

2019-2020 Case Materials

Delaware High School Mock Trial Competition

February 21-22, 2020

Leonard L. Williams Justice Center

These case materials are derived from the 2006 national problem. The use of prior materials that were developed for the original problem is strictly prohibited. This includes prior opening statements, closing arguments, and witness examinations. The review of videos using the original problem is also strictly prohibited. Violations of the prohibition will result in disqualification from the competition.

Special thanks to the Oklahoma Mock Trial Committee for allowing access to the national problem from 2006.

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VERSION CHANGES AND CLARIFICATIONS

Version	Date	Change or Clarification
1.0	TBD	This is the original version of the document; it does not include any changes or clarifications

STATEMENT OF THE CASE

On August 5 and 6, 2019, Harrington, Delaware was host to the inaugural National Coed Rodeo Finals where cowboys and cowgirls (or collectively “cowpokes”) compete in all the traditional rodeo events. The event was to be the finale for the last two days of the annual Delaware State Fair, also held in Harrington, Delaware. The Finals were held in association with the National Coed Rodeo Association (“NCRA”), which was committed to ending the historic distinctions between male and female events, thus allowing men and women to compete against each other in bull riding, barrel racing, bareback bronc riding, and saddle bronc riding. The Coed Rodeo is also committed to the ethical treatment of all animals, including the roughstock, and does not sponsor calf or steer roping or wrestling. For the previous year, teenagers from around the country have been competing in regional coed rodeos, preparing for this national event and the fame and fortune that will accompany winning the gold buckle. Being a champion also includes a scholarship of \$30,000 a year for four years to pay for tuition, books, and other expenses.

Unfortunately, the death of Billie Jo “Alfalfa” Murray, thrown from her horse in the saddle bronc event, created a black cloud over this celebration and made for a tragic closing of the annual Delaware State Fair. Murray died in the hospital from injuries sustained in the fall. Murray was considered one of the most promising young rodeo stars, picked by many to win her event. Dakota “Cody” Boren, who won the event after Murray was injured, has been indicted for Murder in the Second Degree.

Under 11 Del.C. § 635,

A person is guilty of murder in the second degree when: (1) The person recklessly causes the death of another person under circumstances which manifest a cruel, wicked and depraved indifference to human life; or (2) While engaged in the commission of, or attempt to commit, or flight after committing or attempting to commit any felony, the person, with criminal negligence, causes the death of another person.” In Delaware, second degree murder is a class A felony.”

For purposes of this problem, all parties agree that the relevant portion of the statute is subpart (1).

Cody Boren has been accused of cutting the honda of the deceased's hack rein. The severed rein then separated during Murray's ride and she was thrown from the bucking horse. Murray's fall to the dirt floor of the arena caused massive head injuries, resulting in her death at the local hospital approximately five hours later.

Based on forensic evidence and statements of witnesses and the defendant, the Prosecution charges that Boren cut the rein and concealed the cut with adhesive tape similar to that regularly used by the deceased. Boren's intent was to prevent Murray from completing a successful ride which would win the deceased the saddle bronc championship.

The Prosecution will offer testimony from Detective Sam Nigh, Macy Henry (a friend of the deceased and a fellow saddle bronc competitor), and Sean McGee (the pick-up rider assigned to assist the deceased during her ride). The Defendant's position is that either the rein, made of premium natural sisal, was not deliberately severed or that if the rein was cut intentionally it was done by someone other than Boren. The Defendant will testify and will offer testimony from an expert witness, Sidney Bellmon, and from the vice president of the NCRA, Ripley Kerr.

STIPULATIONS

The parties have jointly agreed to the following stipulations and stipulated facts. As set forth in Delaware HS Mock Trial Rule 4.2, these stipulations and stipulated facts are considered part of the trial record and are already admitted into evidence. These stipulations and stipulated facts do not need to be read into the record. (DEHSMT Rule 4.3.)

1. Billie Jo Murray was pronounced dead at Bayhealth Hospital, Sussex Campus located in Milford, Delaware at approximately 8:10 p.m. on August 6, 2019, by the County Medical Examiner, after all efforts to resuscitate her had failed. Dr. Maria Henlopen of the Medical Examiner's Office performed an autopsy, and her report demonstrated that Murray's death resulted from severe brain hemorrhaging caused by a massive head injury. The head injury was caused when Murray fell from her saddle bronc horse and her head struck the ground.
2. The Defendant, Dakota Boren, is charged with one count of second degree murder. The Defendant has entered a plea of not guilty and has requested a trial by jury. The Superior Court has previously ruled that no lesser included offenses will be included in the jury instructions. The trial is bifurcated, with guilt being the only issue in this trial.
3. The Superior Court ruled, in an evidentiary hearing held prior to trial, that the Defendant was properly advised of his/her rights via a Miranda warning administered by the interrogating officer and his/her waiver of those rights was knowingly and voluntarily given. The Defendant will testify and has waived any Fifth Amendment Rights.
4. The Defendant filed motions to suppress the evidence collected at the scene and from the Defendant on the basis of an unreasonable search and seizure under the Fourth Amendment. The Superior Court has previously ruled against the Defendant on those motions and they will not be revisited at trial.
5. Statements by Dr. Angie Debo, Murray's treating physician, to Detective Sam Nigh are true and accurate and can be testified to by Detective Nigh without objection.
6. All parties stipulate that (i) the pocket knife was present on the person of the Defendant, Dakota Boren, at the time of her/his initial interview with Detective Nigh, (ii) such knife has been provided to the defense for examination and testing, and (iii) this knife does not have to be produced at trial as evidence for the prosecution. The parties further stipulate that Exhibit 12 is a true and accurate representation of said knife, although not to scale.
7. All parties stipulate as follows: (i) that the sisal hack rein reflected in Exhibits 13, 14 and 15 is identical in all relevant respects to the rein used by Billie Jo Murray on August 6, 2019, while riding Blue Hen Fury in the NCRA Rodeo Finals; (ii) that the hack rein examined by Detective Hack Nigh and by Sidney Bellmon and reflected in Exhibit 16 is the hack rein used by Billie Jo Murray on August 6, 2019, while riding Blue Hen Fury in the NCRA Rodeo Finals; and (iii) that neither the original nor a facsimile of the hack rein needs to be produced

at trial as evidence.

8. All parties stipulate that the severed/frayed sisal hack rein, and not some other intervening agency, caused the death of Billie Jo Murray.
9. The diagram of the Rodeo Arena at the Delaware State Fairgrounds, including the saddle bronc chute and the competitors' tack room, is a true and accurate representation of the location of the events in this case. The parties agree, and the Superior Court has agreed, that an enlarged version the one-page diagram of the accident scene will be available in the courtrooms during the trial (and will be supplied by the Court). However, the enlarged diagram will be used for demonstrative purposes only and only the original size diagram may be offered as an exhibit and entered into evidence.
10. All parties stipulate to the authenticity and admissibility of the article from *Delaware State News*, dated August 4, 2019.
11. In 2013 the legal limit for Driving Under the Influence in the State of Oklahoma was .10 BAC (Blood Alcohol Content).
12. The proper chain of custody of all physical evidence has been maintained.
13. Copies of all exhibits may be entered in lieu of the originals.
14. All parties stipulate that the information is legally and procedurally accurate in all respects.
15. All statements were properly sworn to by their makers at the time they were written as being true and accurate to the best of the knowledge and recollection of each witness.
16. All parties are properly before the Superior Court and have either reached the age of majority or are considered adults by the Court.
17. Jurisdiction and venue are proper.

INDICTMENT

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

THE STATE OF DELAWARE)
)
)
v.)
)
)
DAKOTA BOREN)

INDICTMENT

The Grand Jury charges Dakota Boren with the following offenses:

COUNT 1: MURDER IN THE SECOND DEGREE, on or about the 6th day of August, 2019, by partially cutting the hack rein of Billie Jo Murray causing the rein to break during a bronc ride at which time Billie Jo Murray fell off her horse, and landed on her head causing fatal wounds.

Done recklessly and with cruel, wicked, and depraved indifference to human life, at the Rough N' Ready Arena at the Delaware State Fairgrounds, Harrington, Delaware.

James Garner
Assistant Attorney General
Kent County

JURY INSTRUCTIONS

Members of the Jury:

This is a criminal case commenced by the State against the Defendant Dakota Boren. The Defendant has been charged with murder in the second degree of Billie Jo Murray.

The Defendant has pleaded “not guilty” and is presumed to be innocent. The State has the burden of proving the guilt of the Defendant beyond a reasonable doubt. A reasonable doubt is a doubt based upon reason and common sense – the kind of doubt that would make a reasonable person hesitate to act in the graver and more important affairs of life.

The defendant is presumed innocent of the crime charged, and the presumption continues unless, after consideration of all the evidence, you are convinced of his/her guilt beyond a reasonable doubt. The State has the burden of presenting the evidence that establishes guilt beyond a reasonable doubt.

The defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crime.

Since all the evidence in this case has been given to the jury, it is now the Court’s duty, under the law, to give you the instructions that apply in this trial. The instructions contain all rules of the law that are to be applied by you in this case, and all the rules of law by which you are to weigh the evidence and determine the facts in issue in deciding this case and in reaching a verdict. You must consider the instructions as a whole and not as a part to the exclusion of the rest. All the testimony and evidence which it is proper for you to consider has been introduced in this case. You should not consider any matter of fact or of law except what has been given to you while this court is or has been in session.

No person may be convicted of murder in the second degree unless the State has proved beyond a reasonable doubt each element of the crime. These elements are:

First, the death of a human;

Second, that was recklessly caused by the accused; and

Third, that the accused’s actions manifest a cruel, wicked, and depraved indifference to human life.

You are further instructed that a person recklessly causes the death of another if that person is aware of and consciously disregards a substantial and unjustifiable risk of death or serious injury exists or will result from the person’s conduct. The risk must be of such a nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by a reason of voluntary intoxication also acts recklessly with respect thereto.

You are further instructed that a person's actions manifest a cruel, wicked, and depraved indifference to human life when those actions are done voluntarily and willfully and all the circumstances show a conscious and blatant disregard for the rights and safety of others to such a degree that death or serious injury would likely result. In determining if an accused's actions manifest a cruel, wicked, and depraved indifference to human life, all of the surrounding circumstances are relevant and must be considered.

"A cruel, wicked, and depraved indifference to human life" is similar to "implied malice" which is inferred from facts actually proved. Malice is implied by law from every intentional cruel act committed by one person against another, however sudden the act may be. The law considers that he who commits a cruel act voluntarily, does it maliciously. Every person is presumed to contemplate and intend the natural and ordinary consequences of his own voluntary act; if the act, voluntarily and willfully done, has a direct tendency to destroy the life of another, the natural conclusion from the fact is that the destruction of the person's life was intended.

Evidence is the testimony received from the witnesses under oath, stipulations made by the attorneys, and the exhibits admitted into evidence during the trial.

Direct evidence is the testimony of a person who asserts actual, personal knowledge of a fact, such as the testimony of an eyewitness. Direct evidence may also be an exhibit such as a photograph which demonstrates the existence of a fact. It is proof which points immediately to a question at issue which proves the existence of a fact without inference or presumption.

Circumstantial evidence is the proof of facts or circumstances which gives rise to a reasonable inference of other connected facts that tend to show the guilt or innocence of a defendant. It is proof of a chain of facts and circumstances that indicates either guilt or innocence.

The law makes no distinction between the weight to be given to either direct or circumstantial evidence.

You alone are the judges of the credibility of the witnesses and the weight to be given to the testimony of each of them. In determining the credit to be given any witness, you should take into account her/his truthfulness or untruthfulness, her/his ability and opportunity to observe, her/his memory, her/his manner while testifying, any interest, bias or prejudice s/he may have and the reasonableness of her/his testimony considered in the light of all the evidence in the case.

Impeachment evidence includes evidence that a witness has engaged in conduct that may affect his or her credibility and is offered to show that the witness's testimony is not believable or truthful. This conduct, if it occurred, may be used in determining what weight and credit to give the credibility of the witness, but may not be proof of innocence or guilt.

You should consider only the evidence introduced while the court is in session. You are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified when considered with the aid of the knowledge which you each possess in common with other persons. You may make deductions and reach conclusions which reason and common

sense lead you to draw from the facts which you find to have been established by the testimony and evidence in the case.

You should consider each opinion received in evidence in this case and give it such weight as you think it deserves. If you should conclude that the reasons given in support of the opinion are not sound or that for any other reason an opinion is not correct, you may disregard that opinion entirely.

The law governing this case is contained in these instructions, and it is your duty to follow the law. You must consider these instructions as a whole. You must not pick out one instruction or parts of an instruction and disregard others.

You are the sole judges of the facts in this case. It is your duty to determine the facts from the evidence produced here in court. Your verdict should not be based on speculation, guess or conjecture. Neither sympathy nor prejudice should influence your verdict. You are to apply the law as stated in these instructions to the facts as you find them, and in this way decide the case. You must not concern yourself with the consequences of your verdict.

The Court has made rulings in the conduct of the trial and the admission of evidence. In so doing the Court has not expressed nor intimated in any way the weight or credit to be given any evidence or testimony admitted during the trial. Nor has the Court indicated in any way the conclusions to be reached by the jury in this case.

From time to time during this trial, the attorneys have made objections that the Court has ruled on. You should not speculate upon the reasons why objections were made. If an objection was approved or sustained, you should not speculate on what might have been said or what might have occurred had the objection not been sustained.

Your verdict must represent the considered judgment of each juror. In order to return a verdict, it is necessary that each juror agrees. Your verdict must be unanimous. It is your duty to consult with one another and try to reach an agreement. However, you are not required to give up your individual judgment. Each of you must decide the case for yourself, but you must do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to re-examine your own view and change your opinion if you are convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the purpose of reaching a verdict. You are the judges – judges of the facts. Your sole interest is to ascertain the truth from the evidence in the case.

You will now retire to the jury room and select one of you to act as foreperson. That person will preside over your deliberations and will speak for the jury here in court. Forms of verdict have been prepared for your convenience. You will take these forms to the jury room; when you have reached unanimous agreement as to your verdict, the foreperson will sign the forms which express your verdict. You will then return all forms of verdict, these instructions and any exhibits to the courtroom.

VERDICT FORM

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

THE STATE OF DELAWARE)
)
)
v.)
)
)
DAKOTA BOREN)

VERDICT

COUNT 1 – Murder in the Second Degree

We, the jury, empaneled and sworn in the above-entitled cause, do, upon our oaths, find as follows:

Defendant is:

_____ Guilty

_____ Not Guilty.

FOREPERSON

RODEO GLOSSARY

Arena - central area where the competition takes place, surrounded by spectator seating, usually an oval or rectangular shape.

Association Sanctioned Saddle – the saddle used in saddle bronc competition, it is sanctioned by the applicable rodeo association (such as the NCRA); the saddle is smaller than a typical Western style saddle and does not have a saddle horn.

Bareback Bronc – competition in which the bucking bronc is ridden without a saddle.

Bronc -historically an untamed horse that bucks vigorously when a cowboy or cowgirl would attempt to ride it; in rodeo competition, the bronc is ridden either bareback or with an association sanctioned saddle.

Bucking Chute - enclosed, wooden fenced chamber in which the bronc is temporarily held while saddled, where the rider mounts the horse and from which the rider and the horse are released into the Arena when the chute gate is opened.

Bucking Strap – the leather strap fastened tightly around the lower belly (near the hind legs) used to encourage the bronc to buck. Also known as a buck strap or flank strap.

Bull Riding – competition in which a bucking bull must be ridden, without a saddle and with only the bull rope (flat braided rope wrapped around the bull's withers) held in one gloved hand by the rider to help the rider remain mounted for the required eight seconds.

Bulldogging – also known as steer wrestling. Steer wrestling is not an event in the NCRA rodeos.

Champion - winner of the contest or event (usually the competitor that earns the most money); also used to refer to overall winner from the rodeo season.

Cinch - leather and braided fiber strap tightened around the circumference of the upper belly of the horse (near the fore legs) to secure the saddle to the horse.

Cowboy-up - term that refers to putting more effort into overcoming an obstacle or challenge.

Dink - a bronc that does not vigorously buck during competition.

Entry fee - money each contestant pays in order to compete in a rodeo.

Go-round - term that refers to point or round in the rodeo where each competitor has competed.

Halter - the gear placed over the horse's head to which the hack rein is attached.

Hack rein - a single, thick, braided rein attached to a metal ring in the halter by a slip knot drawn through the hondo; the rein is held in one hand by the bronc rider at the place on the rein

approximately one half the distance between the halter/rein connection and the end of the rein.

Handlers – stock contractor's employees who handle the roughstock at the rodeo.

Hoedown - a dance or party.

Honda or **Hondo** – the loop at one end of the hack rein used to attach the rein to a ring on the halter by means of a slip knot.

Latigo – the leather strap used to tighten the cinch.

Mark Out – term in bronc riding referring to how the rider's heels must be touching the bronc's shoulders at the first jump of the bronc out of the chute.

NCRA - the National Coed Rodeo Association.

Pick-up man - rider who helps bronc rider to dismount their horse safely.

Rake – the spurring action of the rider from the horse's shoulders to the back of the saddle with the rider's toes turned outward.

Roughstock or **Rough Stock** - -the livestock used in timed rodeo events such as bronc and bull riding.

Rank - a bronc that is particularly mean or vicious; such animals usually garner higher scores and are therefore more desirable for the rider, if it can be ridden for the required eight seconds.

Saddle Bronc – competition in which the bucking bronc is ridden with an association sanctioned saddle.

Stock Contractor – the company that provides the roughstock for the rodeo. In saddle bronc the handlers load the bronc into the bucking chute, help the rider place the halter and saddle on the bronc and then turns the bronc out.

Sunfishing – the bucking motion of the bronc as it wriggles its body while strenuously snapping its head from side to side.

Tack - gear or equipment used for rodeo competition. In saddle bronc this would include the saddle, hack rein, gloves (if used) and spurs.

Tack room - storage room for cowboys' and cowgirls' tack.

Turn 'Em Out – the command given by the bronc rider to the handlers to release the bronc from the bucking chute by opening the chute gate.

WITNESSES

For the PROSECUTION:

1. Sam Nigh—Police Investigator and Forensics Expert
2. Macy Henry—Traveling Partner of the Deceased
3. Sean “Happy” McGee—Pick-up Rider

For the DEFENSE

1. Dakota “Cody” Boren—Defendant
2. Sidney Bellmon—Forensics Expert
3. Ripley Kerr—Vice President, NCRA and Rodeo Producer

Statement of Sam Nigh

1 I arrived at the fairgrounds at approximately 5:00 p.m. on August 6, 2019, and was met by
2 Ripley Kerr at the Rough N' Ready Arena. Kerr told me that s/he was storing Billie Jo's
3 equipment after the accident and noticed something odd. Kerr said it appeared that the honda
4 portion of the hack rein had been cut. Kerr stated that s/he was the only person to have touched
5 Murray's tack since the accident. Kerr stayed with Murray's equipment, and had not let anyone
6 else near it until I arrived. I asked Kerr to find anyone still at the Arena who was present earlier
7 in the evening and ask them to wait around until I could speak with them.

8 I carefully examined Murray's equipment. The first thing I thought was how glad I was that I had
9 all that training with boat lines. Murray's saddle, cinch, and rein appeared to have a normal
10 amount of wear. The hack rein was broken apart at the honda. At first inspection, nothing
11 indicated a safety concern or explained the breaking of the rein. I didn't notice anything else on
12 the equipment that would account for the fall other than the broken rein. At the breaking point in
13 the rein I noticed that at least part of the separation was due to what appeared to be a deliberate
14 cut by a sharp object. The rein was tagged and logged as evidence.

15 At 6:00 p.m., Kerr told me that someone at the hospital had just called to report that Murray's
16 condition was deteriorating. I left the fairgrounds and arrived at Bayhealth Hospital, Sussex
17 Campus at approximately 6:30 p.m. I was led into Emergency Room No. 2 where Murray was
18 being attended to by hospital staff. I spoke with Dr. Angie Debo who said Murray suffered from
19 massive brain injuries as a result of the fall. I stayed by Murray's bed and watched her condition
20 worsen. It was obvious she was not going to live. I observed severe head wounds consistent with
21 Kerr's account that the fall occurred as Murray was spurring, the horse was bucking violently
22 and the rein just broke away from the halter. Murray flew through the air before landing on the
23 soft dirt floor of the Arena. Murray landed on her head on the floor of the Arena with
24 considerable force.

25 I stayed in the hospital room next to Murray until she died from her injuries at 8:10 p.m. While I
26 was in the hospital room, Murray was coming in and out of consciousness. When Murray was
27 awake I tried to listen to what she was saying, but most of it was difficult to understand. She was
28 talking about a birthday party that had obviously occurred years before. Further, Murray would
29 sporadically raise her voice and call "Magnum! Magnum! Here boy!" Murray's friend, Macy
30 Henry informed me that Magnum was a collie that Murray had back on her family's ranch when
31 she was a kid. However, during one point of alertness, Murray began to speak about the events
32 surrounding her fall. Murray said, "Everything is getting dark and I feel weak. I don't think I'm
33 going to make it.... I'm dying. Last night at the Hoedown, Cody told me this would be my final
34 ride. The rein was loose— too loose." Dr. Debo said there was nothing she could do to save
35 Murray. Less than two hours after my arrival at the hospital, Murray died of her injuries. I was in
36 the room and next to her bed when she died. I remained in the room for 20 minutes more until
37 the Medical Examiner's office arrived and took custody of the body. Dr. Maria Henlopen
38 performed the autopsy.

39 I returned to the fairgrounds at approximately 9:00 p.m. on August 6, 2019. I initially inspected
40 the tack room where the riders stored their gear, the motel room of Billie Jo Murray, and the
41 competition ring area of the arena. During my interview with Dakota Boren, I also inspected
42 his/her motel room. See the attached diagram of the arena and adjacent tack room, which I
43 prepared and signed in the lower right hand corner.

44 The tack room is a large open area with several smaller areas or “stalls” partitioned by waist high
45 wooden panels. There are shelves and tables in most of the individual areas. A light in the middle
46 of the room was not working. There were two large, bright fluorescent lights at each end of the
47 tack room making the stalls closer to either end more illuminated than the stalls in the middle.
48 However, I could see into each stall from either end of the tack room. Murray’s stall was at the
49 north end of the tack room, the second stall from the end. I had already placed the hack rein in
50 custody, so I inspected the stall and Murray’s other gear. I did not see any evidence that anything
51 on any of the other gear could have cut the rein. I specifically inspected the metal ring on the
52 halter and the area around the ring on the halter where the hack rein was attached. I found
53 nothing of any evidentiary value; however, I collected and tagged all of Murray’s gear and
54 logged it into evidence.

55 The covered performing arena is an oval dirt floor with stadium seats all around. The bucking
56 chute is located at the north end. I inspected the bucking chute where Murray started her ride. I
57 observed that a metal pole in the chute had been damaged. That damage had caused a metal shaft
58 to jut into the chute. The shaft was at approximately the same height that the rein would have
59 been when the horse was in the chute. I later examined the body of Blue Hen Fury (the horse
60 Murray was riding) and found that the horse had no injuries to his hide. Thus, I concluded that it
61 was unlikely that the metal shaft cut the rein because the likely result would have been to also cut
62 the hide of the animal. I found nothing else of any evidentiary value. The area of the Arena
63 where Murray fell from the horse was a dirt floor approximately 2 inches deep. The dirt had been
64 freshly placed earlier in the day, and even though several riders had been on the Arena floor, the
65 dirt appeared fairly loose. Ripley Kerr told me the loose dirt was there in an attempt to prevent
66 serious injuries when riders fall from their horses. However, serious injuries occur, especially
67 when the rider is surprised by the fall and unable to brace for the impact. Kerr had indicated that
68 Murray’s head hit the floor first. There was nothing unusual in the dirt floor at this location,
69 which didn’t surprise me because I had been told at least one competitor had ridden in the Arena
70 after Murray.

71 The motel is located on the fairgrounds, just outside the arena. Murray’s room was on the second
72 floor. There was a suitcase on the bed, and a few clothes hanging in the closet. Personal items
73 were located around the bathroom sink. I saw a postcard on the night stand next to the phone.
74 The postcard had been written, but not mailed. The postcard was tagged and taken into evidence.

75 That evening, I interviewed the following witnesses in the Arena office:

76 **Interview of Sean “Happy” McGee** – (*brief outline*) – 8/6/19; 9:30 p.m. Experienced clown
77 and rodeo hand. Was in arena as Murray's pick up rider at time Murray fell from horse. Briefly

78 rendered aid to Murray. Saw Boren in stand watching event. On the evening before Murray's
79 death, McGee was cleaning up her/his stuff in the arena. McGee clearly remembers seeing Boren
80 standing in the arena all by herself/himself. McGee stated that s/he thought it was odd since all
81 the other competitors were at the big Hoedown Jamboree that was going on in the duPont Ranch
82 Stock Barn just 100 yards away. Boren was the only competitor in the area. Boren saw McGee
83 looking at her/him and quickly walked away, nervously glancing around. McGee reports that
84 s/he watched Boren slip a shiny object into his/her jeans pocket. In my initial interview, McGee
85 told me that at first s/he thought it looked like Boren was carrying a shiny cell phone, but after
86 hearing about the possibility that Murray's hack rein was cut, s/he is certain it was a knife. I
87 checked McGee's criminal background and discovered that McGee has prior convictions for
88 Bogus Check Writing in 2011 and for Felony DUI in 2013.

89 **Interview of Macy Henry** - (*brief outline*) - 8/6/19; 10:15 p.m. Known Murray since childhood.
90 Devastated by death of friend. During interview, Henry would begin crying and we would have
91 to stop while s/he regained composure. Knows of intense rivalry between Murray and Boren.
92 Saw Boren at Hoedown on the evening before. Remembers seeing Dakota for a few minutes
93 early in evening. Saw Murray's equipment on 8/6/19 as Murray was preparing to compete, and
94 everything appeared to be in good condition. Saw Boren handling Murray's gear bag on 8/6/19
95 before Murray's ride. Henry showed me his/her pickup truck and allowed me to inspect it inside
96 and out. Inside the cab, on the passenger's side floorboard, I recovered strands of sisal that might
97 have come from a hack rein. Sisal rope, as with most natural fiber materials, routinely sheds
98 fibers. These strands were tagged and logged as evidence.

99 **Interview of Ripley Kerr** - (*brief outline*) - 8/6/19; 5:00 p.m. Producer of Rodeo. Kerr contacted
100 police after examining deceased's hack rein. Secured rein and gathered witnesses for interviews.
101 Personally familiar with rivalry between Murray and Boren and previous reprimand for fighting.
102 Witnessed Murray's final ride.

103 **Interview of Dakota Boren**- (*brief outline*) – 8/6/19; 11:00 p.m. Was at Hoedown night before
104 and claims was there all evening. At the time of the interview Boren was not under arrest and
105 agreed to speak with me voluntarily. Boren was agitated, but cooperative. Boren did not want to
106 sit down during the interview, preferring to pace back and forth inside the arena office. Boren
107 answered all my questions and even added a few details unsolicited. However, Boren would not
108 make eye contact with me, and paused several times before answering my questions. After
109 interviewing Boren, I asked and received permission to look through Boren's motel room.
110 Boren's room was on the second floor directly across from Murray's room. In Boren's room, I
111 noticed and collected a postcard that I have logged as evidence. Boren admitted to writing the
112 postcard to her/his brother. The postcard supported other parties' statements concerning the
113 intense rivalry between Murray and Boren. I did not inspect any other motel rooms. I asked
114 Boren if s/he carried a knife. Boren voluntarily surrendered a red Swiss Army knife from her/his
115 front right pants pocket. The knife was closed. It was tagged and logged into evidence.

116 On August 7, 2019, at approximately 10:00 a.m., I returned to the police department and
117 retrieved the physical evidence that had been placed in the secured property room after it had

118 been marked and tagged. I took the evidence to my lab for analysis. The CSI lab meets all
119 National and State standards for proper work environment and quality control.

120 First, I examined the pocketknife recovered from Boren. I placed the pocketknife on a clean
121 piece of white butcher paper. The pocketknife was a red Swiss Army knife, 2½ inches in length
122 when closed, 4 inches in length when the large blade is open. The knife contained two blades and
123 a small pair of scissors. I opened the blades of the pocketknife and noticed two fibers sticking out
124 of the area where the large blade folds into the knife. I collected the fibers and placed them in a
125 closed container for later inspection. I also examined the metal knife blades. I did not find traces
126 of adhesive tape, but I did find chemical traces of rubbing alcohol. I took a picture of the knife in
127 the open position for the file.

128 Next I examined the hack rein used by Murray. I placed the hack rein on a clean piece of white
129 butcher paper. I examined the rein first with a visual inspection. I noticed the 7½ foot length rein
130 was a sisal type that had been used extensively. All but one end of the rein was approximately 5
131 inches in circumference. There was a small loop in one end of the rein. This loop had been
132 tightly braided and was only 2 inches in circumference. Ripley Kerr told me this loop was called
133 the "honda." The honda is used to attach the hack rein to the ring on the halter. Because that
134 portion of the rein receives extensive wear and stress, riders often wrap adhesive tape around the
135 top of the honda. I examined the loop end of the rein and noticed first-aid type adhesive tape
136 surrounding 3 inches of the top portion. The adhesive tape appeared to be newly applied. There
137 was additional tape residue on the honda indicating that adhesive tape that had been placed there
138 had been removed.

139 The honda had separated approximately midway in the taped area. It is this point of separation
140 that caused the rein to break free from the metal ring causing the victim to fall from the horse.
141 There was another noticeable worn place on the rope. This area was at the other end of the rein
142 approximately in the area where the rider would grab to hold on during the ride. The rein
143 appeared intact and strong at every area but the point of separation on the honda. Even at the
144 point of separation the rope appeared to be in good condition.

145 There were two layers of adhesive on the honda. The top layer of adhesive tape appeared to be
146 pulled apart rather than cut at the point of separation. That layer appeared to have been wrapped
147 around the circumference of the honda braid only once. I removed this layer of adhesive tape and
148 discovered a second layer of adhesive tape. This layer was significantly more dirty and
149 discolored than the top layer. This layer appeared to have been wrapped four times around the
150 honda braid. This thicker layer of adhesive had been cut.

151 I cleaned the hack rein using clean gauze and sterile water. I then examined the entire length of
152 the rein using a microscope set at 200X magnification. The microscope setting I used is powerful
153 enough to see the pores in your skin and is used for fiber and hair analysis. The microscopic
154 analysis at the point of separation revealed what I believe to be cut edges of the rope. There was
155 also a small amount of adhesive residue in the cut edges of the sisal. There was some fraying as
156 well, but I believe the rope was cut almost completely and then the remaining fibers frayed when

157 the rein broke. The partial cutting of the rein would have been hidden under the adhesive tape.
158 This was consistent with my observations at the Arena that nothing would have cut the rein
159 during the ride. If the rein was severed by a rough edge in the bucking chute, the point of
160 separation would resemble a tear rather than a cut. However, my inspection of the point of
161 separation indicates most of the edges were even and crisp indicating a cut rather than a tear. A
162 tearing would be indicated by uneven and ragged edges which were not present on the majority
163 of the fibers in this analysis.

164 As a control, I purchased an identical hack rein at American Saddle Company in Dover,
165 Delaware. While at the store, I noticed several different kinds of hack reins. Some were made
166 entirely out of one type of material, either sisal or poly fiber. Some were a combination of the
167 two. There were many plain hack reins like the one used by Murray, and several others that were
168 brightly colored and extremely ornate. I took my purchase back to the Police Department lab. I
169 cut the control rein in approximately the same location as the point of separation in Murray's rein
170 using the pocketknife I found on Boren. I examined the edges of the rope that I cut for
171 comparison with the separated portion of the rope. Both visual and microscopic analysis revealed
172 the cuts were similar. I concluded the rein used by the victim had been cut most of the way and
173 then eventually broke in two with the pressure and strain of the ride.

174 Next I inspected the fibers found in Boren's pocketknife. The strands appeared to be sisal fibers
175 just like the fibers of Murray's rein. I compared the cut fibers of the hack rein to the two fiber
176 strands found on the pocketknife. The fibers appeared to be identical; however, I was unable to
177 draw a significant conclusion since many riders, including Boren, use a sisal fiber or
178 combination poly/sisal rein. Then I inspected the fibers from Henry's pickup truck. Under the
179 microscope, these fibers were easily identified as fibers from a sisal rope. These fibers were
180 substantially similar to the deceased's sisal rein. Henry and the deceased traveled together to
181 various rodeos in this pickup truck, and the rein would have been in the truck with the deceased.
182 I concluded that these fibers were of no evidentiary value. I returned the fibers back to their
183 container. I inspected the rest of Murray's gear using the microscope and found nothing of any
184 evidentiary value. There were no cuts, marks or scrapes on the halter inconsistent with normal
185 wear and tear.

186 Boren and Henry were my two main suspects. While Henry possessed some motive to want
187 Murray's ride to fail, I didn't find any evidence, other than the sisal fibers found in Henry's
188 truck, linking Henry to the cut rein. Henry's demeanor before and after Murray's fall had been
189 appropriate. Henry had an alibi for the most likely time when the rein was cut. In contrast, Boren
190 had both motive and opportunity. I wasn't sure if Boren wanted Murray to die or just become
191 injured in the fall. Either way, cutting the hack rein, which is the only rope the rider holds onto to
192 maintain her/his mount while the horse was bucking, is in extreme disregard of human life.

193 Based on my examination of the evidence and interviews of the witnesses, I arrested Dakota
194 Boren for the murder of Billie Jo Murray on August 8, 2019, at 1:00 p.m. Boren was arrested
195 outside the Fairgrounds Motel. While being arrested, and after a *Miranda* warning, Dakota
196 voluntary stated "Ya'll can't prove nothin'! It's not my fault Murray is dead." Dakota continued

197 sobbing and mumbling to herself/himself while hand-cuffed and in the back seat of the patrol
198 car. Most of the ramblings were unintelligible but I was able to hear Dakota's muffled
199 grumblings "It's not supposed to end this way I never meant to hurt nobody" or "I'd never hurt
200 nobody." It was difficult to understand her/him. Boren voluntarily completed a narrative
201 statement.

202 All of the other witnesses listed above came to the police station between August 9th and 12th,
203 2019 and completed voluntary narrative statements of their accounts. These witness statements
204 are attached.

Dated: August 13, 2019

Certified by Detective/CSI First Grade Sam Nigh: Sam W. Nigh

Statement of Macy Henry

1 My name is Macy Henry. I am currently 22 years old. Billie Jo "Alfalfa" Murray and I were
2 friends since we were little kids on the junior rodeo circuit. In fact, we have been traveling
3 buddies since high school—so long that it is hard to remember a time on the road without Billie
4 Jo. As traveling buddies, we would travel from one rodeo competition to another riding together
5 in my old, beat-up truck and splitting the traveling costs. The only cost we didn't share was for
6 motel rooms since we both always got our own rooms.

7 Now that I think about it, Billie Jo and I shared a lot. We both were bronc riders so we had that
8 in common. We both liked the same food, same music—you get the idea. Of course, she was
9 much better at bronc riding than me, but I was always happy when my friend did well at
10 competitions. I just wish it hadn't gone to Billie Jo's head so much.

11 Billie Jo became a little arrogant about her success. Each win seemed to inflate her ego. She even
12 started treating me differently. Billie Jo expected me to do stuff for her that we used to share. It
13 was stuff like expecting me to do most of the driving so Billie Jo could sleep and be rested for
14 the next day's competition. That really got to me because I was always the one who was worn
15 out at the rodeo. That's why I think I didn't do as well this last year, and Billie Jo kept winning
16 time after time. Each time you win at a local rodeo it counts towards your point standings and
17 awards in the NCRA. The one with the most points at the end of the season wins the gold belt
18 buckle.

19 Anybody who knows anything about saddle bronc riding knows that it is one of the toughest
20 events to master because it is so technical. It is a combination of timing and skill, with a lot of
21 style thrown in. That's why it is a good event for cowpokes. Your ride has to be perfectly timed
22 with the bronc's movements. Then you have to stay on the bronc while keeping your ride
23 controlled and fluid. It is the balance and tension of your grip on the hack rein that helps you
24 keep your seat and create the body control that gets you style points. The only thing keeping you
25 on that beast is the hack rein attached to the halter and your legs gripping onto the horse's flanks.
26 I use a poly rein for its strength and durability, but Billie Jo preferred a classic sisal rein. Cody
27 Boren uses a combination poly/sisal rein.

28 It is a tough sport with lots of technicalities. You have to mark out or you will be disqualified.
29 You also have to stay on for eight seconds, which can be like a lifetime, or you get disqualified,
30 and all the time you are supposed to look like you are having fun so you can get more points!
31 You get scored on your spurring, your control of the bronc, and on how much the bronc bucks.
32 There are two judges and each score the rider and the bronc on a 25-point scale. As long as you
33 can stay on and look good, the wilder the ride the better. I usually scored in the 60's or 70's, but
34 Billie Jo and Cody would often score 80 or more.

35 Billie Jo used to be very particular about her tack. You know, she didn't want anyone else to
36 touch it. Billie Jo always wanted to check and recheck it before she rode. On the day she died,
37 she was using the halter and rein she had bought earlier that season.

38 She always taped her honda with white adhesive tape, as I do and Cody does. Even though she
39 never wore a helmet, Billie Jo sure believed in safety first. Until lately, when I started to do it all,
40 she always took really good care of her tack. Billie Jo was especially real touchy about her
41 saddle, even called it the luckiest saddle in the world. Billie Jo didn't say as much, but I think it
42 was a present from her grandparents after her dad died, so, you know, it was real special to her.
43 My point is that Billie Jo was really attached—almost superstitious—about that blasted saddle.
44 True, that did change a little when Billie Jo started to win.

45 I guess you could say Billie Jo became less interested in her equipment, once she and Dakota
46 “Cody” Boren started to be such big rivals. Whenever Billie Jo didn't win, it seemed like Cody
47 was winning. Billie Jo began asking me to take care of her tack, even that special saddle. At first,
48 it was no big deal. I knew Billie Jo had a lot to think about. Being at the top in bronc riding
49 meant that everyone was gunning for you. Finally, things got to a point where I was taking care
50 of my equipment and Billie Jo's all the time. I'll admit that I got real tired of that. Don't get me
51 wrong, I was still her friend and was happy she was doing so well. I just felt like Billie Jo had
52 changed, let success go to her head. The day she died, I even had to saddle Blue Hen Fury for
53 her. She was busy signing autographs when the roughstock guys hollered that she was next up.
54 She asked me to help her while she quickly threw her gear on Blue Hen Fury or she would be
55 disqualified. I wish I had noticed that the honda was cut, but the white tape covered it. Billie Jo
56 usually put on a fresh round of tape before each big ride, so I never thought anything about it. I
57 guess it is true what they say about staying number one being harder than becoming number one.
58 But I swear no one was happier for Billie Jo than I was.

59 The rivalry between Billie Jo and Cody was hard on me because I thought of both of them as my
60 friends. I'd say Cody is one of the nicest people I know. Cody always was a good listener and
61 always had time for a friend. Billie Jo kept telling me time and again how much she didn't like
62 Cody and didn't understand why I was still friends with Cody. And it was obvious that Cody
63 didn't like Billie Jo. They would always glare at each other. They even had that big fight about a
64 month before Billie Jo died. I had to break it up before it got serious. And when they spoke—
65 which was rare—it wasn't a pretty sight. Let's just say voices were raised and taunts exchanged.
66 You know, it was just a plain old-fashioned rivalry. Each wanted to best the other one.

67 It seemed like Billie Jo usually came out ahead at the competitions. Billie Jo was just that good,
68 and Cody knew it.

69 When we went to Harrington, I just knew the whole Billie Jo-Cody rivalry would hit the fan.
70 You see, Cody was real determined to win this time. Cody even told me that s/he was certain to
71 win if Billie Jo didn't compete. Even when I was in high school, it had always been the three of
72 us finishing one, two, and three in every rodeo. Sometimes I even finished on top. It hasn't been
73 that way as much in the last couple years, but this past year I was doing really well and giving
74 both Billie Jo and Cody a run for their money. I had even placed first in Lancaster. The two of
75 them were coming into this finals rodeo in Harrington neck and neck, but I was in third place
76 only a little farther behind in the point totals.

77 On Friday night I was at the Hoedown until it broke up around 11:00 p.m. Billie Jo was having a
78 great time, but Cody looked unhappy. Around 9:30 p.m. I saw her/him leave the party. I figured
79 Cody was going to turn in for the night. When the saddle bronc competition got underway on
80 Saturday afternoon, there were a lot of people milling around Billie Jo's gear getting a look at
81 that fancy saddle of hers, but I saw Cody standing by the gear bag with a weird look on her/his
82 face. It looked to me like Cody was reaching her/his hand into the gear bag and messing with
83 something inside. I hollered at Cody to move along because I figured Billie Jo would have a fit if
84 Billie Jo saw Cody anywhere near her lucky saddle. Cody just smiled and said something like,
85 "Don't worry, Macy. Are you afraid that some of the saddle's luck might rub off on me?" As
86 Cody walked away and back toward the bucking chute, I thought I saw her/him slide something
87 shiny into her/his pocket.

88 I watched Billie Jo Murray ride that day, and at first things looked good for her. I was standing
89 next to the bucking chute when Billie Jo shouted, "Turn em' out" and Blue Hen Fury exploded
90 out of the chute. Then it all happened so quickly. A good bronc bucks about once per second. I
91 swear Fury was twisting and turning at twice that speed. Billie Jo marked out perfectly, sat
92 upright in the saddle and one hand on the rein with the other arched high above her head. Fury
93 reared back so that its hind legs were almost perpendicular to the Arena floor. Then he sunfished,
94 wriggling so hard I was sure Billie Jo would lose her grip on the rein, and then in the blink of an
95 eye bucked so that all four hooves were off the ground. Then before you could even cheer for
96 her, she was on the ground. Sure, Blue Hen Fury was the toughest bronc out there. He moved
97 around a whole lot in the chute, even more than usual, but I couldn't believe he had thrown Billie
98 Jo. She was the best.

99 But then Billie Jo didn't get up. She had been thrown before, we all had, but this time she wasn't
100 moving. I had seen someone else break their arm once, but she just got up and walked out of the
101 arena. The minute I saw what had happened I jumped the fence and rushed to her side. She was
102 lying in the dirt on her back and moaning a little. I could tell things weren't good but I never
103 thought Billie Jo would die! Her eyes were open and her lips were moving a little. I heard her
104 mutter Cody's name. When I heard later that night that Billie Jo was dead, I just went completely
105 cold. I have never had anyone close to me die. I am not ashamed to say I bawled like a baby
106 when Billie Jo died. For all our little disagreements, I lost my best friend that day and I will
107 always be sad when I think of her.

108 A few days after Billie Jo's fall, one of the other cowpokes (I think it was Will Rogers) told me
109 that Cody's only comment about the fall was that Billie Jo's saddle must not be that lucky after
110 all. But I don't believe Cody could be so cruel. Later, Cody even told me things would never be
111 the same without Billie Jo riding.

Statement of Sean McGee

1 My name is Sean McGee, but everybody has always called me Happy. I am 30 years old and
2 have been around rodeo for almost twenty years. I seen some bad falls in my time, but never one
3 that ended like this. It just cuts you to the quick. Alfalfa, I mean Billie Jo, she was one terrific
4 cowgirl. When she was riding a bronc, it was like the two of them were one animal, moving
5 together in perfect rhythm. There was them cowpokes, boys and girls, who worked a lot harder
6 than Billie Jo, but none that looked so good when they were riding. Even that horrible day, when
7 Billie Jo was riding Blue Hen Fury, the meanest animal I ever seen, she looked beautiful as Blue
8 Hen Fury's back legs flew into the air and her hair tossed in the wind. Billie Jo never would
9 consider wearing a helmet, just that old white hat that was her trademark along with her long,
10 yaller hair.

11 That's not to say that Cody Boren ain't a great rider too, it just seems to take more effort.
12 Everything comes, I mean came, easy to Alfalfa, but not so for Cody. It was the same way for
13 their daddies. I was just a young pup when they were competing, but I was always hanging
14 around the arena when they would ride. They's both gone to their resting place now, but in their
15 day they was champion saddle bronc riders, although Alfalfa's daddy, Jimmie Joe Murray, was
16 always just a little bit better. It always seemed to stick in Slim Boren's craw that no matter how
17 hard he tried, he could never best Jimmie Joe. That's not to say that Slim ain't never beat Jimmie
18 Joe. He did some, same as their kids. But at the end of the year, when all the points were totaled,
19 it was always Jimmie Joe who swaggered up to be handed the buckle. Jimmie Joe sold most
20 everything he owned to cover those debts of his, but he saved one championship belt buckle for
21 Billie Jo.

22 When Jimmie Joe got killed in that car crash (everybody said he'd been drinking but I never
23 believed it) Alfalfa got that buckle. She would wear it with pride every time she competed. She
24 was wearing it the day she died.

25 Cody once told me, after beating Billie Jo earlier this season, riding Blue Hen Fury as a matter of
26 fact, that s/he had felt the spirit of her/his daddy running through her/him as s/he rode to victory.
27 Slim passed away five years ago, some kind of cancer it was, and Cody sure took it hard. I seen
28 Cody tear up any time his name was mentioned. To hear Cody tell it, on that day s/he won on
29 Blue Hen Fury, Slim was whispering in her/his ear spurring her/him on to a great ride. Blue Hen
30 Fury was always a high scorer and if you could ride him for the full eight seconds, you usually
31 won that go round. Cody told me that was the ride where s/he knew this was her/his year to win
32 the buckle. Cody believed that if it didn't happen this year it never would. Cody is just
33 superstitious that way. Cody said s/he had to go all out this year to win because it would be
34 her/his last chance.

35 I saw Billie Jo and Cody at the big Hoedown Friday night, August 5th, the night before the
36 accident. Cody seemed very upset that Billie Jo had drawn Blue Hen Fury, a rank bronc, for the
37 next day's ride. I tried to talk to Cody and cheer her/him up. See Cody had drawn Sad Sally, a
38 docile old mare who is near the end of her bronc riding career, but Sally's no dink. However,

39 even with the buck strap tightened over the lower belly of the horse, Sad Sally was never going
40 to be the bucking bronc that Blue Hen Fury is. Saddle bronc is judged equally on the skill of the
41 rider and the bucking of the horse. So Cody knew that whoever rode Blue Hen Fury was likely to
42 get top scores for the bucking bronc because Fury was such a wild horse. In my opinion, not
43 even if Cody had her/his best ride ever, as long as Billie Jo had her usual good ride, she would
44 probably win the event because she would get more points for Blue Hen Fury than Cody could
45 spur out of Sad Sally. Everybody knows that bronc riding is equal parts rider and horse, and in
46 my opinion Billie Jo had just drawn a better horse than Cody. To my mind, unless Billie Jo had
47 the worst ride of her career, she would be walking away with the championship buckle this year.

48 Cody left the party early, but Billie Jo was just getting warmed up when I turned in. When I left
49 she was standing on a table, with a glass in her hand, singing "Oklahoma" from that musical at
50 the top her lungs. It looked like a soda pop to me. There was some people that said Billie Jo had
51 the same weakness as her daddy did for the drink, but I didn't listen to that kind of gossip. I'm not
52 saying that I haven't seen her take a sip or two, but she never let it interfere with her riding.

53 I never thought anything about Cody until that policeman Nigh asked me about it, but I did see
54 Cody after I left the Hoedown too. I was cleaning up some of my stuff when I saw Cody standing
55 in the middle of the Arena about 50 feet away from me as if s/he had just left the tack room. I
56 thought it was odd since I seen Cody with everybody else over at the Barn for the Hoedown.
57 There were only a few of the overhead lights on, so it was dim in the Arena, but I am certain it
58 was Cody Boren standing there. I saw Cody holding something shiny, fold it and slip it in her/his
59 jeans pocket. At first I thought it might be a flip style cell phone, but then I recollected that Cody
60 carries his/her daddy's old, red pocket knife for good luck. I know what I seen, and it was that
61 knife. I told that cop everything I seen.

62 Bronc riding started in the old days when the cowboys on the ranch had to break the wild
63 broncos to make them into working cow horses they could use every day to herd the cattle. It is a
64 classic roughstock event. As the song says, "It's the broncs and the blood. It's the steers and the
65 mud. And they call the thing Rodeo." In my day, I was a saddle bronc rider, until my knee injury
66 forced me to take odd jobs. I just had to stay on the rodeo circuit, so first I became a clown for
67 the bull riding events and then later switched to being a pick up rider for the bronc events. That's
68 how I happened to be there to see Billie Jo's fall. I didn't see the actual ride because I was too
69 busy thinking on what I was supposed to do when the ride was over. I was in the Arena ring, on
70 my horse, waiting to ride up and help Billie Jo dismount onto my horse when her ride was
71 finished. Just as I was heading over to pick her up, she slid off Blue Hen Fury, crashing to the
72 ground. Who coulda thought that a soft tilled dirt floor could be hard enough to crack a skull, but
73 that's what the doctor said happened. I didn't see Cody during Billie Jo's ride, but Cody woulda
74 been by the bucking chute getting ready for her/his ride.

75 That policeman, Nigh, asked me what I had seen the morning of Billie Jo's death. I told Nigh
76 about seeing Cody Boren in the Arena the night before the accident. What I didn't tell her/him
77 was that I also seen Cody Boren messing around with Billie Jo's gear bag before they saddled up
78 Blue Hen Fury and put him in the chute. I was outside the tack room and saw Macy Henry pick

79 up Billie Jo's gear bag and set it back down while she went to go find Billie Jo. Then I saw Cody
80 bending over the bag and fiddling with something inside it. Cody's back was to me, so I couldn't
81 see exactly what s/he was doing, although it looked to me like Cody was up to no good. Macy
82 Henry must have thought so too. When Macy saw Cody, Macy shouted at her/him, although I
83 was too far away to hear what either one of them said. Then Billie Jo came over, picked up the
84 gear bag and took it toward the bucking chute. I didn't tell Nigh about any of this stuff because I
85 ain't a rat. But this here statement is under oath, and I ain't gonna lie. I like Cody a lot, Cody has
86 always been nice to me, and I didn't want to get her/him in any trouble. I just don't want to
87 believe that Cody could have cut the hack rein and then taped back over the cut to hide it, all to
88 hurt Billie Jo, but after reflecting on it all I just don't know what else coulda happened.
89 Somebody suggested that Billie Jo's spur could have cut the hack rein during her rake motion,
90 but that is just not possible. First of all, the saddle bronc spur is not sharp enough to cut through
91 the thick, braided hack rein. Second of all, during the rake, the spurs would be nowhere near the
92 honda. After everything I seen this season, Cody was desperate to win and Billie Jo was the only
93 thing standing in Cody's way. I am just sorry to see Cody go this far to win. It sure is a darn
94 shame.

Statement of Dakota “Cody” Boren

1 My name is Dakota Boren, but folks have called me Cody since I was little. My mama named me
2 for the state where my daddy was riding in a rodeo on the day I was born. I will be 20 years old
3 by the time this goes to trial, but I was only 19 when all this mess happened. I graduated early
4 from high school and have been taking time off to ride the circuit and earn money for college.
5 My mama has worked hard to take care of my little brother and me since my daddy died, but it
6 has been tough. He was sick for quite a while, so we used up all of our savings. He gave me his
7 red pocket knife right before he died. It had small scissors and a file, plus a one-and-one-half-
8 inch knife blade. I put it in my pocket that day, and I have always kept it with me for good luck.
9 Daddy was a champion, and he always said I was one too. Everyone said I had a lot to live up to
10 if I was going to be as good a saddle bronc rider as he had been.

11 After he died, I threw all my energies into my studies and rodeo. I have pretty good grades and
12 have been accepted to the University of Delaware with a small scholarship, but I still need
13 money for tuition, books and expenses. It was difficult to keep up my grades in high school
14 while participating in bronc riding, but I want to do something with my life and I know I will
15 have to get into college to be successful. Maybe I can even be a veterinarian or work with
16 animals so I can stay close to the rodeo. Unfortunately, bronc riding takes a lot of time, so it is
17 hard to have an after school job and earn money. That's why the rodeo scholarship is so
18 important to me, more important even than that gold buckle. It is my chance to be a champion
19 and to make my daddy proud.

20 It is really expensive to be a bronc rider. Sometimes it is hard for me to come up with the entry
21 fee for a rodeo. The competitor has to pay for the saddle, the equipment, clothing, entry fee,
22 travel and food, everything, unless you have a sponsor. Folks from home have helped me out, but
23 it is nothing like having a corporate backer. I don't know how everybody else paid their
24 expenses, but some people always seemed to have money. How else did Billie Jo Murray get that
25 fancy saddle? I had to pawn my guitar to pay for the entry fee at the Harrington rodeo, but Billie
26 Jo had enough money to go out partying every night. And with her accident, even though I won
27 the point totals for the year, they won't give me the scholarship or the buckle!

28 I've known Billie Jo for ten years. She is, I mean was, a real vindictive person. I heard she was
29 kicked out of an NCRA rodeo two years ago for fighting with another bronc buster. No one liked
30 her but her friend Macy. I don't know why Macy would do all of Billie Jo's hard work. Macy
31 could be a lot better rider if s/he wasn't always spending so much time looking after Billie Jo and
32 her gear. The least Billie Jo could do was use some of that money to get a bed-liner for Macy's
33 old truck. I would have gotten fed up with Billie Jo a long time ago if I were Macy.

34 Billie Jo always said the rest of us were just jealous, but really we just didn't like being around
35 her because she was so arrogant. She's so mean I've just learned to avoid her as much as
36 possible. She and I had words several times in the past, but it never got violent between us. Sure
37 it could have. Billie Jo could make you just that mad, but I wouldn't ever hurt another cowpoke
38 or one of the stock. The rodeo producers, like Ripley Kerr, see to that. Fighting is strictly

39 prohibited, and we all know that Mr./Ms. Kerr would disqualify us for doing it. Last July in
40 Amarillo, Billie Jo and I got into it pretty good over whose daddy had been the best bronc buster.
41 She disrespected me by saying that my daddy was no good and neither was I. I couldn't let that
42 stand, so I took my knife out of my pocket to show her that my daddy had left me something
43 more than what she called his "second rate" name. She took a swing at me, and I took a swing at
44 her, but Macy stepped in and broke it up before anyone got hurt. It was just messing around
45 between friends. We were both reprimanded by Ripley Kerr of the NCRA, but that was all it
46 was. I couldn't afford to be disqualified because it might hurt my chance to get the scholarship.
47 The scholarship is based on being the best, not just your point totals, but your character too.

48 Billie Jo was at almost every rodeo I entered. It almost seemed like she would wait to see if I
49 entered and then she would enter too. I think she liked the competition. The papers always made
50 such a big deal of the "rivalry." There wasn't that much to write about. Sure she often beat me,
51 but our points were always close. Plus, there were those times that Billie Jo had a bad ride, so by
52 the end of the season our point totals were real tight. When we got to Harrington, it was
53 anybody's game. Either she or I could win depending on our rides in that rodeo. That's why it
54 was so important for me to win there.

55 I didn't touch Billie Jo's saddle or other equipment the night before or the day of her ride. Sure I
56 went to the tack room Friday night, it must have been a little after 10 o'clock, but I was just on
57 my way to bed after the Hoedown. I needed to check on my gear one more time before going to
58 sleep. I don't know if anyone saw me there or not, I don't care. I certainly didn't see that clown
59 McGee. I wasn't doing anything I shouldn't, so I don't need to defend myself to anyone. I
60 probably had my knife with me that whole weekend. I always carried it. It is a great knife if you
61 needed to cut a length of rope or something. I don't remember a specific time that I cut a rope
62 made from sisal fibers with it, but I am sure I must have. There is always plenty of that kind of
63 rope back home on the farm and I worked on the farm in June of last year.

64 There were no locks or anything so anyone could get to anyone else's gear in the tack area, but
65 we generally did a good job of staying with our own stuff. Anybody could have gotten to Billie
66 Jo's rein and cut it, not just me. I never went to Billie Jo's area or touched her saddle or rein. On
67 Saturday before the saddle bronc event got started, everyone was hanging about the tack room. I
68 may have moved Billie Jo's gear bag, just to get it out of my way, but that was all. Of course I
69 knew which saddle was Billie Jo's, everybody did. She really took pride in being flashy and her
70 saddle had all kinds of brads and metal stars on it. She acted like it was the most special saddle in
71 the world. I never knew why it was so important to her.

72 That night before Billie Jo died, I went to that big Hoedown they had for all the cowpokes. There
73 was a really good band and it seemed like it would be fun. But when I got there, everyone was
74 oohing and aahing over Billie Jo. I kept hearing, "You're the best, Alfalfa!" It made me want to
75 hurl. I knew that if I could just get my chance, I would be the best, I would win. Billie Jo seemed
76 to be having a good time at the party. I decided to leave when people jumped up with the band
77 and started to sing along as they played that song "Oklahoma" from that old cowboy musical. I
78 just couldn't take it anymore. I took a walk around the fairgrounds to clear my head and that's

79 when I heard it: Daddy's voice telling me for all those years that I was the best. I remembered
80 how much he believed in me. I knew then that I could win the buckle and the scholarship the
81 next day. His confidence in me when I was a kid gave me the confidence I needed in myself and
82 that confidence was the edge I would need to beat Billie Jo.

83 Then Billie Jo had the fall and they carried her out of the Arena on a stretcher. No one thought it
84 was very serious. Bronc riders fall every rodeo, but the most that ever happens is that they come
85 back with a cast. No one ever dies. I never dreamed she was seriously hurt. I just knew she
86 would be disqualified for not staying on for the full eight seconds. I knew I now had my chance
87 to win because she hadn't finished her ride. That's what riders do—take advantage of other's
88 mistakes. I figured she finally met her match in Blue Hen Fury. That bronc was sunfishing all
89 over the Arena giving Billie Jo a wild ride, and it looked like he just threw her off like he had so
90 many other bronc riders. I drew a good bronc too. Sally may not be as flashy as Blue Hen Fury,
91 but in the day she had been ridden by some champions. I knew that if I had a solid ride I could
92 finish first. And that's just what I did. It wasn't until after I finished my ride, and scored an 82 no
93 less, that I found out she was dead.

94 Now they are blaming me! I can't believe it. They have disqualified me. They are depriving me
95 of the buckle and the scholarship so I can't start school. My dreams are completely trashed. All
96 my mama does is cry. Even when all this is over and I am acquitted, and I will be acquitted, I just
97 know it, I don't know how I will be able to afford to go to school without the scholarship.
98 Without the buckle, people will not know that I really am the champion.

99 I heard that people are telling lies about me, like I threatened Billie Jo and cut her hack rein to
100 cause the accident so I would win. I guess I understand Macy saying things. I think Macy always
101 liked me, but she and Billie Jo were best friends since they were kids.

102 I talked to Macy before Billie Jo's go round that day, but I don't even remember what I said.
103 Some joke or something. I can't understand why that clown, Happy McGee, would be saying
104 anything about me. I never saw Happy that day and if Happy is saying differently then that's just
105 wrong. The clowns and pick up riders always hang out in their own area away from us, and we
106 typically don't see them until we get into the Arena. They are all a lot older than we are and we
107 don't really do anything with them. They're nice enough and I've always liked Happy, but I
108 can't imagine what s/he or any of them would know about what happened to Billie Jo.

109 No matter what anybody says, I did not cut Billie Jo's hack rein. I couldn't intentionally hurt
110 someone like that, not even Billie Jo. There are lots of different ways that rein could have been
111 cut or just wore out. Billie Jo was never careful with her tack, everyone knew this. You have to
112 clean your tack regularly or it won't last. You also have to replace stuff when it wears out or gets
113 damaged. Billie Jo was always too busy signing autographs or hanging out with her fans to get
114 her hands dirty taking care of her tack. Unless Macy took care of it, it just didn't get done. If I
115 were Macy, I would have resented Billie Jo and her overblown ego. Maybe Macy wanted to see
116 Billie Jo get hers.

117 In bronc riding you have to spur the horse to get it to buck and get your points. You mark out
118 with your spurs up high on the bronc's shoulders and bring them down across the bronc's flanks.
119 It would be easy to snag the rein on those spurs I should think. Plus, there are probably sharp
120 edges all over the tack room, or the gates of the bucking chute, or the back of Macy's pickup
121 truck for that matter. I don't see why everybody jumps to the conclusion that I did something
122 when it could have happened any one of a hundred ways. They just must have it in for me.

Statement of Ripley Kerr

1 My name is Ripley Kerr and I am the Vice-President of the Board of Directors of the National
2 Coed Rodeo Association. The mission of the NCRA is to dissolve the historic distinctions
3 between male and female rodeo events to allow men and women to compete against each other
4 in bull riding, barrel racing, bareback riding and saddle bronc riding.

5 I have been around rodeos all my life and finally decided to make it a career. I have a bachelor's
6 degree in marketing from the University of Texas and have taken several courses in the care and
7 maintenance of rodeo horses. The horses are my number one responsibility. The NCRA is
8 committed to the ethical treatment of all animals, including the rough stock, and does not
9 sponsor calf or steer roping. Nevertheless, for bronc and bull riding, we work very hard to locate
10 stock that will challenge the competitors and provide good entertainment.

11 Some of the bronc horses are harder to ride than others, and the judges take that into
12 consideration. Some stock contractors scientifically breed their horses to be better bucking stock.
13 Both the horse and the competitor get a score that is used for the final outcome. Several of the
14 riders try to get me to assign the tougher horses to them so they will score higher, but the horse
15 draw is a blind draw. It always makes for a great event when one of the riders favored to win
16 draws one of the most difficult horses. Blue Hen Fury is one of the most exciting broncs on the
17 circuit. Some say he is rank, but I don't think Blue Hen Fury is mean, just wild. He always gives
18 the rider a run for her/his money.

19 As founder, owner, and sole employee of Yippee! Rodeo Productions, I have been producing
20 rodeos for ten years, for the last five for the NCRA as well as other rodeo associations. I handle
21 the event promotions for all the NCRA sanctioned rodeos in North America in conjunction with
22 the local group organizing and funding the rodeo. I like to play up the rivalry between the riders.
23 In my opinion, it gets people excited to come out and see the rodeo. Sometimes I embellish it a
24 bit in the press releases I provide to the local media, but it is all in good fun. In this case, Boren
25 could only win the championship buckle and the scholarship if Murray did not score at least an
26 80, and Boren scored an 80 or better. Henry was a real long shot to win: both Murray and Boren
27 would need to score below a 60, which would be unusual for either of them, in order for Henry
28 to walk away the big winner.

29 There has never been a career ending or fatal injury at one of my events before. Billie Jo's death
30 is a horrible blow to my company and to me personally. She was a great competitor, and her
31 rivalry with Cody Boren was a great draw for the crowds. To have murder charges brought
32 against Boren on top of Murray's death has really hurt the rodeo. We have had three communities
33 cancel NCRA rodeos (they have gone with another rodeo association instead) since this
34 happened.

35 We continued the saddle bronc event after Billie Jo's fall. Cody Boren was the next rider in the
36 bucking chute. In rodeo, riders get hurt all the time and are carried out of the Arena. There are
37 actually fewer injuries in saddle bronc than in bareback bronc, bull riding, or bulldogging;

38 although everybody knows about that accident three years ago when a saddle bronc rider died
39 from head injuries when he was bucked off. I knew Billie Jo was unconscious, but I had no idea
40 she was seriously hurt. We didn't get word that she had died until after the entire rodeo was over.
41 Thank goodness Cody Boren rode after the accident. The crowd was pretty shaken up by Billie
42 Jo's fall, but Cody got them right back in the action. The show must go on!! Cody really knows
43 how to play the crowd. I certainly wasn't surprised when Cody, after scoring an 82, walked away
44 the champion. I've known Cody and the Boren family since Cody's father was in the business.
45 They are a good strong family. Mrs. Boren has done a great job raising those children all by
46 herself after Mr. Boren died.

47 I've known Billie Jo for several years too. I've always thought she was a hothead. I've seen her
48 scream and yell at more people than I could name. She and Cody Boren got into several
49 arguments. Last July I had to reprimand them both for fighting. It might have come to blows if
50 Macy Henry had not broken it up. Billie Jo just didn't seem to respect authority. She would go
51 off on an event judge as easily as she would another competitor. Two years ago at another
52 NCRA rodeo, I came upon Billie Jo and another rider pushing each other. They were scaring the
53 horses. I ejected them both from the rodeo. Other than that I have never seen Billie Jo in a
54 physical fight. Fights don't happen often because they are against the NCRA rules. However, I
55 do believe if anyone could start a fight it would be Billie Jo. She got really loud when she went
56 to parties, and she would taunt the other riders. Billie Jo kept telling Cody Boren that Cody was
57 "following in her shadow." It really upset Cody, but Cody would usually just walk away.

58 In my opinion, Cody Boren would never intentionally hurt another competitor or an animal.
59 Cody did pull that old pocket knife of his/her father's out of her/his pocket during that fight with
60 Billie Jo last July, but I am sure Cody didn't mean anything by it. Cody is a good student and
61 talks all the time about the future. Cody was a finalist for a Rodeo Scholarship. I was really
62 pulling for Cody to win. It was generally thought that either Billie Jo or Cody would get the
63 scholarship. Now we have postponed making any decisions until after this trial. I'm really proud
64 of the Rodeo Scholarship. It is \$30,000 a year for four years to pay for tuition, books and other
65 expenses. A lot of students who have gotten this scholarship in the past couldn't have gone to
66 college without it.

67 I was in the arena when the accident happened. Billie Jo came out of the chute at about 3:00 p.m.
68 I was sitting in the VIP seats directly above the bucking chute. I saw Billie Jo and Cody at
69 different times earlier that day. Neither of them looked any different than they usually did. If
70 they argued that day or if anyone was messing with Billie Jo's equipment I'm sure I would have
71 seen it or heard about it. I contacted the police at approximately 4:00 p.m. and asked them to
72 send someone out to prepare a report for insurance purposes. I was concerned that the hack rein
73 didn't look right, and I didn't want any accusations to be made against the NCRA. Billie Jo's
74 equipment had been removed from Blue Hen Fury and I secured it in the tack room. The
75 paramedics had removed Billie Jo's boots before they took her to the hospital. I removed the
76 spurs from the boots and put them with her tack.

77 The police officer who investigated Billie Jo's accident was accusatory at first. Officer Nigh kept

78 telling me our security was too lax and that we should have kept closer tabs on the competitors
79 and their equipment. Then Officer Nigh accused me of letting competitors ride with faulty
80 equipment. As Nigh was leaving to go to the hospital, s/he asked me to gather Happy McGee,
81 Macy Henry, and Cody Boren and keep them separated at the fairgrounds.

82 I explained that it was the duty of each competitor to check their own equipment before each
83 ride. Each competitor has his or her own area. No one is allowed in another competitor's area
84 without permission of that competitor. We don't have locks on anything, but we don't usually
85 have any problems with the riders messing with each other's equipment. However, the area is not
86 monitored and it would be possible for someone to go into another rider's area. The police
87 showed me Billie Jo's hack rein, specifically the honda where the rein had been cut and then
88 wrapped over again with first aid adhesive tape. Billie Jo always had the honda on her hack rein
89 taped, as did many other cowboys and cowgirls, to prevent fraying where the slip knot was tied
90 in the honda. I've seen sisal rope fray lots of times before by regular wear and tear, but in my
91 opinion this rein had been cut. Accidents happen at rodeos. It is one of the sad facts of our sport.
92 The danger is an inextricable part of the excitement. I would still like to believe that what
93 happened to Billie Jo was an accident and nothing more, but I just don't know. What I do know is
94 that the Cody Boren I know is not the type of person to intentionally hurt another competitor.

Report of Sidney Bellmon

1 My name is Sidney Bellmon. I was the Senior Production Engineer for Rodeo Equipment, Inc.
2 from 2014 until 2018, and am now the Vice President for Operations. Rodeo Equipment, Inc. has
3 been manufacturing saddles and rodeo equipment for almost fifty years. I have worked for them
4 since I graduated from Penn State in 2008 with a degree in Industrial Engineering. I chose Rodeo
5 Equipment, Inc. because I have been going to rodeos all my life. Now, with my job I get to
6 attend ten to twelve rodeo events a year. I have taken over fifty hours of safety courses dealing
7 with saddles, reins and other rodeo equipment. I teach a yearly course at the Biden Horseshoeing
8 School and Riding Stables about riding equipment and equipment care.

9 Because of the number of injuries occurring at rodeos, our industry has become extremely safety
10 conscious. Unfortunately, there are still a large number of lawsuits filed from those injuries. I
11 have testified approximately ten times, mostly in civil lawsuits. All of those were for the
12 industry. I have testified twice in criminal cases, once for the prosecution and once for the
13 defense. I charge \$450/hr for evidence evaluation and time spent in court. In preparation for my
14 testimony today I have read the police report, the witness statements, and examined the evidence
15 in this case at my laboratory at Rodeo Equipment, Inc.

16 Billie Jo Murray fell off a bucking bronc when the hack rein she was using split at the honda and
17 broke away from the halter. I have examined the hack rein and have formulated the following
18 conclusions:

19 The hack rein used by Billie Jo Murray that evening was a hand braided sisal rein. It appears to
20 have been one solid length of braided rope with no splicing indicated. This is a popular rein used
21 by rodeo riders because of its strength and durability. The rein used by Ms. Murray was
22 manufactured by Saddles and More, a well-established outfitter of rodeo equipment. Although I
23 am unable to date the rein with any certainty, I would guess it was within two years old. Of
24 course the age of the equipment is not as important to our analysis as its use. A sisal rein is very
25 strong when new. For the past five years Saddles and More correctly has stated on their
26 packaging, "Many factors decrease the strength of the rein during normal use. This degradation
27 and damage to the rope is not controllable by the manufacturer. It is expected that rope strength
28 will decrease as soon as the rope is put into use."

29 Many factors can contribute to a decrease in rope strength that would cause the rein to break.
30 Riders often wrap adhesive first aid tape around the honda of the hack rein. They do this to
31 reduce friction at that point on the rein, although it adds very little to the overall strength. The
32 adhesive tape becomes dirty and worn and must be replaced fairly regularly. Every time adhesive
33 tape is removed the strength could be reduced because there are microscopic tears in the fibers.
34 Also, some horse riders cut the old adhesive tape off and may accidentally cut into the fibers.

35 Proper storage is very important to rein durability. Heat can seriously affect the strength of
36 natural fiber ropes. Heat can be caused by the environment, storage conditions and by friction. It
37 is the latter problem that most often affects the rein. Hack reins should be stored clean, dry, out

38 of direct sunlight, and away from extreme heat. They should be kept off the floor and on racks to
39 provide ventilation underneath. I enjoy seeing teenagers in these events, but it is with this age
40 group that I most often find sloppy maintenance of their equipment.

41 It is important to mention that a heavily used rein will often become compacted or hard which
42 indicates reduced strength. Also, a rein will be severely damaged if subjected to rough surfaces
43 or sharp edges like ornamental saddles. One final point is that a rein can be damaged by
44 chemicals. The chemicals riders use to clean their saddles can be damaging over time to the
45 fibers of the rein.

46 All manufacturers and rodeo officials warn that a hack rein should be discarded if any damage is
47 noticed. Bronc riding places strain on the rider, the horse and the equipment. The rapid and
48 sudden actions increase the likelihood of damage. Riders should avoid using a rein that shows
49 signs of age and wear.

50 A visual examination of the rein used by Billie Jo Murray the night she died indicated some
51 wear. While none of the wear I observed would have been to the extent to cause the rope to
52 break, that does not mean there wasn't enough wear to cause breaking at the point the rope broke
53 in two. Often pressure is applied to a rope at the same location time and time again. Once an area
54 becomes weaker, continued use speeds up the damage to that area causing its ultimate failure.

55 While it is possible that Billie Jo Murray's rein was cut, there is no way to say with any degree
56 of certainty. Cut ends of rope usually look dramatically different than frayed ends. At least a few
57 of the fibers appeared frayed at the breaking point. A microscopic examination revealed that the
58 fibers of the hack rein show destruction that could be classified as either cut or frayed. This
59 supports either theory that the rope was partially cut and then frayed during the ride causing the
60 rein to break or that the rein was completely severed. Because of the natural fibers of a sisal rein,
61 and the corresponding tendency of single sisal fibers to unravel and break away from the braided
62 rein, it is difficult to determine whether the hack rein fibers were cut or frayed due to wear.

63 It is impossible to tell by examination of the rein if anyone inspected or noticed any fraying or
64 cut edges prior to the ride. Since the break occurred at a portion of the rein that was covered by
65 adhesive tape, it is unclear if a casual visual inspection would have revealed any problems.
66 Adhesive tape residue was found over various portions of the rein, indicating that the rein had
67 been taped in the past as well as for the fateful ride. If the rein was intentionally cut, it would
68 have been by someone who knew the pressure would be applied to the rein during the ride.
69 That person would have to be very lucky that the rein was able to break during such a short ride.
70 Of course, nothing in my examination would be able to determine who cut the rein if it was
71 indeed cut.

72 It is true that if you partially cut a rope, it will unravel all by itself. How long that takes depends
73 on the condition of the rope and the use to which it has been put. In my opinion, it would have
74 been almost impossible for anyone to know how far to cut the rein so that it would appear
75 normal, but far enough that it could completely unravel during the short amount of time during a

76 bronc ride. Certainly if the rein was partially cut, Billie Jo Murray's last ride might have been
77 enough to finish breaking the fibers. If the rein was severed completely and then taped over to
78 hide the cut, the rein could have split within a very short time period, several seconds if enough
79 stress was placed on the rein.

80 I don't believe anyone in the industry would be able to say with absolute confidence that the rein
81 was cut. You can tell a lot by evidence examination, but this is too close a call for me. I would
82 conclude that nothing in the evidence indicates with a sufficient level of certainty that the hack
83 rein used by Billie Jo Murray was intentionally cut. Even if the rein was intentionally cut,
84 nothing in the evidence that I examined indicates who cut the rein.

85 I have also examined the knife that belongs to the defendant, Dakota Boren. There were sisal
86 fibers found in the hinge of the knife blade. I have examined these fibers and they seem
87 consistent with the fibers of Murray's hack rein that I examined. They also seem consistent with
88 any other sisal rope. Sisal rope is used in various industries including baling hay or tying up
89 other materials in the agricultural industry. I cannot form a conclusion with a sufficient level of
90 certainty that the fibers found in the knife belong to the damaged hack rein.

EXHIBITS

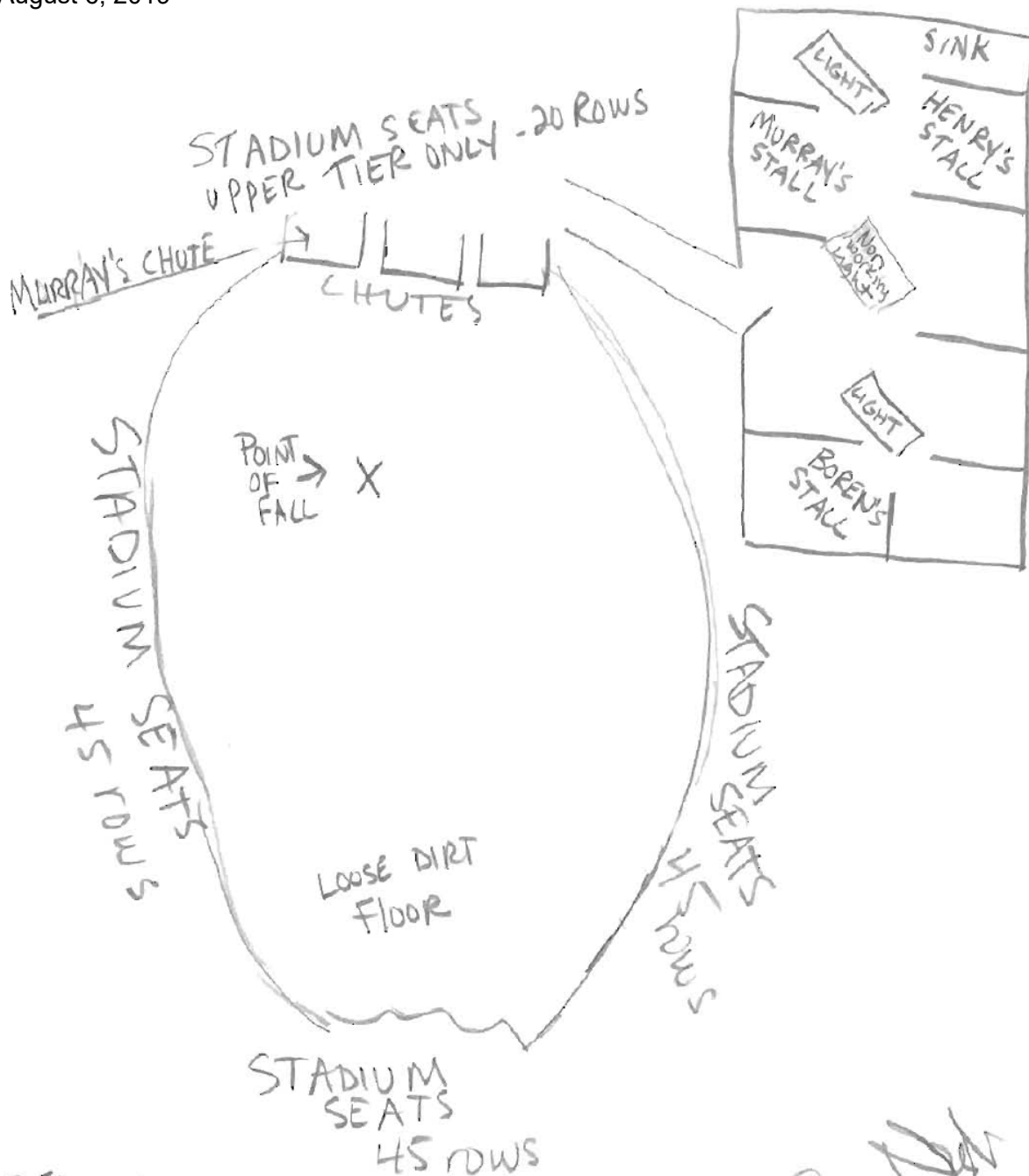
Exhibit No.	Description
1	Medical Examiner's Report
2	Diagram of Fairgrounds
3	Article from The Delaware State News
4	Postcard from Defendant
5	Postcard from Deceased
6	Incident/Offense Report (Case No. 97-208)
7	Judgment and Sentence (Case No. 97-208)
8	Incident/Offense Report (Case No. 99-357)
9	Judgment and Sentence (Case No. 99-357)
10	Curriculum Vitae for Sam Nigh
11	Curriculum Vitae for Sidney Bellmon
12	Picture of Defendant's Knife
13	Picture of Hack Rein
14	Picture of Hack Rein
15	Picture of Hack Rein
16	Picture of Hack Rein
17	Harrington Police Investigative Report

Exhibit 2: Diagram of Fairgrounds

ROUGH N READY ARENA

#19-06823

August 6, 2019



NOT TO SCALE

Sam Allen

Exhibit 3: Article from The Delaware State News

The Delaware State News

Thursday, August 4, 2019
Saddle Bronc Rivalry Classic
Wiley Post, Metro

HARRINGTON – Bronc busting may have been hard work for the 19th century cowboy, but that is nothing compared to how hard today's cowboys and cowgirls will be working this weekend at the National Coed Rodeo Association (NCRA) Finals Rodeo. Saddle bronc riding, the classic roughstock event, should be the highlight of the event being held Friday and Saturday at the Delaware State Fairgrounds. The weekend extravaganza is sponsored by Red Cyclone who boasts that, like their energy drink, the Rodeo will "blow you away!"

You will be overwhelmed by the courage and talent of these young men and women competing at the Rough N' Ready Arena. The NCRA ignores the historical distinctions between male and female only events and allows cowgirls and cowboys to compete against each other in bull riding, barrel racing, bareback riding, and saddle bronc riding.

Saddle bronc riding, like bull riding, is a judged event with points being earned by both the rider and the stock, scored by two judges on a 25-point scale. Points are based on the style and spurring action of the rider as he or she attempts to synchronize his or her actions with the bucking of the horse. The equipment used is a rodeo association sanctioned saddle, halter, and a single hack rein which must be held by one hand only. The other hand is held high in the air to accentuate the rhythmic harmony of horse and rider.

This event requires timing, finesse, and skill, rather than relying on brute strength, which makes it perfect for male and female riders alike. The writer, Larry McMurty, called it the "dance of gravity," and it is a beautiful thing to see. A competitor must stay on the horse for eight seconds and not touch the horse or equipment with the free hand, nor lose a stirrup or the single rein, otherwise the rider will be disqualified. Disqualification means a score of zero for this event.

Traditionally, the cowgirls have stuck to events like barrel racing and roping, but the NCRA set out to change all that. Featuring such magnetic personalities as Billie Jo "Alfalfa" Murray, the NCRA shows that cowgirls are just as tough as their brother cowboys. Murray brags, "I may not be the best bronc buster that ever rode, but if not, then I don't know who is." Murray is favored to win the gold buckle this year, unless she is upset by her long-time rival Dakota "Cody" Boren. For Boren to secure enough points to win, Murray will have to be disqualified. Neither Murray nor Boren have failed to score at an NCRA event this season.

If those names sound familiar to rodeo fans that is because their dads, Jimmie Joe Murray and Slim Boren, were also fierce competitors twenty years ago. Murray came out ahead back then, virtually snatching the buckle from Boren's hand in their last season together, and it looks like his daughter will do the same this time around. "Not if I have anything to say about it," declares Cody Boren. "I mean to win this one, for me and for my dad, no matter what it takes."

Macy Henry is a dark horse this weekend, but is only likely to win if both Murray and Boren fail to score. And the way these teenagers have been competing this season that is not likely.

There have been serious injuries in saddle bronc riding, like broken arms, legs and ribs, when a rider falls or is thrown from the horse, but there has never been a death in a saddle bronc competition. Bull riders, such as the champion Lane Frost, have died after being thrown from a bull and gored.

Tickets for all events are available by contacting the fairgrounds arena ticket office at 302-555-1000 or at www.ncratickets.org.

Exhibit 4: Postcard from Defendant



Photo Credit: visitwilmingtonde.com

August 5th

Dear Tater:

How you doing little brother? I am going to make you and everyone else proud when I win tomorrow. I will do anything it takes to win this time. Then I will finally prove to everyone that I am the best, not Billie Jo Murray. All I needed was a little edge, and I've got that now. I have taken care of everything and now I just have to trust it will all work out the way I have planned. It's late and I better turn in. Tomorrow is going to be a big day.

There is no way I can lose.

Cowboy up!!!! Cody

Exhibit 5: Postcard from Deceased



Winterthur Garden and Library

Photo Credit: Winterthur.org

Saturday

Hey Mom—

Today is the day, the one we've all been waiting for. I'll ride Blue Hen Fury this afternoon, and by this evening I'll be the NCRA champ, just like Daddy. I know you will be proud of me. Wish you could be here to see my triumph over everyone, especially Dakota Boren. I hope you are feeling better soon.

I woke up this morning feeling kinda spooked. I had a dream about that fight Cody and I had in July, only in this dream when Cody pulled that knife of her/his Dad's out of her/his pocket, Cody also opened it and waved it around as if to stab me with it. Then I woke up in a cold sweat and wrote you this postcard. If I wasn't feeling so good about today's ride, I might really be scared.

Wish me luck, but I won't need it

- Love, Billie Jo

Exhibit 6: Incident/Offense Report (Case No. 11-208)

DELAWARE UNIFORM INCIDENT/OFFENSE REPORT

Do not use this form for:

Homicide
Kidnapping
Rape/Sexual Assault
Child Abuse
Weapons Violation

CASE NUMBER: 11-208

INITIAL REPORT

SUSPECT:	<i>Sean "Happy" McGee</i>	OFFENSE:	<i>Bogus Check below \$1,000 Misdemeanor</i>
ADDRESS:	<i>368 Main Harrington, DE</i>	STATUTE:	<i>Title 11</i>
DOB:	<i>2/14/1989</i>	CHECK ANY SUSPECTED:	<i>N/A</i>
VICTIM:	<i>Mulhall Plumbing Lucille Mulhall, Owner</i>	Alcohol	_____
ADDRESS:	<i>100 Broadway Harrington, DE</i>	Illegal Drugs	_____
DOB:	<i>N/A</i>	Computer Crime	_____
OFFENSE OCCURRED ON:	<i>3/31/11</i>	Weapon	_____
OFFENSE REPORTED ON:	<i>4/10/11</i>	WAS VEHICLE INVOLVED?	<i>NO</i>
OFFENSE REPORTED BY:	<i>Lucille Mulhall</i>	Make/Model	_____
WITNESSES: (use back if necessary)	<i>Lucille Mulhall, Mulhall Plumbing Officer Barry Switzer, Beaver Police Department Robert Stoops, Records Keeper Slapout State Bank</i>	PROPERTY DAMAGE/LOSS	<i>\$850 check written for water heater</i>
		INJURY TO VICTIM	Type <i>N/A</i>
		INJURY TO SUSPECT	Type <i>N/A</i>

NARRATIVE: On April 10, 2011 I was called by Lucille Mulhall, owner of Mulhall Plumbing. Mulhall reported she had just been notified by her bank that a check written by Sean "Happy" McGee on March 31, 2011 had been returned due to insufficient funds in McGee's checking account. Our town has a no tolerance policy on bogus checks. We file charges on every returned check without ever contacting the offender in an attempt to collect the money. Pursuant to that policy I went to Mulhall Plumbing to interview Lucille Mulhall. She was in the store on March 31, 2011 when Sean McGee came to purchase a water heater. Mulhall knows McGee from previous purchases and can identify McGee. Mulhall took a personal check in the amount of \$850 from McGee written from account #2234558549 from the Delaware State Bank. McGee took possession of the water heater, which has not been recovered. I went to Slapout and interviewed Bob Stoops. Stoops is the Vice President in charge of personal checking accounts. Stoops accessed McGee's account and verified that McGee did not have the \$850 in the account to cover the check. Stoops notified Mulhall Plumbing of the insufficient funds on April 10, 2011. Stoops knows McGee through dealing with McGee at the bank and can identify McGee. I did not attempt to interview McGee. Charges were cleared by the District Attorney's Office for filing.

REPORTING OFFICER: Barry Switzer
AGENCY: Beaver Police Department

BADGE NO: 45
REPORTING DATE: 4/10/11

Exhibit 7: Judgement and Sentence (Case No. 11-208)

**IN THE COURT OF COMMON PLEAS
OF THE STATE OF DELAWARE**

THE STATE OF DELAWARE)	
)	
)	
v.)	Case No. 11-208
)	
)	
SEAN MCGEE A/K/A HAPPY MCGEE)	

JUDGMENT AND SENTENCE

Now, on this 29TH day of JUNE, 2011, this matter comes on before the undersigned Judge, for sentencing and the Defendant, SEAN MCGEE, appears personally and by Attorney REBA MCENTIRE, the State of Delaware represented by GARTH BROOKS, ASSISTANT DISTRICT ATTORNEY, and the Defendant, having previously:

(X) Entered a plea of guilty to/of the crime(s) of: COUNT ONE: MISDEMEANOR BOGUS CHECK 11 Del. C § 900 which occurred on the 31st day of MARCH, 2011.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, SEAN MCGEE, is guilty of the above described offenses and is sentenced as follows: 1 YEAR SUSPENDED SENTENCE + RESTITUTION \$850

/s/ Bud Wilkinson

Judge Bud Wilkinson

Exhibit 8: Incident/Offense Report (Case No. 13-357)

OKLAHOMA UNIFORM INCIDENT/OFFENSE REPORT

Do not use this form for:
 Homicide
 Kidnapping
 Rape/Sexual Assault
 Child Abuse
 Weapons Violation

CASE NUMBER: 13-357

INITIAL REPORT

SUSPECT:	<i>Sean "Happy"</i>	OFFENSE:	<i>Driving Under the Influence Felony</i>
ADDRESS:	<i>368 Main Harrington, DE</i>	STATUTE:	<i>Title 47, Section 11-902</i>
DOB:	<i>2/14/1975</i>	CHECK ANY SUSPECTED:	<i>N/A</i>
VICTIM:	<i>N/A</i>	Alcohol	<u>XX</u>
ADDRESS:		Illegal Drugs	_____
DOB:		Computer Crime	_____
OFFENSE OCCURRED ON:	<i>7/4/13</i>	Weapon	_____
OFFENSE REPORTED ON:	<i>7/4/13</i>	WAS VEHICLE INVOLVED?	<u>YES</u>
OFFENSE REPORTED BY:	<i>Officer Shannon Miller</i>	Make/Model	<u>'78 Ford Mustang</u>
WITNESSES: (use back if necessary)	<i>Intoxilyzer Technician Jim Thorpe, Oklahoma City Police Department</i>		
		PROPERTY DAMAGE/LOSS	<u>N/A</u>
		INJURY TO VICTIM	Type <u>N/A</u>
		INJURY TO SUSPECT	Type <u>N/A</u>

NARRATIVE: On July 4, 2013 I was patrolling the Northwest area of Oklahoma City. At N.W. 63rd street between May and Pennsylvania I observed a 1978 red Ford Mustang heading west. The vehicle was swerving into the east bound lanes. The traffic was heavy and several vehicles had to make defensive moves to avoid being hit. I activated my lights and sirens. The driver of the Mustang, Sean "Happy" McGee pulled over just west of May. I made contact with McGee and asked for driver's license and insurance verification. McGee was able to produce both of these documents with considerable difficulty due to McGee's inability to open the glove compartment.

McGee kept laughing and saying, "I swear I'm not drunk, foccifer." I asked McGee to get out of the vehicle and performed a series of field sobriety tests. McGee failed all of those tests. I transported McGee to the Oklahoma City Police Station where Intoxilyzer Technician Jim Thorpe administered a blood alcohol content test. The result of the test was .16 BAC which is well above the legal limit to operate a motor vehicle in Oklahoma. Based on my observations and the test results, I arrested McGee for Driving Under the Influence of Alcohol. I discovered McGee had a prior arrest for Misdemeanor DUI in Delaware in 1996 where McGee received a suspended sentence. Based on that prior, this charge was cleared with the District Attorney's Office as a Felony DUI.

REPORTING OFFICER: Shannon Miller
AGENCY: Oklahoma City Police Dept.

BADGE NO: 467
REPORTING DATE: 7/4/13

Exhibit 9: Incident/Offense Report (Case No. 13-357)

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
THE STATE OF OKLAHOMA**

THE STATE OF DELAWARE)	
)	
)	
v.)	Case No. 13-357
)	
)	
SEAN MCGEE A/K/A HAPPY MCGEE)	

JUDGMENT AND SENTENCE

Now, on this 8TH day of SEPTEMBER, 2013, this matter comes on before the undersigned Judge, for sentencing and the Defendant, SEAN MCGEE, appears personally and by Attorney VINCE GILL, the State of Oklahoma represented by TOBY KEITH, ASSISTANT DISTRICT ATTORNEY, and the Defendant, having previously:

(X) Entered a plea of guilty to/of the crime(s) of: COUNT ONE: FELONY DUI 47 O.S. § 11-902 which occurred on the 4th day of JULY, 2013.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, SEAN MCGEE, is guilty of the above described offenses and is sentenced as follows: 2 YEARS SUSPENDED SENTENCE/3 MONTHS OUTPATIENT ALCOHOL TREATMENT / COMPLETE VICTIM’S IMPACT PANEL / 50 HOURS COMMUNITY SERVICE.

/s/ Henry Iba

Judge Henry Iba

Exhibit 10: Curriculum Vitae for Sam Nigh

SAM W. NIGH

Detective/CSI, First Grade Harrington Police Department
106 Dorman Street—Harrington, DE 19952

EXPERIENCE:

New Castle County Police Department, New Castle County, Delaware – 1996-1999
Patrol Officer – 1996-1998
Investigative Officer - 1998-1999

Wilmington Police Department, Wilmington, Delaware – 1999-2003
Investigative Officer

Delaware State Bureau of Investigations – 2003-2009
Forensics Analyst, Laboratory Services Department

Harrington Police Department, Harrington, Delaware – 2009-Present
Officer, First Class – 2009-2013
Detective/Crime Scene Investigator – 2013-Present

United States Army Reserve – 1996–Present
Military Occupational Specialty (MOS) – Legal and Law Enforcement
Criminal Investigations Special Agent - active duty in Iraq – 4/2003-7/2004

EDUCATION AND HONORS:

Lake Forest High School, Felton, Delaware - diploma 1996
Activities: Future Farmers of America, 4H, and Junior Rodeo

University of Delaware, Newark, Delaware
Bachelor of Sciences Degree 2003 (cum laude)
Major: Psychology; Minor: Forensic Studies
Activities: Forensics Club

United States Army Reserve – 1996-Present
Forensics coursework in crime scene investigation and interrogation techniques

Delaware Council on Law Enforcement Education and Training (CLEET) - 1998- Present
Collegiate Officer Program – 2003-2009
Crime Scene Investigation Certificate - 2013
CLEET coursework in all areas of investigation: interviewing witnesses, accident reconstruction, preserving crime scene, collecting evidence, and forensic technology, including fibers, ballistic, fingerprinting and DNA analysis.

Harrington Police Department
Commendation for Meritorious Service - 2017

Exhibit 11: Curriculum Vitae for Sidney Bellmon

SIDNEY X. BELLMON

1900 Gilpin Avenue, Wilmington, Delaware 19806
Telephone: 302.555.RIDE Fax: 302.555.7755
e-mail: sxbellmon@rodeoride.net

ACADEMIC EXPERIENCE

2008 Bachelor of Science *magna cum laude*

Industrial Engineering (major) and Engineering Management (minor) Penn State, University Park, PA

2013 Master's Degree with Thesis Option – Engineering Management and Production

Thesis Topic: FRACTAL CHARACTERIZATION OF CUTTING TOOL WEAR IN MACHINING

Penn State, University Park, PA

2014 – Present, Adjunct Professor in the School of Engineering Penn State, University Park, PA

PROFESSIONAL EXPERIENCE

2008 – Present

Rodeo Equipment, Inc., University Park, PA.

The largest manufacturer of saddles and rodeo equipment in the Mid-Atlantic.

2008- 2011 Engineer

2011-2014 Chief Engineer - Saddle and Rein Production

2014-2018 Senior Production Engineer

2018-Present Vice President for Operations

Personal Achievements: Developed new polymer used in manufacture of poly braided hack reins; redesigned production line for manufacture and assembly of saddles; invented improved die cut machinery for natural sisal and synthetic rope (U.S. patent pending)

2014-Present

Expert Witness – Civil Litigation

Reviewed evidence, gave depositions, and prepared for and/or testified on behalf of the defense in approximately eight civil actions involving the horse industry.

2017-Present

Expert Witness – Criminal Litigation

Consulted with counsel, reviewed physical evidence and testified in two criminal matters: for the prosecution in an insurance fraud case and for the defense in a negligent homicide case.

2006-2008 (summers)

Roughneck, Ltd., Harrington, Delaware - Engineering Intern International manufacturer of petroleum drilling and production equipment

Exhibit 12: Picture of Defendant's Knife



Exhibit 13: Picture of Hack Rein



Exhibit 14: Picture of Hack Rein



Exhibit 15: Picture of Hack Rein



Exhibit 16: Picture of Hack Rein



Exhibit 17: Harrington Police Investigative Report

Investigative Report

AGENCY: HARRINGTON POLICE DEPARTMENT	INCIDENT # 19-
SUSPECT: Dakota	DECEASED/VICTIM: Billie Jo "Alfalfa"
OCCURRED ON: REPORTED ON: 08/06/19	AUTOPSY PERFORMED:
WITNESSES: (use back if necessary) Macy Henry Sean "Happy" McGee Detective Sam Nigh	OFFENSE/STATUTE: Murder-Second Degree, Title 11, Section 635 Ripley Kerr Dr. Maria Henlopen, Medical Examiner

My name is Sam Nigh. I am a Crime Scene Investigator (CSI) with the Harrington Police Department. I have been a police officer in Harrington for 10 years. I worked the streets as a patrol officer and then as an investigative officer, until I completed the CSI certification 7 years ago. Part of that training was more than 100 hours of training on fiber and hair analysis. Since that time I have investigated approximately 75 crime scenes and between 25–30 homicides, one involving a nylon, parasailing harness line that had been deliberately cut.

In addition to my official duties with the Police Department, I am on the governing board of the Lower Delaware Boat Club (LDBC). LDBC hosts numerous sailing regattas each year. The quality of our protected bay makes Delaware attractive to sailing enthusiasts. I have been a sailor all my life. I present an Ocean Safety course to high schools across the state. Part of that instruction is a discussion about equipment, rope care, and rope inspection. I have seen too many boating accidents that occurred because of worn and frayed rope. Because I was a certified CSI, the LDBC elected me to serve on the national committee that conducted the 2015 Anchor Line Study. This study inspected four major sailing lines, made both of natural and synthetic fibers, and their interaction with the two most popular types of metal anchors. The study tested the effects of load strength, ease of use, wear and tear, including fraying, and intentional tampering. I was present when all the tests were conducted. The report was not published, but was distributed internally at the U.S. Sailing Corp. and is widely used by Boating Clubs around the country.

On August 6, 2019, at approximately 4:45 p.m., I was dispatched by a Harrington Police Department 911 operator to the Delaware State Fairgrounds to investigate the injury to Billie Jo "Alfalfa" Murray that occurred at the fairgrounds during the National Coed Rodeo Association ("NCRA") Finals. Ripley Kerr called 911 at 4:35 p.m. reporting irregularities in some of Billie Jo Murray's riding gear. This was the first time I had investigated a suspected crime at the rodeo; however, I had attended the State Fair and various rodeos all my life. At the time Murray was injured, it seemed to be an unfortunate tragedy that was caused by an equipment malfunction. However, after a complete and thorough investigation I concluded that the death of Murray was no accident. The weight of the evidence suggests that Murray was the victim of Murder in the Second Degree.