2 THE JUROR: Yes.

3 THE COURT: Pricilla Kimel. Was that your verdict
4 when you last went into the jury room, and is it still
5 your verdict here in open court?

6 THE JUROR: Yes.

7 THE COURT: Luis Ortega. Was that your verdict
8 when you last went into the jury room, and is it still
9 your verdict here in open court?

10 THE JUROR: Yes.

11 THE COURT: Melissa Starnes. Was that your verdict
12 when you last went into the jury room, and is it still
13 your verdict here in open court?

14 THE JUROR: Yes.

15 THE COURT: Joel Clarke. Was that your verdict
16 when you last went into the jury room, and is it still
17 your verdict here in open court?

18 THE JUROR: Yes.

19 THE COURT: Clifford Tidwell. Was that your
20 verdict when you last went into the jury room, and is it
21 still your verdict here in open court?

22 THE JUROR: Yes.

23 THE COURT: All right. I believe that completes
24 the polling of the jury. Thank you very much. That
25 completes your service on this jury.

1 I believe, Mr. Clerk, that completes their service
2 for the rest of this week. Isn't that correct?

3 THE CLERK: Yes, sir, Your Honor.

4 THE COURT: This is the last case that we have for
5 trial this week. We do have other cases that we will be
6 disposing of tomorrow morning and the rest of the week
7 that do not require a jury. It will be guilty verdicts
8 and that sort of thing, motion and other things that we
9 will be involved with. This is the last case where we
10 have a trial. I want to thank you very much for your
11 service on the jury.

12 I am really interested in what a jury's verdict is.
13 I am interested in the way you go about arriving at your
14 verdict. By that I mean, you paid attention during the
15 presentation of the testimony and the evidence. You
16 paid attention when the lawyers were talking to you.

17 You paid attention when I was talking to you. You
18 did all of those things, as far as I could see. So
19 thank you very much for your service. You are
20 free to go. The clerk will be sending you a paycheck in
21 the mail.

22 (Whereupon, the jury exited the courtroom.)

23 SENTENCING HEARING

24 THE COURT: All right. Mr. Payne, do you want to
25 present your client for sentencing?

1 MR. PAYNE: To preserve the record, I would move
2 for a new trial. I don't believe the State met its
3 burden in this case.

4 The credibility of the officer -- he testified that
5 he didn't recall anything. He is the prosecuting
6 officer in this case.

7 I think there are issues with the credibility of
8 the children. They changed their stories multiple
9 times. They contradicted the bodycam. The only
10 evidence in the case, really, was the word of the
11 alleged victim. My client still does maintain her
12 innocence. We would ask the Court for a new trial.

13 THE COURT: I appreciate the position, but I deny
14 your motion.

15 All right. Do you have a sentencing sheet? I
16 think it was clearly a jury issue.

17 THE COURT: Anything else from the State?

18 MR. MCMASTER: Your Honor, no, other than what you
19 have already heard. We have spoken with Mr. Bowers, and
20 he doesn't wish to give any more comments on this
21 matter.

22 You were here for the whole case. You heard the
23 facts. You heard what is going on. I don't think that
24 there is anything else that we could add.

25 THE COURT: Does she have a record?

1 MR. MCMASTER: She does have a prior petty
2 larceny, Your Honor.

3 THE COURT: Nothing of this sort, though?

4 MR. MCMASTER: No.

5 Let me see what the statute says.

6 MR. MCMASTER: She does have a pending Domestic
7 Violence III that we will disclose.

8 THE COURT: So as I read the statute, it says that
9 the person who is guilty of this is guilty of a
10 misdemeanor. It's a fine not less than \$2,500 and no
11 more than \$5,000. Imprisonment not more than three
12 years or both.

13 It goes on to say that everything can be suspended,
14 and probation may be required. I just want to make sure
15 about the way it was worded.

16 Mr. Payne, anything you would like to tell me on
17 behalf of your client?

18 MR. PAYNE: Your Honor, as the Solicitor
19 mentioned, she has no record. This is a dispute -- in
20 all candor with the Court, after this charge, she got
21 back together with Mr. Bowers. They got in another
22 fight. He called the law on her again. This is
23 something that is going on and on and on.

24 She has no record. This is a misdemeanor charge.
25 She obviously needs some form of counseling. She has

1 been through a lot in her life. I don't think prison in
2 this case would benefit her any. It won't benefit
3 society. It won't benefit her kids -- if she is to have
4 any kind of relationship with her kids going forward.

5 I would ask you to consider a probationary term. I
6 would ask that you hang the max over her head of three
7 years and suspended on three years of probation.

8 She needs some requirements to get some
9 counseling. She needs some requirements to cooperate
10 with DSS so she can get back in her children's life. I
11 think there needs to be a restraining order between her
12 and Mr. Bowers..

13 THE COURT: What is the situation?

14 Come up here, Mr. Bowers.

15 I will hear from you in a minute, Ms. Miles..

16 Let me hear from him first.

17 What is the situation now between the two of
18 you-all? Are you separated?

19 MR. BOWERS: Yes, sir.

20 THE COURT: Is there any kind of pending divorce
21 action or anything pending going on in Family Court or
22 anything?

23 MR. BOWERS: Right now, I have temporary custody.
24 We have to go back to another hearing whenever they send
25 back the paperwork.

1 THE COURT: So it's just a matter that you have
2 custody of the children, or is there a divorce action
3 pending? I am not suggesting that you should. I don't
4 know what the situation is.

5 MR. BOWERS: We was never married, sir.

6 THE COURT: That's right. It's not a legal
7 marriage. Anyway, I won't go into that, as far as
8 whatever that might be.

9 So it's just a situation that the children's
10 custody and that sort of thing is being handled in an
11 action in Family Court?

12 MR. BOWERS: Yes, sir.

13 THE COURT: How about DSS? Is DSS involved in any
14 of this?

15 MR. MCMASTER: Your Honor, just trying to say he
16 does have an Order of Protection.

17 THE COURT: So DSS is actively involved in this in
18 some way?

19 MR. BOWERS: Yes, sir.

20 THE COURT: Glad to hear from you, Ms. Miles, or
21 anything your lawyer wants to say on your behalf, Ms.
22 Miles.

23 MR. PAYNE: Judge, I would just say that she
24 maintains her innocence in this case.

25 THE COURT: I appreciate that.

1 Like I said, I think it was a jury issue, and the
2 jury has decided otherwise.

3 MR. PAYNE: I have informed her that her comments
4 are going to be taken by the Court in consideration of
5 her sentence.

6 THE COURT: Anything else you want to say, Ms.
7 Miles?

8 THE DEFENDANT: I am not blaming my kids. I love
9 my kids.

10 THE COURT: I am sure you do.

11 THE DEFENDANT: It's just somebody that has to have
12 that control. It has to be their way. I am going to
13 counseling. I am not going to not go anymore.

14 Until the day I die, I am not giving him the
15 satisfaction -- or any person -- to blame yourself for
16 what you go through. It's not your fault that you get
17 hit. It's not your fault that you get what you get.

18 I will stay in counseling, because I won't be
19 tucked in a shell no more to blame myself for what I
20 get.

21 I don't feel like this -- DSS is filing a case
22 because my kids wrote to the guardian ad Litem that they
23 are scared to be with this man. There is a statement
24 and investigator on him right now about my little girl
25 and me.

5 THE COURT: The sentence is that you be confined to
6 the South Carolina Department of Corrections for a
7 period of one year and pay a fine of \$2,500; however,
8 that sentence is suspended. You are placed on probation
9 for two years.

14 So you are going to be on probation. You have to
15 live by the rules of probation. You make sure you
16 understand what your obligations are when you have to
17 come in to report, how much money you have to pay, all
18 of those kinds of things.

23 Good luck to you.

★ ★ ★

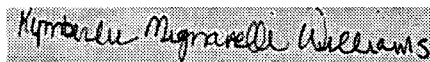
25 - - -END OF TRANSCRIPT- - -

CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the Sixth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Lancaster County, South Carolina, on the 13th - 15th days of May, 2019.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

This, the 29th day of September 2019.



KYMBERLEE M. WILLIAMS, CSR/RPR

WITNESSES

Mummert/Kelley - LCSO #17-56102

Marshall - LCSO

Daley - LCSO

ARREST WARRANT NUMBER/DOA

2017A2910102218 (DOA-12-19-17)

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury
Date: *MAR 29 2018*

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2018-GS-29-498

The State of South Carolina

County of Lancaster

COURT OF GENERAL SESSIONS

MARCH 29 TERM 2018

THE STATE

vs.

Tiffany Mae Miles

Indictment for

**DOMESTIC VIOLENCE
SECOND DEGREE**

SC Code: 16-25-0020(A)
CDR Code: 3812
Class: Misdemeanor A

FILED
CLERK OF COURT
LANCASTER, SC
2018 MAR 29 AM 10:54

STATE OF SOUTH CAROLINA)

INDICTMENT

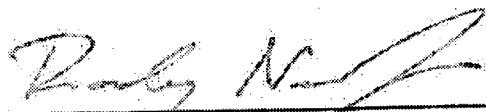
COUNTY OF LANCASTER)

At a Court of General Sessions, convened on March 29, 2018, the Grand Jurors of Lancaster County present upon their oath:

DOMESTIC VIOLENCE SECOND DEGREE

That Tiffany Mae Miles did in Lancaster County, South Carolina, on or about November 6, 2017, cause physical harm or injury or offer or attempt to cause physical harm or injury with apparent present ability under circumstances reasonably creating fear of imminent peril to Robert Bowers, the defendant's own household member and moderate bodily injury to the Defendant's own household member resulted or the act was accomplished by means likely to result in moderate bodily injury to the Defendant's own household member and/or in the process of committing domestic violence in the third degree the offense was committed in the presence of, or while being perceived by minor children, all in violation of Section 16-25-20 of the *Code of Laws of South Carolina*.

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


Randy E. Newman, Jr., SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

257

COUNTY OF Lancaster
 STATE VS.
Tiffany Mae Miles

AKA:

Race: WHITE Sex: F Age: 32DOB: [REDACTED] SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Lancaster, SC 29720DL#: [REDACTED] SID#: [REDACTED]*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
 TO: Domestic / Domestic Violence, 2nd degreeINDICTMENT/CASE#: 2018GS2900498A/W#: 2017A2910102218Date of Offense: 11/6/2017S.C. Code §: 16-25-0020(A)CDR Code #: 3812

SENTENCE SHEET

☒ CONVICTED OF or ☒ PLEADSin violation of § 16-25-0020(C) of the S.C. Code of Laws, bearing CDR Code # 3812☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
 w/minor 1st or Lewd Act)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☒ Recommendation by the State.

ATTEST:

Henry D. McMaster 103232
 McMaster, Henry D. SC Bar#

Defendant

Payne, Ryan SCB102557
 Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of ONE [REDACTED] year or ☐ under the Youthful Offender Act not to exceed years,
 and to pay a fine of \$ 2,500; provided that upon the service of days/months/years and/or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for two

 year 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 (Domestic
 Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca.
3% to County (if paid in installments)	\$

TOTAL

\$

Clerk of Court/ Deputy Clerk

Court Reporter: Lynette M. Waller

SCCA/217 (07/2016)

PTUP

 days/hours Public Service EmploymentObtain 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 FundOther: COOPERATE WITH DOMESTIC
VIOLENCE PREVENTION PROGRAM,
ANY OTHER COUNSELING AS
RECOMMENDED BY PROBATION &/OR
D.S.S.☐ Appointed PD or appointed other counsel,
 Proviso 61.6 requires \$500 be paid to Clerk
 during probation and shall be collected before
 any other fees.

Presiding Judge

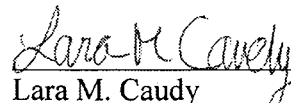
Judge Code: 2008Sentence Date: 5/15/19

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

This 12th day of March, 2020.



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

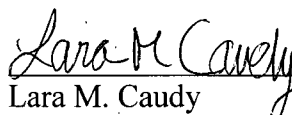
ATTORNEY FOR APPELLANT

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