

1 STATE OF SOUTH CAROLINA
2 IN THE COURT OF COMMON PLEAS
3 COUNTY OF ALLENDALE

4 Marcus Riley,
5
6 Plaintiff,

7 vs. Transcript of Record
8 2020-CP-03-0176

9 Dorothy Riley, individually,
10
11 Defendant.

12 November 1, 2022
13 Allendale, South Carolina
14 (Excerpt of trial.)

15 B E F O R E:

16 The HONORABLE BROOKS P. GOLDSMITH

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

18 Ittriss J. Jenkins, Representing the plaintiff

19 J. Martin Harvey, Representing the Defendant

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22

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SHARON G. HARDOON, CSR
Official Circuit Court Reporter, III

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25

1 THE COURT: Let's go back to the case for
2 9:30.

3 Mr. Jenkins, are you ready to proceed?

4 MR. JENKINS: Yes, sir.

5 THE COURT: Mr. Harvey, are you ready to
6 proceed?

7 MR. HARVEY: Yes, sir.

8 THE COURT: I believe when we recessed, I
9 asked -- I think I asked Mr. Harvey to see if he
10 could find some law addressing the non-claim
11 statute.

12 MR. HARVEY: Your Honor, I did. I
13 emailed the Court yesterday at around 6:00 and
14 copied Mr. Jenkins with three opinions. The -- I
15 guess the lead case in South Carolina, so to
16 speak, is Phillips against Quick, a 2012 Court of
17 Appeals case where the Court discussed the
18 difference between a non-claim statute, which is
19 62-3-803, and a statute of limitations, and the
20 Court discussed the Alabama Supreme Court having
21 a -- having a -- addresses a non-claims statute.

22 The Court specifically held in the second
23 paragraph from the last of the opinion, "Because
24 we find no indication that our legislature
25 intended for the discovery rule to apply to the

1 non-claim statute, we conclude this rule does not
2 extend to 62-3-803," which I think directly
3 addresses the Court's concern.

4 And then the Supreme Court in 2014 in the
5 Beach First Nat'l Bank against The Estate of
6 Gurnham, 407 S.C. 194, 754 S.E.2d 875, apparently
7 having an opportunity to examine the *Phillips*
8 case, cited *Phillips* in response -- as a -- in
9 support of its decision of the non-claim statute
10 being not subject to the discovery rule. In other
11 words, in absolute bar.

12 And then just because the *Phillips* case
13 relied on the Supreme Court of Indiana, I found
14 the most recent opinion I could from Indiana where
15 they talk about non-claim statutes, again
16 distinguished between a non-claim statute and the
17 statute of limitations. And a non-claim statute
18 is an absolute bar within one year after death or
19 eight months after the notice to creditors is
20 published.

21 If the Court would like hard copies, I
22 have a hard copy.

23 THE COURT: I've looked at them.

24 Let's see what Mr. Jenkins has to say.

25 MR. JENKINS: Your Honor, may it please

1 the Court?

2 The problem I have with both of these
3 cases is, they're assuming that my client is a
4 creditor; therefore, filing a claim. I think what
5 I was trying to hammer home yesterday is, there
6 are two different people in an estate. When an
7 estate is opened, you have your advisees in
8 interest, then you have your creditors.

9 In Statute 628-21 of the Probate Code, it
10 goes through definitions of what things are. At
11 no time do they mix heirs and creditors. In fact,
12 creditors have to file what's called a claim.

13 At the end of Section Number 4, the claim
14 says, "The term does not include an estate where
15 inheritance taxes remain in dispute or regarding
16 title of a specific person or assets that are
17 alleged to be included in the estate."

18 That is our argument. We're saying that
19 there are assets in the estate that should not be
20 in the estate. We're not filing a claim, because
21 a claim is at the front of the statute where it
22 explains what a claim is and how you can be a
23 creditor.

24 Now, he can be both. You can be an heir
25 who has loaned money to the estate, you can be an

1 heir where the estate owes you money, like we do
2 with funerals. In the Probate Code, funerals come
3 first. So if I pay for the funeral of a loved
4 one, I'm first in line to get my money back even
5 if I'm an heir.

6 But being an heir and a creditor doesn't
7 mean that you're a creditor just because you're an
8 heir. The statute is very clear to differentiate
9 between the two. Because if you have to go down
10 to another statute, which is Section Number 20,
11 where it clearly defines heirs as "Neither of
12 those persons, including the surviving spouse, who
13 are entitled under the statute of intestate
14 succession to the property of a decedent."

15 So, as you notice, the statute says under
16 intestate succession, that makes you an heir. So
17 if the will is there and the will actually
18 disinherits you, that doesn't take you out from
19 being an heir. There you would move into a status
20 of what we call a disinherited heir, but you're
21 still an heir.

22 Once there's a will that survives leaving
23 property to a loved one, that one loved one is
24 also what we could call an devisee. So the case
25 law, I don't really look at Indiana case law, but

1 that Indiana case law, although not applicable in
2 South Carolina, still talks about a claim that's
3 filed against the estate.

4 With the first case, they're talking
5 about a deficiency judgment. My client is; not;
6 talking about a judgment against his father. My
7 client's not talking about money his father owes
8 him. My client is basically contesting the one
9 particular issue, which is, there were assets that
10 were in the estate that no longer should be in
11 that estate because it was obtained illegally.
12 That's the issue.

13 So if the estate owes money, he doesn't
14 know anything about that. He didn't get into
15 that. As I say, Your Honor, if you look at the
16 statute, it's extremely clear as to what an heir
17 is. These things -- the second case also talks
18 about another person who he owed money -- the quit
19 claim argument. So the claims were barred.

20 He's right. Absolutely right. The
21 claims are barred when you are in Probate Court
22 under 62-3-803. Barred. I understand. You have
23 one year to do it. If you don't do it within a
24 certain amount of time, you're barred for life.

25 He's not a creditor, and we're not

1 challenging an issue that a creditor would even
2 have access to. If I was at Bank of America and
3 the decedent owed me money, I can't challenge
4 what's in the estate as the validity of it. All I
5 will say is "I don't care, sell it all, give me my
6 money, because that's what I'm here for. That's a
7 creditor. Creditors file claims. Heirs have
8 interest.

9 So with this case law, I think it's
10 totally off the mark. The true issue is why my
11 client has standing. As an heir, he has standing
12 to challenge the estate. The statute says it.

13 Thank you.

14 THE COURT: All right. Help me out with
15 a couple other things.

16 MR. JENKINS: Sure.

17 THE COURT: Let's just talk about as far
18 as what you're asking the Court or the jury or --
19 I guess the Court to do as it relates to the
20 estate.

21 MR. JENKINS: Yes, sir.

22 THE COURT: What is it that you're
23 asking?

24 MR. JENKINS: We're asking for all the
25 assets in the estate that were obtained by illegal

1 power of attorney to be returned to where it's
2 supposed to be, which is the estate of his
3 grandfather.

4 THE COURT: All right. Let me see if I'm
5 following this right. That would require the
6 personal representative to sign a deed?

7 MR. JENKINS: Sign a quit claim deed.

8 THE COURT: Quit claim deed.

9 MR. JENKINS: Yes.

10 THE COURT: To who?

11 MR. JENKINS: To the estate. So what you
12 have to do is reopen the estate.

13 THE COURT: Reopen --

14 MR. JENKINS: The grandfather's estate.

15 THE COURT: The grandfather's estate.

16 MR. JENKINS: Yes, sir. I do it at least
17 twice a week. Reopen the estate and you say the
18 reason why is you filed additional assets.
19 Additional assets would be the additional assets
20 that the jury would have awarded, hopefully, in
21 this hearing.

22 So if that occurs, then once you reopen
23 the estate, once the jury -- then a PR is assigned
24 the same way you do with a regular estate. That
25 PR then would go about redistributing, according

1 to the grandfather's will. That's exactly what
2 we're asking. We're just asking for it to go
3 where the grandfather had intended it to go
4 originally.

5 THE COURT: And you want an order -- see
6 if I'm correct in this. You want an order that
7 says that the power of attorney and/or deed
8 following the power of attorney were invalid.

9 MR. JENKINS: Yes, sir.

10 THE COURT: Now, help me out with one
11 other thing.

12 MR. JENKINS: Okay.

13 THE COURT: 15-3-340 indicates you can't
14 bring an action for recovery of real property
15 unless you do it within ten years, et cetera,
16 et cetera. But that was argued yesterday.

17 MR. JENKINS: I'm sorry, Your Honor. I
18 need to look at that.

19 What section are we speaking of, Your
20 Honor? 15-3-340. I think I see, Your Honor, but
21 it's basically statutory, because, if you look at
22 15-3-535, fraud is always when it's discovered.

23 THE COURT: Hang on one second. 15 --

24 MR. JENKINS: 3-535. It talks about the
25 statute of limitations.

1 THE COURT: Okay.

2 MR. JENKINS: If you look at that
3 statute, fraud is always unique than any or other
4 statute and any other claim. Because it says, "It
5 must be commenced within three years after the
6 person knew or by the exercise of reasonable due
7 diligence should have known that he had a cause of
8 action."

9 My client didn't even have an idea that
10 this occurred until 2018 -- 2020 when he did that
11 research.

12 So our argument is his 10 years started
13 when he discovered. And here we are in '22. It's
14 only been two.

15 THE COURT: In other words, under your
16 theory, could you not go back and set trial, bring
17 an action to set aside the deed that had been done
18 50 years ago?

19 MR. JENKINS: Well, I've tried. I mean,
20 it's still pending. But, yes, sir, I believe you
21 can. If you can find evidence. The reason why --
22 I looked at the public policy last night. The
23 reason why they do it as a fraud is because once a
24 person is frauded, they very seldom know
25 immediately. In our case, they do, because we

1 have electronic means. We have all these things.

2 But usually when a fraud occurs -- I
3 guess the testimony heard kind of took that as an
4 example. She didn't know her brother did that.
5 She didn't know that years ago. So usually with
6 fraud, you don't notice it happens immediately.
7 You don't notice it happens until there's some
8 reason for you to look into it. I mean, we all go
9 home at night. We don't know. Somebody might
10 sign our house over to someone else. We have no
11 reason to go look back at the title or look at the
12 deed. So that's why the statute is put in place.
13 And that's why when you discover and you have
14 reasonable -- the word is reasonable diligence
15 should have discovered. And he had no reason
16 living in another state to believe that he would
17 have discovered when had happened until somehow he
18 had a phone call to say that this is a problem.

19 THE COURT: But now does that statute of
20 limitations apply to 15-3-34?

21 MR. JENKINS: Yes, sir, I believe it
22 does, because it doesn't say it's limited by
23 anything. There is nothing in the statute that
24 says there's a limitation on this statute.

25 THE COURT: Well, how do you reconcile

1 340 with 335?

2 MR. JENKINS: Because I think 335 is
3 talking about all cases and claims. It's not
4 talking about claims that we're talking about in
5 this circumstance. We're talking about fraud.

6 THE COURT: I understand. Mr. Harvey?

7 MR. HARVEY: Sir?

8 THE COURT: What do you say?

9 MR. HARVEY: First of all, Your Honor,
10 you know, conveniently Mr. Jenkins argues fraud,
11 fraud, fraud, fraud, fraud. But conveniently,
12 Mr. Jenkins forgets that fraud is a tort. This
13 suit is brought in fraud and brought in tort. And
14 Section 62-1-2014 under the definition of claims
15 includes torts.

16 And to me it's pretty disingenuous to
17 say, Oh, no, we're not a claimant, but we're suing
18 you for fraud, which is a tort, which means we get
19 to ignore the clear public policy of South
20 Carolina in ending estates and allowing estates to
21 be closed.

22 The other thing about heirs, Your Honor,
23 intestate heirs are determined as of the date of
24 death. Sure, you might be an heir for purposes of
25 family reunions long after someone has died. But

1 when someone dies, the heirs are determined. And
2 you are either a devisee. If there is no devisee,
3 you're an intestate heir.

4 The intestate heirs is clear in this
5 case. Virginia Priester, Evelyn Grant, Janice
6 Heard, and Marion F. Riley, Jr. They were all
7 living.

8 The grandson is not an intestate heir as
9 of the date of death of Marion F. Riley. So he's
10 either suing as a claimant because a fraud was
11 committed, a tort was committed, or he has no
12 standing because he's not an heir.

13 THE COURT: All right. I'm still going
14 to take it under advisement and think further on
15 this matter.

16 You-all ready for the jury to come in?

17 MR. HARVEY: I'm ready. I've got
18 witnesses ready to testify.

19 MR. JENKINS: I'm ready, Your Honor.

20 THE COURT: Let's bring the jury in.

21 (Jury enters the courtroom at 10:12 a m.)

22 THE COURT: Good morning, ladies and
23 gentlemen. I apologize for making you wait. Some
24 other matters came up that I had forgotten about.

25 Were you able to select a foreperson to

1 represent the jury?

2 That would be who?

3 I'm sorry. Your name is what?

4 FOREPERSON: Martha Banks.

5 THE COURT: It was a wise decision the
6 jury made to appoint you. I agree. Thank you for
7 serving.

8 I believe we're ready to resume with the
9 presentation of evidence by the defense.

10 MR. HARVEY: I'm sorry, Judge.

11 THE COURT: You ready?

12 MR. HARVEY: I'm ready.

13 THE COURT: Okay. You may call your next
14 witness.

15 MR. HARVEY: Clyde Eltzroth, Jr.

16 THE CLERK: Do you solemnly swear or
17 affirm to tell the truth, the whole truth, and
18 nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 WHEREUPON:

21 CLYDE ELZROTH, JR.

22 after having been sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HARVEY:

25 Q State your name, please.

1 A Clyde A. Eltzroth, Jr.

2 Q Where do you live?

3 A 405 East Palmetto Avenue in Varnville,
4 South Carolina.

5 Q How long have you been there?

6 A Well, at that particular residence, over
7 40 years, but I've lived there all my life.

8 Q And are you presently retired?

9 A Yes, sir. I've been retired since back
10 surgery of 2010.

11 Q Okay. Before that, what did you do for a
12 living?

13 A General practice of law. Mostly personal
14 injury, but it covered pretty much -- whatever
15 came in the door, I was comfortable with handling.
16 I handled wills of people. I did powers of
17 attorney. Those I did without charging people
18 because it was something that the public needed.
19 People couldn't afford to have wills. I did that.
20 I did worker's comp, every kind of personal injury
21 case that you could imagine. I handled a few
22 estate contested cases.

23 Q Okay. Do you -- was Marion Riley, Sr. ever your
24 client?

25 A Yes, he was. I met Mr. Riley probably

1 sometime between 1973, when I was hired by
2 Eltzroth & Peters. And when my father became a
3 Circuit Court judge, he helped my father to win
4 the endorsement of the NAACP when he ran for
5 Circuit Court judge of the 14th Judicial
6 Circuit.

7 Q Okay. And it's your understanding he operated a
8 funeral home?

9 A Yes. He operated his funeral home in
10 Fairfax, South Carolina.

11 Q Okay. Was there any frequency of seeing him on a
12 business occasion or was it whenever he needed you?

13 A Well, he would come see me occasionally just
14 for legal questions. I can remember one time he
15 was involved with an estate. I don't know whether
16 he was the personal representative. I don't
17 believe I entered into the representation, but it
18 is an estate that didn't have enough money to pay
19 its bills.

20 So I helped him go through that process
21 of having an estate sale of the personal property,
22 which took place on the grounds of the funeral
23 home in Fairfax. I can recall showing up
24 afterwards and helping him with the paperwork and
25 to make sure everything was going smooth.

1 I also can remember a time he came in
2 with a disputed bill from Cade Vault Company in
3 Estill. His daughter Virginia ran the funeral
4 home in Hampton. And Marion, and I think his son,
5 had started helping in Fairfax.

6 In any event, Mr. Marion got the bill
7 from Cade funeral home in Estill, but the vaults
8 were delivered to Hampton, which he did not order,
9 and he was, kind of, upset. So I contacted Cade
10 for him and explained to them that he was not
11 going to pay that bill, and he didn't.

12 But there were various other times. If I
13 had cases pending on the roster up here, I would
14 call him up and usually ride up to Fairfax and go
15 over the jury list with him just to try to get
16 information to strike a juror. So I saw him on a
17 regular basis.

18 Q You knew him pretty well then.

19 A Yes, sir.

20 Q In 1995 -- strike that.

21 When I called you and asked you what you
22 might recall about Mr. Riley, you indicated you
23 needed to look in your calendar and daybooks.

24 A Correct.

25 Q Have you had an opportunity to review?

1 A Yeah, I did. I went up to the office
2 yesterday. And what I called the offices, it's
3 where I practiced law when the law firm moved up
4 to this private building. It's now called Parker
5 Law Group. I've been out of that practice of law,
6 and no financial interest with it since 2010,
7 really.

8 But I recorded in a daybook that I kept
9 on my desk with a calendar from each of day of the
10 year, and the law firm paid for it. And I don't
11 remember exactly what year I started, but I had
12 them back then.

13 So I went up and found it there on the
14 3rd floor storage. Parker Law Group is in charge
15 of, I guess, the records of the old law firm. And
16 if I can refer to my notes for looking at that
17 daybook, it has notes about Mr. Riley and, of
18 course, a lot of other clients that I did business
19 with as well.

20 But I went and reviewed it. Let me get
21 my glasses. But it was on a Thursday, May the
22 18th. It was the morning. There's a note that
23 reflects that Marion Riley, Sr. and his son came
24 to my office, and that's the date of the power of
25 attorney.

1 In instances like that where they come in
2 with a relative or a son or a daughter or anyone
3 else, I take them individually and everybody else
4 is out of my office. They have to wait in the
5 lobby or the waiting room, or whatever, but
6 they're not present when I discuss that with the
7 client.

8 And I went over with him why he may have
9 wanted the power of attorney, what it did, what it
10 allowed. He wanted to appoint Sonny as his power
11 of attorney. I explained the difference between
12 what I call a general power of attorney that
13 allows him to do just about anything and a
14 specific power of attorney that would just let him
15 perform one act, like a real estate closing. You
16 give them a power of attorney just to do that and
17 nothing else. He had a general power of attorney.

18 And I would have had that typed up as a
19 general thing that we have. It doesn't have to be
20 specific unless it is specific. So that was done.

21 I would have called in probably my
22 secretary or one of the other secretaries to
23 witness it and, perhaps, notarize it, or I may
24 have notarized it. So that's what happened with
25 that.

1 Q Okay. Let me -- let's stop.

2 A Okay.

3 Q I'm going to show Plaintiff's Exhibit C. And I'd
4 just ask you to identify this as the power of attorney
5 that you just talked about?

6 A Yes, it is. This would be the one that was
7 prepared in my office and that he did in my
8 presence. I also note that it looks like it was
9 filed with the clerk of the court on 10/24 of '95,
10 which would go into a further explanation that I
11 had given him and anybody else that comes in for a
12 power of attorney.

13 You don't have to file it with the clerk
14 of the court. You can just tell whoever you
15 appoint. You can appoint one person with your
16 power of attorney or you can appoint two or three
17 people within the same instrument and just let
18 them know where it is. It's in a safe place in
19 case you become incapacitated and cannot handle
20 your affairs.

21 The best thing to do would be to go ahead
22 and file it and get certified copies in case
23 something -- your house burned down, there would
24 be a record of it at the clerk of court's office.
25 It appears that's what he did.

1 Q Okay. You said it was filed?

2 A According to what I see on this stamp right
3 here, it looks like it was.

4 Q On October 24th of 1995.

5 A Correct.

6 Q Even though it was signed in May of 1995.

7 A That's what's...

8 Q Do your notes reflect that, at about the same
9 time, you spoke with Mr. Riley, Sr. about a will?

10 A No, I didn't. But when I looked for the date
11 of the will that he came in, that's not likely
12 that I would have prepared that that same day. So
13 most likely on the 18th when he came in about his
14 power of attorney, he also talked to me about a
15 will, and we went over that.

16 Of course, he knew who I was. I knew who he
17 was. He knew where he was, who he was. He went over
18 the -- who he wanted to inherit his property. He
19 wanted to leave the Hampton, any interest he had in
20 that, to his daughter Virginia, and any interest he
21 had in Fairfax to his son Sonny. I didn't call him
22 Marion Riley, Jr. I always knew his as Sonny.

23 Q Everybody does.

24 A So, yes, we went over everything about a
25 will. It was something that if he changed his

1 mind at a later date, he could revoke it and make
2 a new will, and just general information I give
3 people when I prepare a will for them.

4 Q Okay. Plaintiff's Exhibit B is in evidence as
5 Mr. Riley's 1995 will.

6 Do you recognize that?

7 A I do. That's the will I prepared, and
8 Mr. Riley signed it in my presence and I
9 notarized it.

10 Q No doubt he signed it?

11 A No doubt whatsoever.

12 Q Okay. Then when was the next time you spoke to
13 your client?

14 A Well, the next time I was directed by any of
15 the documents concerning this case, as far as I
16 know, I didn't check again until May the 28th of
17 1998. Did I go three years without seeing
18 Mr. Riley? Most likely, I did not. Most likely
19 I saw him at some point in time during those three
20 years, but I didn't check. I just went to this
21 date and this date in time.

22 It was on Thursday, and there is a note
23 that Mr. Riley came into my office after lunch.
24 That was no notation that anybody accompanied him,
25 or how he got there. He was by himself, according

1 to my records -- I say my records -- my law firm
2 records. And I didn't have a note that he had
3 called for an appointment or called to let me know
4 he was coming. He just was there.

5 At that time, he wanted to revoke the
6 power of attorney. I didn't go into any specifics
7 with him about why he wanted to do it. In fact,
8 he asked me if he could revoke it. I'd never done
9 a power of attorney revocation, and that was the
10 first and only one I've ever done.

11 I probably pulled the statute and the
12 code right by my desk, looked it up, prepared it,
13 and he signed that in my presence.

14 Q And that would be Exhibit D, correct?

15 A That's correct. That would be what I
16 prepared.

17 Q And that document was recorded as well, correct?

18 A Yes. According to this, it shows a true copy
19 of 5/18/99 signed by the clerk of the court of
20 Allendale County.

21 Q All right. Now, did I ask you to check your
22 records to see about a power of attorney that was
23 dated in 1998, later on that year?

24 A Yes, you did. And I also reviewed the
25 document and noted that the witnesses appeared to

1 have been from the law office where I practiced
2 law. But when I look, my calendar -- that was on
3 a Thursday, October 15th of 1998. But my calendar
4 in my daybook was blank that week Thursday and
5 Friday.

6 What I noticed on Friday was a notation
7 that I had a hearing in an estate case that I was
8 handling in Florida with an associated attorney
9 down there. So I would have probably left
10 Wednesday before this power of attorney was done
11 and probably driven down to Florida to Cocoa
12 Beach, spent the Thursday preparing and going over
13 the things for the hearing and then gone to the
14 hearing the next day.

15 Q Okay. For some reason, I can't find it among all
16 the exhibits, so I'm going to show what we have as
17 Defendant's Exhibit 5. You said you had reviewed and
18 that document was prepared by your office?

19 A According to these signatures of the
20 witnesses, yes, it does. Janet Laslo served as my
21 secretary for a number of years, served as
22 secretary to Johnny Parker for a number of years.
23 She also -- while she was working at the law
24 office, she served as secretary to the Hampton
25 County Election Commission when I was serving on

1 the election commission there. June Bilka, she
2 was Randy Murdaugh's secretary. At that time, I'm
3 not sure whether Randy was in the same building as
4 me and June, but they must have been for them to
5 do it. But they both were employed by the law
6 firm.

7 Q Okay. What training, if any, did your employees
8 have with respect to ensuring that a legal document
9 such as a power of attorney, a deed, a will was
10 properly executed?

11 A Well, first of all, I would think he would
12 have talked to an attorney to have that done. I
13 don't know who that might have been. It could
14 have been Randy. Possibly Johnny. But the staff
15 would have known that they have to be competent.
16 They have to know who they are, where they are.

17 If there's anything that appeared out of the
18 ordinary, if they seemed confused, or under the
19 influence, on any kind of medication, that they should
20 ask about that. And I don't know whether they asked
21 him about any undue influence. I don't know if anyone
22 accompanied him there or not.

23 But, typically, we would always exclude
24 relatives from the room and any other -- anybody else,
25 other than that particular person, while it was being

1 executed to make sure nobody is exercising undue
2 influence on them and that they knew what they were
3 doing and were competent and understand it and would
4 read it and we'd read it over to them. Just what you
5 would do with anyone that would come in asking for a
6 legal opinion. You want to know about them. The
7 history, about their well-being, that type of thing.

8 Q Signing a legal document such as a power of
9 attorney, a deed, a will, that was not something that
10 was done on a rare occasion at your office, was it?

11 A No. That was something that we would do for
12 people fairly frequently. It was something that
13 everybody was trained that this was a legal
14 document that had legal consequences about how it
15 would affect them, how it could affect their
16 property, their business, their finances, their
17 whole life. This is not something to be taken
18 lightly. We needed to make sure they were
19 competent and they knew what they were doing when
20 you did it.

21 Q So when Mr. Riley, Sr. signed his first power of
22 attorney in 1995, he knew about all of those
23 ramifications, if you will.

24 A Oh, yes.

25 Q So when he came back, is there any reason to

1 believe that he did not understand?

2 A No, because he was there in May of 1998 to
3 revoke the power of attorney that I had previously
4 done. I certainly talked with him and went over
5 everything with him.

6 I don't know whether he and Sonny had a
7 falling out, or something had upset him, and he didn't
8 want his son to have that power of attorney anymore.
9 He was positive about that. He was adamant about it.
10 He said, *Nope, I'm going to revoke it.* I said, *That's*
11 *fine. We'll handle it for you,* and I did it. No, he
12 was good.

13 Q But no other power of attorney was done in favor
14 of a different child at that point.

15 A Not that I'm aware of.

16 Q Okay. Were you aware at any time that you spoke
17 to Mr. Riley that he had gotten out of the hospital
18 on any of those occasions?

19 A No, I wasn't.

20 Q Okay. Mr. Eltzroth, thank you very much for
21 showing up today. I'm sure the Court appreciates it.
22 Mr. Jenkins will have cross.

23 THE COURT: Cross-examination,
24 Mr. Jenkins.

25 MR. JENKINS: Thank you, Your Honor.

CROSS-EXAMINATION

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BY MR. JENKINS:

Q Mr. Eltzroth, once again, before I get started, I want to say thank you for being here today.

A You're welcome.

Q Mr. Eltzroth, you have a really good memory.

A Well, I had to refresh my memory. I couldn't remember this without going back and looking at that date book. I wouldn't have had a clue about what day of the week it was, what else I was doing that week. I wouldn't have had a clue. On that one occasion, I wasn't even in the office. I wouldn't have remembered that just on my memory. No, it was refreshing my recollection.

Q And you say the day of the 1998 power of attorney, you weren't in the office?

A My notes reflected that. It was blank for that and the day before and that Friday. And that Friday, there was a note that I had a hearing on an estate case in Florida. So I would have left the office to go to Florida on Wednesday, spent that day Thursday getting ready for whatever that hearing was, and then we would have been in a hearing in Florida on that Friday.

Q So we're contesting the validity of the signature

1 that happened on the 1998 power of attorney. You,
2 really can't speak to it because you technically
3 weren't there.

4 A No, I wasn't.

5 Q What you're saying is, your staff is trained to do
6 certain things.

7 A Correct.

8 Q So when Mr. Harvey asked you about, did he tell
9 you anything about a medical condition? If you
10 weren't there that day, he couldn't have told you
11 about a medical condition, right?

12 A Certainly not.

13 Q And you said your staff is trained in certain
14 matters, and I understand that. So they're trained to
15 ask questions to determine someone's ability.

16 A True. But I don't know whether he talked
17 with an attorney to have this done either.

18 Because, as I pointed out, Janet was Johnny
19 Parker's secretary, and June Bilka was Randy
20 Murdaugh's secretary.

21 Typically, to have something like this done,
22 you would first be directed to an attorney.

23 Q So the whole point that there wasn't an attorney
24 that was even there doing it --

25 A I don't know who did it. I haven't gone back

1 to check anybody else's records or talk to them to
2 see who may have prepared this.

3 Q So just out of curiosity, I guess the way the
4 statutes are today, is it legal for a legal document
5 to be performed outside the presence of an attorney?

6 A Yes, it is, as far as I know. They
7 typically -- back when we did real estate, they
8 would prepare deeds. Yes, whenever I'd get deeds,
9 my secretary writes them up. We had a form.
10 Basically, unless we had some restrictions to it,
11 a general power of attorney, we had that. Back
12 then we had computers, and we had one that pretty
13 much everyone in the office used. So I don't know
14 whether he talked to an attorney or not. I was
15 just saying the people I recognize, they were
16 secretaries for the attorneys.

17 Q If I'm speaking -- isn't it true that a secretary
18 performing a legal action outside of the supervision
19 of an attorney is the very definition of practicing
20 law without a license?

21 A I don't know.

22 Q Okay, thank you.

23 MR. JENKINS: No further questions, Your
24 Honor.

25 MR. HARVEY: No further questions, Your

1 Honor. This witness may be excused.

2 THE COURT: Thank you, sir. You may step
3 down and you're excused.

4 MR. HARVEY: We call June Bilka.

5 THE CLERK: Do you solemnly swear or
6 affirm to tell the truth, the whole truth, and
7 nothing but the truth, so help you God?

8 THE WITNESS: I do.

9 WHEREUPON:

10 JUNE BILKA,
11 after having been sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. HARVEY:

14 Q State your name, please.

15 A June Bilka.

16 Q What is your address?

17 A 804 5th Street E, Hampton, South Carolina.

18 Q How long have you lived there?

19 A Since 1991.

20 Q Okay. What is your present occupation?

21 A I'm retired.

22 Q And where are you retired from?

23 A From the Law Firm of Peters, Murdaugh,
24 Parker, Eltzroth & Detrick.

25 Q When did you retire?

1 A Approximately 2015. I don't remember exactly
2 the day, but it was since then.

3 Q While you were -- how long did you work for the
4 firm?

5 A For approximately 25 years. I went there
6 several years before Randy Murdaugh, IV graduated
7 from law school. And once he came to the law
8 firm, I was his secretary -- legal secretary for
9 the years until I retired.

10 Q And Randy Murdaugh, IV is the oldest son of
11 Randolph Murdaugh, who was the solicitor for the
12 Allendale County and other counties in the 14th
13 Circuit for years, correct?

14 A That's correct.

15 Q And the grandson of Mr. Buster Murdaugh, who was
16 the solicitor forever.

17 A That's correct.

18 Q What were your responsibilities in working for the
19 firm?

20 A To prepare legal documents as directed by
21 Randy, to meet with the clients when they came in
22 for problems that they had with accidents to do an
23 initial interview with them before he met with
24 them, get all the data for our records.

25 Q Did you have an occasion to prepare a will or a

1 power of attorney from time to time?

2 A I did, but always under the direction of an
3 attorney. I've never done one without an attorney
4 being present and instructing me to prepare it.

5 Q Let me show you Exhibit B, Plaintiff's Exhibit B,
6 and ask you if you've ever seen that.

7 A Yes, I was a witness.

8 Q All right. But you did not prepare it?

9 A No.

10 Q Okay. Do you recall any of the circumstances or
11 who might have been present when you were a witness?

12 A Well, the other paralegal was Lynn Manuel.

13 Q Okay.

14 A And it was notarized by Jack Eltzroth, so I'm
15 presuming that he did it and she was his paralegal
16 and prepared it.

17 Q To your recollection, was anyone else in the room
18 besides Mr. Marion Riley, Sr. and the witnesses and
19 the lawyer when it was signed?

20 A No.

21 Q And why would you recall something like that
22 27 years ago?

23 A Because that was our practice, that the
24 client was there and then witnesses were called in
25 by the attorney to witness when the client was

1 ready to sign.

2 Q All right. Did you -- prior to that day in 1995,
3 had you known Mr. Marion Riley, Sr.? Did you
4 recognize him? Did you have any reason to --

5 A I knew of him, but I did not know him
6 personally and had never had the occasion to
7 interact with him.

8 Q All right. I'll show you Defendant's Exhibit 5
9 and ask you if you can -- do you recognize that?

10 A I do.

11 Q And is your name as a witness on that document?

12 A It is.

13 Q Who else is listed and shown as a witness?

14 A Janet Palazzolo.

15 Q Okay. And she was who Mr. Eltzroth was just
16 talking about being Mr. Parker's secretary?

17 A Yes.

18 Q This time in 1998, you were working for
19 Randy Murdaugh, IV?

20 A Yes.

21 Q Do you have any recollection of which lawyer may
22 have prepared this document?

23 A I don't, but I'm confident that it was
24 prepared by an attorney, under the direction of an
25 attorney.

- 1 Q Okay.
- 2 A But I don't recall.
- 3 Q All right. But you signed this as a witness.
- 4 A I did.
- 5 Q And did you -- as far as you recall, was the firm
6 procedure followed?
- 7 A Yes.
- 8 Q No one else would have been in the room other than
9 the person signing it.
- 10 A Right.
- 11 Q Okay. Did you know Sonny Riley?
- 12 A I did not know him personally. I knew of
13 him. I had seen him come to the office.
- 14 Q You would have recognized him if he had been in
15 the room?
- 16 A Oh, yes.
- 17 Q And do you recall if he was in the room?
- 18 A He was not.
- 19 Q Do you know this lady (indicating)?
- 20 A I do not.
- 21 Q Never seen her before in your life?
- 22 A No.
- 23 Q So she wouldn't have been in the room either.
- 24 A No.
- 25 Q Thank you. No further questions. Thank you for

1 coming.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. JENKINS:

5 Q Good morning.

6 A Good morning.

7 Q I'm going to show you this again. This is -- I
8 think it's marked Exhibit 5. And just look at it.

9 Can you tell me who the other people are
10 again?

11 A Janet Palazzolo was a paralegal at the law
12 firm. She worked for Mr. Parker.

13 Q Mr. Parker.

14 A Yes.

15 Q Okay. And it was you.

16 And, I'm sorry, who did you work for again?

17 A I was working for Randy Murdaugh, IV.

18 Q Randy Murdaugh, IV?

19 A Yes.

20 Q Okay. So the person who just testified, I believe
21 his name was Eltzroth?

22 A Yes.

23 Q Why didn't anybody that works for him, because it
24 sounded like it was his client? So nobody who worked
25 for him witnessed that document. Is that true?

1 A No. I'm assuming he wasn't present and
2 another attorney would have met with the client.

3 Q Another attorney would?

4 A Yes.

5 Q So you're just assuming. You don't know this for
6 sure. This is what your conjecture is.

7 A Yes.

8 Q Because it was so long ago.

9 A Yes.

10 Q I know you-all had a training process you went
11 through about signing documents and who does it and
12 who doesn't.

13 A Yes.

14 Q And you-all would ask questions to determine a
15 person's competency to understand the document.

16 A A legal secretary did not ask questions. The
17 attorney probably asked questions in our presence
18 since we were invited in the room to do the
19 witnessing and would establish who this was and
20 introduce us to the person who would be signing
21 the document.

22 Q So you didn't know personally -- if you signed
23 that, you didn't know personally that he understood
24 because the attorney was the person making the
25 assessment.

1 A Correct.

2 Q So what Mr. Eltzroth said must not have been
3 true. Because he said that he has to be there in
4 order for this to be. But he assumed that you-all
5 were there by yourselves.

6 A No. We would not have prepared a power of
7 attorney or a will without an attorney being there
8 and having reviewed it with the client.

9 Q So you and Mr. Eltzroth disagree with what the
10 policy was 27 years ago.

11 A I think he was speaking of himself, that he
12 would have been --

13 Q Well, I understand it was a firm. Usually a firm
14 has policies. This is how we execute these documents.
15 And it had more names than the lawyer. It had like
16 six names, right? I know Murdaugh was the serious
17 name. We all know what Murdaugh firm is going
18 through.

19 So considering the reputation, am I to assume
20 that the firm didn't even have policies that everybody
21 adhered to?

22 A Oh, absolutely. I --

23 Q This wasn't one of them.

24 A I would never have been present for the
25 signing of a will or a power of attorney if an

1 attorney had not advised the client and met with
2 him.

3 Q But you have no way of confirming that because
4 their attorney wasn't even there.

5 A I'm not saying the attorney wasn't there,
6 but he did not notarize the document, obviously,
7 because Ms. Palazzolo did.

8 Q Thank you.

9 MR. JENKINS: No further questions, Your
10 Honor.

11 MR. HARVEY: No further questions.

12 May this witness be released from her
13 subpoena?

14 THE COURT: Thank you, ma'am. You may
15 step down, and you'll be relieved from your
16 subpoena.

17 MR. HARVEY: Chauncey McLeod.

18 THE CLERK: Do you solemnly swear or
19 affirm to tell the truth, the whole truth, and
20 nothing but the truth, so help you God?

21 THE WITNESS: So help me God.

22 WHEREUPON:

23 CHAUNCEY MCLEOD,
24 after having been sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. HARVEY:

2 Q Good morning.

3 A Good morning.

4 Q State your name, please.

5 A Chauncey E. McLeod.

6 Q And what is your address?

7 A 9383 Leyton Drive, Harrisburg, North
8 Carolina.

9 Q Why in the world would you be in Allendale on a
10 bright, sunny Tuesday morning and not in North
11 Carolina?

12 A Because I'm here to speak the truth and I'm
13 here to speak the facts.

14 Q And your last name is McLeod.

15 A Absolutely.

16 Q Is your mother in the room?

17 A Absolutely.

18 Q Who is she?

19 A Dorothy S. Riley.

20 Q All right. Do you have a sister that's in the
21 room?

22 A Yes.

23 Q What is her name?

24 A Renique S. Riley.

25 Q Do you have some step-siblings in the room?

1 A Well, you can state that. You know, when
2 Sonny passed away, things changed.

3 Q Okay. How old were you when your mother married
4 Sonny?

5 A Thirteen.

6 Q All right. Did you have a relationship with Sonny
7 from that point until your adulthood?

8 A Absolutely. You know, if I can expound upon
9 it.

10 Q Did you live in the house with them?

11 A Yes. I stayed in the house until I moved
12 back to Hampton County with my grandmother.

13 Q All right. For how long would that have been?

14 A For about five years.

15 Q Did you graduate Wade Hampton or AF?

16 A Neither. Estill High School.

17 Q I'm sorry?

18 A Estill High School.

19 Q Estill High School.

20 A Yes.

21 Q I forget there are two sides of the swamp down
22 here.

23 A Yes.

24 Q In fact, Renique went to Estill High School.

25 A Yes, that was a good choice.

1 Q All right. And during the time you lived in the
2 household with your mother and Sonny, what
3 impressions, if any, did he make upon you?

4 A Well, again, by law, Sonny is my stepfather.
5 He chose to be my father. He taught me a lot of
6 life skills. When I was growing up, obviously, I
7 was rebellious. You know, when you're a teenager,
8 you know everything, but you don't know anything.

9 So as I became an adult, he saw my potential.
10 He said I was intelligent. If I focused, I could go
11 places in life.

12 Q He made you feel good about yourself.

13 A Exactly. He built my self-esteem and he
14 cared.

15 Q What, if anything, about the way he lived his life
16 reflected on what he was preaching to you?

17 A Yes. Integrity, hard work, and stay out of
18 trouble.

19 Q Okay. Do you recall his involvement with his
20 father's funeral home?

21 A Yes. From the time, obviously, when my
22 mother and Sonny got married, he was always
23 involved, always doing something with the funeral
24 home.

25 Q While his father was able, was he running the

1 funeral home with his father?

2 A Absolutely.

3 Q Okay. And then when Mr. Riley, Sr. passed, were
4 you around?

5 A I was. I was at the great University of
6 South Carolina. I was beginning graduate
7 school.

8 Q Okay. What knowledge, if any, did you have about
9 the operation of the funeral home at that point?

10 A From that point forward, Sonny started
11 running the show.

12 Q Okay. Did anybody else in the family know what
13 was going on, as far as you know?

14 A That was common knowledge.

15 Q By "common knowledge," what do you mean?

16 A Everybody knew.

17 Q Okay. 2003, where were you?

18 A I was in Goldsboro, North Carolina. I was
19 the officer in charge. I was on the first of many
20 mobilizations. We were doing Homeland Security in
21 Seymour Johnson Air Force Base.

22 Q So you were in the Air Force.

23 A Yes.

24 Q You said you got a graduate degree?

25 A Yes. I'm have a graduate -- my undergraduate

1 is in criminal justice and psychology. I have a
2 master's degree and license. I'm a licensed
3 clinical social worker by training.

4 Q Your criminal justice, was that inspired in any
5 way by your stepfather?

6 A I was going to be a lawyer, because I was
7 always debating people. But I had an epiphany. I
8 decided I wanted to help people.

9 Q Okay. Do you recall Sonny's funeral?

10 A Yes, absolutely.

11 Q Do you recall the day after Sonny's funeral?

12 A Yes. We had a meeting of the minds, as I'd
13 like to pontificate. I was there, both of my
14 sisters, Sonny's kids, my mom was there.

15 Q Okay. Stop a minute. You have another sister I
16 didn't ask about.

17 A Yes. Sherell McLeod. She's a nurse
18 practitioner by training. She lives in
19 Blythewood, South Carolina.

20 Q But she's not here today.

21 A No. She's unable to get off.

22 Q All right. Forgive me for interrupting, but I
23 just wanted to make sure that you named all the
24 players.

25 A Yes.

- 1 Q Your family -- is it at Dot's house?
- 2 A Yes.
- 3 Q And so what's going on?
- 4 A We were just, kind of, talking, you know.
- 5 Everybody is, you know, figuring out -- trying to
- 6 figure out where we're going to go forward to.
- 7 Q Okay.
- 8 A Because we were -- well, we were a blended
- 9 family.
- 10 Q Was Mr. Marcus Riley present?
- 11 A Absolutely.
- 12 Q Okay. And did you hear Mr. Marcus Riley say
- 13 anything about his daddy's estate?
- 14 A Yes.
- 15 Q What did he say?
- 16 A He said that everybody knew that my mom and
- 17 Renique was going to get everything.
- 18 Q He said that.
- 19 A Yes.
- 20 Q Anybody else say something in acknowledgement of
- 21 that?
- 22 A Everybody was pretty much in agreement.
- 23 Q Okay. Anything else you'd like to tell the Court
- 24 before I hand you over to --
- 25 A I want to go back to 2003.

1 Q Okay.

2 A -- because that's a pivotal point. By that
3 time, they were -- Sonny was needing to make some
4 renovations to the funeral home. At that time, he
5 didn't have the resources. I had the resources
6 and my sister Tonya had the resources. So we gave
7 him \$25,000 a piece to finish with the renovations
8 of the funeral home, because it was the right
9 thing to do and we had the resources.

10 Q In 2003, do you recall where Marcus was living at
11 that time?

12 A He was local. I think he was staying in his
13 grandfather's house, but he was local.

14 Q Was he aware that your sister, Tonya, and you were
15 helping Sonny out?

16 A I don't want to say yes.

17 Q That's fair.

18 A But he know we had the resources.

19 Q Okay.

20 A I looked at it, I didn't need to advertise
21 what I did with Sonny because of what he did for
22 me in my life.

23 Q Anything else? You came a long way.

24 A Yes. Five o'clock this morning.

25 One thing I always -- Sonny and I -- I would

1 say outside of his boys, I was probably -- no
2 probably. I was the closest male son to him. We
3 talked. We talked often. We talked about a lot of
4 things. He saw what I did in the military. He saw
5 what I did in my civilian job.

6 One thing he always -- he left -- he said to
7 me, make sure you take care of your mom, don't tell
8 right hand what your left hand is doing, and always do
9 the right thing. And I told him -- when I started
10 working with the Department of Veteran Affairs, I
11 started working with older veterans.

12 One thing that we always saw, veterans didn't
13 have wills when they pass away. So when I would come
14 home to South Carolina, I would always press it. I
15 would tell my mom and Sonny, you-all need to have some
16 wills in place because you-all have a blended family.
17 If something happens, this is going to be a mess. I
18 specifically -- every time I talked to Sonny, *What's*
19 *the status of your will?* Do you have anything in
20 writing? And he would say, *Yeah, I got everything*
21 *taken care of.* I was like, *Are you sure?* He's like,
22 *Yes, I got everything taken care of.*

23 Q All right. Thank you, Mr. McLeod. You answer
24 any questions Mr. Jenkins may have.

25 A You're welcome.

1 The COURT: Cross-examination, Mr.
2 Jenkins?

3 MR. JENKINS: Extremely brief.

4 CROSS-EXAMINATION

5 BY MR. JENKINS:

6 Q I'm sorry, sir. What's your last name?

7 A McLeod.

8 Q All right. Mr. McLeod, just to be clear, you
9 have no idea about any power of attorney that was
10 executed in 1998, right?

11 A No.

12 Q Okay. Thank you, sir.

13 A You're welcome.

14 MR. JENKINS: No further questions, Your
15 Honor.

16 THE COURT: You may step down.

17 MR. HARVEY: Your Honor, the next two
18 witnesses are going to take a while. Do you want
19 to give the jury a break? Or I can go ahead and
20 start.

21 THE COURT: You-all need a break or you
22 want to keep going?

23 MR. HARVEY: Renique Riley-Spiller.

24 THE CLERK: Do you solemnly swear or
25 affirm to tell the truth, the whole truth, and

1 nothing but the truth, so help you God?

2 THE WITNESS: I do.

3 WHEREUPON:

4 RENIQUE RILEY-SPILLER,
5 after having been sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MR. HARVEY:

8 Q State your full name, please.

9 A Renique Riley-Spiller.

10 Q Where do you live?

11 A 1087 Pickens Avenue, Fairfax, South Carolina,
12 29827.

13 Q What is your occupation?

14 A I am the coroner for Allendale County. I'm
15 also one of the owners and operators of M.F. Riley
16 Funeral Home in Fairfax, South Carolina.

17 Q How long have you been operating M.F. Riley
18 Funeral Home?

19 A Since my father's passing, but I also helped
20 him when I was younger.

21 Q Okay. Now, you're the only one in the room that
22 I'm going to dare to ask how old you are.

23 A I'm 34 years old.

24 Q All right. How long have you been helping in any
25 capacity at the funeral home?

1 A Since I was 11.

2 Q Since you were 11 years old.

3 A Yes.

4 Q What did you do when you were 11?

5 A I followed my father day to day around the
6 funeral home. I also -- he also had me going out
7 to services with him, I guess because he knew the
8 day was coming where I would take over after
9 him.

10 Q Is that something you-all talked about?

11 A Yes, on and off. He didn't force me to do
12 anything, but I didn't want my father to fail.

13 Q To your knowledge, did he encourage anyone else in
14 the family to get involved?

15 A He asked. At times, he had my sister Traci
16 in the funeral home. But one minute she liked my
17 daddy or she liked us, the next minute, she didn't
18 like us. So she wasn't consistent with helping.
19 But I was the one who stood by father no matter
20 what, because he was my daddy.

21 Q Was there -- did you make any personal sacrifices
22 to take up the family business?

23 A Yes, sir. After I received my bachelor's
24 degree in 2011 from Francis Marion University, I
25 think I made my father one of the proudest men to

1 walk this earth because I decided that I was going
2 to go to mortuary school. When I told him I was
3 going, he was thrilled. He didn't force me. He
4 said, *You want to go, I'm here for you.* I
5 completed mortuary school in 2013.

6 Q And you're licensed.

7 A I'm licensed.

8 Q Are you an embalmer?

9 A No, sir. I'm a funeral director.

10 Q Okay. All right. 1999, you were 11 years old?

11 A Yeah. Well, I turned 12 in November of
12 '99.

13 Q Okay. Do you recall the condition of the funeral
14 home at that point?

15 A Yes, sir. The funeral home was in a failing
16 position at that time. There were a lot of
17 renovations that needed to be done to include the
18 chapel, for one. Also, in the office. My daddy
19 didn't even have a working hearse. The hearse
20 that was left to him, the floor fell out of the
21 bottom.

22 The very first funeral that my daddy rendered
23 was my grandmother's, which is my mother's mother,
24 which was August of 1999. My father, he was able to
25 get a hearse for that service, but he ended up renting

1 limousines for that service.

2 Now, that particular service, two of my
3 siblings worked that service, which was Nicky Riley
4 and Eric Platts. I can recall my father calling them
5 afterwards to help the service that came after my
6 grandmother's service. They were either too busy or
7 they didn't want nothing to do with it, and then my
8 father just stopped calling the both of them.

9 Q Do you recall if he ever called and asked Marcus
10 in?

11 A To work a service? No.

12 Q Okay. What about the business itself, as far as
13 the gross income and that sort of thing?

14 A The business is successful now. Was it
15 always at that point? No, it was not. Because
16 when my father took over, his family actually
17 destroyed his character. They told the public
18 that my father needed money up front before you
19 could even have a service, which was not the
20 truth. Which was not the truth.

21 And I witnessed several families coming in
22 and said, *Well, Sonny, we're going to give you a try*
23 *because we heard that you wanted money up front.* They
24 came in and my daddy didn't ask for money up front.
25 And to this day, I don't ask for money up front.

1 We're here to serve the public and help the people,
2 and that's what we do.

3 Q Somehow, though, the word got out.

4 A Yes, it got out. And my father's character
5 of destroyed.

6 Yesterday, as I sat and listened to everyone
7 and they spoke about my daddy, that wasn't my daddy.
8 My daddy was the type of man that everyone loved and
9 respected. My daddy was of high caliber.

10 The ones who didn't like my daddy, that's
11 because my daddy did his job. And they couldn't
12 accept the fact that he did his job. So my daddy's
13 job was to uphold the law, and that's what he did. He
14 upheld the law.

15 And the public loved my father. He was
16 loved. He was honored and he was loved in the
17 community, as well as the State of South Carolina. My
18 father was just honored this past August. A highway
19 was named after him. That's because of what he did
20 for his community, as well as the State of South
21 Carolina.

22 Q The director of SLED came down and spoke.

23 A Yes, he did. Mark Keel.

24 Q Okay. So a man that upholds the law, can you
25 imagine him forging somebody's signature?

1 A No, sir. That is not my daddy's character.
2 My daddy knew the type of family he had. My daddy
3 said he didn't feel loved until he married my
4 mother, because her family showed my father so
5 much love. He didn't receive it off of his side.

6 Now, his sister Evelyn, they were extremely
7 close. I was close to Evelyn as well.

8 Q Let's go back now, your granddaddy, Marion Riley,
9 Sr., died in 1999.

10 A Yes.

11 Q Yesterday, you heard me -- you heard Mr. Marcus
12 Riley testify that in 2003, he came and lived in
13 Allendale.

14 A That's correct.

15 Q In his granddaddy's house.

16 A Yes.

17 Q What memories do you have of that?

18 A Okay. In 2003, I was a 16 years old. I was
19 a sophomore at Allendale Fairfax High School.
20 Marcus was living in my grandfather's house. I
21 rode to school with him, to and from school. He
22 was teaching mathematics at Allendale Fairfax High
23 School.

24 Now, he asked my father if he could live in
25 that house. He didn't ask anyone else, but he asked

1 my father if he could live there. And he stayed
2 roughly maybe a year, if that. And I'm thinking maybe
3 he had a rough time in Oklahoma, that's why he came
4 back.

5 Q He said yesterday -- I'm sure Mr. Jenkins will
6 correct me if I'm wrong. He said that the reason he
7 talked to his daddy was his Aunt Evelyn was so far
8 away and Aunt Virginia was sick and Aunt Janice was
9 also far away. That's why he went to his daddy about
10 having permission.

11 A He knew my daddy owned the house. My daddy
12 was the only one who could have put him in it.
13 Give him a key to go in, was only my daddy.

14 Q Okay. You rode to school with him every day.

15 A Yes, sir.

16 Q You had every opportunity to --

17 A I had every opportunity, yes, sir.

18 Q Now, I'm going to show you Exhibit 12,
19 Defendant's 12.

20 Do you recognize this?

21 A It's my daddy's will.

22 Q What does it say at the top?

23 A "Title to Real Estate."

24 Q Whose name is on this deed?

25 A My name.

1 Q Okay. And what property is that?

2 A 1087 Pickens Avenue, which is where my

3 grandfather used to live.

4 Q Now it's yours.

5 A It's mine, yes, sir.

6 Q How did this deed come to be prepared? Did you

7 know about it?

8 A Know about the deed?

9 Q Yes.

10 A Not when my father did it.

11 Q When did you find out?

12 A When he handed it to me.

13 Q When did he hand it to you?

14 A 2014.

15 Q Okay. Now, the deed is dated April 14th, 2014.

16 A Yes, sir.

17 Q All right. So, at some point, he handed it to

18 you.

19 A Yes, sir.

20 Q Were you living in it before then?

21 A Yes, sir, I was.

22 Q Did the family know you were living in it?

23 A The family did know.

24 Q Okay. What else do you recall happened in 2014

25 involving your brother Marcus and your sister Traci?

1 A In 2014, Traci was living in their aunt's
2 house. Not my aunt. Their mother's sister.
3 Traci was living there, her and her children.

4 And Marcus, along with the other siblings,
5 decided to put Traci and her children out. They took
6 all of their personal belongings and they placed them
7 in the middle of the yard. It was her clothes, her
8 children's trophies, their awards, everything they had
9 on the inside. Traci's furniture, everything was in
10 the middle of the yard.

11 So, at that point, Traci went to live with
12 her oldest daughter. For some reason, her and her
13 oldest daughter couldn't get along. Her oldest
14 daughter put her out. And then I allowed Traci to
15 move in with me, her and both of her children.

16 Q At the house your daddy had deeded to you.

17 A At the house my daddy deeded to me, yes.
18 Traci came and lived with me. But me and Traci,
19 we have two different living styles. When I say
20 "living styles," I mean as far as I believe in
21 keeping everything neat. Traci did not.

22 So what I did was because I didn't want to
23 make Traci homeless and for Traci to have to go out
24 there and try to find something, I called my daddy
25 over and I showed him the room that Traci was in, and

1 it was a mess.

2 So what myself and my daddy did was, we got
3 out -- and the house that Traci is currently renting
4 this date, my daddy and myself, we found it for Traci.
5 So when Traci -- once we find that house, when she
6 moved out, I gave her that entire bedroom suite
7 because I knew Traci didn't have one. So I gave it to
8 her. And the house that she's in today, like I said,
9 we found it for her.

10 Q Now, talking about Traci, you haven't said Marcus.

11 Do you know whether or not Marcus knew or was
12 involved or knew anything about all this?

13 A Yes. My daddy and -- Traci called Marcus,
14 and, of course, they had some words. So my daddy
15 was telling Marcus it wasn't done the legal way,
16 meaning they didn't file an eviction to put Traci
17 out. So they ended up going to magistrate court,
18 and my daddy was with Traci. And, of course,
19 Marcus was with his aunt.

20 Q His aunt?

21 A I think her name is Janelle.

22 Q Okay. His mother's sister?

23 A His mother's sister.

24 Q Now, you're talking about a different house.

25 Was there ever any ownership question about

1 the house your granddaddy -- that you had deeded to
2 you at this point?

3 A No. No. That same year, 2014, Thanksgiving,
4 Marcus came home. And Marcus was talking about
5 Traci like she wasn't even his sister. And I took
6 it for a little while. And then it got to the
7 point where I went back at Marcus, because I was
8 tired of him talking about Traci like she was
9 nobody.

10 And so I told him to get out of my house. He
11 told me he didn't have to go anywhere. I said, that's
12 fine. I called my daddy and I told my daddy what was
13 going on. My daddy told Marcus, if she says you have
14 to go, you have to go.

15 Q That was 2014.

16 A 2014. All of this was around the time with
17 Traci.

18 Q Okay. Now, do you recall when your Aunt Virginia
19 died?

20 A She died February 2015.

21 Q All right. Did Marcus Riley come to the
22 funeral?

23 A Yes, he did.

24 Q Did the family gather after the funeral?

25 A Yes. Actually, there was two gatherings. My

1 daddy had his, and the other side had theirs.

2 Q Okay. Where was Marcus?

3 A Marcus actually came to my house where my
4 daddy was.

5 Q Okay.

6 A Marcus and Nicky. Nicky never came on the
7 inside. He stood outside and he talked to my
8 daddy, but Marcus came on the inside. Nicky said
9 he didn't want to come on the inside.

10 Q Now, the conditions of your house, you said you
11 kept it different from your sister.

12 A Yes.

13 Q That's the way people are.

14 Was there any indication in that house at
15 that point that that house was -- still belonged to
16 your granddad?

17 A In 2014?

18 Q Yes.

19 A No.

20 Q New furniture?

21 A New furniture.

22 Q New dishes?

23 A New dishes. Top to bottom that house --

24 Q It didn't look your granddaddy's house anymore.

25 A No.

1 Q And then your brother Chauncey just talked about
2 the family gathering after your daddy's funeral.

3 Where was that?

4 A At my mom's house.

5 Q Okay. Were you there?

6 A Yes. I was there for a little while, but I
7 left because I had a body at the funeral home. So
8 I was actually robbed of the opportunity to grieve
9 my dad.

10 Q All right.

11 A While I was there, the majority of my
12 siblings was there. And I can name the ones who
13 was there. I can name part of the conversation
14 that took place. I can't say what happened after
15 I left, but I can say what happened while I was
16 there.

17 Q What did you hear specifically about Sonny's
18 estate?

19 A My mama said that she was going to pick up my
20 dad's will next week. And all of those ones who
21 was in the house said, we don't need to see
22 anything. We know he left everything to you and
23 Renique.

24 Q Yesterday we talked about a text message that your
25 mother sent.

1 And did you get that message?

2 A Yes, sir. I did.

3 Q Okay. And then after the text message was done,
4 what, if anything, do you know your mother did with
5 that information?

6 A She -- the paper, I don't know the proper
7 name for it. But once she opened the estate, it
8 was her responsibility to notify all of the heirs,
9 and that's what she did. I know she did it,
10 because the ones that was mailed, I was the one
11 who actually mailed it for her.

12 Q Okay.

13 A She hand-delivered a few as well.

14 Q All right. Was Marcus's name and address on one
15 of those?

16 A Marcus was the first one to respond to the
17 text.

18 Q Yes. But on the mailings --

19 A Yes.

20 Q -- marcus's name was on an envelope?

21 A Yes, sir.

22 Q At the address that he had given your mama?

23 A The address he gave my mother, yes.

24 Q That was sometime in July of 2018.

25 A Yes, sir. Actually, the text was sent

1 July 9, 2018 on Traci's birthday.

2 Q Let's go back a few more years before that.

3 Was there ever a question about the boundary
4 line at the funeral home?

5 A Yes. In 2011, I was actually getting ready
6 to go to mortuary school, and Virginia's husband
7 and her two children decided to come over to the
8 funeral home.

9 Now, before that, they buried pieces of
10 glass. And you bury pieces of glass because we would
11 drive across that part to get to the chapel if we have
12 service. So I guess they put the glass there to cut
13 our tires.

14 But they came out there that day and they
15 were saying that it was Virginia's land and they
16 wanted -- they were going to put a fence up.
17 Adrian Priester even jumped to fight my father. Vonda
18 even jumped to fight me. So, of course, I didn't back
19 down. But my daddy, he wasn't for it. And law
20 enforcement did come.

21 And they were saying that this belonged to --
22 this belonged to -- you know, this belonged to my mama
23 and we want it. So my daddy asked the question, *Is my*
24 *sister dead?* And they all replied, *No, she's not.* So
25 the next question he asked, *Well, why are you all here*

1 *bothering me? She's not dead.*

2 And that's how the fence got up beside the
3 funeral home. I asked my daddy did he want to take it
4 to court, did he want to fight. He said, no, he was
5 tired. He was tired of going back and froth with his
6 family.

7 Q Do you know whether or not Marcus had any
8 knowledge about that fence being put up?

9 A Yes, sir, he did. Right after that, he
10 called my daddy and he said, Daddy, why don't you
11 just give the funeral home in Fairfax, give
12 everything to Vonda. My daddy said, I will not
13 give it to her. This is my father's and he left
14 it to me.

15 Q He left it to you.

16 A He left it to me.

17 Q In 2000- --

18 A The funeral home?

19 Q When he talked with Marcus and they talked
20 about -- that phone conversation.

21 A Yes.

22 MR. JENKINS: Objection, Your Honor;
23 hearsay. Unless she was on the phone with him,
24 how could she verify --

25 THE WITNESS: I was in the house.

1 THE COURT: Hold on just one second.

2 Hold on one second.

3 Say it again.

4 MR. JENKINS: Unless she was on the phone
5 with him, how could she verify what Marcus said on
6 the other side of the line?

7 BY MR. JENKINS:

8 Q Ma'am?

9 A I was in the house.

10 Q Could you hear Marcus's voice?

11 A Yes, sir. Every time Marcus would call, my
12 father had him on speakerphone.

13 THE COURT: Overruled. I'll permit it.

14 BY MR. HARVEY:

15 Q All right. That was before your daddy died.

16 A That was before my daddy died, yes, sir.

17 Q All right. Sometime after 2011.

18 A Yes.

19 Q Sometime around 2015 when your Aunt Virginia died?

20 A Yes. At my -- I called her Den. At Den's
21 funeral, my dad, along with my mom and myself, we
22 were standing on the side of the church while the
23 family was going into the sanctuary. No one
24 allowed us to get into the family line, but Traci
25 stopped to allow us to get in front of her. And

1 that's how we were able to walk in the funeral
2 processional with the family, because Traci
3 stopped to allow us to get in.

4 Now, once we got on the inside and had the
5 processional viewing, they didn't want my daddy to see
6 his sister. Adrian, he was like -- he was wanting to
7 hit my daddy at the service.

8 I was the only one who stood up for my daddy
9 that day. And when I got up there I said, *Why are you*
10 *doing my daddy like that?*

11 *But he don't need to see it.*

12 But this is my daddy's sister. He has just
13 as much right as you do. You shouldn't do him like --
14 treat him like that. And we had words at the casket.

15 And then once I took my seat, I sat by Traci
16 and my sister Torey, but her name is Latoya. And they
17 both said, *Don't worry about it, Renique. We'll get*
18 *him after the service.*

19 Of course, we didn't say anything to him. I
20 let it go, because my daddy said, *We're not going to*
21 *do that here.*

22 Q Okay. You wandered a little bit away from what I
23 was trying to ask you.

24 A Okay.

25 Q Was the fence put up before your Aunt Virginia

1 died or after your Aunt Virginia died?

2 A Before.

3 Q Before. So before February or January of 2015 --

4 A Yes.

5 Q -- the fence was up.

6 A The fence was up.

7 Q Thank you.

8 Is there anything else you'd would like to
9 say about your daddy that I haven't asked you?

10 A Yes. I'm going to start by saying I was a
11 daddy's girl. If you seen my daddy, you seen me
12 with him as well. There's no doubt in my mind he
13 loved me dearly. He loved my mama dearly.

14 My father, he was the man that everyone
15 wanted to be around. They respected Sonny Riley. And
16 my daddy -- him and his daddy knew the type of family
17 they was in. So my daddy actually shielded me from a
18 lot. And I made it clear to my daddy I will never
19 turn my back on him. I don't care what the
20 circumstances may be. I will never turn my back on
21 him.

22 Q And you're not turning your back on him today.

23 A I will not.

24 MR. HARVEY: That's all I questions I have.

25 I'm sorry, Your Honor. I thought that

1 Exhibit 12, the deed that Ms. Riley-Spiller
2 identified, was in evidence. It's not. I'd offer
3 it into evidence.

4 MR. JENKINS: No objection.

5 THE COURT: Without objection, it's
6 admitted.

7 (Defense Exhibit 12 in evidence.)

8 THE COURT: Ladies and gentlemen, you
9 okay? Let me know if we need a break.
10 Cross-examination.

11 MR. JENKINS: Can I request a sidebar,
12 please?

13 THE COURT: I'm sorry?

14 MR. JENKINS: Can I request a sidebar,
15 please?

16 THE COURT: Certainly.

17 (Bench conference off the record.)

18 CROSS-EXAMINATION

19 BY MR. JENKINS:

20 Q Miss Spiller, thank you for being here.

21 A You're welcome. You.

22 Q I really just have one question. Considering this
23 case is contesting the fraudulent act that would occur
24 in 1998, obtaining a power of attorney, I think when I
25 did the math, you weren't even born yet.

1 A I was born in 1987.

2 Q 1987?

3 A Yes, sir.

4 Q So at that age, you were --

5 A 11, 12.

6 Q So you have no idea about what happened.

7 A The transactions that happened at the
8 attorney's office? No, sir. I wasn't there.

9 Q So considering what we're contesting is that --
10 there's nothing you can really say about the true
11 issue about whether the fraud occurred or didn't
12 occur on that day.

13 A No, there's nothing I can say about it. I
14 was not there.

15 Q Okay, thank you so much.

16 MR. JENKINS: No further questions, Your
17 Honor.

18 MR. HARVEY: Nothing further for this
19 witness, Your Honor.

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

22 MR. JENKINS: Ms. Dorothy Riley.

23 THE CLERK: Do you solemnly swear or
24 affirm to tell the truth, the whole truth, and
25 nothing but the truth, so help you God?

1 THE WITNESS: Yes, ma'am.

2 WHEREUPON:

3 DOROTHY RILEY,

4 after having been sworn to tell the truth, testified
5 as follows:

6 DIRECT EXAMINATION

7 BY MR. HARVEY:

8 Q It's finally your turn.

9 A Yes.

10 Q State your full name, please.

11 A Dorothy S. Riley.

12 Q Where do you live?

13 A I live on 329 Byrd Street in Fairfax.

14 Q How long have you lived there?

15 A Thirty-something years.

16 Q How did come to live in that house?

17 A Well, I came to live in the house when we got
18 married.

19 Q Okay. When you got married.

20 A Yes.

21 Q And your husband is Sonny Riley.

22 A Yes.

23 Q Okay. And what is your occupation?

24 A My occupation is the Honorable Mayor of the
25 Town of Fairfax. I'm also the administrative

1 assistant for the magistrate office for Allendale
2 County.

3 Q All right. Is that the main office or is it the
4 magistrate's office in Fairfax?

5 A It's the main office. It's one office.

6 Q I see, okay.

7 A Yes.

8 Q I get confused how they do court sometimes.

9 A Yes.

10 Q How long have you been the mayor of Fairfax?

11 A This is my second term. But before I became
12 a mayor, I was on council for, like, 16 years.

13 Q Okay.

14 A Yes.

15 Q When did you marry Sonny?

16 A July the 30th, 1987 -- excuse me -- 1989.

17 Q 1989.

18 And Renique is you-all's only child.

19 A Only child.

20 Q Okay. You have two children from a prior
21 marriage.

22 A I have two, and I also have a niece that
23 Sonny and I raised, Stephanie Brunson.

24 Q Okay.

25 A When my sister was deceased, Sonny and I took

1 her in and raised her.

2 Q How old was Stephanie?

3 A She was seven years old.

4 Q How old is she now?

5 A She is 44.

6 Q Does she live around here?

7 A Yes. She live in Fairfax.

8 Q All right. When you married Sonny, what was his
9 occupation?

10 A He was with South Carolina Law Enforcement,
11 better known as SLED.

12 Q How did you-all come to meet?

13 A Well, Chief Stilt sent Sonny down to be my
14 security guard, which was my bodyguard. My sister
15 was killed, and her husband made the threats, and
16 he called Sonny to be my bodyguard. Sonny took me
17 back and forth to work. And Chief Stilt told him
18 to make sure that nothing happens to me.

19 Q When you said "chief," is that the SLED chief?

20 A Yes. He took me back and forth. He would
21 buy me lunch every day. And after that, we
22 started talking. He called me and told me that he
23 was taking me home with him. I was soon to be his
24 wife.

25 Q Apparently, you didn't say no.

1 A I didn't.

2 Q All right. Did you think about it?

3 A Did I think about it? I couldn't let him
4 pass me by.

5 Q All right. So that's 1989, roughly?

6 A Yes.

7 Q All right. Was he helping his father at the
8 funeral home at that time?

9 A He was. He was doing embalming for both
10 funeral homes, Hampton and Fairfax.

11 Q Okay. Did any of his sisters, Sonny's sisters,
12 help with the funeral home?

13 A Yes. Virginia.

14 Q Okay. And by helping, what did she do?

15 A She basically, I guess, did all the
16 arrangements and everything for the service.
17 Sonny wasn't providing no service at that time.

18 Q Because he wasn't licensed.

19 A Right.

20 Q All right. And then at some point Virginia took
21 sick.

22 A Yes.

23 Q So who was helping Mr. Marion, Sr. and Sonny with
24 the funeral home at that point?

25 A It was -- what happened was, Sonny and Marcus

1 started working together, but he didn't want to be
2 involved in the funeral home. And so every day I
3 told her -- told Sonny he would take her away and
4 let her run Hampton and let Sonny would run
5 Fairfax.

6 Q Renique just testified that the funeral home
7 business was conducted over speakerphone at the house;
8 is that right?

9 A What now?

10 Q Renique just testified when there was something
11 being talked about as far as the funeral home was
12 concerned, Sonny would put it on speaker.

13 A At all times.

14 Q It wasn't just funeral home business. It was all
15 business.

16 A All business.

17 Q Hide goes through the hare.

18 A Yes.

19 Q Do you know whether Sonny ever asked any of his
20 children to help him with the funeral home?

21 A He did.

22 Q And what happened?

23 A They did. Only Traci. She was in and out.
24 She would help sometimes, and then she'd
25 disappear, then later she would come back.

1 Q Do you recall that -- on your mother's passing?

2 A Did Traci?

3 Q Do you recall the testimony about when your mother
4 passed? Do you recall Nick and Eric?

5 A Yes. They helped with that service that day
6 my mama passed.

7 Q Did they ever help again?

8 A Not again.

9 Q Okay. Tell me a little bit more about what made
10 you love Sonny. What about him --

11 A There was a lot about Sonny. When I first
12 saw his bald head, I loved it. I loved -- Sonny
13 was just about A perfect man. Sonny took care of
14 me just like I was a queen. I never had to cook.
15 I never had to clean. I didn't do any of that.
16 Sonny Riley did that. He was one of the best men
17 I've ever met.

18 I sit here and I listened yesterday how his
19 son tried to bring him down. Sonny Riley was a man.
20 He was a legend. He was a legend back here. And he
21 was just a loving person.

22 And when he got into my family, it was just
23 like his whole world changed. He said it to my
24 family. He said, "I have never felt love until I got
25 in this family." When I met his family, it was

1 turmoil. It was turmoil even with his last wife.
2 They even wanted to throw her out of the funeral. I'm
3 sitting right next to Janice at the service. She and
4 Vonda whispered and said, "What is she doing here? We
5 will get her after the funeral." I was sitting right
6 next to her.

7 Q Mr. Marion's last wife?

8 A Was Ruth.

9 Q Ruth.

10 A Yes.

11 Q Is she still living?

12 A She's still living. She lives there on
13 Myrtle. I stay in touch with her. One of the
14 sweetest ladies there is. She stated to me one
15 day, she said, "You have a child in the family. I
16 don't have to take it."

17 I said, "They will never run me from my
18 husband. I love him. He love me. And they dare
19 to put me out."

20 Q Ms. Riley, can you conceive that your husband was
21 the type of man that would forge his daddy's
22 signature?

23 A No. No.

24 Q Did you forge his daddy's signature?

25 A You know what? I had nothing to do with his

1 daddy. Mr. Marion, Sr. wasn't my husband.

2 Marion Riley, Jr. was my husband.

3 Q None of these signatures are yours.

4 A No.

5 Q Are any of these signatures Sonny's?

6 A No. Why would I -- I loved Mr. Marion. I
7 would never do -- Mr. Marion was a good person.
8 And I have to say this: Two weeks before
9 Mr. Marion died, Mr. Marion called me over there.
10 He said, "Baby, I need to talk with you."

11 MR. JENKINS: Hearsay, Your Honor.

12 BY MR. HARVEY:

13 Q You can't say what --

14 THE COURT: Sustained.

15 THE WITNESS: Okay, no problem. But
16 anyway, I'm going to say he was a good
17 father-in-law. And no question about my
18 husband.

19 BY MR. HARVEY:

20 Q You talked about turmoil. Was Marcus involved in
21 the turmoil?

22 A Sure, he was.

23 Q How was he involved?

24 A He called my house and make like he wanted to
25 talk to me. And Sonny would say to me, Marcus is

1 not for peace. Marcus is the type of person
2 calling for news so that he can take back, to keep
3 turmoil going.

4 Q Do you recall 2003?

5 A Yes.

6 Q Okay. Do you recall any -- were you a part -- or
7 listening to any conversation between Sonny and Marcus
8 about living in what was then called his granddaddy's
9 house?

10 A Yes. I recall he called and asked Sonny if
11 he could live there. He was rock bottom. He was
12 down on the bottom. He had nothing to live on or
13 live in. He asked Sonny could he live in that
14 house. Sonny told him yes.

15 Q He asked Sonny if he could live in the house.

16 A Yes.

17 Q Okay. Did you know that Sonny had put Mr. Riley,
18 Sr.'s house in Renique's name?

19 A No. I didn't get involved in his business.
20 Sonny was the type of person he did his own
21 things. When he do things, a lot of things, I
22 didn't even know about his will. I didn't until
23 Attorney Gooding called me.

24 Q Why would Attorney Gooding call you?

25 A Because he did the will.

1 Q I see.

2 When you saw the -- read the will, was there
3 any surprise?

4 A To be honest with you, when I picked it up I
5 was afraid to open it up. I didn't know how Sonny
6 had his will done, and neither did me and my
7 daughter Renique. My daddy would never do us like
8 that. And when we opened it up, that's what we
9 saw.

10 Q Was that after the funeral?

11 A After the funeral.

12 Q Were you in the room with the conversations that
13 Chauncey and Renique testified about where the other
14 children were talking?

15 A On that Sunday, after service, they were
16 around my table.

17 Q But do you recall the conversation? Do you recall
18 they said --

19 A They said he left everything to you and
20 Renique. After probably a year or so, Marcus came
21 down to my office one day when he found out about
22 the will. And that's when he thought the house
23 went to Traci, because Traci and them was in the
24 will.

25 And he came in there. We talked. I told

1 him Sonny's a smart man. Sonny knew what type of
2 family he had. He hugged me and he left.

3 Q I'm going to show you Exhibit -- Defendant's
4 Exhibit 2, which is evidence.

5 I'm sorry. That's the wrong exhibit.
6 Let me have that back. I got them mixed up.

7 Did you go to Probate Court with the will?

8 A I did.

9 Q Were you appointed as the personal
10 representative?

11 A Yes.

12 Q Then what was your next step?

13 A My next step was to send out -- notify all
14 the kids about the estate.

15 Q Did you have their addresses or did you --

16 A I didn't have all of their addresses.

17 Q And so what did you do?

18 A What I did, I got their address. I texted --
19 matter of fact, Marcus was the first person I
20 texted.

21 Q All right. He sent you back -- we talked about
22 that yesterday.

23 A Yes.

24 Q He sent you back his address.

25 A Yes, he did.

1 Q And you knew his phone number.

2 A I can tell you his phone number right now.
3 He stayed in contact with me wanting to know
4 what's going on.

5 Q Then you filed with the Probate Court the paper
6 that you were required to file showing that you had
7 sent everybody the will and --

8 A Yes.

9 Q -- the petition.

10 A Yes, sir.

11 Q You did that. You filed that.

12 A I did.

13 Q And Renique, did she mail them for you?

14 A She certified -- she didn't mail it. She
15 certified it.

16 Q Okay.

17 A Make sure that we get a copy back.

18 Q All right. And you know for a fact Marcus's name
19 was on one of those envelopes?

20 A No question.

21 Q Did you know about the lawsuit that was filed in
22 Mr. Marion, Sr.'s estate by Janice and Virginia?

23 A I knew about it. I didn't attend. I didn't
24 go. I never got involved in their business. But
25 I knew. I asked Sonny, did he want me to go, and

1 he told me no.

2 Q So you had nothing to do with it.

3 A Nothing to do with it.

4 Q Did anyone in -- from the time Mr. Riley, Sr. died
5 until the time Sonny died, did anybody in the family
6 ever complain to Sonny or to you or to Renique, to
7 your knowledge, that you-all were trespassing on
8 family land?

9 A No.

10 Q Did anyone ever demand that Sonny pay them rent
11 for using Mr. Marion's property?

12 A No.

13 Q Okay. Not Marcus for sure.

14 A No.

15 Q Never called you and said, "You're on my
16 granddaddy's land"?

17 A No.

18 Q Never said you owe rent?

19 A No.

20 Q Okay.

21 A He didn't.

22 Q Other than from the time Mr. Riley, Sr. got the
23 funeral home until now, to your knowledge, did anyone
24 else have a title -- a name on the title to that
25 place?

1 A No.

2 Q Did you go with Mr. Riley, Sr. to Hampton when he
3 signed his will in 1995?

4 A No.

5 Q Did you go with Mr. Riley, Sr. in 1998 to sign
6 that power of attorney?

7 A No.

8 Q I asked you whether these were your signatures.

9 Are they Sonny's?

10 A No.

11 Q Did Sonny sign his name like any of this?

12 A No.

13 MR. JENKINS: Objection, Your Honor.

14 Unless she's some writing specialist, she
15 can't attest to whether that was his signature or
16 not.

17 THE COURT: You have to lay a foundation
18 before you can ask her that question. Sustain the
19 objection at this point.

20 MR. HARVEY: I will.

21 BY MR. HARVEY:

22 Q How many times did you see your husband sign his
23 name?

24 A Never.

25 Q Yo never saw him sign his name?

1 A Oh, I seen him sign his name. Yes, I did.

2 Q All right. Again, any of those --

3 MR. JENKINS: Objection, Your Honor.

4 She's seen her husband sign his name.

5 MR. HARVEY: Correct.

6 MR. JENKINS: She hasn't seen her husband
7 sign his father's name.

8 MR. HARVEY: That's my question. Has
9 she seen her husband sign his name? Has she seen
10 anything off these documents that indicate that
11 her husband -- it looks like her husband's
12 signature.

13 MR. JENKINS: Your Honor, that's asking
14 for a comparison. Now, she's seen her husband
15 sign his name. I get that. But this is not his
16 name. This is the name of his father. So the
17 question would be, has she ever seen the father
18 sign his name, then I can see a comparison.

19 Then even with that, Your Honor, I'd want
20 to know how many times, I'd want to know where it
21 was, and I'd want to know how she did.

22 So, Your Honor, I just think this line of
23 questioning is inappropriate because she doesn't
24 have the knowledge to understand the signatures.

25 MR. HARVEY: He's alleging forgery. By

1 innuendo, somebody in this courtroom has been
2 alleged to have forged his signature. She's
3 entitled to defend herself.

4 MR. JENKINS: And, Your Honor, I disagree
5 with that. I never said she did.

6 THE COURT: I've sustained the
7 objection.

8 BY MR. HARVEY:

9 Q All right. Thank you, Ms. Riley. Do you have
10 anything else you'd like to talk to us about about
11 Sonny?

12 A I just want to say, first of all, my
13 father-in-law, Mr. Marion, was sick. His daughter
14 Evelyn in Miami was the only one. And she would
15 call Sonny. Mr. Marion used my car for Evelyn to
16 take him -- he had to go to Augusta every week.

17 Out of all his grandkids, none of them
18 offered him a car. He had to use my car to go up and
19 down to Augusta every week. Evelyn came down and here
20 stayed with him every week. Evelyn was the one that
21 took care of him between her and Sonny. But they did
22 so much love their granddaddy.

23 And another thing, I wasn't married to
24 Mr. Marion. I was married to Mr. Marion, Sr.

25 Q Thank you. Answer any questions on

1 cross-examination.

2 THE COURT: Cross-examination.

3 MR. JENKINS: Briefly.

4 CROSS-EXAMINATION

5 BY MR. JENKINS:

6 Q Good morning, Ms. Riley.

7 A Good morning.

8 Q I just want to just clear a few things up.

9 You just said that when he got sick that he
10 borrowed your car.

11 A Use -- his daughter used my car every week to
12 take him to Augusta to the doctor. Every week.

13 Q I totally understand. That was very noble for you
14 to do. That was really --

15 A I appreciated doing it. He was a good man.

16 Q Marcus, he was in Oklahoma. So borrowing his car
17 would have, kind of, been out of the question.

18 A Marcus wasn't concerned. He would have
19 called and asked somebody else in the family. I
20 was just the in-law.

21 Q So, you know, we appreciate your gesture. That
22 wasn't a smack to say that Marcus didn't try to take
23 care of his family members, because he couldn't have
24 done it from where he was anyway.

25 A Well, he could have called his sisters, his

1 siblings in Fairfax to use their car.

2 Q And you have no way absolutely to know that he
3 didn't, because you don't know a conversation that had
4 happened --

5 A No. I can only say what I did.

6 Q I noticed you said that Marcus was I think you
7 said the problem person.

8 Didn't you call him the golden child because
9 of all he achieved and what he had gone through and
10 how he was an attorney? Didn't you call him the
11 golden child to Sonny?

12 A Golden what?

13 Q The golden child. Didn't you refer to him as the
14 golden child at one time?

15 A No. No, I never done that.

16 Q You said you didn't know that the property was
17 transferred to Renique.

18 A I didn't.

19 Q And I think your quote was, "I didn't get into
20 Sonny's business."

21 A Excuse me?

22 Q Your quote was, "I didn't get into Sonny's
23 business."

24 A I didn't.

25 Q So you wouldn't know whether that document was

1 forged in 1998.

2 A Well, I mean, he did it in front me and my
3 daughter. Took him off. And they were together,
4 and I didn't know. They were just that close.

5 Q So you cannot confirm whether or not on May 4th of
6 1998, Sonny Riley forged a document so that he could
7 get power of attorney.

8 A No doubt in my mind Sonny didn't do that.
9 There's no question in my mind.

10 Q But the question is, were you there?

11 A I wasn't there.

12 Q Because you didn't get in Sonny's business, right?

13 A No. He didn't tell me. Because being his
14 job he had. He was a quiet person.

15 Q I totally understand. Yes, ma'am.

16 A Okay.

17 Q When you filed an information in heirs to make
18 sure that the heirs -- you said you mailed one to
19 Marcus.

20 A I did.

21 Q Do you remember the address?

22 A No, not in my mind. Not his exact address.

23 Q Do you remember the city, anyplace, where he was
24 at that time?

25 A I don't know. The only thing I did is mail

1 the letter.

2 Q If you don't mind me asking: Where did you get
3 the address from?

4 A From him. It was on the paper that we showed
5 yesterday when he texted it to me.

6 Q Well, to my understanding from yesterday,
7 Mr. Harvey asked my client, did he respond, and he
8 said he didn't.

9 A He did. He told me, "Thank you."

10 Q He did and told you, "Thank you"?

11 A Yeah, it was on that paper yesterday.

12 Q I went and pulled this from the probate office.
13 And it says proof of delivery, which is what you're
14 supposed to file.

15 Did you file a proof of delivery?

16 A I filed everything I needed to do.

17 Q And -- because when I pulled this proof of
18 delivery, it didn't have anything on the back.

19 So are you saying the court lost the
20 document?

21 A I don't know if the court did. But I did
22 what I was supposed to.

23 Q So, technically, you really don't have anything
24 but your word to say that this is what you did and you
25 sent this to me.

1 A Oh, he received it.

2 MR. JENKINS: Okay. No further
3 questions, Your Honor.

4 THE COURT: Redirect?

5 MR. HARVEY: Your Honor, I thought we had
6 marked the text screen shots. So if I can, I'd
7 like to please --

8 THE COURT: I thought it was introduced
9 yesterday.

10 MR. HARVEY: Well, I'll double kill it
11 then.

12 MR. JENKINS: Your Honor, may I review
13 that?

14 MR. HARVEY: This is what we passed
15 around yesterday.

16 MR. JENKINS: No, this is not -- this is
17 not what what you passed around yesterday.
18 Yesterday was asking a question about where it
19 was.

20 Your Honor, may we approach, please?

21 (Bench conference off the record.)

22 MR. JENKINS: No, objection.

23 REDIRECT EXAMINATION

24 BY MR. HARVEY:

25 Q Just to make sure, this is the screen shot of the

1 text from your phone that you sent me that I printed
2 out.

3 A Yes, sir.

4 Q This is Defendant's 12.

5 A Yes.

6 Mr. HARVEY: I have no further questions.

7 THE COURT: Did you introduce that? Did
8 you just introduce that as an exhibit?

9 MR. HARVEY: Yes, sir. And He said no
10 objection.

11 THE COURT: I just wanted to make sure
12 for the record.

13 MR. JENKINS: Yes, sir.

14 MR. HARVEY: I'm done.

15 THE COURT: All right. Thank you, ma'am.
16 You may step down.

17 MR. HARVEY: Defendant rests.

18 THE COURT: Ladies and gentlemen, it
19 seems like it's a great time for us to take a
20 lunch break. We'll come back about 1:00. See you
21 then. And we'll see what's going to happen this
22 afternoon. I remind you, don't talk to anybody
23 about the case.

24 (Jury exits the courtroom at 11:50 a m.)

25 THE COURT: We'll take a break until

1 12:30-ish or thereabouts. We'll come back and
2 talk some before they return.

3 MR. JENKINS: Yes, sir.

4 (A break was taken from 11:50 a.m. to
5 12:37 p m.)

6 THE BAILIFF: All rise. This court will
7 come to session.

8 THE COURT: Please keep your seats,
9 ladies and gentlemen.

10 Okay. If I recall, the defense has
11 rested. The plaintiff's going to call a witness
12 in reply.

13 MR. JENKINS: Yes, sir.

14 THE COURT: Any motions in the meantime?

15 MR. JENKINS: No, sir.

16 THE COURT: Well, I guess we're ready.

17 Well, let me ask you this other question.
18 Let's keep moving ahead of ourselves to see where
19 we're going. I still have these motions under
20 consideration, but let's just suppose again for the
21 sake of argument that the Court denies all the
22 motions.

23 Are you-all prepared and ready to go and
24 argue to the jury?

25 MR. HARVEY: That's correct, Your Honor.

1 MR. JENKINS: Yes, sir.

2 MR. HARVEY: I will have an additional motion
3 for a directed verdict.

4 THE COURT: Assuming the Court denies
5 that one.

6 MR. HARVEY: I'm ready to argue.

7 THE COURT: I'm trying to go down that
8 road.

9 Now, yesterday we talked about a verdict
10 form. We talked about a very simple verdict form
11 for the plaintiff, for the defendant. We might
12 have a separate form other than that?

13 MR. HARVEY: Your Honor, after I had some
14 thought, I emailed you a copy. Mr. Jenkins and I
15 thought, well, there's two defendants, and so
16 there can be a finding against one defendant as --
17 Ms. Riley as personal representative or a finding
18 against Ms. Riley individually or both.

19 So I suggested four possible verdicts
20 finding for the plaintiff -- in favor of plaintiff
21 against the estate, in favor of the defendant
22 against -- I mean, in favor of the plaintiff
23 against the individual, in favor of the plaintiff
24 against both, and then in favor of the defendants.
25 That was my suggestion.

1 THE COURT: And you thought it might be
2 confusing.

3 MR. JENKINS: I thought it might be a
4 little confusing, Your Honor. What we didn't
5 do -- unless the judge is going to give
6 instructions to the jury so they'll have an
7 understanding, but at no time have I alleged that
8 Ms. Riley had done anything wrong. I put her
9 individually, as we name people all the time.

10 Really, I think it should be -- they're
11 seeing seems this section as the defendant. So I
12 think it should be either plaintiff or
13 defendant.

14 MR. HARVEY: My motion -- additional
15 motion was to going to be to dismiss Ms. Riley
16 individually because there's nothing in the record
17 indicating that she did anything, individually,
18 wrong.

19 MR. JENKINS: I'll stipulate to that.

20 THE COURT: That was an easy motion,
21 wasn't it?

22 MR. HARVEY: Thanks for ruling for us.

23 THE COURT: Would it make any real
24 difference -- from what you-all told me yesterday,
25 the jury will be asked to find for one or the

1 other, and then the results of this finding by the
2 jury would be agreed upon by the parties as to
3 what the meaning of it is.

4 MR. HARVEY: Correct. We would agree
5 that the Court will then issue the order. If the
6 plaintiff prevails, then the COURT would issue an
7 order canceling that 1999 deed.

8 MR. JENKINS: Plus we're asking for all
9 expenses.

10 THE COURT: Does that mean --

11 MR. JENKINS: No, no, no, no. We're
12 canceling the power of attorney. So everything
13 that was transferred while he was power of
14 attorney of his father would then be transferred
15 back.

16 MR. HARVEY: You still have to cancel the
17 deed, though.

18 MR. JENKINS: Yeah, I just didn't want to
19 limit it to the deed.

20 MR. HARVEY: I understand.

21 MR. JENKINS: Just in case there were
22 other things that were done while he was power of
23 attorney. Everything that was done when he
24 utilized that power of attorney should be
25 reversed.

1 THE COURT: All right. So the power of
2 attorney would be canceled.

3 MR. JENKINS: Yes, sir.

4 THE COURT: Declared invalid.

5 MR. HARVEY: Yes, sir.

6 THE COURT: I guess would be a way to say
7 it.

8 Once that occurs -- let's suppose that it
9 goes that way, the Court signs an order that says
10 just that, we need, then, to reopen the estate?

11 MR. JENKINS: Yes, sir, of his
12 grandfather, which is Mr. Marion F. Riley, Sr.

13 MR. HARVEY: That would be -- the next
14 step would be to reopen the estate to administer
15 that property under the 1995 rule.

16 THE COURT: But that would be a separate
17 procedure.

18 MR. HARVEY: Yes, sir, in the Probate
19 Court.

20 THE COURT: We wouldn't be doing this.

21 MR. HARVEY: No, sir.

22 THE COURT: Which brings me to this
23 question: Is the only question for the jury to
24 determine then, is the validity of the power of
25 attorney?

1 MR. HARVEY: And when Mr. Riley should
2 have reasonably known that he had a potential
3 claim.

4 MR. JENKINS: Your Honor, I don't think
5 that's -- it really is limited to what you just
6 said. The question for the jury is whether or not
7 the 1998 will -- I mean, power of attorney is
8 valid.

9 MR. HARVEY: But if he had reason to know
10 that either in 2003, 2014, whenever, more than
11 three years before he filed the suit, then the
12 jury needs to be so instructed.

13 MR. JENKINS: Your Honor, I think --

14 THE COURT: Wouldn't that be part of the
15 instructions to the jury --

16 MR. HARVEY: Yes, sir.

17 THE COURT: -- is that the law -- in
18 other words, it's a factual issue for the jury as
19 to what notice, when he knew or should have known.

20 MR. HARVEY: Correct.

21 THE COURT: Wouldn't that be just part of
22 what the jury has told that they must decide in
23 reaching their verdict?

24 MR. HARVEY: Yes, sir, and that's what we
25 requested in our charges.

1 THE COURT: Okay. Of course, you don't
2 know if you're going to try to put anything back
3 up after you hear this reply.

4 MR. HARVEY: Don't have a clue right now,
5 Judge.

6 THE COURT: Okay. I'm still puzzling
7 over these motions. I keep reading. But that's
8 the only thing, apparently, left to do, except to
9 get the verdict form squared away.

10 So, I don't know, I guess are we ready
11 for the jury, then? Are they ready?

12 THE CLERK: I doubt it, Judge. Let me
13 check.

14 THE COURT: Whenever they're ready.

15 THE CLERK: Okay.

16 MR. HARVEY: Your Honor, can we get the
17 Court to clarify, it's my understanding under the
18 rule reply testimony is limited to what was put up
19 by the defense case.

20 THE COURT: Nothing new.

21 MR. HARVEY: Nothing new that wasn't
22 raised in the plaintiff's case.

23 MR. JENKINS: Yes, sir, this is all
24 reply.

25 MR. HARVEY: I didn't want to have t

1 object again in front of the jury.

2 THE COURT: All right.

3 Okay. Let's bring the jury in.

4 (Jury enters the courtroom at 1:01 p m.)

5 THE COURT: Welcome, ladies and
6 gentlemen. If you'll recall, the defense has
7 rested. The plaintiff now has the opportunity to
8 present reply testimony or evidence in reply if
9 the plaintiff so chooses.

10 Mr. Jenkins?

11 MR. JENKINS: Yes, sir. We would like to
12 call Marcus Riley back to the stand.

13 THE COURT: I remind you, sir, you are
14 still under oath.

15 THE WITNESS: Thank you.

16 DIRECT EXAMINATION

17 BY MR. JENKINS:

18 Q Mr. Riley, there were a lot of allegations and
19 stories about you in the last few things as far as
20 testimony.

21 A Yes, sir.

22 Q I think, first and foremost, I would like to ask
23 you, how do you feel about your father?

24 A My daddy -- my daddy was my -- he was -- my
25 daddy was my hero. Like I said, I followed him

1 everywhere. My daddy was a pillar of the
2 community. He was well-respected. Everybody
3 wanted to be like Sonny Riley, such as me, and all
4 the friends. And, you know, he just had that aura
5 about himself.

6 And he was always -- I mean, you know, father
7 and son, we'd go back and forth. But me and my daddy,
8 we was always on good, you know -- we was always -- we
9 was always on good terms. But we would go back and
10 forth from time to time. He was a hero, and, you
11 know...

12 Q So what do you say to people who say that you're
13 bringing this suit to somehow bring down your father's
14 name or diminish your father's legacy?

15 A It's not about bashing my dad. That's not
16 what this is about. My daddy was a hero. He was
17 a legend, so to speak. And I'm not here to bash
18 my daddy. I'm here to tell the truth on what
19 really happened.

20 And like I said, my dad -- we -- in life, my
21 daddy did a lot of great things for a lot of great
22 people, and we don't always get everything right. And
23 with this, he just didn't get it right.

24 That's why I'm here, to preserve my
25 grandfather's legacy. My daddy just got this wrong.

1 That's it. I love my daddy. Always have. You know,
2 just like when, you know -- things were said about me
3 like when -- when my daddy died, the first person Dot
4 called was me. She was crying on the phone and
5 explaining to me that Sonny just left me. And I was
6 consoling her. I said that I'd be home. Just keep me
7 posted. Then I reached out to everybody else to let
8 them know daddy had passed.

9 Like Chauncey said earlier, we were all -- we
10 were all good, you know, especially at the hospital
11 with my daddy.

12 And what bothers me is to see my -- one of
13 the biggest things is to see my family separated.
14 That -- that -- that really hurts, you know. To see
15 all of this is -- it's just -- it's just not right,
16 you know?

17 And I -- I never -- I was always the one to
18 try to make stuff right. It seemed like -- my
19 granddad always told me, he said, "Son," like I told
20 you yesterday, "stand up for yourself even if you have
21 to stand by yourself." Now I know what he means, you
22 know. All those years he was telling me that. Now I
23 know.

24 Here I am, I'm trying to tell the truth of
25 everything. I've never been a person to -- I do my

1 best to do everything right. Just like this morning
2 when I walked in here, walking through that gate, Dot
3 was at the gate and I was there. I opened the gate
4 for her. She said, "Thank you." Even though we going
5 through all of this, it's not about that.

6 I have no ill feelings toward her, towards my
7 baby sister, Chauncey, nobody. It's like I saw my
8 baby sister in the hallway yesterday. I said that's
9 my baby sister. "I love you. Ain't nothing you can
10 do about it." That's just I way I am. I always try
11 to do the right thing.

12 What was said about me -- about me evicting
13 my sister, first of all, I can't evict her because,
14 one, I wasn't living here. I'm not licensed here. My
15 license is in Connecticut, so I don't have the power
16 to do that.

17 My sister stayed over there, and she was not
18 the most tidiest person, so to speak. And she left
19 the house.

20 And so I'm sitting in Virginia at the time.
21 I'm sitting at my desk, and my aunt calls me. I was
22 at work on a Saturday. She called me and said,
23 "Marcus, are you busy?"

24 I said, "No, ma'am. What's going on?" --
25 She was like, "I need to talk to you." My

1 mom was 70-something years old. "I need to talk to
2 you."

3 I said, "What's going on?"

4 She said, "Your sister is suing me."

5 I'm like "Suing you? What you mean my
6 sister's suing you?"

7 And she started trying to tell me about it,
8 and she really wasn't -- I wasn't getting it. I said,
9 "Just read it to me." She started reading the
10 complaint. And that's when I said -- and my aunt
11 started crying. I said Janelle -- this is my mama's
12 sister. My daddy was married to my mama first. Then
13 my mother passed in '81. And then he remarried Eric's
14 mother, Ms. Gloria. And then they divorced, and then
15 he married Dot.

16 But back to my Aunt Janelle, I said -- when
17 she started crying, I said, "Aunt Janelle, send it to
18 me and I'll take care of it." See, that's what a
19 family does to me. Here I am, I'm always trying to do
20 what's right, and then you come up and you bash me.

21 Because I'm -- and, you know, even though
22 that happened, I still got love for my family, you
23 know? Regardless of what was said, I'm going to love
24 them. Ain't nothing you can do about it. That's just
25 how I am.

1 So after I got -- after my aunt sent me the
2 complaint, I read it. I said, "Wow." Pretty much
3 Traci was suing my Aunt Janelle. That's when I -- I
4 know my sister Traci. She wasn't going to do that
5 without the direction of my dad. That's just my dad.
6 You know, that's when me and my dad, we were in a
7 debate.

8 So I was living in Virginia. I drove home
9 and I talked to my brother Roger. I said, "Roger" --
10 I think he was named in the lawsuit, too. And the
11 next thing you know, I said -- told him about the
12 lawsuit. He said, "I know. He didn't like it." And
13 I said, "Roger, you know nobody but daddy doing this."
14 He said, "Well, go over there and talk to daddy and
15 see what happens," you know?

16 The next thing you know, I went over to
17 daddy's house and we started talking about the
18 lawsuit. I said, "Daddy, Traci is suing my aunt."

19 He said, "I know. I know that.. That's not
20 news."

21 I said, "Dad, I can't let Traci sue my mama's
22 sister."

23 "Well, they kicked her out of the house."

24 I said, "Nobody kicked her out of the house.
25 Traci left the house, daddy. I'm not going to let you

1 sue my daddy's [sic] sister." She heard the whole
2 conversation, you know? I said, "Dad, you need to
3 drop this lawsuit." And I said, "If you don't drop
4 this lawsuit, daddy, I'm going to have to place a
5 countersuit on you. I cannot let you sue my mama's
6 sister." I said, I told him, "I'll go to my grave
7 before I let you sue my mama's sister."

8 My daddy, we was -- like I said, we debating.
9 He was leaning back in his chair and said, "Yeah, I'm
10 going to test your law degree." That's what he told
11 me. I looked at him. I said, "Daddy, all right, if
12 that's the way you want it."

13 So I drove back to Virginia, called the firm
14 I used to work for in Beaufort when I was a paralegal
15 during my law school, filed the countersuit, and
16 nothing else was heard from then -- since that point
17 on.

18 That's what I'm saying. He and I were
19 talking. I am always trying to do what's right.
20 That's who I am. I -- like I said, my daddy was my
21 role model. He was my hero. He didn't get everything
22 right. That's why we're here.

23 And Dottie knows -- everybody in the family
24 knows when something goes wrong, they're going to call
25 me. They know I don't care who it is.

1 Q In fact, let me ask you, how did you even find out
2 about a situation that was going on? Because you were
3 in Texas.

4 A No. At that time, I was living in Virginia.

5 Q In Virginia.

6 A Yes.

7 Q For this dispute that happened after your father
8 passed --

9 A Which one now?

10 Q The last one.

11 -- what made you do research? What --
12 someone, you said, called. Who called -- how did you
13 even get into this?

14 A I was minding my business sitting at my desk,
15 and my baby sister called me because she knew --

16 Q You say your baby sister.

17 A Yea.

18 Q You mean Ms. Riley?

19 A Yeah, she called me. And when she called me
20 and she said, "Traci's not my sister." I said,
21 "What is wrong with you? What's this about?" And
22 then I didn't pay no attention at first. And
23 then she called back. "Traci's not my sister.
24 Paying taxes." I said, "That seems like a good
25 gesture to me" And that's when I called Dot.

1 And then Dot was telling me, "Well, I don't
2 know, you know. I don't know what they fussing
3 about." That's when I told her, "I'll come home.
4 I'll go through the house, which is this one, and I'll
5 see what the big fuss is about."

6 MR. HARVEY: Your Honor, he's testifying
7 like he did on his direct. If he's not going to
8 put anything new to put in, I object.

9 THE COURT: I'll overrule the objection.
10 You may proceed.

11 THE WITNESS: That's how I got involved
12 at that moment. I started digging, started
13 digging, and that's what I saw.

14 BY MR. JENKINS:

15 Q There was also a question about -- or a comment
16 about an incident that happened at a house in 2003.

17 A 2003?

18 Q I believe it was someone's funeral where you-all
19 were congregating at the house and there was a
20 discussion. And you said, You cannot kick -- it's
21 going to go to -- we know everything is going to go to
22 Dot and Renique.

23 A That wasn't 2003.

24 Q Help me with the date.

25 A Oh, after my daddy's funeral, you know, like

1 I said, we are all family. We were all together
2 sitting at the table. Everybody emotional. We
3 was talking.

4 And nobody was trying to kick Dot out of no
5 house. We wasn't going to do all that. I'm not that
6 type of person to say, "Well, daddy gone, you gone."
7 No. No, you can't do that. That's just not right.
8 I wouldn't allow that. I would have stood up for her.

9 Like I said, I feel like I'm by myself by
10 doing the right thing, trying to keep the family in
11 place.

12 Let me see. I took some other notes about
13 what they were saying about me.

14 Oh, yeah. They say that -- they say I never
15 contacted family about anything. They say I was
16 always the problem child. That's not true, because
17 back in 1996, I'll never forget it. I was in Oklahoma
18 City. And at the time, I was in and out of school. I
19 was working for the Government, working for Air Force
20 base. And I was feeling some kind of way because my
21 family was separated.

22 And what I did, I decided to write everybody
23 in the family. I wrote a letter to everybody in the
24 family. And I was saying that we all need to be
25 together. We all need to -- we all need to be

1 together. And I challenged the entire family to
2 Thanksgiving 1996 so we all could sit together and
3 have dinner.

4 And everybody came, maybe except for
5 probably uncle. Me and my uncle and my auntie, or
6 something like that. But, for the most part, most
7 everybody came. And we had a good and enjoyable
8 dinner. And I even put in the letter, you know, Dot
9 has been in our family for a while now. Family get
10 over whatever you're bickering about. So it's not
11 about that.

12 I brought -- when I found out what
13 happened, I know that's not what my granddaddy
14 wanted. That's not what he wanted.

15 It's not about -- it's more about his legacy.
16 That's why we're here. My granddaddy wanted everybody
17 to share and share alike. You see, I got that
18 attitude from him. That's why it hurts me so much to
19 have to even go through this, you know.

20 And I know I'm not going to popular with some
21 of the family, but, you know, that's why I pray to God
22 and I'm protected. I'll leave it at that.

23 MR. JENKINS: No further questions, Your
24 Honor.

25 THE COURT: Cross-examination?

1 MR. HARVEY: I hope briefly.

2 CROSS-EXAMINATION

3 BY MR. HARVEY:

4 Q Mr. Riley, from what I understand from what your
5 lawyer has been saying is you are contesting that the
6 1998 power of attorney was a forgery; is that right?

7 A Yes.

8 Q All right. And that you would like for this jury,
9 if they find that the statute of limitations doesn't
10 apply, to set aside the deed -- the power of attorney,
11 right?

12 A Well, what I want them to do is note --
13 pretty much I think that's what you're asking.

14 Q Right. Which will set aside the deed that your
15 daddy signed as power of attorney to himself.

16 You understand that's what will happen?

17 A What I want the jury to see is that when my
18 daddy got that second power of attorney, which was
19 fraudulent, when he got that second power of
20 attorney, he took all of my granddaddy's property
21 and transferred it to himself.

22 And then if you look at the dates and stuff,
23 then my granddaddy dies soon thereafter. And then
24 when he probated the estate, my granddaddy had -- he
25 didn't have the underwear on his back when he died.

1 So that's not -- I mean, that's not my granddaddy. I
2 want them to see that.

3 Q That's what I'm asking, Mr. Riley.

4 If the jury believes you and believes your
5 expert, what you're going to have is all that land go
6 back into your granddaddy's estate.

7 Is that what you --

8 A Yes.

9 Q Okay. And do you understand that under the '95
10 will, if it goes back into the estate, the funeral
11 home still goes to your daddy's estate?

12 A No. The '95 will was fraudulent.

13 Q But your lawyer is not targeting that anymore, is
14 he?

15 A No. He talking about the 1990 will.

16 Q All right.

17 A Because all that property that he took
18 included that funeral home.

19 Q I understand that.

20 A You're going back to that -- not the '95
21 will. You go back to the 1990 will, which was my
22 grandfather's will, which was share and share
23 alike.

24 My daddy created that will, and she said that
25 will was fraudulent. Those signatures was fraudulent.

1 So that will does not apply. That's what I'm hoping
2 for. That's what I want them to see.

3 That '95 will was fraudulent. The power of
4 attorneys were fraudulent. My daddy took his property
5 from my grandfather with these fraudulent documents,
6 and put everything back to where it supposed to be for
7 my granddaddy in accordance with the 1990 will.

8 Q All right. So you are wanting that will set aside
9 as well.

10 A Yes. It's fraudulent.

11 Q I'm trying to clarify this, because that's not
12 what I've been hearing, all right? Now I hear what
13 you're saying.

14 A Right.

15 Q Let's go back to the '90 will.

16 A Yes, sir.

17 Q All four of your granddaddy's children were
18 supposed to inherit under that, right?

19 A Share and share alike.

20 Q Right.

21 So 1/4th of whatever your granddaddy had
22 would go to Sonny, right?

23 A Yes.

24 Q 1/4th would go to Virginia's estate, right?

25 A Right.

1 Q 1/4th would go to Evelyn's estate, right?

2 A That's correct.

3 Q And 1/4th would go to Janice's estate, right?

4 A That's correct.

5 Q You're not contesting your daddy's will anymore,
6 right?

7 A My daddy's will? Which one?

8 Q The one that's in probate. The only will your
9 daddy had.

10 A Well, in accordance with my daddy's will,
11 yes. In accordance with that will, the residue of
12 his estate -- let me explain this to you. In that
13 estate, before Dot came along --

14 Q Hold on a second. You're not answering
15 my question.

16 A I'm talking about the residue of the estate.

17 Q I'm talking about your daddy's will probate date
18 2008 that's in probate --

19 A Yes.

20 Q -- that your lawyer stipulated was not signed
21 under any undue influence --

22 A Right.

23 Q -- or lack of capacity.

24 A Right.

25 Q It's valid. That will leaves everything your

1 daddy had to Dot and Renique, right?

2 A Pretty much.

3 Q You don't get anything.

4 A Yes, I do.

5 Q Under that will?

6 A Yes, I do.

7 Q All right. We'll let the jury read the --

8 A The residue of the estate.

9 Q We'll let the jury read that will.

10 MR. HARVEY: Thank you. No further
11 questions.

12 THE COURT: Thank you. You may step
13 down.

14 Anything else, Mr. Jenkins?

15 MR. JENKINS: Nothing, Your Honor.

16 MR. HARVEY: Nothing from the defense.

17 THE COURT: Nothing else.

18 We still need to have some motion hearings.

19 MR. HARVEY: Yes, sir.

20 THE COURT: Ladies and gentlemen, I'm
21 going to ask you to step in the jury room.

22 Hopefully, I'll be back in touch with you shortly.

23 I'll remind you, it's too early to begin

24 discussing the case. If you will, please step

25 into the jury room.

1 (Jury exits the courtroom at 1:22 p m.)

2 THE COURT: Motions.

3 MR. HARVEY: Your Honor, I renew my
4 motion for directed verdict made at the close of
5 the plaintiff's case. And, in addition, I wanted
6 to make sure on the record that Mrs. Riley
7 individually is no longer a party and that the
8 caption will be amended to reflect the lawsuit is
9 against Marcus Riley vs. Dorothy Riley, as the
10 personal representative.

11 THE COURT: I think that's by
12 agreement.

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

14 MR. HARVEY: Secondly, Your Honor, I've
15 seen counsel's proposed requested charge. He's
16 submitting some charges about damages. Your
17 Honor, I don't have anything in my notes that
18 Mr. Riley testified that he had been damaged in
19 any way, and so, as to a question of damages, I'd
20 move for a directed verdict as to him not being
21 awarded damages.

22 THE COURT: Well, what do you say,
23 Mr. Jenkins?

24 MR. JENKINS: Your Honor, all I'm going
25 to ask for is reimbursement of attorney's fees.

1 MR. HARVEY: I don't think he's entitled
2 to it.

3 THE COURT: Under what theory or law are
4 you entitled to attorney's fees?

5 MR. JENKINS: That this was a lawsuit
6 that didn't have to be.

7 THE COURT: I'm sorry? Say it a little bit
8 louder.

9 MR. JENKINS: That this was a lawsuit
10 that didn't have to be and he had to go through
11 expenses in order for us to be here today.

12 THE COURT: I think the general rule is
13 that you can't get attorney's fees unless
14 specifically provided by a statute or agreement.

15 MR. HARVEY: That's my understanding,
16 Your Honor.

17 MR. JENKINS: I understand, Your Honor.

18 MR. HARVEY: As stated, same grounds as
19 before. That's all.

20 THE COURT: Do I have plaintiff's
21 requested charge?

22 MR. JENKINS: I have turned them in this
23 morning.

24 THE COURT: I'm sorry?
25 Give me a second here.

1 THE COURT: I'm a little concerned about
2 the charge on the plaintiff's request for charge
3 number 4 on fraud. I don't doubt that's a correct
4 statement of the law, but it sure seems to me it's
5 going to awfully confusing to the jury. You-all
6 both look at that.

7 MR. JENKINS: Sir, those were the
8 elements that I found and ways that you can find
9 fraud.

10 MR. HARVEY: Your Honor, my only problem
11 with number 4 is the last sentence. I believe
12 that's a comment on the facts.

13 THE COURT: Say it again.

14 MR. HARVEY: The last sentence of his
15 proposed 4, "If you feel Marcus Riley hadn't
16 obtained power of attorney by false pretenses," et
17 cetera, I think that's a commentary on the facts.
18 But that's -- that's my position.

19 MR. JENKINS: That's a proposed question,
20 Your Honor. You don't have to say that, Your
21 Honor. That's a proposed question that I was
22 going to say to the jury. Because these are the
23 elements of fraud. So my thought process was if
24 they find that these elements exist, therefore
25 fraud exists. So that was my whole process.

1 THE COURT: So are you okay with taking
2 that sentence out, then?

3 MR. JENKINS: Yes, sir.

4 THE COURT: What about the plaintiff's
5 requested charge of -- specifically request
6 number 6, I think is the -- excuse me --
7 defendant's number 6?

8 MR. JENKINS: Your Honor, defendant's
9 number 4 through 6, I contest. Because those are
10 the same issues we have in the directed verdict.
11 In the defense request for charge, I thought all
12 of those were legal questions and legal
13 background.

14 We're talking about statute of
15 limitations. We're talking about rules as far as
16 it relates what the judiciary should be deciding
17 on. I don't think that's for the jury to
18 determine.

19 MR. HARVEY: Your Honor, the question of
20 whether Mr. Riley knew of had reason to know --

21 THE COURT: I think that's the question.

22 MR. HARVEY: -- that he had a cause of
23 action that he should pursue, is a question of
24 fact for the jury?

25 MR. JENKINS: Your Honor, there was --

1 the 2, 4, and 5, to me, appeared to be questions
2 of law, questions that is a fact determination.

3 MR. HARVEY: Doesn't the Court, though,
4 charge the jury how to apply -- what law to apply
5 to the facts as it finds them?

6 MR. JENKINS: Your Honor, those are the
7 exact same issues that are in his directed
8 verdict. So once Your Honor decides the directed
9 verdict, then that would be enough for us then to
10 present again to the jury.

11 THE COURT: Okay. I'm going to deny all
12 of defendant's motions for directed verdict.

13 I'm going to charge plaintiff's number 4,
14 request concerning fraud with the exception, as
15 agreed, of the last sentence.

16 I'm going to charge defendant's request
17 to charge number 6. And in this process, I'm
18 going to tell the jury that their duty is to,
19 first of all, determine whether or not the statute
20 of limitations prohibits the bringing of this
21 lawsuit to begin with. And then I'm going to give
22 them the number 6 charge.

23 And then I'm going to tell them, if they
24 find that that statute of limitation bars the
25 lawsuit, then that's the end of the case. That's

1 all they have to do.

2 If they find that it does not bar this
3 lawsuit, then they must next decide whether or not
4 the power of attorney was fraudulent.

5 We'll give them a charge on fraud and
6 tell them that if they believe that it was a
7 forgery, then they must find for the plaintiff.
8 Same as the other two. If they find that the
9 statute of limitations bars this action, they must
10 find for the defendant.

11 Now, let's talk about the verdict form
12 again. We don't actually have one, do we? We've
13 talked about it, we've drafted one, but we don't
14 actually have one.

15 MR. HARVEY: I put one in the email and
16 then I forgot to print it out.

17 MR. JENKINS: Yes, sir. I didn't print
18 it out.

19 THE COURT: Can we send it to the clerk
20 and have it printed?

21 MR. HARVEY: No. I sent it directly to
22 the judge. It was the one with the four points --

23 THE COURT: We don't that anymore.

24 MR. HARVEY: We don't need that one
25 anymore.

1 THE COURT: Can you clean that one up and
2 send it to the clerk of the court?

3 MR. HARVEY: I think I can. If I can't,
4 my assistant surely can.

5 THE COURT: All right. We'll have the
6 clerk of court tell us who to send it to.

7 THE CLERK: Send it to me.

8 THE COURT: All right. Mr. Jenkins saw
9 it on my screen before I emailed it.

10 MR. JENKINS: Yes, Your Honor. I looked
11 at it.

12 (A break was taken from 1:40 to 1:46 p m.)

13 THE COURT: Are we ready for the jury?

14 MR. HARVEY: We are.

15 THE COURT: Let's bring in the jury.

16 (Jury enters the courtroom at 1:47 p m.)

17 THE COURT: Welcome back, ladies and
18 gentlemen. Both sides have now rested, which
19 means they have presented to you all the evidence
20 that you're going to receive in this case, all the
21 information that you're going to be given, except
22 when I tell you about what the law is that applies
23 in the case.

24 In just a few moments, the attorneys will
25 begin making their closing arguments to you, where

1 they try to convince you to see the case the way
2 they see it. Then I'll tell you about the law
3 that applies in the case.

4 What the attorneys say to you in their
5 closing arguments is not evidence. It's merely a
6 statement of what the attorney, or attorneys
7 believe the evidence showed. In other words, if,
8 for instance, an attorney says on a certain date
9 it was raining and your recollection of the
10 testimony is it was not raining at all, then your
11 collective recollection determines what the facts
12 were, not what the attorney said.

13 Having said all that, we'll begin with
14 closing arguments.

15 Plaintiff?

16 MR. JENKINS: Thank you, Your Honor.

17 THE COURT: Yes, sir.

18 CLOSING ARGUMENT

19 MR. JENKINS: Good afternoon.

20 Now, I know it's been and long two days.
21 You've heard a lot of stuff yesterday and today.
22 But I just want to first say thank you. This is
23 really from the bottom of my heart. People don't
24 understand how it feels to be on a jury until
25 you're actually on a jury and you have to sit

1 there and listen to us talk and talk and talk.

2 And so believe it or not, Mr. Harvey and
3 I can dress up and wear suits and come in here and
4 talk. We're not the important part of this whole
5 system. You are. The Constitution doesn't say
6 that we have to dress and talk, but it does say
7 that you all have to be here. Because we know
8 that a jury of your peers is very, very, very
9 important.

10 So it takes a special person. I know so
11 many people try to get out of jury duty. So many
12 people try to, you know, come in here and fake
13 seizures and everything else. You all came in and
14 you sat here and you looked at the facts. I
15 really appreciate it.

16 You'll remember when I first started
17 talking about this case, I talked about, of
18 course, my grandfather. And I said one of the
19 things that he always told me, which is my guiding
20 light, "Right is right; wrong is wrong. If you
21 see a right -- if you see a wrong, it's your job
22 to make it right." Honestly, that's all Mr. Riley
23 is trying to do here, to make it right.

24 You heard him on the stand just now.
25 That's what he does. Every time when he says I'm

1 going home, he went. Even with this situation,
2 his sister called him. She told him of a problem.
3 He lives in Houston, Texas. He took time out of
4 his schedule, dropped everything, came out here
5 for two days so that he could try to make it
6 right.

7 We heard his testimony. There was a
8 dispute going on. He didn't know what was going
9 on. He was in Houston. Like a lot of people do,
10 that's their problem. Let them worry about it.
11 He didn't. He came down here. He did the
12 research. He came up with all these documents.

13 You looked at the documents. He said, my
14 dad's a great man. I'm just going to go ahead and
15 let this go. I'm the only person that probably
16 did this. Did he do that? No. He decided to
17 take it a further step and making sure a forensic
18 expert looked over the documents, before he even
19 said anything about the accuracy of it or whether
20 it's bad or not. Did he take that documentation
21 and do anything? No.

22 Then he speaks to the defendant, the PR
23 of the estate, says, hey, this is what I found.
24 All he received then was, your daddy is smart man.
25 Well, that's not right. How could you say, well,

1 he's just a smart man? So what?

2 And that's what brought us here today,
3 trying to make it right. You saw the will from
4 1999 -- I mean, 1990. That will he said is his
5 father -- his grandfather. Everything is share
6 and share alike.

7 In fact, you've heard no other testimony
8 that said that Mr. Marion F. Riley, Sr. would have
9 wanted anything different than for his family to
10 share and share alike. You heard nothing about a
11 dispute. You heard nothing like, oh, he was mad
12 at so-and-so. That's why he did this. Nothing.

13 Everybody who came on that stand and
14 talked about Marion F. Riley, Sr. said, great man.
15 Loved his whole family. Did something for
16 everybody. Every time he did it for one, he did
17 it for the others.

18 So, of course, when he pulled the 1995
19 will and saw that now certain people are getting
20 things, and even there's a transaction in the 1995
21 will that he didn't even own, that's going to put
22 up instant, why did he do that? That's not his
23 character. That's not him.

24 So then, finally, we get another power of
25 attorney in 1995 that's also included in that will

1 that was later revoked by Mr. Marion F. Riley, Sr.
2 The interesting thing about it is once Marion F.
3 Riley got sick, then all of a sudden appears
4 another power of attorney.

5 So there's nothing about that that says
6 that's wrong. So therefore, in Marcus Riley's
7 thought process, he had to make it right. What he
8 realized is the major transfer of other
9 properties, including the property where the
10 funeral home sits on, was transferred after the
11 1998 power of attorney.

12 Now, as I said, we didn't make it up.
13 These are the documents. You'll get a chance to
14 review the documents when you go back. That is
15 the story.

16 So you heard a lot of bashing of Marcus.
17 He's a rebel-rouser. I guess, as I said, which is
18 why he had to talk to you-all, a person that would
19 fly home from Virginia, they would come from
20 Oklahoma City, they would come home from Texas so
21 that they could cause trouble in Allendale.
22 Beautiful City, by the way. But come home to
23 cause trouble? It just didn't quite resonate with
24 me.

25 Now, if he came home because his family

1 was here, the family he loves and the town he
2 admires because he wanted to make it right, that
3 would seem to make more sense.

4 So then we have testimony from his aunt,
5 Janice Heard. She said that it was a community
6 effort as far as the children were taking care of
7 the grandfather. She had her role. One sister
8 came from here.

9 So if you think about the roles and how
10 everyone -- why would all of a sudden one thing go to
11 one child? Everybody else, whatever. Good luck.
12 That's what occurred in the final documents to
13 where -- when Mr. Marion F. Riley passed, he had very
14 little, if anything, to his name. Could that have
15 possibly been his intent, to give power of attorney to
16 his son so his son can discredit everybody else and
17 put all the property to himself? I don't think so.

18 Ms. Heard is fairly accomplished. She
19 worked in the medical field. In fact, she worked
20 in the very same hospital where he got most of his
21 treatments. I haven't heard anything or any
22 testimony about any dispute from Ms. Heard. I
23 haven't heard about anything from Vonda Priester,
24 who was the other sister.

25 So what would be the logic to all of a

1 sudden give a person who had a power of attorney,
2 got the power of attorney revoked, then got
3 another power of attorney so that he could
4 transfer all the assets before death? It just
5 doesn't make sense. To me, it just seems like a
6 wrong which we've got to make right.

7 We have this forensic expert, and I know
8 their analysis -- her analysis was pretty detailed
9 and convoluted. But what she wanted to show you
10 is that when she's giving her opinions -- I think
11 we mentioned this before -- she said it was a
12 hypothesis, she tested it, then she does other
13 things. She uses microscopes. She uses tools.
14 She's been certified in 50 different states to
15 testify. Expert. This isn't just two lawyers
16 saying, hey, these signatures don't look the same.
17 This is an expert who said there is no way in the
18 world that a person who did this signature did
19 this signature. Her testimony.

20 And there was nothing to refute her
21 methodology. There was nothing to refute her
22 abilities. There was nothing to refute her
23 credentials. She went through documents upon
24 documents. She did her own independent research,
25 didn't find much, to show she wasn't biased. She

1 used the public documents that Marcus gave her.
2 This shows that there exactly was some forgery
3 that went on on the third power of attorney that
4 transferred all the property before death.

5 You know, when you get into a case, it
6 gets so detailed that it starts getting a bit
7 much. You know, you see a lot of facts. That
8 lady, she talked for a while. It was very fast.
9 So I do understand. But, you know, all the
10 evidence led one way: That in 1998, Mr. Riley
11 didn't sign that document. Mr. Riley F., Sr.
12 didn't sign the document.

13 So then we have presentations on the
14 defense side. We get one lady -- I believe her
15 was Ms. June -- who said, you know what, I was
16 there. He was a pleasant man. We had a great
17 conversation.

18 Oh, yeah? What did you talk about?

19 I don't know. It was a long time ago.

20 Then we say, okay, well, I understand that.
21 So tell me anything you remember.

22 I don't remember. It was so long ago. I
23 remember that and the birth of my child.

24 How are those two even comparable? As I
25 say, I buy really good dinners for my kids every

1 day, but my wife tells me what happened with the
2 birth of my child? Why would you even compare
3 those? This is something that she did, in her
4 words, repeatedly, all the time. But you remember
5 one person who came in one day.

6 Then we have Attorney Eltzroth. Well,
7 she just confirmed everything. He said he wasn't
8 even there. That's his client. So that just sent
9 up, of course, a red flag. If anybody gets legal
10 documents, it's usually done by an attorney.

11 So we get to the last person who says
12 there wasn't even a set policy. Now, we
13 understand with the Murdaugh law firm that they're
14 pretty prevalent these days, where she can't even
15 guarantee that a set policy was formed in order to
16 determine whether a person has the ability and is
17 even there to ensure that they know what they're
18 signing.

19 So they might have signed this document.
20 I wouldn't bet against it. But I can tell you one
21 thing that I have in evidence too, I bet he didn't
22 sign a power of attorney in 1998. Because
23 clearly, I can't find anybody -- they couldn't
24 present anybody who was actually there to say this
25 was done.

1 And I understand it's 27 years ago. I
2 totally get that. But they're coming to you to
3 tell you what they know. I'm saying what they
4 know can be questioned.

5 And, lastly, we have the family members.
6 Listen, I get it. I never met Mr. Riley, Jr. He
7 sounded like a phenomenal man. We're not here to
8 say -- because listen, as long as you have flesh,
9 everybody is going to do something wrong. None of
10 us walk on water. There's only one person who
11 did, and we know where he is.

12 We're not saying anything is wrong with
13 him. But as Marcus eloquently said it, we're not
14 saying he's a bad guy. We're just saying he got
15 this wrong.

16 As a jury, we're asking you-all to step
17 into our shoes and make it right. This is your
18 opportunity to make this right.

19 Marion F. Riley, Sr. really wanted his
20 family to share and share alike. That would have
21 been right. We shouldn't let fraud take him away
22 from what he would have wanted.

23 We're asking that that power of attorney
24 be invalid, like it never happened. We are asking
25 for the assets to put right back where they were

1 supposed to be so they can be redistributed the
2 way Mr. Marion F. Riley, Sr. wanted. We're not
3 asking for the moon, the stars, and the mountains.
4 We're just asking for that to occur that so we can
5 get what's right, we can get what's supposed to
6 be. That's what we're asking.

7 Once again, I thank you-all for listening
8 to me, and thank you for your activities in this
9 case. Thank you.

10 MR. HARVEY: Thank you. If it pleases
11 the Court, Mr. Jenkins.

12 I want to tell you-all something. I
13 probably have to tell my wife once a day, not once
14 a week. I was wrong. I told you-all yesterday
15 you-all would be leaving by lunchtime, and I'm
16 sorry. If you run into my wife in the reopened
17 Walmart, tell her that I admitted I was wrong to
18 you-all, too.

19 Mrs. Riley, Renique, Chauncey, we all
20 appreciate you being here. We all appreciate you
21 listening. I've been watching. The family's been
22 watching. We know you-all are paying attention.
23 And we appreciate it.

24 Now, remember, when I started yesterday,
25 there were two things I told you you had to

1 decide: Was the '95 will and power or attorney a
2 forgery and how long ago did Mr. Marcus Riley know
3 about it?

4 Well, forgive me. Maybe my hearing isn't
5 as good as it once was, but all I heard
6 Mr. Jenkins argue is whether that power of
7 attorney was a forgery. I didn't hear him arguing
8 to you at all about that 1995 will of Mr. Marion
9 Riley, Sr. You might remember, but I don't think
10 I heard that.

11 So if we consider that, then we can
12 consider how long did Mr. Marcus Riley know
13 something. The plaintiff -- the judge will tell
14 you that the plaintiff has the burden of proving
15 to you by what's called a preponderance of the
16 evidence that the facts are as they say they are
17 and not as the defendants have said that they are.

18 The preponderance of the evidence, if you
19 imagine old scales in the old stores or antique
20 places, they start out equal. The plaintiff comes
21 in and puts the evidence. The defendant comes in
22 and puts the evidence. If the defendant doesn't
23 bring -- if it gets back to equal, then you find
24 for the defendant. If it's heavier for the
25 plaintiff's side just a little bit, you find for

1 the plaintiff.

2 Now, there's a difference between opinion
3 testimony by an expert and eyewitness testimony.
4 Opinion testimony is someone who is like the lady
5 that came in yesterday, Laurie Hoetzel, I think
6 her name was. She had all these comparisons.
7 Notice what she did. I appreciate her honesty.

8 She looked for signatures -- had someone
9 look for signatures in the public record of
10 Marion Riley, Sr. And what did she tell you? The
11 only signature she had was what Mr. Marcus Riley
12 sent her.

13 Now, think about this: If you're Marcus
14 Riley and you're wanting to win a lawsuit and the
15 only signatures you can get, you're going to find
16 the worst ones, aren't you? He's the one that
17 gave her all the information. She used -- she
18 made her opinion based upon all her information,
19 but he gave her nothing else. So think about
20 that.

21 And then we have the three people
22 involved in the actual execution of the document.
23 Well, I say two. Well, I'm sorry, just one.
24 Because all we're talking about is the power of
25 attorney of Ms. Bilko who was here this morning.

1 She testified. She was the who witnessed it.
2 Lawyer Eltzroth, told you the truth. He verified
3 that that was Marion Riley, Sr.'s signature on
4 that 1995 will, though, for sure. And then
5 Ms. Lynn Manuel yesterday, remember, she was there
6 when the 1995 will was signed. And she
7 remembered. It's sort of like -- you know, you
8 think about there are people you know and you
9 remember. You've got people like that in your
10 life. There are certain people that just stick
11 out.

12 To me Sonny Riley was one of those
13 people. I told you-all yesterday, I butted heads
14 with Sonny Riley when I was defending folks he
15 arrested. He stuck out to me. Marion Riley, Sr.
16 stuck out to Ms. Manuel. The specifics, she knew
17 it was him.

18 So the will is out of the way. And
19 Ms. Bilko says, I was there. And sure, she can't
20 say that she did all the examining. That's not
21 the -- that would be the person signing. That's
22 not -- that's not the administrative person's job.
23 Whoever the lawyer was, she couldn't remember,
24 that talked to Mr. Riley before he signed was
25 satisfied and had him sign it. She said it was

1 him. She also told you if he acted like he didn't
2 know what he was doing, or, if it wasn't him, she
3 wouldn't have put her name on that paper.

4 So you've got people who actually saw
5 things and you've got somebody who says, well, in
6 my opinion, that's a forgery.

7 But here's the thing you need to think
8 about: Not one person sat on that witness stand
9 and testified who the forger was. Nobody. Now,
10 Mr. Marcus Riley thinks it's his daddy, but was
11 there any evidence presented to you? Did you hear
12 anything else?

13 Think about this: Did the expert witness
14 say compare these signature with Mr. Marion
15 Riley's and Sonny Riley's own signature? Did you
16 hear her testify? Do you think if it was really
17 Sonny Riley who had been the one that forged she
18 wouldn't have been up there getting paid for what
19 she was testifying about and she wouldn't have got
20 up there and said, in my opinion, not only was it
21 forged, but Sonny Riley was who did it.

22 Crickets. Not a single witness. We
23 don't know, if it was a forgery, who forged it. I
24 submit to you that's one of the things you've got
25 decide in finding for the defendant. Because if

1 they can't prove who forged it, what do we do with
2 that? Was it Ms. Riley? They have no evidence it
3 was Ms. Riley who forged it. She said she never
4 even went to Hampton.

5 So I have noticed, as I've gone -- gotten
6 up in years, that my handwriting has changed as I
7 get older. You've probably got a loved one
8 somewhere. If you take them to the doctor's
9 office and they have to sign, chances are, if
10 they're old enough, their signature don't look
11 like it did 30 years ago, 10 years ago, maybe five
12 years ago.

13 So when you're thinking about how these
14 signatures might look different take into
15 consideration your own experience, because the
16 judge will tell you you don't leave your common
17 sense at the door when you go in there to decide.
18 You use your own personal experience to help you
19 decide a fact. People's signatures change.

20 So the second question, then, is when
21 should Marcus have had an idea something was not
22 to his liking? You heard a lot of things about
23 how things happened after Mr. Marion died as early
24 as 2003. The man is living in Allendale for a
25 whole year, taking his baby sister to school every

1 day, living in his granddaddy's house with his
2 daddy's permission, and yet he's not starting to
3 ask questions?

4 Let us give him the benefit of the doubt.
5 Let's get to 2014. His baby sister is living
6 there. It's remodeled. It don't look like his
7 granddaddy's house anymore. Don't you think he'd
8 start thinking, well, how is she getting away with
9 this if she don't own the place? The deed was on
10 the record. You heard her testify about it, 2014.

11 Don't you think at some point during that
12 year there was talk about it, about how Marion
13 Riley, Sr.'s estate got settled and who owned
14 everything?

15 And then February 2015, he's at his
16 Aunt Virginia's funeral. When you go to a
17 funeral, you don't talk about just the person
18 that's being buried, do you? You talk about --
19 you see people you know. You catch up. Some
20 people -- my family, we go to a funeral, it's like
21 a reunion, because we don't see each other enough
22 and you start talking about stuff. How are your
23 friends? How are your nephews and nieces?
24 They're at Virginia's funeral. You don't think
25 that came up?

1 You don't think that after Virginia's
2 husband and daughter had been involved in that
3 lawsuit with Janice in 2000 over Mr. Riley, Sr.'s
4 will, you don't think they were bitter over that?
5 You don't think -- you know, you get around bitter
6 people, all they can do is dwell on things like
7 that. We've been cheated. You don't think he
8 heard that?

9 And then Vonda and Adrian, his cousins,
10 they're so bitter, they put that fence up beside
11 the funeral home in Fairfax. Aren't you-all glad
12 you-all found out -- if you didn't find anything
13 else out, you found out the history of why that
14 fence is there. They put that fence up.

15 And Marcus is on the phone with the
16 speaker and he's talking to his daddy. And Marcus
17 says, Daddy, just give them the funeral home.
18 That's what he's wanting you to do now. Just give
19 them the funeral home. Take it away from Dot.
20 Take it away from Renique. Marcus knew.

21 One thing I want you to remember, as much
22 as anything, he's a lawyer. He's studied the law.
23 He may be a patent lawyer. I'm sure he's a very
24 good one. But when you take the bar exam, you
25 don't just take what you're specializing in. You

1 take it on all the law.

2 You have to answer questions. You have
3 to know what a statute of limitations is. The
4 judge will tell you, the statute of limitations
5 begins to run when a cause of action reasonably
6 ought to have been discovered.

7 Under this rule, a cause of action
8 accrues for purposes of the statute of limitations
9 when a plaintiff has notice that he might have a
10 remedy. And the statute runs from the day he
11 either knows or should have known by the exercise
12 of reasonable diligence that a cause of action
13 arises from wrongful conduct. He was put on
14 notice as late as 2015 that somebody didn't like
15 it that his daddy had that funeral home.

16 What did he do? He let his daddy die so
17 that when he decided to fight about it, he
18 wouldn't have to fight his daddy. He'd fight with
19 his stepmother. That's despicable. He talks
20 about loving his daddy and he didn't want to
21 confront his daddy. So he waited until his daddy
22 couldn't sit in here in front of you and sit on
23 that witness stand.

24 He sued in 2015, 2016 before COVID. He
25 ain't going to take COVID as an excuse now. 2015,

1 2016, it's hard to believe she was working back
2 then. He was going to be able to put his daddy on
3 that witness stand. His lawyer could have
4 cross-examined him. Then you might know, if this
5 is a forgery, who really signed it. But they
6 didn't get that opportunity. He wants you to
7 speculate, oh, yeah, it had to be him. It
8 couldn't have been anybody else. Well, it
9 couldn't have been anybody else but Marion Riley,
10 Sr. That's what we're trying to get you to
11 understand and find.

12 All right. Dot and Renique, Renique in
13 particular, took a funeral home that was doing --
14 in bad shape and did what she knew her daddy
15 wanted her to do. Keep running that funeral home.
16 And by reference, what her granddaddy wanted.
17 Because he's the one that started it, he's the one
18 that built it. It was down, and she brought it
19 back up.

20 And I want to close with this. I have
21 two things I want to tell you first. People
22 change their wills. People change their minds.
23 One of the last questions I asked Mr. Riley was
24 when was the last will and testament. I've got to
25 tell you, over my 40 years of being a lawyer, I've

1 had some favorite clients. I call them favorite
2 because they must love me, because they come to
3 see me an awful lot, and they come in and they
4 want to change their will.

5 There was one lady, I will forget never
6 forget her. She had no children. She was not --
7 had never been married. She had nieces and
8 nephews and she had a bunch of houses in
9 Blythewood. And depending on which ones of her
10 nieces and nephews were treating her right, she'd
11 change her will. She'd come in once a year and
12 she'd say, I want to take so-and-so out and put
13 so-and-so in. Why do you want to do that? Well,
14 they're not paying any attention to me.

15 I'd ask her the same type of questions
16 that Mr. Hoeltz to make sure she knew what she was
17 doing, make sure there wasn't going to be any
18 question. We'd rewrite her will. She'd sign it.
19 I don't know whether she couldn't get to me the
20 last time before she died or whether she wanted to
21 change her mind or not, but I guess that will be
22 between her and the Lord. People change their
23 minds. People change their wills.

24 And then my clients come in sometimes and
25 they're really, really conflicted. They have

1 three or four children. Some of them will live in
2 Houston, Texas, for example. Some of them will
3 live in Philadelphia, for example. Some of them
4 will live in Barnwell, Allendale. I do get
5 business from Barnwell. I have family there. And
6 they'll say, I want to be fair. But so-and-so may
7 say, my daughter, hasn't been willing to take care
8 of us. Well, my son has been the one looking
9 after us, our place. The other two don't have
10 anything to do with us. But I want to be fair.
11 This is what I tell them: Fair is what you say it
12 is. And I'll ask then, did they do anything to
13 help you gather and accumulate what you've got to
14 leave? And I bet you 98 percent of the time they
15 all sit there and say, nope, didn't do a thing. I
16 say, well, it's yours. They didn't do anything to
17 earn it. You do want you want with it. I'll bet
18 you Mr. Hoeltz said the same thing to his clients.
19 Most good lawyers, country lawyers. I know I do.

20 So the last thing I want to tell you is a
21 little story. You-all may have heard it before.
22 From the time I was born and carried home to
23 Brunson, South Carolina, the first five years of
24 my life, my family lived across the street from my
25 Aunt Barbie (ph). She did not want to be called

1 Aunt Barbie, but I couldn't say what she wanted me
2 to call her, and I called her that so that's -- it
3 stuck.

4 When I got old enough to be still and sit
5 on her lap and get read to. One of my favorite
6 books was *The Little Red Hen*. You-all remember
7 that story *The Little Red Hen*? I wish I had the
8 time to say it -- read it to you, because it's got
9 some great colorful depictions on it.

10 But the little red hen lived in the
11 barnyard, and she decided that she wanted to bake
12 some bread, because there wasn't any bread. So
13 she said, well, I've got to plant some wheat.
14 I've got to till the soil.

15 So she went around to the other animals
16 in the barnyard and said, Will you come help me?
17 We can have bread. And everyone one of them said,
18 Nope, I won't. There was a video. It says,
19 Forgive me for my sin. The cat says, I won't.
20 The dog says, I won't. I won't. I won't. I
21 won't. So she planted the wheat by herself. When
22 it came time to harvest, she went around, Who's
23 going to help me harvest my wheat? Not I, said
24 the cow. Not I, said the pig. Not I, said the
25 dog.

1 So she harvested the wheat by herself.
2 When it was ready to be milled, nobody would help
3 her even though she asked them. She milled the
4 wheat. Asked anybody if they would help bake the
5 bread. Nope.

6 And when she baked that bread, the smell
7 of that fresh bread was cooking and everybody
8 gathered around and everybody was wanting a piece
9 of bread.

10 That woman right there took her daddy's
11 business, took her daddy's business, granddaddy's
12 business and she tilled the ground and she rebuilt
13 that funeral home and she made it into a
14 prosperous business, and the rest of the people in
15 the barnyard want a piece of it.

16 THE COURT: Thank you, Mr. Harvey.

17 Mr. Jenkins, anything else?

18 MR. JENKINS: No, Your Honor.

19 THE COURT: Ladies and gentlemen, as I
20 told you yesterday, you are the sole and exclusive
21 judges of the facts in this case. What I think
22 about the facts of the case is totally irrelevant.
23 If I've done anything to cause you to believe that
24 I have an opinion about the facts of the case, put
25 that out of your mind. Because the law does not

1 permit me to express an opinion about the facts of
2 the case in your presence.

3 The same law that makes you the judges of
4 the facts of the case makes me the judge of the
5 law of the case. And the law as I give it to you
6 in a few minutes is the law that you must accept
7 and must apply. Even if you disagree with the
8 law, you must accept the law as I give it to you.

9 As you heard one of the attorneys say,
10 the burden of proof in this case is by a
11 preponderance of the evidence. And this simply
12 means the greater weight of the evidence. It is
13 evidence which as a whole shows that a fact sought
14 to be proved is more likely true than not true.

15 As you heard, this can be illustrated by
16 imagining a set the scales. And when the case
17 begins, the scales are even. And once the case is
18 over, if, in your opinion, the scales remain even
19 or dips slightly in favor of the defendant, then
20 the plaintiff would have failed to meet the
21 plaintiff's burden of proof and would not be
22 entitled to recover.

23 On the other hand, if the scales tip
24 slightly in favor of the plaintiff, the plaintiff
25 would have met the plaintiff's burden of proof and

1 you should return a verdict for the plaintiff.

2 The preponderance of the evidence is not
3 determined by the number of witnesses. It's
4 determined by the greater weight of all of the
5 evidence.

6 Necessarily, ladies and gentlemen, you
7 must determine the credibility of the witnesses
8 who have testified in this case, and this simply
9 means the believability of the witnesses. Because
10 it's your duty as jurors to evaluate the evidence
11 and determine which evidence convinces you that
12 it's true.

13 In determining the believability of the
14 witnesses who have testified, you may believe one
15 witness over several witnesses or several
16 witnesses over one witness. You may believe part
17 of the testimony of a witness and reject the
18 remaining part of the testimony of that very same
19 witness. You may believe the testimony of a
20 witness in its entirety or reject the testimony of
21 a witness in its entirety.

22 You may consider whether the witness has
23 an interest in the results of the trial, whether
24 other witnesses are prejudiced towards the
25 plaintiff or towards the defendant, and the

1 opportunity that any witness may have had to have
2 seen or observed the things about which the
3 witness may testimony.

4 As I told you earlier, the Rules of
5 Evidence ordinarily do not permit witnesses to
6 testify to opinions or conclusions. An exception
7 exists for witnesses that we call an expert
8 witness. That is a witness who by some education
9 or experience has become an expert in some art,
10 science, of profession. They are permitted to
11 give an opinion about the subject that the witness
12 claims to be an expert in. And they give their
13 reasons why they have an opinion.

14 You should consider an expert opinion
15 given by a witness like any other evidence. You
16 give it the weight you think it deserves. If you
17 decide that an expert witness's opinion is not
18 based on sufficient education and experience, or
19 if you decide that the reasons given in support of
20 the opinion are not sound, or that the opinion is
21 outweighed by other evidence, you may disregard
22 the opinion entirely.

23 An expert witness's testimony is to be
24 given no greater weight than that other witnesses
25 simply because that witness is an expert. You do

1 not have to accept an expert's opinion even though
2 it is uncontradicted.

3 The first thing you must decide, ladies
4 and gentlemen, during your deliberations is
5 whether or not the bringing of this lawsuit was
6 untimely or not timely. In other words, was it
7 brought too late in violation of what is called
8 the statute of limitations.

9 The statute of limitations begins to run
10 when a cause of action reasonably ought to have
11 been discovered. Under this rule, a cause of
12 action proves, for the purpose of the statute of
13 limitations, when a plaintiff has notice that he
14 might have a remedy for a harm. The statute runs
15 from the date the injured party knows or should
16 have known the exercise of reasonable diligence
17 that a cause of action arises from some wrongful
18 conduct.

19 The exercise of reasonable diligence
20 means if the injured party must act with some
21 promptness or the facts and circumstances of an
22 injury places a reasonable person of common
23 knowledge and experience on notice that a claim
24 against another person may exist. The fact that
25 the injured party may not comprehend the full

1 extent of the damage is immaterial.

2 Where facts and circumstances of injury
3 would put a person of common knowledge and
4 experience on notice that some right of his has
5 been violated or that some claim against another
6 party might exist, the statute of limitations
7 begins to run from this point and not from when
8 the advice of counsel is sought or full-blown
9 theory of recovery is developed.

10 Whether a particular plaintiff actually
11 knew he had a claim is not the test for you to
12 apply. Rather, it is for you to decide whether
13 the circumstances of the case would put a
14 reasonable person of common knowledge and
15 experience on notice that some right of his may
16 have been invaded or that some claim against
17 another party might exist.

18 If you find that this lawsuit was brought
19 too late and it was untimely, then you must find
20 for the defendant. If you find that the lawsuit
21 was timely brought, then you may consider whether
22 or not fraud exists in this case.

23 I lost my page, ladies and gentleman.

24 Under South Carolina law, the tort of
25 fraud requires the following elements to be

1 proven: Number 1, a factual representation;
2 number 2, that it's false; number 3, that it was
3 material; number 4, the knowledge of its falsity
4 or reckless disregard of the truth of falsity;
5 number 5, if the intent that the representation be
6 acted upon; number 6, that the hearer was ignorant
7 of the falsity; number 7, the hearer's reliance on
8 its truth; number 8, the hearer's right to rely on
9 the representation; and, number 9, the hearer's
10 consequent and proximate injury. A plaintiff must
11 prove fraud by clear and convincing evidence, and
12 the failure to prove any element is fatal to the
13 claim.

14 In this case, if you find that the power
15 of attorney in question was a forgery or
16 fraudulent, then you must find for the plaintiff,
17 unless you've already previously found for the
18 defendant on the grounds that the claim was
19 brought in an untimely manner.

20 Ladies and gentlemen, I will send to the
21 jury room a verdict form. And I'll ask our
22 foreperson if she will, on behalf of the jury,
23 complete the verdict form and sign her name.

24 For there to be a verdict, all of you
25 must agree.

1 Again, that's for the record, respectfully, sir.

2 THE COURT: Okay, so noted.

3 We are still at ease waiting on the jury.

4 (A break was taken from 2:41 p.m. to
5 3:21 p m.)

6 THE COURT: The bailiff indicated they
7 reached a verdict.

8 Is the plaintiff ready to receive the
9 verdict?

10 MR. JENKINS: Yes.

11 THE COURT: Defense?

12 MR. HARVEY: Yes.

13 THE COURT: Let's bring in the jury.

14 (Jury enters the courtroom at 3:21 p.m.)

15 THE COURT: Welcome back, ladies and
16 gentlemen. Let me ask our foreperson: The
17 bailiff indicates he believes the just has reached
18 a verdict; is that correct?

19 THE FOREPERSON: Yes, Your Honor.

20 THE COURT: Is it a unanimous verdict,
21 all agreed?

22 THE FOREPERSON: Yes, sir.

23 THE COURT: I'll get our clerk to publish
24 the verdict form.

25 THE CLERK: In the State of South

1 Carolina, the County of Allendale, Marcus Riley
2 vs. Dorothy Riley, in her role as personal
3 representative of the Estate of Mr. F. Riley, Jr.,
4 we, the jury in the referenced case, unanimously
5 find for the plaintiff Mr. Marcus Riley.

6 THE COURT: Thank you.

7 Anything else before the jury is
8 discharged from the plaintiff?

9 MR. JENKINS: Nothing, Your Honor.

10 THE COURT: From the defense?

11 MR. HARVEY: Nothing, Your Honor.

12 THE COURT: Ladies and gentlemen, I want
13 to thank you for your service.

14 Did anybody have any questions, any
15 problems, anything that we can solve?

16 THE FOREPERSON: No, sir.

17 THE COURT: You don't want to just hang
18 around?

19 JURY PANEL: No.

20 THE COURT: Ladies and gentlemen, you're
21 excused. Thank you so much for your service.

22 THE CLERK: If anyone needs any excuse or
23 anything for work, I'd ask that you head to my
24 office and my staff will give you one. Will you
25 please leave your badges with the bailiff.

1 THE COURT: Thank you again.

2 (Jury exits the courtroom.)

3 THE COURT: Any motions from either side?

4 MR. HARVEY: Your Honor, if it please the
5 Court, I'd like to move for a motion for judgment
6 notwithstanding the verdict on the grounds I
7 stated in the previous motions. I'm not going to
8 belabor the Court with any more impassioned
9 argument. I think I briefed it and argued it as
10 strongly as I possibly can.

11 THE COURT: I understand the motion. I
12 understand the reason for it and the grounds for
13 the motion, but I'll deny the motion as previously
14 indicated.

15 Anything else?

16 MR. JENKINS: I have nothing, Your
17 Honor.

18 MR. HARVEY: Nothing.

19 THE COURT: If I recall correctly, this
20 means there still needs to be a supplemental order
21 prepared, does it not?

22 MR. JENKINS: Yes, sir. Yes, sir, it
23 does.

24 THE COURT: Are you going to prepare that
25 order?

1 MR. JENKINS: I'll be more than happy to,
2 sir. I'll be more than happy to send it to the
3 other side.

4 I just have to say, Your Honor, it may
5 take a minute because I have surgery on Monday.
6 So you may get it probably by the end of the
7 week.

8 THE COURT: Okay. One thing, and that
9 is, I thought the attorneys involved in this case
10 did an outstanding job in this case and an
11 outstanding job representing your respective
12 clients. Thank you so much.

13 MR. HARVEY: May I inquire, is it correct
14 for me to understand that the time for any appeal
15 would run from the time that the order is filed?
16 Is that -- if we wanted to appeal, are we going to
17 need 30 days from today or from the day the judge
18 signs his order? I just need to know it for my
19 calendar, Judge.

20 THE COURT: I'm not sure. I can tell you
21 what the Appellate Court rules would say.

22 MR. JENKINS: Your Honor, if I may?

23 THE COURT: Mr. Jenkins, you've got a
24 thought on this matter?

25 MR. JENKINS: Yes, sir. My understanding

1 is when the order was done. I truly believe that
2 it now, because the issues of the trial have no
3 bearing on the order itself, the actual writing of
4 it. So it's my understanding it's starting right
5 now once the verdict is handed down.

6 THE COURT: Suppose that notice of appeal
7 was filed tomorrow.

8 MR. JENKINS: Yes, sir.

9 THE COURT: Does that not exclude the
10 Court from jurisdiction of doing anything else on
11 the case?

12 MR. HARVEY: It stays in the lower court
13 when the notice of appeal is filed.

14 MR. JENKINS: You're absolutely right,
15 Your Honor. I'm fine with -- as I said, I think I
16 get get it expedited. I've just got to start the
17 process tomorrow for the surgery on Monday. But
18 as I said, I'll be more than happy to see if I can
19 get it expedited.

20 THE COURT: For what it's worth, and I'm
21 not sure it's worth anything, the Court would
22 agree that the time for beginning the appeal would
23 be the signing of the order. You might want to
24 make sure that the Court has the authority to do
25 that.

1 MR. HARVEY: Sure. As much as I need to
2 do it, I don't think I'm going to file a notice of
3 appeal tomorrow.

4 MR. JENKINS: I agree, sir.

5 THE COURT: All right. Best wishes to
6 both of you.

7 MR. HARVEY: Thank you, Your Honor.

8 MR. JENKINS: Thank you, sir.

9 (End of excerpt.)

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CERTIFICATE OF REPORTER

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I, SHARON G. HARDOON, Official Circuit Court Reporter for the State of South Carolina at Large, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common please, Allendal County, South Carolina.

I do further certify that I am neither kin, counsel, nor interest to any party hereto.

May 22, 2023

Sharon G. Hardoon, CSR
Official Circuit Court Reporter, III

Q1- POA Page 3 10/15/1995

Stacy Q. Riley M

K1- Death Notification 8/9/1987

Signature of Saction or Person in Charge
Stacy Q. Riley M

K2A- Last Will and testimony pg 2 1/12/1990

Stacy Q. Riley M

K5- Consent for treatment 5/5/1995

Signature of Patient
Stacy Q. Riley M
5/5/95

Q1- POA Page 4 10/15/1995

Stacy Q. Riley M

K3- Drivers License 4/28/1992

Signature of Saction or Person in Charge
Stacy Q. Riley M

K4A- Death notification 7/10/1993

Stacy Q. Riley M

Signature of Saction or Person in Charge
K6- Revocation of power of Atty.
5/28/1998

Stacy Q. Riley M
MADISON W DATED CD

Margaret J. Riley M

K5- Consent for treatment 5/5/1995

Signature of Patient

Margaret J. Riley M
5/5/95

Margaret J. Riley M

K2A- Last Will and testimony pg 2 1/12/1990

UNIQUE

Margaret J. Riley M
MARGION F. RILEY, SR

K2B- Last Will and testimony pg 3 1/12/1990

Margaret J. Riley M

K6- Revocation of power of Atty 5/28/1998

MADISON F. DITTEY, CD

Margaret J. Riley M

K4A- Death notification 7/10/1993

Margaret J. Riley M
SIGNATURE OF SITOR OR PERSON IN CHARGE

Margaret J. Riley M
SIGNATURE OF SITOR OR PERSON IN CHARGE

K1- Death Notification 8/9/1987

Laurie A. Hoeltzel, PhDC
Forensic Document Examiner
2303 E. Hiddenview Dr. * Phoenix * AZ* 85048
PO Box 3528 * Crestline * CA * 92325
2520 McMullen Booth Rd* Suite B #229*Clearwater* FL * 33761
13915 W. 73rd St.* Arvada * CO *80005
Cell: 310-985-2807 *E. FL(O): 954-745-0752- W. FL(O): 727-213-5722- CO(O):
720-724-8077- TX(O): 832-827-3052- Fax: 866-652-9901
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www.ArizonaHandwritingExpert.com
www.CaliforniaHandwritingExpert.com
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www.HoustonHandwritingExpert.com

AFFIRMATION

Subjects:

MARION F. RILEY, SR.

Date: November 22, 2020

I, LAURIE HOELTZEL, hereby affirm as follows:

I am a Court Qualified Forensic Document Examiner in the field of questioned documents. I am over the age of eighteen years, am of sound mind, having never been convicted of a felony or crime of moral turpitude; I am competent in all respects to make this Affirmation. I have personal knowledge of the matters declared herein, and if called to testify, I could and would competently testify thereto.

I have studied and was trained in the examination, comparison, analysis and identification of handwriting, discrimination and identification of writing, altered numbers and altered documents, handwriting analysis, trait analysis, including the discipline of examining signatures, with over twenty (20) years of experience in this field. A true and correct copy of my current Curriculum Vitae ("C.V.") is attached as "**Exhibit 1**".

An examination of handwriting included establishing patterns of writing habits to help identify the author. Handwriting is formed by repeated habits of writing by the author, which are created by neuro-pathways established in the brain. These

neuro-pathways control muscular and nerve movement for writing, whether the writing is done by the hand, foot, or mouth.

OBSERVATION, DESCRIPTIONS AND/OR LIMITATIONS

The identification of any signature/handwriting is based on the agreement, without unexplainable difference, of the handwriting characteristics displayed. These characteristics include the form of the letters, the beginning, connecting, and ending strokes, the proportions of letters, size, and curvature of the writing/printing, the spacing and arrangement, the skill of the writer. The alignment, positioning and outstanding significant features are other factors used to analyze, compare and evaluate. The elimination or identification of an author is based on a lack of some or all of the above-noted characteristics.

METHODOLOGY

A meticulous examination of the questioned signatures to the comparison signatures was conducted using a side-by-side comparison with the unaided eye, handheld magnifying loupes, microscope, photocopy enlargements, a light table, and metric measuring devices. The scientific methodology used in this examination consists of the "ACE" method, which means "Analyze, Compare and Evaluate". This method was applied to both the known and the questioned documents, independently as well as comparatively. The FBI, U.S. Treasury Department, and the US Postal Services reportedly use this reliable method in their questioned document laboratories.

EXAMINATION

I have examined six (6) documents with the known (K) signatures of Marion F. Riley, SR. For the purpose of this examination, I have labeled these exhibits 'K1' through 'K6'.

Today I have compared the signatures of Marion F. Riley, SR. on the 'K' documents to the purported signatures of Marion F. Riley, SR. on the questioned documents labeled as 'Q1' and 'Q2'. I was asked to determine if the author of the Marion F. Riley, SR. signatures on the known documents was same person who authored the purported signatures of Marion F. Riley, SR. on the Questioned documents.

ANALYSIS

The signatures on the Q documents were enlarged and examined scientifically in a side-by-side comparison to the known samples, under a microscope and on a light table. Measurements of letter height, length, angles, spacing, and slant were taken to verify authorship. Differences of the handwriting characteristics revealed in the size, letter formations, connectivity, and spacing of the questioned signatures when compared to the comparison signatures of Marion F. Riley, SR. on the 'K1' through 'K6' documents.

OPINION

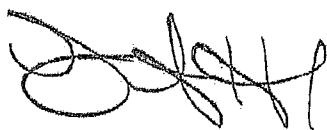
Based upon thorough analysis of these items, and from an application of accepted forensic document examination tools, principles and techniques, it is my professional expert opinion that the person who authored the signatures of Marion F. Riley, SR. on the known documents did not author the signatures of Marion F. Riley, SR. on the questioned documents.

It is my professional expert opinion that it is probable that Marion F. Riley, SR. did not author the signatures on the Power of Attorney for Marion F. Riley, SR. and the Last Will & Testament of Marion F. Riley, SR., labeled as 'Q1' and 'Q2' documents.

DECLARATION

I declare under the penalty of perjury under the laws of the State of South Carolina that the foregoing is true and correct and that this affirmation was executed on the 23rd day of November, 2020.

Respectfully submitted,



Laurie A. Hoeltzel, PhDc

EXHIBIT
A

COUNTY OF ALLENDALE.

LAST WILL AND TESTAMENT

I, MARION F. RILEY, SR., being of sound and disposing mind and memory and realizing the uncertainties of life do hereby make, publish and declare this instrument to be my last Will and Testament, hereby revoking any and all other testamentary writings by me ever made.

ITEM I

I direct my Personal Representative hereinafter named to pay all of my just debts as soon after my death as may be practical.

ITEM II

I give, devise and bequeath unto my wife, Ruth Riley, my home and the property on which it is located, as well as its contents. In the event my wife should predecease me or we die in a common disaster then all of my property whether real or personal unto my children they to share and share alike.

ITEM III

All remaining property, whether it be real, personal or mixed, of whatsoever nature and kind and wheresoever situate, I give, devise and bequeath unto my children to share and share alike.

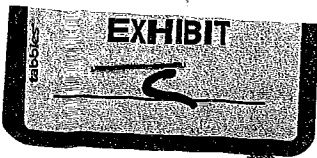
ITEM IV

I nominate, constitute and appoint Ruth Riley as Personal Representative of this my Last Will and Testament and direct that she serve without bond.

1. Marion F. Riley Sr.

*was done by me
Patrick Dreyfus*

*Wills
Wills
Wills
Wills*



A TRUE COPY
5-18-99

Document No. 19-197

MARY JEAN CARLSON
CLERK OF COURT
ALLEDALE COUNTY, S.C.

STATE OF SOUTH CAROLINA }
COUNTY OF ALLEDALE } REVOCATION OF POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, Marlon F. Riley, Sr., a citizen of Allendale County, South Carolina do hereby revoke and forever end that certain Power of Attorney to Marlon F. Riley, Jr., dated May 18, 1995 and recorded in the office of the Clerk of Court for Allendale County, South Carolina.

I, Marlon F. Riley, Sr., the Principal, sign my name to this instrument this 18th day of May, 1999, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument willingly, that I execute it as my free and voluntary act for the purpose herein expressed and I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Marlon F. Riley Sr.
MARLON F. RILEY, SR.

WITNESSES:
Jerry D. Sanders
Jesse P. Pritchett

we, *Jerry D. Sanders* and *Jesse P. Pritchett*, witnesses, sign our names to this the undersigned authority that the Principal signs and executes this instrument as and for his Revocation of Power of Attorney and that he signs it willingly, and that each of us, in the presence and hearing of the Principal and in the presence and hearing of each other, hereby signs this Revocation of Power of Attorney as witness to the Principal's signing, and that to the best of our knowledge the Principal is eighteen years of age or older, of sound mind, and under no

tabbles EXHIBIT D

Methodist College, Spartanburg, S.C.
Francis Marion University, Florence, S.C.
Major Biology, Present
Member: Ch...

Document 97-921
STATE OF SOUTH CAROLINA,
COUNTY OF ALLENDALE

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I, MARION F. RILEY, SR. a citizen of Allendale County, South Carolina, do hereby constitute and appoint MARION F. RILEY, JR. my true and lawful attorney for me and in my name, place and stead:
To lease, let, take possession, bargain, sell, assign, convey, pledge, mortgage and encumber, repair, insure and generally manage any and all property, both real and personal, which I own, or may hereafter acquire from any source, to sign, execute and deliver any and all legal documents in connection therewith, and in all ways and in every way to deal with all property real and personal which I may at any time hereafter own, and with all rights or interest at any time owned or possessed by me with respect to any such property, and with all or any part of such property rights and interest in any and all lawful ways in which I could myself deal with such property, rights and interest, and each part thereof. To convey, waive, release and relinquish all and every dower rights, all and every homestead estates, and all and every rights under and by virtue of the homestead exemption laws. To deposit any monies received from any source whatever for me, and in my name with any bank, and to draw and deliver checks in my name against said monies and other monies to be deposited in my name or to my credit, to endorse, discount, sell, and extend upon such terms as my attorney may deem best, all checks, drafts, notes, bills of exchange, trade and bankers' acceptances, and other negotiable or nonnegotiable papers, payable to me or to my order;

Marion F. Riley, Sr.

stand that each
to our staff of
loyalty toward
ity of service



STATE OF SOUTH CAROLINA,
COUNTY OF ALLENDALE.

POWER OF ATTORNEY

MARY JEAN CARLSON
CLERK OF COURT
ALLENDALE COUNTY, S.C.

KNOW ALL MEN BY THESE PRESENTS, that I, MARION F. RILEY, SR., a citizen of Allendale County, South Carolina do hereby constitute and appoint Marion F. Riley, Jr. my true and lawful attorney for me and in my name, place and stead:

To lease, let, take possession, bargain, sell, assign, convey, pledge, mortgage and encumber, repair, insure and generally manage, any and all property, both real and personal, which I own, or may hereafter acquire from any source; to sign, execute and deliver any and all legal documents in connection therewith, and in all ways and in every way to deal with all property real and personal which I may at any time hereafter own, and with all rights or interest at any time owned or possessed by me with respect to any such property, and with all or any part of such property rights and interest in any and all lawful ways in which I could myself deal with such property, rights and interest, and each part thereof. To convey, waive, release and relinquish all and every dower rights, all and every homestead estates, and all and every rights under and by virtue of the homestead exemption laws. To deposit any monies received from any source whatever for me, and in my name with any bank, and to draw and deliver checks in my name against said monies and other monies to be deposited in my name or to my credit; to endorse, discount, sell, and extend upon such terms as my attorney may deem best, all checks, drafts, notes,

POWER OF ATTORNEY FOR MARION F. RILEY, SR.
PAGE 1 OF 5

Marion F. Riley Sr.

X

[Handwritten signature]

[Handwritten signature]

WITNESSES:

bills of exchange, trade and bankers' acceptances, and other negotiable or nonnegotiable papers, payable to me or to my order; and to accept and pay any note, draft, check, trade acceptances or bills of exchange drawn upon me in relation to said matters; to sell, transfer, and assign all and any stock, or certificates thereof, standing in my name, and to collect all dividends, coupons and interest on any stock, bonds, or other securities now or hereafter owned by me; to ask, demand, sue for, recover, collect, settle, compound, compromise and adjust, by payment or otherwise, any and all debts, claims or demands due or to become due to me or against me, and to make, give and execute full release, acquittance or other discharge for the same, whether under seal or otherwise; to execute vouchers in my behalf for any and all allowances and reimbursements properly payable to me by the United States; to take possession and order the removal and shipment of any property from any post, warehouse, depot, dock or other place of storage or safekeeping, government or private; to execute any forms which may be necessary to effect any allotment of or deduction from any pay and allowances; to execute any form which I may be required to execute in connection with obtaining dependence allowances under any authority statutory or otherwise; to do all things necessary concerning any insurance policies, including the right to change beneficiary.

I do hereby give full power to perform all and every act and thing whatsoever requisite and necessary to be done in

Marion F. Riley, Sr.

X

Q1

Marion F. Riley, Sr.

and about my affairs as fully as all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution or revocation, hereby ratifying and confirming all that my said attorney substitute shall lawfully do or cause to be done by virtue hereof;

I HEREBY DECLARE, that any act or thing lawfully done hereunder by my said attorney, shall be binding on myself and my heirs, assigns, legal and personal representatives. I hereby ratify all that my attorney may do in the premise by virtue of this Power of Attorney, which shall remain in full force and effect until written notice of its revocation, signed by me, shall have been received by the grantee herein.

IT IS MY FURTHER INTENTION, that all express words and terms, used herein granting powers and rights, be construed in their broadest sense to include all synonymous terms and implied powers thereunder.

This Power of Attorney shall not be affected by physical disability or mental incompetence of the principal, which renders the principal incapable of managing his estate.

I, Marion F. Riley, Sr., the principal, sign my name to this instrument this 13th day of May, 1995, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly, that I execute it as my free and voluntary act for

POWER OF ATTORNEY FOR MARION F. RILEY, SR.
PAGE 3 OF 5

Marion F. Riley Sr.

Witnesses: Henry C. King

Witnesses:

0854
91

Handwritten initials and scribbles

X
Q1

POWER OF ATTORNEY FOR MARION F. RILEY, SR.

the purpose here expressed and a full and complete power of attorney
older of sound mind and under no constraint or undue influence

Marion F. Riley, Sr.
MARION F. RILEY, SR.

No. Catherine N. Moore and William H. [unclear]
the witnesses, sign our names to this the undersigned authority
that the Principal signs and executes this instrument as and for
his Power of Attorney and that he signs it willingly, and that each
of us, in the presence and hearing of the Principal and in the
presence and hearing of each other, hereby sign this Power of
Attorney as witness to the Principal's signing, and that to the
best of our knowledge the Principal is eighteen years of age or
older, of sound mind, and under no constraint or undue influence.

Kathleen H. Brown address Brunson, SC

Kerry A. D. Long address Edinburg, SC

State of South Carolina
County of Hampton.

PERSONALLY appeared before me the undersigned witness and
made oath that (he/she) saw the within named Marion F. Riley, Sr.,

W. H. [unclear]

X

Principal, sign, seal and as (his/her) att and deed, deliver the
within written Power of Attorney, and (he/she) with
Kerry Ann B. Long witnessed the execution thereof.

Marion F. Riley

SWORN to before me this
18th day of May, 1995.

James D. Manuel
Notary Public for South Carolina
My Commission Expires: 3-1-99

Witnesses: J. O. Bennett
Kerry Ann B. Long

Marion F. Riley

X

STATE OF SOUTH CAROLINA,)
COUNTY OF ALLENDALE) LAST WILL AND TESTAMENT

I, MARION F. RILEY, SR., being of sound and disposing mind, memory and understanding do hereby make, publish and declare this instrument to be my Last Will and Testament hereby revoking any and all other testamentary writings of any kind or nature by me ever made.

ITEM ONE.

I direct my Personal Representative hereinafter named to pay all of my just and legal debts as soon after my death as may be practical.

ITEM TWO.

I give, devise and bequeath unto my daughter, Virginia Priester, any interest I have in the funeral home located in Hampton.

ITEM THREE.

I give, devise and bequeath all my interest as well as the property, real and personal, connected with my funeral home in Fairfax unto my son, Marion F. Riley, Jr. This includes the several lots on which the funeral home business is located.

ITEM FOUR.

All the rest and residue of my property equally to my children Janice Riley, Evelyn Grant, Marion F. Riley, Jr. and Virginia Priester.

LAST WILL AND TESTAMENT OF MARION F. RILEY, SR.
PAGE 1 OF 3

Marion F. Riley Sr.

Q2

WITNESSES:

Sign of Mrs. [unclear]
Gene H. Bilka

W-4 P 50

ITEM FIVE.

I nominate and appoint MARION F. RILEY, JR., as Personal Representative of this my Last Will and Testament, he to serve without bond.

I, Marion F. Riley, Sr., the testator, sign my name to this instrument this 22nd day of May, 1995, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Last Will and Testament and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and that I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Marion F. Riley Sr.
MARION F. RILEY, SR. X

We, Lynn F. Manuel and Jane H. Bilka, the witnesses, sign our names to this instrument, being first duly sworn, and do hereby declare to the undersigned authority that the testator signs and executes this instrument as his Last Will and that he signs it willingly, and that each of us, in the presence and hearing of the testator and in the presence and hearing of each other, hereby signs this Will as witness to the testator's signing, and that to the best of our knowledge the testator is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Lynn F. Manuel address Stuyvesant A.C.

Jane H. Bilka address Hampton, A.C.

or cause to be done by virtue hereof;

I HEREBY DECLARE, that any act or thing lawfully done hereunder by my said attorney, shall be binding on myself and my heirs, assigns, legal and personal representatives. I hereby ratify all that my attorney may do in the premise by virtue of this Power of Attorney, which shall remain in full force and effect until written notice of its revocation, signed by me, shall have been received by the grantee herein.

IT IS MY FURTHER INTENTION, that all express words and terms, used herein granting powers and rights, be construed in their broadest sense to include all synonymous terms and implied powers thereunder.

This Power of Attorney shall not be affected by physical disability or mental incompetence of the principal, which renders the principal incapable of managing his estate.

I, MARION F. RILEY, SR., the principal, sign my name to this instrument this 15th day of October, 1998, and being first duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as my Power of Attorney and that I sign it willingly, that I execute it as my free and voluntary act for the purposes therein expressed, and I am eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Marion F. Riley Sr.
MARION F. RILEY, SR.

X

We, June H. Bilka and

Janet P. Palazzolo the witnesses,

Janet P. Palazzolo