



CASE MATERIALS

CASE COMMITTEE

Ellen Keough Spiropoulos, Esq. 🐾 Chairperson

April Bergdall Eberle, Esq.

Connie Pope Smothermon, Esq.

Kenneth M. Stoner, Esq.

Special thanks to:

B. Christopher Henthorn, Esq.

John Rule, National Saddlery Company

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DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)
)
 Plaintiff,) CF-06-89-100
vs.)
)
 DAKOTA BOREN,)
 Defendant.)

STATEMENT OF THE CASE

On August 5 and 6, 2005, Oklahoma City was host to the inaugural National Coed Finals Rodeo where cowboys and cowgirls (or collectively "cowpokes") compete in all the traditional rodeo events. In the National Coed Rodeo Association ("NCRA") the historic distinctions between male and female events have been dissolved to allow men and women to compete against each other in bull riding, barrel racing, bareback 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 \$10,000 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. 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 by Imminently Dangerous Conduct. The charge requires (i) the death of a human; (ii) caused by conduct which was imminently dangerous to another person; (iii) the conduct was that of the Defendant; (iv) the conduct evinced a depraved mind in extreme disregard of human life; and (v) the conduct is not done with the intention of taking the life of any particular individual.

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 her 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.

WITNESSES:

Prosecution:

- Sam Nigh - Police Investigator/Forensics Expert
- Macy Henry - Traveling Partner of the Deceased
- Sean "Happy" McGee – Pick-up Rider

Defense:

- Dakota "Cody" Boren - Defendant
- Sidney Bellmon - Forensics Expert
- Ripley Kerr - Vice President of NCRA and Rodeo Producer

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	CF-06-89-100
vs.)	
)	
DAKOTA BOREN,)	
Defendant.)	

STIPULATED FACTS

1. Billie Jo Murray was pronounced dead at Oklahoma City General Hospital at approximately 8:10 p.m. on August 6, 2005, by the County Medical Examiner, after all efforts to resuscitate her had failed. Dr. Maria Tallchief of the Medical Examiner's Office performed an autopsy, and her report would demonstrate that Murray's death resulted from severe brain hemorrhaging caused by a massive head injury which resulted when she 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 – depraved mind. The Defendant has entered a plea of not guilty and has requested a trial by jury. The District 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 District 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 District 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 to the fact that the pocket knife was present on the person of the Defendant, Dakota Boren, at the time of her/his initial interview with Detective Nigh, that such knife has been provided to the defense for examination and testing, and that 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, 2005, while riding Sooner Fury in the NCRA Finals Rodeo; (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, 2005, while riding Sooner Fury in the NCRA Finals Rodeo; and (iii) that neither the original nor a facsimile 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 Oklahoma 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 District Court has agreed, that the one-page diagram of the accident scene may be enlarged by either party with the following conditions, a violation of any of which will result in the assessment of a penalty:
 - a. The diagram may only be enlarged to the size of 18" x 24" (measured from edge to edge of the paper, not edge to edge of the drawing);
 - b. The diagram may only be enlarged by means of photocopying equipment; it may not be reproduced or recreated in any other manner;
 - c. The diagram may only be reproduced in black ink on white paper; no colors may be used on any portion of the diagram;
 - d. The diagram, enlarged or original size, may be mounted on poster board or similar weight stock; and
 - e. An enlarged diagram shall be used for demonstrative purposes only. The original size diagram shall be offered as an exhibit.
10. All parties stipulate to the authenticity and admissibility of the article from *The Oklahoman*, dated August 4, 2005.
11. In 1999 the legal limit for Driving Under the Influence in the State of Oklahoma was .10 BAC.
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 signatures which appear on written statements are authentic, and 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 District Court. Jurisdiction and venue are proper.

When conduct is intended to inflict great bodily injury upon another person but succeeds in inflicting death, the conduct will satisfy the fifth element of the statute. *Dorsey v. State*, 1987 OK CR 133, 739 P. 2d 528.

The existence of intent to harm a particular individual should not preclude a conviction under Section 701.8, because intent to harm or injure can prove that the conduct was imminently dangerous to another person or that the accused was acting with a depraved mind. *Willingham v. State*, 1997 OK CR 62, 947 P.2d 1074.

The Court has held that second degree murder can be applied to situations where a person's wrath is directed at a particular individual. This holding revives and clarifies earlier case law by restating that it is not necessary for the State to show that an accused acted with no intent to harm another, as earlier cases seemed to say. *Smith v. State*, 1996 OK CR 50, 932 P.2d 521.

Because intent to injure or harm another is not an element of second degree depraved mind murder, it is not necessary for the State to prove intent to harm. Homicide perpetrated by an act imminently dangerous to others and evincing a depraved mind regardless of human life, is not the less murder because there was no actual intent to injure others. *Willingham v. State*, 1997 OK CR 62, 947 P.2d 1074.

III. EVIDENCE

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. Oklahoma Uniform Jury Instruction (Criminal) 9-2.

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. Oklahoma Uniform Jury Instruction (Criminal) 9-3.

The law makes no distinction between the weight to be given to either direct or circumstantial evidence. Oklahoma Uniform Jury Instruction (Criminal) 9-4.

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. Oklahoma Uniform Jury Instruction (Criminal) 9-21.

JURY INSTRUCTIONS

INSTRUCTION NO. 1

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.

INSTRUCTION NO. 2

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, caused by conduct which was imminently dangerous to another person;

Third, the conduct was that of the defendant;

Fourth, the conduct evinced a depraved mind in extreme disregard of human life;

Fifth, the conduct was not done with the intention of taking the life of any particular individual.

You are further instructed that a person evinces a "depraved mind" when he engages in imminently dangerous conduct with contemptuous and reckless disregard of, and in total indifference to, the life and safety of another.

You are further instructed that "imminently dangerous conduct" means conduct that creates what a reasonable person would realize as an immediate and extremely high degree of risk of death to another person.

INSTRUCTION NO. 3

It is your responsibility as jurors to determine the facts from the evidence, to follow the rules of law as stated in these instructions, to reach a fair and impartial verdict of guilty or not guilty based upon the evidence, and to determine punishment if you should find the defendant guilty as you have sworn you would do. You must not use any method of chance in arriving at a verdict, but must base your verdict on the judgment of each juror.

INSTRUCTION NO. 4

The defendant, Dakota "Cody" Boren, is charged in the information with Murder in the Second Degree By Imminently Dangerous Conduct of Billie Jo Murray on or about August 6, 2005, in Oklahoma County, Oklahoma.

To this charge the defendant has entered a plea of not guilty.

INSTRUCTION NO. 5

The information in this case is the formal method of accusing the defendant of a crime. The information is not evidence of guilt, and the law is that you should not allow yourselves to be influenced against the defendant by reason of the filing of the information.

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.

INSTRUCTION NO. 6

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

INSTRUCTION NO. 7

"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 and which proves the existence of a fact without inference or presumption.

INSTRUCTION NO. 8

"Circumstantial evidence" is the proof of facts or circumstances which give 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.

INSTRUCTION NO. 9

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.

INSTRUCTION NO. 10

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.

INSTRUCTION NO. 11

It is your responsibility to determine the credibility of each witness and the weight to be given the testimony of each witness. In determining such weight or credibility, you may properly consider: the interest, if any, which the witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice of the witness, if any has been apparent; the candor, fairness, intelligence, and demeanor of the witness; the ability of the witness to remember and relate past occurrences, the means of observation, and the opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence and coming to your observation during the trial, aided by the knowledge which you each possess in common with other persons, you will reach your conclusions. You should not let sympathy, sentiment or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your oaths and return such verdict as the evidence warrants when measured by these instructions.

INSTRUCTION NO. 12

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.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CF-06-89-100
)	
DAKOTA BOREN,)	
)	
Defendant.)	
SSN: 545-67-8989)	
DOB: 12/25/85)	

FELONY INFORMATION

**COUNT 1: MURDER IN THE SECOND DEGREE, A FELONY, 21 O.S. § 701.8,
STATE OF OKLAHOMA, COUNTY OF OKLAHOMA:**

I, James Garner, the undersigned Assistant District Attorney in and for District 44, in the name and by the authority, and on behalf of the State of Oklahoma, give information that in said County of Oklahoma, and in the State of Oklahoma, DAKOTA "CODY" BOREN did then and there unlawfully, willfully, knowingly and feloniously commit the crime(s) of:

COUNT 1: MURDER IN THE SECOND DEGREE, on or about the 6th day of August, 2005, 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 with a depraved mind and in extreme disregard of human life, at the Rough N' Ready Arena at the Oklahoma City Fairgrounds, Oklahoma County.

James Garner
District 44 Assistant District Attorney
Oklahoma County

VERDICT FORM

IN THE DISTRICT COURT OF THE 44th JUDICIAL DISTRICT OF
THE STATE OF OKLAHOMA SITTING IN AND FOR OKLAHOMA COUNTY

THE STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CF-06-89-100
)	
Dakota Boren)	
)	
Defendant.)	

VERDICT

COUNT 1 – Murder in the Second Degree By Imminently Dangerous Conduct

We, the jury, empanelled 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 bulls 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.

OKLAHOMA UNIFORM HOMICIDE NARRATIVE
Investigative Report

AGENCY: OKLAHOMA CITY POLICE DEPARTMENT	INCIDENT # 05-06823
SUSPECT: Dakota "Cody" Boren	DECEASED/VICTIM: Billie Jo "Alfalfa" Murray
OCCURRED ON: 08/06/05	AUTOPSY PERFORMED: Yes
REPORTED ON: 08/06/05	OFFENSE/STATUTE: Murder- Second Degree Title 21,
WITNESSES: (use back if necessary) Section 701.8 Macy Henry Ripley Kerr Sean "Happy" McGee Dr. Maria Tallichief, Medical Examiner Detective Sam Nigh	

Report of Detective Sam Nigh

1 My name is Sam Nigh. I am a Crime Scene Investigator (CSI) with the Oklahoma City Police
2 Department. I have been a police officer in Oklahoma City for 10 years. I worked the streets
3 as a patrol officer and then as an investigative officer, until I completed the CSI certification
4 7 years ago. Part of that training was more than 100 hours of training on fiber and hair
5 analysis. Since that time I have investigated approximately 75 crime scenes and between
6 25–30 homicides, one involving a nylon, parasailing harness line that had been deliberately
7 cut.

8
9 In addition to my official duties with the Police Department, I am on the governing board of the
10 Oklahoma Boat Club (OBC). OBC hosts numerous sailing regattas each year. The quality
11 of our inland lakes makes Oklahoma attractive to sailing enthusiasts. I have been a sailor all
12 my life. I present a Lake Safety course to high schools across the state. Part of that instruction
13 is a discussion about equipment and rope care and inspection. I have seen too many boating
14 accidents that occurred because of worn and frayed rope. Because I was a certified CSI, the
15 Oklahoma Boat Club elected me to serve on the national committee that conducted the 2001
16 Anchor Line Study. This study inspected four major sailing lines, made both of natural and
17 synthetic fibers, and their interaction with the two most popular types of metal anchors. The
18 study tested the effects of load strength, ease of use, wear and tear, including fraying, and
19 intentional tampering. I was present when all the tests were conducted. The report wasn't
20 published, but was distributed internally at the U.S. Sailing Corporation and is widely used by
21 Boating Clubs around the country.

22
23 On August 6, 2005, at approximately 4:45 p.m., I was dispatched by an Oklahoma City Police
24 Department 911 operator to the Oklahoma State Fairgrounds to investigate the injury to Billie
25 Jo "Alfalfa" Murray that occurred at the fairgrounds during the National Coed Rodeo
26 Association ("NCRA") Finals. Ripley Kerr called 911 at 4:35 p.m. reporting irregularities in
27 some of Billie Jo Murray's riding gear. This was the first time I had investigated a suspected
28 crime at the rodeo; however, I had attended the State Fair and various rodeos all my life. At
29 the time Murray was injured it seemed to be an unfortunate tragedy that was caused by an
30 equipment malfunction.

31 However, after a complete and thorough investigation I concluded that the death of Murray
32 was no accident. The weight of the evidence suggests that Murray was the victim of Murder
33 in the Second Degree.
34

35 I arrived at the fairgrounds at approximately 5:00 p.m. on August 6, 2005, and was met by
36 Ripley Kerr at the Rough N' Ready Arena. Kerr told me that s/he was storing Billie Jo's
37 equipment after the accident and noticed something odd. Kerr said it appeared that the honda
38 portion of the hack rein had been cut. Kerr stated that s/he was the only person to have
39 touched Murray's tack since the accident. Kerr stayed with Murray's equipment, and had not
40 let anyone else near it until I arrived. I asked Kerr to find anyone still at the Arena who was
41 present earlier in the evening and ask them to wait around until I could speak with them.
42

43 I carefully examined Murray's equipment. The first thing I thought was how glad I was that I
44 had all that training with boat lines. Murray's saddle, cinch and rein appeared to have a
45 normal amount of wear. The hack rein was broken apart at the honda. At first inspection,
46 nothing indicated a safety concern or explained the breaking of the rein. I didn't notice
47 anything else on the equipment that would account for the fall other than the broken rein. At
48 the breaking point in the rein I noticed that at least part of the separation was due to what
49 appeared to be a deliberate cut by a sharp object. The rein was tagged and logged as
50 evidence.
51

52 At 6:00 p.m., Kerr told me that someone at the hospital had just called to report that Murray's
53 condition was deteriorating. I left the fairgrounds and arrived at Oklahoma Memorial Hospital
54 at approximately 6:30 p.m. I was led into Emergency Room No. 2 where Murray was being
55 attended to by hospital staff. I spoke with Dr. Angie Debo who said Murray suffered from
56 massive brain injuries as a result of the fall. I stayed by Murray's bed and watched her
57 condition worsen. It was obvious she was not going to live. I observed severe head wounds
58 consistent with Kerr's account that the fall occurred as Murray was spurring, the horse was
59 bucking violently and the rein just broke away from the halter. Murray flew through the air
60 before landing on the soft dirt floor of the Arena. Murray landed on her head on the floor of
61 the Arena with considerable force.
62

63 I stayed in the hospital room next to Murray until she died from her injuries at 8:10 p.m. While
64 I was in the hospital room, Murray was coming in and out of consciousness. When Murray
65 was awake I tried to listen to what she was saying, but most of it was difficult to understand.
66 She was talking about a birthday party that had obviously occurred years before. Further,
67 Murray would sporadically raise her voice and call "Magnum! Magnum! Here boy!" Murray's
68 friend, Macy Henry informed me that Magnum was a collie that Murray had back on her
69 family's ranch when she was a kid. However, during one point of alertness, Murray began to
70 speak about the events surrounding her fall. Murray said, "Everything is getting dark and I
71 feel weak. I don't think I'm going to make it.... I'm dying. Last night at the Hoedown Cody told
72 me this would be my final ride. The rein was loose – too loose." Dr. Debo said there was
73 nothing she could do to save Murray. Less than two hours after my arrival at the hospital,
74 Murray died of her injuries. I was in the room and next to her bed when she died. I remained
75 in the room for 20 minutes more until the Medical Examiner's office arrived and took custody
76 of the body. Dr. Maria Tallchief performed the autopsy.
77

78 I returned to the fairgrounds at approximately 9:00 p.m. on 8/6/05. I initially inspected the tack
79 room where the riders stored their gear, the motel room of Billie Jo Murray and the
80 competition ring area of the arena. During my interview with Dakota Boren, I also inspected
81 his/her motel room. See the attached diagram of the arena and adjacent tack room, which
82 I prepared and signed in the lower right hand corner.
83

84 The tack room is a large open area with several smaller areas or "stalls" partitioned by waist
85 high wooden panels. There are shelves and tables in most of the individual areas. A light in
86 the middle of the room was not working. There were two large, bright fluorescent lights at

87 each end of the tack room making the stalls closer to either end more illuminated than the
88 stalls in the middle. However, I could see into each stall from either end of the tack room.
89 Murray's stall was at the north end of the tack room, the second stall from the end. I had
90 already placed the hack rein in custody, so I inspected the stall and Murray's other gear. I did
91 not see any evidence that anything on any of the other gear could have cut the rein. I
92 specifically inspected the metal ring on the halter and the area around the ring on the halter
93 where the hack rein was attached. I found nothing of any evidentiary value; however, I
94 collected and tagged all of Murray's gear and logged it into evidence.

95
96 The covered performing arena is an oval dirt floor with stadium seats all around. The bucking
97 chute is located at the north end. I inspected the bucking chute where Murray started her
98 ride. I observed that a metal pole in the chute had been damaged. That damage had caused
99 a metal shaft to jut into the chute. The shaft was at approximately the same height that the
100 rein would have been when the horse was in the chute. I later examined the body of Sooner
101 Fury (the horse Murray was riding) and found that the horse had no injuries to his hide. Thus,
102 I concluded that it was unlikely that the metal shaft cut the rein because the likely result would
103 have been to also cut the hide of the animal. I found nothing else of any evidentiary value.
104 The area of the Arena where Murray fell from the horse was a dirt floor approximately 2
105 inches deep. The dirt had been freshly placed earlier in the day, and even though several
106 riders had been on the Arena floor, the dirt appeared fairly loose. Ripley Kerr told me the
107 loose dirt was there in an attempt to prevent serious injuries when riders fall from their horses.
108 However, serious injuries occur, especially when the rider is surprised by the fall and unable
109 to brace for the impact. Kerr had indicated that Murray's head hit the floor first. There was
110 nothing unusual in the dirt floor at this location, which didn't surprise me because I had been
111 told at least one competitor had ridden in the Arena after Murray.

112
113 The motel is located on the fairgrounds, just outside the arena. Murray's room was on the
114 second floor. There was a suitcase on the bed, and a few clothes hanging in the closet.
115 Personal items were located around the bathroom sink. I saw a postcard on the night stand
116 next to the phone. The postcard had been written, but not mailed. The postcard was tagged
117 and taken into evidence.

118
119 That evening, I interviewed the following witnesses in the Arena office:

120
121 **Interview of Sean "Happy" McGee** – (*brief outline*) – 8/6/05; 9:30 p.m. Experienced clown
122 and rodeo hand. Was in arena as Murray's pick up rider at time Murray fell from horse.
123 Briefly rendered aid to Murray. Saw Boren in stand watching event. On the evening before
124 Murray's death, McGee was cleaning up her/his stuff in the arena. McGee clearly remembers
125 seeing Boren standing in the arena all by herself/himself. McGee stated that s/he thought it
126 was odd since all the other competitors were at the big Hoedown Jamboree that was going
127 on in the Mathis Ranch Stock Barn just 100 yards away. Boren was the only competitor in
128 the area. Boren saw McGee looking at her/him and quickly walked away, nervously glancing
129 around. McGee reports that s/he watched Boren slip a shiny object into his/her jeans pocket.
130 In my initial interview, McGee told me that at first s/he thought it looked like Boren was
131 carrying a shiny cell phone, but after hearing about the possibility that Murray's hack rein was
132 cut, s/he is certain it was a knife. I checked McGee's criminal background and discovered
133 that McGee has prior felony convictions for Bogus Check in 1997 and for Felony DUI in 1999.

134
135 **Interview of Macy Henry** - (*brief outline*) - 8/6/05; 10:15 p.m. Known Murray since childhood.
136 Devastated by death of friend. During interview, Henry would begin crying and we would have
137 to stop while s/he regained composure. Knows of intense rivalry between Murray and Boren.
138 Saw Boren at Hoedown on the evening before. Remembers seeing Dakota for a few minutes

139 early in evening. Saw Murray's equipment on 8/6/05 as Murray was preparing to compete,
140 and everything appeared to be in good condition. Saw Boren handling Murray's gear bag on
141 8/6/05 before Murray's ride. Henry showed me his/her pickup truck and allowed me to inspect
142 it inside and out. Inside the cab, on the passenger's side floorboard, I recovered strands of
143 sisal that might have come from a hack rein. Sisal rope, as with most natural fiber materials,
144 routinely sheds fibers. These strands were tagged and logged as evidence.

145
146 **Interview of Ripley Kerr - (brief outline) - 8/6/05; 5:00 p.m.** Producer of Rodeo.

147 Kerr contacted police after examining deceased's hack rein. Secured rein and gathered
148 witnesses for interviews. Personally familiar with rivalry between Murray and Boren and
149 previous reprimand for fighting. Witnessed Murray's final ride.

150
151 **Interview of Dakota Boren- (brief outline) – 8/6/05; 11:00 p.m.** Was at Hoedown night before
152 and claims was there all evening. At the time of the interview Boren was not under arrest and
153 agreed to speak with me voluntarily. Boren was agitated, but cooperative. Boren did not want
154 to sit down during the interview, preferring to pace back and forth inside the arena office.
155 Boren answered all my questions and even added a few details unsolicited. However, Boren
156 would not make eye contact with me, and paused several times before answering my
157 questions. After interviewing Boren, I asked and received permission to look through Boren's
158 motel room. Boren's room was on the second floor directly across from Murray's room. In
159 Boren's room, I noticed and collected a postcard that I have logged as evidence. Boren
160 admitted to writing the postcard to her/his brother. The postcard supported other parties'
161 statements concerning the intense rivalry between Murray and Boren. I did not inspect any
162 other motel rooms. I asked Boren if s/he carried a knife. Boren voluntarily surrendered a red
163 Swiss Army knife from her/his front right pants pocket. The knife was closed. It was tagged
164 and logged into evidence.

165
166 On August 7, 2005, at approximately 10:00 a.m., I returned to the police department and
167 retrieved the physical evidence that had been placed in the secured property room after it had
168 been marked and tagged. I took the evidence to my lab for analysis. The OCPD CSI lab
169 meets all National and State standards for proper work environment and quality control.

170
171 First, I examined the pocketknife recovered from Boren. I placed the pocketknife on a clean
172 piece of white butcher paper. The pocketknife was a red Swiss Army knife, 2½ inches in
173 length when closed, 4 inches in length when the large blade is open. The knife contained two
174 blades and a small pair of scissors. I opened the blades of the pocketknife and noticed two
175 fibers sticking out of the area where the large blade folds into the knife. I collected the fibers
176 and placed them in a closed container for later inspection. I also

177
178 examined the metal knife blades. I did not find traces of adhesive tape, but I did find chemical
179 traces of rubbing alcohol. I took a picture of the knife in the open position for the file.

180
181 Next I examined the hack rein used by Murray. I placed the hack rein on a clean piece of
182 white butcher paper. I examined the rein first with a visual inspection. I noticed the 7½ foot
183 length rein was a sisal type that had been used extensively. All but one end of the rein was
184 approximately 5 inches in circumference. There was a small loop in one end of the rein. This
185 loop had been tightly braided and was only 2 inches in circumference. Ripley Kerr told me
186 this loop was called the "honda." The honda is used to attach the hack rein to the ring on the
187 halter. Because that portion of the rein receives extensive wear and stress, riders often wrap
188 adhesive tape around the top of the honda. I examined the loop end of the rein and noticed

189
190

191 first-aid type adhesive tape surrounding 3 inches of the top portion. The adhesive tape
192 appeared to be newly applied. There was additional tape residue on the honda indicating
193 that adhesive tape that had been placed there had been removed.

194
195 The honda had separated approximately midway in the taped area. It is this point of
196 separation that caused the rein to break free from the metal ring causing the victim to fall from
197 the horse. There was another noticeable worn place on the rope. This area was at the other
198 end of the rein approximately in the area where the rider would grab to hold on during the ride.
199 The rein appeared intact and strong at every area but the point of separation on the honda.
200 Even at the point of separation the rope appeared to be in good condition.

201
202 There were two layers of adhesive on the honda. The top layer of adhesive tape appeared
203 to be pulled apart rather than cut at the point of separation. That layer appeared to have been
204 wrapped around the circumference of the honda braid only once. I removed this layer of
205 adhesive tape and discovered a second layer of adhesive tape. This layer was significantly
206 more dirty and discolored than the top layer. This layer appeared to have been wrapped four
207 times around the honda braid. This thicker layer of adhesive had been cut.

208
209 I cleaned the hack rein using clean gauze and sterile water. I then examined the entire length
210 of the rein using a microscope set at 200X magnification. The microscope setting I used is
211 powerful enough to see the pores in your skin and is used for fiber and hair analysis. The
212 microscopic analysis at the point of separation revealed what I believe to be cut edges of the
213 rope. There was also a small amount of adhesive residue in the cut edges of the sisal. There
214 was some fraying as well, but I believe the rope was cut almost completely and then the
215 remaining fibers frayed when the rein broke. The partial cutting of the rein would have been
216 hidden under the adhesive tape. This was consistent with my observations at the Arena that
217 nothing would have cut the rein during the ride. If the rein was severed by a rough edge in the
218 bucking chute, the point of separation would resemble a tear rather than a cut. However, my
219 inspection of the point of separation indicates most of the edges were even and crisp
220 indicating a cut rather than a tear. A tearing would be indicated by uneven and ragged edges
221 which were not present on the majority of the fibers in this analysis.

222
223 As a control, I purchased an identical hack rein at American Saddle Company in Oklahoma
224 City. While at the store, I noticed several different kinds of hack reins. Some were made
225 entirely out of one type of material, either sisal or poly fiber. Some were a combination of the
226 two. There were many plain hack reins like the one used by Murray, and several others that
227 were brightly colored and extremely ornate. I took my purchase back to the Oklahoma City
228 Police Department lab. I cut the control rein in approximately the same location as the point
229 of separation in Murray's rein using the pocketknife I found on Boren. I examined the edges
230 of the rope that I cut for comparison with the separated portion of the rope. Both visual and
231 microscopic analysis revealed the cuts were similar. I concluded the rein used by the victim
232 had been cut most of the way and then eventually broke in two with the pressure and strain
233 of the ride.

234
235 Next I inspected the fibers found in Boren's pocketknife. The strands appeared to be sisal
236 fibers just like the fibers of Murray's rein. I compared the cut fibers of the hack rein to the two
237 fiber strands found on the pocketknife. The fibers appeared to be identical; however, I was
238 unable to draw a significant conclusion since many riders, including Boren, use a sisal fiber
239 or combination poly/sisal rein. Then I inspected the fibers from Henry's pickup truck. Under
240 the microscope these fibers were easily identified as fibers from a sisal rope. These fibers
241 were substantially similar to the deceased's sisal rein. Henry and the deceased traveled
242 together to various rodeos in this pick up truck, and the rein would have been in the truck with

243 the deceased. I concluded that these fibers were of no evidentiary value. I returned the fibers
244 back to their container. I inspected the rest of Murray's gear using the microscope and found
245 nothing of any evidentiary value. There were no cuts, marks or scrapes on the halter
246 inconsistent with normal wear and tear.

247
248 Boren and Henry were my two main suspects. While Henry possessed some motive to want
249 Murray's ride to fail, I didn't find any evidence, other than the sisal fibers found in Henry's
250 truck, linking Henry to the cut rein. Henry's demeanor before and after Murray's fall had been
251 appropriate. Henry had an alibi for the most likely time when the rein was cut. In contrast,
252 Boren had both motive and opportunity. I wasn't sure if Boren wanted Murray to die or just
253 become injured in the fall. Either way, cutting the hack rein, which is the only rope the rider
254 holds onto to maintain her/his mount while the horse was bucking, is in extreme disregard of
255 human life.

256
257 Based on my examination of the evidence and interviews of the witnesses, I arrested Dakota
258 Boren for the murder of Billie Jo Murray on August 8, 2005, at 1:00 p.m. Boren was arrested
259 outside the Fairgrounds Motel. While being arrested, and after a *Miranda* warning, Dakota
260 voluntarily stated "Ya'll can't prove nothin'! It's not my fault Murray is dead." Dakota continued
261 sobbing and mumbling to herself/himself while hand-cuffed and in the back seat of the patrol
262 car. Most of the ramblings were unintelligible but I was able to hear Dakota's muffled
263 grumblings "It's not supposed to end this way.....I never meant to hurt nobody" or "I'd never
264 hurt nobody." It was difficult to understand her/him. Boren voluntarily completed a narrative
265 statement.

266
267 All of the other witnesses listed above came to the police station between August 9th and 12th,
268 2005 and completed voluntary narrative statements of their accounts. These witness
269 statements are attached.

270
271 Dated: August 13, 2005

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

PROSECUTION WITNESS 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
5 together in my old, beat-up truck and splitting the traveling costs. The only cost we didn't
6 share was for motel rooms since we both always got our own rooms.

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

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

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

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

39
40 Billie Jo used to be very particular about her tack. You know, she didn't want anyone else to
41 touch it. Billie Jo always wanted to check and recheck it before she rode. On the day she
42 died, she was using the halter and rein she had bought earlier that season. She always
43 taped her honda with white adhesive tape, as I do and Cody does. Even though she never
44 wore a helmet, Billie Jo sure believed in safety first. Until lately, when I started to do it all, she
45 always took really good care of her tack. Billie Jo was especially real touchy about her
46 saddle, even called it the luckiest saddle in the world. Billie Jo didn't say as much, but I think
47 it was a present from her grandparents after her dad died, so, you know, it was real special
48 to her. My point is that Billie Jo was really attached—almost superstitious—about that blasted
49 saddle. True, that did change a little when Billie Jo started to win.

50
51 I guess you could say Billie Jo became less interested in her equipment, once she and Dakota
52 "Cody" Boren started to be such big rivals. Whenever Billie Jo didn't win, it seemed like Cody

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

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

76
77 It seemed like Billie Jo usually came out ahead at the competitions. Billie Jo was just that
78 good, and Cody knew it. When we went to Oklahoma City, I just knew the whole Billie Jo-
79 Cody rivalry would hit the fan. You see, Cody was real determined to win this time. Cody
80 even told me that s/he was certain to win if Billie Jo didn't compete. Even when I was in high
81 school, it had always been the three of us finishing one, two and three in every rodeo.
82 Sometimes I even finished on top. It hasn't been that way as much in the last couple years,
83 but this past year I was doing really well and giving both Billie Jo and Cody a run for their
84 money. I had even placed first in Sioux City. The two of them were coming into this finals
85 rodeo in Oklahoma City neck and neck, but I was in third place only a little farther behind in
86 the point totals.

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

99
100 I watched Billie Jo Murray ride that day, and at first things looked good for her. I was standing
101 next to the bucking chute when Billie Jo shouted, "Turn em' out" and Sooner Fury exploded
102 out of the chute. Then it all happened so quickly. A good bronc bucks about once per
103 second. I swear Fury was twisting and turning at twice that speed. Billie Jo marked out
104 perfectly, sat upright in the saddle and one hand on the rein with the other arched high above
105 her head. Fury reared back so that its hind legs were almost perpendicular to the Arena floor.
106 Then he sunfished, wriggling so hard I was sure Billie Jo would lose her grip on the rein, and

107 then in the blink of an eye bucked so that all four hooves were off the ground. Then before
108 you could even cheer for her, she was on the ground. Sure, Sooner Fury was the toughest
109 bronc out there. He moved around a whole lot in the chute, even more than usual, but I
110 couldn't believe he had thrown Billie Jo. She was the best.

111
112 But then Billie Jo didn't get up. She had been thrown before, we all had, but this time she
113 wasn't moving. I had seen someone else break their arm once, but she just got up and
114 walked out of the arena. The minute I saw what had happened I jumped the fence and
115 rushed to her side. She was lying in the dirt on her back and moaning a little. I could tell
116 things weren't good but I never thought Billie Jo would die! Her eyes were open and her lips
117 were moving a little. I heard her mutter Cody's name. When I heard later that night that Billie
118 Jo was dead, I just went completely cold. I have never had anyone close to me die. I am not
119 ashamed to say I bawled like a baby when Billie Jo died. For all our little disagreements, I lost
120 my best friend that day and I will always be sad when I think of her.

121
122 A few days after Billie Jo's fall, one of the other cowpokes (I think it was Will Rogers) told me
123 that Cody's only comment about the fall was that Billie Jo's saddle must not be that lucky after
124 all. But I don't believe Cody could be so cruel. Later, Cody even told me things would never
125 be the same without Billie Jo riding.

126 Dated: August 9, 2005 Signed: Macy Henry

127
128 STATE OF OKLAHOMA)
129) SS.
130 COUNTY OF OKLAHOMA)

131 This instrument was acknowledged before me on August 9, 2005, by Macy
132 Henry.

133
134
135 Jennifer Berry
136 (SEAL) Notary Public
137 My Commission Expires: 04/05/2010
138 My Commission Number: 05003399

PROSECUTION WITNESS 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
3 one that ended like this. It just cuts you to the quick. Alfalfa, I mean Billie Jo, she was one
4 terrific cowgirl. When she was riding a bronc, it was like the two of them were one animal,
5 moving together in perfect rhythm. There was them cowpokes, boys and girls, who worked
6 a lot harder than Billie Jo, but none that looked so good when they were riding. Even that
7 horrible day, when Billie Jo was riding Sooner Fury, the meanest animal I ever seen, she
8 looked beautiful as Sooner Fury's back legs flew into the air and her hair tossed in the wind.
9 Billie Jo never would consider wearing a helmet, just that old white hat that was her trademark
10 along with her long, yaller hair.

11
12 That's not to say that Cody Boren ain't a great rider too, it just seems to take more effort.
13 Everything comes, I mean came, easily to Alfalfa, but not so for Cody. It was the same way
14 for their daddies. I was just a young pup when they were competing, but I was always
15 hanging around the arena when they would ride. They's both gone to their resting place now,
16 but in their day they was champion saddle bronc riders, although Alfalfa's daddy, Jimmie Joe
17 Murray, was always just a little bit better. It always seemed to stick in Slim Boren's craw that
18 no matter how hard he tried he could never best Jimmie Joe. That's not to say that Slim never
19 beat Jimmie Joe on a certain day, same as their kids. But at the end of the year, when all the
20 points were totaled, it was always Jimmie Joe who swaggered up to be handed the buckle.
21 Jimmie Joe sold most everything he owned to cover those debts of his, but he saved one
22 championship belt buckle for Billie Jo. When Jimmie Joe got killed in that car crash
23 (everybody said he'd been drinking but I never believed it) Alfalfa got that buckle. She would
24 wear it with pride every time she competed. She was wearing it the day she died.

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

36
37 I saw Billie Jo and Cody at the big Hoedown Friday night, August 5th, the night before the
38 accident. Cody seemed very upset that Billie Jo had drawn Sooner Fury, a rank bronc, for
39 the next day's ride. I tried to talk to Cody and cheer her/him up. See Cody had drawn Sad
40 Sally, a docile old mare who is near the end of her bronc riding career, but Sally's no dink.
41 However, even with the buck strap tightened over the lower belly of the horse, Sad Sally was
42 never going to be the bucking bronc that Sooner Fury is. Saddle bronc is judged equally on
43 the skill of the rider and the bucking of the horse. So Cody knew that whoever rode Sooner
44 Fury was likely to get top scores for the bucking bronc because Fury was such a wild horse.
45 In my opinion, not even if Cody had her/his best ride ever, as long as Billie Jo had her usual
46 good ride, she would probably win the event because she would get more points for Sooner
47 Fury than Cody could spur out of Sad Sally. Everybody knows that
48 bronc riding is equal parts rider and horse, and in my opinion Billie Jo had just drawn a better
49 horse than Cody. To my mind, unless Billie Jo had the worst ride of her career, she would be
50 walking away with the championship buckle this year.

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

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

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

82
83 That policeman, Nigh, asked me what I had seen the morning of Billie Jo's death. I told Nigh
84 about seeing Cody Boren in the Arena the night before the accident. What I didn't tell her/him
85 was that I had also seen Cody Boren messing around with Billie Jo's gear bag before they
86 saddled up Sooner Fury and put him in the chute. I was outside the tack room and saw Macy
87 Henry pick up Billie Jo's gear bag and set it back down while she went to go find Billie Jo.
88 Then I saw Cody bending over the bag and fiddling with something inside it. Cody's back was
89 to me, so I couldn't see exactly what s/he was doing, although it looked to me like Cody was
90 up to no good. Macy Henry must have thought so too. When Macy saw Cody, Macy shouted
91 at her/him, although I was too far away to hear what either one of them said. Then Billie Jo
92 came over, picked up the gear bag and took it toward the bucking chute. I didn't tell Nigh
93 about any of this stuff because I am no rat. But this here statement is under oath, and I am
94 not going to lie. I like Cody a lot, Cody has always been nice to me, and I didn't want to get
95 her/him in any trouble. I just don't want to believe that Cody could have cut the hack rein and
96 then taped back over the cut to hide it, all to hurt Billie Jo, but after reflecting on it all I just
97 don't know what else could have happened. Somebody suggested that Billie Jo's spur could
98 have cut the hack rein during her rake motion, but that is just not possible. First of all, the
99 saddle bronc spur is not sharp enough to cut through the thick, braided hack rein. Second
100 of all, during the rake, the spurs would be no where near the honda. After everything I have
101 seen this season, Cody was desperate to win and Billie Jo was the only thing standing in
102 Cody's way. I am just sorry to see Cody go this far to win. It sure is a darn shame.

103

104 Dated: August 10, 2005

Signed: Sean T. McGee

105

106 STATE OF OKLAHOMA)

107)

SS.

108 COUNTY OF OKLAHOMA)

109 This instrument was acknowledged before me on August 10, 2005, by Sean T.
110 McGee.

111

112

113

Jennifer Berry

114 (SEAL)

Notary Public

115

My Commission Expires: 04/05/2010

116

My Commission Number: 05003399

DEFENSE WITNESS STATEMENT OF DAKOTA “CODY” BOREN

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

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

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

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

40
41 Billie Jo always said the rest of us were just jealous, but really we just didn't like being
42 around her because she was so arrogant. She's so mean I've just learned to avoid her as
43 much as possible. She and I had words several times in the past, but it never got violent
44 between us. Sure it could have. Billie Jo could make you just that mad, but I wouldn't ever
45 hurt another cowpoke or one of the stock. The rodeo producers, like Ripley Kerr, see to
46 that. Fighting is strictly prohibited, and we all know that Mr./Ms. Kerr would disqualify us
47 for doing it. Last July in Amarillo, Billie Jo and I got into it pretty good over whose daddy
48 had been the best bronc buster. She disrespected me by saying that my daddy was no

49 good and neither was I. I couldn't let that stand, so I took my knife out of my pocket to
50 show her that my daddy had left me something more than what she called his "second rate"
51 name. She took a swing at me, and I took a swing at her, but Macy stepped in and broke
52 it up before anyone got hurt. It was just messing around between friends. We were both
53 reprimanded by Ripley Kerr of the NCRA, but that was all it was. I couldn't afford to be
54 disqualified because it might hurt my chance to get the scholarship. The scholarship is
55 based on being the best, not just your point totals, but your character too.

56
57 Billie Jo was at almost every rodeo I entered. It almost seemed like she would wait to see
58 if I entered and then she would enter too. I think she liked the competition. The papers
59 always made such a big deal of the "rivalry." There wasn't that much to write about. Sure
60 she often beat me, but our points were always close. Plus there were those times that
61 Billie Jo had a bad ride, so by the end of the season our point totals were real tight. When
62 we got to Oklahoma City, it was anybody's game. Either she or I could win depending on
63 our rides in that rodeo. That's why it was so important for me to win there.

64
65 I didn't touch Billie Jo's saddle or other equipment the night before or the day of her ride.
66 Sure I went to the tack room Friday night, it must have been a little after 10 o'clock, but I
67 was just on my way to bed after the Hoedown. I needed to check on my gear one more
68 time before going to sleep. I don't know if anyone saw me there or not, I don't care. I
69 certainly didn't see that clown McGee. I wasn't doing anything I shouldn't, so I don't need
70 to defend myself to anyone. I probably had my knife with me that whole weekend. I always
71 carried it. It is a great knife if you needed to cut a length of rope or something. I don't
72 remember a specific time that I cut a rope made from sisal fibers with it, but I am sure I
73 must have. There is always plenty of that kind of rope back home on the farm and I worked
74 on the farm in June of last year.

75
76 There were no locks or anything so anyone could get to anyone else's gear in the tack
77 area, but we generally did a good job of staying with our own stuff. Anybody could have
78 gotten to Billie Jo's rein and cut it, not just me. I never went to Billie Jo's area or touched
79 her saddle or rein. On Saturday before the saddle bronc event got started, everyone was
80 hanging about the tack room. I may have moved Billie Jo's gear bag, just to get it out of
81 my way, but that was all. Of course I knew which saddle was Billie Jo's, everybody did.
82 She really took pride in being flashy and her saddle had all kinds of brads and metal stars
83 on it. She acted like it was the most special saddle in the world. I never knew why it was
84 so important to her.

85
86 That night before Billie Jo died, I went to that big Hoedown they had for all the cowboys and
87 cowgirls. There was a really good band and it seemed like it would be fun. But when I got
88 there, everyone was oohing and aahing over Billie Jo. I kept hearing, "You're the best,
89 Alfalfa!" It made me want to hurl. I knew that if I could just get my chance, I would be the
90 best, I would win. Billie Jo seemed to be having a good time at the party. I decided to
91 leave when people jumped up with the band and started to sing along as they played the
92 Oklahoma state song, that one from the old musical. I just couldn't take it any more. I took
93 a walk around the fairgrounds to clear my head and that's when I heard it: Daddy's voice
94 telling me for all those years that I was the best. I remembered how much he believed in
95 me. I knew then that I could win the buckle and
96 the scholarship the next day. His confidence in me when I was a kid gave me the
97 confidence I needed in myself and that confidence was the edge I would need to beat Billie
98 Jo.

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

111
112 Now they are blaming me! I can't believe it. They have disqualified me. They are
113 depriving me of the buckle and the scholarship so I can't start school. My dreams are
114 completely trashed. All my mama does is cry. Even when all this is over and I am
115 acquitted, and I will be acquitted I just know it, I don't know how I will be able to afford to
116 go to school without the scholarship. Without the buckle, people will not know that I really
117 am the champion.

118
119 I heard that people are telling lies about me, like I threatened Billie Jo and cut her hack rein
120 to cause the accident so I would win. I guess I understand Macy saying things. I think
121 Macy always liked me, but she and Billie Jo were best friends since they were kids. I
122 talked to Macy before Billie Jo's go round that day, but I don't even remember what I said.
123 Some joke or something. I can't understand why that clown, Happy McGee, would be
124 saying anything about me. I never saw Happy that day and if Happy is saying differently
125 then that's just wrong. The clowns and pick up riders always hang out in their own area
126 away from us, and we typically don't see them until we get into the Arena. They are all a
127 lot older than we are and we don't really do anything with them. They're nice enough and
128 I've always liked Happy, but I can't imagine what s/he or any of them would know about
129 what happened to Billie Jo.

130
131 No matter what anybody says, I did not cut Billie Jo's hack rein. I couldn't intentionally hurt
132 someone like that, not even Billie Jo. There are lots of different ways that rein could have
133 been cut or just wore out. Billie Jo was never careful with her tack, everyone knew this.
134 You have to clean your tack regularly or it won't last. You also have to replace stuff when
135 it wears out or gets damaged. Billie Jo was always too busy signing autographs or hanging
136 out with her fans to get her hands dirty taking care of her tack. Unless Macy took care of
137 it, it just didn't get done. If I were Macy, I would have resented Billie Jo and her overblown
138 ego. Maybe Macy wanted to see Billie Jo get hers.

139
140 In bronc riding you have to spur the horse to get it to buck and get your points. You mark
141 out with your spurs up high on the bronc's shoulders and bring them down across the
142 bronc's flanks. It would be easy to snag the rein on those spurs I should think. Plus there
143 are probably sharp edges all over the tack room, or the gates of the bucking chute, or the
144 back of Macy's pick up truck for that matter. I don't see why everybody jumps to the
145 conclusion that I did something when it could have happened any one of a hundred ways.
146 They just must have it in for me.

147
148

149 Dated: August 8, 2005

Signed: Dakota Boren

150

151

152 STATE OF OKLAHOMA)

153) SS.

154 COUNTY OF OKLAHOMA)

155 This instrument was acknowledged before me on August 8, 2005, by Dakota
156 Boren.

157

158

159 Jennifer Berry

160 (SEAL) Notary Public

161 My Commission Expires: 4/15/2010

162 My Commission Number: 05003399

DEFENSE WITNESS 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
4 other in bull riding, barrel racing, bareback riding and saddle bronc riding.

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

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

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

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

39
40 We continued the saddle bronc event after Billie Jo's fall. Cody Boren was the next rider in
41 the bucking chute. In rodeo, riders get hurt all the time and are carried out of the Arena.
42 There are actually fewer injuries in saddle bronc than in bareback bronc, bull riding or
43 bulldogging; although everybody knows about that accident three years ago when a saddle
44 bronc rider died from head injuries when he was bucked off. I knew Billie Jo was
45 unconscious, but I had no idea she was seriously hurt. We didn't get word that she had died
46 until after the entire rodeo was over. Thank goodness Cody Boren rode after the accident.
47 The crowd was pretty shaken up by Billie Jo's fall, but Cody got them right back in the action.
48 The show must go on!! Cody really knows how to play the crowd. I certainly wasn't surprised
49 when Cody, after scoring an 82, walked away the champion. I've known Cody and the Boren
50

51 family since Cody's father was in the business. They are a good strong family. Mrs. Boren
52 has done a great job raising those children all by herself after Mr. Boren died.

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

66
67 In my opinion, Cody Boren would never intentionally hurt another competitor or an animal.
68 Cody did pull that old pocket knife of his/her father's out of her/his pocket during that fight with
69 Billie Jo last July, but I am sure Cody didn't mean anything by it. Cody is a good student and
70 talks all the time about the future. Cody was a finalist for a Rodeo Scholarship. I was really
71 pulling for Cody to win. It was generally thought that either Billie Jo or Cody would get the
72 scholarship. Now we have postponed making any decisions until after this trial. I'm really
73 proud of the Rodeo Scholarship. It is \$10,000 a year for four years to pay for tuition, books
74 and other expenses. A lot of students who have gotten this scholarship in the past couldn't
75 have gone to college without it.

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

87
88 The police officer who investigated Billie Jo's accident was accusatory at first. Officer Nigh
89 kept telling me our security was too lax and that we should have kept closer tabs on the
90 competitors and their equipment. Then Officer Nigh accused me of letting competitors ride
91 with faulty equipment. As Nigh was leaving to go to the hospital, s/he asked me to gather
92 Happy McGee, Macy Henry and Cody Boren and keep them separated at the fairgrounds.

93
94 I explained that it was the duty of each competitor to check their own equipment before each
95 ride. Each competitor has his or her own area. No one is allowed in another competitor's
96 area without permission of that competitor. We don't have locks on anything, but we don't
97 usually have any problems with the riders messing with each other's equipment. However,
98 the area is not monitored and it would be possible for someone to go into another rider's area.
99 The police showed me Billie Jo's hack rein, specifically the honda where the rein had been
100 cut and then wrapped over again with first aid adhesive tape. Billie Jo always had the honda
101 on her hack rein taped, as did many other cowboys and cowgirls, to prevent fraying where the
102 slip knot was tied in the honda. I've seen sisal rope fray lots of times before by regular wear

REPORT OF EXPERT WITNESS – SIDNEY BELLMON

1 My name is Sidney Bellmon. I was the Senior Production Engineer for Rodeo Equipment, Inc.
2 from 2000 until 2004, and am now the Vice President for Operations. Rodeo Equipment, Inc.
3 has been manufacturing saddles and rodeo equipment for thirty years. I have worked for
4 them since I graduated from Oklahoma State University in 1994 with a degree in Industrial
5 Engineering. I chose Rodeo Equipment, Inc. because I have been going to rodeos all my life.
6 Now, with my job I get to attend ten to twelve rodeo events a year. I have taken over 50 hours
7 of safety courses dealing with saddles, reins and other rodeo equipment. I teach a yearly
8 course at the Purcell Horseshoeing School and Riding Stables about riding equipment and
9 equipment care.

10
11 Because of the number of injuries occurring at rodeos our industry has become extremely
12 safety conscious. Unfortunately, there are still a large number of lawsuits filed from those
13 injuries. I have testified approximately ten times, mostly in civil lawsuits. All of those were for
14 the industry. I have testified twice in criminal cases, once for the prosecution and once for the
15 defense. I charge \$250/hr for evidence evaluation and time spent in court. In preparation for
16 my testimony today I have read the police report, the witness statements, and examined the
17 evidence in this case at my laboratory at Rodeo Equipment, Inc.

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

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

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

41
42 Proper storage is very important to rein durability. Heat can seriously affect the strength of
43 natural fiber ropes. Heat can be caused by the environment, storage conditions and by
44 friction. It is the latter problem that most often affects the rein. Hack reins should be stored
45 clean, dry, out of direct sunlight and away from extreme heat. They should be kept off the
46 floor and on racks to provide ventilation underneath. I enjoy seeing teenagers in these events,
47 but it is with this age group that I most often find sloppy maintenance of their equipment.

48
49 It is important to mention that a heavily used rein will often become compacted or hard which
50 indicates reduced strength. Also, a rein will be severely damaged if subjected to rough

51 surfaces or sharp edges like ornamental saddles. One final point is that a rein can be
52 damaged by chemicals. The chemicals riders use to clean their saddles can be damaging
53 over time to the fibers of the rein.

54
55 All manufacturers and rodeo officials warn that a hack rein should be discarded if any damage
56 is noticed. Bronc riding places strain on the rider, the horse and the equipment. The rapid
57 and sudden actions increase the likelihood of damage. Riders should avoid using a rein that
58 shows signs of age and wear.

59
60 A visual examination of the rein used by Billie Jo Murray the night she died indicated some
61 wear. While none of the wear I observed would have been to the extent to cause the rope to
62 break, that does not mean there wasn't enough wear to cause breaking at the point the rope
63 broke in two. Often pressure is applied to a rope at the same location time and time again.
64 Once an area becomes weaker, continued use speeds up the damage to that area causing
65 its ultimate failure.

66
67 While it is possible that Billie Jo Murray's rein was cut, there is no way to say with any degree
68 of certainty. Cut ends of rope usually look dramatically different than frayed ends. At least
69 a few of the fibers appeared frayed at the breaking point. A microscopic examination revealed
70 that the fibers of the hack rein show destruction that could be classified as either cut or frayed.
71 This supports either theory that the rope was partially cut and then frayed during the ride
72 causing the rein to break or that the rein was completely severed. Because of the natural
73 fibers of a sisal rein, and the corresponding tendency of single sisal fibers to unravel and
74 break away from the braided rein, it is difficult to determine whether the hack rein fibers were
75 cut or frayed due to wear.

76
77 It is impossible to tell by examination of the rein if anyone inspected or noticed any fraying or
78 cut edges prior to the ride. Since the break occurred at a portion of the rein that was covered
79 by adhesive tape, it is unclear if a casual visual inspection would have revealed any problems.
80 Adhesive tape residue was found over various portions of the honda, indicating that the rein
81 had been taped in the past as well as for the fateful ride. If the rein was intentionally cut, it
82 would have been by someone who knew the pressure would be applied to the honda during
83 the ride. That person would have to be very lucky that the rein was able to break during such
84 a short ride. Of course, nothing in my examination would be able to determine who cut the
85 rein if it was indeed cut.

86
87 It is true that if you partially cut a rope, it will unravel all by itself. How long that takes depends
88 on the condition of the rope and the use to which it has been put. In my opinion, it would have
89 been almost impossible for anyone to know how far to cut the rein so that it would appear
90 normal, but far enough that it could completely unravel during the short amount of time during
91 a bronc ride. Certainly if the rein was partially cut, Billie Jo Murray's last ride might have been
92 enough to finish breaking the fibers. If the rein was severed completely and then taped over
93 to hide the cut, the rein could have split within a very short time period, several seconds if
94 enough stress was placed on the rein.

95
96 I don't believe anyone in the industry would be able to say with absolute confidence that the
97 rein was cut. You can tell a lot by evidence examination, but this is too close a call for me.
98 I would conclude that nothing in the evidence indicates with a sufficient level of certainty that
99 the hack rein used by Billie Jo Murray was intentionally cut. Even if the rein was intentionally
100 cut, nothing in the evidence that I examined indicates who cut the rein.

101
102

103 I have also examined the knife that belongs to the defendant, Dakota Boren. There were sisal
104 fibers found in the hinge of the knife blade. I have examined these fibers and they seem
105 consistent with the fibers of Murray's hack rein that I examined. They also seem consistent
106 with any other sisal rope. Sisal rope is used in various industries including baling hay or tying
107 up other materials in the agricultural industry. I cannot form a conclusion with a sufficient level
108 of certainty that the fibers found in the knife belong to the damaged hack rein.
109
110

111 Dated: August 22, 2005

Signed: Sidney X. Bellmon

112

113

114

115 STATE OF OKLAHOMA)

116)

SS.

117 COUNTY OF OKLAHOMA)

118 This instrument was acknowledged before me on August 22, 2005, by Sidney X.
119 Bellmon.

120

121

122

123 (SEAL)

Kristin Chenoweth

Notary Public

My Commission Expires: 10/02/08

My Commission Number: 12306698

125

126

127