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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Horry County

Honorable Benjamin H. Culbertson, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

SAMANTHA FORD RABON,

APPELLANT

APPELLATE CASE NO. 2024-000330

AMENDED RECORD ON APPEAL

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1 Q Okay. You picked up that cigarette butt, I think I
2 just saw, on August 6th; does that sound about right?

3 A Yes, August 6th.

4 Q And it got taken immediately to SLED; right?

5 A Yes, sir.

6 Q And then y'all got an email back from SLED the very
7 next day saying the cigarette butts at the scene matched
8 the cigarette butt you got from Randy Grainger; correct?

9 A I don't know when we got it, but we received that
10 information.

11 Q Okay. And Randy Grainger wasn't taken into custody
12 until August 17th; correct?

13 A Yes, sir.

14 Q Okay. Now, who made the plan on what date to arrest
15 Randy Grainger?

16 A Probably would have been Detective Dudley.

17 Q And there was a lot going on that day; correct?

18 A Yes.

19 Q And I can't remember, were you mainly at M.L. Brown
20 all day?

21 A I was.

22 Q And then you had detectives going to Teresa Martin's
23 house?

24 A Yes, sir.

25 Q I believe -- I can't remember if Hafner is a

1 corporal or still just an officer.

2 A I think he was patrolman at the time.

3 Q Then Patrolman Hafner, he stopped Randy Grainger;
4 correct?

5 A I believe so.

6 Q Got brought in?

7 A Yes, sir.

8 Q And then, at some point, y'all sent people out to
9 Samantha; correct?

10 A Yes.

11 Q And this was done on August 17th, 2020, the two-year
12 anniversary of the murders; correct?

13 A Yes, sir.

14 Q And when Teresa Martin volunteered to come in, she
15 came in an Horry County car, slick top?

16 A She came in in an Horry County Police car.

17 Q Horry County issued?

18 A Yeah.

19 Q She wasn't handcuffed?

20 A I don't believe so.

21 Q She was put in that interview room; correct?

22 A Yes, sir.

23 Q And you said it was a long interview. 4-1/2 hours?

24 A Yes, sir.

25 Q Y'all started off by Mirandizing her?

1 A Yes.

2 Q And would you agree that, for the first 25 or 30
3 minutes or so, y'all just let her talk?

4 A Sure, yeah.

5 Q It's kind of free form?

6 A Yeah.

7 Q And for that first 25, 30 minutes, y'all asked her
8 some questions about Randy Grainger; correct?

9 A Yes, sir.

10 Q And the impression she gave you was that Randy
11 Grainger wasn't a bad guy; correct?

12 A Just that he was lazy.

13 Q Lazy but a good guy?

14 A Lazy but a good guy. Wouldn't go to work.

15 Q And we now know Randy killed two people; right?

16 A Yes, sir.

17 Q At that point, y'all knew Randy killed two people;
18 right?

19 A That's what we believed.

20 Q So Teresa was lying to you?

21 A Yes.

22 Q And about -- I think you said about an hour in -- I
23 had it down somewhere between 50 and 55 minutes.

24 A Somewhere around there.

25 Q Kind of changes a little bit; right?

1 A Yes.

2 Q Now, would you agree that you, the County Police,
3 were the first ones that mentioned anything to Teresa
4 about a murder-for-hire?

5 A We may have been.

6 Q Teresa was nervous when she was in there?

7 A I wouldn't say she was overly nervous.

8 Q Told y'all she was nervous?

9 A Said she was scared.

10 Q Wringing a towel?

11 A She might have been.

12 Q About 35 minutes in, y'all bring up the fact that
13 Teresa picked Randy up after burning the car on Cooke
14 Circle. Does that sound about right?

15 A Yes, sir.

16 Q And so, at 35 minutes, was this where Teresa Martin
17 broke down and started telling y'all the complete truth?

18 A I wouldn't -- she wasn't completely honest then
19 either.

20 Q Several times throughout the interview, y'all bring
21 up this text message that was sent at 8:28, I believe;
22 correct?

23 A Referring to the ones with Samantha?

24 Q Teresa sent a text messages at 8:28 to Samantha;
25 correct?

1 A Yes.

2 Q Did you see that text message?

3 A I did not.

4 Q So you didn't look at any text messages that
5 Samantha would have seen?

6 A Detective Dudley would have.

7 Q He would have done that?

8 A Yeah.

9 Q Or should have done that; correct?

10 A Yes.

11 Q And whose idea was it to talk about that text?
12 Detective Dudley?

13 A It wasn't mine.

14 Q It was his case; right?

15 A Yes, sir.

16 Q How long were you in Violent Crimes at that point?

17 A I started in June of 2019, so just over a year.

18 Q A little bit over a year. Okay.

19 And at some point in between that 45 and 50 minutes,
20 that's whenever y'all bring up the name "Pee Wee" or Jim
21 Price; right?

22 A I vaguely remember that.

23 Q Do you recall, around 52 minutes, telling Teresa
24 Martin, "Because like Mr. Pee Wee, he got paid to do
25 something a long time ago, never got paid for it because

1 the person that had him do a bad thing only cares about
2 themselves. We know you guys were hard-up for money.
3 Randy was very hard-up for money. Like you said, he was
4 lazy and didn't have a job. I think somebody gave him a
5 job but this honesty thing [verbatim]."

6 Does that sound like something you said?

7 A Yes, sir.

8 Q So, at this point, it seems she hasn't mentioned
9 anything about Randy being hired for a job or anything;
10 correct?

11 A I don't think so.

12 Q Did Teresa ever mention the term "fixing washers and
13 dryers" to you guys?

14 A I don't recall that.

15 Q And that's a pretty specific term; right?

16 A I would say so.

17 Q And you don't recall that at all?

18 A I don't.

19 Q All right. So her initial story didn't mention
20 Randy having a job to do; correct?

21 A I don't believe so.

22 Q Okay. Now, after you mentioned this statement about
23 Pee Wee having a job to do and not getting paid, did she
24 change her story at that point some?

25 A She changed her story a few times.

1 Q Many times; fair to say?

2 A Yeah, about five or six times.

3 Q And a whole bunch of times, she swore to God or on
4 her dead daddy's grave; right?

5 A Yes, sir.

6 Q Only to change her story later on?

7 A Yes, sir.

8 Q Okay. And in her written statement -- do you
9 remember looking at her written statement?

10 A I may have looked at it, but I don't think I read
11 it.

12 Q Okay. And when -- David Dudley was the one that
13 brought that picture of the gun in; correct?

14 A Yes, sir.

15 Q And he just came in and put the gun right down in
16 front of Teresa; correct?

17 A I would -- yes.

18 Q And said something like, "Is that the gun you saw?"

19 A That might have been what he said.

20 Q Do you remember, when he did that, him shaking his
21 head up and down when he asked Teresa, "Is that the gun
22 you saw?"

23 A I would have been looking at her.

24 Q Okay. So he wouldn't have been signalling to you if
25 he was shaking his head up and down; correct?

1 A No, sir.

2 Q Okay. Do you recall coming back in, after Teresa
3 changed her story again, and saying, "You're killing me,
4 Teresa"?

5 A I probably said that.

6 Q Because, again, this is a long interview?

7 A Yeah.

8 Q She keeps changing her story; right?

9 A Yeah.

10 Q Okay. Was she told that, if she went to jail, her
11 disability payments would be affected?

12 A No. We told her she didn't need to worry about
13 that.

14 Q Did y'all talk to her about going to jail?

15 A Yes.

16 Q Did you tell her that she got to choose the side she
17 sat on; she could sit with us, the County, or with Randy?

18 A Yes.

19 Q Did y'all assist her in getting a personal
20 recognizance bond?

21 A Not that I recall.

22 Q She was just charged with conspiracy; right?

23 A I think initially. I don't know if she had any more
24 charges.

25 Q She didn't get charged with murder?

1 A No, sir.

2 Q At the end of the day, her story was she took Randy
3 to do the killing and picked him up after?

4 A Correct.

5 Q And she didn't get charged with accessory before or
6 after the fact?

7 A No, sir.

8 Q Okay. And you said after this -- now, while you're
9 talking to Teresa, Randy Grainger is brought in about the
10 same time; right?

11 A Roughly the same time, yes, sir.

12 Q And he was left in a room for about two hours by
13 himself; correct?

14 A I guess about an hour-ish.

15 Q Okay. And y'all start out by, well, first
16 Mirandizing him; right?

17 A Yes, sir.

18 Q And y'all show him pictures of the cigarettes and
19 the car and everything; right?

20 A Yes, sir.

21 Q And he doesn't have a whole lot to say; correct?

22 A No. He just stared at them.

23 Q Was he told something along the lines of "Randy,
24 you're not the one we want. We want the one that hired
25 you?"

1 A I think that's what Detective Dudley told him.

2 Q And, at that point when he's told y'all don't want
3 him, y'all want the one who hired him, did he ever give
4 you the name of Samantha?

5 A He asked for his attorney.

6 Q Okay. And after he asked for his attorney,
7 Detective Dudley continued to talk to him -- didn't
8 question him but talked to him for a little while; right?

9 A Yes, sir.

10 MR. RICHARDSON: Court's indulgence.

11 THE COURT: All right.

12 BY MR. RICHARDSON:

13 Q Randy Grainger denied those cigarettes were even
14 his; right?

15 A I believe he stated they were the wrong color.

16 Q Said he smokes Marlboro Lights and those were brown
17 filters; right? Something like that?

18 A Yeah, whatever he was saying, they were different
19 than what he smoked.

20 Q So he denied any knowledge of the murders?

21 A Yes.

22 MR. RICHARDSON: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MS. WALLER: Briefly.

25

REDIRECT EXAMINATION

BY MS. WALLER:

Q Detective Edwards, have you ever heard the term, in your years of interviewing suspects, "progressive truth-telling"?

A Yes, ma'am.

Q And what is that?

A So the -- one of the very first homicides I ever worked was the Waccamaw Bingo murder, and we found the guy that dropped off the guy that did the robbery and killed the two victims at that place. And, basically, he started out denying any knowledge, and then it turned into, after about an hour, that he had picked up a guy, he named him, and said he just dropped him off to go collect money. Basically, it's just somebody slowly, I guess, deciding to tell the truth.

Q Okay. Did you have that same experience in this case when you interviewed Teresa Martin?

A Yes, ma'am.

Q Mr. Richardson mentioned that you advised Ms. Martin of her Miranda rights?

A Yes, sir.

Q Whenever you advise someone of their Miranda rights, do you ask them questions about their education level?

A Yes, ma'am.

1 MS. WALLER: I'm going to mark this.

2 (State's Exhibit No. 79, Advisement of Rights Form,
3 was marked for identification.)

4 COURT REPORTER: State's 79.

5 BY MS. WALLER:

6 Q And, Detective Edwards, can you identify this form
7 for me, please.

8 A It's an Horry County Police Department Advisement of
9 Miranda Rights Form.

10 Q Is that that form that Teresa Martin signed?

11 A It's a copy of it.

12 Q Is that a true and accurate copy of that form?

13 A Yes, ma'am.

14 Q And is that a record kept in the ordinary course of
15 business at the Horry County Police Department?

16 A It is.

17 Q As an employee of the police department, are you a
18 custodian of those records?

19 A Yes, ma'am.

20 MS. WALLER: Your Honor, at this time, the State
21 seeks to admit Exhibit 79 into evidence and publish to the
22 jury.

23 THE COURT: Any objection?

24 MR. RICHARDSON: Yes, sir. I don't know that we
25 need to go through the business records. He said that was

1 the one she signed, so no objection.

2 THE COURT: Okay. State's Exhibit 79 admitted into
3 evidence without objection.

4 (State's Exhibit No. 79 was received into evidence.)

5 BY MS. WALLER:

6 Q So, on that form, it's an Advisement of Miranda
7 Rights. What are Miranda rights?

8 A It's rights afforded to everybody when they're
9 speaking with police officers or law enforcement.

10 Q And is there a box on that form that indicates what
11 Teresa Martin told you her education level was that day?

12 A There is.

13 Q And what was her education level?

14 A She said she completed up 8th grade.

15 Q And was that consistent with your conversation with
16 the interviews you conducted with her?

17 A Yes, ma'am.

18 Q This one is hard to see but you can look at it.

19 And did Teresa Martin initially tell you what
20 happened that day?

21 A Yes, ma'am.

22 Q Mr. Richardson also asked you about your interview
23 with Randy Grainger.

24 A Yes, ma'am.

25 Q In your experience interviewing suspects, do people

1 who murder people immediately tell police that they did
2 that when they arrest them?

3 A No, ma'am.

4 Q Do they often not do that?

5 A That's been my experience.

6 MS. WALLER: No further questions. Thank you.

7 THE COURT: All right. You may step down.

8 MS. WALLER: We ask that this witness be released
9 from his subpoena, Your Honor.

10 THE COURT: Any objection?

11 MR. RICHARDSON: No objection, Your Honor.

12 THE COURT: All right. You may step down. You're
13 free to go.

14 State can call your next witness.

15 MS. WALTER: Your Honor, that is all the witnesses
16 we have scheduled for this afternoon.

17 THE COURT: All right. Ladies and gentlemen, we're
18 going to go ahead and break for today. And this happens
19 periodically when you're trying to -- some witnesses take
20 longer than others, some go quicker than others, and so
21 we're going to have to do some scheduling to get -- before
22 the other witnesses are available.

23 So we're going to go ahead and break for today. We
24 went a little bit late yesterday, so we'll go ahead and
25 break a little bit earlier today.

1 Leave your notepads in the jury box. Do not discuss
2 the case. Do not conduct any independent investigations.
3 Do not watch any news reports or accounts about the case
4 or the trial. I hope everybody has a good evening. I'm
5 going to ask that you be back at 9:15 tomorrow morning.
6 Thank you very much.

7 (The jury exited the courtroom at 3:35 p.m.)

8 THE COURT: Anything from the State before we recess
9 for the evening?

10 MS. WALTER: Not at this time, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. RICHARDSON: No, sir, Your Honor.

13 THE COURT: All right. We'll be in recess for the
14 evening. I'll take the bench at 9:30 tomorrow morning.
15 Thank you very much.

16 (The trial adjourned for the day at 3:36 p.m. and to
17 be resumed on Friday, February 23, 2024.)
18
19
20
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23
24
25

P R O C E E D I N G S

FRIDAY, FEBRUARY 23, 2024

(The trial resumed at 9:39 a.m.)

THE COURT: Anything from the State before we bring the jury in?

MOTIONS/MATTERS OF LAW

MS. WALTER: Yes, Your Honor, just very briefly. Counsel discussed everything, and we think it probably makes the most sense if we break at lunchtime for the day. We all believe that we can get through the remaining crime scene witness and all of the financial witnesses this morning ---

THE COURT: All right.

MS. WALTER --- break, and then Monday morning, all we'll have left is two cell phone experts and then Randy Grainger, and then the State will be done with its case.

THE COURT: However y'all want to do it. We've really got all next week since next week's roster has kind of fallen through and we had kind of counted on going into next week. So we've got plenty of time.

MS. WALTER: I was kind of hoping to be done no later than Tuesday.

THE COURT: Well, and that will be fine too, so... So that will be good, whatever you need me to do.

MS. WALTER: So I think that will work. And then I

1 believe that there are some -- do you want to address
2 distribution?

3 MS. WALLER: Yeah, let me grab it. Your Honor, we
4 have two exhibits that are certified copies of deeds from
5 the Register of Deeds Office here in Horry County. It's
6 State's Exhibit No. 84 and 85. And it's my understanding
7 that defense counsel is not objecting to us entering those
8 exhibits.

9 THE COURT: Any objection?

10 MR. GROOMS: No, Your Honor.

11 THE COURT: State's Exhibit 84 and 85 are admitted
12 into evidence without objection.

13 MS. WALTER: And, I'm sorry, Your Honor.

14 (Counsel confer off the record.)

15 MS. WALLER: Your Honor, I think I misspoke on the
16 exhibit numbers. It should be 83 and 84.

17 And, Steven, I misspoke; the deeds are Exhibits Nos.
18 83 and 84.

19 MR. GROOMS: Okay.

20 THE COURT: All right. Any objection to State's
21 Exhibits 83 and 84?

22 MR. GROOMS: No, sir, Your Honor.

23 THE COURT: State's Exhibit 83 and 84 are admitted
24 into evidence without objection.

25 (State's Exhibit Nos. 83 and 84 were received into

1 evidence.)

2 MS. WALTER: And, Your Honor, there are a couple
3 other exhibits that we're trying to streamline.

4 THE COURT: All right.

5 MS. WALTER: 41, which is the 2017 tax return for
6 the defendant and her family.

7 Exhibit 42 is a letter to the defendant from
8 Clemson.

9 50 and 51 are letters from Coastal Law regarding the
10 estates of Robert for 50 and Robbie for 51, Ford.

11 60, 61, and 62 are just photographs, a little out of
12 order.

13 76 is an ATF trace from the gun that was stolen in
14 the burglary.

15 77 is another photograph.

16 And 55 is the defendant's phone.

17 THE COURT: 55?

18 MS. WALTER: 55 is the defendant's phone. And I
19 believe those are all without objection.

20 MR. GROOMS: These were all properly seized during a
21 search warrant that's already been discussed. We don't
22 have an objection to them being entered into evidence.

23 MR. RICHARDSON: Subject to prior objection, though.

24 THE COURT: Subject to the prior -- well, I mean,
25 since it's outside the presence of the jury, I can put it

1 over objection, if you want me to do it on the record over
2 the defendant's objection.

3 MR. RICHARDSON: I'm just trying to protect any --

4 (Defense counsel conferring off the record.)

5 THE COURT: I mean, this is the search warrant that
6 y'all contested earlier; right?

7 MR. RICHARDSON: Yes.

8 THE COURT: So that we have a clean record, let's go
9 ahead and put --

10 MS. WALTER: So it will be 50, 51, 41, and 42.

11 MR. RICHARDSON: Yes, ma'am.

12 MS. WALTER: 55 and 63, because the rest are photos
13 and the ATF trace, which were not --

14 THE COURT: Wait a minute, I didn't have 63.

15 MS. WALTER: Pardon me? 63 is -- yeah, 63 is a
16 Charter Arms box. Sorry. So those would be the ones that
17 would be subject to objection.

18 THE COURT: All right. Which ones again?

19 MS. WALTER: 50, 51, 41, 42, 55, and 63.

20 THE COURT: All right. The basis of your objection
21 is you contested the search warrant.

22 MR. RICHARDSON: Yes, sir, due to omissions --

23 THE COURT: But other than that, there's no --

24 MR. RICHARDSON: No, sir.

25 THE COURT: And you're not going to make them lay

1 the foundation.

2 MR. RICHARDSON: No, sir. No, sir. No, sir. They
3 documented that well.

4 THE COURT: All right. So State's Exhibit 41, 42,
5 50, 51, 55, and 63 are admitted into evidence over
6 Defendant's objection to the search warrant that produced
7 these exhibits.

8 MR. RICHARDSON: Certainly, yes, sir, Your Honor.

9 MS. WALTER: Thank you, Your Honor.

10 (State's Exhibit Nos. 41, 42, 50, 51, 55, and 63
11 were received into evidence.)

12 THE COURT: Now, regarding State's Exhibits 60, 61,
13 62, 76, and 77, any objection?

14 MR. GROOMS: No, sir, Your Honor.

15 MR. RICHARDSON: No, sir.

16 THE COURT: All right. State's Exhibit 60, 61, 62,
17 76, and 77 are admitted into evidence without objection.

18 (State's Exhibit Nos. 60, 61, 62, 76, and 77 were
19 received into evidence.)

20 MS. WALTER: Okay. I think that's it.

21 THE COURT: Anything from the State before we bring
22 the jury in?

23 MS. WALTER: No, Your Honor.

24 THE COURT: Anything from the defense?

25 MR. RICHARDSON: No, sir, Your Honor.

1 THE COURT: All right. Let's bring the jury in.

2 MR. RICHARDSON: 65 is without objection, Your
3 Honor.

4 MS. WALTER: 65 is also without objection.

5 THE COURT: All right. State's Exhibit 65 admitted
6 into evidence without objection.

7 (State's Exhibit No. 65 was received into evidence.)

8 MR. RICHARDSON: Can't read the numbers from here
9 but without objection.

10 MS. WALTER: 66 and 67, Your Honor, in without
11 objection. And I'm sitting down.

12 THE COURT: Any objection to State's Exhibits 66 and
13 67?

14 MR. RICHARDSON: No, sir, Your Honor.

15 THE COURT: All right. State's Exhibits 66 and 67
16 are admitted into evidence without objection.

17 (State's Exhibit Nos. 66 and 67 were received into
18 evidence.)

19 (The jury entered the courtroom at 9:48 a.m.)

20 THE COURT: All right. Ladies and gentlemen,
21 welcome back. Hope everyone had a good evening. Again, I
22 want to thank you for being prompt this morning and
23 returning on time. Make sure you have your own notepads
24 and do not have anybody else's notepads.

25 I apologize for keeping you in the jury room for so

1 long, but we were attending to some matters. Basically,
2 those matters are that State's Exhibits 83, 84, 41, 42,
3 50, 51, 60, 61, 62, 76, 77, 55, 63, 65, 66, and 67 have
4 been admitted into evidence. You haven't heard of those
5 before but they are now in evidence.

6 All right. The State can call your next witness.

7 MS. WALTER: Thank you, Your Honor. The State calls
8 Captain Heather Wilson.

9 THE CLERK: Please raise your right hand and place
10 your left hand only Bible.

11 CAPTAIN HEATHER WILSON,
12 after having been duly sworn, was examined and
13 testified to as follows:

14 THE CLERK: Please state your name and then spell
15 your last name for the record.

16 THE WITNESS: Heather Wilson. W-i-l-s-o-n.

17 MS. WALTER: May I, Honor?

18 THE COURT: Yes, ma'am.

19 DIRECT EXAMINATION

20 BY MS. WALTER:

21 Q Captain Wilson, where do you work?

22 A Horry County Police Department.

23 Q How long have you been there?

24 A Since 2005.

25 Q Did you have any prior law enforcement or military

1 experience?

2 A I did. So I worked for a year approximately in
3 Myrtle Beach Police Department, and prior to that, around
4 five years in Virginia at Danville Police Department.

5 Q What is your current assignment?

6 A Currently, I'm the captain in environmental
7 services, ACO, SROs, river patrol, community engagement.

8 Q What was your assignment before that?

9 A Before that, I was a lieutenant in the Crime Scene
10 Unit.

11 Q And I should have asked: How long have you been a
12 captain with the new assignment?

13 A I was just promoted in January.

14 Q And congratulations.

15 So how long were you the lieutenant over Crime
16 Scene?

17 A So a little over two years I was a lieutenant in
18 Crime Scene. And prior to that, I was the sergeant in
19 Crime Scene that did the exact same job duties. So since
20 2019 -- February of 2019, I was the sergeant, and then I
21 was promoted to lieutenant I think it was in 2020. And
22 then I was the lieutenant in the Crime Scene Unit.

23 Q And what are some of the duties and responsibilities
24 as a member of the Crime Scene Unit?

25 A So for the sergeant and then I became a lieutenant,

1 like I said, my duties were pretty much the same as any
2 crime scene investigator. I would go out to crime scenes,
3 work the crime scenes or do evidence collection, process
4 evidence.

5 But then, as the supervisor, obviously, I would
6 oversee those duties. So I'd sign off reports, respond as
7 a secondary unit, help the other investigators, teach,
8 train. I was also over the AFIS unit, which I'm currently
9 still over the AFIS unit, which is the Automated
10 Fingerprint Identification System. That's how we enter
11 fingerprints and get leads on individuals on whose the
12 fingerprint may belong to.

13 Q So did you become involved in the investigation into
14 a double murder that took place on August 17th of 2018 at
15 [REDACTED] Highway 19 in the Conway section of Horry County?

16 A I did.

17 Q Did that participation begin about two years later
18 to the day with some search warrants?

19 A Yes, it did.

20 Q What locations were you asked to search?

21 A So the first place we were asked to search -- I'm
22 sorry. Do you mean at that address?

23 Q Okay. I'll ask a more pointed question.

24 Were you first asked to help execute a search
25 warrant at [REDACTED] Martin Street?

1 A Yes.

2 Q Whose home did you believe that to be?

3 A Randy Grainger.

4 Q And I'll get into that search. Were you then asked
5 to search [REDACTED] Highway 19?

6 A Yes, later that same day but later.

7 Q And whose home did you believe that to be?

8 A Samantha Rabon, but it was also where the first
9 initial incident occurred.

10 Q So before we get into the actual searches, do you
11 have any sort of particular routine or procedure that you
12 use when you're executing a search warrant at a residence?

13 A Yes. So any time we respond to a scene, it doesn't
14 matter if an incident had just occurred or if it's just a
15 search warrant, we first go in and clear the residence to
16 make sure that there's no one inside the residence.

17 Then, once the residence is cleared, we begin taking
18 overall photographs of the exterior and then interior of
19 the residence. And then we start searching from there.
20 Any time we have a search warrant that is planned, we
21 usually split up the rooms and assign different
22 investigators to different rooms, and then we
23 systematically go through each room and add the evidence
24 collection along the way.

25 Q So let's start with [REDACTED] Martin Street, and we won't

1 spend too long on this one. And I'm showing you --

2 MS. WALTER: Can we get Exhibit 65 on the screen,
3 please.

4 BY MS. WALTER:

5 Q I'm showing you what's been admitted as State's
6 Exhibit 65. Is that the home on Martin Street that you
7 searched?

8 A Yes, it is.

9 Q Do you recall what day you searched that home?

10 A August the 17th, 2020.

11 Q Okay. So we can sort of see what type of home it
12 is. What specifically were you looking for?

13 A So we were looking for a firearm, .38 or .357,
14 anything firearm related -- casings, ammunition,
15 paperwork; any documentation -- bills, receipts, ledgers,
16 bank records; as well as anything DNA related to the
17 victims Robert and Robbie Ford. And then anything that
18 would connect Mr. Grainger to the defendant.

19 Q So after -- and this is one of the before pictures
20 that you took, Exhibit 65?

21 A Yes, it is.

22 Q You have described sort of how you typically
23 organize a search. Were there other detectives assisting
24 you with the search of this home?

25 A Yes, there was. And so like I briefly mentioned,

1 for the detectives there, they all wait outside until
2 after the overall photographs are taken, and then I assign
3 the detectives different rooms.

4 So this particular residence, as soon as you walk in
5 the front door, you have a living room. So there would be
6 detectives that would be searching in the living room.

7 They're all provided Sharpies and sticky notes. So
8 what they do is, when they're searching, if they find
9 something that they believe needs to be collected, they
10 will put a sticky note there and, like, an arrow or
11 something along with the date and their name. And then
12 once I come to that room -- again, the living room is the
13 first one -- then I will have all those detectives -- if
14 they've already moved somewhere else -- I have them all
15 come back to that room, make sure I don't miss any of the
16 sticky notes, make sure I do all the collection
17 systematically.

18 Once I collect all the evidence that they have
19 marked, we do another search of the area. And then once
20 we have determined there's nothing else of what we believe
21 to be evidentiary value, we move forward to the next room.

22 Q So, in this home, were any items tagged for later
23 seizure?

24 A Yes, there were.

25 Q What types of things were tagged for seizure?

1 A So I remember there was a backpack with some
2 documents and paperwork. There was cell phones,
3 electronic devices. There was some bank records and then
4 a pair of pants.

5 Q Why did you seize the pants?

6 A So the pants were outside in a shed, and they had a
7 red stain on them. And I wasn't able to determine what
8 that stain was just upon looking at it, so I decided to
9 collect it and do further testing in the lab.

10 Q After you completed the search of the Martin Street
11 home, what did you do?

12 A So all evidence is packaged separately. And then I
13 came to the M.L. Brown Building -- that's where the lab
14 is. All the evidence is -- I started photographing each
15 thing individually, and then I performed a presumptive
16 testing on the pants.

17 Q Can you explain the presumptive testing?

18 A Yes. So, again, like I said, there was a red stain.
19 I was unsure of what it was. So any time we do DNA
20 collection, we use a method that's called one wet/one dry
21 swabbing method.

22 So we use sterile water, sterile swabs. We moisten
23 the tip of one swab, swab the area, and then we take the
24 dry swab, swab the same area. Those go in the box.
25 They're packaged and sealed.

1 Then we take a third swab and swab the exact same
2 area and use a presumptive called QuickCheck. It tests
3 for the hemoglobin in blood. So if it tests positive, you
4 get an immediate green color change. If it's negative,
5 then you do not get a color change.

6 Q Was there a color change in this case?

7 A There was not. So that would mean that it was a
8 negative presumptive test for blood.

9 Q Thank you.

10 And then after -- you said later that day you did a
11 search at [REDACTED] Highway 19?

12 A Yes. So around 4:25 p.m. is when I started taking
13 photographs at that residence.

14 Q And I'm going to show you what's been admitted as
15 State's Exhibit 66. Is that a photograph of the home that
16 you searched that day?

17 A It is.

18 Q Did you follow the same routine of having detectives
19 in different rooms and the Post-It notes?

20 A Yes, we did.

21 Q What types of things were you looking for at this
22 home?

23 A The same thing. So we were looking for a .38, .357
24 firearms. Any bank ledgers, documentation. Insurance
25 information, I believe. Anything related to the deaths of

1 Robbie and Robert Ford.

2 Q Were items tagged for later seizure?

3 A Yes, they were.

4 Q So let's just touch on a few of them. I'm going to
5 show you what have been admitted State's Exhibit 61 and
6 63. Do you recognize those items? Let's start with 61.

7 A Yes, I do.

8 Q What do you recognize it to be?

9 A So 61 is the photograph of a Charter Arms gun box
10 and ammunition. It's a .38. And it shows my placard
11 number, which is how we keep our evidence straight to show
12 what number we use to collect it with. And then along
13 with the sticky note to show which detective found it.

14 Q And then I think there was another photo of that.
15 And that is what's been admitted as Exhibit 62.

16 A Yes. And this is showing the side of the box. The
17 gun box is empty. There's no gun inside of it, but on the
18 side, any time you purchase a firearm, it has the
19 information about the gun on the box usually with the
20 serial number, make, model, caliber.

21 Q Exhibit 63 should be in front of you, I believe.

22 A Yes. And this is the box. The actual box.

23 Q And, at some point, was what we call an ATF trace
24 done on that serial number from that box?

25 A It was.

1 Q And I'm showing you what's been admitted as State's
2 Exhibit 76. Can you first explain to the jury what we
3 mean by an ATF trace?

4 A ATF is Alcohol, Tobacco, Firearms, and they handle
5 most firearm-related cases or things involving firearms.
6 So they had the e-trace, which is, any time a firearm is
7 purchased from a certified dealer, it is documented as to
8 who the purchaser is, the date that it was purchased,
9 obviously, the information on the purchaser -- name, date
10 of birth, address. And then, if it's sold, ATF keeps up
11 with that. So if we do an ATF e-trace, it will tell us
12 who was last in possession of the firearm according to
13 their records.

14 Q What does that ATF trace show as to who owned that
15 gun?

16 A The purchaser -- I'm sorry, the purchaser shows as
17 Robert Marion Ford, Jr.

18 Q Is there a procedure that's followed if a gun is
19 reported stolen?

20 A Yes, there is. So if someone calls and says that
21 their firearm was stolen, then a police report is
22 completed, and then the serial number and information for
23 the firearm is entered into NCIC, which is the National
24 Crime Information Center. And that -- the dispatcher will
25 enter that. And then we have a number associated with

1 that entry that goes on the incident report. So then, in
2 the event that serial number is ran by law enforcement, it
3 will come back as a stolen firearm.

4 Q Was the serial number that's on that box and on that
5 ATF trace entered as stolen as a result of a burglary at
6 Robert Ford's house in 2017?

7 A One second. Yes, it was.

8 Q Have you had an opportunity to check to see if it is
9 still in stolen status in NCIC?

10 A Yes. On Tuesday, I had the serial number ran again,
11 and it is still currently showing as stolen, from our
12 agency.

13 Q And then I want to show you --

14 MS. WALTER: Court's indulgence.

15 BY MS. WALTER:

16 Q I'm approaching with State's Exhibit 60, 77, and 55.
17 These have all be admitted.

18 A Okay.

19 Q Let me get that out of your way.

20 And let's start with -- I lost track. So let's
21 start with Exhibit 77. Is this a photograph you took?

22 A Yes, it is.

23 Q What was it meant to capture?

24 A So this is an overall photograph of the upstairs
25 area in the residence, and that white door that you see is

1 the doorway that leads to the stairs to go downstairs.
2 Behind that doorway is an area -- it appeared to be used
3 for storage with boxes, decorations, things like that.

4 And then where I'm standing, the room still goes
5 back further. It's kind of like that -- so there's a bed,
6 a computer, a TV, kind of like an entertainment area.

7 Q And then if we can go to Exhibit 60.

8 A Yes. So, in the photograph 77, there was a box
9 sitting on a chair. This is the inside of that box. So
10 the detective located this phone inside the box that was
11 sitting on that chair in the upstairs area and this phone
12 was documented as Item 26 and collected.

13 Q As your Item 26?

14 A My Item 26, correct.

15 Q And then I believe it's Exhibit 55 maybe in front of
16 you?

17 A Yes.

18 Q What is that?

19 A This is the cell phone in the photograph that I
20 marked and collected.

21 Q Once you collected those items, what did you do with
22 them?

23 A They would have been taken back -- packaged
24 separately and taken back to the M.L. Brown Building and
25 then one of the detectives would have gotten a search

1 warrant in order to go through the phone, and then that
2 would have been done on their end.

3 Q Okay. Thank you. I think I'm done with photographs
4 for right now.

5 I believe you said that there were a number of
6 documents tagged for later seizure?

7 A Yes, there was.

8 Q And I'm just going to touch on a few of those.

9 I'm approaching with what's been admitted as State's
10 Exhibit 41. Is that one of the documents that you seized
11 that day?

12 A Yes, it was.

13 Q Can you tell us what it is?

14 A It is a 2017 tax return for Samantha and Samuel
15 Rabon.

16 Q I'm assuming that you're familiar with tax forms?

17 A Yes.

18 Q Can you tell us what the adjusted gross income is
19 for that family?

20 A \$31,870.

21 Q And it indicates, I believe, three children?

22 A It does.

23 Q Okay. Then I'm approaching with State's Exhibit 42.
24 Is that also a document that you seized?

25 A Yes, it is.

1 Q What does that document represent?

2 A This is from Clemson University, and it's a letter
3 just expressing their condolences for the loss of their
4 loved one and then a check.

5 Q What's the amount of the check?

6 A \$7,494.38.

7 Q Does it indicate what that check is for?

8 A It says for Robbie's tuition and fees, a
9 reimbursement.

10 Q Is that letter or the check dated?

11 A The letter is dated August 23rd of 2018, and the
12 check -- sorry. I don't have the check. Actually, I do.
13 I apologize. The check is dated August 22nd, 2018.

14 Q And so that would be four days after the murders?

15 A Yes.

16 Q And then I'm approaching with State's Exhibit --
17 I'll give them both to you at once -- 50 and 51. Do you
18 recognize those documents as documents that you seized
19 that day?

20 A I do.

21 Q Can you tell us -- let's start with Exhibit No. 50.
22 What does that exhibit represent?

23 A So this is probate court information inventory and
24 appraisal of real estate for Robert Marion Ford, Jr.

25 Q For his estate?

1 A Yes.

2 Q And is there a total on that inventory and
3 appraisal?

4 A There is.

5 Q What is that total?

6 A \$191,030.

7 Q And then State's Exhibit 51, what does that
8 represent?

9 A This is the estate for Robbie Stetson Ford.

10 Q Is there a total on that inventory and appraisal as
11 well?

12 A There is. \$772.15.

13 Q Thank you.

14 MS. WALTER: Court's indulgence for a moment.

15 THE COURT: All right.

16 BY MS. WALTER:

17 Q Nothing further. If you'd just answer any questions
18 of Mr. Richardson.

19 CROSS-EXAMINATION

20 BY MR. RICHARDSON:

21 Q Good morning, Captain.

22 A Good morning.

23 Q I certainly will not question your qualifications; I
24 have known you too long.

25 Going back to Randy Grainger's house.

1 A Yes.

2 Q During the search, y'all found Bank of America bank
3 statements of Randy Grainger?

4 A I would have to go back and look, but if you have it
5 or if I could refer back I can...

6 Q I just have the evidence log.

7 A Okay.

8 COURT REPORTER: Defendant's 3.

9 (Defendant's Exhibit No. 3, Evidence Log, was marked
10 for identification.)

11 BY MR. RICHARDSON:

12 Q For identification, do you recognize that?

13 A I do.

14 Q Did y'all find a bank -- something showing that he
15 had a bank account at Bank of America?

16 A Absolutely, yes.

17 Q Did you find anything showing that he got \$20,000
18 put in that bank account?

19 A I did not look at that.

20 Q Okay. Also, there were some notebooks and journals
21 taken?

22 A Yes.

23 Q I believe one of those journals was a planner from
24 2018?

25 A Yes.

1 Q To your knowledge, were there any notes in there,
2 "Kill Robert and Robbie Ford" on the 17th of August, 2018?

3 A Not to my knowledge, but I would have just
4 photographed this though.

5 Q Okay. Thank you.

6 So let's get into the gun box.

7 MS. WALTER: It's on the top rail.

8 MR. RICHARDSON: Sorry. I just didn't want to mess
9 it up.

10 MS. WALTER: Thank you. I appreciate that.

11 BY MR. RICHARDSON:

12 Q State's 63?

13 A Yes.

14 Q And that is the box that the Charter Arms would have
15 -- when you buy a gun, it comes in a box of some sort?

16 A Correct.

17 Q There was no gun in there; correct?

18 A Correct.

19 Q And your ATF trace, did it show when the gun was
20 purchased?

21 A It did.

22 MS. WALTER: It's in a plastic sleeve.

23 MR. RICHARDSON: In plastic? Trying to keep
24 everything in order.

25 MS. WALTER: That stuff is not in order so you can

1 shuffle it up.

2 MR. RICHARDSON: Okay.

3 MS. WALTER: That's it.

4 BY MR. RICHARDSON:

5 Q I'm going to hand you State's 76. That's your ATF
6 trace?

7 A It is.

8 Q Can you tell me when that Charter Arms was
9 purchased?

10 A 3/21/1987.

11 Q So it's an old gun?

12 A It is.

13 Q Do you own guns?

14 A I do.

15 Q Do you keep your guns in the box they were purchased
16 in?

17 A Most of them, yes.

18 Q But other people do not keep them in the boxes;
19 correct?

20 A Some do not, correct.

21 Q If you keep it in a nightstand or whatever,
22 normally, you wouldn't keep it in the box you bought it
23 in; correct?

24 A It's a case-by-case basis for everyone.

25 Q That burglary that happened in October of 2017, are

1 you aware that other items were reported stolen?

2 A Yes.

3 Q Okay. Did you find the jewelry that was reported
4 stolen at [REDACTED] Highway 19?

5 A No.

6 Q Did you find the prescription medicines that were
7 reported stolen at Highway 19?

8 A No.

9 Q When you got to that residence, did Ms. Rabon or Sam
10 Rabon have brand new cars, luxury cars out there?

11 A Not that I remember.

12 Q Do you recall if there were any other guns found at
13 that residence?

14 A At the Rabon's residence?

15 Q [REDACTED] Highway 19.

16 A Yes, there were other guns there.

17 Q Do you remember what kinds?

18 A There was a lot of guns. So they were all
19 photographed, and it's on that evidence record.

20 Q In Horry County, not uncommon to find guns; correct?

21 A Correct.

22 Q And you have no idea if Mr. Ford ever took the gun
23 out of that box; correct?

24 A I have no idea.

25 Q Okay. And if you did, you would have no idea when

1 he did; correct?

2 A Correct.

3 Q And where was that box located?

4 A So if you look at the front of the residence of [REDACTED]
5 Highway 19, that front door opens up into I guess a living
6 room or den. And it appeared to me -- I call it the music
7 room because there was a piano in there and there was a
8 closet in there, and the gun box was found in that room.

9 Q But was it in a box? Was it out by itself? The
10 photograph, it's on the top of the box.

11 A Right. It was in a closet.

12 Q In a closet.

13 What other items were in the closet?

14 A I don't know. I'd have to look back at my
15 photographs. But I didn't search that room; I just did
16 the evidence collection.

17 MR. RICHARDSON: Court's indulgence.

18 BY MR. RICHARDSON:

19 Q And the paperwork that was discussed, would it be
20 uncommon to find paperwork from an estate in
21 someone-who-inherited-property's house?

22 A No.

23 Q Especially if they were the personal representative?

24 A Correct.

25 Q Executor?

1 Did you find a bunch of jewelry in the house?

2 Diamonds? Gold?

3 A I don't remember. I believe there was jewelry, but
4 I couldn't tell you what there was or wasn't.

5 Q Did it look like Samantha Rabon was living the life
6 of a millionaire?

7 MS. WALTER: Objection, Your Honor. Calls for
8 speculation.

9 THE COURT: Overruled. I'll allow it.

10 BY MR. RICHARDSON:

11 Q Did she have a boat out in the yard?

12 A I think that's subject for interpretation, as
13 everyone lives different lifestyles.

14 Q But you don't recall seeing brand new vehicles out
15 there?

16 A No.

17 Q They hadn't added onto the house?

18 A Not to my knowledge.

19 MR. RICHARDSON: Court's indulgence.

20 THE COURT: All right.

21 BY MR. RICHARDSON:

22 Q Captain, thank you.

23 A Thank you.

24 THE COURT: Redirect?

25 MS. WALTER: Very briefly.

REDIRECT EXAMINATION

BY MS. WALTER:

Q Counsel was just asking you about brand new high-end vehicles at the home. Was anyone, in fact, home when you got to the location?

A No. When we first got there, no one was there.

Q How did you then get into the home?

A I don't remember how we got into the home.

Q But no -- there were no cars there, were there?

A No.

Q Thank you. Nothing further.

THE COURT: All right. You may step down.

THE WITNESS: Thank you. May I be excused?

MS. WALTER: I'm sorry. Can the captain be released from her subpoena?

THE COURT: Any objection?

MR. RICHARDSON: Without objection. She's got too many other duties.

THE COURT: Thank you.

MS. WALTER: Thank you, Captain.

THE COURT: All right. The State can call your next witness.

MS. WALLER: Your Honor, the State calls Jimm Thompkins.

THE CLERK: Please raise your right hand and place

1 your left hand on the Bible.

2 JIMM THOMPKINS,

3 after having been duly sworn, was examined and
4 testified to as follows:

5 THE CLERK: State your name and spell your last name
6 for the Court.

7 THE WITNESS: Jimm Thompsons. T-h-o-m-p-k-i-n-s.

8 DIRECT EXAMINATION

9 BY MS. WALLER:

10 Q Good morning, Mr. Thompsons.

11 A Good morning.

12 Q Where do you work?

13 A Edward Jones.

14 Q And what do you do at Edward Jones?

15 A I'm a Certified Financial Planner.

16 Q What does a Certified Financial Planner do?

17 A We do planning for financial issues, retirement, or
18 other -- for individuals and businesses.

19 Q And as part of that, do people deposit money with
20 Edward Jones?

21 A Yes.

22 Q Did you handle investment accounts for Robert Marion
23 Ford, Jr. and Robbie Stetson Ford when they were alive?

24 A Yes.

25 Q What about the defendant? Does she currently --

1 Samantha Rabon. Does she currently have an account with
2 Edward Jones?

3 A Yes.

4 Q Did she have an account with Edward Jones prior to
5 Robbie and Robert's deaths?

6 A No.

7 Q Do you know where the money came from that was used
8 to fund the account that the defendant currently has with
9 Edward Jones?

10 A A beneficiary designation from Robert and Robbie.

11 Q So the money in her account now came from Robbie and
12 Robert's accounts; is that correct?

13 A Correct.

14 Q Have you had an opportunity to review the financial
15 information that the State received from Edward Jones
16 pursuant to a search warrant?

17 A Yes.

18 MS. WALLER: May I approach, Your Honor?

19 THE COURT: Yes.

20 MR. GROOMS: No objection, Your Honor.

21 BY MS. WALTER:

22 Q I'm going to show you 85. Do you recognize this CD?

23 A Yes.

24 Q Did you review the financial records contained
25 thereon?

1 A I did.

2 Q And were they fair and accurate?

3 A Yes.

4 MS. WALLER: Your Honor, the State seeks to
5 introduce Exhibit 85 into evidence and publish to the
6 jury.

7 THE COURT: Any objection?

8 MR. GROOMS: No sir, Your Honor.

9 THE COURT: State's Exhibit 85 admitted into
10 evidence without objection.

11 BY MS. WALLER:

12 Q All right. We're going to start with Robbie's
13 exhibit, and we're going to have Exhibit -- I'm going to
14 show you State's Exhibit 85.1.

15 MS. WALLER: If we can have that on the screen,
16 please.

17 BY MS. WALLER:

18 Q Take a look at that. Who does this account belong
19 to? Back then, who did it belong to on the date of the
20 statement?

21 A Robbie Ford.

22 Q And what kind of account was this?

23 A It's the individual investment account.

24 Q What do you -- can you tell when that account was
25 opened with your office? What's the date on this

1 statement?

2 A The date on the statement is August 26, 2017. I do
3 not know the original date of the opening.

4 Q That's fine.

5 What was the balance in the account in August or
6 that -- the date of the statement? This is August 26th to
7 September 29th. What was the balance of that account?

8 A \$668.75.

9 Q I'm going to show you what's been marked as State's
10 Exhibit 85.2. This one -- can you tell, is this a
11 statement from that same account?

12 A It is.

13 Q And what is the date on this statement?

14 A End date: November 30, 2018.

15 Q Was there a big difference -- what was the balance
16 on this account?

17 A Zero.

18 Q And can you tell how much was transferred out of
19 that account?

20 A \$672.15.

21 Q So there wasn't a big difference in the balance back
22 in 2017 and then this amount?

23 A No.

24 Q Where did that money go?

25 A It went to the beneficiary of the account.

1 Q Okay. And who was the beneficiary of that account?

2 A Samantha Rabon.

3 Q Samantha Rabon.

4 Okay. And is that the only account Robbie Ford had
5 with Edward Jones?

6 A It's the only account in my office at Edward Jones.

7 Q Let's talk about Robert Ford, the father. Did he
8 have all accounts with Edward Jones?

9 A Yes.

10 Q How many accounts did he have prior to his death?

11 A Two.

12 Q And we'll talk about -- what types of accounts did
13 he have?

14 A He had an investment account and individual
15 retirement account.

16 Q Okay. And what is an investment account,
17 essentially?

18 A Basically, an account you can put money in at any
19 time, take money out of it at any time without any rules
20 governing limitations about amounts that could come in or
21 out or time frames for tax purposes.

22 Q I'm going to show you what's been marked as State's
23 Exhibit 85.4. Is this a statement showing that account
24 you just described for Robert Ford?

25 A Yes.

1 Q And what is the date on the statement?

2 A August 31, 2018.

3 Q What's the balance on this account?

4 A \$7,200.82.

5 Q It says on here -- you see the designation that says
6 "Single TOD"?

7 A Yes.

8 Q What does that TOD mean?

9 A That's basically a beneficiary Transfer On Death.
10 Means that, if someone passes, it transfers directly to
11 the beneficiary without probate.

12 Q I'm going to show you what's been marked as State's
13 Exhibit 85.3. Is that the beneficiary designation for
14 that account we just looked at?

15 A Yes.

16 Q I'm going to point to it so you can see. What
17 does -- who does the account go to in the event of Robert
18 Ford's death, according to this designation?

19 A Equal percentage to Robbie Ford and Samantha Rabon.

20 Q And what actually happened to that money?

21 A It went into an account for Samantha Rabon because
22 Robbie Ford was deceased.

23 Q So just tell us a little bit, if you have a
24 beneficiary designation where two people are designated
25 equally, if they're both alive at the time the person who

1 owns the account is alive, what happens?

2 A It would be divided equally.

3 Q Okay. And what if one of the beneficiaries
4 predeceases or dies at the same time as the owner of the
5 account? What happens to the money?

6 A It goes to the remaining beneficiary.

7 Q So the other beneficiary gets 100 percent of the
8 money?

9 A Correct.

10 Q I'm going to show you now what's been marked as
11 State's Exhibit 85 point -- sorry.

12 Did Robert Ford also -- I think you said he had an
13 IRA with your firm?

14 A Yeah, an individual retirement account, yes.

15 Q And --

16 MS. WALLER: Court's indulgence one moment, Your
17 Honor.

18 THE COURT: All right.

19 BY MS. WALLER:

20 Q I'm going to show you what's been marked as State's
21 Exhibit 85.7.

22 MS. WALLER: Can we have 85.7?

23 BY MS. WALLER:

24 Q Is that a statement from Robert's IRA account?

25 A Yes.

1 Q What is the date of that statement?

2 A August 31, 2018.

3 Q And how much money is in that account?

4 A \$94,299.65.

5 Q And can you see the account number on there at the
6 top?

7 A Yes.

8 Q Is that account number ending in 386-1-8?

9 A Yes.

10 Q Okay. I'm going to show you what's been marked as
11 State's Exhibit 85.6. Is that the beneficiary designation
12 for this account, the one we just saw?

13 A Yes.

14 Q And who are the beneficiaries -- can you scroll down
15 so we can see? There. Just here. So who are the
16 beneficiaries of this account?

17 A Robbie Ford and Samantha Rabon equally.

18 Q And what actually happened to that money?

19 A Went into an account for benefit of Samantha Rabon.

20 Q Okay. And does that work the same way you described
21 earlier; that if one predeceased, the other beneficiary
22 gets 100 percent of the money?

23 A Yes.

24 Q What number is that one? 85.7?

25 A Six.

1 Q Thank you.

2 All right. I'm going to show you State's Exhibit
3 85.10. Is that that same account we were just talking
4 about? Can you tell if it's the same account number?

5 A It is.

6 Q And can you scroll down? Does that show that
7 account being down to a zero balance because it was
8 transferred out?

9 A Yes.

10 Q And can you see -- going to point to it because I
11 have to walk over. Can you go down a little bit? Go back
12 up. And can you see on that, that the money was
13 transferred out?

14 A Yes.

15 Q And you said that money went into an account
16 belonging to Samantha Rabon; is that correct?

17 A Yeah. We would say it was for benefit of Samantha
18 Rabon. Yes.

19 Q I'm going to show you what's been marked as State's
20 Exhibit 85.8. All right. And you just mentioned this
21 account. It says on here --

22 MS. WALLER: Court's indulgence one moment, Your
23 Honor.

24 BY MS. WALLER:

25 Q So is this the account that Samantha Rabon opened to

1 receive the money from Edward Jones from Robert Ford's
2 account?

3 A That's correct.

4 Q I'm going to show you what's been marked as State's
5 Exhibit 85.9. And this one shows Samantha Rabon's name on
6 it. Does that show that all of the money was taken out of
7 the account?

8 A Yes. Zero balance.

9 Q And who had distribution rights to the money in that
10 account, meaning who could take it out?

11 A Samantha Rabon.

12 Q Did Samantha Rabon also open another account with
13 Edward Jones?

14 A There's a --

15 Q I'll show you the exhibit. I'll show you 85.11.
16 And you can compare the account numbers to see if that's
17 the separate account than the one we just looked at.

18 A Yeah, this is a separate account.

19 Q And how much money is in this account?

20 A \$82,194.59.

21 Q And what date is the statement from?

22 A June 28, 2019.

23 Q So can you see -- can we scroll down? Can you see
24 how much money was added -- this part says assets --
25 withdrawn from account and then it's got the ending value.

1 So is it 82,194.59?

2 A Yeah. Ending value: 82,194.59.

3 Q And do you know where that money originated?

4 A My recollection is it was a rollover from Robert
5 Ford's work from Time Warner, I believe.

6 Q And I think you already said, did Samantha Rabon
7 have distribution rights to this account?

8 A Yes. It was an inherited IRA that received that
9 money from the work account.

10 Q I'm not going to show you exhibits, but did Samantha
11 Rabon also have another single account with Edward Jones?

12 A Yes.

13 Q And do you recall when that account was opened?

14 A No.

15 Q That's okay. It doesn't really matter.

16 Do you recall if it was before or after the death of
17 Robert and Robbie Ford?

18 A It was after, because it received the money from the
19 two TOD accounts we spoke about earlier.

20 Q So the money that funded that account came from
21 Robert and Robbie as well?

22 A Correct.

23 Q You testified that the defendant -- I think we have
24 now gotten to three accounts. The first one was the money
25 from Edward Jones that was in the inherited IRA; the

1 second is the money from Time Warner, which was an
2 inherited IRA; and the third one is that account I just
3 talked about, that single account.

4 Do you have any idea or do you recall what the
5 approximate balance was on that single account?

6 A High seven thousands. Between seven and eight.

7 Q So as we sit here today, are any of those accounts
8 still open?

9 A One of them is still open. One of the IRAs is still
10 open.

11 Q Is Samantha Rabon still able to withdraw money from
12 that account?

13 A She is not currently because there's a hold on the
14 account but she would be.

15 Q Why is there a hold on the account?

16 A Legal issues.

17 Q Because of why we're here today?

18 A Why we're here today.

19 Q So can you tell us approximately how much money the
20 defendant Samantha Rabon inherited through Edward Jones,
21 that you're familiar with?

22 A Roughly 175,000.

23 Q Okay. Do you know how much, when she was still able
24 to take funds out of those accounts, approximately how
25 much she withdrew?

1 A Close to a hundred.

2 Q Thank you. \$100,000?

3 A 100,000, yes. Not 100.

4 Q Please answer any questions from Mr. Grooms.

5 CROSS-EXAMINATION

6 BY MR. GROOMS:

7 Q Mr. Thompkins, good morning. How are you?

8 A Great. Thanks.

9 Q Just got a few questions for you. And I know you
10 touched on most of this.

11 You said a couple of different types of accounts
12 here, but Mr. Ford would contribute to these accounts --
13 was this on a monthly basis or regular basis or how did
14 that work?

15 A He may have been putting money monthly into the Time
16 Warner account. I think ours was a lump sum at some point
17 in the past.

18 Q And so, with him being the accountholder, the
19 statements would have gone to him; correct?

20 A Correct.

21 Q And so was this information open to the public, what
22 was in his account?

23 A No.

24 Q Was it open to anyone but Robert Ford?

25 A Unless he showed it to someone, no one would have

1 known it.

2 Q Understood.

3 And you talked about beneficiaries for a few
4 moments. In your experience, generally, do people make
5 loved ones or someone with a good relationship their
6 beneficiary?

7 A Typically.

8 Q And when someone is made a beneficiary, do they get
9 a letter in the mail, "Hey, you have been made a
10 beneficiary"?

11 A No.

12 Q So they don't know they're a beneficiary and/or what
13 their status of -- whether it's a split or 90/10 or
14 whatever it might be?

15 A Unless the person that names them tells them, they
16 would not know.

17 Q Thank you, sir.

18 And you referred to legal issues. Is that because
19 there's a probate matter involving Robert's sister? Does
20 that sound familiar?

21 A This was -- the account had a hold placed on it
22 probably several years ago. So I don't remember the exact
23 timing, but I think it was to do with this proceeding
24 we're in now, something when it originally happened.

25 Q So you're not aware --

1 A I'm not aware of the probate issues.

2 Q And you said at one point that my client transferred
3 all this money into another investment account; correct?

4 A Well, the two accounts -- when you have a
5 beneficiary on an account, in order for you to receive the
6 money, you can't directly get a check. You have to open
7 an account in your name. The money moves there, and then
8 you can take a distribution.

9 Q Okay.

10 A So it's required to open another account in order to
11 either keep the money and invest it or get a distribution.

12 Q Understood. And were the distributions set up by
13 Mr. Ford, or was that something that she could then
14 determine?

15 A Each beneficiary determines their own distributions
16 as they need to.

17 Q Okay. So she could have on day one said, "I want
18 all my money distributed as soon as it hits the account";
19 correct?

20 A Correct.

21 Q But she didn't do that. She later withdrew 100,000
22 at some point along the way?

23 A At different times. I mean, it's in that record on
24 the disc.

25 Q Yes, sir. But -- and you have no knowledge as to

1 whether she needed that money for, say, paying off a
2 mortgage? You don't know?

3 A When someone asks for their money, we don't ask
4 questions unless they give it to us. If you want your
5 money, you get your money.

6 Q Yes, sir. Thank you.

7 Thank you, sir. No further questions.

8 THE COURT: Redirect?

9 MS. WALLER: No further questions, Your Honor. We
10 ask that this witness be released from his subpoena.

11 THE COURT: Any objection?

12 MR. GROOMS: No, sir, Your Honor.

13 THE COURT: All right. You may step down. You're
14 free to go.

15 THE WITNESS: Thank you.

16 THE COURT: Thank you.

17 All right. The State can call your next witness.

18 MS. WALTER: Your Honor, the State calls Holly
19 Pingatore.

20 THE CLERK: Please raise your right hand and place
21 your left hand on the Bible.

22 HOLLY PINGATORE,

23 after having been duly sworn, was examined and
24 testified to as follows:

25 THE CLERK: Thank you. State your name and spell

1 your last name for the Court.

2 THE WITNESS: My name is Holly Pingatore. It's
3 P-i-n-g-a-t-o-r-e.

4 MS. WALTER: May I, Your Honor?

5 THE COURT: Yes.

6 DIRECT EXAMINATION

7 BY MS. WALTER:

8 Q Good morning, Ms. Pingatore. Thank you for
9 traveling here.

10 Can you tell us where you work?

11 A I work for South State Bank.

12 Q How long have you worked for South State Bank?

13 A About nine years, nine months.

14 Q How long have you been in banking in general?

15 A About 48 years.

16 Q Okay. And what is your current position with South
17 State Bank?

18 A I am a senior vice president and the Director of
19 Deposit Operations.

20 Q When you say "deposit operations," so basically
21 accounts that people have where there's money?

22 A Correct.

23 Q What are some of your duties and responsibilities?

24 A I'm responsible for really all things related to the
25 support of deposit accounts and the customers who have

1 them. So things like posting checks that don't post,
2 handling overdrafts, providing research, images of checks,
3 statements, that kind of thing, as well as some other
4 backroom functions.

5 Q And did South State Bank provide records to the
6 State in response to a search warrant?

7 A They did.

8 Q I'm approaching with what's been admitted as State's
9 Exhibit 86. Is that a copy of those records?

10 A It is.

11 Q And how do you recognize it?

12 A I reviewed them earlier today.

13 Q And is that your signature on it?

14 A It is.

15 Q Great.

16 So did South State Bank have accounts in the names
17 of Robbie Stetson Ford and Robert Marion Ford, Jr.?

18 A We did.

19 Q So let's start with Robbie. Did he have a deposit
20 account in his own name?

21 A He did.

22 Q Was that account ending in 7539?

23 A Is it okay if I refer to my notes?

24 Q Yes, I believe so. Yes.

25 A Yes, it was.

1 Q Do you know when that account was opened?

2 A That account was opened in May of 2016.

3 Q Was that account closed, then, at some point after
4 Robbie's death?

5 A The account was closed on September 4th, 2018.

6 Q What was the balance at the time it closed?

7 A The balance was \$1,889.21.

8 Q Does -- do your records, excuse me, reflect what
9 happened to that money?

10 A Yes. That money was transferred to another account
11 ending in 8427.

12 Q Who was the accountholder for that account?

13 A Samantha Rabon at that time.

14 Q Now, let's move to Robert Marion Ford, Jr. Did he
15 have a deposit account ending in 6785?

16 A He did.

17 Q Was his late wife, Melda -- M-e-l-d-a -- ever, I
18 guess, a joint owner on that account?

19 A Yes, she was up, until her death in 2001.

20 Q 2016?

21 A Oh, I have 2001, but it could be 2016.

22 Q Well, in any event, after Melda's death, how did the
23 ownership of that account change?

24 A At the time that they deleted Melda off the account,
25 they added Samantha Rabon and Robbie Ford as signers to

1 the account.

2 Q So would the three people -- Robert, Robbie, and
3 Samantha -- have had equal access to the money in that
4 account?

5 A Yes, they were all joint owners.

6 Q What would happen if one of those joint owners died?

7 A Then the surviving joint owner has access to the
8 funds in the account.

9 Q So, then, if two of the three died, the third owns
10 everything?

11 A That's correct.

12 Q So was that account closed at some point?

13 A Yes. That account was closed on August 19th, 2018.

14 Q What was the balance at the time of closure?

15 A \$3,140.33.

16 Q And that date was August 19th of 2018?

17 A It was.

18 Q What happened to that money?

19 A That money was transferred to another account ending
20 with 8427.

21 Q Who was the accountholder for that account?

22 A That account was owned by Robert Ford, Jr., and
23 Samantha Rabon.

24 Q What is the mechanism by which an account is closed?

25 So Robert Ford was murdered on August 17th, discovered on

1 August 18th. Would South State know about that and just
2 automatically transfer the money?

3 A No, no. Generally, an owner on the account or a
4 beneficiary would come into the bank and have to provide
5 proof of death and proof of their right to the funds in
6 the account.

7 Q Now, directing your attention -- prior to the
8 closing of that account sometime around June of 2018, was
9 the balance significantly higher than the \$3,140?

10 A Yes. In June of 2018, there was a \$90,000 transfer
11 from the account ending 6785 to actually open the new
12 account ending with 8427.

13 Q And that new account is the one that was jointly
14 owned by Robert Marion Ford and the defendant, Samantha
15 Rabon?

16 A That's correct.

17 Q So that new account, the 90,000 that was used to
18 open the account that was jointly owned by Robert Marion
19 Ford and Samantha Rabon ---

20 A Correct.

21 Q --- was that -- did that balance stay relatively
22 static from the time it opened until August 17th of 2018?

23 A It did.

24 Q Was that account closed at some point?

25 A It was closed on May 1st, 2019.

1 Q What was the balance at the time it was closed?

2 A \$948.78.

3 Q So roughly \$89,000 less than when it was opened the
4 year before?

5 A Correct.

6 Q I have nothing further at this time. If you could
7 just answer any questions for Mr. Grooms.

8 THE COURT: Cross-examination?

9 CROSS-EXAMINATION

10 BY MR. GROOMS:

11 Q Good morning, ma'am. How are you?

12 A Good. How are you?

13 Q Doing all right. Thank you.

14 Did you know Mr. Ford?

15 A No, I did not.

16 Q So you didn't assist him personally with these --
17 opening of these accounts?

18 A No, I did not.

19 Q And you may have said it for Ms. Walter but what
20 type of account was this?

21 A All three of the accounts were checking accounts.

22 Q So standard checking account?

23 A Correct.

24 Q So any one of the three could have written a check
25 at any point for any amount in the account and that would

1 have been a valid check?

2 A That's correct.

3 Q And any one of the three could have come to the bank
4 and said, "I want to withdraw \$40,000," and you would have
5 given it to them?

6 A That's correct.

7 Q And this account was originally opened in 2016;
8 correct?

9 A Which account are you --

10 Q I apologize; I should have been more specific.

11 The first account with Mr. Ford -- I'm sorry; with
12 Ms. Samantha Rabon and Robbie Ford and Mr. Ford was opened
13 in 2016?

14 A That's correct.

15 Q Okay. And did you review those account records?

16 A I did.

17 Q Did you see where any of the parties were taking
18 large sums out, or would it mostly remain static, as the
19 prosecutor described earlier?

20 A In that account owned by Robert, Samantha, and
21 Robbie, the transactions were what you would expect to see
22 for the upkeep of a household.

23 Q Okay. So minimal transactions?

24 A Correct.

25 Q So from 2016, kind of a boring account, not a lot

1 going on. Okay. All right.

2 And then, at some point -- I believe you said in
3 June of 2019 -- Mr. Ford and -- Mr. Ford, he would have
4 been the principal on the account?

5 A Well, in a joint account like that, there really
6 isn't a principal.

7 Q So Mr. Ford and Samantha came in and, assumedly --
8 you didn't help but we assume Mr. Ford would have
9 transferred that money to the new account?

10 A Right. Our records show that a new account was
11 opened in June of 2018, and it was funded with 90,000 from
12 that previous account.

13 Q Understood. And so you would not have been aware of
14 any Robbie's legal troubles in June?

15 A No.

16 Q Okay. Fair enough.

17 So at any point during June throughout May of 2019,
18 my client could have taken all of this money at any point?

19 A That's correct.

20 Q Including prior to the murders of Mr. Ford and
21 Robbie? She could have taken this money out at any point?

22 A That's correct, mm-hmm.

23 Q Nothing further. Thank you.

24 THE COURT: Redirect?

25

1 REDIRECT EXAMINATION

2 BY MS. WALTER:

3 Q Just very briefly. I just want to clarify
4 something. The account that was opened -- there was an
5 account that had Robert, Robbie, and the defendant on it;
6 correct?

7 A Correct.

8 Q And then 90,000 of that was used to open an account
9 that was just in Robert and Samantha's name, the
10 defendant's name?

11 A That is correct.

12 Q Robbie Stetson Ford would not have been able to
13 withdraw any of that money; correct?

14 A No, he would not. He would not have had legal
15 access to that money.

16 Q So the account that was joint owned by the three of
17 them that Robbie would have had access to was just the
18 3,000 -- a little over \$3,000; correct?

19 A That's correct.

20 Q While Robert was alive, presumably, he would have
21 access to whatever bank records there were for the account
22 that was open with the \$90,000; correct?

23 A That's correct.

24 Q Would South State have mailed statements or -- I
25 don't know if they maybe emailed statements?

1 **A** Yeah, no. They were mailing monthly statements.

2 **Q** Would those be mailed to both owners?

3 **A** No. They would be mailed to the address on the
4 account.

5 **Q** And do you know what the address on the account was?

6 **A** I can tell that. [REDACTED] Highway 19, Conway, South
7 Carolina.

8 **Q** So that any statements on that account would have
9 gone to that location?

10 **A** Correct.

11 MS. WALTER: Court's indulgence.

12 Thank you. Nothing further.

13 I'd ask that Ms. Pinagture be released from her
14 subpoena and allowed to return to Charleston.

15 THE COURT: Any objection?

16 MR. GROOMS: No objection.

17 THE COURT: All right. You may step down. You're
18 free to go.

19 THE WITNESS: Thank you.

20 THE COURT: Thank you.

21 The State can call your next witness.

22 MS. WALTER: Your Honor, if we can just take a brief
23 ten-minute break.

24 THE COURT: That'll be fine.

25 All right. Ladies and gentlemen, we'll take about a

1 10- or 15-minute break. Leave your notepads in the jury
2 box. Do not discuss the case even among yourselves.
3 We'll take about a 10- or 15-minute break and come back.

4 (The jury exited the courtroom at 10:53 a.m.)

5 THE COURT: All right. Anything from the State
6 before we take a recess?

7 MS. WALTER: No, Your Honor.

8 THE COURT: Anything from the defense?

9 MR. RICHARDSON: No, sir, Your Honor.

10 THE COURT: All right. Let's take about a 10- or
11 15-minute break.

12 MS. WALTER: And then we'll just have the three
13 witnesses when we come back, Your Honor.

14 THE COURT: That's fine.

15 (A recess was taken at 10:54 a.m. to 11:16 a.m.)

16 THE COURT: All right. Before we bring the jury in,
17 it was just brought to my attention, the last witness was
18 referring to State's Exhibit 86, and we don't have that in
19 evidence yet. That wasn't put up.

20 MS. WALTER: That was part of the original that all
21 financial records would come in. I'm sorry if I wasn't
22 clear. The financial records came in because they were
23 accompanied by a notarized certification.

24 THE COURT: Any objection to State's Exhibit 86?

25 MR. GROOMS: It that's what it is, yes, sir, we have

1 no objection.

2 THE COURT: State's Exhibit 86 admitted into
3 evidence without objection.

4 MS. WALTER: Thank you for catching that, Your
5 Honor.

6 THE COURT: Anything from the State before we bring
7 the jury in?

8 MS. WALTER: No, Your Honor.

9 THE COURT: Anything from the defense?

10 MR. RICHARDSON: No, sir, Your Honor.

11 THE COURT: All right. Let's bring the jury in.

12 (The jury entered the courtroom at 11:20 a.m.)

13 THE COURT: All right. Ladies and gentlemen,
14 welcome back. Make sure you have your own notepads and no
15 one else's notepads.

16 The State can call your next witness.

17 MS. WALTER: Thank you, Your Honor. The State calls
18 Kenneth Thompson.

19 THE CLERK: Please raise your right hand and place
20 your left hand on the Bible.

21 KENNETH THOMPSON,

22 after having been duly sworn, was examined and
23 testified to as follows:

24 THE CLERK: State your name and spell your last name
25 for the record.

1 THE WITNESS: Kenneth Alva Thompson.
2 T-h-o-m-p-s-o-n.

3 MS. WALTER: May I, Your Honor?

4 THE COURT: Yes.

5 MS. WALTER: Thank you.

6 DIRECT EXAMINATION

7 BY MS. WALTER:

8 Q Good morning, Mr. Thompson.

9 A Good morning.

10 Q Can you tell the jury what you do for a living?

11 A I'm an insurance agent. Predominantly life and
12 health insurance.

13 Q How long have you been doing that?

14 A 37-plus years.

15 Q Did you know Robert Marion Ford, Jr., while he was
16 alive?

17 A Yes, ma'am.

18 Q How did you know him?

19 A I initially met him working at Grove Manufacturing.
20 We kept up a friendship -- not a close friendship but a
21 decent friendship. We both thought of each other as
22 friends. And he came to me one day for life insurance.

23 Q So let's get into the life insurance. So that means
24 you did, in fact, handle some of his insurance needs?

25 A Yes, ma'am.

1 Q And did you, in fact, write life insurance policies
2 for him?

3 A Yes, ma'am.

4 Q Do you know how many you wrote in total?

5 A I wrote -- I actually ended up writing two on him.
6 We cancelled the first one and replaced it with a
7 permanent policy right after that. We wrote one with Penn
8 Mutual on him. We wrote one on Samantha and one on
9 Robbie.

10 Q So let's start with the defendant. When did Robert
11 first purchase life insurance for the defendant?

12 A The term policy he bought was somewhere about the
13 summer of -- and I need to refer to my notes -- of '95.
14 We wrote him the permanent policies. His was effective
15 in -- excuse me -- December the 1st of '95. The -- one of
16 the children -- Robbie's was a little bit different date.

17 Q Well, let me just stay with the defendant first.

18 A Yes, ma'am.

19 Q So how much was that policy for that was taken out
20 in 1995?

21 A It was 100,000 of normal life insurance. There was
22 100,000 accidental death added to it.

23 Q For which?

24 A On Robert.

25 Q No, I'm asking the policy that was taken out on the

1 defendant's life -- Robert took out policies for both of
2 his children; correct?

3 A Yes, ma'am.

4 Q Okay. So the policy that Robert took out for the
5 defendant, Samantha Rabon ---

6 A Okay.

7 Q --- in 1995, what was the amount of that?

8 A 25,000.

9 Q Who were the beneficiaries on that?

10 A At that time --

11 Q Would it have been Robert and Melda?

12 A It was Robert, and I think the contingent might have
13 been Robbie but it could have been his wife at that time,
14 Ms. Melda. I hope I'm pronouncing that right.

15 Q Melda. Yes.

16 You said he also took out a policy for Robbie. Was
17 that in September of 1995?

18 A That was a couple of months later because of the age
19 dating, but the same year.

20 Q Was that also for \$25,000?

21 A His policy mirrored Samantha's, which was 25,000
22 also.

23 Q It mirrored her policy for beneficiaries as well?
24 Robert was primary and Melda was contingent?

25 A Yes, ma'am.

1 Q Did both of those policies -- so the policies that
2 Robert took out for both of his children also have an
3 accidental death clause?

4 A Yes, ma'am.

5 Q Can you explain to the jury just in layman's terms
6 sort of how the insurance works, like regular and
7 accidental death.

8 A Okay. The face amount of the policy itself, the
9 25,000 or 100,000, that pays off for any cause of death,
10 whether it's a sickness, car accident, tragedy. The
11 accidental death will pay an additional amount if it's an
12 accident. Sickness, a murder is not an accident so it
13 doesn't pay off for that.

14 Q When did you -- now let's move to Robert and his
15 life insurance policies. So I think you said you had
16 one -- you had written one that was terminated, and you
17 wrote a whole life policy for it?

18 A Yes, ma'am.

19 Q So let's just deal with that whole life policy.
20 When did you write that whole life policy?

21 A That was December of '95.

22 Q How much was that for?

23 A That was \$100,000. And \$100,000 accidental death on
24 it.

25 Q When you first wrote that policy, who were the

1 beneficiaries?

2 A It was Melda and then the children.

3 Q So Melda was primary and the children were
4 contingent?

5 A Yes, ma'am.

6 Q Were Robbie and Samantha equal beneficiaries?

7 A I believe that's correct.

8 Q Do you know -- were you aware of the fact that Melda
9 passed in 2016?

10 A If it was at the time, I didn't remember it. I was
11 surprised when I found out she had a couple of years
12 later.

13 Q But you know that she --

14 A I knew she had passed away.

15 Q So at some point in 2016 or shortly thereafter, did
16 Robert make any changes to that policy?

17 A To his policy?

18 Q Right, where originally it had Melda --

19 A Yes, ma'am. He changed the beneficiary on his
20 policy to Robbie as primary and Samantha as contingent
21 beneficiary.

22 Q And we have heard about primary and contingent
23 beneficiaries as it relates to bank accounts. Does it
24 work the same where the primary -- if the primary
25 beneficiary is still alive, they would get everything?

1 A Yes, ma'am.

2 Q And if the primary beneficiary has passed, then it
3 would go to the contingent beneficiary?

4 A Yes, ma'am.

5 Q Did -- at the same time that he did that, did he
6 make any changes to the policy that he asked you to write
7 for the defendant?

8 A The ownership of that policy, I think off the top of
9 my head, it is 16. He changed the ownership of that
10 policy to Samantha, which means she controlled the policy
11 now, and she went on to change beneficiaries on the policy
12 also, which was the owner's right to do.

13 Q Would she also be responsible for the payment of the
14 policy?

15 A Yes, ma'am.

16 Q Would it have any cash value when -- does a life
17 insurance policy have any cash policy?

18 A The type of life insurances policies wrote to them
19 is called participating whole life. They do build cash
20 value. It also pushes up the death benefit. That's
21 why -- I mean, over time, the death benefit and the cash
22 value grows -- can grow a good little bit.

23 Q Did the defendant maintain her life insurance
24 policy?

25 A No, ma'am.

1 Q When did that expire?

2 A It was, like, two years later, I believe. I don't
3 know if I have that exact date with me.

4 Q March of 2018 sound familiar?

5 A That would sound about right, yes, ma'am.

6 Q Do you know what the cash value was at that point?

7 A No, ma'am, I do not know. I don't know.

8 Q You said that Robbie was the primary beneficiary for
9 Robert's policy. So, at some point, did you learn that
10 Robert and Robbie had been killed?

11 A Yes, ma'am.

12 Q And did you help with the, I guess, processing of
13 the life insurance policies?

14 A Filing the claim, yes, ma'am.

15 Q So did -- after learning of Robert and Robbie's
16 murder, did you reach out to the defendant or did the
17 defendant reach out to you?

18 A That I'm aware of, we did not have her phone number.
19 She actually reached out to us.

20 Q Do you have any recollection as to how close in time
21 that was to the murders?

22 A As sure as I can be, it was before they were
23 actually buried. It was just a few days.

24 Q And then what was the value of Robbie's policy when
25 he died?

1 A I don't have the exact amount for when he passed
2 away, but in -- it would have been somewhere in the upper
3 20,000s by then.

4 Q Does -- you and I have met before. Does the figure
5 \$28,835 --

6 A That sounds very reasonable.

7 Q And then what about Robert? When we have spoken in
8 the past, you said --

9 A And Robert -- not Robbie's -- Robert's -- there was
10 a break in there I was not contracted with Penn Mutual.
11 And this was about two years. I don't have those numbers.
12 But his was over 119,000 in --

13 Q Does 128,000 --

14 A That would be about where it would be, but in '15,
15 it was 119,000. So it's somewhere around 125, I'm sure.

16 Q \$128,012?

17 A Yes, ma'am.

18 Q And both of those policies would have been paid to
19 the defendant?

20 A Yes, ma'am.

21 Q I have nothing further. If you could just answer
22 any questions from Mr. Grooms.

23 MR. GROOMS: Thank you.

24 CROSS-EXAMINATION

25

1 BY MR. GROOMS:

2 Q Good morning, sir.

3 A Yes, sir.

4 Q Mr. Thompson, we have spoken before, have we not?

5 A Yes, sir.

6 Q All right. And, if you would, tell the jury where
7 you were when you found out about Mr. Ford.

8 A I was in Radd Dew's Barbecue on Saturday afternoon.
9 My wife was paying for our meal, and it was two -- well,
10 that's where I was.

11 Q Well, I appreciate that. And, yes, your
12 recollection of that is relevant. So you were out at Radd
13 Dew's and you overheard somebody talking; correct?

14 A There was two, I'm going to say elderly -- they're
15 probably about my age now -- ladies talking, and they -- I
16 heard the names called; they were right there at each
17 other. And I told them, I said, "Excuse me, who are you
18 talking about?" And that's how I heard it.

19 Q Yes, sir. And as a result of that, did you reach
20 out to anyone in the family?

21 A Yes, sir.

22 Q Who did you contact?

23 A I called Rita's number. She was a client of mine; I
24 had her number. I called. I did not get her, but her
25 husband confirmed, yes, it was true.

1 Q And that would have been Mr. Ford's sister's
2 husband; correct?

3 A Yes, sir.

4 Q And I believe you told me -- you said, "Send my
5 condolences to the rest of the family." Does that sound
6 accurate?

7 A I don't remember. I don't remember exactly. I
8 remember more what he said than what I might have said.
9 But I could have very well said that.

10 Q Would that be a normal thing for you to say ---

11 A Yes, sir.

12 Q --- "Send my condolences"?

13 A Yes, sir.

14 Q Okay. So when we talked, you don't deny saying
15 that; you just don't recall it?

16 A Sir, I probably very much said it. I don't recall
17 it, but to me, that's a natural response.

18 Q Yes, sir. Understood.

19 Now, when I'm reviewing Detective Dudley's report,
20 he said you reached out to Samantha. Is that possible?

21 A Whose report?

22 Q The lead detective in the case, David Dudley, says,
23 "Kenneth advised me that he had called Samantha about the
24 policies." Does that sound accurate?

25 A My memory is that she called us, but, sir, that's

1 5-1/2 years ago.

2 Q And that's fine. And I know it was, and at the
3 time, you probably were just -- normal course of business,
4 but it's certainly possible that you reached out to her?

5 A It's very -- if we had her number, we would have
6 called her.

7 Q And it would have been fresh in your mind because
8 you talked to Robert's sister on Saturday, so it would
9 have been a natural thing to do --

10 A I never talked to Rita.

11 Q I know, but you talked to Rita's husband ---

12 A Yes, sir.

13 Q --- on Saturday night at Radd Dew's. So it wouldn't
14 be out of the ordinary for, on Monday, to follow up and
15 say, "Hey, as you told David Dudley" --

16 MS. WALTER: Objection, Your Honor. I believe I
17 don't believe he can be cross-examined on someone else's
18 summary of what he may or may not have said.

19 THE COURT: Overruled. I'll allow it.

20 BY MR. GROOMS:

21 Q Again, you had this conversation on Saturday night.
22 And this was a friend of yours; correct? Mr. Ford was a
23 friend?

24 A Mr. Ford was a friend.

25 Q And you spoke to Rita's husband -- and Rita is

1 Robert's sister; correct? -- on Saturday night? You
2 reached out to them?

3 A I spoke to her husband. She was not there.

4 Q I apologize.

5 A Excuse me. That's what he told me. She was not
6 there.

7 Q Okay. But you reached out to the family on Saturday
8 night?

9 A I reached out to Rita's household.

10 Q Yes, sir. Understood.

11 And you may or may not have expressed condolences.
12 It would have been a normal thing for you to do?

13 A Yes, sir.

14 Q To the entire family, it wouldn't have been unusual
15 for you to do?

16 A Sir, I only spoke to him. I don't know what you're
17 calling the entire family. I didn't call anybody else.

18 Q Well, when we talked on the phone, I believe you
19 said, "I sent my condolences to the family."

20 A Sir, to me, that's a general term.

21 Q It is.

22 A Yes, sir.

23 Q But it also can be interpreted to tell the family
24 "I'm sorry to hear about their loss."

25 A I was sorry to hear about that loss very much, sir.

1 Q And I promise you, I'm not trying to trick you.

2 A No, I probably did because -- I mean, that's a human
3 answer.

4 Q And I agree a hundred percent. I would have done
5 the same thing if it had been my friend.

6 A Yes, sir.

7 Q So then, on Monday, as you told Detective Dudley --
8 I'm sorry; I don't want to put words in your mouth. You
9 testified for the State that Samantha called you, but
10 according to the report, you called Samantha. You're
11 telling the Court that that is certainly possible; you
12 could have called Samantha?

13 A Sir, in our business, we don't jot every note down.

14 Q Yes, sir.

15 A And it could have been either way.

16 Q Okay.

17 A In my business, either party calling the other party
18 is very normal.

19 Q Yes, sir. Understood. Again, we're just trying to
20 get to what could have happened.

21 A I understand.

22 Q Is it customary for an insurance company, when
23 someone has clearly been murdered, to pay the money out
24 immediately?

25 A The wording that Penn Mutual gave me -- I called

1 them Monday morning to report it to Penn Mutual. At the
2 end of me giving them the information, the lady said,
3 "Now, we need to talk." She said, "This may not be a
4 quick payout. The beneficiaries will have to be cleared."

5 Q Of course. And it would stand to reason that an
6 insurance company doesn't want to pay out their money if
7 it may have been a murder. They want to make sure the
8 people that get paid aren't involved; correct? That's a
9 reasonable thing?

10 A I would say so, yes, sir.

11 Q They want to do their own due diligence. They want
12 to look into it?

13 A I would say so, yes, sir.

14 Q And they did. And they paid the money to my client?

15 A Yes, sir.

16 Q Okay. Now, a little while ago, you talked about
17 cash value of a policy. Now, the policy that you're
18 referring to was the 1995 \$25,000 policy that Samantha
19 overtook in 2016; correct?

20 A Yes, sir.

21 Q Did I say that right? 2019?

22 MS. WALTER: 2016?

23 A Yeah, it wasn't 19, sir. Had to be '16.

24 BY MR. GROOMS:

25 Q I apologize. Okay. So she overtook that policy.

1 That's a \$25,000 policy; correct?

2 A Yes, sir.

3 Q And the State talked about the cash value of that
4 policy; right?

5 A Yes, sir.

6 Q A cash value on a \$25,000 maximum policy is not
7 going to be a lot of money, is it?

8 A Sir, depending on the person and the situation
9 they're in, \$5,000 can be a lot of money.

10 Q Okay. But it's not 25,000?

11 A No, sir.

12 Q And do you have that policy to tell us whether it
13 was that amount?

14 A December the 1st of 2015, it was \$3,559.56. That
15 was in December of '15.

16 Q Okay. And you have no knowledge as to whether or
17 not my client would have gotten a new policy with someone
18 else?

19 A You're totally correct.

20 Q Thank you, sir. I appreciate you bearing with me.

21 THE COURT: Redirect?

22 MS. WALTER: Just very briefly.

23 REDIRECT EXAMINATION

24 BY MS. WALTER:

25 Q Your recollection, however, as to who contacted whom

1 is that the defendant contacted you shortly before the
2 murders -- I mean, before the funerals?

3 A She definitely -- she definitely came to our office,
4 to the best that I can remember, before the funeral, a
5 week later, and talked to me about the insurance. And if
6 I'm not mistaken, she expressed the need for it for
7 funeral expense, which...

8 Q Now, Mr. Grooms was asking you about your
9 conversation with Rita's husband. Now, Rita is Robert's
10 sister; correct?

11 A Yes, ma'am.

12 Q And in response to his question, you said, "I
13 remember what he said much more than what I said."

14 A Yes, ma'am.

15 Q What did he say?

16 A He confirmed it was true, and he expressed who he
17 thought did it.

18 MR. GROOMS: Objection to hearsay, Your Honor.

19 THE COURT: Sustained.

20 MS. WALTER: Nothing further.

21 THE COURT: All right. You may step down.

22 State can call your next witness.

23 MS. WALTER: And, I'm sorry; I'd ask that
24 Mr. Thompson be released from his subpoena.

25 THE COURT: Any objection?

1 MR. GROOMS: No, sir, Your Honor.

2 THE COURT: He's free to go.

3 MS. WALLER: Your Honor, the State calls Larry
4 Roscoe.

5 (State's Exhibit No. 90, Market Value/Map of Home,
6 was marked for identification.)

7 (State's Exhibit No. 91, Market Value/Map of Parcel
8 A, was marked for identification.)

9 LARRY ROSCOE,
10 after having been duly sworn, was examined and
11 testified to as follows:

12 THE CLERK: State your name and spell your last name
13 for the Court.

14 THE WITNESS: Lawrence Roscoe. R-o-s-c-o-e.

15 DIRECT EXAMINATION

16 BY MS. WALLER:

17 Q Good morning, Mr. Roscoe. Where do you work?

18 A I work at the Horry County Assessor's Office.

19 Q And what is your job at the Horry County Assessor's
20 Office?

21 A I'm lucky enough to be the assessor.

22 Q You're the big boss at the Assessor's Office?

23 A Yes, ma'am.

24 Q How long have you been the assessor for Horry
25 County?

1 A Since 2015.

2 Q And just tell us, what does the assessor's office
3 do?

4 A We find and list and value all real property inside
5 the limits of Horry County for taxation.

6 Q And what kind of background do you have that
7 qualified you to be the assessor?

8 A I'm a state certified general appraiser. I have an
9 undergraduate degree in economics and a masters in public
10 administration.

11 Q And as the assessor, what are your duties and
12 responsibilities?

13 A Just to make sure that our staff is finding and
14 accurately valuing all of the properties so that we can
15 make an accurate tax roll.

16 Q So you said that the assessor's office values
17 property for tax purposes?

18 A Yes, ma'am.

19 Q Briefly and kind of simply tell me how you do that.

20 A Well, it's similar in scope to what, you know,
21 everyone is used to when you go to buy or sell a property.
22 We look at a lot of the same data that a fee appraiser
23 would. As a matter of fact, prior to working for the
24 assessor's office, I worked in the private sector doing
25 those appraisals. And we just take a mass database of

1 sales data, we compare it to our subject properties, and
2 then, on a mass basis, we assign values based on the data
3 that we have collected over the past four years.

4 Q Okay. And what do you do with that data once you
5 determine a tax value for a property?

6 A We would place it in our database. We would list it
7 as the value that will be subject to taxation. We would
8 apply an assessment ratio, pass it to the auditor for a
9 millage rate, which then calculates to a tax, and that's
10 sent out to the taxpayer.

11 Q And just in general terms, is the tax value
12 necessarily the same value as the market value?

13 A It is an approximation of market value as of a
14 certain date and time. We do not look -- if you think
15 about a private appraiser that might work for a bank, they
16 look at one property and they compare it to some nearby
17 properties and they're looking at everything. They look
18 at all the specifics about the property.

19 We are looking at the property more generally. We
20 do what's called a mass appraisal. It's different than an
21 individual appraisal.

22 I'm going to explain it to you -- if I were to call
23 the car dealership and say, "Hey, how much is a truck?"
24 they might say, "Well, a truck could be anywhere from 25-
25 to \$30,000."

1 But if I were to call them and say, "Well, how much
2 is a 2023 Ford F-150, four-door with four-wheel drive,"
3 then that would be a much more accurate valuation than the
4 first question.

5 We're answering the first question, which is how
6 much is a property of this age, of this size, in this
7 location, in this assumed quality and condition.

8 Q And that's just because it would be an impossible
9 task to individually value every property in the county
10 every few years?

11 A Correct.

12 Q The market value.

13 A Correct.

14 Q So how often does the tax assessor's office value
15 properties for the entire county? What are the
16 reassessment years?

17 A So we reassess -- we value the property every four
18 years, and then we implement that value and present it to
19 the taxpayer on the fifth year.

20 Q Okay. And sometimes do you also reevaluate
21 properties in between those four-year spans when you do
22 county-wide assessments?

23 A We can. If a property undergoes an assessable
24 transfer of interest -- if I were to sell my property to a
25 new owner because of some of the other restrictions on how

1 a property is taxed, the new owner doesn't necessarily
2 receive the same tax treatment as the prior owner,
3 depending on their qualification. So we would be
4 revaluing that property.

5 And then, also, if you were to make additions to a
6 property between reassessments period, we do add that
7 contributory value of the addition or the alteration.

8 Q Okay. So I'll ask you this: So if I asked you to
9 look at the historical tax value for a specific property,
10 are you able to do that?

11 A Yes, ma'am.

12 Q Do you do that -- if I give you what we call a PIN
13 number, is that a method that you use to identify a
14 property?

15 A Sure. P-I-N just stands for Parcel Identification
16 Number.

17 Q All right. And I asked you to look at some
18 properties in this case.

19 A You sure did.

20 Q I'm going to show you what's been marked State's
21 Exhibit 82, which is this, 90, and 91. And are those
22 screen shots of the property that I asked you to discuss
23 tax value with me?

24 A Yes, ma'am.

25 Q And as the assessor, do you often look at those kind

1 of screen shots? I mean, just tell us what it is.

2 A So this is actually a screen grab of our website
3 that we put forward to the public so that you can see, you
4 know, individual properties, your own property, your
5 neighbor's property, and we transfer data from the
6 database to this for public consumption.

7 So all the information that's contained here, 99
8 percent of it comes out of my office, and then the little
9 map back there is we work in conglomeration with IT to
10 present the map as well.

11 Q Okay. So as the assessor, are you a custodian of
12 the records?

13 A I am.

14 Q And are these fair and accurate representations of
15 the screen grabs from your website?

16 A They are.

17 MS. WALLER: Your Honor, at this time, the State
18 seeks to enter Exhibits 82, which is the Magnolia
19 property; 90, which is the house; and 91, which is the
20 farm, into evidence and publish to the jury.

21 THE COURT: Any objections?

22 MR. GROOMS: No objections.

23 THE COURT: State's Exhibit 82, 90, and 91 admitted
24 into evidence without objection.

25 (State's Exhibit Nos. 82, 90, and 91 were received

1 into evidence.)

2 BY MS. WALLER:

3 Q I'm going to talk to you first about the property
4 where the PIN number is the one that has the mobile home.
5 It's [REDACTED].

6 A Okay.

7 MS. WALLER: And can we see 82, please.

8 BY MS. WALLER:

9 Q Okay. And we put it up on the screen. Is that a
10 copy of what I just showed you?

11 A Yes, ma'am.

12 Q So this shows the picture of the mobile home. Is
13 that the picture of the property, essentially?

14 A Right. When we bring a property onto the books or
15 we make an update of a property, our real estate property
16 listers would photograph what was there when they came to
17 visit the property.

18 Q Okay. And this is a mobile home. Is there anything
19 different about a mobile home than there would be about,
20 say, a stick-built house?

21 A Yeah. When we value mobile homes -- mobile homes
22 are personal property by the strictest interpretation of
23 the law, but we tax them like they're real estate.

24 Q Okay.

25 A So we keep a separate database for mobile homes

1 aside from real property because there is that slight
2 legal difference there, so we just value them on a
3 different database.

4 On the land records website, a mobile home is not
5 able to be drawn down because it's for land and real
6 property. We have a separate database for mobile homes.

7 Q Okay. And when I asked you to pull this property,
8 did I -- I asked you to pull the value of what this
9 property would have been at the time of the murders, which
10 was August 17th, 2018. So can you tell me, based on your
11 records, what the closest tax assessment was to that date
12 and what the value for the land was?

13 A We brought that property, as it's described on that
14 piece of paper, into the tax roll in 2017, so very close
15 to the time.

16 Q Thank you. And what was the value in 2017?

17 A So for the land, the value was -- I got to
18 double-check my notes. Bear with me. Let me start with
19 the mobile home. The mobile home was \$7400. And the land
20 was 14,140.

21 Q Okay. Thank you.

22 Next, I'm going to go to the -- it's State's Exhibit
23 90. This is the house. It is the PIN number ending in
24 003. This one.

25 A Okay. Gotcha.

1 Q And did you also look at the value of this property
2 on the closest date to the reassessment of the murders?

3 A So we valued that property in 2014, and that would
4 have been as of December 31st, 2014.

5 Q Okay.

6 A That was the closest reassessment date to the date
7 of the murders. We did reappraise it in December of 2018
8 as well. But the 2014 value of the property was \$92,750.

9 Q And is that for the land and the house?

10 A That is, because that's real property.

11 Q Okay. And you said that you reassessed it in 2018.
12 When was the 2018 reassessment value, if you have it?

13 A I do. It was -- I'm going to do the math real quick
14 in my head.

15 Q Okay.

16 A It would have been 181,000, I think. If you want to
17 do the math. There you go. 174-seven. I'm sorry.
18 \$174,700.

19 Q Okay. Thank you. That was quick, good math.

20 So you said that was as of -- I think you said that
21 was the reassessment year that would have ended
22 December 31st, 2018?

23 A That's correct.

24 Q So that was actually a value closer in time to the
25 murders that occurred on August 17th?

1 A Yeah.

2 Q And are we currently in a reassessment year?

3 A This is. 12/31/23 will be the new valuation date
4 for the county's properties.

5 Q So I guess you guys are working on that now?

6 A We are very busy.

7 Q I can imagine.

8 Okay. Now, let's move forward to the parcel with
9 PIN number -- State's Exhibit 91. It's 031.

10 A Got it.

11 Q Okay. Is this also a property I asked you to look
12 at the value for?

13 A Yes, ma'am.

14 Q Okay. And what is this property?

15 A This is a 15.69-plus-or-minus acre tract in District
16 100, the Conway district.

17 Q Okay. And what was the reassessment date before the
18 murders that was closest in time to the date of the
19 murders?

20 A Well, it would have been the 12/31/18.

21 Q Okay. What was that value?

22 A I apologize.

23 Q Actually, give me before and now.

24 A The 2014 reassessment is the value from my notes,
25 and we had that tract valued at \$80,780.

1 Q Okay. And then going forward to the 2018
2 reassessment, the December 31st, 2018, what was the value
3 at that date?

4 A 118,370.

5 Q Okay. I'm going to show you -- actually, I'll ask
6 you first. As the assessor, do you often review records
7 kept at the Register of Deeds to show transfers of title
8 of real property?

9 A Daily.

10 Q So I'm going to show you what's been marked and
11 previously admitted into evidence as State's Exhibit 83.
12 And can you tell me what this is?

13 A Looks like -- yeah, it's a deed of distribution from
14 the probate court.

15 Q And what does that mean to you?

16 A It means that somebody has passed away and there has
17 been a succession of the ownership of real estate.

18 Q Can you look at that document and tell me which
19 property it references?

20 A I'm sure I can.

21 Q I think the tax map number is on there.

22 A Somewhere. Yeah, mm-hmm. Now, the tax map number
23 is a previous -- well, the tax map number corresponds to a
24 PIN number.

25 Q Okay.

1 A What happened was Horry County grew so quickly that
2 the number of digits that we had available under the old
3 tax map system would not accommodate the number of parcels
4 that we were going to have, so we had to change it over
5 from the tax map system to that Parcel Identification
6 Numbering system just to accommodate the large number of
7 parcels that we have in Horry County.

8 Q And does it have a property description? I think
9 it's --

10 A It does. [REDACTED] Highway 19, Conway.

11 Q Okay. And then what's the tax map number?

12 A [REDACTED].

13 MS. WALLER: Okay. Can we see State's Exhibit 90.

14 BY MS. WALLER:

15 Q Does that deed show a transfer of ownership of this
16 property?

17 A It does.

18 Q And who does it transfer from?

19 A Well, from the decedent, who would have been
20 Robert M. Ford, Jr.

21 Q And who received the property? Who owned the
22 property?

23 A Samantha Rabon would have come into ownership.

24 Q I'm going to show you what's been previously
25 admitted as State's Exhibit No. 84 and ask you a similar

1 question. Is that another, what you said, a deed of
2 distribution?

3 A It is.

4 Q Okay. And can you look at that and tell me what
5 property that's for?

6 A Yeah. This is on the 15.6 acre tract in Conway, and
7 that tax map number ends in 34, and it would correspond to
8 the PIN that ends in -- bear with me. The PIN 0031.

9 Q So is it this property, this 15 acres?

10 A Yes, I believe it is.

11 Q Okay. And who -- who owned that originally?

12 A Robert M. Ford, Jr.

13 Q And who did the property go to?

14 A Samantha Rabon.

15 Q Okay. I have no further questions at this time.
16 Please answer any questions the defense has.

17 A Thank you.

18 CROSS-EXAMINATION

19 BY MR. GROOMS:

20 Q Good afternoon.

21 A Good afternoon.

22 Q Mr. Roscoe; correct?

23 A Yes.

24 Q I'll try to keep this brief.

25 You're employed by Horry County; is that correct?

1 A Yes.

2 Q And were you asked to review all land records
3 related to my client in this case?

4 A I was asked to review these land records.

5 Q The ones just that you've identified?

6 A Yes.

7 Q Understood. Okay.

8 And is the Horry County GIS site, is that a reliable
9 source as well for property -- for PIN numbers and that
10 type of thing?

11 A Generally.

12 Q Okay. Generally speaking?

13 A We're not perfect.

14 Q Understood. But neither are the values that you
15 just gave.

16 A I would say nobody is perfect, but they're pretty
17 darn good.

18 Q So whenever people are married, do they often put
19 property in both parties' names or one party's name or
20 even an LLC?

21 A Sure.

22 Q And did you happen to check whether or not my client
23 was married when you did your search?

24 A No. To put a finer point on that, I didn't do a
25 search on your client.

1 Q But you do know her name; correct?

2 A I do now, yeah.

3 Q And the home that you were asked to identify, I
4 believe it was first the [REDACTED] Magnolia. Did she own that
5 home or was that in somebody else's name?

6 A The mobile home is currently registered in the name
7 Tammie M. Clark.

8 Q [REDACTED] Magnolia Way?

9 A Oh, wait. Yeah. And that's -- and the land is
10 currently listed as owned by Samuel Edward Rabon.

11 Q Gotcha. That's correct. And that's my client's
12 husband, just for a frame of reference.

13 COURT REPORTER: Defendant's 4.

14 MR. GROOMS: Thank you. For identification
15 purposes, Your Honor.

16 (Defendant's Exhibit No. 4, GIS Parcel Application,
17 was marked for identification.)

18 BY MR. GROOMS:

19 Q If you would review these and tell me if these look
20 familiar to you. Do those look like GIS records?

21 A They do.

22 Q And the owner of those, if you wouldn't mind -- I
23 should have asked you to review that in the beginning --
24 the owner of those is Samuel Rabon, or Sam Rabon?

25 A So according to the GIS parcel application.

1 Q Thank you. Can I have those back?

2 A Sure.

3 Q Thanks. So what you identified as [REDACTED] Magnolia
4 Highway, you just said that was Sam Rabon's. That's the
5 property; correct?

6 A So, in general, I'm going to agree with you, but one
7 thing that I want to caution everybody: We don't use
8 addresses to identify properties. We use PIN numbers and
9 parcel numbers.

10 Q Understood.

11 A We keep track of the billing address on our side of
12 the house, where do we send the bill, not necessarily what
13 street number has been assigned to the property. We use a
14 PIN number. It's a coordinate-based system. It's how we
15 identify where something is located geographically.

16 Q And you may not have had a chance to look at it in
17 detail, but the owner's address is the same on all of
18 these?

19 A Correct.

20 Q And they all do have separate PIN numbers, as you
21 talked about?

22 A Correct.

23 Q And I searched these by owner's name.

24 So we had the two acres that you addressed earlier.
25 We have another 19.98 acres behind that piece of property.

1 Another 8.55 acres across the street. And then this one
2 is listed at zero. Does that mean under an acre?

3 A Could be. Or it could be a different type of
4 property.

5 Q Okay. And then one acre.

6 And then, to be fair, what does it mean when it says
7 ETAL?

8 A And others.

9 Q So other parties are involved in the ownership of at
10 least one of these, if that's what that means?

11 A Or the ownership is unclear and we don't know who
12 else owns it, but we think maybe someone else does, like
13 if you have a cloudy title or something.

14 Q Okay. And, actually, it's ETAL on two of them,
15 indicating, as you said, could be one owner, could be
16 multiple, could be unknown. Okay.

17 But, no doubt, these are all registered to the same
18 address, [REDACTED] Magnolia Highway in Aynor. Do you want to
19 review them again?

20 A Yeah, I want to look at them.

21 And, again, I'd make the distinction that I'm not
22 sure if this is my data or where this came from because I
23 don't have ---

24 Q I understand.

25 A --- control of the GIS application.

1 So there's -- so yeah, I find it -- I would assume
2 that these can't all be correct because they can't all be
3 located at Magnolia Highway, so that's probably the
4 billing address.

5 Q The one you identified earlier. With the same
6 owner; right? Samuel Rabon?

7 A On that site, yeah.

8 Q Okay. And Samuel Rabon was the spouse of my client.

9 MR. GROOMS: Court's indulgence, Your Honor.

10 THE COURT: All right.

11 BY MR. GROOMS:

12 Q And, obviously, I just brought these up to you. You
13 haven't had a chance to appraise these; correct?

14 A What do you mean by "appraise"?

15 Q Well, everything I just showed you, you said you had
16 to put it into a system and come up with an appraisal
17 value. It would be tough for you to appraise each one of
18 these with me handing these to you?

19 A Yeah.

20 Q That's all.

21 A Yeah, I would need -- I mean, I would obviously -- I
22 have a \$3 million set of software across the hall that
23 assists with that. So, no, I wouldn't dare do it up here.

24 Q Okay. And I wasn't asking you to.

25 A Okay.

1 Q So, again, 2 acres, 19 acres, 8 acres, under an
2 acre, and one acre.

3 A With this caveat: Again, assuming those records are
4 correct. The only records that actually bestow ownership
5 in a piece of property is a legal deed that's filed with
6 the clerk at the Register of Deeds office. We're reacting
7 and responding to those legal records. We're not creating
8 or bestowing ownership out of my department.

9 Q I got it. But you did identify those all from Horry
10 County GIS sites?

11 A Mm-hmm.

12 Q Thank you, sir. Nothing further.

13 THE COURT: Redirect?

14 MS. WALLER: Can I use your -- did you mark those?

15 REDIRECT EXAMINATION

16 BY MS. WALLER:

17 Q I think you just testified that the only way to know
18 who is the actual owner of a property -- real property in
19 Horry County is to look at the records that the Register
20 of Deeds maintain; is that correct?

21 A Correct. We would refer to that as a title search.

22 Q So the State's exhibits, those two deeds of
23 distribution, those were certified copies from the
24 Register of Deeds?

25 A Correct.

1 Q So when you testified about those properties, could
2 you tell who the owner was?

3 A Yes.

4 Q As long as there's not another owner later.

5 A Correct.

6 Q So I'm going to -- Mr. Grooms showed you what was
7 marked as just for ID only, the defense Exhibit No. 4.
8 Can you tell with certainty from reviewing these records
9 who the owner of these properties is?

10 A No.

11 Q Okay. And when you reviewed them -- and if you need
12 to look at them again -- do you see Samantha Rabon's name
13 on any of these records?

14 A I don't, but she could be being referred to in the
15 "et al."

16 Q So you don't know who "et al." is?

17 A No. Generally, the way we -- if this came from my
18 office, when we get a deed, the first name goes on, and
19 then we're character limited. We can't put every owner.
20 So we took a first name off the deed and then use the "et
21 al." to signify that there's others.

22 Q It could also be Samuel Rabon's sister, though;
23 couldn't it?

24 A Or someone that he's not related to all. It could
25 be Harvey the Rat. It could be anybody.

1 Q Fair enough. Thank you very much.

2 A Thank you.

3 MS. WALLER: Your Honor, the State has no further
4 questions for this witness.

5 THE COURT: You may step down.

6 MS. WALLER: We ask that he be released from his
7 subpoena.

8 THE COURT: Any objection?

9 MR. GROOMS: No, sir. Your Honor.

10 THE COURT: All right.

11 THE WITNESS: Thank you.

12 THE COURT: The State can call your next witness.

13 MS. WALTER: Thank you, Your Honor. The State calls
14 Detective Michael Quick.

15 DET. MICHAEL QUICK,

16 after having been duly sworn, was examined and
17 testified to as follows:

18 THE CLERK: State your name and then spell your last
19 name for the Court.

20 THE WITNESS: Michael Quick. Q-u-i-c-k.

21 DIRECT EXAMINATION

22 BY MS. WALTER:

23 Q Good afternoon, Detective Quick.

24 A Good afternoon.

25 Q Can you tell the jury where you work?

1 **A** I work at the Horry County Police Department.

2 **Q** How long have you worked there?

3 **A** 3-1/2 years.

4 **Q** What is your current assignment?

5 **A** I'm currently assigned to our Major Crimes Unit as a
6 detective specifically working homicides.

7 **Q** Do you have any prior law enforcement or military
8 experience?

9 **A** I do. Prior to coming to Horry County Police, I
10 worked 4-1/2 years in the Florence County Sheriff's
11 Office.

12 **Q** So were you working for Horry County in 2018?

13 **A** I was not.

14 **Q** When did you start with Horry County?

15 **A** I started with Horry County on June 22nd of 2020.

16 **Q** Are you the current case agent for this case?

17 **A** I am.

18 **Q** How did that happen?

19 **A** Late last year, supervisors came to me, and I pretty
20 much inherited this case at the end of 2023.

21 **Q** What tasks did you complete when you were first
22 assigned?

23 **A** So the task that I completed was I followed up on
24 search warrant returns that we got from financial
25 institutions.

1 Q Which financial institutions provided account
2 documentation?

3 A Securian, Edward Jones, Penn Mutual, South State
4 Bank, Fidelity, and Carolina Trust.

5 Q So let me -- we have heard about Penn Mutual from
6 Mr. Thompson. So let me start with Securian and show you
7 what's previously been admitted as 88 and then just two
8 pages or two excerpts from that, which would be 88.1 and
9 88.2.

10 Are those the records that were received from
11 Securian?

12 A Yes.

13 Q And how do you recognize them?

14 A On this CD, I -- it has my signature on it. So I
15 reviewed them and then signed it.

16 Q Great. Thank you.

17 So, as I said, we heard about life insurance through
18 Penn Mutual from Mr. Thompson. Is Securian another life
19 insurance provider that you found out about?

20 A Yes, ma'am.

21 Q Did both Robert and Robbie have life insurance
22 through Securian or just one of them?

23 A What I saw was Robert Ford.

24 Q And based on --

25 MS. WALTER: If we can see 88.1.

1 BY MS. WALTER:

2 Q Based on your review of the records, how much life
3 insurance did Robert Ford have through Securian?

4 A So Robert Ford had two policies through Securian.
5 He had one for basic life, which was worth 115,000, and he
6 had a second one for accidental death, which was also
7 valued at 115,000. So for a total of \$230,000.

8 Q Were you able to determine whether there were
9 beneficiaries to those policies?

10 A Yes, ma'am.

11 MS. WALTER: And if we could see 88.2. There you
12 go. And if you could just expand a little.

13 BY MS. WALTER:

14 Q Who were the beneficiaries of those policies?

15 A So here, you can see that, for the basic life
16 insurance, Robbie S. Ford was listed as the primary
17 beneficiary, where Samantha F. Rabon was listed as the
18 contingent beneficiary.

19 Q Did you also review documentation received from
20 Fidelity?

21 A Yes, I did.

22 Q I'm showing you State's Exhibit 89 and the excerpt
23 from that. Are those the records that you reviewed?

24 A Yes, ma'am.

25 Q How do you know?

1 A On this CD, I signed it after I reviewed the
2 documents on that disc.

3 Q Did your review of the Fidelity records document a
4 pension plan for the benefit of Robert Ford?

5 A Yes.

6 Q Were you able to --

7 MS. WALTER: And if we could see 89.1.

8 BY MS. WALTER:

9 Q Were you able to tell whether he had designated any
10 beneficiaries for that ---

11 A Yes.

12 Q --- pension plan?

13 Can you tell us who was the --

14 MS. WALTER: And if you can just make it a little
15 bit bigger. Go down a little bit. Or up. I'm sorry. I
16 want to see the top. There we go.

17 BY MS. WALTER:

18 Q Who are the beneficiaries for this?

19 A So as you can see for the pension plan, the primary
20 beneficiary was listed as Robbie Ford at 100 percent, and
21 Samantha Rabon was listed as the contingent beneficiary at
22 100 percent.

23 Q Now -- and we have heard from other witnesses, but
24 what's your understanding of primary and contingent
25 beneficiaries?

1 A So, in my very layman's terms, for me, a primary
2 beneficiary is the one who would be offered that benefit
3 first. So if Mr. Ford would have died on his own and
4 Robbie still would have been alive, it's my understanding
5 that Robbie would have got 100 percent of that benefit.
6 And then the contingent is for if the primary and the
7 account holder pass away at the same time or if the
8 account holder is preceded in death by the primary
9 beneficiary, so then that money that would have gone to
10 Robbie S. Ford would have then gone to Samantha Rabon.

11 Q Was there -- staying on this account, was there any
12 documentation in your review that came about after the
13 murder of Robert Ford?

14 A Yes.

15 MS. WALTER: So if we could have 89.2.

16 BY MS. WALTER:

17 Q And what -- sorry. I should probably show it to
18 you. Looking at 89.2, can you tell me what that
19 documentation signified to you.

20 A Yes. So this is a pension plan entitlement letter
21 that was sent from Time Warner Cable to Samantha Rabon
22 after the murders occurred.

23 Q What does it indicate?

24 A So it's indicating how much money she would be
25 awarded. And she had two options in this. One option,

1 she could have taken a lump sum at June 1st of 2019, which
2 would have been a total of \$81,828.73, or she could have
3 elected to wait and taken a lump sum on December 1st,
4 2023, and that would have been \$102,624.37.

5 Q Was there any documentation indicating whether the
6 defendant elected one of those choices?

7 A Yes.

8 MS. WALTER: If we can have 89.3.

9 BY MS. WALTER:

10 Q Which option did the defendant elect?

11 A So the defendant, Samantha Rabon, opted, per her
12 election plan paperwork that she filled out, she elected
13 for the earlier lump sum and to be paid on the first day
14 of June 2019.

15 Q So that would have been the \$81,828.73?

16 A Yes, ma'am.

17 MS. WALTER: And if we could have 89.4 up.

18 BY MS. WALTER:

19 Q Was there other documentation indicating that payout
20 as well?

21 A There was.

22 Q Can you tell us what we're seeing in 89.4?

23 A So right here, you're looking at a 1099 form that
24 was sent for tax purposes to Samantha Rabon, and it's
25 showing that Fidelity Investments did pay her \$81,828.73.

1 Q Did the Fidelity records also indicate a 401(k) held
2 for Robert Ford?

3 A Yes, ma'am.

4 MS. WALTER: And if we could have 89.5.

5 BY MS. WALTER:

6 Q Did your review of the records indicate who the
7 beneficiary was for that account?

8 A Yes, ma'am. So, for the 401(k) account, Robbie Ford
9 is, again, listed as the primary beneficiary at 100
10 percent, and Samantha Rabon is then listed as the
11 contingent beneficiary at 100 percent.

12 Q Were you able to determine when that account was
13 closed?

14 MS. WALTER: And if we could have 89.6.

15 A Yes, ma'am.

16 BY MS. WALTER:

17 Q So what does 89.6 indicate?

18 A So this indicates Mr. Robert M. Ford's 401(k) -- his
19 name is clearly up there on the account -- and it's saying
20 that this account was closed out on May 28th, 2019, and
21 that there was \$145,501.48 that was transferred out of
22 this account.

23 Q Were you able to tell what happened with that money?
24 And if we could go to 89.7.

25 A Yes, ma'am, I was.

1 Q What does this exhibit show?

2 A So this exhibit shows the same bank account number
3 that Mr. Ford had, but now it was transferred into
4 Samantha Rabon's name. And this shows that, when she
5 first opened this account, there's a beginning balance of
6 zero dollars, and then it shows the \$145,501.48 was then
7 transferred into this account.

8 Q Was there any other documentation showing that the
9 defendant received that money?

10 MS. WALTER: And if we could have 89.8.

11 A Yes, ma'am. We also located a 1099 form for this
12 money that was paid to Samantha Rabon. So this is showing
13 that Fidelity Investments did make a payment of
14 \$145,103.51 to the defendant, Samantha Rabon.

15 BY MS. WALTER:

16 Q Were there -- were you able to determine any other
17 accounts in Robert Ford's name held at Fidelity?

18 MS. WALTER: And if we could see 89.8.

19 A Yes, ma'am. We did locate a retirement accumulation
20 plan, which is what you're seeing with that exhibit right
21 now. So, in this account that you can see with Mr. Ford's
22 name on it, the balance was \$15,878.67.

23 BY MS. WALTER:

24 Q Do you know the status of that account?

25 A From what I could tell, it's still being held up in

1 Fidelity. I can't see where it's been paid to this point.

2 Q Okay. I have nothing further at this time. You can
3 answer any questions from Mr. Grooms.

4 MR. GROOMS: Thank you.

5 CROSS-EXAMINATION

6 BY MR. GROOMS:

7 Q Good afternoon.

8 A Good afternoon.

9 Q You have been here all week; right?

10 A Yes, sir.

11 Q And, earlier, you heard -- I believe it was one of
12 the gentlemen talk about beneficiaries; right?

13 A Yes, sir.

14 Q Beneficiaries don't get notice unless it's done by
15 the accountholder; correct?

16 A Correct.

17 Q And you had to get a search warrant for the records
18 that described who the beneficiary was; correct?

19 A That information was made available to us per the
20 search warrant.

21 Q Correct. It wasn't found in anyone's home in this
22 case. It was a search warrant?

23 A To my knowledge, this information came from our
24 search warrants that we obtained.

25 Q Okay. So no knowledge or no reason to believe my

1 client was aware of any of this?

2 A Mr. Grooms, I can't tell you if she was aware of it
3 or not. I don't know the answer to that.

4 Q Well, there's no -- you didn't find them in her
5 house. They're Robert's records. You had to get a search
6 warrant for them; correct?

7 A To my knowledge, we got a search warrant to obtain
8 that information.

9 Q This wasn't your search warrant?

10 A No. I did the return for the search warrant.

11 MR. GROOMS: Nothing further, Your Honor.

12 THE COURT: All right. Redirect?

13 MS. WALTER: Nothing further. We could -- well,
14 Detective Quick has to stay with us the whole time.

15 THE COURT: All right. You may step down.

16 THE WITNESS: Thank you, Your Honor.

17 THE COURT: State can call your next witness.

18 MS. WALTER: Your Honor, this is the time when I
19 believe --

20 THE COURT: All right. Ladies and gentlemen, we did
21 some planning. We're going to go ahead and break early
22 today since we're going to have to be back Monday anyway.
23 I thought I'd give you a Friday afternoon off.

24 Leave your notepads in the jury box. I hope you
25 have a good weekend. I ask that you please be back at

1 9:15 Monday morning.

2 Again, do not discuss the case among yourselves or
3 with anyone else. Don't conduct any independent
4 investigations. Don't listen to any news reports about
5 the case. Don't go reading any newspaper articles about
6 the case. Don't conduct any research into the case.

7 I hope you have a good weekend, and we'll see you
8 back at 9:15 Monday morning. Thank you very much.

9 (The jury exited the courtroom at 12:19 p.m.)

10 THE COURT: All right. Anything further from the
11 State before we recess for the weekend?

12 MS. WALTER: Not at this time, Your Honor.

13 THE COURT: Anything from the defense?

14 MR. GROOMS: No, sir, Your Honor.

15 THE COURT: I'll try to take the bench as soon after
16 9:30 Monday morning as I can.

17 MS. WALTER: Your Honor, I'm sorry; I will put one
18 thing on the record that I think we spoke about. The two
19 cell phone experts would be Lieutenant Ben Wells and
20 Detective Ken Marcus. I do not believe that the defense
21 is challenging their qualifications as experts in the area
22 of cell phone --

23 MR. RICHARDSON: I don't think I have ever seen it
24 done successfully, Judge.

25 THE COURT: Well, I mean, are you asking for them --

1 I'm not going to make them concede that until they're
2 called.

3 MS. WALTER: No, I mean, I'll go through their
4 qualifications. I'm just -- it's my understanding that it
5 won't be challenged. Mr. Richardson --

6 MR. RICHARDSON: Yeah --

7 THE COURT: I'll leave it up to them. They don't
8 have to say at this point in time, yeah. That's the way
9 the system works.

10 MR. RICHARDSON: I'll be happy to take a look again
11 and see, but...

12 THE COURT: All right. We'll be at recess until
13 morning. Thank you very much.

14 (The trial adjourned for the day at 12:21 p.m. and
15 to be resumed on February 26, 2024.)
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P R O C E E D I N G S

MONDAY, FEBRUARY 26, 2024

(The trial resumed at 9:16 a.m.)

(Defendant's Exhibit Nos. 5-18, Instant Message Log, were marked for identification.)

THE COURT: All right. Anything from the State before we bring the jury in?

MOTIONS/MATTERS OF LAW

MS. WALTER: Yes, Your Honor. Mr. Richardson shared with me today -- and I'm still trying to go through them -- I guess the exhibits that he is intending to admit through Lieutenant Ben Wells, who is one of our cell phone experts. The State has a number of objections to the exhibits. I'm just going to approach just to sort of show you a format.

MR. RICHARDSON: Yeah, I can hand you what's been marked, Your Honor.

THE COURT: Before we get started, my microphone is not on.

THE CLERK: It should work now, Judge.

THE COURT: There we go. Got it. All right. That's fine.

MS. WALTER: So, Your Honor, if you look at the format and -- so, for instance, on this, which is a five-page document, on the first page, he's only seeking

1 to introduce four things, which the State objects to
2 anyway, but then the rest of it should not be going back
3 to the jury.

4 THE COURT: All right.

5 MS. WALTER: And that's true for all of them -- all
6 of the exhibits. They all contain information that, it's
7 my understanding, Mr. Richardson is not seeking to admit,
8 so I don't think it's appropriate for them to go back to
9 the jury that way.

10 THE COURT: So we can just redact it?

11 MR. RICHARDSON: Yes, sir. I have no problem with
12 the redactions.

13 MS. WALTER: And then, Your Honor, the -- I don't
14 want to crowd you.

15 MR. RICHARDSON: Or recreate it with the redaction.

16 THE COURT: All right. However you want to do it.

17 MR. RICHARDSON: Well, I mean, not today, but if the
18 Court allows that -- those portions in, I have no problem
19 substituting a redacted version.

20 THE COURT: Well, let's get it straight before we
21 get to that point and let's find out what else -- what's
22 the other objection?

23 MS. WALTER: Well, Your Honor, these are text
24 messages, many of which are from the defendant. It's
25 inappropriate for the defense to seek to admit the

1 defendant's statement. That's sort of one of the basic
2 tenants of criminal law, that the defendant cannot admit
3 their own statement.

4 Then there are conversations with other people,
5 which would be the classic definition of hearsay. So we
6 do not agree that these are admissible.

7 What the State is intending to introduce are
8 conversations where there are statements by the defendant,
9 which the State is allowed to introduce because she is the
10 defendant, she is a party opponent to the State.

11 As to the victim Robbie's responses, those are not
12 being offered for the truth of the matter asserted, but to
13 just sort of give context to what the defendant was
14 saying. But it's inappropriate for the defendant to
15 introduce her own statements, and it's certainly
16 inappropriate to try to admit hearsay.

17 THE COURT: All right. Mr. Richardson?

18 MR. RICHARDSON: Your Honor, they're trying to
19 cherry-pick from the Cellebrite report. They're the ones
20 that got the Cellebrite report. There are some of these
21 that have present-sense impression. Some of them are
22 recollection. I mean, it's conversations about present
23 sense of mind. When they talk about selling the farm,
24 there's actually a discussion where Samantha's Aunt Rita
25 says something about she's fine with selling the farm, to

1 mind your daddy.

2 And then there's a later conversation between her
3 and her Aunt Rita where she says, "Daddy says he wasn't
4 going to pay for an attorney."

5 There's conversations in there between her and
6 Robbie about being taken off the bank account, which they
7 brought up, that he was going to apply for a public
8 defender, where she's actually helping him to apply for a
9 public defender.

10 THE COURT: But, I mean, what allows that to come
11 in? It is an out-of-court statement.

12 MR. RICHARDSON: They're talking about context, and
13 they're bringing certain items in without giving the full
14 context. We have got a document of completeness. If
15 they're trying to introduce pieces of this Cellebrite
16 report, then all of it should go in.

17 THE COURT: Well, I mean -- and I think -- are you
18 talking about them just introducing it rather than if you
19 get somebody up here with a text message conversation,
20 then, on cross-examination, to put it in context, he could
21 then get it in?

22 MS. WALTER: If it is surrounding that conversation,
23 yes, we certainly agree with that, and that's what we have
24 tried to do is sort of take a chunk of the conversation.
25 But to just randomly start pulling out things -- a

1 statement by Rita, how is that anything?

2 THE COURT: Well, I don't know. I don't know how
3 you're going to use the text conversation in your direct.

4 MS. WALTER: Well, we're not using anything from
5 Rita or Anita or anyone other than the defendant or the
6 victim because that would be hearsay.

7 And the Cellebrite report is being marked for
8 identification, as it was in Mr. Grainger's trial, but
9 specifically, Defense asked me at the beginning, when we
10 were going through the exhibits, "That's not been
11 admitted; right? It's just being marked for
12 identification."

13 So the whole Cellebrite is not going to go in
14 because, quite frankly, if it does go in, then there is
15 information on there that suggests the defendant was
16 prostituting herself. So if they want to go into the
17 jury, then great. But the State tried to be very
18 conservative on what we picked and, in fact --

19 THE COURT: Well, I can't rule as a matter of law
20 that it's inadmissible, but I agree with you; it's
21 hearsay. They cannot put their client's -- introduce a
22 text message and say, "This is what my client said in this
23 conversation."

24 Now, if it is -- if it's open -- if the State opens
25 the door in their direct examination of their witness,

1 then it may become admissible on cross-examination. I'll
2 just have to wait and see.

3 MS. WALTER: Right, I understand that. And, Your
4 Honor, I can -- I can pass this up.

5 MR. RICHARDSON: Your Honor, I'll take the exhibits
6 back. Thank you, sir.

7 MS. WALTER: Your Honor, I'm just going to label
8 this so you can see.

9 Bobbi, are we at 93 now?

10 COURT REPORTER: 92.

11 MS. WALTER: I'll just give you -- I'm going to show
12 you or give you a copy of what I'm going to be asked to
13 have marked as State's Exhibit 92.

14 COURT REPORTER: Do you want me to put it over this?

15 MS. WALTER: Yeah, that'd be great.

16 (State's Exhibit No. 92, Text Message, was marked
17 for identification [later replaced].)

18 MS. WALTER: And, Your Honor, I just marked it text
19 on the bottom because there will be three similar-looking
20 reports and, that way, you'll know. But those are the
21 text messages that the State intends to introduce.

22 THE COURT: All right. Well, we'll have to see.
23 Certainly, in cross-examination, if it's proper under
24 cross-examination, then they'll be able to get in what
25 they want to. If it's not, then I'll sustain at that

1 time. But not knowing --

2 MS. WALTER: I understand. And so I'm just -- for
3 the record, because the State is only introducing very
4 limited text conversations between the defendant and the
5 victim, our position is going to be that conversations
6 between the defendant and Rita or Anita or anyone else
7 would certainly not put those into context.

8 The only way you're putting it into context is
9 between the two parties to the conversation.

10 THE COURT: Well, I don't know. I mean, it -- if
11 the text messages that you're introducing deals with
12 conversation that she had with these other parties, they
13 may be relevant. If they don't, I'll have to wait and
14 see.

15 MS. WALTER: Okay.

16 THE COURT: But if the text messages you say you put
17 in between the defendant and the victim says, "I never
18 talked to Rita" ---

19 MS. WALTER: Right.

20 THE COURT: --- when, in fact, she did, and she can
21 use it as proof that she did, then it becomes relevant.
22 But if it's just a totally separate conversation that has
23 nothing to do with the conversation between her and the
24 victim, I'll agree with you. At this point in time, I'm
25 hard pressed to find out how it's relevant on

1 cross-examination, but I just won't know until we get to
2 that point.

3 MS. WALTER: I understand. And so what I would ask
4 is, prior to, I guess, questioning about it, if
5 Mr. Richardson can give me the page number and then
6 there's a message number in the left-hand column so I know
7 what he's trying to introduce so that I can be ready to
8 object, if necessary.

9 THE COURT: Well, before anything is published to
10 the jury, it's going to have to be put into evidence. And
11 so, at that point in time, he'll let you know.

12 MS. WALTER: Well, to me, even if -- I want to avoid
13 the possibility of -- if there's a text that I'm going to
14 object to him simply saying, "Well, did that Cellebrite
15 report also indicate that the defendant sent a text
16 message to Rita saying this," where he's not introducing
17 the text but he's getting the text in front of the jury --
18 that's why I'm saying, before he raises a particular text,
19 the State would like to know which one it is so that I
20 know whether or not I can object, because you can't unring
21 a bell if he gets in inadmissible evidence.

22 THE COURT: Well, what's good for one is good for
23 the other. Before you reference anything in yours, you're
24 going to have to go over to him and say, "All right, we're
25 going to introduce this one -- I'm going to ask her about

1 this one." Let him raise his objection before your
2 witness ever says anything.

3 MS. WALTER: Right. And I have -- those are the
4 three reports that I have handed Mr. Richardson.

5 THE COURT: All right.

6 MR. RICHARDSON: Your Honor, with regard to, I
7 believe it's State's Exhibit 92, I would have some issues
8 with some of these text messages that occur in March of
9 2017 -- all of the ones from March of 2017, July 2017.
10 Those are all related to Mr. Ford's relationship that
11 Samantha nor Robbie were happy with -- I think, with
12 Jackie.

13 THE DEFENDANT: Yeah.

14 MR. RICHARDSON: They're far removed from the
15 murders.

16 MS. WALTER: Except they go directly to her motive,
17 because she and Robbie are talking about -- for instance,
18 the first one from Robbie, "He works so hard his whole
19 life to get what he has and to think some person could
20 come along and take our inheritance is sickening."

21 Then two down from the defendant, "Yep. I sent him
22 an email. I told him I wanted a will fixed or deed the
23 land to me or you before he says I do."

24 MR. RICHARDSON: Your Honor --

25 THE COURT: The blue is from who and the green --

1 MS. WALTER: The blue is from Robbie, Your Honor.
2 And so if you look up in the corner, it will say
3 from Robbie Ford.

4 THE COURT: All right. And so when was Robbie
5 arrested up at Clemson?

6 MR. RICHARDSON: Robbie wasn't arrested until, I
7 believe --

8 MS. WALTER: June of 2018.

9 MR. RICHARDSON: His apartment was searched on May
10 31st, and he was formally arrested on the 6th.

11 THE COURT: So what does a conversation in March of
12 2017 have to do -- how do you get a motive --

13 MS. WALTER: Because the motive was not just
14 confined to after Robbie was arrested. The defendant --
15 and, quite frankly, here clearly Robbie had shown an
16 interest in protecting their inheritance for quite some
17 time.

18 THE COURT: I have that -- you haven't put up
19 anything yet that I have seen, unless I have just missed
20 it, that pointed to a motive prior to Robbie getting in
21 trouble at Clemson.

22 MS. WALTER: Your Honor --

23 THE COURT: Everything I have seen is he gets in
24 trouble, she's worried that he's going to spend his entire
25 inheritance keeping Robbie out of jail, and that's what

1 creates the situation.

2 MS. WALTER: That's just one part of it, Your Honor.
3 That's what all of the financial information went to.
4 That's what the property --

5 THE COURT: So you're saying that she was putting
6 the plans in place to kill her brother and her father in
7 March of 2017?

8 MS. WALTER: What I'm saying is that those texts
9 show her financial motive dating back as far. Whether at
10 that point she intended to kill them, you know, she's the
11 only one that would know that, but certainly, it shows her
12 interest -- and, quite frankly, again Robbie's -- in
13 protecting their inheritance, which exactly ties into what
14 Ms. Martin said and what Mr. Grainger will say is that she
15 wanted them killed so she could inherit everything. So
16 this idea, this thread of the inheritance goes throughout
17 the case.

18 THE COURT: Well, I think everybody wants to protect
19 their inheritance. And if this is in March of 2017, I
20 don't know that it's relevant to this situation.

21 Now, I follow you. When Robbie gets in trouble and
22 she thinks she's going to lose her inheritance because
23 Robbie has gotten in trouble, it may become evident then,
24 but if you've just got two siblings talking about "I hope
25 my parents don't spend my entire inheritance," I mean, I

1 don't see where that creates a motive.

2 I mean -- and nobody wants their parents to spend
3 all their inheritance, and a lot of parents say, "I'm
4 sorry; it's my money, I'll do what I want to." Some of
5 them leave it to take care of their kids.

6 But I don't see where, in March of 2017, where two
7 siblings are talking about somebody coming and taking
8 their mom and dad's hard-earned money creates a motive to
9 go out and hire somebody to murder.

10 MS. WALTER: All right. Then the -- if Your Honor
11 is ruling --

12 THE COURT: I'm just ruling that, so far, these --
13 these text messages between siblings that are a year and
14 three months before Robbie was even in trouble are
15 irrelevant.

16 MS. WALTER: Okay. Then, Your Honor, if I can point
17 your attention to the bottom of page 6, that is from
18 July 17th of 2018, certainly after Robbie was arrested.
19 It references cameras, which goes back to the burglary,
20 which is where the gun was stolen.

21 And then the three text messages on page 7, again,
22 are all after Robbie gets arrested. They are two days --
23 I'm sorry; the top two are two days before he's killed.

24 "How much is tuition a semester?"

25 "Six or seven thousand, I think."

1 And then the one from August 6th of 2018: "So have
2 y'all paid for this semester of school? And I guess y'all
3 redid your apartment lease."

4 So that certainly goes to -- it's after he gets
5 arrested. It shows a concern that tuition is being paid
6 and an apartment lease.

7 THE COURT: Well, we'll wait and see. I don't know.
8 I mean, it may be relevant. I'll have to see how it works
9 into your case. I can't look at this and see how asking
10 whether somebody has paid their tuition is proof of a
11 murder.

12 MS. WALTER: Well, it goes -- well, because one of
13 the exhibits -- and I believe it was -- Court's indulgence
14 for a moment. Exhibit 42 is the letter and the check from
15 Clemson showing that, within four days after the murder,
16 somehow the defendant gets a refund from Clemson of the
17 amount of tuition paid.

18 And so I certainly think that that ties in, and I
19 think that the jury can certainly infer that, rather than
20 grieving her father and brother, she's closing accounts,
21 getting tuition refunded from Clemson. Certainly we
22 believe that those are relevant.

23 THE COURT: Well, and they may be, but I'm not going
24 to say that they are at this point in time. I'll have to
25 see how it comes out during the presentation of your case.

1 MS. WALTER: Well -- and, Your Honor, just so that
2 we're clear, these would come out through Lieutenant Ben
3 Wells, who would be certified as an expert in cellular
4 forensics. He would, in essence, testify that he took the
5 defendant's phone and created an image of it, the
6 Cellebrite download. That's what will be admitted for
7 information only.

8 And then he is simply the mechanism by which we
9 would introduce these texts. And I can show you the one
10 search and the web history that we would also be seeking
11 to get in, but it's not -- he's simply the mechanism by
12 which we're getting in portions of the Cellebrite report,
13 rather than entering this entire report in.

14 THE COURT: Okay.

15 MS. WALTER: So, you know, he is not going to
16 necessarily be able to speak to the victim getting
17 arrested and what was going on at the time. He would
18 simply be getting these in as excerpts from the
19 Cellebrite.

20 THE COURT: Okay.

21 MS. WALTER: So I'm just not sure how I can
22 establish relevance any more than what I'm saying right
23 now.

24 THE COURT: I don't know either. I mean --

25 MS. WALTER: I mean, you have said that the text

1 conversations, prior to Robbie's arrest, which you view as
2 our only motive, which the State disagrees with; I think
3 that we have proven --

4 THE COURT: Well, you know -- and, I guess, in
5 hindsight, the testimony of Lee Graham may -- may make
6 that relevant where she's asking, "Have you paid tuition?"
7 So I think you might be right in that regard.

8 MR. RICHARDSON: On the tuition portion, Your Honor.

9 THE COURT: Yeah.

10 MR. RICHARDSON: Okay. Then I'll be seeking to get
11 into all the remainder of that conversation that goes
12 prior to that.

13 MS. WALTER: And which portions of your exhibits are
14 you referring to?

15 MR. RICHARDSON: The whole conversation -- I believe
16 the tuition statement is -- Court's indulgence. There's
17 conversations that occur on the 15th, the 16th, and
18 they're all discussing Robbie's plans.

19 MS. WALTER: Can you tell me what page you're
20 referring to?

21 MR. RICHARDSON: I'm trying to get there; bear with
22 me. I don't even if think I had down the tuition page
23 because it was just on the back of one little page.

24 All right. That tuition thing is on page 2689. And
25 so we go back to 2689 to -- this all starts on 2682 with

1 Samantha saying he's got about a week to go --

2 THE COURT: All right. Samantha is saying this to
3 whom?

4 MR. RICHARDSON: To Robbie. She's texting with
5 Robbie.

6 THE COURT: All right. And what does she say?

7 MR. RICHARDSON: She says, "You got about a week.
8 You still haven't heard anything so you're going to go
9 ahead with school or what? I haven't heard from Daddy
10 either."

11 And she doesn't hear back from him, so a little
12 while later, she says, "Is your phone working? I was just
13 curious about the plan." That's on 2685.

14 On page 2687, Robbie responds, "No, I haven't heard
15 anything, and I'm doing school because, at this point, I
16 just don't know what else to do. It would seem crazy just
17 to give up, even there's a chance of leniency. I have
18 just come too far to quit."

19 She texts back, "Did the professor answer you?"

20 On 2687, Robbie says, "No, I haven't heard anything,
21 and I'm doing school because, at this point, I just don't
22 know what else to do. It would seem crazy just to give
23 up, even if there's a chance of leniency." I'm sorry;
24 I've got 2687 twice.

25 2689, "I mean, I haven't heard from the lawyers."

1 This is from Robbie. "The advisor did respond that there
2 is a process for re-entry into the program, but to keep
3 him posted if I decided to."

4 From Samantha, "Well, I'd just be afraid I missed
5 too many days."

6 From Robby, "Tuition is due tomorrow. We're
7 planning to pay it, so I'm going to go this semester and
8 try not to miss anymore."

9 And then Robbie, "Yeah, I know."

10 And then from her, "How much is tuition?"

11 And then Robbie responds, "Six or seven thousand."

12 THE COURT: I see.

13 MS. WALTER: And I don't have a problem with those
14 because they are all part of that same conversation.

15 THE COURT: All right. That's what I'm saying is
16 that, if it's in a proper response, then it is admissible.

17 MS. WALTER: Right. But, again, not the way this
18 exhibit is prepared, because there is quite a bit in here
19 that ---

20 THE COURT: Right.

21 MS. WALTER: --- is not relevant to that thread of
22 conversation. And, in fact, doesn't even necessarily go
23 between Robbie and the defendant. I mean, there are texts
24 to her husband. There are texts --

25 THE COURT: Well, I mean, both of you are going to

1 have to clean up your exhibits, because I've already ruled
2 part of yours is inadmissible.

3 MS. WALTER: Right. Yes, and I can do that easily.

4 THE COURT: So part of his is inadmissible, so both
5 of you are going to have to clean up and redact the
6 inadmissible parts.

7 MS. WALTER: Mine is done.

8 THE COURT: All right.

9 MR. RICHARDSON: Your Honor, I'll just need to get a
10 Sharpie so that I can redact these.

11 THE COURT: All right. Let's go ahead and get it
12 done before we bring the jury in here.

13 MS. WALLER: I'll get you a redaction pen.

14 MR. RICHARDSON: That would be great. Thank you.

15 (Pause in the proceedings.)

16 MS. WALLER: I can help him with the photocopier.

17 MR. RICHARDSON: If that's the easier way --
18 whichever way is easier.

19 MS. WALLER: Do you want me to --

20 MR. RICHARDSON: I have got these marked already.

21 MS. WALTER: Right, but I mean, they're still not
22 all admissible.

23 So, Your Honor, for instance, on this first page,
24 only the top text is what he is trying to admit. So to
25 sit here and then black out an entire page, I mean, there

1 are ways of simply taking that text message and having
2 that as a separate exhibit or having -- there's one on
3 that page, there's one on that page, there's two on this.

4 THE COURT: And that happens repeatedly, redactions.
5 I mean, I have known the State to just redact on their
6 exhibits too. So whatever you need to do to keep it from
7 the jury so the jury doesn't see it.

8 Now, I think they're going to look at this and
9 they're going to know there's a bunch of other text
10 messages that they're not getting, because these are not
11 the only text messages in this case, and I'm sure that
12 they are going to know that there were a bunch of text
13 messages that both parties have reviewed and, for whatever
14 reason, are not coming in.

15 MS. WALTER: And I have a proposed jury instruction
16 on that that we used to use in Arizona that simply says
17 there are exhibits in here that have been admitted that
18 have been redacted; you are not to attach any significance
19 to the portions that have been redacted.

20 THE COURT: That we can correct with instructions.

21 The problem is, at this juncture, the State is just
22 putting up their case, so the defense is still in
23 cross-examination. So there's a lot is that the defendant
24 doesn't know whether or not they're going to need to put
25 in or not put in. It depends on what the State's -- the

1 witness's answers to the State's questions are.

2 I mean, you asked Question A; they may want to
3 cross-examine them on B. You ask them Question C, B may
4 be irrelevant, and they don't need to deal with it.

5 Same thing is -- and I don't know if they're going
6 to put up a defense, but if they put a defense, then the
7 State becomes reactionary to the defense case ---

8 MS. WALTER: Right. I'm just --

9 THE COURT: --- and you don't know what you're going
10 to need.

11 MS. WALTER: Right. For this type of witness,
12 however, it's not like your typical fact witness. For
13 instance, when I put up Lee Graham, where I -- there are
14 many different topics. Here, Lieutenant Wells is only
15 going to be testifying to what I provided to the defense.

16 THE COURT: Exactly. But these are facts that the
17 State is trying to get to the jury. They are trying to
18 get this conversation to the jury so that the jury can
19 determine its facts. So even though you say it's not
20 typically a fact witness, I understand it's not this
21 witness's personal observations and participation, but it
22 is still a fact witness because you're trying to get in a
23 conversation before the jury so the jury can find facts
24 based upon that conversation.

25 MS. WALTER: Okay. And so I understand and we

1 have -- if the State is limited or is limiting itself to
2 just those three texts on the last page and then I have
3 agreed that the text that Mr. Richardson identified in
4 this first packet, which is what defense exhibit?

5 MR. RICHARDSON: 11, I believe.

6 MS. WALTER: 11. That deals with that. But we
7 still have all of these.

8 So, for instance, in his -- and I haven't been
9 provided his exhibit numbers, but there's a packet that
10 begins with page 1824 where it's a text message between
11 Rita, who is Robert's sister, and the defendant. That's
12 hearsay. We're not introducing any part of a conversation
13 between the defendant and Rita, so this certainly is not
14 being used to set anything in context.

15 It is a text from the defendant, which would be
16 inadmissible by the defense; a text from Rita, which is
17 hearsay, which would also be inadmissible. So I'm just
18 trying to limit how much we're having the jury hop up and
19 down. So I don't think that there's anything there that
20 would be admissible.

21 Here, there is a text -- this is, again, I don't
22 know what exhibit but whatever defense starts with page
23 1954. It's a text conversation presumably between the
24 defendant and Robbie, but it's about a trip. That's got
25 nothing -- that's not relevant.

1 With the defense exhibit that starts page 2090,
2 there is -- I don't have a problem with the text highlight
3 on page 2090, but on 2091, the text, again, between Robbie
4 and the defendant: "Okay. I went to see him for a few
5 yesterday but he was dead tired."

6 How is that relevant? How does that relate?

7 THE COURT: I don't know. I don't know what your
8 witness is going to say. I don't know how this -- what
9 they're trying to get in was relevant until you showed me
10 how tuition played into the State's case but then that
11 made theirs relevant.

12 At this point in time, you're right; I don't see the
13 relevancy. But I don't know if the State is going to make
14 it relevant.

15 MS. WALTER: Okay.

16 THE COURT: You may not. And you may be right. It
17 may be inadmissible. But I'm not going to sit here and
18 say they can't get those in, and then your witness gets up
19 and starts talking about a trip that he read about them
20 taking.

21 MS. WALTER: Right. That's what I'm saying.

22 MR. RICHARDSON: I'll pull 2091 out. Okay?

23 MS. WALTER: That whole packet?

24 MR. RICHARDSON: Just that page. You said you
25 didn't have a problem with the conversation with Robbie on

1 2090.

2 MS. WALTER: Okay. Then --

3 Okay. What's your Exhibit that starts with page
4 2219?

5 MR. RICHARDSON: That would be Exhibit 8.

6 MS. WALTER: 8?

7 MR. RICHARDSON: Yes, ma'am.

8 MS. WALTER: The State does not have any objection
9 to the text highlighted in that packet, Exhibit 8,
10 assuming everything else is redacted.

11 MR. RICHARDSON: And, Your Honor, to speed things
12 up, I won't publish it to the jury by handing it to them,
13 and then whenever we're on a break, I can go through with
14 a redaction pen, if that's okay.

15 MS. WALTER: Okay.

16 MR. RICHARDSON: Unless it meets approval with the
17 State.

18 MS. WALTER: What's your exhibit that starts page
19 1701?

20 MR. RICHARDSON: That would be 9.

21 MS. WALTER: Your Honor, on the first page, it's a
22 text from the defendant to Robert, "Happy, happy
23 birthday." How is that relevant? And it's a statement by
24 the defendant.

25 THE COURT: Well, I mean, there again, you're right;

1 that's not relevant. But if the State portrays that she
2 hated her brother, she never wished him a happy
3 birthday ---

4 MR. RICHARDSON: This was her father.

5 THE COURT: --- and never she, "How are you doing?"
6 then it comes in.

7 MS. WALTER: Right. This is to her father. I
8 don't --

9 THE COURT: Or her father or whoever.

10 You know, there again, you're right; it's not
11 relevant at this juncture, but I can see if the State
12 says, "Look, you never even acknowledged his birthday, you
13 hated him so much," well, then it becomes a relevant
14 matter that can come into evidence.

15 MS. WALTER: Okay. So I'm just trying to make sure
16 that Mr. Richardson understands what we are objecting to.

17 MR. RICHARDSON: Any conversations between her and
18 her father.

19 MS. WALTER: Well, I'm trying to go by your
20 exhibits.

21 MR. RICHARDSON: Okay.

22 MS. WALTER: So we object to all of Exhibit 9.
23 What's your exhibit that starts 2692?

24 MR. RICHARDSON: That's No. 11.

25 MS. WALTER: The State does not object to the

1 highlighted portions of Exhibit 11.

2 MR. RICHARDSON: I'm sorry. That was No. 12, is
3 2692. 2682, I think we have already discussed,
4 Defendant's 11.

5 MS. WALTER: What's 2701?

6 MR. RICHARDSON: 2701 is 10 -- Defendant's 10.

7 MS. WALTER: I do not object to Exhibit 10. What's
8 2698?

9 MR. RICHARDSON: That would be No. 13.

10 MS. WALTER: I mean, there are some in here that are
11 not, again, between -- I don't want to hold up too much,
12 but, I mean, there are conversations with Rita here which
13 would be hearsay, so...

14 MR. RICHARDSON: Just Robbie are the ones --

15 MS. WALTER: Well, I'm not agreeing to all of them
16 yet. There are just so many that I don't want to keep the
17 jury any longer than we have to.

18 MR. RICHARDSON: Sure.

19 MS. WALTER: What's your exhibit that starts 2798?

20 MR. RICHARDSON: No. 14.

21 MS. WALTER: That is a conversation between the
22 defendant and Gerri Dukes. That would be hearsay, unless
23 they have Ms. Dukes testifying.

24 What's your exhibit [sic] 2882?

25 MR. RICHARDSON: 15.

1 MS. WALTER: Those are all statements by the
2 defendant. Inadmissible, we would argue.

3 Page 3043, which exhibit is that?

4 MR. RICHARDSON: 16.

5 MS. WALTER: That is a text message from Julie
6 Filyaw, who is the defendant's cousin. Hearsay and
7 inadmissible.

8 What's 3105?

9 MR. RICHARDSON: That would be No. 17.

10 MS. WALTER: Again, these are all text conversations
11 with Julie Filyaw, so they would be hearsay.

12 And 3196?

13 MR. RICHARDSON: No. 18.

14 MS. WALTER: These are texts between the defendant
15 and someone named Amy Tyler. So any statements by the
16 defendant are inappropriate to come in through the
17 defense. They are from February 14th of 2019, so if the
18 State is -- has to confine itself to the time right around
19 the murder, then certainly six months -- trying to do my
20 math -- six months after the murder --

21 THE COURT: Well, I don't know about that. If it
22 happened after the murder, it could be in response to the
23 murder.

24 What I was saying on yours was anything that
25 happened over a year prior to Robbie even being arrested

1 and getting in trouble, I didn't see the relevancy of
2 that. Now, if it's happened substantive, it might be.
3 But I agree with you; if it's hearsay and it doesn't fall
4 within one of the exceptions, it's inadmissible. I agree
5 with that.

6 MS. WALTER: Okay. And so Exhibit 18, the State is
7 objecting to because it is either hearsay by Amy Tyler or
8 it is a statement of the defendant, which we do not
9 believe the defense gets to enter.

10 So the State will confine itself to just the last
11 page of what I handed up to Your Honor, so I'll ask that
12 that exhibit be renumbered.

13 And I have also provided --

14 MS. WALTER: These are the web searches. Are you --
15 let that be the new 92.

16 Are you objecting to any of these, Brad?

17 MS. WALLER: Is that 93?

18 MR. WALTER: It will be, yeah.

19 Can I get this marked?

20 COURT REPORTER: Do you want it 92?

21 MS. WALTER: Yeah, that's 92. And if I can get that
22 marked Exhibit 93.

23 (State's Exhibit No. 92, Text Messages, remarked for
24 identification.)

25 (State's Exhibit No. 93, Cellebrite Summary, was

1 marked for identification.)

2 MS. WALTER: So, Your Honor, it's my understanding
3 that there are no objections at this time to State's
4 Exhibit 93.

5 THE COURT: Any objection to State's Exhibit 93?

6 MR. RICHARDSON: No, sir, Your Honor.

7 THE COURT: All right. State's Exhibit 93 admitted
8 into evidence without objection.

9 (State's Exhibit No. 93 was received into evidence.)

10 MS. WALTER: And this can be State's Exhibit 94.

11 (State's Exhibit No. 94, Cellebrite Report, was
12 marked for identification.)

13 MS. WALTER: So, Brad, are you objecting to those
14 three texts, which is now Exhibit 92?

15 MR. RICHARDSON: No, no, no.

16 MS. WALTER: So, Your Honor, I believe that there's
17 no objection --

18 MR. RICHARDSON: I'm sorry --

19 MS. WALTER: It's just out of order, actually.

20 MR. RICHARDSON: Okay. Okay. That was the one from
21 August 6. Yeah, August 6th.

22 MS. WALTER: And that's August 15th up here.

23 MR. RICHARDSON: Mm-hmm.

24 MS. WALTER: Your Honor, I believe there's no
25 objection to State's Exhibit 92.

1 THE COURT: Any objection to State's Exhibit 92?

2 MR. RICHARDSON: No, sir.

3 THE COURT: State's Exhibit 92 admitted into
4 evidence without objection.

5 (State's Exhibit No. 92 was received into evidence.)

6 MS. WALTER: And, Your Honor, it's my understanding
7 there's no objection to State's Exhibit 94.

8 THE COURT: Any objection to State's Exhibit 94?

9 MR. RICHARDSON: No, sir, Your Honor.

10 THE COURT: State's Exhibit 94 admitted into
11 evidence without objection.

12 (State's Exhibit No. 94 was received into evidence.)

13 MS. WALTER: I think that covers the exhibits that
14 the State intends to introduce through Lieutenant Wells.

15 THE COURT: All right. Anything from the State
16 before we bring the jury in?

17 MS. WALTER: Nothing further from the State, Your
18 Honor.

19 THE COURT: Anything further from the defense?

20 MR. RICHARDSON: No, sir, Your Honor.

21 THE COURT: All right. Let's bring the jury in.

22 (The jury entered the courtroom at 10:26 a.m.)

23 THE COURT: Ladies and gentlemen, welcome back. I
24 hope everyone had a good weekend. Again, thank you for
25 being prompt this morning, and, again, I apologize for

1 keeping you in the jury room for so long.

2 Please make sure you have your own notepads and do
3 not have anybody else's notepads.

4 One of the things we were dealing with before you
5 came back into the courtroom this morning were some
6 stipulations to exhibits that the parties have made.
7 State's Exhibits 92, 93, and 94 have been admitted into
8 evidence without objection.

9 All right. We'll continue. The State can call your
10 next witness.

11 MS. WALTER: Thank you, Your Honor. The State calls
12 Lieutenant Ben Wells.

13 THE CLERK: Please raise your right hand and place
14 your left hand on the Bible.

15 LT. BENJAMIN WELLS

16 after having been duly sworn, was examined and
17 testified to as follows:

18 THE CLERK: Get you to state your name and spell
19 your last name for the record.

20 THE WITNESS: Benjamin Wells. B-e-n-j-a-m-i-n
21 W-e-l-l-s.

22 MS. WALTER: May I, Your Honor?

23 THE COURT: Yes, ma'am.

24 DIRECT EXAMINATION

25 BY MS. WALTER:

1 Q Lieutenant Wells, where do you work?

2 A I work for the Horry County Sheriff's Office.

3 Q How long have you worked there?

4 A Approximately 23 years.

5 Q And I'm going to ask you to keep your voice up and
6 just slow down a little bit because I know the court
7 reporter has to take down everything you're saying.

8 What is your current position with the sheriff's
9 office?

10 A I'm currently over the Electronic Crimes Division,
11 processing digital evidence.

12 Q And I called you lieutenant. Is that your current
13 rank?

14 A It is.

15 Q What are some of your duties and responsibilities
16 over the Electronic Crimes Task Force?

17 A Any type of devices that are involved in crimes that
18 are brought to me to where I can extract the data and be
19 able to put it into a readable format to make it easier
20 for people to read and in order to have no interaction
21 with the evidentiary device.

22 Q You're saying -- you have used the term
23 "extraction." What do you mean, "extraction"?

24 A Extraction is a -- it's taking the data that's from
25 the cell phone and copying it out and using that forensic

1 copy as a report.

2 Q Okay. And so that's so that you're not -- once you
3 extract the data, you're not touching the evidence phone;
4 correct?

5 A That is correct.

6 Q Okay. So what type of training have you had in the
7 extraction and analysis of data from digital devices?

8 A I have been to the Federal Law Enforcement Training
9 Center. I have been trained by the Department of Inland
10 Security in digital evidence acquisition, seized computer
11 evidence recovery.

12 I'm currently with the United States Secret Service
13 Cyber Fraud Task Force, where I have received training
14 from the National Forensics Institute in Hoover, Alabama.
15 So Secret Service training.

16 I'm certified in many different vendor softwares,
17 and I also teach computer forensics and certify.

18 Q Are you familiar with a program called Cellebrite?

19 A I am.

20 Q Can you tell us what that program does?

21 A Cellebrite basically extracts the data, and then it
22 will read that data and put it into a format where it's
23 easily gone through and searchable and readable by anyone
24 who wants to look at it.

25 Q Are you trained and experienced in using Cellebrite?

1 A I am.

2 Q Is that one of the programs that you're actually an
3 instructor in?

4 A It is.

5 Q So how long have you been using Cellebrite?

6 A Probably about 13 years.

7 Q Can you tell us -- have you obtained any
8 certifications from Cellebrite in the use of that program?

9 A Yes, ma'am. Several.

10 Q Can you tell us what those are? And for here, just
11 definitely speak slowly so the court reporter can get you.
12 A lot of acronyms.

13 A I have CMFF, which is Cellebrite Mobile Forensic
14 Fundamentals. I have CCO, which is Cellebrite Certified
15 Operator. I have CCPA, which is Cellebrite Certified
16 Physical Analyst. I have CASA, which is Cellebrite
17 Advanced Smartphone Analysis. I also have the Capstone
18 certification as a certified mobile -- CCME, Cellebrite
19 Certified Mobile Examiner, and I also teach all the
20 courses.

21 Q What is required to get those certifications?

22 A You must complete a class, and you have to take a
23 test, except for the CCME. The CCME is a proctored exam.

24 Q Is it safe to say that you passed those exams, given
25 that you have those certifications?

1 A Yes, ma'am.

2 Q And are those certifications something that need to
3 be renewed?

4 A They are.

5 Q How often must they be renewed?

6 A Every two years.

7 Q So did you use Cellebrite to extract data in this
8 case?

9 A I did.

10 Q Are you able to extract data from every phone?

11 A No, ma'am.

12 Q What are some of the factors that might affect
13 whether or not you can extract data from a phone?

14 A There's different security levels and different
15 types of encryption that can prevent being able to access
16 the device and being able to decode that device -- decode
17 that data through encryption.

18 Q When you use Cellebrite to extract data, does it
19 alter any user data on a phone?

20 A It does not.

21 Q And what is user data?

22 A User data is the interaction with the user that
23 happens on the device.

24 Q So you just said that Cellebrite does not alter any
25 user data. Does it allow you to alter any user data?

1 A It does not.

2 Q Have you validated that Cellebrite is unable to
3 alter the user data on a device?

4 A I have.

5 Q And how did you perform that validation?

6 A We take extractions and validate it against the
7 device. And then there's a hash value, which is basically
8 a digital fingerprint of the data.

9 Q So you compared the hash value of the forensic copy
10 and the evidence?

11 A Yes.

12 Q Okay. Are there different types of extractions that
13 you can get from a phone?

14 A There are. There's a physical extraction, there's a
15 file system extraction, and an advanced logical
16 extraction.

17 Q Are they -- and is that in order from sort of the --

18 A That's in order from most to least.

19 Q Is it better to have one versus the other or all
20 three?

21 A It's best to do all three, just to make sure.

22 Q And are you always able to get all three?

23 A You are not.

24 MS. WALTER: Your Honor, at this time, I would --

25 BY MS. WALTER:

1 Q I'm sorry; approximately how many devices have you
2 examined and analyzed in your career?

3 A In my career?

4 Q Yes.

5 A Thousands.

6 Q And have you ever been qualified as an expert in the
7 area of digital forensics?

8 A I have.

9 MS. WALTER: Your Honor, at this time, we would ask
10 that Lieutenant -- well, I'll proffer him for voir dire,
11 and we would ask that he be qualified as an expert in
12 digital forensics.

13 THE COURT: All right. Any challenges or questions?

14 MR. RICHARDSON: No challenges or questions, Your
15 Honor.

16 THE COURT: All right. I find this witness to be an
17 expert in the field of digital forensics.

18 MS. WALTER: Thank you, Your Honor.

19 BY MS. WALTER:

20 Q And I am approaching with what's been admitted as
21 State's Exhibit 55. Can you look at that and tell me if
22 that is a phone that you examined in this case.

23 A Can I refer to my report?

24 Q Yes.

25 THE COURT: What exhibit is that?

1 MS. WALTER: 55, Your Honor.

2 MR. RICHARDSON: Your Honor, just pursuant to my
3 prior objection.

4 THE COURT: All right.

5 MR. RICHARDSON: Thank you.

6 A Yes, ma'am.

7 BY MS. WALTER:

8 Q And just remember to speak up.

9 So how do you recognize that phone and know that
10 it's something that you examined?

11 A When I intake devices, I will photograph the devices
12 too and document the identifying numbers on the device.

13 Q And so you're recognizing that from the unique --

14 A I'm recognizing it from the photo. If I can open
15 it, I can look at the IMEI to also validate it.

16 Q That's okay.

17 And then what type of phone is it?

18 A This is a Samsung S920L.

19 Q What is the phone number -- does the Cellebrite
20 report help you determine the phone number associated with
21 the phone?

22 A It will.

23 Q And what is the phone number associated with this
24 phone?

25 A [REDACTED]-8219.

1 Q And who is that number associated with?

2 A The device says associated with Samantha Rabon.

3 Q Samantha Rabon? Okay.

4 Where did you get the phone?

5 A From Horry County Evidence.

6 Q Were you, in fact, able to extract data from that
7 phone?

8 A I was.

9 Q Which type of the extractions that you mentioned
10 before were you able to get?

11 A I was able to get all three.

12 Q At the end of that extraction, did you -- or did you
13 or Cellebrite generate that readable format report?

14 A I did.

15 MS. WALTER: Your Honor, I'm approaching with
16 State's Exhibit 56, which will be for identification only.

17 THE COURT: All right.

18 BY MS. WALTER:

19 Q Is that a thumb drive containing the Cellebrite
20 report or the extraction that you got in this case?

21 A It is.

22 Q And how do you recognize it?

23 A Those are my initials.

24 Q Once you generated the report, were you asked to
25 look for anything in particular?

1 A I was.

2 Q How were you able to narrow a search? I imagine
3 that there's quite a bit of data on the phone. How are
4 you able to narrow your search?

5 A With Cellebrite, it will categorize things in
6 categories, from calls to search history to web sites and
7 contacts, calendars. So it will basically break all those
8 categories down on the left side. And you're able to
9 search through it manually. You're able to use keyword
10 searches. You're able to use -- search across the entire
11 device for certain key terms. You're able to search
12 certain categories for key terms. It's very -- very --
13 it's a powerful tool to be able to search through.

14 Q Let me deal first with text messages. Did you
15 identify three texts having to do with Robbie Stetson
16 Ford's tuition? And I'll approach with State's Exhibit
17 92. It's been admitted.

18 A I did.

19 MS. WALTER: Your Honor, I'd ask that Exhibit 92 be
20 published to the jury.

21 THE COURT: Any objection?

22 MR. RICHARDSON: No objection.

23 THE COURT: Well, it's already in evidence. Yes,
24 you can go ahead and publish it.

25

1 BY MS. WALTER:

2 Q I'm going to have you start with the lower one, the
3 one on the bottom. And if you can blow it up a little
4 bit.

5 Can you tell us what the date of this message is?

6 A It's on 8/6/2018 at 8:46 and 35 seconds.

7 Q Okay. And then how are you able to tell who sends
8 the text and who the text is to?

9 A At the top, it has in parenthesis it's the owner of
10 the device, and the "to" is right below it.

11 Q Now, the "to" has Robbie Ford after it. How does
12 that name get there?

13 A That name is associated with that phone number that
14 would be in her contacts list.

15 Q So, for instance, if I have you in my contacts list,
16 it would say Lieutenant Ben Wells if it were your number?

17 A Correct.

18 Q And why does it say "owner" versus Samantha Ford or
19 Rabon?

20 A That's just the breakdown redundancy.

21 Q Okay. And can you tell us what that text is?

22 A This text says, "I'm sorry. So have y'all paid for
23 this semester of school? And I guess y'all redid your
24 apartment lease?"

25 Q And then if you can look at the "to" text above

1 that.

2 A "Six or seven thousand." That was from Robbie.

3 Q Well, no, start at the top, the green one.

4 A Oh, I'm sorry. "How much is tuition a semester?"

5 Q And who is that text to?

6 A That is to Robbie.

7 Q Is that also from the owner of the phone?

8 A It is.

9 Q Did Robbie respond?

10 A He did.

11 Q And what did he respond?

12 A "Six or seven thousand, I think."

13 Q And what is the date of that text message
14 conversation?

15 A 8/15/2018.

16 Q We got a little bit out of order. And go to State's
17 Exhibit 94. Were you also asked -- you have said that you
18 have searched based on certain terms. So what were some
19 of the terms that you searched on?

20 A I searched on "insurance," "homicide," "murder,"
21 "kill." Basic terms that would be used in everyday
22 description of the type of crime that was being used.

23 Q And then -- remember just to keep your voice up.

24 And then did you also do some searches based on
25 police or particular articles?

1 A Yes. Once I saw a few, there were other -- I used
2 "police" as a -- "investigations," several keywords to
3 search through.

4 MS. WALTER: Your Honor, I'm approaching with what's
5 been admitted as State's Exhibit 94.

6 THE COURT: All right.

7 BY MS. WALTER:

8 Q Is that one of the web histories that you pulled up
9 that you believe was relevant?

10 A It is.

11 Q So can you tell us what it means by web history?

12 A In the bar, when you hit HTTPS and the website's
13 name, that is called a URL. In the web history, it
14 will -- it will save that URL to tell you what site that
15 was visited.

16 Q And is it safe to say that there were a number of
17 web searches, and this is just one out of many; correct?

18 A Yes, ma'am.

19 Q Okay. Can you -- and if we can publish this to the
20 jury.

21 What -- and is this a phrase that the defendant
22 would have typed in or how is it -- first of all, tell us
23 what the search term is.

24 A I don't have that search term on this one.

25 Q Well, what's the title of the search?

1 A The title of the search is "The details of what
2 information the police can suck out of your phone."

3 Q And how -- what would have to be entered to pull up
4 an article such as this? Is it something that the user is
5 typing in a search and this article might pop up?

6 A It could be either that or it could be they could
7 click on the link or touch the link.

8 MS. WALTER: Your Honor, I'm approaching with what's
9 been admitted as State's Exhibit 93.

10 THE COURT: All right.

11 BY MS. WALTER:

12 Q Does Exhibit 93 show some of the searches that fit
13 into the parameters of what you were looking for?

14 A Yes, ma'am.

15 Q Now, can you tell us, when it says "search terms,"
16 is that something that the defendant would have typed in
17 or something else?

18 A This would be user entered.

19 Q User entered. Okay.

20 Would this information then also be found in other,
21 I guess, categories of information in the phone? So say I
22 enter a search for "round clock for courtroom," that's
23 what I entered. Then would that -- the search results
24 show up in another part of the phone?

25 A It could show up in different databases.

1 Q Now, if we can start -- and, again, if you can tell
2 us again what search terms you were using to narrow.

3 A I began "murder," "homicide," "kill," "police,"
4 "insurance," "money."

5 Q And you are not -- when you pulled up searches that
6 you believed to be relevant, you are not trying to speak
7 to why that search was done; correct? Just that that
8 search was done?

9 A Correct.

10 Q So if we can start -- so what's the first -- and,
11 actually, this goes in reverse chronological order;
12 correct?

13 A Correct.

14 Q Okay. So starting with the -- I guess, the most
15 recent search, what is the date of that search?

16 A That would be 7/26/2019.

17 Q And what is the search term or what was the search
18 that was entered?

19 A "Would phone memory get full with police detective."

20 Q And, again, that's something that the defendant
21 used, i.e., the defendant, typed in?

22 A Correct.

23 Q Now, why does it appear twice and at different
24 times?

25 A Because it would have been searched twice.

1 Q And then were there any other relevant searches on
2 July 26th of 2019 that you found?

3 A Not that I found.

4 Q So let's move to July 16th. So line 3. What was
5 that search that was entered by the defendant?

6 A "Can you get detailed text message history from
7 Verizon?"

8 Q What about the search terms that occupy lines 4 and
9 5?

10 A "Can you be a suspect in murder but never get
11 charged?"

12 Q Okay. Now, the timestamp here is a little bit
13 closer, 5:08:35 p.m. and 5:09:46 p.m. Is that, again,
14 meaning that the search was entered twice or --

15 A Correct.

16 Q Okay. We can scroll down.

17 July 14th. Can you tell us -- and, again, it looks
18 like there are two of the same searches: One from
19 9:19 p.m. and one from 4:43 p.m. What is the entry there,
20 the search?

21 A "How fast can you get a passport?"

22 Q June 29th, 2019.

23 A "Can you clean up a double homicide in four hours?"

24 Q And then June 3rd?

25 A "How to move forward after a parent murdered."

1 Q What else from June 3rd?

2 A "What steps are taken to rule out a suspect?"

3 Q Keep going. And that shows several times; right?

4 A Yes.

5 "How long after murder do detectives search phone
6 records?"

7 Q What about June 2nd, 2019?

8 A "Will you receive the accidental death benefit in
9 murder?"

10 Q How many times does that search appear?

11 A Five.

12 Q May 27th?

13 A "Suspect not cleared in murder."

14 Q That also appears a number of times?

15 A Yes, ma'am.

16 Q What about May 11th of 2019?

17 A "What is circumstantial evidence?"

18 Q Is there another search on the 11th?

19 A "What evidence is needed to be charged with murder?"

20 Q And another one?

21 A "Being charged with murder."

22 Q Next?

23 A "How to be convicted of murder."

24 Q And that appears several times as well; correct?

25 A Yes, ma'am.

1 Q May 6th of 2019?

2 A "Is homicide considered accidental death?"

3 Q May 6th?

4 A "When does accidental rider pay out?"

5 Q And then line 43 there? Seems to be incomplete?

6 A Yeah. "How long after murder."

7 Q So now why is the entry for line 43 not -- why does
8 that not contain as much information as the others?

9 A It was deleted.

10 Q That search was deleted?

11 A Yes, ma'am.

12 Q Now, when you -- you just said it was deleted.

13 Are you able to tell, when you are looking through
14 the Cellebrite report, whether items have been deleted
15 from a phone?

16 A Yes, ma'am.

17 Q And I say, "deleted." Are things really deleted
18 from a phone?

19 A No.

20 Q And is that how you were able to determine whether
21 the user tried to delete something?

22 A Yes.

23 Q In this case, can you, I guess, quantify, being a
24 percentage-wise or a rough estimate, how much of the
25 information on the phone was deleted?

1 A There was a significant amount that was deleted.

2 Q So that would include text messages between the
3 defendant and Teresa Martin?

4 A Yes.

5 MS. WALTER: Court's indulgence.

6 Nothing further at this time. If you could just
7 answer any questions from Mr. Richardson.

8 THE COURT: All right. Cross-examination?

9 MR. RICHARDSON: Court's indulgence.

10 CROSS-EXAMINATION

11 BY MR. RICHARDSON:

12 Q Okay. I think Ms. Walter went through all your
13 qualifications and everything, so I'm not going to replot
14 that field.

15 Did you -- we know that you did a Cellebrite
16 forensic examination on my client's phone. Did you ever
17 do one on the phone belonging to Teresa Martin?

18 A I do not believe I did.

19 Q Okay. So nobody -- to the best of your knowledge,
20 nobody ever asked you to do a Cellebrite report on that?

21 A No, sir.

22 Q How about Randy Grainger?

23 A No, sir.

24 Q And part of -- part of your forensic report -- they
25 changed over the years. It's pretty comprehensive; right?

1 A Yes, sir.

2 Q Okay. And as part of that, at least on mine, it's
3 labeled a timeline report?

4 A Mm-hmm.

5 Q And that shows a chronological list of everything
6 that's done on a phone?

7 A Yes.

8 Q Okay.

9 (Counsel conferring off the record.)

10 BY MR. RICHARDSON:

11 Q I'm going to show --

12 MR. RICHARDSON: If I can get that one stapled and
13 marked.

14 COURT REPORTER: Defendant's 19 marked.

15 MR. RICHARDSON: Thank you.

16 (Defendant's Exhibit No. 19, Instant Messages
17 Log/Redacted, was marked for identification.)

18 BY MR. RICHARDSON:

19 Q I'm going to show you what's been marked as
20 Defendant's Exhibit 19. Do you recognize that as part of
21 your timeline report -- pages from your timeline report?

22 A I do.

23 Q Fair and accurate representation of that?

24 A Fair and accurate.

25 Q Y'all talked about a search for "how quickly can you

1 get a passport"; correct?

2 A Yes, sir.

3 Q Okay. Put that into some context. On page -- on
4 Defense Exhibit No. 19 --

5 MR. RICHARDSON: And I'd move that into evidence,
6 Your Honor.

7 THE COURT: Any objection to Defendant's Exhibit 19?

8 MS. WALTER: No, Your Honor.

9 THE COURT: All right. Defendant's Exhibit 19
10 admitted into evidence without objection.

11 (Defendant's Exhibit No. 19 was received into
12 evidence.)

13 BY MR. RICHARDSON:

14 Q Lieutenant Wells, on page 4653 of Defendant's 19,
15 could you read, on line 56567, could you tell us who the
16 parties involved are there?

17 A I'm sorry? Line 567?

18 Q Top of the page. 56567.

19 A Wrong exhibit.

20 Q Let me see. I'm sorry. Make sure I have the pages
21 in order. I apologize. I had this thing flipped around.
22 I didn't get everything in there.

23 MR. RICHARDSON: Court's indulgence.

24 THE COURT: All right.

25 MR. RICHARDSON: I think I missed a page. I

1 apologize. Court's indulgence. Sorry for the jury too.

2 (Pause in the proceedings.)

3 BY MR. RICHARDSON:

4 Q We'll just move on. So if we go down to State's
5 [sic] Exhibit 19, 58503.

6 A This is an outgoing text or instant message.

7 Q And who are the parties involved?

8 A Samantha Rabon and Jessica Hudnall (ph).

9 MS. WALTER: Objection, Your Honor. State's 19?

10 MR. RICHARDSON: I'm sorry. Defense 19. I
11 apologize.

12 MS. WALTER: Well, I mean, I have an objection.

13 THE COURT: All right.

14 (Counsel conferring off the record.)

15 MS. WALTER: Your Honor, I'll withdraw the objection
16 now that I know what he's referring to.

17 THE COURT: All right.

18 BY MR. RICHARDSON:

19 Q And, so, this was sent from Ms. Rabon?

20 A It was. It was a Facebook Messenger.

21 Q Can you tell me what's said there?

22 A "Okay. I want to go with y'all. I'm going to file
23 for my passport in the morning so hopefully I can get it
24 faster."

25 Q Okay. And what time was that?

1 A July 14th at 6:58 p.m.

2 Q But right now, we have UTC plus zero, so it's July;
3 we have to subtract four?

4 A Subtract four.

5 Q Okay. So that would be almost 3:00; right?

6 A Yes, sir.

7 Q 3 p.m.

8 And then immediately below that, another message
9 from Samantha to Jessica Hudnall?

10 A "So what else do I need to do?"

11 Q Pretty quick succession.

12 And page 4812, line 58534.

13 A Yes. That's a web history search from Chrome. "How
14 fast can you get a passport?"

15 Q Okay. And so that is -- I have got 8:43 minus four
16 will give us 4:43 p.m.?

17 A Yes, I believe so. Daylight savings --

18 Q I know. I know. Daylight savings from about
19 mid-March through September, you get the negative four.

20 And that's still on July 14th; correct?

21 A Correct.

22 Q Okay. And then, on page 4813, second from the
23 bottom of the page. This is where the math gets
24 interesting.

25 A 4813?

1 Q Page 4813, line 58555.

2 A "How fast can you get a passport?"

3 Q And this says 7/15/2018 at 1:19 a.m., but then we
4 have to subtract four hours; right?

5 A Yes.

6 Q So now we have got to do the math. So midnight --
7 about 9:19? Is that about right?

8 A Yes, sir.

9 Q Okay. So all on the same day. She's talking about
10 something going on a trip, and that's when she's searching
11 how to get a passport; correct?

12 A That's what the data...

13 Q Okay. Thank you.

14 (Counsel conferring off the record.)

15 BY MR. RICHARDSON:

16 Q Okay. Now, let me show you Defense 7, 8, 10, 11,
17 12. Again, do those appear to be pages from your timeline
18 report?

19 A They do.

20 Q Okay. I'll hand them up one at a time; that way, I
21 can keep them straight. Or I'll try. Again, a lot of
22 material. Okay.

23 Okay. Defense No. 7, the portion that's unredacted.
24 Could you tell us who the parties are involved in that?

25 A Line 25132?

1 THE COURT: Excuse me, before we get into that, has
2 that been admitted?

3 MR. RICHARDSON: Oh, I'm sorry, Your Honor. I move
4 State's [sic] 7, 8, 10, 11, and 12 into evidence.

5 MS. WALTER: Court's indulgence.

6 THE COURT: All right.

7 MS. WALTER: No objection to Defense 7, 8, 10, 11,
8 and 12.

9 THE COURT: All right. State -- excuse me,
10 Defendant's Exhibit 7, 8, 10, 11, and 12 are admitted into
11 evidence without objection.

12 (Defendant's Exhibit Nos. 7, 8, 10, 11, and 12 were
13 received into evidence.)

14 BY MR. RICHARDSON:

15 Q Lieutenant Wells, could you read who the parties
16 involved in that conversation are?

17 A That would be Robbie Ford and the owner of the
18 device.

19 Q And what's the date of that text?

20 A 6/18/2018.

21 Q Okay. So June 18th, 2018?

22 A Yes, sir.

23 Q And the time on here is 7:51:02 p.m., so minus four
24 would give us 3:51:02?

25 A Yes, sir.

1 Q And who is the party sending that text?

2 A It's from Robbie Ford to the device.

3 Q Okay. And what does Robbie text to his sister?

4 A That number texted, "Well, he got my name off the
5 bank account and I'm planning to go apply for a public
6 defender tomorrow after class."

7 Q And I'm going to hand you No. 8, Defense 8. What's
8 the date of that?

9 A It all appears to be 6/25/2018.

10 Q So June 25, 2018. And who do the parties involved
11 appear to be?

12 A Robbie -- all from a number identified as Robbie
13 Ford.

14 Q And I'm just going to jump down to line 26721 on
15 page 2219 of Defense 9.

16 A 26721?

17 Q 26721, yes, sir.

18 A "I'm planning to call my public defender this week
19 and see what she says about school and stuff. I have no
20 idea how to plan for anything now."

21 Q And that was Robbie sending that at -- says 10 to
22 6:00 -- so right at 6:00 p.m.?

23 A Yes, sir.

24 Q And the next page, is that 2397?

25 A 2397?

1 Q Oh, no, I'm sorry. Let me see. Make sure I didn't
2 leave something in there. Just want to make sure I have
3 that redacted.

4 MS. WALTER: Mr. Richardson...

5 (Counsel conferring off the record.)

6 BY MR. RICHARDSON:

7 Q Page 2464. Date on that still July 24 -- or what's
8 the date on that? Line 29735?

9 A 29735. The date is 7/24/2018.

10 Q And who are the parties?

11 A That would be the number identified in the device as
12 Robbie Ford and the owner.

13 Q And the date says 7/24 at 12:19 a.m., so this would
14 have actually been sent on 7/23, July 23rd about
15 8:18 p.m.? I'm just going 12 minus four; that was an
16 easier one.

17 A Yeah.

18 Q And what is Robbie saying to his sister?

19 A "They told me the court date listed on the paper I
20 got was actually the date I was supposed to have a public
21 defender by. She says a lot of people get confused about
22 it. I'm not sure when exactly my first court date will
23 be, but they still haven't gotten the police report yet so
24 there's not much they can tell me."

25 Q We'll go on to Defense Exhibit No. 10 now. Defense

1 10, can you tell me the date of that, please.

2 A 8/17/2018.

3 Q And it says at 9:14. So that would be 5:14:04 p.m.?

4 A Yes.

5 Q And who are the parties involved?

6 A This would be Teresa Ann and owner of the device.

7 Q All right. And who is the party sending it?

8 A It's from the device, the owner.

9 Q If Samantha had the phone, it would be from her

10 phone; correct?

11 A Yes.

12 Q And it's being sent to Teresa Ann?

13 A Yes.

14 Q And what's that number for Teresa Ann?

15 A [REDACTED]-9384.

16 Q And what does Samantha text to Teresa Martin?

17 A "The car drive all right?"

18 Q And that's 5:14 p.m. on the 17th of August; correct?

19 A Correct.

20 Q Now, I'm going to hand you Defense 11. What's the

21 date of those texts on Defense 11?

22 A 8/15/2018.

23 Q Okay. And so that would be August 15th, 2018;

24 correct?

25 A Correct.

1 Q Okay. And we know, from everything that's been
2 established, August 17th was a Friday, August 18th was a
3 Saturday. So the 15th would have been a Wednesday, by
4 logic?

5 A Logically, yes, sir.

6 Q And it says at 7:18:45 p.m., so minus four -- a
7 little bit quarter after 3:00 or so that text was sent?

8 A Yes, sir.

9 Q And who is sending the text?

10 A The owner of the device.

11 Q So Ms. Rabon. Who is she sending it to?

12 A The number identified as Robbie Ford.

13 Q Okay. Flip to page 2685, line 32372.

14 A 32372.

15 Q Yes, sir.

16 A Okay. Yes, sir. This is an instant message from
17 the owner of the device to the number belonging --
18 identified as Robbie Ford ---

19 Q Okay.

20 A --- at 8/15/2018 at 10:20 UTC minus four would be
21 6:00.

22 Q There we go.

23 And I forgot to ask you: What was nature of the
24 text, on that first one I asked you about, top of the page
25 2682?

1 A 2682?

2 Q Mm-hmm.

3 A "You got about a week...you still haven't heard
4 anything? So are you going ahead with school or what...
5 I hadn't heard from Daddy either. Everything okay?"

6 Q And then the next one is on the 2685, and what does
7 that say?

8 A Line No. 32372?

9 Q Yes, sir.

10 A "Is your phone working? I was just curious what the
11 plan was or if I needed to help you."

12 Q Okay. So the first text was about quarter after
13 3:00 in the afternoon, and that one is about 6:20. Do you
14 see any communication between Robbie and Samantha in
15 between that time period?

16 A Without the complete report, no.

17 Q Okay. And then, if you can flip to page 2687.
18 Okay? Line 32399.

19 A This is an instant message from the number
20 identified as Robbie Ford to the owner.

21 Q Okay. And the date of that is August 15th, 2018.
22 10:25 is what it says; correct?

23 A Correct.

24 Q And then we subtract those four hours and get back
25 to 6:25?

1 A Mm-hmm.

2 Q Can you read what Robbie texts his sister?

3 A "No, haven't heard anything, and I'm doing school
4 because, at this point, I just don't know what else to do.
5 It would seem crazy to just give up if there's even a
6 chance of leniency. I have come too far to just quit."

7 Q Okay. 32404?

8 A "Did the professor ever answer you?"

9 Q And that was the same day, 10/29. So 6:29:37?

10 A Yes, sir.

11 Q Okay. And who sent that to whom?

12 A The 6:29 is from the device owner to the number
13 listed for Robbie Ford.

14 Q And the next page, is that 2689?

15 A Yeah, the same page in here twice. That's what it
16 is.

17 Q Do you have a page 2689?

18 A I do.

19 Q Okay. And that's all I have too, the same pages too
20 so...

21 Should have let my son do this and not me.

22 So you have got page 2689 of that exhibit?

23 A Yes, sir.

24 Q And could you start at the top at page 32420?

25 A "I meant, I haven't heard from lawyer. The advisor

1 did respond and said that there's a process for reentry
2 into program but to keep him posted if I decide to."

3 Q And that's from Robbie to Samantha's phone?

4 A Correct.

5 Q And that's 8/15/2018. Once we do the math, 6:32?

6 A Yes, sir.

7 Q Okay. If we go down to line 32422.

8 A "Well...I'd just be afraid to miss too many days
9 with court and lose your money and get dropped, but that's
10 just my opinion."

11 Q Okay. And that's from Samantha's phone to Robbie?

12 A Correct.

13 Q Okay. And that's a minute or so after he sent his
14 text; correct?

15 A Less than, yes.

16 Q Okay. And then line 32424?

17 A "Tuition is due tomorrow, and we are planning to pay
18 it, so I'm going to go this semester and try not to miss
19 any more class than I have to."

20 Q And that's, obviously, Robbie to Samantha; correct?

21 A Correct.

22 Q And then 32426?

23 A "Yes, I know," from Robbie to owner of the device.

24 Q And then the remainder of the page, you had
25 discussed with the prosecution, about "how much is the

1 tuition a semester" and "six or seven thousand, I think";
2 correct?

3 A Yes, sir.

4 Q So all this conversation occurs over the space of --
5 let's see where Robbie starts responding -- ten minutes or
6 so?

7 A Yes, sir.

8 Q Defense No. 12 now. Could you tell me what day
9 we're on now? Page 2692.

10 A This would be on 8/16/2018 at 4:01, so noon.

11 Q And line 32462.

12 A "So what's the plan for next week?"

13 Q And then 32464?

14 A "You just going to find a room and stay there?"

15 Q Okay. And those were sent from Samantha's phone to
16 Robbie's phone?

17 A Correct.

18 Q And that's -- this math gets really easy. It says
19 4:01 p.m. so that's right 12:01 p.m.; correct?

20 A Yes, sir.

21 Q Back to back. Okay.

22 Page 2693. Down towards the bottom of the page,
23 line 32481.

24 A "I'm not sure yet. We had a hard time getting
25 anyone to take us seriously for an apartment."

1 Q And that is -- I have got 8/16 at 8:53 p.m. so 4:53?
2 A Yes, sir.
3 Q And that's Robbie texting back to Samantha's phone?
4 A That is correct.
5 Q Okay. The next page, 2694. The portion that you
6 have in front of you, to kind of speed it along, all
7 August 16th; correct?
8 A That is correct.
9 Q And it takes place from 9:05. So we'll say 5:05
10 down through 5:12 p.m.; correct?
11 A Correct.
12 Q Can we just start at the top? I believe that's in
13 response to the last "I'm not sure yet; we had a hard
14 time." Who is sending that text?
15 A That would be the owner of the device.
16 Q Okay. And what does she say?
17 A "Why is that?"
18 Q And then I think she texts again at 5:05.
19 A "Y'all going out to eat tonight or tomorrow?"
20 Q And then I believe she texts again at 5:06.
21 A "You think they pulled your background?"
22 Q And these are all going to Robbie's phone; correct?
23 A That is correct.
24 Q And Robbie gives a response at 9:12, but we know
25 that's 5:12; correct?

1 A Correct.

2 Q And what's his response?

3 A "No. Just haven't been able to get many responses."

4 Q Okay. And then the last one on that page 32491.

5 A "We're just staying home tonight."

6 MR. RICHARDSON: Okay. And then I think you had an
7 objection.

8 MS. WALTER: Court's indulgence, Your Honor.

9 (Counsel conferring off the record.)

10 BY MR. RICHARDSON:

11 Q Now, I'm going to hand you what's been marked
12 Defense Exhibit 13.

13 MS. WALTER: And, Your Honor, with the additional
14 deletions, the State has no objection to Exhibit 13.

15 THE COURT: Is that correct, with the deletions?

16 MR. RICHARDSON: Yes, that's correct, Your Honor.

17 THE COURT: All right. Defendant's Exhibit 13
18 admitted into evidence without objection.

19 MR. RICHARDSON: And we will certainly make a pretty
20 copy before it goes to the jury.

21 (Defendant's Exhibit No. 13 was received into
22 evidence.)

23 BY MR. RICHARDSON:

24 Q Defense 13, could you tell me the date of that one?

25 A This would be August 17th, 2018.

- 1 Q August 17th, that's the date of the murder.
- 2 Page 2698, line 32537.
- 3 A "Daddy off today? Y'all going looking or staying
- 4 home? Just wondering. I might try to see you before you
- 5 leave. Just let me know what you doing."
- 6 "Just let me know what you doing."
- 7 Q And that's from Samantha's phone to Robbie Ford?
- 8 A That is from that device to Robbie Ford.
- 9 Q And it says 12:33 p.m. So minus four, we're talking
- 10 about right at 8:30?
- 11 A Mm-hmm.
- 12 Q Okay. And go to page 2701. Oh, I'm sorry. Not
- 13 2701. Page 2703. Page 2703, line 32602.
- 14 A It's redacted on my copy, sir.
- 15 Q How about 32603?
- 16 A It's redacted as well.
- 17 Q Okay. My error.
- 18 37 -- are we looking at page 3703?
- 19 A 2703 [sic]. 3263.
- 20 Q Yeah, I did -- can you see right under the line
- 21 there? If not, that's fine.
- 22 A It looks, "Find one and get straight."
- 23 Q That appears to be a message to Robbie Ford? Or is
- 24 that portion redacted?
- 25 A It's to Robbie Ford.

1 Q And that would be from the owner of the device?

2 A Yes.

3 Q At 11:28 p.m. so minus four, 7:28? I'm sorry. At
4 10:54, so that would be 6:54?

5 A Yes, sir.

6 Q Okay. And then Robbie makes a response at 11:28, so
7 7:28?

8 A "We did but the girl said she'd do a background
9 check so not sure what that will mean."

10 Q And then he sent another text?

11 A "I thought about telling her about it upfront but
12 didn't."

13 Q Okay. Flip to page 2704, please. Okay. 32606.

14 A 32606 on page 2703?

15 Q 2704.

16 A 32606 -- starting at 607 on 2704.

17 Q I'm sorry; I may have called the number out wrong.
18 Line 32608. I'm sorry.

19 A Okay. This is from the device to the number with
20 Robbie?

21 Q Mm-hmm.

22 A "Well, maybe nothing will show up since you haven't
23 officially been charged but IDK. Y'all staying or coming
24 home?"

25 Q And then line 32610.

1 A This is from Robbie -- from the number identified as
2 Robbie to the owner of the device saying, "We're already
3 back in Conway. Dad is seriously not big on going places.
4 We only went by the apartment and the school and then back
5 home -- for home."

6 Q So Samantha sent her text to Robbie asking if they
7 were staying or coming home at 7:29 p.m.?

8 A To Robbie? 7:29, yes, sir.

9 Q And then Robbie responds at 7:31:15 that they're
10 already back in Conway; correct?

11 A That is correct.

12 Q All right. Then 32612.

13 A This is from the device to the number of Robbie.
14 "Okay. I'll go by Sunday then since it's already 7:30."

15 Q Okay. And then we move to page 2705. So we can
16 kind of speed this along, the next set of questions says
17 11:42 through 11:48. So that would be 7:42 through
18 7:48 p.m.; correct?

19 A Yes, sir.

20 Q Okay. And just general discussion on -- between
21 Robbie and his sister about their eating, they're waiting
22 on food, how restaurants were packed that night, and
23 whatnot? Going on to page 2706.

24 A Yes. This is just general conversation, how it's
25 going, "We had Maryland Fried Chicken. Hope it's good.

1 All the restaurants are packed tonight. Fuji had a
2 25-minute wait so we left there."

3 Q That was Robbie saying that.

4 And then, finally, Robbie informed his sister
5 they're at the wing place, and she says, "Oh, well, y'all
6 enjoy." Correct?

7 A That is correct.

8 Q And did you see any text messages, calls, anything
9 else on your Cellebrite report to Teresa Martin in that
10 time span after 7:31 p.m., to your recollection?

11 A So between --

12 Q After 7:31 p.m. that night, was there any
13 communication that you recall seeing with Teresa Martin?

14 A I can't answer that because it's -- it ends on
15 8/17/2018 at 11:59 UTC zero. So I'm missing between 7 --

16 Q Okay.

17 A But in this packet, no.

18 Q Fair enough. Fair enough.

19 Now, Ms. Walter asked you about deleted things. Do
20 you ever delete anything off your phone?

21 A I have deleted stuff off my phone.

22 Q And Teresa Martin wasn't the only one that was
23 deleted off of Samantha's phone, was she?

24 A She wasn't the only one, no. I can recall that.

25 Q There were several individuals, contacts had been

1 deleted and whatnot?

2 A There were.

3 Q And that means their texts ended up being marked
4 deleted?

5 A Not necessarily if they removed the contact.

6 Q Okay. But there were several people who were
7 deleted; correct?

8 A Correct.

9 Q Now, the search history -- I'm certainly not going
10 to get into each and every one. The search about Penn
11 Mutual and accidental insurance and all that stuff, that
12 was May 6, 2019?

13 A I don't have the report in front of me, sir.

14 Q To your knowledge, was anything else searched that
15 day?

16 A There was a lot of activity on that device so I
17 don't -- I can't...

18 Q And this search on Penn Life Mutual Life Insurance
19 and accidental and everything, let's see, May 6, 2019, I
20 have got from 14812 to 15849 text with Penn Mutual,
21 accident rider, "Is homicide considered accidental death?"
22 Does that sound about right? About ten minutes worth of
23 searches?

24 A There were those searches.

25 Q I'm just talking about that day.

1 A I can't -- without seeing my actual report, I
2 wouldn't be able to say that, that it was just that day.
3 I would have to see it. I don't recall.

4 Q All right. Let me see what they put in.

5 Now, the search that you indicated on your report --
6 do you want me to give you a copy of yours?

7 A Yes, please.

8 Q Okay. That's only fair.

9 A We were on line -- page 2707, so I can't memorize
10 all of them.

11 Q I gotcha. Did I already get that other exhibit?

12 A Yes, sir.

13 Q The last one? Okay.

14 And referring to Defense Exhibit -- what is it? 95?

15 A 93, sir.

16 Q 93. I apologize.

17 MS. WALTER: State's Exhibit?

18 MR. RICHARDSON: State's. I'm sorry.

19 BY MR. RICHARDSON:

20 Q All right. So we look down to, I think, your line
21 Item No. 3 -- I'm sorry. We have already covered the
22 passport.

23 Let's look at No. 8: "Can you clean up a double
24 homicide?" That was on June 29; correct?

25 A I forgot they're in reverse order; I apologize.

1 Q That's all right. It appears to be page 3 of what I
2 handed you down to line 8.

3 A No. 7 -- or 8. Yes.

4 Q That appears to be the only thing searched. Was any
5 -- that day?

6 A I'm sorry?

7 Q That appears to be the only thing on that date that
8 y'all put in your report; correct?

9 A That was put into this report, yes, correct.

10 Q And she searched that -- I have got down 5:19 in the
11 afternoon?

12 A Correct. This was ---

13 Q All right.

14 A --- already mathed.

15 Q Are you aware that Ms. Rabon thought that they
16 didn't spend enough time at the home when they were
17 investigating the murder?

18 A I'm sorry?

19 Q Are you aware that Ms. Rabon didn't believe that the
20 County Police --

21 MS. WALTER: Objection, Your Honor. How on earth
22 would he know that?

23 THE COURT: Yeah, sustained.

24 BY MR. RICHARDSON:

25 Q Do you know how long County Police spent at this

1 crime scene originally?

2 A No, sir.

3 Q June 3rd. "How to move forward after a parent
4 murdered." This is on June 3.

5 A Yes, sir.

6 (Counsel conferring off the record.)

7 MR. RICHARDSON: Judge, if you want to give the jury
8 a break, we can look through this stuff.

9 THE COURT: I mean, how long will it take? Do you
10 need a break?

11 MR. RICHARDSON: I don't need a break. I just don't
12 want them to be...

13 MS. WALTER: Your Honor, I'm just trying to -- this
14 is the first -- I mean, I have seen the Cellebrite report,
15 but it's probably about 10 or 15 pages of things he's
16 trying to get admitted, so I'm just trying to --

17 THE COURT: All right.

18 MR. RICHARDSON: Your Honor, those aren't
19 statements. They're searches. They're web searches.

20 MS. WALTER: And evidence still needs to be
21 relevant.

22 THE COURT: All right. Ladies and gentlemen, we'll
23 take a break. Leave your notepads here in the jury box.
24 Do not discuss the case even among yourselves. It's too
25 early for deliberations. We'll take about a 10- or

1 15-minute break and then we'll bring you back in in just a
2 second.

3 (The jury exited the courtroom at 11:41 a.m.)

4 THE COURT: All right. Mr. Wells, we're still in
5 the middle of your testimony, so the law says you cannot
6 discuss your testimony with anyone -- State's attorneys,
7 defense attorneys, or any person at all, whether that be
8 what you have testified to thus far or what you anticipate
9 testifying to in the future. All right?

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: All right. I'll allow you to step down.
12 Anything from the State before we recess?

13 MS. WALTER: Nothing from the State, Your Honor.

14 THE COURT: Anything from the defense?

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

16 THE COURT: All right. We'll stand in recess for
17 about 15 minutes and then we'll be back.

18 (A recess was taken from 11:42 a.m. to 12:02 p.m.)

19 THE COURT: All right. Have you had time to look
20 over everything?

21 MS. WALTER: I'm sorry, Your Honor. We're trying to
22 streamline some of this.

23 THE COURT: All right. That's fine. Take your
24 time. Anything from the State before we bring the jury?

25 MS. WALTER: Nothing from the State.

1 THE COURT: Anything from the defense?

2 MR. RICHARDSON: Nothing from the defense.

3 THE COURT: All right. Let's bring the jury in.

4 COURT REPORTER: Defendant's 20 marked.

5 (Defendant's Exhibit No. 20, Instant Message Log,
6 was marked for identification.)

7 THE COURT: All right. Ladies and gentlemen,
8 welcome back. Make sure you have your own notepads.

9 Mr. Richardson, you can continue your
10 cross-examination.

11 MR. RICHARDSON: Thank you.

12 BY MR. RICHARDSON:

13 Q Lieutenant, can you look at Defense Exhibit No. 20?
14 Do you recognize that as part of your Cellebrite report?

15 A I do.

16 Q And I believe the State, in the exhibit list in the
17 search history, there was some search history regarding
18 steps taken in ruling out a suspect and whatnot on June
19 3rd around 9:06 p.m., I believe. There it is in reverse
20 chronological order.

21 A Yes, yes.

22 Q Do you see that?

23 A "What steps are taken to rule out a suspect?"

24 Q Okay. And that is at what time?

25 A 1:06:13 a.m. and UTC, so...

1 Q Nine?

2 A 9:06.

3 Q All right. And what I've given you -- you gave us a
4 reverse chronological order, but that's chronological
5 order that I have given to you; correct?

6 A Correct.

7 Q Okay. So after I think at 9:11 p.m. that night, she
8 texts, "What steps are taken to rule out a suspect?" I
9 believe you have that on your report?

10 A Correct.

11 Q And then, for the next few pages, it appears that
12 Ms. Rabon's looking at public indexes and pending charges
13 in Pickens County in her father's name and her brother's
14 name; correct? Does that sound -- I know that's
15 incredibly summarized, but I don't want to go through each
16 and every search.

17 A Horry County Government. Yeah, employment
18 opportunities. Public index. Public index search.
19 Correct.

20 Q And so that just goes on for quite a few minutes. I
21 think from 9:12 through 9:23 p.m. So can you jump forward
22 to 9:26 p.m.? Do you see a text or search, "How to move
23 forward after a parent murdered"?

24 A Line 47734? Yes, sir.

25 Q Okay. And then there's a succession of searches for

1 whatsyourgrief.com, grief after traumatic loss, and back
2 to whatsyourgrief.com; correct?

3 A Correct.

4 Q I'll move forward from there.

5 The search history, you had this phone -- the search
6 history actually went back for a while; correct?

7 A I'm not sure how far back it went.

8 Q It went back prior to the murders; correct?

9 A I believe it did, to the best of my recollection.

10 Q Okay. I think I had it went all the way back to
11 2014. But certainly prior to the murders?

12 A Yes.

13 Q And you searched for certain terms; correct?
14 "Insurance"?

15 A I did.

16 Q "Murder"? "Kill"? All that stuff; right?

17 A Yes, sir.

18 Q Was there any search history prior to May 6, 2019,
19 regarding life insurance?

20 A Without my report in front of me -- we're on page
21 37,000 now, so...

22 Q But if there were, you would have notated them on
23 your report; correct?

24 A I would have notated them, yes.

25 Q How about any questions regarding -- now, May 6,

1 2019, that's almost nine months after the murders;
2 correct? Roughly?

3 A Roughly.

4 Q Okay. And do you recall any searches "how to get
5 away with murder" prior to the murders?

6 A I do not.

7 Q Do you recall seeing any searches for hit men?

8 A I do not.

9 Q Contract killers?

10 A No, sir.

11 Q Any searches about inheritance prior to the murders?

12 A I'm not sure.

13 Q Probate?

14 A I don't believe I searched on that term.

15 Q Okay. Any searches that you found prior to the
16 murders where she was inquiring about the value of her
17 father's property?

18 A I don't recall.

19 Q Did you find any searches about using sleeping pills
20 or anything like that?

21 A Did not.

22 Q Did you have any -- did you look for any searches
23 about burglaries?

24 A No, I do not believe I did.

25 Q How about Charter Arms?

1 A No.

2 Q How about value of jewelry?

3 A No.

4 Q So all the searches that are in your report, these
5 transpired some nine months or more after the murders;
6 correct?

7 A If that's the date on the reports, yes.

8 Q Okay. Again, that was State's 93. Goes back to
9 May 6th, 2019; correct?

10 A That's correct.

11 Q Okay. Any contacts to Randy Grainger in that phone?

12 A I did not.

13 MR. RICHARDSON: Court's indulgence.

14 THE COURT: All right.

15 BY MR. RICHARDSON:

16 Q Did you find any evidence of payments of \$20,000 to
17 anybody in that phone?

18 A I did not.

19 MR. RICHARDSON: No further questions of this
20 witness, Your Honor.

21 THE COURT: All right. Redirect?

22 MS. WALTER: None, Your Honor. We would ask that
23 Lieutenant Wells be released from his subpoena.

24 THE COURT: Any objection?

25 MR. RICHARDSON: Without objection, Your Honor.

1 THE COURT: All right. He's free to go.

2 Let me see the attorneys.

3 BENCH CONFERENCE

4 (The following bench conference occurred at the
5 bench with counsel and outside the hearing of others:)

6 THE COURT: How long is your next witness?

7 MS. WALTER: Ken Marcus should not be as long as...

8 THE COURT: Well, I mean, I know we have got the
9 jury coming in --

10 MR. RICHARDSON: It's going to be more than 10
11 minutes, I would imagine.

12 THE COURT: And we have lunch coming for them.
13 They'll probably be here between 12:30 and quarter to
14 1:00. I don't mind going ahead and starting if you don't
15 mind breaking, but I'll let you do whatever you want to
16 do, if you want to go ahead and break now or --

17 MS. WALLER: Not during direct. It would be
18 awkward.

19 MS. WALTER: Well, if we can get through direct --
20 and I think I can get through my direct in half an hour.

21 MR. RICHARDSON: Or at least get him qualified.

22 MS. WALTER: It's not going to take me half an hour
23 to qualify him. I can get through my direct in half an
24 hour.

25 THE COURT: Then we can break prior to cross.

1 MR. RICHARDSON: Okay.

2 THE COURT: All right. That'll be good.

3 (Open court resumes as follows:)

4 THE COURT: All right. The State can call your next
5 witness.

6 MS. WALTER: The State calls Detective Ken Marcus.

7 (State's Exhibit No. 95, Tower Dump/Thumb Drive, was
8 marked for identification.)

9 DET. KEN MARCUS,

10 after having been duly sworn, was examined and
11 testified to as follows:

12 THE COURT: Before we get to that, let me see the
13 attorneys again for a second.

14 BENCH CONFERENCE

15 (The following bench conference occurred at the
16 bench with counsel and outside the hearing of others:)

17 THE COURT: The end of the cross-examination on that
18 last witness, was that Defense Exhibit 20?

19 MR. RICHARDSON: Yes, sir.

20 THE COURT: Okay. We don't have that into evidence.

21 MR. RICHARDSON: I think it would be fine, Your
22 Honor.

23 THE COURT: All right.

24 MS. WALTER: And, Your Honor, just as a way of
25 proceeding, so Detective Marcus did his PowerPoint on this

1 so we can play it to the jury, but I also have a
2 preprinted version that might be easier to send this back.

3 THE COURT: That would be good.

4 MS. WALTER: Do you want it marked as a separate
5 exhibit?

6 THE COURT: Probably would be good, just so we have
7 a clean record, yeah.

8 (Open court resumes as follows:)

9 (State's Exhibit No. 96, Cellular Record/PowerPoint,
10 was marked for identification.)

11 THE CLERK: State your name and spell your last name
12 for the Court.

13 THE WITNESS: It's Detective Ken Marcus. And it's
14 M-a-r-c-u-s.

15 MS. WALTER: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MS. WALTER:

18 Q Detective Marcus, where do you work?

19 A The Horry County Police Department.

20 Q How long have you worked there?

21 A Almost 17 years now.

22 Q What is your current assignment?

23 A So I am one of four analysts in our Digital
24 Forensics and Crime Analysis Unit.

25 Q How long have you been in that position?

1 A Since 2022.

2 Q What was your assignment before that?

3 A Prior to that, I was a homicide detective for our
4 Cold Case/Missing Persons Unit.

5 Q So what are some of your duties and responsibilities
6 as an analyst in the Digital Evidence and Crime Analysis
7 Unit?

8 A So we do -- we support the criminal investigations
9 for the police department, specifically for analyzing
10 digital evidence or looking at databases and crime trends
11 through the analysis portion of things.

12 Q When you say "digital evidence," what type of things
13 are you talking about?

14 A So we're talking about information that could come
15 from mobile devices, computers, vehicles. We could also
16 look at records from social media platforms, cellular
17 records from social -- I'm sorry, cellular network
18 providers, internet service providers, things of that
19 nature.

20 Q What training and experience have you had in the
21 field of digital forensics?

22 A So, for digital forensics, I have had training
23 through Cell Voc. I have got my CCO/CPA. I have also had
24 training through Magnet for Graykey. I have attended the
25 National Computer Forensic Institute in Hoover, Alabama,

1 through the United States Secret Service for vehicle
2 forensics.

3 Q You mentioned Cell Voc. What is that?

4 A Cell Voc is a program that we use to analyze
5 cellular records.

6 Q And what training have you had with respect to
7 cellular and geolocation records?

8 A So I have had 128 training hours for cellular
9 records and geolocation records: 40 through Hawk
10 Analytics; 40 through LexisNexis with their TraX program;
11 another 40 through the Public Agency Training Council; and
12 then eight through the National Domestic Communications
13 Assistance Center operated by the FBI/DOJ.

14 Q When we talk about geolocation records, what are we
15 talking about?

16 A So we're talking about records that are collected
17 either by an internet service provider -- social media
18 platform, a digital device -- something of that nature
19 that places a device in a particular area on a map.

20 Q Is there any other part of your background, whether
21 it be in law enforcement or another field, that also deals
22 with this sort of pinpointing based on information?

23 A Yes. In the early 2000s, I spent six years with the
24 South Carolina Army National Guard. I was a cannon fire
25 directions specialist. My primary duties for an artillery

1 battery was the geolocation mapping and communication for
2 that unit.

3 Q Do cell phone companies keep records -- well, let me
4 back up.

5 Can you explain briefly -- and we'll get into again
6 in your presentation, but just so I can move on a little
7 bit. What's a cell tower? Why is that important to your
8 work?

9 A So any time a person uses a cell phone, they make a
10 connection between their phone to a cellular tower. Your
11 phone is nothing more than a fancy radio, and all of those
12 connections, whether it be a voice call, a text message,
13 or a data connection, like you're surfing the internet,
14 will travel to a tower, and then, from that tower, to
15 wherever it needs to go.

16 Q Do cell phone companies keep records as to which
17 phones use which towers?

18 A Yes. They keep those records for billing purposes
19 and then for engineering data to help maintain their
20 network.

21 Q Will cell phone companies provide that information
22 to law enforcement pursuant to a search warrant?

23 A Yes, ma'am.

24 Q What about a specific user? Do cell phone companies
25 maintain records related to each specific phone number?

1 A I'm sorry; can you repeat the question?

2 Q Sure. How about I'll ask it more simply: Do cell
3 phone companies keep -- so I have a phone some place.
4 Does a cell phone company -- AT&T -- keep track of
5 everything I do with my phone: Calls, text, data, etc.?

6 A Yes. All of the connections between your device to
7 the cellular network is recorded by the network company.

8 Q And do you regularly analyze cellular phone records
9 and extractions in the course of your duties?

10 A Yes. Since 2019, I have been doing cellular record
11 analysis. I have examined 521 sets of records over 153
12 cases that I have been assigned.

13 Q And approximately how many electronic devices have
14 you examined?

15 A Just last year was about 309.

16 Q Have you ever testified regarding cellular and
17 geolocation data?

18 A I have.

19 Q How many times?

20 A Three times.

21 MS. WALTER: Your Honor, at this time, I would
22 proffer Detective Marcus as an expert in cellular record
23 analysis.

24 THE COURT: Any objection or challenges?

25 MR. RICHARDSON: Without objection, Your Honor.

1 THE COURT: All right. This witness is an expert in
2 the field of cellular ---

3 MS. WALTER: Cellular record analysis.

4 THE COURT: --- record analysis. All right.

5 BY MS. WALTER:

6 Q And, Detective Marcus, did you prepare a PowerPoint
7 to help guide us through your testimony?

8 A Yes, ma'am.

9 MS. WALTER: So I'm going to approach with State's
10 Exhibit 95 and 96, Your Honor.

11 THE COURT: All right.

12 BY MS. WALTER:

13 Q So if you can look first at Exhibit 95. What is
14 that?

15 A This is a thumb drive that I included my PowerPoint
16 on for this particular case.

17 Q And how do you recognize it?

18 A It's got my initials actually written in Sharpie on
19 the metal metallic part of this thumb drive.

20 Q Okay. If you can take a look at State's Exhibit 96
21 and see if that's a paper copy of that presentation.

22 A Yes.

23 MS. WALTER: Your Honor, at this time, we would ask
24 that State's Exhibit 95 and 96 be admitted.

25 THE COURT: Any objection?

1 MR. RICHARDSON: Without objection, Your Honor.

2 THE COURT: State's Exhibit 95 and 96 admitted into
3 evidence without objection.

4 (State's Exhibit Nos. 95 and 96 was received into
5 evidence.)

6 MS. WALTER: Your Honor, at this time, I'd ask if
7 Detective Marcus can step down off the stand. He's been
8 instructed to keep his voice up, and that way, he can
9 drive the PowerPoint presentation.

10 THE COURT: That'll be fine.

11 BY MS. WALTER:

12 Q And so, again, you're standing by a microphone but
13 just make sure that you speak loudly enough so that the
14 jury can hear you.

15 A Yes, ma'am.

16 MS. WALTER: You can put on the cover page of the
17 PowerPoint.

18 BY MS. WALTER:

19 Q What records did you review or use to create your
20 presentation?

21 A So I looked at records from three different cell
22 phone companies. They were for several different devices,
23 as well as a Cellebrite report and some video
24 surveillance.

25 Q We talked a little bit about cell towers.

1 **A** Yes. Like I mentioned earlier, any time you use
2 your phone and it connects to the cellular network, your
3 phone is connecting with cell towers. These are all over
4 the country now. Every network claims that they have got
5 coverage everywhere, and these are examples of what they
6 would look like here in Horry County. I believe this one
7 is actually off of Bay Road and 707.

8 **Q** Are they different, I guess, areas of a cell tower?

9 **A** Yes. So the center portion of it right here is the
10 center column that transfers all the information. There's
11 a base station that will sit at the bottom of it. And
12 then you'll have antennas -- there's typically three sets
13 of arrays of antennas on the towers itself.

14 When you look at a connection on these records and
15 we actually map them out, it will separate them into three
16 general sectors of the cell tower, and essentially, a
17 sector is the direction that that antenna is pointing in
18 during a connection.

19 So when we look at a connection in someone's
20 records, you would have the center of the tower, you would
21 have the left and right angles of that antenna -- those
22 are the outermost -- and then the general direction of
23 that antenna is pointing during a connection.

24 **Q** Can you describe for us what you mean by "per-call
25 measurement data"?

1 A Per-call measurement data is another set of records
2 that we look at. This is more of the engineering side of
3 things. It gives us one additional thing that we can use
4 when we're analyzing these records, and that is the
5 estimated distance that this device is from the tower at
6 the time of the connection.

7 Q What numbers did you look at for this presentation?

8 A So, for this particular analysis, I looked at a
9 number associated with Randy Grainger, a number associated
10 with Teresa Martin, a number associated with Robbie Ford,
11 and then a number associated with the defendant.

12 Q So let's start with Robbie Ford. Were you able,
13 based on your review of all the material, able to
14 determine where he was on the evening of August 17th of
15 2018 at approximately 7:26 p.m.?

16 A Yes. So, on August 17th of 2018 at approximately
17 7:26 p.m., the device that is associated with Robbie Ford
18 is making two cellular connections. This is what this map
19 is showing in very close time frame to each other, at 7:25
20 and 7:26.

21 These are the towers that are being used, and then
22 the distance from the tower is showing that they -- this
23 device is in the area of 17 -- I'm sorry, 1117 Rivertown
24 Boulevard in Conway, which is the C.W. Wings.

25 Q And why is it that his phone might be utilizing two

1 different towers if it's in the same place?

2 A So terrain is the biggest driving factor behind
3 which cell tower is being used by a phone. Your phone is
4 constantly updating which tower it can see with the
5 strongest signal. This list is used so as you're moving
6 through wherever -- in this particular instance, a
7 shopping plaza -- your phone will hand off between two
8 different towers just so it has the stronger signal to
9 prevent a disconnection from what it is that you're doing.

10 Q Then, moving forward in time, just slightly between
11 7:42 and 8 p.m., were you able to isolate any text message
12 conversation between Robbie Stetson Ford and the
13 defendant?

14 A Yes. So the records show that this device stays in
15 this general location for a period of time. During this
16 time, Cellebrite messages that I had reviewed show a
17 conversation between the phone number associated with
18 Robbie Ford and then the phone number associated with the
19 defendant.

20 Q Okay. Because it may be hard for the jury to see
21 from there, if you can just go through the cell phone
22 conversation. But before you do that, the one that's
23 marked "unknown," is that the number associated with the
24 defendant?

25 A Yes.

1 Q Okay. So if you can just go through the
2 conversations, since I'm not sure they'll be able to see
3 it.

4 A Sure. 7:42:49 p.m. on August 17, 2018.

5 The defendant's phone: "Y'all must be eating."

6 Device with Robbie Ford: "We're waiting on food."

7 This is at 7:44:20.

8 7:44:48: "Hope it's good."

9 "We had Maryland Fried Chicken."

10 This is, again, from the defendant's phone.

11 Q And let me stop you there because we heard a lot
12 about UTC. Are these times corrected so that they would
13 reflect the actual time in Horry County?

14 A Yes. All these time stamps are in Eastern Standard
15 Time.

16 Q Okay. Thank you. So if you can continue.

17 A 7:45:56: "All the restaurants are packed tonight.
18 Fuji had a 25-minute wait so we left there."

19 7:46:39 from the defendant's phone: "Oh, where did
20 y'all go? It's Coastal move-in day too. I was in all
21 that traffic earlier."

22 7:47 p.m.: "We're at the wings place." This is the
23 phone number associated with Robbie Ford.

24 And then, 7:48 p.m. from the defendant's phone, "Oh,
25 well, y'all enjoy."

1 And then 7:59: "Thanks."

2 Q Now, staying in chronological order, did you take
3 note of any texts exchanged between the defendant and
4 Teresa Martin after 8 p.m.?

5 A Yes, ma'am.

6 So, on August 17th, 2018, at 8:28 p.m., there is a
7 text message that was sent from the phone number
8 associated with Teresa Martin to the phone number
9 associated with the defendant. This is the tower that is
10 being used at the time of Teresa Martin's connection,
11 which shows -- this is the record with that device being
12 in the area of, I believe, her residence. And then here
13 is information used to validate that connection from the
14 defendant's Cellebrite report.

15 The message received on the defendant's phone was,
16 "Yes, I'm home alone." And this occurred, again, at
17 8:28 p.m.?

18 Q Were you able, based on your review of the records
19 and other information, able to determine approximately
20 when Robbie Stetson Ford got home that evening?

21 A Yes. So, August 17th, 2018, about 8:59 to 9:05 p.m.
22 is when we believe the device returned home. There is
23 about ten minutes of connections moving from the Conway
24 area to the general area around his residence. These are
25 the last three connections before the device is no longer

1 moving and the tower connections are stagnant and stay.

2 This map shows three connections. The outermost
3 band is the first connection at 8:59 p.m., the innermost
4 band is actually the second connection at 9:00 p.m., and
5 then the third connection is at 9:05 p.m.

6 Q Does that mean, for each of those connections, that
7 Robbie was actively using his phone?

8 A There was some connection at that time, yes. So it
9 would be a voice call, text message, a data connection.
10 It could be something running in the background. It could
11 be something that he's actively doing at that time.

12 Q But it does not necessarily mean that it is
13 something that he was actively doing on his phone?

14 A That's correct.

15 Q Did you -- don't move to the next slide yet but did
16 you then determine how long the phone remained at that
17 location?

18 A Yes. So this two-line pattern right here remained
19 there until about 3:00 the following day.

20 Q Then where did the phone go?

21 A Back to the M.L. Brown Building, which is our police
22 department.

23 Q Moving forward in time, did you -- what was the next
24 relevant piece of evidence?

25 A So, during my review, I also was able to look at

1 some surveillance video. This particular surveillance
2 video image comes from the video obtained from the
3 Allsbrook Grocery and Grill that's located at the corner
4 of Highway 19 and Highway 701 at 21:13, which would be
5 9:13 p.m. Eastern Standard. A vehicle that looks very
6 similar to the victim's vehicle crosses through this
7 intersection. This is Highway 19, and if we follow --
8 we're able to follow the road backwards that would come
9 from the direction of the victim's home.

10 Q Is the direction that that car is going moving
11 towards Cooke Circle, if you're familiar with that area?

12 A Yes. So looking at this part of the map, the
13 vehicle was facing this direction. The camera is pointing
14 in this direction. Cooke Circle, if you follow Highway 19
15 further north, would be the -- up there by Highway 9.

16 Q Teresa Martin testified about a phone call that she
17 received from Randy Grainger just around 10 p.m. Were you
18 able to verify that through the records?

19 A Yes. Yes, I was. So this map shows the
20 connection -- a connection between the phone number
21 associated with Randy Grainger and the phone number
22 associated with Teresa Martin at 9:56 p.m. on August 17th,
23 2018.

24 This red shaded area right here is the tower being
25 used by the number associated with Randy Grainger. The

1 red point is 7200 Cooke Circle. The orange shaded area
2 right here is the tower being used by Teresa Martin during
3 that connection, which is pointing in the direction of
4 their residence.

5 Q And, I'm sorry, what time is that?

6 A This is at 9:56 p.m.

7 Q Can you describe to the jury what we mean by a
8 frequency analysis?

9 A So part of the work that we can do, we look at the
10 type of calls, the number of calls between two parties,
11 and we can look for how much or how little someone is
12 calling a particular time.

13 On occasion, this can indicate an important period
14 of time and give us clues to certain time frames that we
15 need to look at while we're doing these analyses.

16 Q Did you perform such a frequency analysis for voice
17 call and/or text connections between Teresa Martin and the
18 defendant?

19 A I did. So this was a frequency analysis that I did
20 between those two numbers, the number associated with the
21 defendant and the number associated with Teresa Martin.
22 Between June 30th and October 31st, 2018, there were
23 approximately 72 connections, voice or text messages, in
24 these records between these two parties.

25 Q Why did you use that date range?

1 A That was the date range of the search warrant that
2 was issued by the case agents when they obtained these
3 records.

4 Q So, I'm sorry, go on with your findings.

5 A So, looking at this, there was one voice call
6 between June 30th and August 14th on these records. There
7 were 64 calls or text messages between August 14th and
8 August 23rd, and then only seven between September 10th
9 and September 28th, 2018.

10 Q So when you say that there was one voice call
11 between June 30th and August 14th, is that the only
12 connection between those two numbers during that time?

13 A And in the cell phone records, yes, ma'am.

14 Q And then did you narrow the frequency analysis
15 specifically to the day of the murders, August 17th of
16 2018?

17 A So looking at just August 17th, 2018, there were 24
18 voice calls or text messages between 6 a.m. that morning
19 and 9 p.m. that evening.

20 Q Now, looking at this slide -- so I'm doing my
21 color-coding -- the pink would be for the defendant?

22 A The defendant.

23 Q And what do these arrows signify?

24 A So the dots are signifying the origin of the
25 connection and that it is being made to -- in this

1 instance, from the defendant to Teresa Martin. Here with
2 the orange, it would be Teresa Martin making the
3 connection to the defendant's phone records.

4 Q Am I interpreting this correctly to mean that Teresa
5 Martin originated two of those 24 connections?

6 A Yes.

7 Q Okay.

8 MS. WALTER: Court's indulgence.

9 Nothing further at this time. If you'd answer any
10 questions Mr. Richardson has.

11 THE COURT: I think we're going to go ahead and
12 break.

13 MS. WALTER: That's fine.

14 THE COURT: All right, ladies and gentlemen. Again,
15 we have lunch coming for you. We're going to go ahead and
16 break for lunch now. Leave your notepads in the jury box.
17 Do not discuss the case even among yourselves.

18 I hope you have a good lunch, and we'll come back in
19 about an hour. Thank you very much.

20 (The jury exited the courtroom at 12:37 p.m.)

21 THE COURT: All right. We're in the middle of your
22 testimony. The law says you cannot discuss your testimony
23 with anyone -- State's attorneys, defense attorneys, or
24 anybody at all, whether that be what you've testified thus
25 far or what you anticipate testifying to. All right?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. Anything from the State
3 before we recess for lunch?

4 MS. WALTER: Nothing from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MR. RICHARDSON: No, sir, Your Honor.

7 THE COURT: All right. We'll go ahead and we'll
8 break for lunch. I'll try --

9 Is lunch here for the jury yet or is it on the way?

10 THE CLERK: I haven't been told.

11 THE COURT: All right. We'll shoot for quarter till
12 2:00, okay, depending on when lunch gets here for the
13 jury. All right? Thank you very much.

14 (A lunch recess was taken from 12:38 p.m. to 1:50 p.m.)

15 (Defendant's Exhibit Nos. 21 and 22, AT&T Mobility
16 Records, were marked for identification.)

17 THE COURT: All right. Anything from the State
18 before we bring the jury in?

19 MS. WALTER: No, Your Honor.

20 THE COURT: Anything from the defense?

21 MR. RICHARDSON: No, sir, Your Honor.

22 THE COURT: All right. Let's bring the jury in.

23 (The jury entered the courtroom at 1:54 p.m.)

24 THE COURT: All right, ladies and gentlemen, welcome
25 back. Hope everyone had a good lunch. We're ready to

1 resume the trial of this case. Make sure you have your
2 own notepads and do not have anyone else's notepads.

3 All right. Mr. Richardson, cross-examination?

4 MR. RICHARDSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RICHARDSON:

7 Q Good afternoon, Detective.

8 A How are you?

9 Q All right. The material that you reviewed for your
10 PowerPoint and everything you reviewed, was it tower
11 dumps?

12 A It was a combination of tower dumps as well as
13 individual call duration records for specific phone
14 numbers.

15 Q Okay. Did you look at Cellebrite at all?

16 A I did look at a Cellebrite report, yes.

17 Q And that was the Cellebrite we talked about earlier,
18 done on Samantha Rabon's phone; right?

19 A Correct.

20 Q So you didn't get a Cellebrite report for Teresa
21 Martin?

22 A No, sir.

23 Q Sheila Burris?

24 A I don't know who that is, no.

25 Q Certainly not on Randy Grainger?

1 A No.

2 Q Okay. And the information that you utilized, what
3 was it that you personally collected?

4 A None of it.

5 Q Okay. So you're depending on what other people
6 collected to do your work; correct?

7 A Yes, sir.

8 Q And when we talk about call detail records or cell
9 phone records, whose cell phone records did you look at?

10 A The call detail records associated with the
11 defendant, Teresa Martin, and Robbie Ford.

12 Q So you only got the call detail records that David
13 Dudley requested; correct?

14 A To be honest with you, I'm not sure which set of
15 records Detective Dudley at the time had requested.

16 Q Okay. Some of the records you looked at, if I'm
17 understanding your report, were the call detail records
18 for Teresa Martin; correct?

19 A Yes, sir.

20 Q And those were quite lengthy; right?

21 A Yes, sir.

22 Q I think I counted a total of about 976 pages. Does
23 that sound about right?

24 A I'm not entirely sure of the length of the record in
25 pages, but it was quite lengthy.

1 Q And they were the records from -- I had down from
2 July 1st through October 31st. I think you said June 30,
3 though?

4 A July 1st, I believe.

5 Q Okay.

6 A For her set of records.

7 Q Okay. And do you recall -- and you look at a lot of
8 cell phone records now; right?

9 A I do.

10 Q Okay. And these were AT&T records?

11 A I believe they were.

12 Q Okay. And they break their records down into -- the
13 first section is calls and then data usage and then text;
14 does that sound about right?

15 A They do break down their call detail records by
16 those three categories. Which order they're in, I'm not
17 sure, but they are those three categories.

18 Q And, typically, the data usage is the one that's
19 kind of lengthy; right?

20 A For all the carriers, yes, sir.

21 Q And that's just because every time you go out and
22 switch a tower, you got something running in the
23 background, it hits a new tower and creates a new record;
24 correct?

25 A It depends on the network provider, but yes.

1 Q I'm going to show you Defense 21 and 22. See if you
2 recognize those.

3 MS. WALTER: Which ones?

4 MR. RICHARDSON: 21 is the calls. 22 is that one.

5 BY MR. RICHARDSON:

6 Q Do those appear to be a portion of Teresa Martin's
7 phone records?

8 A This appears to be a portion of call detail records
9 for voice communications for the number associated with
10 Teresa Martin, yes, sir.

11 Q And that's Defense 21?

12 A 21.

13 And this appears to be a portion of call detail
14 records associated with Teresa Martin's number for text
15 messages, communication or connections.

16 Q All right. And those are the dates I tried to
17 collect from around August 17th, 2018. Does that look to
18 be about right? There may be some overlap.

19 A Yes, it does.

20 Q Okay. And looking at those records on both the call
21 detail records with regard to voice calls, voicemail and
22 all that, and with text messages, on the far right hand of
23 the page, there's a string of numbers.

24 A Yes.

25 Q Is that the latitude and longitude of the towers

1 used?

2 A That is the tower indicators, yes. So that would be
3 the number -- the specific number assigned for that tower,
4 the latitude, the longitude, and then the azimuth of the
5 antenna that's being used.

6 Q I could only get the latitude and longitude. I knew
7 what those looked like.

8 So when you're using your phone, you're going to hit
9 a tower; correct?

10 A You should, yes.

11 Q Unless you're using Wi-Fi or is it still going to
12 hit?

13 A If you are communicating or making that data
14 connection over Wi-Fi, it will not connect to the cellular
15 network.

16 Q All right. But if you're using tower information,
17 it would have to use a tower to jump to your data plan?

18 A Yes.

19 Q So every time a text is sent, if you're not using
20 Wi-Fi, every time you hop on and look up the weather or
21 whatever, it's going to bounce off the tower?

22 A It's going to make the connection with the tower,
23 yes.

24 Q Looking at Defense 21, that's the one dealing with
25 voice calls.

1 A Okay.

2 Q Okay. And it shows an item number for each call,
3 correct, on the left-hand side?

4 A Yes. There is an item number that's indicating the
5 different lines of connections that kind of help organize
6 the data on the sheet.

7 Q And in some of these, it looked like some of the
8 calls were listed based off the time and date two or three
9 times. Is that just because different things are being
10 done whenever that call is going?

11 A Yes.

12 Q Can you give us some examples? Let's see. Looking
13 at Defense 21, we'll call it line 171, that's all one
14 column?

15 A I'm sorry? You said which line?

16 Q If I go down -- I'm sorry. I said 171. I see
17 171-1. About halfway down.

18 A Okay.

19 Q Got it?

20 A This one right here? 171 and then the one
21 underneath of it?

22 Q Yes, sir. Actually, the succession of 171.1, 171.2,
23 171.3, 171.4, those all occurred at 11:20. Of course we
24 have UTC so we got to drop back; correct?

25 A Yes, sir.

1 Q So 7:20. So all those calls are at 7:20, 38, 38,
2 38, and 39 seconds. Is that all the same call?

3 A This is all the same call. What this is indicating
4 is a hand-off between the towers being used. So the call
5 initiated or originated with -- give me just a moment.
6 No, that's not what that is actually. This 171.1 is
7 actually line 171.1, the fourth digit --

8 Q Yeah, 171.1, I'm sorry.

9 A So 171.1 is actually indicating that the call went
10 to voicemail.

11 Q Okay. And then the 171.2?

12 A Doesn't give the feature code, so I could not tell
13 you without the key for these records. I'm not familiar
14 with that particular line right there.

15 Q But all those 171.1, 171.2, 171.3, 171.4, all of
16 those happened right about the same time; right?

17 A That's what it appears to be on the record, yes.

18 Q Okay. And that's 7:20 and 38 seconds except for
19 171.4 is at 7:20 and 39 seconds; correct?

20 A Yes. 171.1, 171.2, and 171.3 are all at -- it says
21 here 11:20:38 but UTC would be 7:20:38.

22 Q Okay. And that's a call from [REDACTED]-8219 to
23 Teresa Martin's phone; correct?

24 A Yes. The number ending in 8219 originate- -- or is
25 the person who the call originated from.

1 Q Okay. And so that shows up four times right there;
2 right?

3 A There's four lines indicating this one connection,
4 and it was for the voicemail.

5 Q So that one went to voicemail; correct?

6 A Yes, 171.1.

7 Q Okay. And the reason I'm asking all that is, you
8 know, you indicated on your frequency analysis that, you
9 know, there are 24 voice. Were a lot of these voicemails
10 that these calls went into or....

11 A I'm looking at the individual lines for a moment.
12 Those first two connections we were just discussing were
13 voicemails. They were forwarded to voicemail. However,
14 there are others that actually have seizure times, meaning
15 there was a connection between the two phones.

16 Q So if you go to voicemail, there's not a seizure
17 time?

18 A If you left a voicemail, there would be a seizure
19 time.

20 Q All right. Fair enough.

21 A These particular lines are not indicating a
22 voicemail left.

23 Q Then, on your frequency analysis, your PowerPoint,
24 these calls right here -- these calls -- calls and the
25 texts?

1 A Yes.

2 Q Those are all in quick succession; right?

3 A Yes.

4 Q Okay. So it's not like multiple calls throughout
5 the day in that period. It looks like most of the calls
6 are right around that early morning time; right?

7 A There were 24 spread out through there. I would
8 have to look for these particular lines to be able to give
9 you the exact times that they were.

10 Q I'll try to move on. Okay?

11 A It would take me some time to sift through all this
12 to find that information for you.

13 Q Sure. Let's move down to -- let's see. Line 171.8.

14 A On which exhibit?

15 Q I'm sorry. On Defense No. 21, page 95, line 171.8.

16 A Okay.

17 Q Correct me if I'm wrong but that appears to be a
18 13-minute, 53-second call; correct?

19 A Yes, with the phone call --

20 Q Somebody is calling Teresa Martin's phone?

21 A Yes.

22 Q Okay. And if we go over to the far right, we can
23 tell where Teresa Martin's phone is whenever that call is
24 received; correct?

25 A Whenever it was initiated, yes.

1 Q And so that latitude and longitude that we see at
2 that time -- and that time is 10:08? That call is at
3 10:08 in the morning; is that correct?

4 A That's what it appears to me, yes.

5 Q And so it appears that Teresa Martin's phone is at
6 negative 79.00103 by 33.906148?

7 A The tower that she's using is at that location.

8 Q And, I'm sorry, that's what I meant to say. I'm
9 sorry.

10 So the tower she's using -- and you don't know where
11 that tower is right offhand, do you?

12 A Not off the top of my head.

13 Q Okay. But that same tower -- that same latitude and
14 longitude on Defense No. 21, is that the same latitude and
15 longitude that's seen on page 96?

16 A There are several connections using that same tower.

17 Q Okay. And I think the last one that I see with
18 calls is at 17:33. So minus four gives us 1:33? Line
19 1733 on page 96.

20 A What was the question?

21 Q Appears to be using the same tower at 1:33?

22 A Yes.

23 Q So it looks like she's in pretty much the same --
24 Teresa Martin's phone, at least, is pretty much in the
25 same place from 10:00 that morning through at least 1:30

1 that afternoon?

2 A It's using the same tower, yes.

3 Q Using the same tower. Okay.

4 Then on page 97 of Defense 21, line 1741 --

5 A I found it.

6 Q Okay. That appears to be a two-minute call?

7 A Yes, sir.

8 Q Okay. Somebody calling -- or, I'm sorry, that's
9 Teresa calling somebody; correct?

10 A That is correct. The number or the connection
11 originated with the number associated with Teresa Martin.

12 Q And the tower location of the tower she's using is
13 negative 79.1749048 by 34.1349077; correct?

14 A That is correct.

15 Q Okay. And is that the tower that's located at Pee
16 Dee Road and 917?

17 A I couldn't tell you offhand, no, sir.

18 Q Okay. Well, let's look for it. I think you
19 indicated on your report that there was a call to and from
20 Randy -- from Randy Grainger's phone or something like
21 that; correct? What time was that?

22 A There was a connection between Teresa Martin's phone
23 and Randy Grainger's phone at 9:56 p.m.

24 Q Okay. So nine plus five gives us 1:56 on the 18th.
25 If you flip to page 99. And I'm sorry; go to page

1 100. I apologize for that. Okay. Top of page, line
2 1793, is that the call you're referring to? Randy
3 Grainger contacting Teresa Martin's phone?

4 A Yes, I believe this is that line.

5 Q Okay. And so the tower -- that's the tower we know
6 is at Pee Dee Road; right?

7 A I'd have to see my map to confirm that, but I
8 believe that is the tower, yes.

9 Q Here, you can probably --

10 MR. RICHARDSON: Is this the copy of his that's been
11 marked?

12 MS. WALTER: Yes.

13 BY MR. RICHARDSON:

14 Q Is that going to be easier to use? And that is
15 State's No. 96.

16 A Yes, this is the tower.

17 Q Okay. So -- and, again, that tower corresponds with
18 the call -- the tower she's using at 2:47, page 97;
19 correct?

20 A Which line again?

21 Q I believe line 174.1.

22 A Yes, that's the same tower.

23 Q Okay. And then if you'll just look down the
24 remainder of that page, just the latitudes and longitudes,
25 page 97, 98, 99 through 100, does Teresa Martin's phone

1 seem to connect with any other towers?

2 A There is one connection on page 100, the very last
3 one that is a different tower.

4 Q Page 100, the very last one?

5 A Yes, sir.

6 Q And that's back at the negative 79.00103 by
7 33.906148; correct?

8 A Yes, sir. For voice connections, those were the
9 towers she connected with.

10 Q And that other connection, that appears to be on the
11 19th of August at 4:22 in the afternoon?

12 A Yes.

13 Q I'm having to do the subtraction and do the military
14 time, so I apologize.

15 So as we look -- so let's just start looking on page
16 97, that two-minute phone call, 1741. As I'm looking down
17 the page, I see most of these calls that appears to be
18 marked VM. Does that mean it's going to voicemail?

19 A There's two user codes here. Or feature codes here,
20 I should say. If my memory serves me correct me, the VM
21 for that feature code does mean voicemail.

22 Q And something like CF is call forwarding, not
23 applicable or something like that?

24 A Not answered, I believe.

25 Q Yeah, okay. About 15 pages of instructions with

1 this record, so I had to read through them too.

2 So it appears that from -- we've got line 1742,
3 which was 8/17/18 at 20:59, so we're talking 4:59. That
4 one goes to voicemail.

5 As we go on down the page through 2113, so we're
6 looking at 6:13, still going to voicemail; correct? I
7 mean 5:13. I'm sorry.

8 A Are you talking about all the voice connections
9 here?

10 Q Yes.

11 A Up until the time of 5:13?

12 Q Yes. Do all those appear to be going to voicemail?

13 A There are several connections here that appear to be
14 going to voicemail, yes.

15 Q And then if we look to page 98, line 1758 on the
16 17th begins at 5:21:29. And we have the last call
17 appearing at 6:26 on that same date. All the calls on
18 that date, do they appear to be going into voicemail?

19 A Yes. There are several seconds of voicemail,
20 including a one-minute voicemail.

21 Q And all the while, Teresa Martin's phone is still
22 banging off that tower at Pee Dee Road and 917; correct?

23 A Yes, that same tower.

24 Q Okay. And then if you flip to page 89 -- I mean,
25 99. I apologize. Line 1778.

1 A Which page again?

2 Q Page 99 on Defense 21.

3 A And which line again?

4 Q 1778. That appears to be a call that takes place at
5 7:23. No, I'm sorry. 7:36. Can't do my math.

6 A That one does not go to voicemail.

7 Q Okay. But that appears to be a call generated by
8 Teresa Martin to another number; correct?

9 A Yes.

10 Q And that begins at 7:36 and 28 seconds p.m.;
11 correct?

12 A Yes.

13 Q And she appears to be or at least she's utilizing
14 the tower at Pee Dee Road and 917; correct?

15 A Yes.

16 Q Okay. 33 minutes, 15 seconds appears to be the
17 duration of the call?

18 A Yes.

19 Q Okay. And so if we go from 7:36 plus 33 minutes and
20 some change, we're looking at 8:09 she's on that call;
21 correct? For that period of time?

22 A Yes, sir.

23 Q Okay. And then as we go to line -- and, of course,
24 we don't know whose phone number that is, the number she
25 dialed for 33 minutes: [REDACTED]-2013?

1 A I'm not familiar with that number, no.

2 Q But it's not Samantha Rabon's number; correct?

3 A That is not the number I was given for Samantha
4 Rabon's phone.

5 Q Not Randy Grainger's number?

6 A Not the number associated with Randy Grainger, that
7 I'm aware of.

8 Q And then on line 1783 on page 99 ---

9 A Okay.

10 Q --- that appears to be -- what is that? At 8:48 and
11 47 seconds p.m.?

12 A On the 17th.

13 Q Yes, sir. That appears to be a
14 27-minute-and-37-second call?

15 A Yes.

16 Q And Teresa Martin is making the call?

17 A The call originates from her number, yes.

18 Q Okay. And the GPS -- or not the GPS, she's using
19 that same Pee Dee Road tower; correct?

20 A Yes.

21 Q Okay. And she is dialing [REDACTED]-3648; correct?

22 A That is the number listed here, yes.

23 Q Okay. And then if you flip to page 100, okay. Line
24 1795. Do the math. Goes back to August 17th at 10:16:13;
25 correct?

1 A Yes.

2 Q And that's a 3-minute-and-51-second call from Teresa
3 to Randy Grainger; correct?

4 A Yes, from Teresa Martin's number to Randy Grainger's
5 name, correct.

6 Q And then at -- on that same date at 11:55 p.m. and
7 40 seconds, line 1797 ---

8 A Line 1797.

9 Q --- that's a minute-and-30-second call?

10 A Yes, sir.

11 Q And, again, she's dialing that same [REDACTED]-3648;
12 correct?

13 A Yes.

14 Q Now, if you go to Defense No. 22 --

15 MR. RICHARDSON: Court's indulgence.

16 THE COURT: All right.

17 BY MR. RICHARDSON:

18 Q Randy Grainger's phone number, that's the [REDACTED]-0775?

19 A Can you repeat the number?

20 Q Randy Grainger is at [REDACTED]-0775?

21 A Yes.

22 Q Okay. If you look on Defense No. 22, page 23, Item
23 No. 426, at 8:46 and 32 seconds p.m., it appears that
24 Teresa Martin texts Randy Grainger's phone number?

25 A That is correct.

1 Q And then, line 428, it appears that Randy Grainger
2 texts her back at 8:49:39; correct?

3 A That is correct.

4 Q And so the 8:46 texts that Teresa sent out, that
5 would have been before she placed the 8:48 call to

6 [REDACTED]-3648; correct?

7 A Which line item was that?

8 Q That's on Defense 21, page 99. Line Item 1783.

9 A And what was your question again?

10 Q Going back to 22, she texts Randy at 8:46 p.m.;
11 correct?

12 A Yes.

13 Q And then she places a call to the 997 number at
14 8:48; correct?

15 A That is correct.

16 Q And then, while she's on that call, the 8:48 call,
17 at 8:49, Randy Grainger texts her back; correct?

18 A According to these records, yes.

19 Q So, if I understand thus far, from at least 10:00
20 that morning until about 1:30 at least, Teresa's phone is
21 at one location, not near Pee Dee Highway; correct?

22 A It's using that tower out there, yes.

23 Q And the State didn't ask you to look that up;
24 correct?

25 A I'm sorry?

1 Q The State didn't ask you where she was that date,
2 correct, in the morning?

3 A No.

4 Q And then after about 2:47, her phone appears to
5 be -- at least the tower that she's using always appears
6 to be that one at Pee Dee Road and 917; correct?

7 A At what time?

8 Q From 2:47 until she picks Randy up.

9 A Now, that, I can't tell you for sure because there's
10 a set of records missing from this, which would be the
11 data records. So these records right here that have the
12 towers on them, they're only showing when she made a text
13 message and a phone call.

14 Q Didn't want to get into those just because they're a
15 little bit lengthy, but by the information you have in
16 front of you, every call -- every voice call that goes
17 through, her phone appears to be bouncing off that Pee Dee
18 Highway tower; correct?

19 A During that time frame, yes.

20 Q Okay. Every text message appears to be bouncing off
21 that tower, anything she's sending?

22 A Yes.

23 Q Okay. Did they -- I know at one point that the
24 County Police got a collection of text messages early in
25 the investigation showing all the text messages to and

1 from Samantha's phone. Did you get that analyzed?

2 A I did look through some of them, yes.

3 Q You did look through some of those.

4 And so, from looking through those, are you aware
5 that there was some of that content in the morning between
6 Teresa and Samantha, was discussion about Samantha picking
7 Teresa up or do you recall that?

8 A I don't recall the exact context of those messages.

9 Q But you looked at that. And those were kind of
10 disjointed records; right?

11 A Yes. They're all over the place.

12 Q You have an August 15th followed by a July 1st --

13 A They were all within a four- or five-day period, but
14 they would be -- they're not in chronological order, so
15 they were all over the place over the 30-something pages.

16 Q A bit schizophrenic is how I think I kind of termed
17 it.

18 Okay. So on that frequency analysis, it looks like
19 we just have, at least on the 14th -- or 17th, I'm sorry,
20 it looks like a lot of the calls were earlier that
21 morning; correct? Calls and the texts and whatnot?

22 A Yes.

23 Q Okay. And then we have got this one right here.
24 This pink one. Is that the text message at 5:14?

25 A Which text message are you referring to?

1 Q "Did the car drive all right" text message.

2 A "Did the car drive all right" text message? Which
3 text message are you talking about? I do see a text
4 message at that time, but I'm not -- don't know what the
5 contents of the message was.

6 Q So you didn't look at the Cellebrite report to look
7 at those text messages?

8 A I did look at the Cellebrite report. I don't recall
9 that particular message in that time frame. There was
10 several messages throughout the day.

11 Q And so there is one text generated at 5:14:04 sent
12 by Samantha to Teresa's phone; correct?

13 A I do see a text message at that time, yes.

14 Q Okay. I'm going to show you what's been previously
15 introduced, Defense No. 10. Who does that appear to be a
16 communication between?

17 A This appears to be a printout of text messages from
18 a Cellebrite report between --

19 Q The owner of the device?

20 A This particular page right here doesn't list who
21 it's from, but it does show that it is to Teresa in the
22 Cellebrite report that I am familiar with.

23 Q Does it indicate what time?

24 A 9:14 p.m., which would be 5:14 that afternoon.

25 Q Okay. And it says, "Did the car drive all right?"

1 A "Did the car drive all right?" Yes, sir.

2 Q And the only other communication between Teresa
3 Martin's phone and Samantha's phone after that text is the
4 text you had in your PowerPoint, the "I'm home alone"?

5 A On that particular day or in general?

6 Q That particular day, after the question, "Did the
7 car drive all right?" Any other communication in that
8 period of time?

9 A From 5:14 until 8:28, no, there was no other
10 communication.

11 Q Okay. And then you did a frequency analysis June 30
12 through October 31st.

13 A Yes.

14 Q And you indicate that there were 64 calls or texts
15 between the 14th and August 23rd; correct?

16 A Yes.

17 Q Did you review some of those text messages and the
18 Cellebrite related to texts Teresa sent to Samantha?

19 A I did review them.

20 Q Where she was asking about the funeral arrangements
21 and whatnot?

22 A I believe I did see a text message for that after
23 the 18th, 19th.

24 Q There were a whole lot of people texting Samantha
25 after her father and brother were murdered; correct?

1 A She did receive a lot of communication.

2 Q Of course I have experienced loss, too, so quite
3 naturally, you're getting a lot of communication; right?

4 A I would agree.

5 Q So, on the 17th, we just have what you have
6 isolated. A lot of those calls in the morning, they're
7 back to back to back; correct?

8 A They're quite frequent in the morning, yes.

9 Q But, I mean, they're kind of right on top of one
10 another; right?

11 A Over that period of time, yes.

12 Q And some appear to be going to voicemail?

13 A Yes.

14 MR. RICHARDSON: Court's indulgence.

15 BY MR. RICHARDSON:

16 Q And you never got a Cellebrite report for Teresa
17 Martin; right?

18 A No, sir.

19 Q So we don't know what the texts between her and
20 Randy Grainger said; correct?

21 A Correct. I cannot tell you.

22 Q And those text messages, did you see any hate or ill
23 will, malice, or anything in those text messages that you
24 reviewed?

25 A No, sir.

1 Q Trying to make sure there isn't nothing else. I'm
2 pretty sure they want me to get through this stuff, too,
3 and be done with it.

4 You didn't see any contact between Randy Grainger
5 and Samantha; correct?

6 A No, sir.

7 Q Nothing?

8 A Not -- not through the Cellebrite report, no.

9 Q And did you see a lot of contact between Randy
10 Grainger and Teresa Martin?

11 A Yes.

12 Q Okay. Did you run a frequency analysis on that 997
13 number?

14 A No, I was unfamiliar with what that number was.

15 Q Okay. But that's something you could have done;
16 correct?

17 A Yes.

18 Q Running a frequency analysis, does that take a great
19 amount of effort?

20 A It can take a little bit of time, yes, sir.

21 Q Okay. I can't do the analysis. I just got to punch
22 the number in and hit "find."

23 Do you know the distance between -- I think we had
24 it down at [REDACTED] U.S. Highway 917 and the Ford residence?

25 A I do not know the distance, no, sir.

1 Q Any way to approximate the time?

2 A I'm sorry?

3 Q Can you give an estimate of the time, how long does
4 it take to drive from -- just over in Marion County to
5 Highway 19?

6 A 30, 35 minutes.

7 Q Okay. That's one way?

8 A I believe so, yes.

9 Q Okay. I think that's about right. So round trip
10 would be about an hour?

11 A Yes, sir.

12 Q Detective, thank you so much.

13 MR. RICHARDSON: Apologize for boring y'all.

14 THE COURT: Redirect?

15 MS. WALTER: Just very briefly.

16 REDIRECT EXAMINATION

17 BY MS. WALTER:

18 Q Detective Marcus, you need an actual phone to do a
19 Cellebrite extraction; correct?

20 A Yes.

21 Q So if someone gets rid of their phones in the two
22 years between a crime occurring and their arrest, would
23 you be able to extract data from a phone that was not
24 seized?

25 A No.

1 MS. WALTER: Nothing further.

2 THE COURT: All right. You may step down.

3 The State can call your next witness.

4 MS. WALTER: Your Honor, the State is going to call
5 Randy Grainger.

6 THE COURT: All right. Ladies and gentlemen, before
7 we get into this next witness --

8 MS. WALTER: Oh, I'm sorry. Can Detective Marcus be
9 released?

10 THE COURT: Any objection?

11 MR. RICHARDSON: No, Your Honor.

12 THE COURT: All right. He's free to go.

13 I think it's a good time for us to go ahead and take
14 a short break. I'm going to excuse you back to the jury
15 room for just a few minutes. Leave your notepads in the
16 jury box. Do not discuss the case even among yourselves.
17 We'll bring you back out in about 10 or 15 minutes.

18 (The jury exited the courtroom at 2:39 p.m.)

19 MOTIONS/MATTERS OF LAW

20 THE COURT: All right. What is the status of
21 Mr. Grainger's criminal proceedings?

22 MS. WALTER: He has been convicted and sentenced.
23 And Mr. Hiller is in the back.

24 THE COURT: Mr. Hiller is his attorney?

25 MS. WALTER: Mr. Hiller is his attorney -- was his

1 trial attorney, and I believe that Mr. Grainger is present
2 in the lockup.

3 THE COURT: Is there an appeal pending or has the
4 time for appeal passed or what is the status of all legal
5 matters?

6 MR. RICHARDSON: Public index shows appeal pending.

7 THE COURT: Appeal pending? Okay.

8 MR. RICHARDSON: That's what the public index shows.
9 I don't know.

10 MS. WALTER: Well, I was going to let his attorney
11 actually answer.

12 THE COURT: Mr. Hiller, what's the status of his
13 legal?

14 MR. HILLER: The Office of Indigent Defense Public
15 Defense represents Mr. Grainger currently on appeal. They
16 have been made aware of his potential participation in
17 this matter, and Mr. Grainger does understand that his
18 potential participation could impact the status of his
19 appeal moving forward.

20 THE COURT: All right. I was just asking primarily
21 because I need to question him regarding any Fifth
22 Amendment rights he might have. I'm locked out of my
23 computer right quick. I need -- my law clerk has gone to
24 get my phone so I can get back into the script so I can go
25 over it with him.

1 All right. If we want to go ahead and bring him
2 out, we can.

3 (Mr. Grainger enters the courtroom at 2:40 p.m.)

4 THE COURT: All right, sir. If you'll stand right
5 there, please. And if I can get you to raise your right
6 hand.

7 RANDY GRAINGER

8 after having been duly sworn, was examined and
9 testified to as follows:

10 THE COURT: All right. Thank you very much. And
11 your name?

12 MR. GRAINGER: Randy Grainger.

13 THE COURT: All right. Mr. Grainger, you have been
14 called as a witness to testify in this case. I now advise
15 you that, as a witness, you have the right to invoke the
16 protections given to you by the Fifth Amendment to the
17 United States Constitution. This amendment provides in
18 part that no person shall be compelled in any criminal
19 case to be a witness against himself.

20 This provision means that you cannot be required to
21 be a witness against yourself. This is a personal right
22 which can only be claimed by you. You have the right to
23 refuse to answer any question asked of you which you think
24 gives you reasonable cause to believe that the answer to
25 the question, if given, might tend to incriminate you.

1 If you wish to exercise this right when a question
2 is asked, you will state to the Court that you refuse to
3 answer the question because the answer may tend to
4 incriminate you.

5 I also advise you that you're not the final
6 decision-maker on this issue of whether an answer to a
7 question will violate the protections afforded to you by
8 the Fifth Amendment. It is for the Court to determine if
9 silence on your part is justified.

10 Now, do you understand what I have explained to you?

11 MR. GRAINGER: Yes, sir.

12 THE COURT: Do you have any questions about what I
13 have explained to you?

14 MR. GRAINGER: No, sir.

15 THE COURT: Do you want to discuss this matter with
16 your attorney or with anyone else?

17 MR. GRAINGER: No, sir.

18 THE COURT: All right. Thank you very much.

19 Anything further from the State on that issue?

20 MS. WALTER: Nothing from the State, Your Honor.

21 THE COURT: Anything from the defense on that issue?

22 MR. RICHARDSON: No, sir, Your Honor.

23 THE COURT: Mr. Hiller, anything further you want on
24 the record regarding that?

25 MR. HILLER: No, Your Honor.

1 THE COURT: All right. What I think we'll do --
2 just stand right there -- we'll bring the jury in. You
3 can call the witness and we'll put him under oath and go
4 from there. Okay?

5 All right. Anything from the State before we bring
6 the jury back in?

7 MS. WALTER: No, Your Honor. Just for the purposes
8 of the record, I had previously disclosed Mr. Grainger's
9 prior record in a pretrial motion where Defense was
10 seeking to admit it, and the State did not oppose that.

11 So he does have, from 1985, breaking and entering
12 with larceny; from 1992, kidnapping and strong armed
13 robbery; and then, obviously, the convictions that were
14 the result of his involvement in this case.

15 THE COURT: All right. And what were the
16 convictions of this?

17 MS. WALTER: Two counts of murder, two counts of
18 criminal conspiracy, and arson.

19 THE COURT: All right. Let's go ahead and bring the
20 jury in.

21 MS. WALTER: I'm sorry, Your Honor; and also
22 possession of a weapon during a violent crime.

23 THE COURT: All right. Thank you.

24 (The jury entered the courtroom at 2:48 p.m.)

25 THE COURT: All right. Ladies and gentlemen,

1 welcome back. Please make sure you have your own note
2 card and do not have anyone else's note card -- notepads;
3 I apologize.

4 All right. The State can call your next witness.

5 MS. WALTER: Thank you, Your Honor. The State calls
6 Randy Grainger.

7 THE COURT: All right.

8 THE CLERK: Raise your right hand and place your
9 left hand on the Bible.

10 RANDY GRAINGER,

11 after having been duly sworn, was examined and
12 testified to as follows:

13 THE CLERK: Thank you. Need you to state your name
14 and spell your last name for the Court.

15 THE WITNESS: Randy Grainger. G-r-a-i-n-g-e-r.

16 MS. WALTER: Thank you, Your Honor.

17 DIRECT EXAMINATION

18 BY MS. WALTER:

19 Q Good afternoon, Mr. Grainger. Let's start with the
20 obvious. You're wearing something that says "SCDC
21 Inmate." Are you currently serving a prison sentence?

22 A Yes, ma'am.

23 Q For what?

24 A Murder.

25 Q And arson and conspiracy?

1 A Yes, ma'am.

2 Q Is that in connection with the murders of Robert and
3 Robbie Ford?

4 A Yes.

5 Q What was your sentence in that?

6 A Life. Two life sentences plus 15 and two five-year
7 sentences.

8 Q And we'll get back to your involvement in this case
9 in just a moment.

10 Is this the first time you've been to prison?

11 A No.

12 Q When was the first time you went to prison?

13 A In '92.

14 Q What was that for?

15 A For kidnapping and strong armed robbery.

16 Q What was your sentence in that case?

17 A 15 years.

18 Q And you said that was 1992?

19 A Yes.

20 Q So prison in 1992, prison now. Any other prison
21 sentences?

22 A No.

23 Q What about any other convictions?

24 A Breaking and entering in North Carolina in 1985.

25 Q What was your sentence for that?

1 A Probation.

2 Q Was that supervised here in South Carolina?

3 A Partially.

4 Q So your involvement in this case, were you arrested
5 on August 17th of 2020 for the murder and related charges
6 as it relates to Robert and Robbie?

7 A Yes.

8 Q Prior -- did you go to trial on those charges?

9 A Yes, I did.

10 Q Prior to going to trial on those charges, did you
11 try to negotiate with the State to testify against the
12 defendant in exchange for some type of consideration?

13 A Yes.

14 Q Were you able to reach an agreement with the State?

15 A No.

16 Q Why not?

17 A I guess I thought I could beat the charges.

18 Q You wanted a ten-year sentence; right?

19 A Yes.

20 Q So when did you go to trial?

21 A April of last year.

22 Q And, obviously, you were convicted.

23 At some point after your conviction, did you and I
24 and other members of the State talk to you again about
25 cooperating and testifying against the defendant?

1 A Yes.

2 Q The first -- are you familiar with the term
3 "proffer" or "proffer agreement"?

4 A Yes.

5 Q So, in the first one, did you and I attempt to reach
6 an agreement whereby you would be sentenced to two counts
7 of voluntarily manslaughter to run concurrent versus the
8 murder that you were currently serving?

9 A Yes, ma'am.

10 Q Is it your understanding that that agreement is --
11 was not approved, I guess, by other -- by the Attorney
12 General's Office and so it was no longer in force?

13 A Yes, ma'am.

14 Q So what is your understanding of your agreement as
15 you sit here today, prepared to testify against the
16 defendant?

17 A I would receive a numbered sentence.

18 Q Still convicted of murder?

19 A Yes, ma'am.

20 Q If -- when you say "a numbered sentence," what
21 number are you hoping to get?

22 A As low as I can get.

23 Q The mandatory minimum for murder is 30. You're
24 aware of that; correct?

25 A I have heard that.

1 Q What is it your understanding that you have to do in
2 order to receive what we call this downward departure or a
3 reduction in your sentence?

4 A Just tell the truth.

5 Q So let's get into the facts of this case. I want
6 you to think back to the summer of 2018. We're going to
7 talk generally about the summer before we move
8 specifically to the murders. Where were you living in the
9 summer of 2018?

10 A In Mullins.

11 Q Who were you living with?

12 A With Teresa Martin.

13 Q How long had you and Teresa Martin been together?

14 A Well, we started talking in May, and we moved in
15 together in June.

16 Q All of 2018. So you started talking in May of 2018?

17 A Yes.

18 Q How long had you known her?

19 A I had known her since we was teenagers.

20 Q Was that the first time in May when you and Teresa
21 Martin talked or dated?

22 A Yeah.

23 Q Did she know about your criminal history, your
24 background?

25 A Yes, she knew.

1 Q How did she know?

2 A She known me and my brothers all our lives, and she
3 know all three of us been to prison.

4 Q While you were involved with Teresa Martin, would
5 you ever go to her mother's house?

6 A Just about every Saturday.

7 Q Do you recall where her mother lived?

8 A Right next door to Sheila -- I don't know Sheila's
9 last name. Samantha's mother.

10 Q Okay. So Teresa's mother lived next door to the
11 defendant's mother?

12 A Yes, ma'am.

13 Q How often would you -- if you and Teresa were
14 visiting Teresa's mother, how often would you see Sheila?

15 A I very rarely saw her. If I saw her, she was
16 standing out in the yard. I never went over and talked to
17 her but once.

18 Q What did you talk about that one time?

19 A Painting -- doing some painting inside of her house.

20 Q Did you ever end up doing that job?

21 A No.

22 Q What about the defendant, Samantha Rabon? How often
23 would you see her?

24 A I never saw her until that day we talked on the
25 porch.

1 Q Were you using the phone number [REDACTED]-0775 at
2 that time? Does that sound familiar?

3 A Yes.

4 Q And I'm going to -- again, prior to this phone -- to
5 this conversation on the porch, which we'll get to, did
6 you ever have any kind of communication with the defendant
7 either by cell phone or text or calls or anything like
8 that?

9 A No.

10 Q Do you recall how you became involved in the murder
11 of Robert and Robbie Ford?

12 A Yes, ma'am.

13 Q Can you tell the jury what happened, how you became
14 involved.

15 A Me and Teresa was at her mother's house, and Teresa
16 had went over to -- next door to talk to Sheila, and she
17 came back a short time later and got me, called me outside
18 and said that Sheila and her daughter wanted to speak with
19 me.

20 And we started walking over to Sheila's house. And
21 Teresa asked me if I would kill somebody for \$20,000. And
22 I told her, I said I guess I would. And she said that
23 Sheila and her daughter was wanting to talk to me about
24 that.

25 And we walked past the Buick on the way over, and

1 Teresa told me that they gave -- they was going to give
2 her that car as a bonus for getting me to talk to them.

3 And when I went over there to the porch, they
4 started talking, asked me if I would -- Samantha asked me
5 if I would kill her daddy and her brother for \$20,000.

6 Q And Teresa had asked you that same question. Why
7 would you say yes?

8 A I kind of thought she was joking at first.

9 Q You thought Teresa was joking?

10 A Yes.

11 Q And then when you got to the -- I'm going to break
12 it down a little bit. So Teresa asked you that on the way
13 over, and you thought she was joking.

14 When you got to the porch, who was on the porch?

15 A Just Sheila and Samantha.

16 Q Where was Teresa?

17 A Teresa was with me.

18 Q What did the defendant say, to the best of your
19 recollection?

20 A She said she needed her brother and her daddy
21 killed, and she gave me a specific date that it needed to
22 be done, because I guess that's when she knew where they
23 was going to be at and at what time.

24 And she said that she needed both of them killed
25 because, if she just killed her daddy, her brother would

1 get half of the inheritance, and she didn't want that.
2 She said her daddy was wasting her inheritance on him,
3 because I think he had some stuff going on. She didn't
4 want the money spent on him.

5 Q All right. Was there additional talk -- you said
6 that she gave you a specific date that it had to be done
7 on. Was there any talk about how the murders would take
8 place?

9 A Well, she -- she gave me a .38 and told me to use
10 that and said she had stole it from her daddy's house when
11 she went over to do some cleaning, and she wanted it to
12 look like a robbery -- a robbery gone bad.

13 Q She wanted the murder to look like a robbery gone
14 bad?

15 A Yes.

16 Q Did she say when that burglary had occurred?

17 A No. She just said she had went over to do some
18 cleaning and she had stole the gun.

19 MS. WALTER: I'm approaching, Your Honor, with
20 State's Exhibit 59.

21 A And that looks like the gun.

22 BY MS. WALTER:

23 Q That looks like the gun?

24 Did the defendant say anything else about this
25 burglary where she stole the gun?

1 A No. She just said she stole the gun from her
2 daddy's house. I think she said she took a couple other
3 things to make it look like a burglary or something, but I
4 ain't sure exactly what she took.

5 Q So she gave you that gun. Were there -- was there
6 any specific talk about how you would be paid?

7 A I let her and Teresa handle the money, because I
8 weren't -- I didn't want to leave no kind of trail
9 connecting me to her. Teresa was her cousin, so Teresa
10 could talk to her all she wanted to and there wouldn't be
11 nothing suspicious about that.

12 But it was just supposed to be 20 -- she was
13 supposed to give us \$20,000 I guess when she collected
14 life insurance or -- she had told -- had said that there
15 was -- her daddy was supposed to have \$30,000 in cash at
16 the house that he was going to bribe somebody not to
17 testify against Robbie on what he had going on.

18 My assumption was she was going to pay us out of
19 that, but she claims that the -- whenever the police
20 searched the house, that they took that. So she never
21 paid it.

22 Q You just said that you didn't want there to be any
23 sort of trail between you and the defendant. What do you
24 mean?

25 A Well, that's -- I never -- the only time I ever

1 spoke to her was that day on the porch. I never called
2 her, texted her, contacted her no kind of way that would
3 lead back to me and her having contact with each other.
4 Because I knew if -- she probably would be the first
5 suspect because she was the one who was going to inherit
6 everything that -- you know, usually whoever is going to
7 inherit is usually the first suspect.

8 Q Had you ever met Robert or Robbie before?

9 A No.

10 Q Did you have any idea who they were?

11 A No.

12 Q While you were on the porch, was there any mention
13 of cameras?

14 A Sheila said that the cameras on the porch had been
15 cut off so they wouldn't record us out there talking.

16 Q So the cameras on Sheila's porch for that day?

17 A Right.

18 Q You said that the defendant indicated a day that it
19 had to be done. Do you recall what day that was?

20 A It was August 17th of 2018.

21 Q Was there -- what was it about that day, if you
22 know?

23 A Robert and Robbie were supposed to be going out of
24 town to find an apartment for Robbie, and she knew about
25 what time they would be coming back in.

1 Q What time did she tell you they'd be coming back in?

2 A She said it would be somewhere around 6:30 but that
3 they had stopped somewhere off to eat so they were late
4 getting in.

5 Q Was there anything more to that conversation on the
6 porch at that time?

7 A Can't think of nothing.

8 Q Did you then leave the porch?

9 A Yes. Me and Teresa both left and went back over to
10 her mama's house.

11 Q And then what did you do after you went back to her
12 mother's house?

13 A We went home.

14 Q How had you gotten to her mother's house that night?

15 A To her mother's house?

16 Q Yes.

17 A In my truck.

18 Q How did you get home?

19 A I drove my truck and Teresa drove the car.

20 Q That car that you mentioned earlier?

21 A Yes.

22 Q So now let's start moving forward to the day of the
23 murder. Did you have any other conversations with anyone
24 about the murders leading up to August 17th?

25 A No.

1 Q And, actually, let me back up for one moment. About
2 how long before August 17th was this conversation on the
3 porch?

4 A I think it was the prior week.

5 Q So now let's focus on August 17th. Had you ever
6 been to Robert and Robbie's home?

7 A No, but they didn't live that far from where Teresa
8 lived -- Teresa's mama lived. And we drove by there one
9 day, and she just pointed it out to me. I think -- I
10 think it was the same day that the murders happened. It
11 was earlier that day that we drove by there, and she
12 showed me the house.

13 Q Okay. So how did you get to Robert and Robbie's
14 house that night?

15 A I took the tags off my truck and put them on that
16 car, and Teresa drove me over in that car.

17 Q Why didn't you take your truck?

18 A Because Teresa can't drive a stick shift.

19 Q So tell me about any conversation between you and
20 Teresa as you're going to the location.

21 A Just -- Teresa wanted to park the car beside the
22 road and wait for me to do the job and then meet her down
23 the road and she'd pick me up down the road, but I told
24 her just to go home, and I would take the victim's car and
25 get rid of it somewhere else and call her.

1 Q Why didn't you want her waiting down the road for
2 you?

3 A Because it -- one, if the state trooper or somebody
4 came by and stopped and asked if she needed help, the car
5 had illegal tags on it, no insurance, she didn't have no
6 license, and it might would have tripped a lot of stuff
7 up.

8 Q When you got to the victim's home that day, what
9 were you wearing?

10 A Blue jeans and a black and -- black and red
11 checkered shirt and a skull cap.

12 Q Were you wearing anything over the blue jeans?

13 A I was wearing a pair of sweatpants over the blue
14 jeans.

15 Q Now, it was the middle of August in Horry County.
16 Why were you wearing a skull cap?

17 A Just to cover my head, my hair.

18 Q Were you carrying anything?

19 A I had a little small tool bag.

20 Q What was in the tool bag?

21 A A pistol and a Mountain Dew bottle full of gasoline.

22 Q Anything else?

23 A Had a pair of sandals in there.

24 Q You had a pair of --

25 A Sandals.

1 Q Did you have any gloves with you?

2 A I already had them on before I got there.

3 Q Okay. And I think you said a bottle of ---

4 A Gasoline.

5 Q --- gasoline? And what was that to be used for?

6 A To burn the car.

7 Q The pistol that was in the bag, is that the pistol
8 that you have previously identified?

9 A Yes.

10 Q Describe the bag that you were carrying.

11 A Just a little small black nylon bag.

12 Q When Teresa dropped you off, where did she drop you?

13 A Between Robert's driveway and his neighbor's
14 driveway. It's a little patch of woods that runs between
15 the two driveways.

16 Q I'm approaching with State's Exhibit 8. And that's
17 the victims' home. Can you tell us where she dropped you
18 off?

19 A Right in here.

20 Q And you walked right up that wood line?

21 A Just walked right straight up the woods.

22 Q Make sure you keep talking into the microphone.

23 Do you know approximately when this was that she
24 dropped you off?

25 A She dropped me off around 5:30.

1 Q What was your plan? What did you do?

2 A I just circled around behind the house and just sit
3 there and waited.

4 Q Where did you sit?

5 A Right behind the back porch, right beside, like, a
6 little workshop.

7 Q Did you sit on the ground? on a chair?

8 A I forget. There was something there I sat on. I
9 can't remember exactly what it was. There might have been
10 a water cooler. I can't remember.

11 Q What did you do while you waited?

12 A I just sat there and smoked cigarettes.

13 Q What did you do with the cigarette butts as you were
14 smoking?

15 A I'd stick them in my shoe.

16 Q What kind of shoes were you wearing at that point?

17 A Tennis shoes.

18 Q About how long did you have to wait?

19 A Probably about three hours.

20 Q Now, did you know, as you were waiting there, that
21 Robert and Robbie had stopped for something to eat?

22 A No.

23 Q At some point, did Robert and Robbie get home?

24 A Yes.

25 Q Can you tell us what happened when they got home?

1 A When they got home, they pulled up under the
2 carport. And Robert got out the car first. Robbie was
3 driving. Robert got out the car first. And as he was
4 going up the steps, that's when Robbie got out the car.
5 And I got Robert's attention, and when he turned around,
6 that's when I shot him. And Robbie started to run, and I
7 pointed my gun at him and shot him.

8 Q So let me stop you there. When you first shot
9 Robert, where did you shoot him?

10 A In the face.

11 Q When --

12 MS. WALTER: Court's indulgence.

13 BY MS. WALTER:

14 Q I'm approaching with State's Exhibit 10. Is that
15 how Robert fell after you shot him?

16 A Yes.

17 Q Just make sure you speak into the microphone.

18 You said that, after you shot Robert, Robbie turned
19 and ran. Did he scream? Did he say anything?

20 A He screamed once and then turned and ran.

21 Q When you shot Robbie the first time, where did you
22 shoot him?

23 A In the back.

24 Q What happened after you shot Robbie?

25 A He fell.

1 Q What did you do next?

2 A I walked over to Robbie and shot him in the back of
3 the head.

4 Q So when he fell, was he face down?

5 A He was face down.

6 Q What did you do after you shot Robbie in the back of
7 the head?

8 A After I shot Robbie in the back of the head, I
9 walked back over to Robert and shot him up under the chin.

10 Q And why did you do that?

11 A Just to make sure he was dead.

12 Q Okay. After -- after you shot Robert the second
13 time, what did you do?

14 A Then I started looking for the car keys. I had to
15 turn Robbie over to get the car keys because he had fell
16 on top the car keys. And I took their wallets.

17 Q Now, you earlier told us that Samantha said Robert
18 had \$30,000 in the house. Did you ever go into the house?

19 A No.

20 Q Why not?

21 A I weren't hired to go in the house.

22 Q At that point, were you ever worried that the
23 defendant wouldn't pay you?

24 A No, I -- that thought had never crossed my mind at
25 that time.

1 Q So after you turned Robbie over and got the car
2 keys, what did you do?

3 A After I got their wallets, I got their car and left.

4 Q What kind of car was it?

5 A I think it was a white Ford Escape.

6 Q Were there other cars on the property at the time?

7 A There was two pickup trucks.

8 Q So why did you take the Escape?

9 A Because I knew where the keys to it was.

10 Q What did you do after you took that car and left?

11 A I took it about approximately 20 miles from Robert's
12 house and burnt the car. Or attempted to burn it.

13 Q Are you familiar with a store called Allsbrook
14 convenience store?

15 A Yes.

16 Q And I'm sorry; let me back up for a second. I'm
17 approaching with State's Exhibit 9. Is that how you left
18 Robbie that day?

19 A Yes.

20 Q And it looks like his pocket is pulled out. Did you
21 do that?

22 A Yes.

23 Q Did you have to pass Allsbrook convenience store to
24 get from the victim's home to where you burned the car?

25 A Yes.

1 Q I'm approaching with State's Exhibit 45. Does that
2 appear to be the car driving past the Allsbrook
3 convenience store?

4 A Yes.

5 Q Just remember you have to speak into the microphone.
6 Do you know approximately where you burned the car?

7 A On Cooke Circle.

8 Q I'm showing you State's Exhibit 1. Does that appear
9 to be the area where you burned the car?

10 A Yes.

11 Q So tell me what happened once you got to Cooke
12 Circle. What did you do?

13 A Once I got to Cooke Circle, I changed my shoes. I
14 took the sweatpants off and threw them inside the car, and
15 I changed my shoes. And I took the skull cap and -- after
16 I poured gasoline all on the inside of the front of the
17 car, I poured gas on the skull cap, lit the skull cap, and
18 tossed it inside the car.

19 Q What was the purpose of doing that?

20 A To make sure there weren't no DNA inside. I didn't
21 care if the car burned; I just didn't want no DNA left
22 inside of it, like, loose hairs or whatever.

23 Q Now, you said earlier that you had been smoking and
24 putting your cigarette butts in your tennis shoes. What
25 happened to those cigarette butts?

1 A Well, whenever I changed shoes, some of them were
2 stuck to my sock, I guess. When I changed shoes, they
3 fell off in the ground. It being dark, I just didn't see
4 them.

5 Q You didn't mean to leave them there.

6 A No, I didn't.

7 Q Okay.

8 MS. WALTER: Court's indulgence.

9 BY MS. WALTER:

10 Q How did you -- and you said -- did you use that
11 bottle of Mountain Dew -- of gas that was in the Mountain
12 Dew bottle, I should say?

13 A Yes. I poured it across the dash and over both
14 seats, the console and the door panel and the steering
15 wheel.

16 Q So I'm approaching with State's Exhibit 33. And I
17 can get a bigger -- let me get another picture here. I'm
18 showing you State's Exhibit 32. Is that the sweatpants
19 that you left in the car?

20 A Yes.

21 Q Just remember, they have to hear you.

22 And then State's Exhibit 31, is that the skull cap?

23 A Yes.

24 Q State's Exhibit 33, that green bottle, is that the
25 Mountain Dew bottle you used?

1 A Yes, it looks like it.

2 Q What happened after you lit the car on fire?

3 A As soon as I lit the car on fire, I walked away.

4 Q And what was your plan? How were you getting home?

5 A Well, I walked down the highway a little piece and
6 then called Teresa to come pick me up.

7 Q Why didn't you just stay where you were to be picked
8 up?

9 A I didn't want to be picked up near that burning car.

10 Q Do you recall approximately when you called Teresa?

11 A I'm guessing -- I think it was somewhere around
12 9:00, 9:30.

13 Q Did she, in fact, come and pick you up?

14 A Yes.

15 Q What was she driving?

16 A That car.

17 Q What happened after she picked you up?

18 A We went back home.

19 Q Let me back up for just a moment. When you called
20 Teresa, did you call her from right where the car was
21 burned or did you call her after you had walked a bit?

22 A After I had walked a bit.

23 Q Why didn't you call from the scene of the burning
24 car?

25 A Well, I know about cell phones and cell towers and

1 stuff like that. I didn't want to call too close to the
2 car. And I lived probably about seven miles from where we
3 burned the car, so I figured if I got a little closer to
4 my house, then my -- any pinging came from my house, you
5 know? I don't know how close the cell towers is together.

6 Q When you were driving -- when you were riding home
7 with Teresa, did you guys talk at all about what had
8 happened?

9 A No, we didn't talk on the way home.

10 Q After that day, did you ever talk to Samantha again?

11 A No, I never -- never spoke to her again.

12 Q Did you ever get the promised \$20,000?

13 A No, I did not.

14 Q Most people are probably saying, "Well, I was
15 promised \$20,000. I'm going to call and call and call
16 until I get it." Why didn't you ever call Samantha to try
17 and get the 20,000?

18 A Teresa was supposed to be handling that because,
19 like I said, that's Samantha's cousin, so she's got to --
20 she wouldn't be suspicious about her calling and talking
21 to her. And by that time, I didn't really care if I got
22 the money or not. I just didn't want to -- I wanted to
23 forget it even happened.

24 Q Why would you not want the money after what you had
25 done?

1 A I mean, if she had paid it, I would have taken the
2 money, but I weren't interested in trying to collect it at
3 that time. I just wanted to forget about it.

4 Q Okay. Did you, in fact, ever receive any money
5 towards that \$20,000?

6 A Teresa give me \$500 one time that she said that
7 Samantha gave her.

8 Q Do you remember when that was? If you don't, that's
9 fine.

10 A I think sometime in 2020. Early part of 2020.

11 Q What did you do with that -- let me take you back to
12 the scene of the burned-out car. So we know that you
13 burned the sweatpants and the skully. What did you do --
14 did you still have the bag and the gun?

15 A Yes. I took the bag and the gun home with me.

16 Q What did you do with the gun?

17 A The next day, I took the gun down to Pee Dee Highway
18 and threw it in the creek.

19 Q What about -- you said you took the victim's
20 wallets. What did you do with the wallets?

21 A When we got home, me and Teresa searched the
22 wallets, took all the cash out. I took everything out,
23 the cards and wallets, and put them in a plastic container
24 and filled it full of bleach, put a lid on it, and took it
25 and threw it out in the swamp.

1 Q How much money would you say you got out of the
2 wallets?

3 A About \$300.

4 Q So you said you had started talking with Teresa in
5 May of 2018. Are you and Teresa still involved?

6 A No.

7 Q When did you break up?

8 A February of 2019.

9 Q When you were initially arrested by the police in
10 2020, did you immediately confess to everything you had
11 done?

12 A No.

13 Q Why not?

14 A I didn't pay -- I didn't figure they had no kind of
15 evidence.

16 Q Did you, in fact -- did they ever show you pictures
17 of the cigarette butts?

18 A Yes. They showed me a picture of the car and the
19 cigarette butts to begin with.

20 Q Did you deny that they were even your cigarettes?

21 A Yes.

22 Q But now we know that they were your cigarettes?

23 A Yes.

24 MS. WALTER: Court's indulgence.

25 THE COURT: All right.

1 MS. WALTER: Nothing further at this time. If you
2 would just answer any questions from Mr. Richardson.

3 THE COURT: Cross-examination?

4 MR. RICHARDSON: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. RICHARDSON:

7 Q So you moved in with Teresa Martin, I think you said
8 May of 2018?

9 A No. We started talking in May. She moved in with
10 me in June.

11 Q Okay. Moved in with you. So that was your house
12 off 917?

13 A Right.

14 Q Where did you live before that?

15 A On a farm in Mullins.

16 Q Okay. Because I saw you and Teresa were stopped for
17 seatbelt tickets, August 29, 2018; right? You had a
18 license address of [REDACTED] Boyd Atkinson Road?

19 A Yeah.

20 Q That's over in Rains, South Carolina; right?

21 A Yes. Well, it's a Marion address actually. It's
22 near Rains.

23 Q But that's a little further away from Mullins;
24 right?

25 A Not really. It's about four or five miles. Well,

1 yeah, about four or five miles. It's right there in
2 Mullins.

3 Q All right. So that 917 -- U.S. 917, that address,
4 that was the one that was on Teresa's license; right?

5 A Teresa had no license.

6 Q She had an ID?

7 A I guess.

8 Q But you're saying that that was your house on 917?

9 A Yeah, that's where I was living.

10 Q Okay. All right. And so she moved in in June?

11 A Yes.

12 Q And you said y'all stayed together until February of
13 2019?

14 A Right.

15 Q So y'all were together in September of '19 -- I
16 mean, '18?

17 A Right.

18 Q October right on through Christmas?

19 A Right on through Christmas.

20 Q And talk to me about Hurricane Florence.

21 A Hurricane Florence came and flooded us -- it flooded
22 where we were living at, and we moved in with Teresa's
23 mama.

24 Q Okay. Now, you got arrested in -- on August 17th,
25 2020; right?

1 A Right.

2 Q Police did a search of the house you were living in
3 off Martin Street in Loris; right?

4 A I guess. They arrested me at a store.

5 Q We saw some journals and stuff you had. You had
6 some journals stored at that house? Notebooks and
7 whatnot?

8 A I had some work notebooks.

9 Q Looked like you were a handyman; right?

10 A Yes.

11 Q And these were dating on back to 2018 even; correct?

12 A Some of them.

13 Q Now, when you got taken into the M.L. Brown
14 Building -- you said you got arrested by a store?

15 A Yeah. When I left my house that morning, they
16 followed me up to the store and arrested me at the store.

17 Q And that was Officer Hazelton; right?

18 A I don't know.

19 Q Tall fellow?

20 A Yeah, he's kind of tall.

21 Q And he took you to the M.L. Brown Building? Put
22 cuffs on you; right?

23 A Yes.

24 Q And they sat you down in the interview room; right?

25 A Yes.

1 Q And left you in the interview room by yourself for
2 almost two hours; right?

3 A It was a long time.

4 Q I believe you even complained that it was cold in
5 there. They left you in a cold room for awhile?

6 A I can't remember that.

7 Q Okay. One hour and 48 minutes, does that sound
8 about right, how long you were in there?

9 A It could have been.

10 Q And until David Dudley walked in that room, nobody
11 told you what you were in there for; right?

12 A Nobody told me nothing.

13 Q So you sat in there for almost two hours by
14 yourself, nobody telling you why you were there; right?

15 A Yes.

16 Q Were you nervous?

17 A Not really.

18 Q Okay. Now, once David Dudley walks in that room, he
19 reads you the Miranda rights; right?

20 A Yes.

21 Q Okay. Did you tell him that you understand them?
22 Didn't have any problem understanding him; right?

23 A No, I didn't have no problem.

24 Q Okay. Now, you got arrested August 17th, 2020, so
25 3-1/2 years ago -- a little over 3-1/2 years ago; right?

1 A Yes.

2 Q And you sat out at J. Reuben Long for all that time,
3 right, before your trial?

4 A No. Georgetown County.

5 Q Georgetown County. I'm sorry. You were in
6 Georgetown County the whole time, then, prior to your
7 trial?

8 A Yes.

9 Q And that trial was last April; right?

10 A Yes.

11 Q Okay. How many times do you reckon you met with
12 your attorney prior to trial?

13 A Two or three times.

14 Q Only two or three times over 2-1/2 years?

15 A Well, really weren't a whole lot to talk about.

16 Q But you got your discovery, didn't you?

17 A Yes.

18 Q You got all the statements; right?

19 A Yes.

20 Q Got a video copy of your interview to watch?

21 A Yes.

22 Q So you have watched that?

23 A Yes.

24 Q When was the last time you watched it?

25 A Actually, I don't think I watched the interview --

1 the video of my interview. I watched the video of
2 Teresa's interview.

3 Q Oh, when did you watch that?

4 A It was before my trial.

5 Q How many times did you watch it?

6 A Just once.

7 Q Okay. But you had the police report that laid
8 everything out; right?

9 A Yes.

10 Q Spelled out everything Teresa had said; right?

11 A Yes.

12 Q So you knew what she had said at that point by the
13 time you went to trial?

14 A Yes.

15 Q Now, do you recall David Dudley, when he comes in
16 and sets some pictures down in front of you; right?

17 A Right.

18 Q Cigarettes and a skull cap?

19 A Yes. And --

20 Q Okay. And tells you that those are yours; right?

21 MS. WALTER: Your Honor, I'm not sure if he was
22 finished answering the question.

23 MR. RICHARDSON: He said yes.

24 A And a picture of the car.

25

1 BY MR. RICHARDSON:

2 Q And the car. Okay.

3 He tells you that these are your cigarettes and
4 skull cap; right?

5 A Yes.

6 Q Okay. And what did you tell him?

7 A I told him they weren't mine.

8 Q Okay. And why did you tell them they weren't yours?

9 A I wasn't going to just confess to everything right
10 off -- right off the top with no attorney or nothing.

11 Q Did you actually argue with him and tell him that
12 the cigarettes butts were brown filters, and you smoke
13 Marlboro Lights?

14 A That's what I told him.

15 Q Okay. And then, at some point, did David Dudley and
16 Drew Edwards leave you alone in the room with those
17 pictures?

18 A Yes.

19 Q And he comes back in kind of quickly after that;
20 right?

21 A I can't recall how quickly he came back.

22 Q 2-1/2 minutes or so?

23 A I can't recall.

24 Q Do you remember the next picture he showed you?

25 A Not really.

1 Q A picture of Robert Ford's house, [REDACTED] Highway 19?

2 A He may have. I don't recall that picture. He may
3 have.

4 Q Do you recall David Dudley pointing in that picture
5 and telling you, "You're not the one I want to deal with
6 on this"? Do you remember him saying that?

7 A He told me that I weren't -- he didn't want me; he
8 wanted the one that hired me. That's all he said. He
9 didn't say what even I was supposed to be hired for. He
10 just said he didn't want me; he wanted the one that hired
11 me.

12 Q So, at this point, when he tells you that, you know
13 David Dudley has a target, somebody he wants; right?

14 A Well, I know that he wants me. Even though he said
15 he don't, I knew he did. But, yes, I knew there was
16 others that he wanted.

17 Q But you didn't give him a name, did you?

18 A No, I did not.

19 Q And right after he tells you this, he leaves the
20 room again; right?

21 A Yes.

22 Q I mean, it was quick? "I want the one that hired
23 you"; right? And then he left the room?

24 A Yes.

25 Q He left you with those pictures. Do you recall

1 picking up the pictures and looking at them?

2 A Yes.

3 Q Staring at them?

4 A (Witness nodding affirmatively.)

5 THE COURT: Excuse me; you need to answer yes or no.

6 A Yes.

7 BY MR. RICHARDSON:

8 Q Do you recall David Dudley coming back in the room
9 later on, after he let you sit in there and think about
10 it, photos of DNA, do you recall when he came back in and
11 said, "Sorry, Mr. Randy"? Do you recall him calling you
12 "Mr. Randy" now; right?

13 A I don't recall that.

14 Q Do you recall him telling you, "I know you didn't do
15 this by yourself. I know you didn't just do it on a whim.
16 I want the person who asked you to do it." Do you recall
17 him saying that?

18 A Yes, I do.

19 Q So, again, you know he wants somebody else; right?

20 A Right.

21 Q But you don't give him a name, do you?

22 A No, I don't.

23 Q Do you remember when Dudley brought in the warrants
24 for you -- the arrest warrants?

25 A Yes.

1 Q And, again, he says something about these warrants
2 are for something he knows was not your idea; right?

3 A Yes.

4 Q And, again, David Dudley says, "I want the person
5 that hired you to do it or asked you to do this because
6 that's the only way this benefits Mr. Randy"; right?

7 A Yes.

8 Q And, at that point, you said you wanted a lawyer;
9 right?

10 A Right.

11 Q And you invoked your right to an attorney.

12 But David Dudley didn't quit talking at that point,
13 did he?

14 A No.

15 Q He didn't ask you any questions but he made a little
16 speech, didn't he?

17 A Yeah.

18 Q He told you, "Okay, once that happens that you get a
19 lawyer, there's nothing to help Mr. Randy. We want you to
20 tell the story that shines you in the best light, that
21 gives you the best chance. We already know what
22 happened." Do you recall him saying that?

23 A Yes.

24 Q But still, you didn't tell him anything. You didn't
25 give him any names, did you?

1 A No.

2 Q And, at this point, you had no idea what Teresa
3 said; right?

4 A No.

5 Q Did you even know Teresa Martin was sitting in the
6 room right beside you?

7 A No.

8 Q So you had no idea what she said during her
9 interview?

10 A No.

11 Q Just like Dudley said, this is your time to shine a
12 better light on yourself today, isn't it? You're hoping
13 to get something out of this; right?

14 A Well, I really won't be getting much out of it at my
15 age. Ain't going to take very much for me. Still going
16 to be a life sentence for me.

17 Q Okay. You were tried and convicted less than a year
18 ago, this past April; right?

19 A Right.

20 Q I think April 6th was the conviction date; right?

21 A April 6th, April 7th, something like that.

22 Q Okay. You were convicted of both murder counts;
23 right?

24 A Right.

25 Q The State had served you with notice to seek life

1 without parole; correct?

2 A Yes.

3 Q So the judge didn't have a choice in it; correct?

4 He had to sentence you to life; correct?

5 A I guess.

6 Q And you actually got consecutive life sentences,
7 didn't you?

8 A Yes.

9 Q So no matter what happens, even if you make it to
10 that magic 25 -- serving 25 years and you become parole
11 eligible due to your age, you'd have to start serving the
12 next life sentence; right?

13 A Well, a violent crime, there's no parole to begin
14 with. So that life without parole is really a moot
15 sentence. I mean...

16 Q You're hoping to see daylight one more time, aren't
17 you?

18 A I'd like to.

19 Q You and your attorney have discussed it, haven't
20 you?

21 A Well, we just discussed something.

22 Q Y'all have actually discussed about the Jerrod
23 Price, that maybe a judge can give you less than the
24 mandatory minimum on murder; right?

25 MS. WALTER: Objection, if this is going to

1 conversations between the defendant and his attorney.

2 THE COURT: Well, you can't assert that for him.

3 Overruled.

4 BY MR. RICHARDSON:

5 Q Is it your understanding that there is a hope that
6 you can get less than the 30-year sentence?

7 A If there is -- I heard that there was a hope.

8 Q And that's what you're hoping for; right?

9 A I'd hope so.

10 Q You're hoping you do a good enough job that you
11 might see the light of day outside prison again; right?

12 A I'd like to.

13 Q Okay. I know you and Ms. Walter went over that deal
14 a little bit. I think, originally, she said something
15 about you tried to strike a deal for ten years; right?

16 A Yes, sir.

17 Q For killing two men; right?

18 A Yes, sir.

19 Q No doubt about it, you murdered Robbie and Robert;
20 right?

21 A Yes, sir. Yes, sir.

22 Q At least Robbie, no doubt about it, was execution
23 style. You said you went up behind him, put the gun to
24 the back of his head, and shot him; right?

25 A Yes, sir.

1 Q And you wanted ten years; right?

2 A Well, that was -- that was the starting -- more or
3 less a starting. I knew I wasn't going to get ten years,
4 but that's how you start negotiations. You start low,
5 they start high, and you meet in the middle.

6 Q Okay. But the State didn't accept your low mark at
7 that point; correct?

8 A No.

9 Q They wouldn't even discuss sentencing at that point,
10 would they?

11 A No.

12 Q And so then, in April, you were convicted, sentenced
13 to consecutive life sentences, life without parole, you're
14 going to die in prison. You knew the ten years was out
15 the door; right?

16 A Well, I knew that before I even mentioned it.

17 Q Okay. But now the State started talking to you;
18 right?

19 A Yes.

20 Q Okay. So y'all got to negotiating.

21 And so y'all came up with an agreement, I think, in
22 August -- August 23rd, 2023 -- where the State was going
23 to allow you to plead to voluntarily manslaughter; right?

24 A Yes.

25 Q And that sentence range was 1 to 30 years; right?

1 A Yeah. Or 2 to 30.

2 Q 2 to 30? Okay.

3 So you could have been sentenced anywhere from 2 to
4 30 years on that; right?

5 A Yes.

6 Q And so it wasn't the solicitor's office that said no
7 on that offer. It was, thankfully, the Attorney General's
8 Office that said that; right?

9 A Yes.

10 Q That's why they voided it out.

11 And so now we have got this one where they're just
12 agreeing that -- you signed in November 2023 saying that
13 you would be resentenced on murder; right?

14 A Right.

15 Q And it is your understanding -- your hope that a
16 judge can go below the mandatory minimum of 30 years;
17 right?

18 A Yes.

19 Q Now, the State served you with notice of intent to
20 seek life without; correct?

21 A Correct.

22 Q So I assume they're opening that back up and
23 withdrawing that?

24 A I guess. I have not heard nothing about that.

25 Q Okay. So you came up with this agreement. When is

1 the first time you met with the State after your trial?

2 A Sometime after I got to Lieberman. I don't remember
3 exactly when it was. I only met with them one time.

4 Q You only met with them one time since you got put in
5 prison?

6 A Well, until I came here last week.

7 Q Okay. So you only met with them -- was that in
8 August when you signed your proffer agreement?

9 A Whenever I signed the agreement. I don't remember
10 what --

11 Q Okay. And then you were brought back in November;
12 right?

13 A Well, I was brought back -- I was brought back to
14 meet with the prosecution. I was brought back to show
15 where the -- I had thrown the gun.

16 Q What was that?

17 A I was brought back to show where I had thrown the
18 gun away.

19 Q When did that happen?

20 A I don't remember the exact date.

21 Q Was it still hot outside or was it cooler?

22 A It weren't cold. I mean, I didn't have no jacket.

23 Q Okay. So that may have been September, October,
24 somewhere in there?

25 A I guess.

1 Q Okay. And who did you go with to go look for this
2 gun?

3 A U.S. Marshals.

4 Q The U.S. Marshal service.

5 All right. And what did y'all do?

6 A We just went out to the location where the -- to the
7 creek where I threw the gun, and I showed them where I
8 tossed the gun.

9 Q Okay. You said you went down Pee Dee Road?

10 A Pee Dee Road.

11 Q So Pee Dee Road right off Highway 501?

12 A Pee Dee Road runs from 917 to just about forever, it
13 seems like.

14 Q Near the Holliday's property at Gallivants Ferry?

15 A No, it wasn't at the end. It was at the 917 end.

16 Q Okay. And you threw it in a little creek?

17 A In the creek.

18 Q Okay. And when did y'all find the gun?

19 A I don't think they found the gun.

20 Q Okay. So you showed them somewhere and they
21 couldn't find the gun; right?

22 A No.

23 Q And so it's your testimony you have only been back
24 here one time? Last week? Did they bring you back to
25 Georgetown at some point?

1 A They brought me back to Georgetown. That's where
2 the U.S. Marshals picked me up at, Georgetown.

3 Q September 18th sound about right?

4 A Maybe. I can't say.

5 Q And then November 15th, you were brought back to
6 Horry County. Does that sound about right?

7 A I don't remember being brought back but one time.

8 Q And you have met with the State one time?

9 A They came up to Lieberman to talk with me.

10 Q Okay. When was that?

11 A I can't remember.

12 Q Okay. Is that -- now, did they ever meet with you
13 before your trial?

14 A After I got here. Before my trial?

15 Q Mm-hmm.

16 A Yes, they met with me before my trial for -- tried
17 to offer me a plea.

18 Q That's whenever they brought up that offer where you
19 wanted ten years; right?

20 A Yes.

21 Q And you didn't testify at your trial; right?

22 A No.

23 Q And you said you knew about DNA; right?

24 A Yes.

25 Q Okay. You knew about DNA because they found your

1 DNA in this trial; right? Your trial?

2 A I knew about DNA before that, but yeah.

3 Q Okay. Because they didn't really do DNA back when
4 you were convicted in 1992; right?

5 A No.

6 Q Okay. Have you given any recorded statements other
7 than that interview when you first got arrested?

8 A Not that I recall.

9 Q So you were arrested August 17th of 2020. Went to
10 trial April 23. So 2-1/2 years you were waiting on your
11 trial; right?

12 A Right.

13 Q And you had your discovery? You went over it;
14 right?

15 A Yes.

16 Q And did you have copies of your discovery in your
17 jail cell so you could review it?

18 A Yes.

19 Q That's a common thing out in the jail; right? Going
20 through discovery?

21 A (Witness nodding affirmatively.)

22 Q And that discovery included all statements made by
23 Teresa Martin; right?

24 A Yes.

25 Q The whole case report of Detective Dudley; right?

1 A Yes.

2 Q Everything about DNA and where they were looking, as
3 far as who went where; correct?

4 A Yes.

5 Q All of the interviews; right?

6 A Yes.

7 Q And you read them a lot; correct?

8 A Yes.

9 Q Studied them; right?

10 A I didn't really study them. I read over them.

11 Q So you knew what you were facing. The State had
12 served you with notice to seek life without parole. They
13 told you they had your DNA. And they told you they wanted
14 somebody else. So that discovery got pretty important,
15 didn't it?

16 A Not really.

17 Q Okay. So after -- did you talk about the case with
18 your attorneys a good bit? I'm not asking about
19 specifically what y'all talked about.

20 A Not a whole lot. I mean, we talked a few times,
21 but...

22 Q Okay. No doubt about it, from August 17, 2020,
23 though, you knew David Dudley wanted somebody else; right?

24 A Yes.

25 Q And you knew from when you got your discovery, the

1 person they wanted was Samantha Rabon; right?

2 A Yes.

3 Q No doubt about it, Teresa Martin drove you to [REDACTED]
4 Highway 19 on August 17th, 2018; correct?

5 A Well, she drove me to Robert's house.

6 Q Okay. And you said that you changed tags on the
7 vehicle or something?

8 A Changed what?

9 Q Changed tags from your truck to that other vehicle?

10 A Yes.

11 Q What kind of vehicle was it?

12 A It was a Buick.

13 Q A little white car?

14 A Yes.

15 Q Did it have any issues with that car?

16 A Not that I could see. The man that we sold it to, I
17 think he said it had a broke motor mount. Other than
18 that, the car seemed to be fine to me.

19 Q But you didn't drive it; right?

20 A No.

21 Q And Teresa picked you up back in that same little
22 white car, walking down Highway 917?

23 A Yes.

24 Q And y'all stayed together that night and continued
25 to stay together?

1 A Yes.

2 Q By your statement, through February of 2019?

3 A Yes.

4 Q Why did y'all break up?

5 A I really don't know. She called me or texted me one
6 day while I was at my brother's house, we was making some
7 signs to put up, that she wanted me to come get my stuff,
8 and we were through, which I had already come to that
9 conclusion. I had already moved out everything I had to
10 my brother's house except for a small clothes-basket-full
11 of clothes. I had already seen it coming.

12 Q And after Teresa picked you up on Highway 917 the
13 night you killed Robert and Robbie, when y'all got home,
14 what did you do?

15 A Went through the wallets.

16 Q Did you make any calls?

17 A I can't remember.

18 Q You still had your cell phone with you; right?

19 A She stayed on her phone a lot, so I never knew if
20 she was on Facebook or making calls or what.

21 Q How about you? Do you use your phone a good bit?

22 A No.

23 Q Did you use it at night?

24 A I called Teresa after I burnt the car up.

25 Q Was that it?

1 A I think so.

2 Q Okay. So all you did was, after you burned the car,
3 you called her; correct?

4 A Correct.

5 Q Okay. Now, this supposed meeting that you had, you
6 said it occurred about a week before?

7 A Something -- about a week.

8 Q Okay. So August 17th, that's a Friday. Let's move
9 back seven days. Let's call it August 10th or so.

10 A I guess. I don't know the exact date.

11 Q But sometime -- was it a Friday? Saturday? Sunday?
12 Do you remember?

13 A No, I don't.

14 Q Well, you said that you went over to Teresa's mama's
15 house typically on Saturdays, so...

16 A Yeah, Saturday or Sunday because that's the weekend.
17 I'm off work.

18 Q So it would have been around that time maybe or did
19 you go over on Fridays?

20 A Well, it depends. If I didn't have no work to do,
21 we might go over during the week sometimes.

22 Q Okay.

23 A I mean, I was working for myself, so I didn't --
24 like I didn't have to be nowhere specifically working
25 unless I had a job I had to finish.

1 Q But it was about a week before; correct?

2 A Yeah.

3 Q Okay. And you just testified that -- see if I have
4 got it right. You-all arrive at Teresa's mama's house;
5 right?

6 A Right.

7 Q And Teresa goes over to Sheila Burris's house;
8 right?

9 A Yes.

10 Q And then Teresa comes back to fetch you; correct?

11 A Right.

12 Q And then what happens?

13 A Start walking over to Sheila's house.

14 Q Mm-hmm.

15 A And Teresa asked me if I would kill somebody for
16 \$20,000, and I said, yeah, I guess I would. And she said
17 that Sheila and Samantha wanted to talk to me about a job.

18 Q So how long is Teresa over at Sheila Burris's house
19 before she came to fetch you?

20 A I really don't know. I was watching TV with
21 Teresa's mama.

22 Q What were you watching?

23 A Westerns.

24 Q What westerns?

25 A I don't know. It was five years ago. It was old

1 black-and-white westerns.

2 Q Teresa's driving you from your house, 97 -- I'm
3 sorry -- [REDACTED] Highway 917; right?

4 A I don't remember what the house number was, but it
5 was 917.

6 Q Over to Robert's house; right?

7 A Right. It was the old Sandy Bluff Auction barn. I
8 had turned it into a house.

9 Q So how long did it take you to get from the 917
10 house to Robert's house?

11 A Probably about 15, 20 minutes.

12 Q What roads did you take?

13 A Straight up 917 to Highway 19. Highway 19 runs into
14 917.

15 Q Okay. And you said you got dropped off, what did
16 you say, 6:30?

17 A No, I said around 5:30.

18 Q Around 5:30. And that's what Teresa testified to in
19 your trial; right?

20 A I can't remember what she said.

21 Q Little bit different than her statements; right?

22 What do you define as dusky dark?

23 A Well, it depends on what time of the year it is.

24 Q In August, when is dusky dark?

25 A I don't really know. Dusky dark is just when it's

1 just starting to get dark, I guess.

2 Q You grew up around here?

3 A Yeah.

4 Q You would agree that, 5:30, it's not getting dark in
5 South Carolina?

6 A I don't really pay that much attention.

7 Q All right. And once she dropped you off -- you said
8 at 5:30?

9 A Around 5:30.

10 Q Okay. And what do you do? Where do you go? Where
11 do you go at Robert's house?

12 A I circled through the woods and circled around
13 behind his house, come up to the carport right there
14 beside his storage building.

15 Q So how long were you there?

16 A Until probably around 8:00, 8:30.

17 Q And you only smoked four cigarettes?

18 A No. I smoked probably half a pack of cigarettes.

19 Q So you got rid of the rest of them?

20 A They all went in my shoe.

21 Q They all went in your shoe, except for those three
22 you left; right?

23 A The three -- I didn't leave them there. They fell
24 off my sock when I changed shoes when I burnt the car.

25 Q And what type of gun was it?

1 A It was a .38.

2 Q What brand?

3 A What brand?

4 Q Mm-hmm.

5 A I don't know what brand.

6 Q How many rounds did it hold?

7 A Five.

8 Q How many rounds did you fire?

9 A Four.

10 Q And you just testified that you had the gun in a
11 tool bag?

12 A Yeah, a little small tool -- nylon tool bag.

13 Q Could have put it in your pocket; right?

14 A I could have.

15 Q Okay. Tool bag -- typically, you have tools in a
16 tool bag; right? You were a handyman; right?

17 A Right.

18 Q So, typically, you carried tools in that bag; right?

19 A Yes.

20 Q Now, you're carrying the gun and tool bag, carrying
21 the gasoline can, you never told Detective Dudley that;
22 right?

23 A No, I never told David Dudley nothing.

24 Q Okay. We don't have any recorded statements where
25 you talked about that; right?

1 A No.

2 Q And, again, you went through the shooting, what
3 order you did it.

4 Okay. State's No. 10, they showed this to you. You
5 said that's exactly how Robert fell when you shot him?

6 A Well, I don't know if that's exactly how he fell. I
7 mean, I didn't place him like that.

8 Q You didn't place him like that. So you didn't roll
9 him over?

10 A No. He fell on his back.

11 Q Okay. You see that what they call a void in between
12 the blood pool here and here?

13 A Yeah.

14 Q Where did Robert have his wallet?

15 A In his pocket. In his back pocket.

16 Q So Robert had his wallet in his back pocket. How
17 did you get to it?

18 A I just -- I mean, I didn't roll him over to get the
19 wallet. I leaned him over and took his wallet out. I may
20 have rolled him over -- when I searched his front pockets
21 for the keys, probably when -- I probably rolled him over
22 then.

23 Q So you searched Robert's front pocket for his keys
24 -- for the keys as well?

25 A Well, I searched his pocket before I went to look

1 for the keys where Robbie was.

2 Q But Robbie was the one driving when you came up;
3 right?

4 A Yes.

5 Q So that would have been right to search him first;
6 right?

7 A Well, I was near Robert, so I went ahead and
8 searched him first.

9 Q See, little details is where it becomes important.
10 Okay?

11 A I was just looking for a vehicle key. I didn't care
12 if I took the car or the truck. Since I was at Robert, I
13 checked Robert first.

14 Q Didn't you just tell Ms. Walter you didn't want to
15 take either one of the trucks? You wanted to take the
16 little car?

17 A I said I took the car because that's the one -- I
18 knew where that key was. I didn't -- I searched Robert
19 for whatever -- I just searched him. And then I went over
20 there and went and searched Robbie for the key.

21 Q So you're testifying you never moved Robbie?

22 A I don't recall moving him.

23 Q Okay.

24 A I can't say that -- that's five years. I can't say
25 that I didn't roll him over.

1 Q No doubt about it, you flipped Robbie over, though;
2 right?

3 A Yes, I flipped Robbie over because I found the keys
4 up under him.

5 Q How far were you from Robbie when you shot him the
6 first time?

7 A I was standing right by Robert when I shot Robbie.
8 Robbie turned to run, and I just turned around and shot
9 Robbie.

10 Q Okay. So car pulls up in the driveway; right?

11 A Right.

12 Q And Robert gets out. Where are you standing at this
13 point?

14 A Beside the little workshop. About straight in front
15 of the steps at the back door.

16 Q Which way is the car facing? Back towards that wood
17 line you walked through?

18 A The car is facing towards the porch.

19 Q Okay. Towards the porch.

20 A He just pulled straight up under the carport by the
21 porch.

22 Q So, No. 14, you're saying he just pulled up right
23 here?

24 A Well, he pulled up on the other side. I was sitting
25 by this right here, and he pulled in from the other side

1 right here.

2 Q So he pulled in through this little hole right here?

3 A That's just a passageway right there. The carport
4 is on the other side by the trucks.

5 Q Okay. State's 16, is that a better view of it?

6 A Yes, sir. That's the carport.

7 Q So he pulls in faced -- facing the same direction as
8 the trucks?

9 A Right.

10 Q Okay. And so he -- and Robbie is driving; right?

11 A Right.

12 Q When he pulls in, facing the same direction as the
13 trucks; correct?

14 A Right.

15 Q Taillights back out towards the driveway?

16 A Right.

17 Q Okay. And so he's driving. When he pulls up,
18 you're standing over on this side of the building, on the
19 other side?

20 A On the other side of the building.

21 Q Okay. On the side opposite the trucks? Back where
22 that golf cart is?

23 A Yeah, back where that golf cart's at.

24 Q Okay. Back where that golf cart's at.

25 And so Robbie pulls in. You're over here by the

1 golf cart; right?

2 A Right.

3 Q So Robbie pulls in. And he's closest to you at this
4 point if you're over by the golf cart; right?

5 A Right.

6 Q But instead of shooting him, you run around the car
7 and shoot Robert?

8 A No. The car don't pull all the way up to the golf
9 cart. The car pulls up as far as the porch. And when
10 Robert got out -- when Robert was going up the steps is
11 when I shot Robert. Robert had done walked around the car
12 and got up to the steps when I shot him.

13 Q And they didn't smell all those cigarettes you were
14 smoking whenever they first pulled up?

15 A I guess not.

16 Q It rained that night; right?

17 A No. It rained early the next morning.

18 Q Now, how long after you murdered Robert and Robbie
19 did you steal that car and drive away?

20 A Immediately after.

21 Q So right after that final shot, you grabbed the keys
22 and went immediately?

23 A I got their wallets and then grabbed the keys and
24 left.

25 Q How long did it take for you to do this shooting?

1 A Just a couple of minutes.

2 Q I mean, you shot Robert, and then how long before
3 you shoot Robbie?

4 A Immediately after. I shoot Robert, and Robbie
5 screams and turns and runs, and I shoot him in the back.

6 Q So you shoot him in the back. Falls down?

7 A Yes.

8 Q And then you have to walk over to shoot him in the
9 head?

10 A Yes.

11 Q Okay. And so it wasn't two quick boom-booms?

12 A No.

13 Q Okay. Now, when you get done with shooting, what do
14 you do with the gun?

15 A I put it back in my bag.

16 Q What did you do with the bag?

17 A I took it with me when I leave.

18 Q Did you sit it in the passenger seat, back behind
19 you, or what?

20 A The passenger seat.

21 Q And after you get this gasoline out, what do you do?
22 Do you keep the bag afterwards?

23 A Yeah, I take the bag back home with me.

24 Q So you're not worried about DNA or gunpowder residue
25 or anything on that bag?

1 A No, because the bag wouldn't get no gunpowder
2 residue on it. I weren't holding the bag in my hand when
3 I was firing the shots. I had to sit the bag down before
4 I shot.

5 Q Okay.

6 MR. RICHARDSON: Court's indulgence.

7 THE COURT: All right.

8 BY MR. RICHARDSON:

9 Q No doubt about, Ms. Walter went over your record;
10 right?

11 A Yes.

12 Q You were at the house for how long?

13 A Approximately three hours.

14 Q And, supposedly, Samantha's tells you there's
15 \$30,000 in the house, and you don't just decide to go in
16 there and get it?

17 A No, that's not what I was there for.

18 Q Are you a known hitman, a known killer?

19 A No.

20 Q So you have never killed anybody before?

21 A No.

22 Q But you have done some robberies and other stuff;
23 right?

24 A About 30 years ago.

25 Q Burglaries; right?

1 A About 30 years ago.

2 Q So you're not afraid of doing those; right? So all
3 your crimes are 30 years ago; right? Correct?

4 A The robbery, kidnapping, burglaries, yes.

5 Q Because the State said you were sought after because
6 you were a convicted felon, but those are all in the
7 distant past; right?

8 A Yes.

9 Q And you never thought about going in the house to
10 get \$30,000?

11 A No, I never thought about going in the house.

12 Q What's more: 20 or 30?

13 A Well, it's not about what's more. It's about what I
14 was there for.

15 Q Now, when you came back to work with the Marshal
16 Service, they took you to look for the gun?

17 A The gun and the -- my tennis shoes.

18 Q How about the wallets?

19 A No, they never looked for them.

20 Q Did you tell them where you threw the wallets?

21 A Yes, but there was a flood since I threw the wallets
22 out there. There's no way they'd ever find them.

23 Q What did they do to try and find the gun?

24 A I don't know. I showed them where the gun was
25 thrown, and they took me back to Georgetown County jail,

1 and SCDC came and picked me up.

2 Q How about the shoes?

3 A I don't know.

4 Q Were they thrown in the same spot?

5 A No, they was thrown in the woods near where the car
6 was burnt.

7 Q So they're going to look for shoes despite a flood
8 but they're not going to look for wallets?

9 A Well, the shoes -- the flood -- where I was flooded
10 out at was, like, eight or nine miles from where the car
11 was burnt. I threw the wallets and stuff in the swamp
12 behind my house.

13 Q And you threw the shoes out near the car?

14 A Probably about 100 yards from the car. I threw them
15 out from the opposite side of the highway into the woods.

16 Q So you're worried about DNA so much that you want to
17 burn up a toboggan and jogging pants and everything else,
18 but you were going to take shoes that would have your DNA
19 on them and dump them 100 yards away?

20 A I didn't think they was going to be going in the
21 woods looking for the shoes.

22 Q Sure.

23 A On the opposite side of the highway? I don't think
24 so. And of course they didn't.

25 Q And this -- the gun was thrown in a creek or a

1 swamp? What was it?

2 A The gun was thrown in the creek.

3 Q Now, your cell phone, you had it with you all night
4 long?

5 A Yes.

6 Q Okay. While you were sitting at the house?

7 A Yes.

8 Q While you were committing the murders?

9 A Yes.

10 Q While you were driving away afterwards?

11 A Yes.

12 Q Was there any kind of code word for this killing?

13 A Not that I know of.

14 Q How did you know what time to get dropped off at
15 Robert's house?

16 A They said Robert and Robbie was supposed to be home
17 around 6:30.

18 Q And you were told that a week before?

19 A Approximately a week.

20 Q But you never met Samantha any other time; right?

21 A No.

22 Q While you're sitting there waiting, you never got
23 curious, texted or made any calls or anything?

24 A No.

25 Q Okay. So you didn't make any texts or calls that

1 night?

2 A No.

3 Q Until you got down the road?

4 A Right.

5 Q And that's -- Teresa is the only person you texted
6 that night?

7 A Teresa texted me one time while I was at the house,
8 asked me where -- what I was doing and I said, "I'm still
9 at work." I texted her back, "I'm still at work." And
10 then I cut my phone off so she couldn't text me no more.
11 And I didn't speak to her again until after I burnt the
12 car up.

13 Q And then y'all played telephone tag, calling back
14 and forth; right?

15 A A couple of times. She had done got drunk and...

16 Q So this 3-minute-and-51-second call, that's at
17 10:16. Does that sound about right?

18 A I guess.

19 Q Cooke Circle, was that your plan all along where to
20 burn the car?

21 A No.

22 Q I mean, you lived on 917; right?

23 A Right.

24 Q Cooke Circle is right off Highway 917?

25 A Right.

1 Q So you want us to believe that you planned out with
2 this gasoline and everything, but you didn't know where
3 you were going to burn the car?

4 A Well, I had to make sure it was somewhere where I
5 knew Teresa would be able to find me.

6 Q And you were promised \$20,000; right?

7 A Right.

8 Q And Teresa was supposed to be the go-between on
9 this?

10 A Right.

11 Q Okay. And you never, not one time in two years,
12 never made any attempts to get paid on this?

13 A No.

14 Q You had already been over at Robert's house before;
15 right?

16 A Just that night that I did the murders.

17 Q You knew where it was located; correct?

18 A Teresa knew where it was located.

19 Q Okay. Well, you were over there for three hours,
20 according to your testimony. I assume you know where it
21 was located now.

22 A Yes.

23 Q This is the first time you killed somebody; right?

24 A Yes.

25 Q And you're not going to go back over there to make

1 damn sure you get paid?

2 A No, sir.

3 Q So, if I understand your testimony correctly, before
4 this front porch meeting, you had never met Samantha?

5 A Never met her.

6 Q Didn't know her from Adam's house cat?

7 A No.

8 Q And yet she approached you to kill her father and
9 brother?

10 A She approached Teresa first, and Teresa approached
11 me.

12 Q And she never called you, never texted you?

13 A She never had my number.

14 Q Okay. Did you keep that number from everybody? I
15 mean, were you secretive with your number?

16 A I didn't give it no more than I needed to.

17 Q So you're very careful with your cell phone; right?

18 A Yes.

19 Q Supposedly very careful with DNA; right?

20 A I tried to be.

21 Q And yet, you left the skull cap there; correct?

22 A I was expecting it to burn.

23 Q You made a campfire before; right?

24 A Well, I didn't turn the -- I didn't crack no windows
25 in advance, so when it run out of oxygen, the fire went

1 out and everything didn't burn.

2 Q And you found that out at the trial, didn't you?

3 A Yeah.

4 Q When the arson testimony came in; right?

5 A Yes.

6 Q So it wasn't the brightest arson move in the world;
7 right?

8 A No, it was not.

9 Q What type of work were you doing at the time?

10 A Handyman.

11 Q And this car Teresa picked up was over at her mama's
12 house?

13 A It was at Sheila's house.

14 Q Okay. So if Teresa said it was at her mama's house
15 or her mama's car, she lied?

16 MS. WALTER: Objection, Your Honor.

17 THE COURT: Sustained.

18 MR. RICHARDSON: Court's indulgence.

19 THE COURT: All right.

20 BY MR. RICHARDSON:

21 Q Are you sure it wasn't just a robbery that went bad?

22 A No.

23 Q They saw you when you were trying to break in the
24 house and you shot them because you didn't want to go back
25 to prison?

1 A No.

2 Q I mean, you're careful all the way through; right?

3 Careful? You carried gasoline to burn up the DNA; right?

4 A Yes.

5 Q I mean, you put on jogging pants; right?

6 A Yes.

7 Q Your hair was longer then so you wore a skull cap;
8 right?

9 A No, it really weren't that much longer.

10 Q So it was shorter before your interview where it was
11 all long and grewed out?

12 A Well, you're looking at two years later.

13 Q Okay. Did you have a beard back then?

14 A I may have. I don't shave very good.

15 Q Okay. But you were careful with all this to avoid
16 DNA; right?

17 A Yes.

18 Q Careful to make sure Teresa doesn't stick around
19 because you don't want highway patrol asking questions.
20 That's what you testified to; right?

21 A Right.

22 Q Careful to sit over there quietly, patiently for
23 three hours; correct?

24 A Right.

25 Q Turned off your cell phone; right?

1 A Yes.

2 Q And you're going to leave Teresa Martin in charge of
3 collecting your money? Is that a yes?

4 A Yeah, I left her in charge of collecting it because
5 I didn't want no more contact with Samantha.

6 MR. RICHARDSON: I've got no further questions for
7 him, Judge.

8 THE COURT: All right. Redirect?

9 MS. WALTER: Just very briefly, Your Honor.

10 REDIRECT EXAMINATION

11 BY MS. WALTER:

12 Q You testified that Teresa texted you the one time
13 and said like, "What are you doing?" And then you cut
14 your phone off. Why did you cut your phone off?

15 A So she wouldn't keep texting me.

16 Q Why didn't you want her to text you?

17 A I don't really want nobody texting me.

18 Q Okay. And Mr. Richardson was talking to you about,
19 "Well, David Dudley said they wanted the one who hired
20 you. They didn't want you; they wanted the one who hired
21 you."

22 Why didn't you give the defendant up then?

23 A Well, because, to give the defendant up, I had to
24 give myself up.

25 Q And you didn't want to do it at that point?

1 A No.

2 Q And there's also been some question about you had
3 the discovery. Obviously, the State turns discovery over
4 to everyone that it tries. Are your answers here today
5 based on your review of the discovery or based on what
6 actually happened?

7 A On what actually happened.

8 Q And what you remember?

9 A Yes.

10 Q When Detective Dudley said to you he wanted the one
11 who hired you, did you tell him that -- did you give him
12 the defendant's name because that's what he wanted to hear
13 or because that's what happened?

14 A Well, when David Dudley said he wanted the one that
15 hired me, I didn't give him nobody's name.

16 Q So now are you implicating or giving us the
17 defendant's name because that's what you think we want to
18 hear or because that's what actually happened?

19 A That's what happened.

20 Q There was also a lot of talk about trying to make a
21 deal with the State. You start with ten years. As you
22 said, you start low. No agreement is made; right?

23 A Right.

24 Q Then you go to trial. Once again, there's an
25 attempt to make an agreement with voluntary manslaughter.

1 You sign a proffer agreement; is that right?

2 A Say that again.

3 Q You were offered the ability to plead guilty to two
4 counts of voluntary manslaughter, and you signed an
5 agreement; correct?

6 A Yes.

7 Q That fell through, and then you signed one for two
8 concurrent terms on murder; is that about right?

9 A Yes.

10 Q And Mr. Richardson made quite a bit of a deal about
11 you want to see the light of day somehow, don't you?

12 A Everybody does.

13 Q So other than potentially seeing the light of day at
14 some point in the future, is there any other reason why
15 you're testifying here today?

16 A Well, I give it a lot of thought. And Samantha done
17 hired somebody to kill her brother and her daddy. When
18 that money runs out, who is she going to kill next? Her
19 kids? Them kids ain't hurt nobody.

20 MR. RICHARDSON: Objection, Your Honor. That is
21 pure speculation.

22 THE COURT: Overruled.

23 MS. WALTER: It's his reason for testifying.

24 THE COURT: Overruled. I'll allow. Go ahead.

25 MS. WALTER: Nothing further, Your Honor.

1 THE COURT: All right. You may step down.

2 The State can call your next witness.

3 MS. WALTER: Your Honor, I need to address one
4 administrative matter and then we'll rest.

5 I was under the impression that State's Exhibit 74
6 and 75, the victim's buccal swabs, had been admitted, but
7 I believe that the court reporter does not agree with me.
8 So I just want -- I don't think the defense --

9 MR. RICHARDSON: We have no objection, Your Honor.

10 THE COURT: That's correct. They're not into
11 evidence.

12 MS. WALTER: I believe that there's no objection,
13 Your Honor.

14 THE COURT: Any objection?

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

16 THE COURT: All right. State's Exhibits 74, State's
17 Exhibit 75 admitted into evidence without objection.

18 (State's Exhibit Nos. 74 and 75 were received into
19 evidence.)

20 MS. WALTER: And with that, Your Honor, the State
21 would rest.

22 THE COURT: All right. Let me see the attorneys for
23 a second.

24 BENCH CONFERENCE

25 (The following bench conference occurred at the

1 bench with counsel and outside the hearing of others:)

2 THE COURT: Do we want to excuse the jury back and
3 go over everything and then bring them back out, or cut
4 them loose for the day?

5 MR. RICHARDSON: We'll be going into directed
6 verdict motion, Judge.

7 THE COURT: That's what I'm saying, is we've got
8 motions and then question your client.

9 MR. RICHARDSON: Yes, sir.

10 THE COURT: And I didn't know at this juncture --
11 let me put it this way: If motions are denied, are you
12 putting up a defense? Are y'all going to put any defense
13 if the motions are denied?

14 MR. RICHARDSON: We'd be ready to start tomorrow,
15 Your Honor.

16 THE COURT: Okay. So what I'm saying is, can we go
17 ahead and cut the jury loose tonight?

18 MR. RICHARDSON: Oh, yes. I figured that's what we
19 would do.

20 MS. WALTER: Yes.

21 THE COURT: Okay. All right. That's what I was
22 thinking.

23 (Open court resumes as follows:)

24 THE COURT: All right. Ladies and gentlemen, the
25 State has rested their case, and so now is the time of the

1 trial where I have to address matters of law with the
2 attorneys, and we have to do that outside the presence of
3 the jury because, as I told you earlier, it requires me,
4 as the judge, and the attorneys to reference factual
5 matters that is not evidence, and we don't want that to
6 influence your decision on what the facts are in this
7 case.

8 So we're going to go ahead and break for the day. I
9 ask that you -- while we tend to these legal matters, I'll
10 let you go home. I'm going to ask that you please be back
11 at 9:15 tomorrow morning. Leave your notepads in the jury
12 box. Do not discuss the case even among yourselves.
13 Don't conduct any independent investigations. Hope
14 everybody has a good evening, and we'll see you back at
15 9:15 tomorrow morning. Thank you very much.

16 (The jury exited the courtroom at 4:19 p.m.)

17 THE COURT: All right. Any motions at this time?

18 MOTION FOR DIRECTED VERDICT

19 MR. RICHARDSON: Your Honor, at this time, the
20 defense would move for a directed verdict of not guilty
21 with regard to the murder charge.

22 THE COURT: All right.

23 MR. RICHARDSON: The State's failed to show Samantha
24 Ford Rabon was anywhere near the scene of the murder. To
25 the contrary, they have shown she was not near the scene

1 immediately prior to, during, or immediately afterwards.
2 They failed to show she was the getaway driver or had any
3 contact with anyone in close proximity to the timing, Your
4 Honor.

5 In the light most favorable to the State, we concede
6 that Teresa and Randy, they may have the conspiracy and
7 solicitation charge at least enough to put back to the
8 jury, but they can't put her at the scene at the time,
9 Your Honor.

10 Your charge on "hand of one, hand of all" states
11 that the principal in a crime is one who either actually
12 commits the crime or is present, aiding, abetting, or
13 assisting in committing the crime. When a person doesn't
14 act in the presence of and with the assistance of another,
15 that is done by both.

16 Where two or more are acting with a common plan and
17 intent are present at the commission of the crime, it does
18 not matter who actually commits the crime; all are guilty.
19 The hand of one is the hand of all.

20 Present at the commission of the crime means to be
21 sufficiently near to aid and abet and assist in the
22 commission of the crime. I just don't see it, Your Honor.

23 THE COURT: All right. What's the State's position?

24 MS. WALTER: Well, Your Honor, we believe that this
25 is exactly the type of situation that "hand of one, hand

P R O C E E D I N G S

TUESDAY, FEBRUARY 27, 2024

(The trial resumed at 9:32 a.m.)

THE COURT: All right. I think when we broke yesterday, I had taken the defendant's motion for directed verdict on the charges of murder under advisement.

Anything further from the State in that regard?

MOTIONS/MATTERS OF LAW

MS. WALTER: Your Honor, I just wanted to have my emails from last night and this morning marked, I guess, as a Court exhibit so that our argument is part of the record.

THE COURT: All right. Any objection?

MR. RICHARDSON: Your Honor, we're in possession of that.

THE COURT: If you want to put -- let's put them as a Court's exhibit.

COURT REPORTER: Court's 7.

(Court's Exhibit No. 7, Email from Solicitor to Judge, was marked for identification.)

MS. WALTER: And then nothing further, Your Honor.

THE COURT: Anything in reply, Mr. Richardson?

MR. RICHARDSON: Your Honor, if I understood the email and the case that was presented this morning, the Lewis case, with regard to the facts in Chavis that

1 Ms. Walter argued in her mail, Chavis is different.
2 Chavis actually delivered the perpetrators of the armed
3 robbery to the scene immediately before the robbery and
4 met with them immediately after the robbery, and then they
5 divided up everything.

6 If that's what we have here, in the light most
7 favorable to the State per Randy Grainger, although not
8 Teresa, there was some meeting the week before, a gun was
9 given, and then he committed the crime.

10 He also testified that Samantha knew when her dad
11 and brother were going to be coming back in town a week
12 prior, but that doesn't really add up to all the text
13 messages that are in evidence.

14 In regard to the Lewis case, Your Honor, Lewis was
15 actually personally present and heard what was going on,
16 and yet, the Court still overturned his verdict --
17 directed verdict of not guilty and said DV should be
18 granted.

19 In that case, when they talk about, under accomplice
20 liability theory, the person must first commit the crime
21 or be present at the scene of the crime and intentionally
22 -- design, aid, abet, or assist in the commission of that
23 crime. That is -- I have got that on the fourth page of
24 my printout. It may be on a different page, Your Honor.

25 But the facts don't fit here, so, again, we're

1 asking for a directed verdict with regard to murder.
2 There's no evidence that Samantha was present, aiding,
3 abetting, or in close proximity.

4 THE COURT: All right. Well, I agree that the "hand
5 of one, hand of all" requires either actual presence,
6 which we do not have in this case, or what's referred to
7 as constructive presence. There's no appellate decision
8 that defines what constructive presence is.

9 However, the State has presented two cases. And,
10 Mr. Richardson, you presented one: State v. Chavis. And
11 State v. Condrey -- I mean, the State presented State v.
12 Condrey, which had convictions under "the hand of one is
13 the hand of all" when neither party was actually present
14 at the commission of the crime.

15 One of them dealt with planning and providing a
16 firearm for a robbery and then was not there at the time
17 of the robbery, but they said the participation -- that
18 got them around the directed verdict stage.

19 And then, in Condrey, it dealt with a person charged
20 with grand larceny who basically bought shoes off an
21 18-wheeler that had been stolen from a factory. One
22 wasn't there when the shoes were stolen from the factory
23 but they said it was part of a common scheme and plan, and
24 so he was not entitled to a directed verdict on "the hand
25 of one is the hand of all" ---

1 MR. RICHARDSON: And, Your Honor --

2 THE COURT: -- position by the State.

3 Yes?

4 MR. RICHARDSON: With regard to Condrey -- and I may
5 be wrong, but as I recall the facts on that, the truck was
6 actually driven by a delivery driver for Shoe Show out of
7 Charlotte, and he met with Condrey, and they took the
8 boxes off. And that was the grand larceny. He was aiding
9 and abetting the person present whenever the shoes were
10 being removed and placed in the car. So he did take some
11 action with regard to the loss.

12 THE COURT: Well, and I understand that, but I think
13 viewing the evidence in the light most favorable to the
14 State at this juncture, saying that there was a
15 solicitation and that the defendant provided the firearm
16 and the information as to when and where the victims were
17 going to be at home, that gets -- gets the State around
18 the directed verdict, and so I'm going to deny the motion
19 for directed verdict.

20 MR. RICHARDSON: Respectfully, Your Honor, we just
21 object.

22 THE COURT: I understand. I understand. Well, I
23 mean, that gives you the appeal right there.

24 MR. RICHARDSON: Yes, sir.

25 THE COURT: If there is a conviction -- and I don't

1 know if there will be or not -- but if there is a
2 conviction, then it's going to force the appellate courts
3 to define what "constructive presence" means.

4 MR. RICHARDSON: Yes, sir, Your Honor.

5 THE COURT: All right.

6 All right. Anything from the State before we bring
7 the jury in?

8 MS. WALTER: No, Your Honor. We are just still
9 waiting for proper redactions of the defense exhibits. So
10 I just want to make sure it's on the record that, while
11 the State did not object to their admission, that was with
12 the caveat that they be properly redacted. So if they are
13 not properly redacted before they go to the jury, we would
14 ask an opportunity to address that. I understand
15 Mr. Richardson is working on it.

16 MR. RICHARDSON: And, Your Honor, I did make an
17 attempt at redactions. I did remove all portions of the
18 other case, the messages, the actual verbiage in the text
19 messages; I just used Post-It notes so that it would be
20 perfectly blocked and it didn't look sloppy. However, the
21 State has requested that I also remove any evidence of
22 these other text messages, when they came in and all that.
23 I can show you what we did.

24 THE COURT: Was there an argument as to the
25 redactions? Am I going to have to sit down and go over

1 point by point ---

2 MR. RICHARDSON: No, no, no.

3 THE COURT: --- what has been redacted and what
4 hasn't been redacted?

5 MS. WALTER: No, no, Your Honor, no. There were
6 text messages that the State did not object to. The
7 original defense exhibits, which I believe we showed you
8 yesterday, had just pages and pages of ones that were
9 irrelevant that we did object to. Mr. Richardson said he
10 would redact them so that all that was showing were the
11 ones that we did not object to. What he presented me with
12 this morning is this, where there is still information on
13 that exhibit as to messages that the State opposed.

14 THE COURT: All right. Let's go down. Tell me what
15 you oppose, what you object to, and let me know if it can
16 be redacted --

17 MR. RICHARDSON: Your Honor, all she's objecting to
18 is this information, not the verbiage.

19 MS. WALTER: Just that has to be redacted because
20 those text messages didn't come in.

21 THE COURT: Is there an objection to redacting that?

22 MR. RICHARDSON: Your Honor, I can do that. It will
23 take me at lunch just to do it because some of them are
24 pieced, and I'm just going to have to cut paper and do it.

25 THE COURT: Okay. If there's no objection to do it

1 then we'll do it.

2 MR. RICHARDSON: Yes, sir, Your Honor.

3 THE COURT: All right.

4 MR. GROOMS: Your Honor, just for the record, we
5 have a witness that was on our list, Mindy Allen; correct
6 name, Mindy Williamson. We're not going to be calling
7 her. She is in the courtroom.

8 THE COURT: All right.

9 MR. RICHARDSON: And our first witness is in the
10 courtroom, Your Honor, but I believe the State has no
11 objection to Lieutenant Lent being here.

12 MS. WALTER: That's correct, Your Honor.

13 THE COURT: All right. Do we want to go ahead now
14 and question your client on her right to testify?

15 MR. RICHARDSON: Yes, sir.

16 DEFENDANT'S RIGHTS - CONTINUED

17 THE COURT: Ma'am, if I could get you to raise your
18 right hand, please.

19 SAMANTHA RABON,

20 after having been duly sworn, was examined and
21 testified to as follows:

22 THE COURT: Thank you very much. You may put your
23 hand down. Your name is Samantha Ford Rabon?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: All right, Ms. Rabon. We're going to go

1 over this script that I went over with you yesterday
2 before we broke. Okay?

3 All right. At this time, I'm going to explain to
4 you certain rights you have. If you do not understand
5 what I say, please let me know, and if you want me to
6 explain anything in more detail, let me know. Do you
7 understand that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. We have now reached the
10 stage of the trial where you may present your defense.
11 You have the right to claim the protections given to you
12 by the Fifth Amendment to the United States Constitution
13 which states in part that no person shall be compelled in
14 any criminal case to be a witness against himself. This
15 means that you cannot be required to testify in this case.

16 You have the right to testify on your own behalf;
17 however, no one can make you testify. This is a personal
18 right, and no one can waive this right except for you.

19 If you decide to testify, you will be subject to the
20 same rules that govern other witnesses, and you may be
21 examined and cross-examined on any relevant issue in this
22 case.

23 In addition, if you have any convictions involving
24 dishonesty or false statement or for crimes punishable by
25 imprisonment for more than one year and this Court

1 determines that the probative value of admitting this
2 evidence outweighs its prejudicial effect to you, the
3 solicitor will be able to introduce your record to attack
4 your credibility.

5 If you decide to testify, this decision on your part
6 must be freely, voluntarily, and intelligently made with
7 the knowledge of the protections given to you by the Fifth
8 Amendment and the consequences of your decision to
9 testify.

10 If you decide not to testify, I will instruct the
11 jurors that they cannot give the fact that you did not
12 testify any consideration whatsoever and that there is to
13 be absolutely no prejudice to you because you did not
14 testify. It is left entirely up to you whether or not you
15 testify. You may talk with your attorney, your family and
16 friends, and anyone else involved, but the final decision
17 will be left entirely up to you.

18 Now, do you understand what I have explained to you?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you have any questions, what I have
21 explained to you?

22 THE DEFENDANT: No.

23 THE COURT: Have you had an opportunity to discuss
24 this matter with your attorneys, your family, friends, or
25 anyone else you wanted to discuss this with?

1 THE DEFENDANT: I have.

2 THE COURT: And have you made a decision as to
3 whether or not you wish to testify in this case?

4 THE DEFENDANT: I will not be.

5 THE COURT: You will not testify. Is this your
6 decision?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Is there anything additional
9 you want on the record, Mr. Richardson?

10 MR. RICHARDSON: No, sir.

11 MR. GROOMS: No, sir.

12 THE COURT: Anything further the State wants on the
13 record in this regard?

14 MS. WALTER: No, Your Honor.

15 THE COURT: All right. Thank you very much.

16 All right. Anything further from the defense before
17 we bring the jury in?

18 MR. RICHARDSON: No, sir, Your Honor.

19 MS. WALTER: Your Honor, just to prevent a break
20 between the witnesses -- because my understanding is that
21 Lieutenant Lent will be fairly short -- in my email this
22 morning, I also attached a case regarding when it is
23 appropriate to declare a witness adverse or hostile. So I
24 just wanted to say that it is the State's position that,
25 until the defense shows surprise or harm, that it is

1 inappropriate to simply declare a witness hostile or
2 adverse right from the beginning. I think that there has
3 to be some showing of hostility or adversity.

4 THE COURT: All right. And I think I went over this
5 yesterday. I'm going to deny that. I'm going to let him
6 treat him as hostile.

7 All right. Anything further from the State before
8 we bring the jury in?

9 MS. WALTER: No, Your Honor.

10 THE COURT: All right. Anything further from the
11 defense?

12 MR. RICHARDSON: No, sir, Your Honor.

13 THE COURT: All right. Let's bring the jury in.

14 (The jury entered the courtroom at 9:48 a.m.)

15 THE COURT: All right, ladies and gentlemen.
16 Welcome back. I hope everyone had a good evening. Again,
17 I want to thank you for being prompt and returning on time
18 this morning. We're ready to resume the trial of this
19 case. Make sure you have your own notepads and do not
20 have anyone else's notepads.

21 When we broke yesterday, the State had rested their
22 case, and now it's the time where the defendant can
23 present a defense, if she chooses to.

24 All right. Defense may call your first witness.

25 MR. RICHARDSON: Thank you, Your Honor. The defense

1 would call Lieutenant Greg Lent of the County Police.

2 LT. GREG LENT

3 after having been duly sworn, was examined and
4 testified to as follows:

5 THE CLERK: Get you to state your name and then
6 spell your last name for the Court.

7 THE WITNESS: Gregory Lent. L-e-n-t.

8 DIRECT EXAMINATION

9 BY MR. RICHARDSON:

10 Q Good morning, Lieutenant.

11 A Good morning, sir.

12 Q And I'll let you get your water first.

13 Could you tell us about yourself, where you're
14 employed, how long, and in what capacity?

15 A Well, my name is Greg Lent. I'm a lieutenant with
16 the Horry County Police Department. I'm the deputy
17 commander of their Criminal Investigations Division. I
18 have been with Horry County Police Department since
19 October of 2007 and have worked in Investigations since
20 December of 2012.

21 Q Back during the course of this investigation,
22 beginning August 2018 and on through August of 2020, were
23 you -- what was your position?

24 A In August of 2018, I was a Narcotics detective
25 assigned to our Vice Unit. In July of 2019, I assumed the

1 role of sergeant over the Homicide/Robbery Squad.

2 Q So you have been sergeant and now you're lieutenant;
3 correct?

4 A Correct.

5 Q What are your duties associated with sergeant and as
6 lieutenant?

7 A I help to assist supervising the cases. I assist
8 the lead detectives, supervise the employees that we have,
9 and provide whatever experience that I have just through
10 my course of investigations.

11 Q So you were in Narcotics when this first began, so
12 you didn't have anything to do with at least the initial
13 investigation; correct?

14 A Correct.

15 Q And if I'm understanding you, as sergeant, you're
16 supervising; as lieutenant, supervisor of a higher grade;
17 correct?

18 A Correct.

19 Q And you started off as a patrol officer?

20 A I did.

21 Q And made it all the way to lieutenant.

22 So I assume you're familiar with policies and
23 standards for police, particularly with the Horry County
24 Police Department?

25 A Yes.

1 Q Did you perform any direct investigation in this
2 case?

3 A No.

4 Q So with your lengthy career in Investigations,
5 particularly as a detective in Violent Crimes; correct?
6 Sergeant and lieutenant?

7 A Yes.

8 Q You're very familiar with how cases -- particularly
9 homicide cases are investigated; correct?

10 A Yes. I have a good deal of experience with those.

11 Q When a homicide investigation first begins, is there
12 normally kind of an all-hands-on-deck type of mentality?

13 A From the very beginning of a homicide case, it is a
14 collaborative effort not just with a few detectives but
15 almost the entirety of the Criminal Investigations
16 Division, to include crime scene investigators, multiple
17 detectives from multiple different units. That would be
18 Narcotics and anything else, our task force officers,
19 whatever it may be.

20 When we first respond out, it's everybody. And
21 probably for weeks after. There is never a time when
22 we're investigating a homicide that it is not that
23 collaborative effort. It may not be everybody in the room
24 at the same time, you know, four weeks or two months into
25 it, but there are regular meetings with the entire unit

1 because everybody has a hand in it.

2 Q And back in 2018 -- August of 2018 specifically,
3 while you were in Narcotics, do you have any idea of
4 approximately how many detectives were in Violent Crimes
5 or Major Crimes?

6 A A rough guess, probably around that time, there
7 would have been about 25 detectives between the three
8 different units: Homicide, Special Victims, and Property.

9 Q At some point during a criminal investigation, does
10 a detective -- one detective kind of take over the case as
11 a lead?

12 A So what ultimately ends up happening is, obviously,
13 there's -- at any given time in the county, there can be a
14 violent crime. So we have an on-call list. I might be on
15 call today and another detective might be on call
16 tomorrow. If something were to happen today, the
17 supervisor is going to call my phone and say, "Hey, we've
18 had a shooting over here, we've had this type of incident
19 over there, you need to respond." You are then the lead
20 detective because you're on call.

21 Depending on the type of case, you may have multiple
22 detectives helping you. There's some cases where you
23 might be the only detective. If I go out and there's a
24 B&E auto or somebody burglarizes a house or if a
25 Homicide/Robbery detective responds to a suicide, you're

1 probably going to be the only person working that case.

2 On a case like a homicide, the entire crowd is going
3 to respond out with you. So you may be the lead detective
4 but really what that means is you are the one responsible
5 for compiling all the paperwork, putting everything
6 together, and just having an understanding of what the big
7 picture of that case is.

8 Q Okay. And the lead detective on an investigation
9 that lasts a year or two years, do they normally stay on
10 that case? Do they manage it?

11 A Yes. Normally, a lead detective will stay on that
12 case until it's determined that either that case will go
13 into our cold case unit, if it's unsolved, or if there are
14 still leads to be worked, if there's still information
15 that we can follow-up on -- that lead detective is still
16 responsible for the movement of that case, making sure the
17 paperwork is done, making sure that, "Hey, we're following
18 up with these things." The lead detective may be the
19 person going out and doing the work to do the follow-up or
20 there might be other detectives that are sent out to do
21 whatever work that needs to get done.

22 Q And we have heard some testimony from other
23 officers, former officers. There was a lot going on in
24 the summer of 2018, a lot of murders, robberies, and
25 whatnot?

1 A It was a busy time in Horry County, yes.

2 Q And I think you kind of went through the duties of a
3 lead detective.

4 Could you tell us how David Dudley became the lead
5 detective in this case?

6 A I can't. At that time, I was in Narcotics. I don't
7 know if he was on call or if just the operational tempo
8 that that unit had at that time. The detective that was
9 on call may have responded to another homicide or another
10 major incident, so that supervisor at that time had to
11 pick the next guy up.

12 Q And would it have been proper or a good idea for a
13 detective to become a lead detective or work a case if
14 that detective had a preexisting or close connection with
15 the family of the victim?

16 A I have been in Investigations for 12 years. I've
17 been in Horry County since 2007. Conway is not a very big
18 place. Horry County is not necessarily a very big place.
19 There's a lot of connections either between Loris, Conway,
20 Aynor. It is not uncommon for an officer or for a
21 detective to be involved in an investigation where he may
22 have some familiarity with either of the parties. It just
23 depends on what that level of familiarity is, and if it is
24 determined that there is some type of conflict that they
25 can't be involved in that case.

1 That did not occur, to my knowledge, in this case.

2 Q Would you expect a detective to notify you of any
3 kind of connection like that, as supervisor?

4 A Yes. And I was.

5 Q And you were notified in this case or you were not?

6 A My understanding of this case -- and, again, my
7 understanding of it is that Detective Dudley and the
8 defendant knew each other through school, they went to
9 school around the same time. Like I said, in Conway,
10 everybody kind of knows everybody in one degree or
11 another.

12 Q And that was the extent of what you knew at that
13 point?

14 A Yes, that's what I know from my recollection.

15 Q Now, David Dudley, he's no longer employed with the
16 Horry County Police Department, is he?

17 A No, he's not.

18 Q And when did he cease working at the County Police
19 Department?

20 A I believe it would have been May or June of 2023.

21 Q Could you tell us what led up to his separation from
22 the County Police Department?

23 A I know that he was -- he was separated from the
24 County Police Department. He resigned in lieu of
25 termination.

1 Q So he was given a choice: resign or be terminated?

2 A Correct.

3 Q And do you know if he was found to have mishandled
4 evidence?

5 A That was the reason why he had been -- why his issue
6 had been addressed and he was given that option.

7 Q And so he failed to submit evidence in some cases?

8 MS. WALTER: Objection.

9 A Yes.

10 MS. WALTER: Number one, I think we need to
11 establish Lieutenant Lent's basis of knowledge. I also
12 believe that that may be a little bit of a
13 mischaracterization.

14 THE COURT: Overruled. I'll allow it.

15 Go ahead.

16 BY MR. RICHARDSON:

17 Q You were his supervisor whenever he was terminated;
18 correct?

19 A Incorrect.

20 Q You were not?

21 A No. I was another sergeant in the investigative
22 unit. There was a -- Lieutenant DeBerry at that time was
23 his supervisor.

24 Q Because David Dudley had been promoted to sergeant
25 over sexually-based crimes; correct?

1 A Correct.

2 Q Special Victims?

3 A Correct.

4 Q And this mishandled evidence, it was found in his
5 drawer or his desk?

6 A It was found in his office, yes.

7 Q Do you know how much was found in there?

8 A I don't recall. There were a few items.

9 Q Were there any cell phones found in there?

10 A There were cell phones, yes.

11 Q Do you know if those cell phones were ever
12 identified?

13 A I don't -- I don't recall.

14 Q Now, so y'all searched his desk that was at the M.L.
15 Brown Building; correct?

16 A When he left, you know, obviously, some of those
17 items were boxed up and provided to him. There were other
18 items that were still in the office that belonged to the
19 county or police department, you know, whatever it may
20 have been. Those items had been inventoried and, through
21 that, there were some pieces of evidence that we located.

22 Q Now, after finding mishandled evidence in his desk,
23 do you know if the County Police ever took any actions to
24 go search his County-issued vehicle?

25 A I don't know.

1 Q Any other searches of any of his other properties to
2 see if there was anymore mishandled evidence?

3 A I don't know.

4 MR. RICHARDSON: Court's indulgence.

5 THE COURT: All right.

6 BY MR. RICHARDSON:

7 Q Do you know if any of that evidence that Mr. Dudley
8 failed to turn in pertained to this case, this
9 investigation?

10 A I don't -- I don't know. I don't know.

11 Q Okay.

12 A I don't believe so, but I don't want to -- I can't
13 say for sure."

14 Q Thank you. Thank you, Lieutenant. Please answer
15 any questions the State may have.

16 THE COURT: Cross-examination?

17 MS. WALTER: Thank you.

18 CROSS-EXAMINATION

19 BY MS. WALTER:

20 Q Good morning, Lieutenant.

21 A Good morning.

22 Q You talked about, when describing the duties of a
23 lead detective, you said things like there are many eyes
24 on an investigation and that there are regular case
25 meetings for high-profile cases.

1 Would this have been a high-profile case, given what
2 was going on in the county at the time?

3 A Yes. I mean, any homicide is a high-profile case,
4 and whenever you have a homicide investigation that
5 involves two victims, it certainly rises to another level.

6 Q Those case meetings would have been attended by
7 other detectives, supervisors, maybe even some of the
8 command staff at the solicitor's office; correct?

9 A Absolutely.

10 Q And at those case meetings, the progress of an
11 investigation and then future steps in the investigation
12 would also be covered; correct?

13 A Yes.

14 Q So if someone in that meeting believed that there
15 were leads that were not being followed up or that there
16 was an issue with an incomplete investigation, that would
17 be brought up at that time; correct?

18 A Oh, absolutely. When we do these things, there is
19 no shortage of people that have their hands in it. Even I
20 as a lieutenant -- I have been a detective in
21 Investigations, I have been a senior detective in
22 Investigations, I have been a sergeant in Investigations,
23 and now a lieutenant in Investigations. I had been
24 involved personally in probably 200 different homicide
25 cases in the last 10 or 12 years easily. And those are

1 just homicide cases. I can't tell you how many other
2 investigations I have been involved in.

3 There is never a time when there is not a
4 collaborative effort. As a lieutenant, I sit in a room
5 with the Homicide Unit and make sure that these cases are
6 being followed up on. As a sergeant, I sat in that room
7 and made sure that these cases were being followed up on.

8 As a detective -- just as a detective, if I was
9 sitting in a room and we were discussing a case and there
10 was a lead to be followed up on or if something needed to
11 get done, I didn't need to be a supervisor in order to
12 raise my hand and say, "That needs to get completed. We
13 need to go do that."

14 That is still the case to this day. The most junior
15 detective can raise their hand and say, "Hey, we need to
16 go get this done" or there may be a piece of information
17 that we need to know over there.

18 We will overturn everything that we need to overturn
19 to be able to determine who was involved and what level of
20 involvement they had in a case.

21 Q Does the Horry County Police Department have any
22 interest in charging the wrong person for a crime?

23 A No. Not only does the Horry County Police
24 Department not have an interest in charging the wrong
25 person in a crime -- look, I come in here and they address

1 me by my rank, lieutenant. My name is Greg Lent. I am
2 not ever going to put my name on something that would --
3 that would not be done thoroughly or that I thought would
4 end up with an innocent person or somebody who had not
5 been involved being charged with a crime.

6 I would not -- I would not have the patience for
7 that. I would not have the patience for another detective
8 to work in such a way. That just would not happen.

9 Q Now, you said that you had been -- you were promoted
10 to sergeant in Robbery/Homicide in July of 2019. Let me
11 start with, did you know David Dudley prior to becoming a
12 sergeant in Robbery/Homicide?

13 A Yes.

14 Q Did you get to know him and supervise him after you
15 became a sergeant in Robbery/Homicide?

16 A I did. When Detective Dudley became a detective, me
17 and Detective Dudley had worked cases together. Me and
18 him have investigated, gone out, spent untold hours out
19 working, interviewing people, and trying to figure out who
20 did what on a good many cases.

21 As a sergeant, I supervised Detective Dudley. I
22 watched his investigations, supervised his investigations,
23 and made sure that things were done to the level that I
24 expected them to be done.

25 Q Based on your experience with Detective Dudley -- if

1 you started as a sergeant in Robbery/Homicide in July of
2 2019 and we're now -- we're not yet March -- February of
3 2024, you have been in a position to supervise those who
4 have been working on this case; correct?

5 A Yes.

6 Q And based on that and based your experience with
7 Detective Dudley, do you have any doubts in your mind, as
8 a supervisor for Horry County Police Department, this that
9 was not a complete and thorough investigation?

10 A I have no doubts that this case was investigated
11 thoroughly.

12 Q Nothing further. Thank you.

13 THE COURT: All right. Redirect?

14 REDIRECT EXAMINATION

15 BY MR. RICHARDSON:

16 Q I think you testified you had no personal
17 involvement in this case; correct?

18 A Correct. I did not conduct any interviews or follow
19 up on any of the tasks that needed to be followed up on.

20 Q Ms. Walter brought up those roundtable meetings.
21 And I'm sorry I called you lieutenant earlier, but I got
22 to be formal in here.

23 A I understand. I wouldn't expect you to.

24 Q I've sat at some of those roundtable meetings.
25 Do you know for a fact that those roundtable

1 meetings were had in this case?

2 A Oh, yes. Absolutely.

3 Q But you weren't present?

4 A No, I did not say that I wasn't present for a
5 roundtable meeting. I'm sure that I was present through
6 some of those meetings.

7 When you asked me personal involvement, I didn't go
8 out and interview anybody. I didn't go out and pick up
9 any pieces of evidence. I didn't go out and get any
10 surveillance video or do anything like that.

11 At that point, I have a bird's-eye view of what's
12 going on. I'm tasking people if things need to be done,
13 "You go do this, you go do that" or listening to the
14 information that's coming in from the investigators to
15 determine if they need to go another route or follow up on
16 another piece of evidence that maybe we don't have
17 information on yet.

18 Q And those roundtable meetings, if someone has a
19 clear conflict, should they be in the room? A personal
20 conflict.

21 A Again, if they have a clear conflict -- if I was
22 investigating my mother, I probably wouldn't be in that
23 room. I was in investigating my neighbor three doors down
24 or somebody I went to school with, that would not rise to
25 the level of us removing somebody from a case.

1 Q Okay.

2 MR. RICHARDSON: No further questions, Your Honor.

3 THE COURT: All right. You may step down.

4 MR. RICHARDSON: I would ask that Lieutenant Lent be
5 excused from his subpoena.

6 THE COURT: Any objection?

7 MS. WALTER: None whatsoever, Your Honor.

8 THE COURT: All right. He's free to go.

9 THE WITNESS: Thank you.

10 THE COURT: Defense?

11 MR. RICHARDSON: Can you ask for David Dudley,
12 please.

13 THE CLERK: Please raise your right hand and place
14 your left hand on the Bible.

15 DAVID DUDLEY,

16 after having been duly sworn, was examined and
17 testified to as follows:

18 THE CLERK: Thank you. Get you to state your name
19 and spell your last name for the Court.

20 THE WITNESS: David Dudley. D-u-d-l-e-y.

21 DIRECT EXAMINATION

22 BY MR. RICHARDSON:

23 Q Mr. Dudley, thank you for being with us today.

24 A Thank you.

25 Q You're here today under subpoena from the defense;

1 correct?

2 A Yes, sir.

3 Q You were the lead detective in this case; correct?

4 A I was.

5 Q And you're no longer with the County Police
6 Department?

7 A That's correct.

8 Q Are you working in law enforcement at this time?

9 A No, sir.

10 Q You resigned back in May of this past year?

11 A Yes, sir.

12 Q And were you given a choice to resign or be
13 terminated?

14 A Yes, sir.

15 Q Okay. Now, that choice came up after there was an
16 internal investigation; correct?

17 A That's correct.

18 Q And it was found that you failed to properly store
19 and turn in certain pieces of evidence; correct?

20 A Yes, sir.

21 Q And at least one piece of evidence was from this
22 case; correct?

23 A That's correct.

24 Q That was a DNA swab of somebody you didn't think was
25 involved, one of Robert's sisters; correct?

1 **A** Yes, sir.

2 **Q** Were there some cell phones that were found in your
3 desk?

4 **A** There were.

5 **Q** And after Internal Affairs or Policies and
6 Procedures -- I can't remember the term for it -- after
7 they found these items in your desk, did they conduct any
8 other searches of your vehicles?

9 **A** Not to my knowledge, no.

10 **Q** So they didn't do any searches anywhere else, to the
11 best of your knowledge?

12 **A** No, sir.

13 **Q** Now, can you tell us how you became the lead
14 investigator on this case?

15 **A** When this case came out, I was actually on vacation
16 with my family. We were at Myrtle Waves or, no, Ocean
17 Lakes Campground. And I got a phone call from the
18 sergeant of the Homicide Division at the time and said,
19 "We need you -- we got a murder investigation. We need
20 you to come be the lead detective."

21 And I explained to him I was on vacation, and I
22 basically got told, "Your vacation is cancelled; we need
23 you to come work this case."

24 **Q** That was because there was a lot of activity -- a
25 lot of homicides and robberies during that summer;

1 correct?

2 A Yes, sir. There had been five murders in a couple
3 of days, something close to that.

4 Q Mr. Dudley, I received a few UCRs/incident reports
5 on this case from you and other officers, but I think I
6 only got one case report, and that was your case report;
7 correct?

8 A Case report meaning...

9 Q Report of Investigation.

10 A Yes, sir.

11 MR. RICHARDSON: Can I have that marked?

12 (Defendant's Exhibit No. 23, Report of
13 Investigation, was marked for identification.)

14 THE COURT: Defendant's 23.

15 MR. RICHARDSON: Okay. For identification,
16 Defendant's 23.

17 MS. WALTER: Can I see that, Brad?

18 MR. RICHARDSON: Oh, yes, ma'am.

19 MS. WALTER: Thank you.

20 BY MR. RICHARDSON:

21 Q I'm going to show you what's been marked as Defense
22 Exhibit 23. Is that a copy of your Report of
23 Investigation?

24 A Yes.

25 Q And if you need to refresh your recollection...

1 A Thank you.

2 Q And we have heard testimony. There were other
3 detectives that were involved in this investigation;
4 correct?

5 A Several.

6 Q Assisting you; correct?

7 A That's correct.

8 Q Now, I note, in previous cases when I was a
9 prosecutor and as defense counsel, I would get
10 supplemental reports from other investigators involved.
11 Do you know if there were any supplemental reports filed
12 by any other investigators on this case?

13 A If I'm not mis- -- there should have been several.

14 Q Do you recall, on or about September 16th, 2020, you
15 sent eight different computers to SLED; correct? Sound
16 about right?

17 A September what?

18 Q September 16th, 2020.

19 MR. RICHARDSON: This is just for identification,
20 because I have a handwritten note on the bottom.

21 COURT REPORTER: Defendant's 24.

22 (Defendant's Exhibit 24, SC Computer Crime Center
23 Evidence Intake, was marked for identification.)

24 BY MR. RICHARDSON:

25 Q I'm going to hand you what's been marked as

1 Defendant's 24. Do you recognize that?

2 A Yes. This is a Computer Crimes Intake Sheet for the
3 State Law Enforcement Division.

4 Q Okay. So has that got the date of September 16th,
5 2020?

6 A Yes, it does.

7 Q And there were, I think, two separate Acer laptops,
8 a Dell Inspiron, a HP Pavilion, HP 110 Desktop, HP AJO, if
9 I got it right; it may be AJO -- and a CyberPowerPC.

10 A Yes, sir.

11 Q Okay. And those were various devices found at the
12 homes of Teresa Martin, Randy Grainger, and Samantha
13 Rabon; correct?

14 A Yes.

15 Q And correct me if I'm wrong, but you indicated on
16 that SLED form that you wanted them to search any and all
17 these devices for any communications about the murders,
18 planning of murders, as well as information pertaining to
19 searches of media sources or communication between the
20 persons involved; correct?

21 A That's correct.

22 Q But you told SLED it wasn't an urgent matter;
23 correct? Or you marked it.

24 A I did mark it, but we had already been in contact
25 with them.

1 Q SLED found none of that; correct? None of that
2 communication talks about murder on those devices;
3 correct?

4 A Not to my knowledge.

5 Q You-all -- you, as lead case agent, you kind of ran
6 lead dog on this case; right?

7 A Yes, sir.

8 Q So you were familiar with everything that was being
9 done?

10 A In stages. I knew the gist of what was happening,
11 but there were a lot of moving parts in these
12 investigations.

13 Q And you-all collected a lot of other devices too;
14 correct?

15 A I believe so, yes.

16 Q Okay. Cell phones, iPods. I think a Nook book
17 reader? A whole lot of stuff?

18 A Yes.

19 Q And did you-all go through all those items, sift
20 through them, do a computer forensic exam on them?

21 A I think everything was gone through as best as it
22 was able to forensically and physically.

23 Q And in that, you still found no direct link --
24 communication between Randy Grainger and Samantha Rabon;
25 correct?

1 A Not to my knowledge, no.

2 Q You found no indication of direct communication
3 about a murder for hire or anything, did you?

4 A No.

5 Q Couldn't find any emails, texts, photos, or anything
6 linking Randy Grainger to Samantha; correct?

7 A No.

8 Q Did you ever get a cell phone for Teresa Martin?

9 A There were several items seized or taken from her
10 home. I don't recall exactly what was in that group of
11 devices.

12 Q And so you can't remember if you got a cell phone
13 from Teresa; correct?

14 A I don't recall what was taken from her house.

15 Q And how about during your 4-1/2-hour interview, did
16 she bring a phone with her and hand it over to you?

17 A I don't think she had a phone when she came.

18 Q So she didn't volunteer her phone to you; correct?

19 A No, sir.

20 Q Now, if you had her phone, you could have done some
21 kind of geolocation with those phones? Is that your
22 understanding from investigations?

23 A That's the technical side of it. It's kind of
24 outside my understanding of how that works.

25 Q In your work, you have worked with cell phones

1 before; correct? With assistance?

2 A From other companies, like Google or from AT&T.
3 Specifically doing something with cell phones, I don't do.

4 Q You are aware that you'd be able to tell where a
5 cell phone, what tower it's pinging off of; correct?

6 A Yes.

7 Q And do you know if y'all ever got any information
8 from data records, from Cellebrite, from anything showing
9 Samantha Rabon, Randy Grainger, and Teresa Martin all in
10 one general location a week before this murder?

11 A I don't recall that.

12 Q Do you have anything putting them all together at
13 any point?

14 A I don't -- I don't believe so.

15 Q Do you recall if you asked for that to be done?

16 A I know we did tower dumps and things of that nature,
17 but I don't recall if anything was specifically locating
18 putting all three of them together at the same time.

19 Q Did y'all ever try to get tower dumps for over at
20 Pebble Lane?

21 A No, sir.

22 Q And Pebble Lane, that's where Teresa Martin's mother
23 lived and Teresa whenever y'all went -- and she
24 volunteered to come in; correct?

25 A From Pebble Lane? Yes.

1 Q And that's where Sheila Burris lived; correct?

2 A Yes, that's correct.

3 Q Y'all sifted through a lot of bank records, credit
4 card records, all that mess; right?

5 A Yes.

6 Q Didn't see any payments to Randy Grainger; correct?

7 A No, sir.

8 Q Any payments to Teresa Martin?

9 A No, not that we found.

10 Q Now, Sam Rabon, that is Samantha's husband; correct?

11 A That's correct.

12 Q Y'all interviewed him; correct?

13 A Yes.

14 Q Okay. And in the course of that interview, that
15 would have been around October or November of 2018?

16 A That sounds about right.

17 Q Okay. And, of course, we're not going to ask you
18 what Sam talked about, but you told Sam that you were
19 getting calls from Anita and Rita daily; correct?

20 A Yes.

21 Q And Anita and Rita, those are Robert Ford's sisters;
22 correct?

23 A That's correct.

24 Q And you knew them both; correct?

25 A I did.

1 Q And you knew Rita pretty well; right?

2 A I knew Ms. Rita, yes.

3 Q Ms. Rita. And I don't mean to be disrespectful.

4 A No, I understand.

5 Q You actually dated Rita's daughter for a good period
6 of time, didn't you? Jesalyn (ph)?

7 A When I was in high school, yes.

8 Q Y'all dated for about five years?

9 A No.

10 Q Was there a time when Ms. Rita moved to North
11 Carolina and Jesalyn moved in with you for a short period
12 of time -- moved in with your family?

13 A My parents allowed her to stay at our house because
14 she didn't have anywhere else to go at the time.

15 Q Did you spend holidays, some, with Ms. Rita's
16 family?

17 A Maybe dinner, like, that day or something, yes.
18 Just boyfriend/girlfriend.

19 Q Birthdays and whatnot?

20 A Yep.

21 Q So it would be fair to say that, at some point --
22 you're saying around high school time -- that you were
23 pretty close to the family?

24 A That's correct.

25 MR. RICHARDSON: Court's indulgence.

1 THE COURT: All right.

2 BY MR. RICHARDSON:

3 Q And, Samantha, you knew her; right?

4 A Yes.

5 Q Okay. You and Jesalyn and Samantha, y'all went to
6 high school together; correct?

7 A We did.

8 Q And you contacted Samantha off and on, just friendly
9 banter?

10 MS. WALTER: Objection. During what time period?

11 MR. RICHARDSON: I think it's 2011.

12 MS. WALTER: It just wasn't clear from the question
13 so I'm trying to figure out where the relevance --

14 THE COURT: State your objection on the record, and
15 I'll make a ruling on your objection.

16 MS. WALTER: Objection as it's unclear what time
17 period he's even referring to.

18 THE COURT: All right.

19 BY MR. RICHARDSON:

20 Q When y'all were in school and you were dating
21 Jesalyn, did you and Jesalyn and Samantha and her
22 then-boyfriend, did y'all go on double dates and whatnot?

23 A Occasionally.

24 Q And I believe Samantha was dating your best friend
25 at the time?

1 A That's correct.

2 Q Now, back then -- we have heard some testimony about
3 a house being burned over -- that was over by Mr. Ford's
4 house, over by [REDACTED]?

5 A Yes.

6 Q Do you recall texting Samantha back in, I think it
7 was 2011, asking her about her grandmother's house, when
8 did it burn?

9 A I don't recall having any contact with her in 2011.

10 COURT REPORTER: 25 and 26.

11 (Defendant's Exhibit No. 25 and 26, Text Messages,
12 was marked for identification.)

13 BY MR. RICHARDSON:

14 Q 25 and 26, Defense. Review those.

15 And I realize that's almost 13 years ago.

16 A Yes.

17 Q Okay. And what do those appear to be?

18 A Just asking about when her grandmother's house had
19 burned down.

20 Q Okay. And they're Facebook messages; right?

21 A That's correct.

22 Q And that was back around 2011?

23 A Yes.

24 Q Okay. And you referred to it as, "I saw your
25 grandma's house burnt down" or something like that?

1 A Yes.

2 Q Okay. So y'all maintained at least Facebook friends
3 status at that point; correct?

4 A Yes.

5 Q How about with Jesalyn? Were y'all Facebook friends
6 at that time or do you remember?

7 A I don't think so, but I don't recall.

8 Q Now, you were aware that Samantha -- Robert didn't
9 have any other children other than Robbie and Samantha;
10 correct?

11 A That's correct.

12 Q And so, of course, she stood to inherit everything;
13 correct?

14 A Yes.

15 Q And if Samantha was removed from the picture, Rita
16 and Anita would be the next in line to inherit; correct?

17 A I don't know any of that, sir.

18 Q Were you aware of a lawsuit filed to try and take
19 ownership of the estate?

20 MS. WALTER: Objection, Your Honor. Relevance as to
21 the time of the murder.

22 MR. RICHARDSON: These arrests were effected about a
23 week before it was scheduled to be -- tried to be removed
24 to federal court.

25 THE COURT: Overruled. I'll allow it.

1 **A** I don't know anything about that, sir.

2 BY MR. RICHARDSON:

3 **Q** Okay. Now, did you tell your superiors about your
4 connection to the family?

5 **A** I did.

6 **Q** You told them y'all used to have holiday dinners and
7 whatnot?

8 **A** I explained that I dated her cousin in high school
9 and that we knew each other.

10 **Q** And how long did you and Jesalyn date?

11 **A** Maybe a year and a half.

12 **Q** Now, there were multiple detectives with the Major
13 Crime Unit at that point; correct?

14 **A** Yes, sir.

15 **Q** And I know the terms have changed. Was it Major
16 Crimes then or Violent Crime or what was it?

17 **A** I think it was Homicide at that point, but between
18 Homicide and Special Victims, there were several
19 detectives.

20 **Q** And it's changed terms a few times; correct?

21 **A** That's correct.

22 **Q** And any of those detectives could have taken over
23 the case, but you were called in; correct?

24 **A** I was told to keep the case by my superiors.

25 **Q** So King Hemingway was on the scene when you arrived;

1 correct?

2 A Yes.

3 Q He had a little more seniority than you?

4 A He did.

5 Q I believe I saw -- he's now a lieutenant but he was
6 a detective, Cory Dulina back then. He was on the scene
7 before you?

8 A I have a hard time regarding who all -- there was a
9 lot of people there, I do know that.

10 Q All right. So you were detective sergeant before
11 you left; correct?

12 A That's correct.

13 Q So if you would've had one of your detectives coming
14 up to you and say, "Hey, Sarge, this victim in the house,
15 I dated her daughter a while back," don't you think it
16 would have been a good idea to reassign the case?

17 A I would have ran it up my chain of command.

18 Q Did you tell -- John Brantly was your unofficial
19 partner for a while; correct?

20 A He was.

21 Q Did you tell John Brantly about this prior
22 relationship?

23 A I don't recall if I told John or not.

24 Q And Drew Edwards followed up. Did you tell Drew
25 about that?

1 A I don't recall if I expressed it to him either.

2 Q Let's get back into the case. Early on in the
3 investigation, I believe you got out to the scene late
4 afternoon on August 18th?

5 A Yes. It was well late into the afternoon.

6 Q And you were coming from vacation. I understand.

7 A That's right.

8 Q And I think you said Ocean Lakes, so it's probably a
9 30- or 45-minute drive at least.

10 A Yeah.

11 Q But the very next day you initiated a call with Lee
12 Graham; correct?

13 A I received information that Lee Graham had some
14 information for us, yes, sir.

15 Q And you called him about 1:00 or so? Does that
16 sound about right?

17 A Possibly. I called him that day. I know that.

18 Q And that was the 19th, the very next day after you
19 got assigned the case.

20 A Yes.

21 Q Is it fair to say that, after speaking with Lee
22 Graham, Samantha became a focus of your investigation?

23 A She became a person of interest, yes.

24 Q As a matter of fact, you even requested cell phone
25 records of her that same day, correct, to get a search

1 warrant?

2 A That's correct.

3 Q Now, you met with him three times?

4 A I met with him a couple of times. I don't know
5 exactly how many.

6 Q A couple of phone calls and met with him in person
7 one time?

8 A Yes.

9 Q Was that all over that first week?

10 A I'm not sure if it was over that first week or if it
11 was spread out over a period of time.

12 Q Okay. Would it surprise you to learn that, in each
13 one of these, he's talking about the funerals haven't been
14 held yet?

15 A I'm sorry; what?

16 Q The funerals for Robert and Robbie had not been held
17 yet.

18 A Okay.

19 Q And the funeral was about a week after the murders?

20 A I suppose so, yes.

21 Q Do you recall in the second interview with Lee
22 Graham -- I believe it's on the phone -- when Mr. Graham
23 expressed a concern about sending you on a wild goose
24 chase for someone that would never hurt anyone. You told
25 him, "It's okay. We needed something to look into

1 anyway." Do you recall saying that?

2 A I don't recall saying that.

3 Q Do you recall asking him, if Samantha is involved,
4 who else would she be in this with? Do you recall asking
5 that?

6 A I do not.

7 Q After your final conversation with Lee Graham, were
8 you left with the impression that, during this
9 conversation -- this isolated conversation back in June,
10 that he was dog-tired and he wasn't paying attention? Did
11 he tell you that?

12 A No, sir.

13 Q He didn't tell you he was playing on his phone
14 during this conversation?

15 A I don't -- I recall what he told me, but I don't
16 recall.

17 Q He said this conversation happened right after
18 Robbie got arrested; correct?

19 A I know it was after Robbie got arrested. How long
20 after, I'm not sure.

21 Q Did he indicate it was between when Robbie got
22 arrested and before Sam went off on vacation -- Samantha?

23 A I don't know about a vacation.

24 Q But he left you with the impression -- I think he
25 told you it wasn't real hot yet, so it was early June?

1 A I don't recall that, sir.

2 [Juror sneezes.]

3 MR. RICHARDSON: Bless you.

4 BY MR. RICHARDSON:

5 Q Now, one of the things you requested early on was
6 that search warrant for the cell phones. You got a -- and
7 I don't know what to call it other than a collection of
8 text messages; correct?

9 A From --

10 Q From Samantha's phone.

11 A From the search warrant?

12 Q Yes.

13 A Yes, that's correct.

14 Q And they were kind of all jumbled up; correct?

15 A Oh, yes.

16 Q All out of order? I mean, it's page 1 through, I
17 think, 157, but we might have an August 15th followed by
18 an August 14th and then an August 20th and then back to
19 the 18th; right?

20 A Yeah. You have to put them back in order in some
21 cases.

22 Q Okay. Did you ever get a call detail report for
23 Samantha?

24 A If it came with the response to the records, then we
25 had it, but I don't recall if it's there or not.

1 Q And you requested records for Robbie and Robert as
2 well; correct?

3 A That's correct.

4 Q So, in getting all that, you saw that Robbie and
5 Samantha texted one another quite a bit; correct?

6 A There was communication between them, yes.

7 Q It wasn't unusual for them to text one another?

8 A It didn't appear so. Not in the time span in which
9 we got the records.

10 MR. RICHARDSON: Court's indulgence.

11 BY MR. RICHARDSON:

12 Q In that collection -- that was some of the first
13 text messages you got; right? You were searching for a
14 short period of time -- short window?

15 A Yes.

16 Q I think the 15th through 20th or something like
17 that? Sound about right?

18 A That could be.

19 Q Do you recall any texts in there about planning a
20 crime, planning a murder, or anything like that?

21 A No.

22 Q Anything that would appear to be criminal?

23 A No, sir.

24 Q And I think, in your report, you indicated you
25 talked to Kenneth Thompson about life insurance; correct?

1 A Yes.

2 Q Did you see that in your report?

3 A Yes.

4 Q Okay.

5 A As I was breezing through, I saw his name on one of
6 the pages.

7 Q And when you spoke with Mr. Thompson, you were left
8 with the impression that he contacted Samantha --

9 MS. WALTER: Objection, Your Honor. This is clearly
10 going to be based on hearsay.

11 THE COURT: Sustained.

12 BY MR. RICHARDSON:

13 Q What was your impression of who made initial
14 contact?

15 A If you'll give me just a minute to let me find it.

16 When I spoke to Mr. Thompkins, he stated that he had
17 reached out to Samantha about the insurance policies.

18 Q Okay. So you were under the impression that
19 Samantha didn't reach out; correct?

20 A That's correct.

21 Q Okay.

22 A Not from speaking to him.

23 Q Okay. Did you ever get any information showing you
24 that Samantha was even aware of the life insurance
25 policies prior to the murders?

1 A We were aware that there was some things that she
2 was privy to or stood to gain just from previous
3 conversations regarding her father having an experimental
4 surgery and that she was placed on his beneficiary, his
5 bank accounts, and such.

6 Q But did she know the values of any of that?

7 A Not to my knowledge.

8 Q And y'all learned about a bank account that she was
9 a joint accountholder on; correct?

10 A That's correct.

11 Q She had been on that account since about 2016;
12 right?

13 A Possibly. I don't want to say a date, but that
14 sounds about right.

15 Q Shortly after her stepmother passed away. Does that
16 sound about right?

17 A I don't recall when she passed.

18 Q Now, your report, it should be a comprehensive
19 detail of every step you took during the investigation;
20 correct?

21 A To an extent.

22 Q And your report is not submitted to the State until
23 after the arrest has been made; correct?

24 A That's correct.

25 Q And this investigation went on for two years before

1 any arrest was made; right?

2 A That's right.

3 Q And during that time -- I assume you're working on a
4 report the entire time?

5 A It's a living document that changes as the case
6 changes and progresses forward.

7 Q Okay. So you can make changes to it, add to it,
8 delete things?

9 A That's correct.

10 Q Now, based on your report -- your Report of
11 Investigation that we got, looked like there was a lot of
12 activity in August of 2018, September 2018, a little bit
13 more in October of 2018.

14 A That's correct.

15 Q That's correct?

16 And then I think the next entry is for April of
17 2019.

18 A That's correct.

19 Q So -- which would be under the impression that
20 nothing else transpired in this investigation during that
21 period of time?

22 A No, sir.

23 Q Now, in November of 2018, did you and Detective John
24 Brantly visit a prisoner at MacDougall Correctional?

25 A November of what year, sir?

1 Q November of 2018. Did you go see Jim Price?

2 A Yes. We went and spoke with Jim Price. Whether it
3 was November of 2018, I'm not sure, but we did go speak
4 with him.

5 Q Is that in your Report of Investigation?

6 A No, it's not in this one.

7 Q And MacDougall, that's about two hours from here?

8 A Roughly.

9 Q So you and John Brantly went to MacDougall. You
10 traveled two hours there, two hours back, and met with Jim
11 Price for about an hour, hour and a half, somewhere in
12 that range?

13 A Give or take.

14 Q Of course you've got to check in through the prison
15 and everything.

16 A That's right.

17 Q And Jim Price, that's the man you-all referred to as
18 "Pee Wee" during the course of Teresa Martin's interview;
19 correct?

20 A Yes.

21 Q What was the purpose of the interview with Jim
22 Price?

23 A To question him regarding his involvement in an
24 arson that took place.

25 Q And that arson was Samantha's grandmother's house;

1 correct?

2 A That's correct.

3 Q And that was a house that Samantha was rebuilding;
4 correct? She and her husband?

5 A That's my understanding.

6 Q Okay. And during the course of that interview, did
7 y'all talk about this murder?

8 A I don't recall if we spoke of this or not.

9 Q But it's connected to this case?

10 A "Connected" is a loose term.

11 Q During the course of the interview, did y'all make
12 any misstatements or lie to Jim Price about anything?
13 Little white lies?

14 A No, sir.

15 Q But, as a law enforcement officer, in an interview,
16 you're allowed to lie some; correct?

17 A You can.

18 Q Okay. Now, at any point following this interview
19 with Jim Price, did you seek arrest warrants for anybody?

20 A There were warrants obtained, yes.

21 Q Were they warrants for Samantha Rabon?

22 A No.

23 MS. WALTER: Your Honor, we do have an objection to
24 those documents, and it may be something that we should
25 take up outside the presence of the jury.

1 THE COURT: All right. Ladies and gentlemen, I'm
2 going to excuse you back to the jury room for just a
3 minute while we discuss this issue of law. I'll need you
4 to you leave your notepads in the jury box. Do not
5 discuss the case; it's too early for deliberations. And
6 we'll bring you back out.

7 (The jury exited the courtroom at 10:41 a.m.)

8 THE COURT: All right. What's the objection?

9 MS. WALTER: Your Honor, the State is objecting on
10 the grounds of relevance. These arrest warrants refer
11 to -- and counsel has continued to refer to this arson.
12 The arson occurred more than seven years prior to the
13 murders. We have yet to see a connection between the
14 arson and the murders.

15 And, in fact, more than seven years before the
16 murder, when the State attempted to introduce text
17 messages between the defendant and the victim in this that
18 were barely a year -- I believe it was a year before the
19 murders, counsel objected based on relevance.

20 So I'm not sure how, if the State can't get into
21 something that clearly went to the defendant's motive from
22 a year before the murders, how something that happened
23 more than seven years before the murders that did not
24 involve the defendant would be relevant.

25 THE COURT: All right. Mr. Richardson?

1 MR. RICHARDSON: Your Honor, during the course of
2 this interview -- the State finally gave us a copy of the
3 interview. We had to look for these warrants and had to
4 file a Freedom of Information Act to get a copy of these
5 warrants.

6 MS. WALTER: That's not true.

7 MR. RICHARDSON: I can certainly call Wayne
8 Coachman, who can tell you that I filed a FOIA, and that's
9 how I got those warrants.

10 Anyways, Your Honor, we were finally given a copy of
11 the interview with Jim Price where they actually do
12 discuss the murder of Robert Ford. They bring it up.
13 They introduce that information when they interview Teresa
14 Martin. And Drew Edwards even talked about it; they
15 brought up the name of Pee Wee and how he didn't get paid.
16 It was Jim Price; he didn't get paid for something he did.

17 This is directly related. Those warrants were
18 actually sought, I think, on August 10th or so. August
19 14th, I'm sorry. They were not served, but they do list
20 that Sheila Burris was -- they got warrants for Sheila
21 Burris for this arson.

22 They didn't serve them because she had an MRI. But
23 they introduced it. It's not some conversation between
24 Robbie and Samantha from a year before talking about
25 Robert's new fiancée and liking that. They introduced

1 this into it. Detective Dudley and Detective Brantly,
2 they introduced this when they sought out Jim Price,
3 traveled two hours, talked to him about this, and said
4 they thought that Sheila Burris was actually involved,
5 maybe she was involved.

6 They got this to try and springboard her, and I
7 think we should be able to explore it, Your Honor.

8 THE COURT: All right.

9 MS. WALTER: Well, Your Honor, by that -- extending
10 that logic to its extreme, then every single interview,
11 phone call lead that a homicide detective follows up, when
12 trying to do an exhaustive investigation, magically
13 becomes relevant? No. I mean, the whole point of an
14 investigation is that they chase down every possible lead.

15 And I believe what we can hear from Detective
16 Dudley's testimony is that it was not connected; they did
17 not find a connection in large part because it was in
18 2011. It does not deal with the defendant.

19 Just because this was mentioned during one of many
20 interviews that took place over the course of this
21 investigation does not magically make it relevant, and it
22 is certainly more prejudicial than probative.

23 THE COURT: Well, I think you can bring it out on
24 cross-examination as relevance. If it was part of the
25 investigation, then they're entitled to go into, "What did

1 you do in your investigation that led you to this
2 defendant? What other people did you think were
3 involved?"

4 Now, on cross-examination, you can bring out where
5 did these other leads go and what was the result.

6 So I overrule the objection. I'll allow it.

7 MR. RICHARDSON: Thank you, Your Honor.

8 THE COURT: Anything from the State before we bring
9 the jury in?

10 MS. WALTER: No, Your Honor.

11 THE COURT: Anything from the defense?

12 MR. GROOMS: No, sir, Your Honor.

13 THE COURT: All right. Let's bring the jury in.

14 COURT REPORTER: 27 and 28 marked.

15 (Defendant's Exhibit Nos. 27 and 28, Sheila Burris
16 Arrest Warrants, was marked for identification.)

17 (The jury entered the courtroom at 10:48 a.m.)

18 THE COURT: All right. Ladies and gentlemen, please
19 make sure you have your own notepads.

20 Mr. Richardson, you can continue with your direct
21 examination.

22 BY MR. RICHARDSON:

23 Q Again, you visited with Jim Price in November of
24 2018? Does that sound about right?

25 A Yes, sir.

1 Q But that doesn't appear in your report; right?

2 A No.

3 Q I'm going to hand you what's been marked as Defense
4 No. 27 and 28. Do you recognize those?

5 A Yes.

6 Q Now, what do you recognize those to be?

7 A These are warrants that I -- that I had taken.

8 Q And when did you submit for those warrants?

9 A It looks like 8 -- or August 14th of 2020.

10 Q So you interviewed Jim Price, November 2018, and
11 then you sought these warrants out, August 14th, 2020?

12 A Yes.

13 Q Three days before you arrested Samantha; correct?

14 A Yes.

15 Q Okay. And there's not any statute of limitations on
16 criminal crimes or crimes in South Carolina; correct?

17 A That's correct.

18 Q And if you don't mind, could you read who was the
19 warrant against?

20 A Sheila Burris -- Sheila Ford Burris.

21 Q And that affidavit, that is your affidavit; correct?

22 A That's correct.

23 Q So could you read to the jury what that affidavit
24 says.

25 A "On the night of June 21st, 2011, the defendants,

1 Jim Lloyd Price and Sheila Ford Burris, did conspire
2 together to set fire to a residential structure that was
3 being renovated. The defendants did bring a can of gas
4 with them to the location and used it as an ignitable,
5 which was then set on fire. The two then left the scene
6 in a vehicle that was driven by Burris. This information
7 was corroborated in a post-Miranda confession by Defendant
8 and Price."

9 Q Okay. And that was arson in the secondary; right?

10 A Yes, sir.

11 Q And that was because it was the burning of a home,
12 basically; right?

13 A That's right.

14 Q First degree is somebody would have died; right?

15 A Yes.

16 Q And the second warrant -- or Defense 28 -- that's
17 for conspiracy; correct?

18 A That's correct.

19 Q And that basically says the same. It just says that
20 Jim Price and Sheila Burris conspired to do that; correct?

21 A That's correct.

22 Q Now, that structure you're talking about, that was
23 grandma's house; right?

24 A That's correct.

25 Q That was located right beside Robert Ford's house;

1 correct? [REDACTED] Highway 19?

2 A That's correct.

3 Q And that occurred back in 2011; correct?

4 A Yes.

5 Q Okay. And it was your understanding that Jim Price
6 didn't get paid for what he did; right?

7 MS. WALTER: Objection, Your Honor. Calls for
8 hearsay.

9 THE COURT: Sustained.

10 MR. RICHARDSON: Publish to the jury, Your Honor.

11 THE COURT: Well, that's not in evidence.

12 MR. RICHARDSON: I now move 27 and 28 into evidence.

13 THE COURT: All right. Defense Exhibit s27 and 28
14 are admitted into evidence over State's objection.

15 (Defendant's Exhibit No. 27 and 28 was received into
16 evidence.)

17 BY MR. RICHARDSON:

18 Q That house was burned. That was the one Samantha
19 and Sam were fixing up; right?

20 A From my understanding, yes.

21 Q And so it was your understanding that Samantha and
22 Sam were going to move in right beside her daddy; correct?

23 A Yes. Well, whether they were ever going to move in
24 there or sell it, I don't know. I just know they were
25 renovating it.

1 Q Let's get back into August 2018. Some of the stuff
2 that is in your report. Y'all found cigarettes and a
3 skull cap; correct?

4 A Cigarettes butts, yes, sir.

5 Q And there was a skull cap inside the car, too?

6 A There was.

7 Q And y'all sent that off and y'all got DNA results
8 back; correct?

9 A That's correct.

10 Q And I think in your report you indicate you got a
11 DNA report back from SLED on August 7th, 2020?

12 A That was after extensive work, but that was the
13 final DNA report that came back.

14 Q So on August 7th, 2020, you knew the cigarette butts
15 and the skull cap had Randy Grainger's DNA; correct?

16 A That's correct.

17 Q So, at that point, y'all were pretty sure that he
18 was the murderer; correct?

19 A Yes.

20 Q Y'all were pretty sure that he burned that car up,
21 or tried to?

22 A Well, so -- at that point, we knew that he was who
23 had taken the vehicle and he is the one who had set the
24 vehicle on fire, which is what the original warrants
25 sought after him were for.

1 Q But you had enough to arrest him; right?

2 A We did.

3 Q Now, you thought he was probably the murderer too;
4 correct?

5 A That was our belief.

6 Q And y'all didn't arrest him until August 17th of
7 2020?

8 A Yes.

9 Q Okay. So you thought he killed two men, stolen a
10 car, tried to burn it up, and burn up evidence, and you
11 waited ten days to make an arrest?

12 A We did.

13 Q Is it typical that the County Police let someone
14 they think is a murderer walk around for ten days?

15 A It's typical to develop an ops plan and figure out
16 how you intend to safely take this person down and what
17 other individual's roles are going to be.

18 Q Now, once you got the information with Randy
19 Grainger -- you got some kind of information about a cell
20 number that was attributed to him; correct?

21 A Yes, sir.

22 Q His cell phone. And from your tower results, you
23 found that Randy Grainger had been in contact with Teresa
24 Martin that night; correct?

25 A Yes, that is correct.

1 Q The night of August 17th, 2018.

2 A Yes.

3 Q I think, in your report, you indicated there was a
4 call at 10:15 p.m. that night; correct?

5 A That's correct.

6 Q And so those tower records put Teresa and Randy
7 Grainger together in close connection with the murders and
8 the attempted burning of that car; correct?

9 A In close connection with the vehicle, yes.

10 Q And that vehicle was found just eight or nine miles
11 from where Teresa lived; correct?

12 A It was in close proximity to her house.

13 Q Now, looking back at Teresa's cell phone records,
14 knowing what number was attributed to Randy Grainger,
15 y'all were able to -- finally, you got call detail records
16 for Teresa; right?

17 A I believe so, yes.

18 Q And you found some other calls that didn't pop up on
19 that tower record?

20 A I'm not sure what you're asking.

21 Q That's fine. That's fine.

22 That call at 10:16, that was about 3 minutes and 51
23 seconds? Does that sound about right?

24 A Is that between Teresa and Randy?

25 Q Yes.

1 **A** I'm not exactly sure how long it was. I just know
2 that it was a sustained phone call between the two.

3 **Q** Do you remember seeing any other contact between
4 Randy and Teresa in that time period?

5 **A** I don't recall seeing any, no.

6 **Q** So you believe Teresa was involved. Did you ever
7 get cell records for Randy Grainger?

8 **A** I believe we did. I'm not -- I don't recall
9 specifically. I would say so.

10 **Q** And you actually got a search warrant for the cell
11 phone of Sheila Burris at some point; correct?

12 **A** Search warrant for her physical cell phone?

13 **Q** Yes. Or for her call detail records.

14 **A** Yes. Her phone records, yes.

15 **Q** Okay. And that number was [REDACTED]-3648?

16 **A** If that's what you have. I don't recall the number
17 right off.

18 **Q** Okay. You had Teresa Martin brought into the M.L.
19 Brown Building; right?

20 **A** Oh, yeah. She came voluntarily with, I think,
21 Detective Johnson at the time.

22 **Q** Y'all sent a couple of officers out there; right?

23 **A** We did.

24 **Q** They showed up to her door, knocked on it, and she
25 got in the car and rode over; correct?

1 A She did.

2 Q Y'all didn't tell her that she was a suspect in the
3 murders at that point; right?

4 A We did not. .

5 Q And when she got in there, she was there for about
6 five or six minutes before y'all walked in?

7 A I'm not sure how long she was in there.

8 Q Y'all started off being pretty nice to her?

9 A Sure.

10 Q Mirandized her?

11 A Yes.

12 Q Would you say it was a -- the purpose was to
13 interrogate her; correct?

14 A It was to gather more information on the case.

15 Q But she was sitting in the interrogation room;
16 right?

17 A She was sitting in an interview room.

18 Q Would you say that it was a difficult interview?

19 A Yes.

20 Q She was evasive?

21 A To a certain extent, yes.

22 Q Got a little dodgy?

23 A Yes.

24 Q Did she lie to you?

25 A Initially.

1 Q Okay. Now, did you or anyone to your knowledge make
2 any threats of any kind to Teresa Martin?

3 A No, sir.

4 Q Y'all did talk to her about Randy Grainger; right?

5 A We did.

6 Q And y'all talked to her about Sheila and Larry
7 Burris too; correct?

8 A We did.

9 Q Based on your conversation with Teresa, you were
10 aware that Teresa was pretty close with Sheila Burris;
11 right?

12 A Yes.

13 Q You're aware that she's known Sheila her whole life?

14 A I think there's some type of relationship between
15 the two.

16 Q And, at some point, you begin to ask Teresa about a
17 text message that she sent Samantha at 8:28 p.m.; correct?

18 A Yes.

19 Q And that text message was, "Yes, I'm home alone";
20 correct?

21 A That's correct.

22 Q And, again, you had already looked through all those
23 text messages that you requested on Samantha's phone two
24 years before; right?

25 A Yes.

1 Q So, at that point, you would have known that, at
2 5:14 that afternoon, August 17th, 2018, that Samantha
3 texted "Did the car drive all right"?

4 A I don't recall that message.

5 Q So you don't recall looking at that message?

6 A There were hundreds and hundreds of messages. That
7 one doesn't stand out to me.

8 Q Do you recall if there was any other text messages
9 between Samantha and Teresa?

10 A I don't recall if there was or not.

11 Q Do you recall any texts or calls that Samantha made
12 after, we'll say, 7:30 that night to Teresa?

13 A Not off the top of my head, no, sir.

14 Q Did you find -- again, did you find any texts,
15 calls, emails, anything between Samantha and Randy
16 Grainger?

17 A We did not.

18 Q You got the phone records of Robert, Robbie, and
19 Samantha, and you reviewed all those records?

20 A Yes.

21 Q You're aware of the text between Samantha and
22 Robbie, were texting one another somewhere around 7:30
23 that night?

24 A Yes.

25 Q And do you recall reading about Samantha asking if

1 Robbie and Robert were returning to Conway that night?

2 A Yes.

3 Q Okay. So that was about that 7:30 conversation?

4 A It was sometime in the evening.

5 Q Okay. And, again, we go back to Randy Grainger
6 texting Teresa Martin at 10:15. The killings had already
7 taken place at that point; right?

8 A Yes, sir.

9 Q Y'all believe it happened sometime between 8:55,
10 9:00, 9:05, somewhere in there?

11 A Given that time range, possibly.

12 Q Because Randy Grainger is seen driving Robbie's car,
13 I think, at 9:13 near Allsbrook?

14 A I think that's correct.

15 Q And if you back that up, that would have put him the
16 latest he could have left was about 9:07 or so?

17 A Maybe. It's about a 15-minute drive.

18 Q You know that --

19 A Give or take, yes. Somewhere between that time
20 frame.

21 Q About a ten-minute drive?

22 A Yep.

23 Q Now, any idea -- I mean, I assume you worked this
24 case. You went to all the locations; correct?

25 A I did.

1 Q So Teresa's address out at [REDACTED] U.S. 917 over in
2 Marion County, do you know where that was located?

3 A Yeah, it's on 917. I know that.

4 Q Do you know how far of a drive it would be from
5 Teresa's address inside Marion County to [REDACTED] Highway 19?

6 A 30 minutes, give or take maybe.

7 Q I think just about everybody would say about 30
8 minutes.

9 A Yeah.

10 Q Depending on what traffic is out there, people
11 pulling tractors in that field?

12 A That's right.

13 Q And, certainly, nobody would be pulling back in in
14 the middle of the night; right?

15 A I would hope not.

16 Q And you brought up a call during that interview that
17 Teresa placed to Sheila Burris, you said about 11:30 p.m.
18 Do you recall asking about that?

19 A Not specifically.

20 Q Okay. Do you recall talking to her about a call
21 that lasted about a minute and a half with Sheila Burris?

22 A I remember a phone call, but I don't remember the
23 specifics of a conversation, but I remember the phone
24 call.

25 Q Were you aware that Teresa had placed a call to

1 Sheila Burris at 8:48 p.m. that night, August 17th, 2018,
2 and it lasted for 27 minutes, 37 seconds?

3 A I don't recall that.

4 Q And let's assume that, at 8:48, Teresa makes a call
5 to Sheila Burris. It lasts for 27 minutes. That would
6 put us past 9:05; right?

7 A If my math is right, yeah.

8 Q We'll say 30 minutes will put us at what? 9:18 or
9 something like that?

10 A Yes.

11 Q Okay. So she would have been on the phone with
12 Sheila Burris whenever the murders occurred; right?

13 A If the time stamps are correct, then yes."

14 Q And do you recall looking at the text that she
15 texted -- or do you recall seeing that Teresa texted Randy
16 Grainger at 8:46 and 37 seconds p.m. that night?

17 A I don't recall the text message.

18 Q And do you recall Mr. Grainger texting her back at
19 8:49?

20 A No, I do not.

21 Q Do you recall any communication that you were able
22 to find of communication between Samantha and Teresa after
23 7:30 p.m. that night? Anything generated by Samantha?

24 A I don't believe so.

25 Q Do you recall any information about any calls or

1 texts from Samantha to her mother, Sheila Burris, after
2 7:30 that night?

3 A I don't think so.

4 Q 11:55 -- do you know what time Randy Grainger was
5 picked up by Teresa Martin?

6 A I don't recall.

7 Q Okay. At some point, do you recall telling Teresa
8 that you know who she's trying to protect?

9 A I probably did.

10 Q Y'all have her communicating with Mr. Grainger at
11 10:15. You have her -- you tell her that she, Teresa,
12 needs to worry about herself and the kids she babysits and
13 her mama. Did you tell her that?

14 A I don't recall saying that. I'm not saying I
15 didn't, but I just don't remember.

16 Q You guys brought up the name "Pee Wee," Jim Price;
17 right?

18 A Correct.

19 Q And that was about an hour into the interview?

20 A It was brought up, I can tell you that. What the
21 time frame is, I don't know.

22 Q Do you recall telling Teresa that you know Mr. "Pee
23 Wee" Jim Price got hired to do something a long time ago
24 and never got paid for it because the person who has done
25 a bad thing only cares about themselves?

1 **A** If it's on the interview. I don't remember saying
2 that, but...

3 **Q** Would you have said something like that?

4 **A** Sure, absolutely.

5 **Q** Do you recall bringing up the fact that Teresa and
6 Randy were hard-up for money and you-all think that
7 somebody gave Randy a job?

8 **A** I'm sorry; what do you mean "gave him a job"? I'm
9 sorry.

10 **Q** I'm just going from what I had from the interview.
11 Did y'all ever discuss y'all thought that somebody
12 gave Randy a job to do, the killing?

13 **A** Sure, yes.

14 **Q** And prior to y'all mentioning that, she never talked
15 about Randy having a job to do, did she?

16 **A** Not that I recall.

17 **Q** Because, in the early part of the interview, she
18 denies Randy was up to no good; correct? She said Randy
19 was a good guy?

20 **A** Yes, she did.

21 **Q** She said she didn't know Randy to be in trouble
22 while they were dating?

23 **A** That's right.

24 **Q** And, at some point, she said -- she knew that Randy
25 left that night. That's after y'all started confronting

1 her for some stuff; right?

2 A That's right.

3 Q But she denied taking him anywhere; correct?

4 A Initially.

5 Q And then she certainly denied picking him up that
6 night; right?

7 A Initially, yes.

8 Q Okay. And then y'all told her about text message --
9 or, I'm sorry, her phone records; correct?

10 A That's right.

11 Q And that's when she changed her story the first
12 time; right?

13 A The first time? Yes.

14 Q And that's when she says, well, she did pick him up
15 coming down the road; right?

16 A Yes. I think he was walking down the road.

17 Q Said it was raining, hard to see, all that stuff?

18 A Yes, sir.

19 Q Okay. But she tells you she doesn't know Randy did
20 anything; right?

21 A Initially that's what she says.

22 Q She told you that she didn't know Randy killed
23 anybody; right?

24 A Initially.

25 Q Now, somewhere during that first hour, at some

1 point, she finally says she does know Randy committed the
2 murder; right?

3 A Yes.

4 Q Okay. Says that Randy told her; right?

5 A Yes.

6 Q Okay. Says Randy -- something about he just showed
7 up at the door wanting to use the phone and he killed
8 them. Something like that?

9 A That sounds familiar.

10 Q Now, at this point, she doesn't say anything about
11 Samantha; right?

12 A I'm not sure in which context that part of the
13 conversation was had, but...

14 Q And after y'all bring up "Pee Wee" having a job, she
15 starts saying Randy had a job to do, that he got hired;
16 correct?

17 A "Pee Wee" or Randy?

18 Q I'm sorry. Randy. I'm sorry.

19 After y'all bring up "Pee Wee," she said Randy had
20 got hired to do a job?

21 A Yes.

22 Q Okay. And then y'all left her alone in the room to
23 write a statement; right?

24 A I believe so, yes.

25 Q And in her written statement, do you recall she just

1 said Randy got hired; correct? Something like that?

2 A I think the gist of it.

3 Q Okay. She didn't actually mention Samantha hired
4 her. She just said Randy got hired to kill Samantha's
5 daddy; correct?

6 A I can't exactly remember what she wrote into the
7 statement.

8 Q Do you recall she mentioned anything about any
9 front-porch meeting on that statement?

10 A Yes.

11 Q You're saying she did mention --

12 A Oh, on her written statement?

13 Q On her written statement.

14 A Her written statement? No, sir.

15 Q But before y'all give her that written statement,
16 y'all tell her to be 100 percent true on that; right?

17 A Yes.

18 Q And when y'all come back in, she said she gave you
19 everything -- everything; right?

20 A That's correct.

21 Q Told you this was 100 percent truth?

22 A That was one of the times, yes, sir.

23 Q And, again, she lied a lot; right?

24 A She was very evasive, yes, sir.

25 Q She'd tell you a lie and then say, "I swear on my

1 dead daddy's grave"; right?

2 A She would.

3 Q Swear to God; right?

4 A Yes.

5 Q She repeatedly denied being around any conversations
6 between Randy Grainger and Samantha; correct?

7 A Initially, yes.

8 Q At some point, you and Detective Edwards got back in
9 the room, and y'all show her an arrest warrant; right?

10 A I don't recall if we showed her a warrant or not.

11 Q Do you recall telling her that, if she goes to jail,
12 her disability payments will stop?

13 A Possibly.

14 Q Is that something you might say?

15 A Sure, yes, sir.

16 Q Do you recall telling her that she could sit on our
17 side, the State, or she could sit over there with Randy
18 Grainger, it's her choice?

19 A Yes.

20 Q Do you think that could have been viewed as a threat
21 to her?

22 A I don't want to speculate how she would have
23 perceived it.

24 Q Or as a promise that you'd help her out if she
25 helped y'all out?

1 A No, sir.

2 Q Y'all tell her this about two hours into the
3 investigation; right?

4 A Okay.

5 Q And y'all weren't in the room for the whole 4-1/2
6 hours; right?

7 A We were not. We were in and out.

8 Q It was broken up?

9 A That's correct.

10 Q At some point, do you recall confronting her and
11 telling her that she is not telling the truth but you want
12 to help her out?

13 A I don't know how that is actually worded in the
14 interview, but...

15 Q Eventually, y'all did help her out; right?

16 A She was charged and taken to jail.

17 Q Okay. But she wasn't charged with murder; right?

18 A I believe she was charged with conspiracy.

19 Q So you didn't charge her for accessory, for taking
20 Randy over to do the murders?

21 A I don't believe so.

22 Q That would be accessory before the fact; right?

23 A Well, I have it listed here what she was charged
24 with.

25 No, she was just charged with the conspiracy.

1 Q So she didn't get charged for accessory before or
2 after the fact; right?

3 A She did not.

4 Q And did y'all help her out? Did y'all talk to the
5 judge for her on the bond?

6 A I explained to the judge what had taken place and
7 that she had interviewed with us and that was my extent of
8 explaining to the judge. I don't set the bonds.

9 Q Now, do you recall talking to her about a warrant
10 and telling her whether the murder warrant gets signed for
11 her today and how she leaves the M.L. Brown Building is up
12 to her? Do you recall telling her that?

13 A Yes.

14 Q And she responded that she did not want to go to
15 jail; right?

16 A She didn't.

17 Q And most people don't; right?

18 A That's correct.

19 Q So your impression at this point is she's going to
20 do whatever, she's going to try and please y'all to make
21 sure she doesn't go to jail; correct?

22 A I don't know about pleasing. She's going to do
23 what's best for her.

24 Q So she's going to do what's best for her?

25 A Yes.

1 Q Okay. Now, y'all had Randy Grainger in the room
2 right next door to her; right?

3 A For a period of time, yes.

4 Q And y'all tell her that y'all were going to go talk
5 with Randy and see what he had to say; right?

6 A We may have.

7 Q Is that a common tactic?

8 A Yes.

9 Q Do you recall telling her Randy had a lot of
10 interesting things to say?

11 A Yes.

12 Q And Randy didn't tell you anything, though; right?

13 A Randy didn't say anything.

14 Q But, again, you're allowed to say little untruths,
15 little lies; right?

16 A That's right.

17 Q At some point about 3-1/2 hours into the interview,
18 she's denied for most of the interview ever seeing a gun;
19 right?

20 A Yes.

21 Q And y'all keep bringing it up; right?

22 A Yeah.

23 Q And she finally says she saw the gun for just a
24 second; right? Just a minute?

25 A I know she says she saw the gun.

1 Q But she says very briefly; right?

2 A That's correct.

3 Q And do you recall bringing a picture out to her and
4 showing her?

5 A Yes.

6 Q Okay. And the picture of the gun you showed her;
7 that was a picture of a gun that was stolen from Robert
8 Ford; right?

9 A That's correct.

10 Q From a burglary that transpired at his house in
11 October of 2017?

12 A I think so.

13 Q About ten months prior to the murders?

14 A I know it was prior to the murders and it was a
15 weapon stolen from the house, yes, sir. But I don't know
16 the exact -- when it was. I don't know the month.

17 Q Do you recall Samantha actually being the
18 complainant on that burglary?

19 A I think she was.

20 Q Do you recall there being jewelry stolen during that
21 burglary?

22 A Yes.

23 Q Do you recall there being a laptop stolen during
24 that?

25 A I don't recall a laptop.

1 Q Okay. Mr. Dudley, do you own guns?

2 A Yes.

3 Q I'm not going to ask you how many. I don't want
4 anybody to ask me the same thing.

5 A Yeah.

6 Q But your guns, whenever you purchase a gun, it
7 typically comes in a box?

8 A It does.

9 Q And once you get it home, do you keep it in that box
10 or do you put it away or what?

11 A No, it's typically put away somewhere else.

12 Q So you don't keep it in the box?

13 A No, I do not.

14 Q Do you keep your boxes?

15 A Some of them.

16 Q I used to. My wife made me get rid of them.

17 A Too many.

18 Q But you showed that picture almost 3-1/2 hours in.
19 You laid that -- I think y'all laid two pictures on the
20 table; right?

21 A I recall laying one. I don't recall if there was
22 two.

23 Q And do you recall when you were laying that picture
24 of the gun down, you started nodding your head in an
25 affirmative manner?

1 A I wasn't nodding my head in an affirmative manner.

2 MR. RICHARDSON: Your Honor, we may have a matter to
3 take up.

4 THE COURT: All right. Ladies and gentlemen, I'll
5 excuse you back to the jury room for just a few minutes.
6 Leave your notepads in the jury box. Do not discuss the
7 case. We'll bring you back in just a moment. Thank you
8 very much.

9 (The jury exited the courtroom at 11:16 a.m.)

10 MS. WALTER: Your Honor, may we have a brief comfort
11 break before we go into this argument?

12 THE COURT: All right. Let's take about a
13 ten-minute break and then we'll come back.

14 MR. RICHARDSON: Thank you, Your Honor.

15 THE COURT: All right.

16 You can step down but you can't discuss your
17 testimony with anyone. All right?

18 (A recess was taken at 11:18 a.m. to 11:29 a.m.)

19 (Defendant's Exhibit. No. 29, Search Warrant Report,
20 was marked for identification.)

21 (Defendant's Exhibit No. 30, Thumb Drive of Teresa
22 Martin Interview, was marked for identification.)

23 THE COURT: Mr. Richardson, you had an issue?

24 MR. RICHARDSON: Yes, sir. Mr. Dudley indicated
25 that he did not nod his head when he presented the

1 picture. I have got video evidence that would seem to
2 contradict that, and so I'd ask to be allowed to play that
3 extrinsic evidence of that.

4 THE COURT: Let's get it marked for identification.

5 MR. RICHARDSON: I have got it marked for
6 identification, Your Honor. Rather than bring my
7 projector out and everything, I've shown it to Ms. Walter,
8 and I can just bring my computer over so you can watch it.

9 THE COURT: Well, I mean, how is it identified?
10 Have you got it marked?

11 MR. RICHARDSON: I have got it identified as Defense
12 30.

13 MS. WALTER: We'd like to see it at the same time.

14 MR. RICHARDSON: Okay.

15 THE COURT: All right. How are we going the view
16 it?

17 MR. RICHARDSON: I can bring it up.

18 I did have Mr. Dudley identify it earlier. He did
19 say it was an accurate portrayal of that portion of the
20 interview.

21 (Video plays.)

22 THE COURT: All right.

23 MS. WALTER: He also kind of goes like that. He can
24 explain it, I'm sure.

25 THE COURT: All right. Yeah, I'll allow it. I'll

1 allow it.

2 MS. WALTER: Over the State's objection.

3 THE COURT: All right.

4 MR. RICHARDSON: If you'll give me just a moment,
5 I'll set up the projector, Your Honor.

6 THE COURT: All right. Defendant's Exhibit 30 is
7 admitted into evidence over State's objection. That's
8 coming in under the prior inconsistent statement.

9 MR. RICHARDSON: That's correct.

10 (Defendant's Exhibit No. 30 was received into
11 evidence.)

12 (Video plays.)

13 THE COURT: Is there any way to dim those lights
14 over there?

15 THE CLERK: I was told not to dim them.

16 THE COURT: Because they won't come back on?

17 THE CLERK: All in black. I can try.

18 THE COURT: Well, no, because I remember one time
19 they never did fix that. I know one time they did have it
20 where, you turned it off, the lights went off and you
21 couldn't get them back on.

22 MR. RICHARDSON: And that's why we have the fancy TV
23 now.

24 THE COURT: Yeah. That's why we use the TV now
25 rather than the screen.

1 MR. RICHARDSON: I just didn't have a TV to play it
2 on.

3 THE COURT: I gotcha. All right. Well, we'll go
4 with that.

5 Anything from the State before we bring the jury in?

6 MS. WALTER: No, Your Honor.

7 THE COURT: Anything from the defense?

8 MR. RICHARDSON: No, sir, Your Honor.

9 THE COURT: All right. Let's bring the jury in.

10 (The jury entered the courtroom at 11:38 a.m.)

11 THE COURT: All right. Ladies and gentlemen,
12 welcome back. Make sure you have your own notepads and do
13 not have anybody else's notepads.

14 While you were out, Defendant's Exhibit No. 30 was
15 admitted into evidence.

16 All right. Mr. Richardson, you can continue with
17 your direct examination.

18 MR. RICHARDSON: Permission to publish No. 30?

19 THE COURT: All right.

20 MR. RICHARDSON: And we can't dim the lights,
21 otherwise, we're not going to get them back on.

22 BY MR. RICHARDSON:

23 Q And, Detective Dudley, this is the portion of the
24 interview, snippet of where you present Ms. Martin with
25 the gun; correct -- a picture of the gun?

1 **A** That's correct.

2 (Video plays.)

3 BY MR. RICHARDSON:

4 **Q** Detective, I'll draw your attention down to the
5 bottom corner -- left corner.

6 (Video plays.)

7 BY MR. RICHARDSON:

8 **Q** Okay. Now, when I asked you if you nodded your head
9 when you presented the gun, you said you did not; correct?

10 **A** That's correct.

11 **Q** Did you see on there that, when you laid the
12 pictures down, your head was nodding?

13 **A** It's not a head nod. I have anxiety and nervous
14 tics and they express themselves by -- if you watch the
15 video, it's not a head nod. It's like a jerking of the
16 neck and the head. If I'm not mistaken, I do it when I
17 walk in the room as well.

18 (Video plays.)

19 BY MR. RICHARDSON:

20 **Q** I see what you're talking about. There's one head
21 nod when you came in the room, but there were several just
22 then; correct? Your head moved forward several times.

23 **A** It's the way my head moves forward. She's looking
24 down at the photograph and not at me.

25 **Q** Okay. Are you aware of peripheral vision, you can

1 see stuff out to your side?

2 A Sure. Yes, sir.

3 Q Do you think, if Ms. Martin saw that, she may have
4 taken that as a sign this is the one she needs to pick
5 out?

6 MS. WALTER: Objection, Your Honor. Calls for
7 speculation.

8 THE COURT: Sustained.

9 MR. RICHARDSON: You can take the screen back up.
10 Thank you.

11 BY MR. RICHARDSON:

12 Q All right. We can go ahead.

13 During the course of your interview with Teresa
14 Martin, you strongly implied that Samantha was involved,
15 Samantha was the one you wanted?

16 A Yes.

17 Q And then you kept bringing up that 8:28 text, "I'm
18 home alone"?

19 A Yes.

20 Q Or "Yes, I'm home alone," I think.

21 Do you recall telling Teresa Martin one of the times
22 you come back in -- it might have been with the gun
23 even -- that you're surprised when she tells you
24 something -- she says something new every time -- when
25 y'all leave the room and y'all come back in, she says

1 something new?

2 A Yeah, she does.

3 Q I believe he actually said, "We're going to go out
4 and come in again"?

5 A Yes.

6 Q Something like that?

7 A Yes.

8 Q Okay. Was that hoping she would develop a story?

9 A Not develop a story. Just every time we came in, it
10 seemed she had a little bit more of it to offer for us.

11 Q And when you talked to Teresa, y'all asked her what
12 happened to the gun; right?

13 A Yes.

14 Q Okay. She indicated the gun was thrown out
15 somewhere around Gallivants Ferry?

16 A Somewhere from her home, she said that -- she
17 believed the gun to have been thrown out, yes.

18 Q Okay. I think he mentioned the Hollidays; right?

19 A I think so, yes.

20 Q And they're down in Gallivants Ferry; correct?

21 A Yes, correct.

22 Q Not over off 917?

23 A No.

24 Q And she gave you a pretty good description of it;
25 right?

1 A As I recall, yes. Down the road and by some ponds
2 or something or a cleared-out field. Something to that
3 respect.

4 Q Okay. Over in Gallivants Ferry.

5 During your interview, did Teresa Martin discuss any
6 other code words?

7 A I don't believe so.

8 Q You don't recall her ever saying anything about
9 fixing a washer and dryer; right?

10 A Yes, she did mention a washer and dryer.

11 Q So we should be able to see that on the interview?

12 A If it is, it's in the early stages of the interview.

13 MR. RICHARDSON: And, Your Honor, I'd be happy to
14 play it, but I'm not going to put them through that.

15 BY MR. RICHARDSON:

16 Q Is that in your report, the code word "washer and
17 dryer"?

18 A No.

19 Q When is the last time you watched Teresa's video?

20 A Two -- maybe two years.

21 Q Okay.

22 A That's a best -- that's a guess.

23 Q Did y'all ever try to get a cell phone from Teresa
24 Martin to put it through Cellebrite?

25 A The items that we took from her house the day that

1 we went out there when the search warrant was executed, we
2 went through those items that were taken.

3 Q And once she got out on her PR bond or whatever, she
4 never brought y'all a phone and said, "Y'all need to look
5 at this," did she?

6 A She did not.

7 Q Before we move on to Randy --

8 MR. RICHARDSON: Just to refresh his recollection.
9 (Conferring off the record with counsel.)

10 BY MR. RICHARDSON:

11 Q I asked you earlier about -- y'all mentioned some
12 contact between Sheila Burris and Teresa Martin; correct?

13 A Yes, she did.

14 Q And I'm going to show you what's been marked as
15 Defense Exhibit 29. See if you recognize that.

16 A Yes. This is a -- I do recognize this.

17 Q And that was the search warrant for Sheila Burris's
18 call details or whatever?

19 A I'm not sure if it's -- I don't recognize the
20 number. I don't know who the number belongs to. I can
21 just tell you the number.

22 Q What is that?

23 A The number is [REDACTED]-3648.

24 Q And I'll move off Randy right now.

25 You said Randy Grainger had been in the next room

1 beside Teresa Martin; right?

2 A He was for a short time.

3 Q Did they both arrive about the same time?

4 A I don't recall if they arrived at the same time. I
5 know they were in the building at some time at some point,
6 but who got first where, I'm not exactly sure.

7 Q Do you recall leaving Randy in that room for
8 about -- about two hours? I think it was an
9 hour-and-50-some minutes?

10 A That's possible.

11 Q And when he was picked up and brought to the
12 M.L. Brown Building, he wasn't told what he was under
13 arrest for; right?

14 A No, he was not.

15 Q When you first go into that room about two hours
16 after he had been sitting there, do you recall you went in
17 and laid some pictures down in front of him? Cigarettes?

18 A Vague -- yes, I -- yes.

19 Q Talked to him about the cigarette butts and the
20 skull cap?

21 A Yes.

22 Q Put the picture down of the burned-out car, Robbie's
23 car; right?

24 A Yes.

25 Q Was that to try to jar him a little bit to see if he

1 would talk?

2 A That's correct.

3 Q And he told y'all he's never seen the car before;
4 right?

5 A That's correct.

6 Q And you told him that you had his DNA on the
7 cigarette butts and the skull cap found in that car;
8 right?

9 A I believe we told him that, yes.

10 Q And he still denied everything; right?

11 A That's correct.

12 Q And then he left the room -- or y'all left the room.
13 I'm sorry. Not him.

14 A We left at some point. I don't know exactly when,
15 but yes, we did leave him in the room.

16 Q Do you recall coming back into the room just a few
17 minutes later and saying, "You aren't the one I want to
18 deal with on this"? Do you recall saying that?

19 A Yes.

20 Q And then you left him in the room again?

21 A Possibly.

22 Q I think you put a picture of Robert's house down in
23 front of him when you said that; correct?

24 A I may have.

25 Q You never told him what Teresa said; right?

1 A I don't think so, no.

2 Q You never mentioned Samantha's name to him; right?

3 A No.

4 Q Okay. So the first time he would have heard
5 Samantha's name and Teresa would have been when he got his
6 discovery?

7 A Or if it was in the warrants or suggested at the
8 bond hearing.

9 Q Now, when y'all have him in there, y'all told him
10 y'all had his DNA at the burned-out car; right?

11 A I believe so, yes.

12 Q And y'all intimated that that burned-out car came
13 from a murder; right?

14 A Yes.

15 Q Told him he was dead-to-rights on the murder; right?

16 A Possibly.

17 Q Something like that.

18 And he had lived with Teresa Martin; correct?

19 A Yes. When they were dating, it's my understanding
20 they did live together.

21 Q So you knew he had dated Teresa. He would have
22 known all about the crime; right? But he didn't know
23 y'all had Teresa in the building?

24 A I don't think he knew we had her, no. I may have
25 told him, but I don't recall if I did or not.

1 Q Do you recall telling Randy, "Sorry, Mr. Randy, I
2 know you didn't do this by yourself and I know you didn't
3 just do it on a whim. What I want is the person who asked
4 you to do it"? Do you recall saying that?

5 A Yes.

6 Q And then you followed up with, "For something that
7 wasn't your idea and you didn't get paid for it. I know
8 you were offered a sum of money to kill Robert and Robbie
9 Ford, and I want the person that hired you to do or asked
10 you to do it because that is the only way that this
11 benefits Mr. Randy." You told him that?

12 A Yes.

13 Q Do you recall when he asked for a lawyer and you
14 didn't ask any more questions; correct?

15 A That's correct.

16 Q But you did talk to him; right?

17 A Yes.

18 Q Once he asked for a lawyer, you told him to, "Hold
19 on. Once that goes on, this whole thing stops. There's
20 nothing to help Mr. Randy. We want you to tell your story
21 that shines you in the best light, that gives you the best
22 chance." Do you recall telling him that?

23 A Yes.

24 Q And, at this point, Randy Grainger never mentioned
25 Samantha; right?

1 A He did not.

2 Q And y'all didn't give him the name that Teresa had
3 given; correct?

4 A No, we did not.

5 Q And then he's placed under arrest and taken off to
6 J. Reuben; correct?

7 A That's correct.

8 Q Now, y'all have no physical or electronic evidence
9 of Randy Grainger and Samantha and Teresa ever being all
10 together for any meeting; correct?

11 A That's correct.

12 Q No bank records showing payments?

13 A That's correct.

14 Q No cell tower information placing Randy, Samantha,
15 and Teresa all together at the same time?

16 A No, sir.

17 Q You definitely have Randy Grainger's DNA?

18 A We do.

19 Q You definitely have phone records tending to show
20 Teresa went and picked him up; correct?

21 A That's correct.

22 Q You have warrants for Sheila Burris where she
23 supposedly hired Jim Price to burn her daughter's house
24 down; right?

25 A Yes.

1 Q And you never served those warrants, did you?

2 A We did not.

3 Q Why was that?

4 A If I remember correctly, Sheila had just gotten back
5 from an extensive medical procedure of some type.

6 Q But, again, there's no statute of limitations on
7 that; right?

8 A There was not.

9 Q So you could have served them after -- I think it
10 was an MRI she had done -- a sedated MRI. You could have
11 served them later in the week; correct?

12 A We could have.

13 Q And you left any mention of those warrants and Jim
14 Price out of your case report; correct?

15 A It's not in this report, but it's supplemented
16 throughout the case log.

17 Q And so we should have a copy of that?

18 A The statements in the case file and the
19 documentation about it. The interview is in the case
20 file.

21 Q But it's not in that case report; correct?

22 A It is not in this written -- not this one handed to
23 me, no, sir.

24 Q Okay. And you don't happen to have a copy of that
25 case report where you do mention it?

1 A No, not this Report of Investigation, no.

2 Q Okay. Why did you leave it out of that report?

3 A At that point -- this is the meat and potatoes of
4 it, and it had no merit on this particular document.

5 Q So you didn't leave it out at anybody's suggestion?

6 A No, sir.

7 Q Okay. So it was your idea to leave it out of the
8 report?

9 A I just didn't feel it needed to be in this document.

10 Q Do you think it might have shown Samantha as the
11 victim on that arson?

12 A Oh, yes.

13 Q I'm going to come back to you on State's 29, the
14 search warrant.

15 A Yes, sir.

16 Q Right here --

17 MS. WALTER: I'm sorry. State's 29 is the --

18 MR. RICHARDSON: I'm sorry, Defense 29. I
19 apologize.

20 BY MR. RICHARDSON:

21 Q Defense 29, the search warrant. We were searching
22 this case details. Can you tell us the connection for
23 this cell phone, why you were searching for information on
24 that particular cell phone?

25 A So the --

1 Q Is it because of a close family connection? Is that
2 what you indicate in there?

3 A It says, "This number was believed to be in contact
4 directly related to the principal crime."

5 Q Okay. And that phone number, you don't list Sheila
6 Burris's name in there; correct?

7 A No, her name is not in there.

8 Q And I'm sorry; I didn't mean to snatch it from you.

9 A Oh, you're fine.

10 Q What phone number was that you were looking for?

11 A The phone number is [REDACTED]-3648.

12 Q Could that have been the number that was in contact
13 with Teresa Martin that night?

14 A It was a number that we had found to have been in
15 contact with Teresa Martin, if I remember correctly, yes.

16 Q And that's not Samantha's phone number; correct?

17 A I don't recall Samantha's phone number.

18 Q Samantha only had one phone number, to the best of
19 your recollection?

20 A Yes.

21 Q Okay. You-all never requested tower records from
22 Pebble Lane; correct?

23 A We did not.

24 Q Was that because you knew there was no communication
25 between Samantha and Teresa from 5:14 to 8:28?

1 A No. The original search warrants for the tower
2 dumps were done within days of the actual crime. We
3 didn't find out about this meeting until roughly two years
4 later, so we did not submit one for the tower dumps at
5 that time.

6 Q Any idea how long they keep tower records?

7 A I don't believe it's two years.

8 Q But you don't know for certain; correct?

9 A I don't recall any longer, no, sir.

10 Q Every company is a little bit different on how long
11 they keep information.

12 A They are.

13 Q And with regards to Teresa, she's the one who gave
14 the statement back on August 17th, 2020; correct?

15 A Yes.

16 Q And her story changed again and again throughout the
17 4-1/2-hour interview; correct?

18 A A little bit came out each and every time.

19 Q Y'all stated, every time you went out and came back
20 in, her story changed; is that right?

21 A It did.

22 Q And Samantha was your target since August 19th,
23 2018?

24 A Samantha became a person of interest at that point.

25 Q Okay.

1 MR. RICHARDSON: Court's indulgence.

2 THE COURT: All right.

3 BY MR. RICHARDSON:

4 Q Did you get any other searches, perform any other
5 searches, or anything like that for any other relatives of
6 Samantha Rabon other than her mother?

7 A I don't understand. I'm sorry. Can you repeat
8 that?

9 Q Did you get any other search warrants for any other
10 family members of Samantha Rabon other than her mother,
11 Sheila Burris, Robert, and Robbie?

12 A I believe we did for her stepfather as well, Larry
13 Burris. Sheila's husband. We did that one as well.

14 Q Mr. Dudley, thank you.

15 MR. RICHARDSON: No further questions at this time,
16 Your Honor.

17 THE COURT: All right. Cross-examination?

18 MS. WALTER: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MS. WALTER:

21 Q Good afternoon, Detective Dudley.

22 A Yes, ma'am.

23 Q And I apologize if I'm jumping around a little bit;
24 I'm trying to follow what Mr. Richardson was asking you.

25 So we established at the very beginning that you're

1 no longer in law enforcement; correct?

2 A That's correct.

3 Q And we also established that, when you got the call
4 out for this case, you were actually on a family vacation
5 and had to stop that vacation to respond; correct?

6 A That's correct.

7 Q Do you have a desire to go back to law enforcement
8 at this time and go through this again?

9 A No, I do not.

10 Q Let me also touch on -- there's been much made of
11 your connection to the victim's family. How old -- I
12 believe you said this, but you were 16 years old when you
13 dated Jesalyn?

14 A 16 or 17.

15 Q Were you in the same grade as the defendant in high
16 school?

17 A No, I was not.

18 Q Is there anything about your relationship either
19 with Jesalyn or going to school with the defendant that
20 caused you to want to focus on her as a target of this
21 investigation to the exclusion of everyone else?

22 A I did not.

23 Q Is there anything about your investigation that you
24 believe was biased in any way?

25 A No.

1 Q Did, in fact, your prior knowledge of the defendant,
2 in fact, cause you to give her the benefit of the doubt?

3 A Yes.

4 Q The first thing that -- let me back up. When you
5 first responded to the scene of the double murder, did you
6 walk in and say, "Wow, this is Samantha Rabon's father and
7 brother. She must have done it. Let me go on a witch
8 hunt for her"?

9 A No, ma'am.

10 Q It wasn't until you heard from Lee Graham about
11 Samantha asking "how can I get rid of my father and
12 brother without anyone finding out" that she became a
13 person of interest; correct?

14 A That's correct.

15 Q Was Lee Graham happy to talk to you guys?

16 A No, not exactly.

17 Q He was fairly reluctant to get involved; correct?

18 A He was.

19 Q Indeed, he asked you if he could be kept out of the
20 investigation altogether?

21 A Yes.

22 Q We talked a little bit about the tower dumps, and
23 you addressed this. The original tower dumps used the
24 three locations of the Ford home where they were killed,
25 Cooke Circle where the car was burned, and then the

1 defendant's home because she was the last person you knew
2 to have contact with the victims; correct?

3 A That's correct.

4 Q When did you first find out about Randy Grainger and
5 Teresa Martin, approximately?

6 A I think --

7 [Juror sneezes.]

8 MS. WALTER: Do you need tissues?

9 A -- maybe early August of 2020.

10 BY MS. WALTER:

11 Q So nearly two years after the murder?

12 A That's correct.

13 Q Plenty of time during which Ms. Martin could have
14 changed phones?

15 A That's correct.

16 Q Plenty of time for Mr. Grainger to change phones?

17 A Yes.

18 Q And, clearly, more time than usual elapses before
19 you get tower dump data?

20 A That's correct.

21 Q During the execution of the search warrants at
22 Ms. Martin's residence and Mr. Grainger's residence, had
23 you recovered a phone that they had possessed in 2018,
24 would it have been examined?

25 A Yes, it would have.

1 Q So the fact that there was no phone recovered and
2 examined means they didn't still have the same phones?

3 A Correct.

4 Q There were some questions about the numerous
5 electronic devices that were seized. Well, let me back up
6 for a second.

7 How many criminal investigations have you been
8 involved in, in the course of your career?

9 A Hundreds. I can't specify.

10 Q Some of those investigations involve multiple
11 suspects or codefendants?

12 A That's correct.

13 Q How often have you seen codefendants sit down and
14 type out: "On August 10th, 2018, I, Samantha Rabon, met
15 with Teresa Martin and Randy Grainger for the purpose of
16 planning out a murder of my father and brother"?

17 A Never.

18 Q Have you ever recovered a check saying "To Randy
19 Grainger" in the memo line "for murdering my father and
20 brother"?

21 A No, ma'am.

22 Q Let me touch back on Lee Graham for a second. When
23 you spoke with Lee Graham, he indicated to you, in fact,
24 that the defendant was very concerned about her brother's
25 arrest and the financial drain it would be on the family;

1 right?

2 A Yes, he did.

3 Q And you talked about Robert had experimental
4 surgery. That was heart surgery, right, about a year
5 before the murders?

6 A Yes.

7 Q And did you learn that, in preparation for that
8 surgery, that he -- I'll use the term "read in" the
9 defendant into his finances in case anything happened?

10 A That's correct.

11 Q There was also talk about the account, and we heard
12 from the South State Bank representative of an account
13 that contained approximately \$90,000 that was, at one
14 point, after Robert's first -- second wife, excuse me,
15 Melba passed, was transferred to joint ownership of
16 Robert, Robbie, and Samantha. Then in -- after Robbie's
17 arrest is when it was transferred into Samantha's name
18 only; correct?

19 A I believe so.

20 Q And it is that account that she closed within days
21 of her father and brother's murder; correct?

22 A Yes, that's correct.

23 Q There has also, obviously, been quite a bit of time
24 spent on Teresa Martin. And we were over this a little
25 bit with Detective Edwards, but as part of Mirandizing a

1 suspect or a person, you go into their educational
2 background; correct?

3 A We do.

4 Q In fact, I believe we learned that Teresa Martin had
5 the equivalent of an 8th grade education?

6 A Yes, that's correct.

7 Q Did that kind of comport with your experience with
8 her during this interview?

9 A Yes.

10 Q Did she seem like a criminal mastermind to you?

11 A She did not.

12 Q It took her some time and some prodding to reveal
13 much of what she knew about the murders. Is that
14 something that's unusual in your experience?

15 A No, that's quite common.

16 Q We have heard the term "progressive truth-telling."
17 Are you familiar with that term?

18 A Yes, I am.

19 Q Can you describe to the jury what you mean by that
20 term, especially in the context with Teresa Martin.

21 A Progress truth-telling is you interview somebody or
22 you begin speaking with them about anything, a little bit
23 comes out, and then you either take a break or you use
24 that little bit they gave you to get more information out
25 of them.

1 Think of it like -- the best way I can equate it,
2 like, disciplining my kid. Like, "Okay, who took the
3 cookie?"

4 "Well, I didn't take it." .

5 "Well, how come you -- okay, you have chocolate
6 around your face, so why do you have chocolate?

7 "Okay. Well, I ate the cookie."

8 So it's just a little bit more comes out the more
9 and more that you speak to them.

10 Q Do you take everything that suspects or individuals
11 say to you at face value or do you require corroborative
12 evidence?

13 A We require corroborative evidence.

14 Q So when Teresa Martin told you that the defendant
15 hired Randy Grainger to kill her father and brother, did
16 you simply take Teresa Martin at her word?

17 A No, we did not.

18 Q Through the course of your investigation, what
19 evidence did you have to corroborate what Teresa Martin
20 said?

21 A We used various witness statements from information
22 obtained from Lee Graham, the bank information that we
23 had, and just the general demeanor of -- the way people
24 were acting during the investigation.

25 Q Was there -- did you ever identify anyone else

1 throughout your entire investigation who had any motive
2 whatsoever to kill Robert and Robbie other than the
3 defendant?

4 A We did not.

5 Q There was a text message talked about yesterday
6 about "Can you clean up a double murder in four hours?"
7 In your time in law enforcement, are you familiar with
8 duties and responsibilities of Crime Scene Investigation?

9 A Yes, I am.

10 Q Is it the crime scene investigator's job to process
11 a scene or clean a scene?

12 A Their jobs are just to process the scene and collect
13 the evidence that is found.

14 Q You responded out to the Highway 19 location. Was
15 there a fair amount of blood where Robert Ford laid on the
16 concrete pad?

17 A Yes, there was.

18 Q Was that blood there even after Crime Scene was done
19 processing the scene?

20 A Yes, it was.

21 Q And, yet, the defendant had a visitation, meaning
22 opened that home for visitors the very next day?

23 A That's correct.

24 Q As part of your search warrants executed on the
25 defendant's home two years later -- by the way, the home

1 where her father and brother had been killed; correct?

2 A That's correct.

3 Q Did you -- you recovered quite a few invoices
4 showing extensive renovations to that home; correct?

5 A Yes.

6 Q In fact, the defendant nearly gutted it, remodeled
7 it, and placed it up for sale at one point?

8 A I believe so, yes.

9 Q Was the Ford family actively contacting the police
10 department seeking updates? Because this investigation
11 took awhile. I mean, two years to the day before you were
12 able to arrest anyone.

13 Were members of the Ford family actively contacting
14 the police department seeking updates on the
15 investigation?

16 A Yes.

17 Q Who specifically was contacting you?

18 A Specifically, it was Ms. Anita, Ms. Rita, and Julie
19 Filyaw.

20 Q And Julie Filyaw -- F-i-l-y-a-w -- is one of
21 Ms. Rita's daughters; correct?

22 A That's correct.

23 Q And, in fact, was it that sort of constant checking
24 for updates that caused you to ask Ms. Anita for a DNA
25 swab?

1 **A** That's correct.

2 **Q** Did you at that time really believe that that would
3 have any probative value whatsoever?

4 **A** No.

5 **Q** So then why did you do it?

6 **A** There's a lot of downtime in this investigation as
7 far as obtaining DNA samples and then waiting for
8 information to come back. We knew we were looking for a
9 white male suspect. So to help the family give them a
10 sense of we're doing more and more and more, it was done
11 to basically comfort their worries and say we're working
12 as hard as we can to get the best results that we can.

13 **Q** Basically, to appease them and let them know that
14 the investigation was not forgotten?

15 **A** That's correct.

16 **Q** There were some cell phones recovered at the same
17 time when your office was cleared out to make way for
18 someone else. Were any of those cell phones related to
19 this case?

20 **A** They were not.

21 **Q** Do you have any independent recollection of how
22 those -- who those cell phones were tied to?

23 **A** No, I do not.

24 **Q** But not tied to this case?

25 **A** They were not.

1 Q And counsel asked if they searched your car or any
2 other locations. Did you have anything in your
3 County-issued car?

4 A No, ma'am.

5 Q And you turned in your County-issued car when you
6 tendered your resignation?

7 A Correct.

8 Q So clearly --

9 [Judge sneezes.]

10 MS. WALTER: Bless you.

11 BY MS. WALTER:

12 Q Let's go back to DNA. How many members of the Ford
13 family did you ask for DNA standards?

14 A I know I asked for three.

15 Q How many members of the Ford family voluntarily
16 provided DNA standards?

17 A Two.

18 Q And who was that?

19 A Anita and Rita.

20 Q There's also been a lot of talk about this arson in
21 2011, and it's not in your report. Did you -- after
22 interviewing Mr. Price, did you have any indication that
23 that was connected to these -- the double murders?

24 A We did not.

25 Q In fact, was that fire ever even declared an arson?

1 **A** It was not.

2 **Q** As you sit here today, I want you to reflect back on
3 your investigation, your work, and that of other
4 detectives. Is there any doubt in your mind about the
5 thoroughness and completeness of your investigation?

6 **A** There is not.

7 **Q** Can you tell the jury what it is that you learned
8 during your investigation that leads you be so firmly
9 convinced that the defendant is guilty?

10 **MR. RICHARDSON:** Your Honor, that intends to invade
11 the province of the jury to say that she's guilty. All he
12 had to get was probable cause.

13 **MS. WALTER:** I can rephrase that.

14 **THE COURT:** All right.

15 **BY MS. WALTER:**

16 **Q** What can you tell us that leads you to be so firmly
17 convinced that the defendant is involved in this crime,
18 that she hired Randy Grainger?

19 **A** Due to the evidence gathered through the
20 investigation, the witness interviews that were conducted
21 through the investigation, the demeanor of the defendant
22 throughout the investigation.

23 **Q** Do you believe that you left any stone unturned in
24 this investigation?

25 **A** No. This was a two-year investigation, and so many

1 different variables and new techniques were used to try
2 and bring some sort of closure and justice for this case.

3 MS. WALTER: Court's indulgence.

4 Nothing further, Your Honor.

5 THE COURT: Redirect?

6 MR. RICHARDSON: I will try to be brief.

7 REDIRECT EXAMINATION

8 BY MR. RICHARDSON:

9 Q Okay. Let's see. You said you started dating
10 Jesalyn -- dating or you quit dating her until you were
11 16?

12 A I started.

13 Q Started.

14 A Yes, sir. At 16 or 17. I don't recall.

15 Q And y'all dated for how long?

16 A A year and a half, two years maybe.

17 Q Okay. All right. So y'all would have still been
18 dating in '03 and '04? You graduated in '03; correct?

19 A Yes. I graduated in '03.

20 Q So y'all dated a little bit after high school;
21 correct?

22 A Yes.

23 Q So Ms. Walter asked you about people getting rid of
24 phones. So I assume she means that Randy Grainger got rid
25 of his phone and Teresa Martin got rid of their phone

1 after this murder?

2 A I don't know if they did or not. We didn't find
3 them or collect them.

4 Q Samantha didn't get rid of her phone, did she?

5 A She did not.

6 Q And who told you about Samantha being read into her
7 father's affairs?

8 A I don't remember who specifically said it. I just
9 know that, when her father went in for that surgery, in
10 the event something happened to him, she was put on his
11 accounts, is what I know about.

12 Q But who told you? Because it wasn't Samantha, was
13 it?

14 A No. I believe it was another member of the family.

15 Q But you can't tell us who that was?

16 A No, I don't know who it was.

17 Q And that's not in your report, is it?

18 A No.

19 Q And Ms. Walter made a big deal about 8th grade
20 education of Teresa Martin. I know you have got kids.
21 Have you had an eighth grader before?

22 A Two of them.

23 Q They're not fumbling around like toddlers; right?

24 A No.

25 Q They can lie?

1 A They can.

2 Q And sometimes they can be devious?

3 A Yes, they can.

4 Q An eighth grade education doesn't mean that Teresa
5 Martin hadn't had 58 years of living experience; right?

6 A That's right.

7 Q She knew how to apply for disability?

8 A Correct.

9 Q And when you told her that her disability payments
10 would be taken from her if she went to jail, she knew
11 that; correct?

12 A Yes.

13 Q So she knew how to live?

14 A Correct.

15 Q Certainly knew how to lie; right?

16 A She did.

17 Q And corroboration. You said corroboration by
18 various witnesses. Other than Teresa Martin -- did you
19 take a statement from anybody that said there was a
20 meeting between Samantha, Randy, and Teresa?

21 A No, sir.

22 Q Okay. So no other witness can put them all
23 together; right?

24 A That's correct.

25 Q And the way people are acting. You agree people

1 come in all shapes, colors, everything? Everybody acts
2 different; correct?

3 A Absolutely.

4 Q Okay. And the visitation that Ms. Walter brought
5 up, did you go to that visitation?

6 A I did not.

7 Q So you don't know if the bloodstains were covered
8 up; correct?

9 A I think the family said something at some point
10 about some pressure washing being done, but that's all I
11 know about it.

12 Q Okay. And the State's made a big deal about the
13 mobile home Samantha had been living in. A single-wide
14 mobile home wouldn't have been conducive for a visitation,
15 would it?

16 A It depends on the amount of people.

17 Q Was it your understanding that there was a good bit
18 of people at that visitation the next day?

19 A Yes, I think so.

20 Q And Ms. Walter said something about -- some evidence
21 of the house being gutted. So the house got painted;
22 right?

23 A I know it was painted and I think some remodeling
24 was done to it.

25 Q Okay. So we should be able to see the receipts and

1 everything that y'all found; right? Some proof of that?

2 A If they were kept. I don't know what was kept and
3 what was not, sir.

4 Q So that wasn't important enough to keep proof?

5 A No, I don't mean on our behalf. I mean on the
6 defendant's behalf.

7 Q Well, you just said y'all saw evidence of it.

8 A There were receipts and stuff that were found for
9 renovations that were completed in the home.

10 Q Okay. So these weren't for the renovations being
11 done on Samantha's grandma's home that they had been
12 working on prior to these murders, was it? Do you know
13 that for a fact?

14 A I do not.

15 Q Okay. So they could have been for renovations at
16 that home or the other home; correct?

17 A Could have.

18 Q Okay. And Ms. Walter said something or you said
19 something about the house being put up for sale. Where is
20 that? Do we have a listing contract?

21 A I do not.

22 Q Did you ever see a listing contract?

23 A A contract? No, sir.

24 Q When the house was put on the market for sale.

25 A I didn't see it.

1 Q And Ms. Walter went back to that arson. Said you
2 didn't think it was relevant, but when you went and talked
3 to "Pee-Wee" Jim Price, that was in November of 2018;
4 correct?

5 A I believe so.

6 Q Okay. And that arson happened in 2011; correct?

7 A Yes, sir.

8 Q And then you didn't get these warrants until
9 August 14th, 2020; correct?

10 A That's correct.

11 Q Okay. So to get a warrant, you got to have at least
12 probable cause. You thought there was a good chance that
13 Sheila was involved; correct?

14 A Yes, sir.

15 Q That she had hired "Pee-Wee" and didn't pay him;
16 right?

17 A Yes.

18 Q And no question about it, that house beside Robert
19 Ford's house, that was burned clear to the ground;
20 correct?

21 A I don't remember the extent to which it was burned.
22 I just know it was significant damage done to the home
23 where it had to be torn down.

24 Q I think you can actually still see some evidence of
25 where the house was over beside Robert's house; correct?

1 A I think so.

2 Q Like a foundation?

3 A Yes, I think.

4 Q And that was Samantha's grandmother's house; right?

5 A Yes.

6 Q Robert's mother's house?

7 A Yes.

8 MR. RICHARDSON: No further questions.

9 THE COURT: All right. You may step down.

10 THE WITNESS: Thank you.

11 THE COURT: All right. Let me see the attorneys for
12 a second.

13 MS. WALTER: Your Honor, I'll ask on their behalf.

14 May Detective Dudley be released from his subpoena?

15 MR. RICHARDSON: Certainly.

16 THE COURT: He's free to go.

17 BENCH CONFERENCE

18 (The following bench conference occurred at the
19 bench with counsel and outside the hearing of others:)

20 THE COURT: How long is your next witness?

21 MR. RICHARDSON: We'll rest now, Judge.

22 THE COURT: You want to go ahead and rest on the
23 record?

24 MR. RICHARDSON: Mm-hmm.

25 THE COURT: Okay. All right. We'll go ahead and do

1 that.

2 MR. RICHARDSON: If I might have a little extra time
3 at lunch just so I can get those exhibits right. I'm
4 going to need to step over to my office.

5 THE COURT: That'll be good. All right.

6 (Open court resumes as follows:)

7 THE COURT: Defense can call your next witness.

8 MR. RICHARDSON: Your Honor, the defense rests.

9 THE COURT: All right. Ladies and gentlemen, the
10 defense has rested their case, and just like at the close
11 of the State's case, I have to take up some matters of law
12 with the attorneys.

13 It's 12:25. I know your lunch should be here
14 shortly. It's not here yet, but it should be here
15 shortly, so we're going to go ahead and break for lunch.
16 I ask that you leave your notepads in the jury box. Do
17 not discuss the case even among yourselves; it's too early
18 for deliberations. We'll take probably a little bit
19 longer lunch today, and then we'll bring you back.

20 All right. Thank you very much.

21 (The jury exited the courtroom at 12:22 p.m.)

22 THE COURT: All right. Any motions at this time?

23 MOTIONS/MATTERS OF LAW

24 MR. RICHARDSON: Your Honor, the defense would renew
25 its motion for directed verdict, indicating that --

1 believe that the denial of the motion previously was in
2 error, and it was only compounded more with that charge
3 still being out there, along with the conspiracy and the
4 solicitation charge.

5 THE COURT: All right. The motion is on the record.
6 I'm going to deny it and stick by my prior ruling.

7 Anything else?

8 MR. RICHARDSON: Nothing from the defense, Your
9 Honor.

10 THE COURT: All right. Will the State be presenting
11 any rebuttal testimony?

12 MS. WALTER: No, Your Honor.

13 THE COURT: Okay. So all we have now left are
14 closing arguments, charges, and deliberations?

15 MS. WALTER: Yes, Your Honor.

16 THE COURT: Okay. I have got a phone conference at
17 1:15. It shouldn't take -- I'm told it will be 30
18 minutes. So can we break -- I understand you have got to
19 go ahead and redact some exhibits.

20 MR. RICHARDSON: Yes, sir.

21 THE COURT: 2:00?

22 MS. WALTER: That's fine, Your Honor.

23 And just so I know, do you do closings then charge
24 or charge then closings?

25 THE COURT: I have always done closings and then

1 charge, but I'll do whatever y'all want to do.

2 MS. WALTER: No, that's fine. I just like to know.

3 And then, also, just to be clear, because the
4 defense put up a case, it will go State closes in full,
5 defense closes, and then State gets rebuttal close?

6 MR. RICHARDSON: That's my understanding of the law.

7 THE COURT: Yeah. State closes in full, defense
8 closes in full, and State gets a reply only as to matters
9 addressed in the defense closing that you did not address
10 in your original closing. You have got to close in full.

11 MS. WALTER: Yes, I understand. My understanding is
12 that I can address anything that they bring up in their
13 defense closing.

14 THE COURT: If you have not already addressed it in
15 your closing. You can't do your closing --

16 MS. WALTER: No, no, no. But, in other words, if --

17 THE COURT: If it's in response to something they --

18 MS. WALTER: Yes, that's what I was just trying to
19 clarify.

20 THE COURT: That's right. That's right.

21 MR. GROOMS: Your Honor, I apologize -- go ahead.

22 THE COURT: Well, no, I was just going to say: I
23 have been working on some charges. If you want me to
24 incorporate anything, just send it to me, or you can wait
25 and take a look at what I have done and see if you want to

1 add, subtract, or whatever. As I see this, it's six
2 indictments, and it's just guilty or not guilty on each
3 one.

4 MS. WALTER: Correct.

5 MR. RICHARDSON: Yes, Your Honor.

6 THE COURT: There's no lesser included or --

7 MS. WALTER: No.

8 THE COURT: Okay. All right. Now, having said
9 that, when it's generally just guilty or not guilty are
10 the only possible verdicts, I generally just send the
11 indictments back there and let them write their verdict on
12 the indictment.

13 Usually, I'll do a verdict form if there's a lesser
14 included, but with this one, I was thinking about just
15 sending all six indictments back to the jury when they
16 deliberate and then they'll just write on each one, guilty
17 or not guilty.

18 MS. WALTER: No objection from the State, Your
19 Honor.

20 THE COURT: Any objection from the defense?

21 MR. RICHARDSON: No, sir, Your Honor.

22 THE COURT: Okay. All right. That sounds good.
23 Anything from the State before we recess?

24 MS. WALTER: Nothing from the State.

25 THE COURT: Anything from the defense?

1 MR. GROOMS: Your Honor, I think there is a going to
2 be a point of contention on the jury charges particularly
3 regarding whether or not third-party guilt would be
4 included in a jury charge. Do you want us to discuss that
5 now?

6 THE COURT: Yeah, we might as well.

7 MR. GROOMS: Your Honor, it's the State's position
8 that, as you know, third-party guilt is evidence proposed
9 by the defendant that suggests another person committed
10 the crime. Clearly, there is evidence that another person
11 may have been involved in the crime; Randy Grainger
12 testified to that.

13 Following that same chart, we have to establish a
14 link to the case. I believe that has been done. You have
15 to establish a change of circumstances to establish
16 relevance. I believe that was done based on the 2011
17 hiring of an individual to commit a felony, not paying
18 them, and it being the same victim, so that is the chain
19 of circumstances.

20 And then when we talk about evidence that tends to
21 prove my client not guilty, it would be that the
22 difference is that Sheila Burris is on the phone with
23 Teresa Martin, not Samantha Rabon, during the actual
24 crime, and then Sheila Burris is on the phone with the
25 actual co-conspirators after the crime.

1 So at 8:46, you've got Teresa Martin texting Randy
2 Grainger. We know, at this point, Randy Grainger is lying
3 in wait. There's been no communication from my client to
4 them.

5 You have Teresa Martin calls Sheila Burris at 8:48.
6 That phone conversation is 27 minutes, 37 seconds. So
7 that puts it out till 9:16. We know the murders happened
8 during that time, and we know that Randy Grainger is
9 texting Teresa Martin back during that time.

10 So while she's on the phone with Sheila Burris,
11 Randy is texting back and forth. So there's evidence that
12 communication is going on between those three during the
13 actual murders.

14 And, of course, the meeting happened on Sheila
15 Burris's porch. The arson case involved Sheila, not
16 Samantha.

17 Your Honor, I believe, respectfully, there's a
18 little bit of the benefit of the doubt given to the State
19 earlier on that constructive possession, and I believe
20 we're certainly entitled to present our entire case, and
21 the jury needs to understand, while this is relevant, that
22 it very well could be another person. And had Teresa
23 Martin given another name in that interview, had she said
24 Sheila instead of Samantha, it would be a completely
25 different case, because the case was built around Teresa.

1 THE COURT: So is it the defendant's position that
2 there was solicitation and there was conspiracy and that
3 Sheila Burris committed conspiracy and the solicitation
4 and not the defendant?

5 MR. GROOMS: Your Honor, it's either that or it is
6 that the robbery gone bad, when there's supposedly \$30,000
7 sitting in the house. We don't know because my client has
8 maintained her innocence. But that is certainly a theory
9 that I think the jury has heard about all week.

10 THE COURT: Well, and I think -- I mean, that's the
11 impression I've got is that your client is just
12 maintaining her innocence saying there was no
13 solicitation, there was no conspiracy, and this was a
14 murder by Grainger in a bungled burglary or whatever it
15 was.

16 Whereas I understand third-party guilt is, this
17 happened but you have got the wrong person. It wasn't me,
18 it was somebody else.

19 MR. GROOMS: Your Honor, I believe we have gotten
20 into that time and time again. That's why we were talking
21 about the extensive communications with Teresa and Sheila.
22 That's where that all came from. That's why that was so
23 important to our case is that Teresa is not on the phone
24 with our client during the murders, during the act of what
25 she's doing, her overt acts of dropping Randy off. She's

1 on the phone with Sheila.

2 THE COURT: So, there again, I'm saying the defense
3 is taking the position there was a solicitation and there
4 was a conspiracy.

5 MR. GROOMS: I believe there was.

6 THE COURT: But it wasn't the defendant; it was --

7 MR. GROOMS: But if the jury believes that "Well, he
8 could have gone over there just to get the \$30,000" -- we
9 don't know what happened, but we do know that it looks
10 like a solicitation and not by my client.

11 THE COURT: All right. What's the State's position?

12 MS. WALTER: Your Honor, we do not believe that the
13 defense or that there has been sufficient evidence at this
14 point to warrant any sort of third-party guilt defense or
15 instruction.

16 And in order to justify that, there has to be
17 evidence that is inconsistent with the defendant's guilt,
18 and at this point, that's just not here. Because you have
19 Teresa -- well, excuse me. You have Randy Grainger, who
20 said that the meeting on the porch took place with Sheila,
21 with the defendant, and with him.

22 So while Sheila in the -- I'll say in the light most
23 favorable to the defense -- may have been involved, it
24 does not foreclose the defendant's guilt as well.

25 We believe, at this point, that there's not

1 sufficient evidence to warrant third-party guilt.

2 THE COURT: All right. Well, I'll take a look at
3 it. At this point and juncture, I'm not inclined to
4 charge third-party guilt. I'll take a look at it because,
5 as I said -- and I may be wrong, after I take a look at
6 it, but I was under the impression third-party guilt was,
7 "Yeah, the crimes were committed, but you've got the wrong
8 person. It wasn't me. It was this person over here."
9 Whereas her whole contention is "there was never any
10 solicitation and there was never any conspiracy by me or
11 anybody else"; that this was Grainger who went and
12 committed the murders.

13 Now, I think you definitely -- I don't know that it
14 warrants a charge of third-party guilt, but you definitely
15 have the third-party guilt as far as Grainger committed
16 the murders. But I don't know that you need a charge on
17 third-party guilt in that regard.

18 MR. GROOMS: And, Your Honor, I think the case law
19 requires you to ID the individual. It can't just be some
20 other person. We have ID'd the individual as Sheila.

21 And, Your Honor, respectfully --

22 THE COURT: Well -- but you're not saying that she
23 -- excuse me for interrupting. You're not saying Sheila
24 did this. You're just saying ---

25 MR. GROOMS: Your Honor --

1 THE COURT: --- Sheila may have done it rather than
2 not.

3 MR. GROOMS: Your Honor, we are planning, in
4 closing, to argue both theories: That it's either Sheila
5 or it is a robbery but it's not our client.

6 And, again, the two pieces of evidence that I think
7 are different is the communications with Sheila and Teresa
8 throughout the actual commission. That's the difference
9 in whether or not there was or wasn't a meeting.

10 I understand, if that was the only piece, we would
11 say, "Okay, that's not to the exclusion of our client
12 under the case law." The case law says indistinct
13 evidence that proves this client wasn't involved and the
14 other one was. That's why I want you to consider those
15 communications.

16 THE COURT: All right. I'll take a look at the
17 charge and take a look at the law again and see what it
18 says, but at this juncture, I think I'm right.

19 MS. WALTER: And, Your Honor, I have just a portion
20 of -- I guess it was a memorandum that I submitted in a
21 different case in front of a different judge. With your
22 permission, I'll just kind of copy-and-paste that portion
23 in an email to all parties.

24 THE COURT: For what?

25 MS. WALTER: It does address third-party guilt. It

1 quotes the case of State v. Cope. C-o-p-e.

2 THE COURT: Well, that -- excuse me for
3 interrupting. That's fine. I'll take a look at it. I
4 don't need a memorandum. I'll take a look at that
5 decision. All right?

6 Anything else?

7 MR. RICHARDSON: I'm delivering this over.

8 THE COURT: Now, I say I'll come back at 2:00, but I
9 know you have got to eat lunch and everything, but you've
10 got to get these exhibits redacted.

11 MR. RICHARDSON: Yes, sir.

12 THE COURT: I should have some charges ready
13 probably within 40, 45 minutes, and I'll just bring them
14 out here and put them on the desk and y'all can take a
15 look at them.

16 MR. RICHARDSON: If you want to email, because I
17 think we're going to go over to my office to make those
18 copies, Your Honor, for those exhibits.

19 THE COURT: However you want to do it.

20 MS. WALTER: And, Your Honor, the only one -- and I
21 mentioned this when we talked about the defense exhibits.
22 The revised Arizona jury instructions have an instruction
23 on redacted exhibits. I think it's, like, two sentences.
24 It simply says, "Some of the exhibits in this case have
25 been redacted. You are not to attach any significance to

1 those redactions." So I'll send you that.

2 THE COURT: Well, I mean, when you finish ---

3 MR. RICHARDSON: I'll scan them in --

4 THE COURT: --- doing your exhibits, are you going
5 to be able to tell that they've been redacted?

6 MR. RICHARDSON: Well, there will be a long sheet of
7 paper with just two lines on it, and then there will be a
8 sheet of paper with a bunch of lines on it. So it will be
9 obvious there's a redaction.

10 THE COURT: All right. Well, go ahead and send me
11 that proposed charge ---

12 MS. WALTER: I will.

13 THE COURT: --- and I'll take a look at it.

14 All right. Anything else?

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

16 MS. WALTER: Nothing from the State, Your Honor.

17 THE COURT: All right. We'll be in recess at least
18 until 2:00.

19 (A lunch recess was taken from 12:35 p.m. to 2:05 p.m.)

20 THE COURT: All right. Ladies and gentlemen, I have
21 submitted my proposed charges. First of all, have you had
22 an opportunity to go over the proposed charges?

23 MS. WALTER: We have, Your Honor. And no objections
24 from the State.

25 THE COURT: All right. And I'll allow you two

1 opportunities to raise an objection: No. 1 is after
2 reading them now, and then, No. 2, after I charge the
3 jury, because sometimes it does sound a little bit
4 differently when you hear it read versus when you read it
5 on paper.

6 MR. RICHARDSON: Yes, sir. We have no objections,
7 Your Honor.

8 THE COURT: Now, I did receive your proposed charge
9 on third-party guilt.

10 MR. RICHARDSON: Yes, sir.

11 THE COURT: I'm not going to charge third-party
12 guilt because I don't know that this is a third-party
13 guilt. As I view it, there is nothing against Sheila
14 Burris that is inconsistent or tends to prove your
15 client's innocence. I'm not going to charge third-party
16 guilt, but I am going to allow you to argue the fact that,
17 look, you have Sheila Burris, you did not pursue that
18 investigation with the same vigor that you had pursued the
19 defendant. In other words, it's almost -- as I view your
20 argument, it's not as much a third-party guilt as it is a
21 rush to judgment. You have this against Sheila Burris,
22 but you didn't investigate it to the same extent that you
23 did the defendant.

24 MR. RICHARDSON: I understand, Your Honor. Thank
25 you.

1 THE COURT: All right. Anything from the State
2 before we bring the jury in?

3 MS. WALTER: No, Your Honor. Would you prefer I
4 wait to hook the TV up for my PowerPoint until they come
5 in?

6 THE COURT: However you want to do it. I would go
7 ahead and get it ready so there wouldn't be any delay.

8 MS. WALTER: Okay. Perfect. We are ready.

9 THE COURT: All right. Now, this third-party guilt
10 charge that y'all handed up, do y'all want that as a
11 Court's exhibit?

12 MR. RICHARDSON: No, sir, Your Honor.

13 THE COURT: Okay. And when we bring the jury in,
14 I'll ask is there anything in reply. Nothing in reply,
15 and then I'll instruct them that we're going into closing
16 arguments, charges, and deliberations.

17 MS. WALTER: Yes, Your Honor.

18 THE COURT: All right. Anything from the State
19 before we bring the jury in?

20 MS. WALTER: Not from the State, Your Honor.

21 THE COURT: Anything from the defense?

22 MR. RICHARDSON: Nothing from the defense, Your
23 Honor.

24 THE COURT: All right. Let's bring the jury in.
25 Before they get in here, I'm assuming all the

1 defendant's exhibits have been properly redacted?

2 MS. WALTER: Yes, your Honor.

3 MR. RICHARDSON: And they have been renumbered.

4 THE COURT: Okay.

5 (The jury entered the courtroom at 2:11 p.m.)

6 THE COURT: All right, ladies and gentlemen.

7 Welcome back. I hope everyone had a good lunch. Make
8 sure you have your own notepads and no one else's
9 notepads.

10 All right. Ms. Walter and Ms. Waller, State have
11 anything in reply?

12 MS. WALTER: Nothing, Your Honor.

13 THE COURT: All right. Ladies and gentlemen, the
14 State has presented their case. The defense has presented
15 their defense. There is no reply. And so now is the time
16 of the trial where the attorneys will make their closing
17 arguments.

18 Now, just like their opening statements, these
19 closing arguments are not evidence in this case. It is
20 simply the attorney's contention as to what they feel the
21 facts of this case are, what the evidence has established,
22 and the law to be applied. If, at any time, an attorney
23 references a factual issue that is different from the
24 facts as you find them to be or references the law that is
25 different from the law as I will charge you at the end of

1 their arguments, then you are to disregard that portion of
2 their argument, because these closing arguments are not
3 evidence on the facts, and it's not a charge on the law.
4 It's just their contention or opinion as to what the facts
5 are and the law to be applied.

6 All right, Ms. Walter, Ms. Waller, who wishes to
7 close?

8 MS. WALTER: I will, Your Honor. Thank you.

9 THE COURT: All right.

10 MS. WALTER: May it please the Court?

11 CLOSING ARGUMENT ON BEHALF OF THE STATE

12 MS. WALTER: The defendant had a million reasons to
13 kill her father and her brother. She stands before you
14 charged with two counts each of solicitation to commit
15 murder, conspiracy to commit murder, and murder; one count
16 of each charge for her father and for her brother.

17 Now, it seemed, in their opening, that the defense
18 essentially admitted that there was a solicitation and a
19 conspiracy. I don't think that there's any doubt that
20 Robert and Robbie were murdered, so it really comes down
21 to who was behind this plan. Who put the plan in motion?
22 But I do think it will be helpful to briefly touch on the
23 law.

24 So solicitation is fairly straightforward. It means
25 that you ask, entice, or request someone else to commit a

1 crime; in this case, murder.

2 Conspiracy occurs when you have two or more people
3 acting in concert to commit an unlawful act.

4 Now, the thing about conspiracy for our purposes is
5 that, once you are in a conspiracy with someone, every
6 conspirator, every actor is responsible for every word and
7 every action of the other conspirators, meaning that they
8 are each equally criminally liable for what the other has
9 done.

10 So once the defendant asked Teresa Martin to bring
11 Randy Grainger over and asked Randy Grainger to kill her
12 father and her brother, you have the solicitation, and
13 once Grainger agreed, you have the conspiracy.

14 When she gave the defendant -- when she gave
15 Grainger the gun, when she pinpointed the victim's
16 location, when she asked Teresa Martin to tell her when
17 Grainger was in place, these are all actions that the
18 defendant took in furtherance of this conspiracy.

19 Now, murder is simply the willful killing of another
20 person with malice aforethought. This is one of those
21 terms that you may have heard if you're watching, you
22 know, true crime or police procedurals. Malice
23 aforethought. It can be formed in an instant, but in this
24 case, you have willful and deliberate plotting over the
25 course of at least a week.

1 The fact that Randy Grainger is the one who actually
2 pulled the trigger and killed Robert and Robbie is really
3 not as significant as you think it would be. First of
4 all, as I just mentioned with conspiracy, all conspirators
5 -- so Teresa Martin, Randy Grainger, and Samantha Rabon --
6 are equally criminally liable for the acts of the other.
7 So Samantha Rabon is guilty of murder just based on being
8 a co-conspirator with Teresa Martin and Randy Grainger.

9 But there is also a concept in South Carolina law;
10 we refer to it as "hand of one, hand of all." It means
11 that when, again, two or more people join together for an
12 unlawful purpose, each is criminally liable for the
13 actions of their confederate (ph).

14 Now, a little bit difference here between "hand of
15 one, hand of all" and conspiracy is that, for "hand of
16 one, hand of all," the State must prove that the defendant
17 was either actually present, which we know she was not --
18 she sent Randy Grainger to do her dirty work -- or that
19 she was constructively present, according to some
20 prearranged plan.

21 And this goes back to when she solicited Randy
22 Grainger, when she chose the date on which her father and
23 brother had to be killed. She knew what time they were
24 going to return. She told Randy Grainger that they had to
25 be done at the same time. She chose the murder weapon.

1 She tracked their location. She made sure that she knew
2 when Grainger was in place.

3 All of those facts go to her being constructively
4 present at the scene. This isn't something where she
5 said, "Hey, will you kill my father and brother?" and then
6 walks away. She was actively involved in the planning and
7 commitment of those murders.

8 So then, again, it comes down to who was really
9 behind the murders. As I said, it is clear that the
10 defendant was.

11 Now, motive is not something that the State has to
12 prove, but I think it's something that most jurors want to
13 know, especially when someone is charged with killing
14 their father and their brother. I'm sure we have all been
15 involved in family squabbles and been mad at somebody and
16 you're like, "Oh, my God, I could kill you." But here,
17 you have someone seated before you who actually took it to
18 that final step of having her father and her brother
19 killed.

20 So I'm sure you're questioning why. What would make
21 a person do that? I would suggest all you need to do is
22 follow the money.

23 So, before the murders, the defendant and her
24 husband and their three children were living on
25 approximately \$32,000 a year. A family of five. Clearly,

1 that would be a financial struggle. They were living in a
2 home on a plot of land that had an approximate value of
3 just under \$22,000. That is not said to insult the
4 defendant in any way. That is a simple fact.

5 After the murders, she inherited the home and a
6 farmland, and these are added into \$1.12 million total in
7 land, in cash, investment accounts, IRAs and pensions.

8 If you remember, one of the things that first turned
9 the focus to the defendant was this conversation with Lee
10 Graham, who approached police, albeit reluctantly,
11 because, in his words, it seemed too coincidental, that
12 conversation that he and the defendant had had, and the
13 fact that her father and brother are murdered.

14 And it's striking what he said. One of the things
15 that the defendant was concerned about, besides inheriting
16 everything, was that her father was going to put up the
17 farm to help Robbie defend himself against criminal
18 charges. She didn't want that. She did not want her
19 father spending another penny on Robbie.

20 Now, remember, Robert was putting Robbie through
21 school. Robbie was taking a little bit of time -- six
22 years. Robert was paying for an apartment in Clemson.
23 The day of the murders, they were going down to Charleston
24 to rent another apartment for Robbie. They had just paid
25 his tuition.

1 In the defendant's mind, she's just seeing money
2 drained and drained from what she believed was rightfully
3 hers, and she wanted everything.

4 Now, during the testimony of the financial
5 witnesses, the defense kept asking, "Well, how do we know
6 that Samantha had knowledge of her father's finances?
7 When someone is designated as a beneficiary, does that
8 person get noticed?"

9 Well, let me touch on a few points. Number one, I
10 think it is reasonable for most children to believe that,
11 when the unfortunate time comes and something happens to
12 their parents, that they are likely to be a beneficiary of
13 some sort. But here, we have even more than that because
14 we know through Detective Dudley that when Robert --
15 excuse me -- had heart surgery, that he detailed his
16 finances to the defendant in the event that something
17 happen to him.

18 But even beyond all that, if you are the sole
19 surviving heir of your parent -- and, in this case, there
20 was only Robert -- you inherit it all. Now, had Robbie
21 still lived, Samantha, at best, would have gotten half.

22 So we know from Edward Jones -- that was Jim
23 Thompkins -- he testified that, just through Edward Jones,
24 the defendant inherited/gained access to over \$100,000.
25 And if you recall, he testified at the end that it was

1 nearly all gone between the date of their murder and now.

2 Fidelity Investments, almost a quarter of a million
3 dollars. Penn Mutual, the life insurance -- and I'll get
4 back to that; this is the first set of life insurance
5 policies -- over \$150,000.

6 Securian Life Insurance -- this was Robert's life
7 insurance through work -- \$230,000.

8 But it goes on.

9 South State Bank. Holly Pingatore testified for you
10 from South State Bank.

11 All total, the defendant inherited over \$95,250.
12 And I'm going to touch back on South State Bank in a
13 little bit.

14 And then the real property, those two pieces of
15 property that she inherited, close to \$300,000.

16 All totalled, by having her father and her brother
17 killed, the defendant, at a bare minimum -- at a bare
18 minimum -- just what was presented to you over the course
19 of the last week and a half -- the defendant benefitted by
20 over \$1,120,000 and change. But, again, that was only all
21 hers if Robbie was killed at the same time.

22 Defendant's actions, within days of the murder, also
23 should give you some clue as to how guilty she is, as to
24 how invested she was in making sure that her father and
25 brother were killed so she could get it all.

1 Within days of the murder -- and this is when I'm
2 going back to South State Bank -- Holly Pingatore
3 testified that the defendant closed that account with
4 nearly \$90,000 within days of the murder.

5 This one is a little bit in dispute, but if you
6 recall the first thing that Kenneth Thompson said was,
7 "She reached out to me." He got a little confused on
8 cross-examination, but still, within days, she is getting
9 paid out from the life insurance.

10 Five days after her father and brother are murdered
11 in the driveway of their home, she's getting a tuition
12 refund -- receiving a tuition refund within five days of
13 their murders.

14 And the day after the bodies are found, she opens
15 the home, where her father and brother were brutally
16 murdered in the yard, and has visitation. Now, on
17 cross-examination, I believe Detective Dudley -- there was
18 a question, "Well, could they have had that at the
19 defendant's home?" Maybe not. How about at a church?
20 How about some place other than where you have to clean up
21 the blood that spilled from your father who you paid to
22 have killed?

23 And if the defense tries to quote some theory,
24 "Well, this was a random act, you know, maybe it was just
25 some stranger who wanted to break into the house," even

1 more reason why you wouldn't have a visitation at the
2 house.

3 If some random stranger goes up to the house and
4 kills your father and brother, that's where you want to
5 stay? You don't think maybe they're going to come back?

6 The fact that she had a visitation at the house
7 within days of the murder should be additional evidence of
8 her guilt.

9 Now, so then on the day of the murder, she set this
10 in motion. She's gone through Teresa Martin. Reached out
11 to Randy Grainger. Come to an agreement with him. Told
12 him the day. Told him when they'd be home. Given him the
13 gun. Made arrangements to know when they were home.

14 But as early as August 6th, you can see she's
15 already thinking, "Hmm, okay, I see more money going out."

16 "Have y'all paid for this semester for school? And
17 I guess y'all redid your apartment lease."

18 Already, she's saying, "Uh, that's more money. That
19 money should be mine. Why is he spending more money on
20 Robert [sic]?"

21 Two days before the murder, "How much is tuition a
22 semester?" What does she care? Is she paying it?

23 "It's six or seven thousand dollars, I think."

24 Then she tracks their movement to make sure that
25 they are, in fact, returning to their home. These are

1 text messages between the defendant and her brother,
2 between 20 of 8:00 and 8:00 p.m., making sure that they
3 are back in Conway, when they are done having what would
4 turn out to be their last meal, and they're going to head
5 home.

6 She arranged with Teresa Martin this text, "Yes, I'm
7 home alone," indicating to her that Randy Grainger was in
8 place to kill her father and brother.

9 Her actions tell you how deeply involved she was.
10 Common sense -- you'll hear this in the judge's
11 instructions. One of the things that we rely on -- if you
12 can remember -- I know it seems a long time ago -- but if
13 you remember from jury qualifications, one of the things
14 that Judge Culbertson said and judges often say when
15 offering the opportunity for older jurors to be excused,
16 you have a lot of common sense based on your life
17 experience.

18 Actually, regardless of your age, each of you has
19 common sense. It is something that you use every day. It
20 is how you exist in this world. And you'll hear a lot of
21 the law and technical terms and maybe words that you
22 haven't seen before, but what you will always have to fall
23 back on is your common sense. And if you rely on your
24 common sense, you will understand that the defendant is
25 guilty.

1 But not only does your common sense tell you that,
2 the co-defendants told you that, Teresa Martin and Randy
3 Grainger. They tell you that the defendant was behind the
4 murders.

5 The defense has no option but to tell you not to
6 believe Teresa Martin and Randy Grainger. And I will tell
7 you, look, it's difficult as a prosecutor putting up
8 admitted criminals on the stand and asking you to believe
9 them. But the State does not choose all of its witnesses.

10 The defendant chose Teresa Martin and Randy
11 Grainger. And if you think about it, it makes sense.
12 Randy Grainger testified to you, "I had no real contact
13 with Samantha Rabon and I wanted to keep it that way."
14 You could tell that he was sort of savvy about trying to
15 avoid detection. "I didn't want to have contact with her.
16 I wanted to distance myself from her." But at the same
17 time, he was the perfect choice. He was the perfect
18 person to go to because he had a criminal past -- a
19 violent criminal past: kidnapping and strong armed
20 robbery, I believe it was.

21 So the defendant chose her co-conspirators, but
22 there are reasons why you should believe what they said to
23 you.

24 Let's start with Teresa Martin. Is she more or less
25 guilty because she named the defendant? No. She is as

1 guilty as she is no matter whether she names Samantha,
2 whether she names someone else, or if she named no one.
3 And she owned up to her responsibility for these acts.

4 Does Teresa Martin seem like a criminal mastermind
5 who, while she's under 4-1/2 hours of questioning by the
6 police, not knowing why she's being brought into the
7 police station, is all of a sudden going to say, "Hey, you
8 know what? I bet it's really going to help if I indicate
9 the defendant," the only person in the world with a motive
10 to kill Robert and Robbie. There's no way that she came
11 up with that.

12 Has she fully embraced the part she took in this
13 plan? No. I'm not going to suggest to you that she did.
14 But, again, use your common sense. Most defendants would
15 not fully embrace their culpability. They will protect
16 themselves. They will try to minimize what they did.

17 But, still, Teresa Martin told you, "I got Randy
18 Grainger, I took him over there, I heard what he was going
19 to do, and despite that, I took him, I dropped him off, I
20 picked him up." She has taken responsibility for her
21 actions.

22 She said, "I don't want to go to jail." Who does
23 want to go to jail? But just because she doesn't want to
24 go to jail doesn't mean she is less worthy of belief.

25 Randy Grainger told you -- and we went through sort

1 of a series of attempted agreements. He wanted ten years.
2 And you can see even he kind of knew that was a
3 nonstarter. You don't kill two people and get ten years.

4 He didn't think we had enough evidence so he took
5 the gamble and went to trial and lost and is serving two
6 consecutive life sentences.

7 So, once again, negotiations begin. The State
8 offered him the ability to plead guilty to two counts of
9 voluntarily manslaughter, and it turns out, we're not
10 allowed to do that.

11 But Randy Grainger still decided to testify. And,
12 yes, he is hoping, perhaps, to get out in 30 years. And
13 to him, he says that's still a life sentence. He's 58.
14 You may know that a year in prison is a heck of a lot
15 different from a year out in the real world. Your life
16 expectancy is greatly shortened when you're in prison. So
17 even a 30-year sentence to Randy Grainger, that's not
18 freedom. He might hope it is, but it's not.

19 And if you remember, he had another reason to
20 testify, because he's scared of what the defendant might
21 do next when she runs through the money that she inherited
22 by killing her father and brother. And we have already
23 seen how quickly she spends that money through the
24 testimony of the financial experts.

25 Going back to Teresa Martin, the frequency analysis

1 that Detective Marcus testified to should be helpful in
2 showing why she should be believed. Yes, Teresa Martin
3 was more in contact with the defendant's mother, but she
4 knew the defendant, she would see her often when she went
5 over to Sheila's/Jacqueline's house.

6 But let's look at the frequency of contact between
7 the defendant and Teresa Martin. June 30th to August
8 14th, one contact. One. All of a sudden, in the about
9 week span of time surrounding the murders, we go from one
10 to 64. And then time passes again, nothing between August
11 23rd and September 10th. And then we have only seven
12 calls or text messages.

13 But even more telling, on the day of the murders,
14 someone who went from, in the two months prior, to
15 contacting Teresa Martin once, all of a sudden, 24 voice
16 and text messages the day of the murders.

17 And if you recall, obviously, there's some overlap
18 because there aren't 24 arrows here, but if you see,
19 Detective Marcus testified that the dot signifies the
20 origin, the arrow going to who the contact was made to.
21 The majority of the contacts go from Samantha Rabon to
22 Teresa Martin.

23 Why is that necessary? Because they were engaged in
24 a plot to kill Robert and Robbie.

25 I wrote down something that Mr. Richardson said. I

1 forget which witness it was to, but he said Randy Grainger
2 was a good killer but a bad arsonist. And thank God he
3 was. Again, remember how careful Randy Grainger was to
4 try to avoid detection. It's the middle of August in
5 Horry County. If you have been here for even one summer,
6 you know that it's hot and it's humid. He's wearing two
7 pairs of pants, he's wearing a flannel shirt, and he's
8 wearing a skull cap to cover his hair. He's wearing
9 gloves, and he's carrying the tools of his trade in that
10 little black bag.

11 He sits in wait for Robert and Robbie to get home,
12 and as he's smoking, he is so careful to not leave DNA
13 there, that he tucks the cigarette butts in his sock or
14 his shoe because he told you he didn't want to leave
15 evidence at the scene of the crime. He turned off his
16 phone because he didn't want to leave evidence at the
17 scene of the crime.

18 He then steals the easiest car -- Robbie's car;
19 because he knew that they had keys to that car because
20 they had just driven up -- and drives to Cooke Circle,
21 takes his Mountain Dew bottle of gasoline, pours it over
22 the interior of the car, tosses in his skull cap and his
23 sweatpants, lights it on fire and tosses it in, shuts the
24 door, thinking that it will burn completely, destroying
25 any possible DNA.

1 But, thankfully, he was a bad arsonist and he forgot
2 to roll down the window and also, when he changed, he
3 dropped his cigarette butts. And because he was a bad
4 arsonist, we know he's involved, which led to Teresa
5 Martin.

6 You heard Detective Bellamy say, once we narrowed in
7 on Randy Grainger, nearly two years after the murders,
8 that got us through the tower date to Teresa Martin, which
9 then led to someone who is a person of interest because of
10 her demonstrated motive: the defendant.

11 So I implore you again: Please do not leave your
12 common sense at the door. Your common sense is very, very
13 important in this case, because your common sense and your
14 review of all the evidence will tell you that the
15 defendant had over a million reasons to kill. And your
16 common sense in your review of the evidence will give you
17 over a million reasons to convict her on all charges.

18 Thank you.

19 MR. RICHARDSON: Can we move all this back a little
20 bit?

21 MS. WALTER: They're going to. They're getting up.

22 MR. RICHARDSON: Thank you.

23 THE COURT: All right. Mr. Richardson?

24 MR. RICHARDSON: Thank you, Your Honor.

25 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

1 MR. RICHARDSON: Too soon with too little
2 information. Little, if any, real investigation or little
3 thought. David Dudley's mind was made up. After that
4 little talk with Lee Graham, he didn't want to hear about
5 Samantha or anything. He made up his mind. He made a
6 mistake. He got a target and he got tunnel vision. And
7 all he could see after that was he wanted to make sure
8 Samantha was in that story, that narrative that he
9 developed.

10 He put on blinders and refused to see anything.
11 Could not see anything unless and until it could lead him
12 back to Samantha, and he worked for the next two years to
13 make sure everything did.

14 And I told you, he put on blinders. And in certain
15 circumstances blinders can be useful. My dad would tell
16 me stories about when he was growing up with my
17 grandfather and my great-grandfather, his grandfather,
18 Granddad McKenzie. Granddad McKenzie had a good bit of
19 land over in Dillon -- a lot of acreage -- and he leased
20 most of it out for cotton and tobacco, a lot like here in
21 Horry County, but he always kept four or five acres for a
22 family farm where they grew some vegetables and whatnot.
23 And when my father would go visit Granddad McKenzie, when
24 he was a boy -- late '50s/early '60s -- Granddaddy would
25 put him to work. He'd put him to work doing a little bit

1 of everything, but one of the jobs was plowing the field.
2 And you'd think he would have a tractor at that point, but
3 Granddaddy didn't believe in letting my dad run a tractor.
4 So, instead, when it came time for plowing, Granddaddy had
5 him use a mule and an old drag plow, kind of like you see
6 in some old-time movies.

7 And I always thought it was odd, but my dad said it
8 wasn't that bad using the mule. You know, plowing a field
9 is pretty straightforward. You want to go from end of the
10 field to the next in a nice straight row, and that mule
11 provided the strength to do it, but you had to be able to
12 carefully -- you had to get the harness just right and the
13 straps just right. But the most important thing was to
14 put blinders on that mule. Because, again, it's a simple
15 task, but a mule is a simple animal, easily distracted by
16 cars and other wildlife and other people.

17 So you put those blinders on the mule to keep it
18 focused. Blinders for a simple animal, performing a
19 simple task. And it can only see its target and it gets
20 to that target. Simple.

21 Now, criminal investigations are not simple.
22 They're quite complex. And, as you know, I've been around
23 them just about my whole life. My dad didn't become a
24 farmer. Instead, he opened a little funeral home over in
25 Marion, South Carolina, and when I was six years old, he

1 was elected the Coroner of Marion County. But he's held
2 that position for the past 47 years. So for the past 47
3 years, he's been the chief death investigator.

4 So as a boy, at six years old, I watched him working
5 with detectives, SLED agents, prosecutors to help work on
6 homicides. And I was intrigued by the complexions and
7 everything that went in to solving cases.

8 And so, when I became a lawyer, it really was no
9 surprise that I went into a field that was surrounded by
10 criminal law, for 13 years as a prosecutor; for the past
11 8-1/2 as a defense attorney.

12 Again, folks, criminal investigation is complex.
13 There's a lot of steps to take, and it's certainly not as
14 simple as plowing a field. You can't make up your mind
15 too quickly.

16 Instead, in a proper criminal investigation, law
17 enforcement should begin with an open mind. Be able to
18 take everything in. A criminal investigation should be a
19 complete and unbiased search for the truth, and law
20 enforcement must let evidence lead the way. Law
21 enforcement can't simply make up their mind too quickly
22 with too little information, sometimes misinterpreted
23 information, and then work to shoehorn everything they
24 find and everything they go after to fit that
25 preconceived, preordained idea that they came up with too

1 quickly.

2 One of the most dangerous things that can happen in
3 a criminal investigation is for law enforcement -- and
4 especially the lead detective -- to develop tunnel vision,
5 because, when that happens, all they can see is their
6 target. When it happens too quickly, all they can see is
7 their target, and they start to ignore things that might
8 point them in a different direction.

9 When that tunnel vision sets in, they start seeing
10 the case through a very narrow lens, and that hyperfocus
11 only allows them to see their target, and they miss
12 things. They misjudge things.

13 That's what we had happen here. That's exactly what
14 happened when David Dudley made up his mind within about
15 24 hours, that first meeting with Lee Graham. He made up
16 his mind.

17 Now, I don't think he should have been on the
18 investigation. You heard from Lieutenant Lent. He didn't
19 think the connection with the family was that much and he
20 thought maybe he just went to school with Samantha.
21 Lieutenant Lent didn't tell you about how he dated
22 Samantha's cousin, the aunt's daughter.

23 But, regardless, we heard from Robbie Caulder who
24 said any connection like that, it's very important that
25 you remove yourself as quickly as possible. There were

1 plenty other detectives, and he should have begged off.

2 But he became the lead detective. He developed that idea.

3 And why he sat on that so quickly, I don't know. It
4 was a big case. We heard from Pete Cestare. There was a
5 lot of pressure on the County Police. A lot of different
6 crimes happening and a lot of community pressure to solve
7 things. Imagine the pressure on David Dudley with his
8 connection with the family.

9 So maybe he wanted to be the hero. I don't know.
10 Maybe he wanted to get on "48 Hours," some big television
11 show. I don't know. We know that he had DNA evidence
12 proving Randy Grainger was the murderer on August 7th.
13 And he waited ten days to arrest him? Let him walk around
14 the streets of Horry County?

15 Maybe it was just too simple to think about anything
16 else. Maybe he was too proud to admit that he might have
17 been wrong in his misguided initial impressions. Maybe he
18 didn't look anywhere else because he made up his mind
19 within 24 hours.

20 I know you-all will do better. I know you will.
21 You'll keep an open mind. You'll do honor to the oath you
22 swore at the beginning of this trial. You'll look at all
23 of the evidence, or the lack of it. And I, too, hope you
24 use your common sense when you're doing that, because if
25 you do, you do honor to your oath, there's only one

1 verdict to be had. The State has not proven its case
2 beyond a reasonable doubt, and so find Samantha Ford Rabon
3 not guilty. She didn't kill her daddy, didn't kill her
4 brother, and didn't have anybody do it for her.

5 Now, shortly, y'all are going to be happy because
6 the attorneys will be done talking. But His Honor is
7 going to talk to you one last time after we get done.
8 He's going to remind you that, from the time you swore
9 your oath, you and only you are the judges of the facts,
10 evidence, and testimony that you heard here in court
11 today, and you'll weigh that testimony, that evidence, to
12 render a true and just verdict.

13 But he'll also remind you that he is the judge of
14 the law, and, as such, he's going to give you the law to
15 apply to those facts, testimony, and evidence. It's going
16 to be the guidelines that will help you render a true and
17 just verdict.

18 He's going to talk to you about the presumption of
19 innocence. He will tell you that Samantha Rabon is
20 innocent. Innocent. And that's not some legal theory,
21 but it's a fact. It's a right that each of us enjoy under
22 our Constitution.

23 Samantha has no burden here. She doesn't have to
24 prove anything. The burden lies with the State, and as
25 such, Samantha is not actually on trial. Mr. Grooms has

1 nothing to prove. I have nothing to prove. It's the
2 State's case. They have the burden. They have to prove
3 each and every element of each and every charge beyond a
4 reasonable doubt.

5 The judge will talk to you about direct and
6 circumstantial evidence. Direct evidence is what someone
7 claims to have observed, touch, felt, heard, or saw. And
8 when you review that, you say, "Okay, when did they do it?
9 What was their viewpoint? Had they been mistaken? Are
10 they misremembering?"

11 But he'll talk to you about circumstantial evidence.
12 That's a little more tricky, but it's the proof of a chain
13 of facts that, when proven, lead to an ultimate
14 conclusion.

15 And the State's already talked about some of their
16 circumstantial evidence: this inheritance that they have
17 yet to show that Samantha knew anything about. David
18 Dudley said he heard it from somebody, but he couldn't
19 remember who.

20 Talked about that conversation with Lee Graham two
21 months prior, especially after Robbie was arrested.

22 Folks, those little bits of circumstantial evidence
23 are important because the judge will also tell you that
24 the degree the State relies on circumstantial evidence,
25 each and every circumstance must be consistent with one

1 other, and each and every circumstance must point
2 conclusively to guilt, not just be suspicious. Suspicious
3 behavior alone does not rise to the level of
4 circumstantial evidence.

5 And the judge will talk to you about credibility.
6 You-all know that means believability. You do it every
7 day. Whether you're watching the news -- does what they
8 say make sense? How do you know if a salesman is telling
9 you the right story, or the witness?

10 What you judge them by: Does what they say make
11 sense? Does it have internal consistency? Does it mesh
12 up together? Does it match what they've said in the past?

13 Look at their body language. When they're on the
14 stand, look at the body language. Remember.

15 Remember Teresa Martin? Had no problem answering
16 Ms. Walter's questions. But when I got up to ask her a
17 few questions, she got a little forgetful. Got a little
18 fidgety.

19 Randy Grainger. Folks, a convicted killer.

20 The truth is that credibility is something you judge
21 every day -- each and every day.

22 The judge will tell you that you can believe all of
23 what a witness says, some of it, or none of it. You can
24 believe one witness over many, many over one. You can
25 throw their testimony out.

1 If a witness is shown to have lied under oath, you
2 can use that to determine whether you can believe anything
3 they say. A liar is a liar, and you can't trust them.

4 So I ask you: Look at those witnesses. Remember
5 Teresa. Remember Randy. Does what they say make sense?
6 Did they even agree with one other? No. Randy never gave
7 a statement. Never gave any recorded statement. But he's
8 been rehearsing one for the past year or so ever since his
9 trial, after he's had 2-1/2 years to look at that
10 discovery and knew what Teresa said and knew what he had
11 to do to get out.

12 Does the witness have bias? Have they shown some
13 reason for their testimony? Teresa Martin didn't want to
14 get charged. She got charged with a very light charge.
15 If you believe Randy, she is just as involved as anybody
16 else, drove him over there knowing he was going to kill
17 them. But she got the conspiracy charge, and I think she
18 pled to accessory.

19 Randy Grainger, convicted double life sentences back
20 to back. And the State went over what the deal was and
21 how it got upset by the Attorney General. But Randy told
22 you, he talked with his attorney. He thinks he can get
23 less than that 30. Maybe he's hoping for that 20. Maybe
24 he's hoping for that 10. Because Teresa Martin sure got
25 rewarded for her testimony, for her assistance.

1 And the judge will talk to you about reasonable
2 doubt, and that's a term you're going to hear a bunch of.
3 But what does it mean? Each of us has probably heard it,
4 whether in books, movies, television, but what does it
5 mean?

6 The judge will give you the definition. He'll say,
7 to prove someone guilty beyond a reasonable doubt, the
8 State has to give you evidence that leaves you firmly
9 convinced of their guilt. Firmly convinced of each and
10 every element of each and every charge that is levied
11 against them. They can't leave you wanting more.

12 And while David Dudley developed that narrative so
13 early in the investigation, he really worked hard to
14 shoehorn everything, they have to give you more than David
15 Dudley's hopes and dreams.

16 The State has to leave you firmly convinced. And if
17 you're not firmly convinced, you have got to find her not
18 guilty. You can't have a second thought, because a second
19 thought is a doubt, and if you're not firmly convinced of
20 her guilt, then you must find Samantha not guilty.

21 So let's examine the evidence. We know that on the
22 morning -- or, I'm sorry, the late morning/early afternoon
23 on August 18th, 2017 -- or 2018, the police found Robbie's
24 car. Randy Grainger tried to burn it up. Didn't do a
25 good job. Left the cigarette butts there and the skull

1 cap.

2 They did a welfare check back at 4519. Robert
3 Ford's house. They found the two bodies.

4 There was a large police presence. And we know why.
5 I mean, it's a murder and there's a lot of other stuff
6 going on.

7 You heard from now-Sergeant Tomlin. Samantha did
8 show up, but she was held back from the scene. And the
9 State wants to talk about doing visitation in that house
10 later. She never saw her daddy there. They wouldn't let
11 her in until they cleared the scene. I believe that's
12 what Rob Caulder said.

13 She wanted to pay tribute to her daddy.

14 But, anyway, the investigation begins. Now, we now
15 know who did the killing. We know it was Randy Grainger.
16 He left his DNA. We know it was Teresa Martin. Whose
17 story do you believe?

18 But David Dudley becomes the lead investigator.
19 Again, I submit, probably should not have been. Maybe it
20 should have been King Hemingway or Corey Dulina. Those
21 were the two detectives that were on the scene. Maybe it
22 would have been better. Maybe we wouldn't be asking these
23 questions. Maybe we wouldn't be here today.

24 But David Dudley was the lead investigator. He goes
25 and he talks to Lee Graham. And Lee took the stand. He

1 talked to you.

2 David Dudley spoke to Lee Graham three times. His
3 mind was made up after that first one, and each time, Lee
4 Graham told him -- I don't know if I remember it right;
5 the conversation was right after Robbie was arrested, a
6 few months prior. He's fighting to remember exactly what
7 was said because it's a conversation he put no stock in.
8 He thought it was a joke. It's odd, but that doesn't
9 prove anything.

10 Worried about her dad spending money on an attorney?
11 We know from the text messages Robbie had gotten a public
12 defender. They got him moved off the checking account so
13 he could get a public defender. His dad wasn't spending
14 any money on Robbie's defense.

15 They want to talk about Clemson and tuition? He had
16 been paying that tuition. That was nothing out of the
17 normal. So what's the emergency now?

18 The whole thing about her dad being -- her being
19 worried about her dad spending money was put to bed. And
20 Lee couldn't remember everything that happened. But the
21 one salient point that he did tell us and told David
22 Dudley: He's known Samantha since middle school. Has
23 known her, has been a friend of hers since middle school,
24 went through his cancer, talked to her about her
25 daughter's cancer.

1 The one thing he noted: She's a good person and she
2 couldn't do anything like that. That's a man that's known
3 her most of her whole life.

4 But that didn't deter David Dudley. His mind was
5 made up. He wants to call it a person of interest. I'll
6 tell you, it was a target. He had targeted Samantha. And
7 so he worked for the next two years.

8 Now, the State brought up all this stuff about
9 inheritance. Let's see if I can remember a little bit of
10 it.

11 We told you -- Mr. Grooms told you in the beginning
12 that the State would bring up the inheritance; that we
13 weren't going to hide from it, and we didn't. They talk
14 about that bank account with \$90,000 in it. You also
15 heard that Samantha had been on that account since 2016.
16 She was a joint accountholder. At any point, she could
17 have pulled that money out. Never touched it.

18 Again, they talk about the life insurance policies.
19 They talk about the retirement accounts. They talk about
20 all that mess. And the only proof they have even a speck
21 of that she had any knowledge of is based off of David
22 Dudley saying he heard something about it but he can't
23 remember who or when he heard it, so there's no proof
24 there.

25 They talk about -- I think you had Mr. Kenneth

1 Thompson. And you heard from Mr. Thompson. He couldn't
2 really remember everything that David Dudley reflected on
3 from his report and when he talked with him right after
4 the murders happened. Mr. Thompson, he contacted
5 Samantha. Not the other way around.

6 They talked again and again about Samantha living in
7 a single-wide mobile home on \$31,800 a year. It's
8 offensive to her. There are plenty of people in Horry
9 County who would be happy to have that. Well, it's a
10 family of five. I get it. I get it. It's not living the
11 life of Riley or living the life of luxury, but it's an
12 honest life. They didn't show any financial difficulties.
13 No foreclosures. No late bills. None of that. But
14 that's what they want to dwell on.

15 They didn't tell you about the other properties that
16 Mr. Grooms brought up with the assessor, with her husband
17 on, because they didn't want you to know about that. That
18 wouldn't make her destitute, money hungry.

19 But the investigation plods along, and in the back
20 of David Dudley's mind, it's always going to be Samantha,
21 and that narrative is always going to have Samantha in it.
22 He gets the DNA results back finally on August 7th, 2020,
23 showing Randy Grainger left his DNA at the burnt car. It
24 was Randy Grainger who did the murders, but he doesn't
25 arrest him.

1 He wants to talk about ops plans and everything, but
2 he let a killer walk around for ten days. How long does
3 it take to come up with an ops plan? He wanted to stage
4 this arrest on the two-year anniversary of the murders,
5 make a big show.

6 We know that they had contact points with Teresa
7 Martin, those cell phone records. Teresa Martin and Randy
8 Grainger, showing they were together. So he's got them.
9 He knows they're involved. But he wants Samantha. So he
10 works on it.

11 So he stages a big show on the 17th. He has Teresa
12 volunteer herself to come in. She didn't fight the police
13 whenever she went in. She rode in a police car. She
14 wasn't cuffed. She was Mirandized. And they did start
15 off being nice to her. They wanted to bring her on their
16 side.

17 Now, Teresa Martin, she took the stand, and she told
18 you -- she told you -- put her hand on the Bible and she
19 swore an oath and she told you that she never lied to the
20 police. Not once. Drew Edwards and David Dudley told you
21 differently. She lied repeatedly again and again and
22 again. The only time they let her -- the only time they
23 quit accusing her of lying is when she finally told them
24 the story that they wanted, the story they had to hear,
25 the narrative that they wanted. They let her sit in that

1 room for 4-1/2 hours. They worked on it. You heard that
2 they put her through the wringer. She began by lying.

3 She reinvents her story again and again. She goes
4 into details. Randy was a good guy. Well, that changed.
5 "Randy, I never picked him up or dropped him off." Well,
6 that changed. And the picking him up, that only changed
7 whenever they showed the phone records.

8 Each time, they're constantly, "You're lying. We
9 don't believe you." Told her, "We're going to come out
10 this room and see if you can come up with something else."
11 And she would. They worked her for 4-1/2 hours like a kid
12 building a space ship with Legos, breaking it down until
13 they get it right.

14 They told her they wanted Samantha. They brought up
15 Samantha's name. They never talked about a job, having a
16 hit done or anything with Randy until they started talking
17 about "Pee-Wee" Jim Price. And then, after they mentioned
18 that, all of a sudden, Randy had a job to do.

19 "We need to know more about that."

20 "Well, okay, Samantha and Randy did this."

21 "Okay, we need to know more."

22 "Well, there was a conversation."

23 "No, no, we need to know more. Did you ever see the
24 gun?"

25 "No. Okay, well, I saw it for a minute."

1 You heard her talk about the gun. She supposedly
2 saw this gun from her front porch, as Randy was backing up
3 in a stick shift, reversing -- he's got his hand on the
4 steering wheel and one on the stick -- and, supposedly, he
5 was twirling a gun. That's a silly lie. If you're going
6 to lie a little, why? What keeps you from lying a lot?
7 Lie about the little things, you're going to lie about the
8 big things.

9 You saw how she identified the gun. David Dudley
10 said it was a TEC but he -- whether it was a TEC or a 9,
11 do you think Teresa might have looked at that head shake
12 and said, "Yeah, this is the gun I need to pick out"?
13 They talked to her about a .38 caliber pistol for awhile;
14 she knew what they looked like.

15 County Police told her that they wanted to help her
16 out. And they did. They wanted a story. They were
17 willing to buy that story by feeding her information again
18 and again until she could regurgitate the story they
19 wanted.

20 They only wanted one story, and they wanted Samantha
21 to be the star of it. They didn't even consider that
22 perhaps it was a burglary that went bad. This lifelong
23 felon, maybe he decided to break in the house. Maybe he
24 heard about that \$30,000 -- I never heard about it before,
25 but maybe he heard about the \$30,000 and decided he was

1 going to break in. Didn't want to go back to prison when
2 Robert and Robbie showed up and killed them. Maybe Teresa
3 is right there. I don't know.

4 Maybe somebody else hired him. We don't know.
5 Because they didn't want anybody else. They didn't want a
6 burglary. They wanted Samantha.

7 Remember, Robert Ford was supposed to be out of
8 town. Didn't even know if he was returning that night.
9 Would have been a good time for a burglary.

10 Randy had a tool bag. You don't need a gun in a
11 tool bag. You can put it in your pocket. I think Teresa
12 says she keeps hers up in her bra. But you might need it
13 for some tools if you're going to break into the house.

14 They talked to her about Sheila Burris, and that's
15 Samantha's mama. We heard about that. They asked about
16 these phone calls. She didn't really have an answer, but
17 she was protecting Sheila Burris. Wasn't going to give
18 that name out. Maybe it was because Sheila might have
19 something different to say. Might tell them what actually
20 happened. She never implicated Sheila.

21 Randy says something different, but I don't know
22 what he's been working on for the past 3-1/2 years now.
23 But he wanted to put on a show.

24 David Dudley and Drew Edwards fed her information.
25 They talked to her about Jim Price/"Pee-Wee", and then she

1 talks about Randy having a job.

2 They talked to her about some coded message, this
3 "Yeah, I'm home alone." And they finally got her to say,
4 "Yeah, it was a coded message." And she says she was
5 talking about it earlier in the day, but we don't see any
6 proof of that.

7 We know that Samantha sent a text at 5:14 asking her
8 about the car, "Did the car drive all right?" And then
9 there's no other communication. We don't see any calls,
10 no texts, nothing.

11 We do know that Samantha didn't know that her daddy
12 and her brother were home by those same texts until 7:31.
13 And we don't see Samantha reaching out to Sheila, to
14 Teresa, to Randy. Nobody. So it wasn't any code, but
15 they got her to lie.

16 But it's a story they wanted.

17 The only plan that I can see was for Teresa to frame
18 Samantha. That's the only planning that I have seen.

19 She sat in that room and lied to the police time and
20 again. Lied to you from the stand. Told you she never
21 lied. So can you believe anything she says? She lies to
22 the police, why not lie to you? She swore on her daddy's
23 grave -- her dead daddy's grave and swore to God, and yet
24 kept on lying.

25 And then they bring in Randy. Randy Grainger. Now,

1 his story is different than Teresa's. Still has some of
2 the same aspects. He knew he had to say something. He's
3 got to earn his keep. He's been tried and convicted and
4 sentenced to consecutive life sentences. He was sentenced
5 to life without parole, but the State wants him to talk,
6 and so they were willing to make a deal. They're willing
7 to let him plead to voluntary manslaughter, face 2 to 30.
8 That might even be better than that 10 he was asking for.
9 But, again, the Attorney General took that off the table.

10 But he still told you, the agreement he's got with
11 the State, he hopes, if he does good enough, that a judge
12 -- some other judge will maybe cut him under that 30, cut
13 him 20. I don't know. He hopes for something better. He
14 wants to get out of prison. He killed two men, and you
15 don't think he'd lie to you to save his soul, to save his
16 own tail? Of course he would.

17 He talks about an isolated meeting with Samantha.
18 He tells you that it's over the porch, Teresa fetches him,
19 and Teresa is the first one that brings up killing for
20 \$20,000; that he agrees to it, and he doesn't want any
21 contact. He's very careful. The State pointed that out.
22 He's very careful. Gloves and everything. Burning a car,
23 trying to. But he's going to trust Teresa Martin to be
24 his collection agent? Does that sound like a careful man?

25 According to his story, he knew \$30,000 was in the

1 house. Wasn't anybody home. He was there for three or
2 four hours, but he didn't go in the house and try and get
3 that money?

4 Is he an honorable man? A good, honest stand-up
5 killer, and that's why he didn't do it? Or is he putting
6 on a show?

7 He told you that he didn't even flip over Robert. I
8 don't know why he lied about that, but we know Robbie
9 Caulder said that there was evidence, somebody had flipped
10 Robert over. We know that Randy went through his pockets.
11 He admitted that.

12 He tried to take police back out supposedly where he
13 dumped the gun in a little creek and they couldn't find
14 it.

15 Folks, pack of lies.

16 Now, he wants to talk about he did this killing
17 supposedly for a contract price of \$20,000 but he never
18 collected it. He wasn't that interested in it. He was
19 destitute, hand to mouth, but he didn't want his \$20,000.
20 According to him, he came to some contract price with
21 Samantha, and Samantha is going to sit in that house
22 knowing that Randy Grainger is out there, that he's
23 already killed two people at that house. She's going to
24 sleep under that roof with her kids. How is she going to
25 get a night of rest knowing this contract killer is out

1 there, that she made an agreement with, that she hasn't
2 paid him?

3 The State made a big show about she had \$170,000 or
4 whatever. You don't think she could break off \$20,000 to
5 put this matter to bed? You don't think he would do
6 something about it? He's just going to trust Teresa to
7 maybe do something one day?

8 Folks, she didn't know him. Is that the kind of
9 person you're going to go to for a contract killing? No.
10 No. If you don't pay your electric bill, your power might
11 get turned off. If you don't pay your plumber, you may
12 wind up with a lawsuit. But if you don't pay your
13 contract killer, what happens? Do you think they'd forget
14 it?

15 The State went through a lot of smoke and mirrors
16 not just about the inheritance. Not just about the
17 inheritance.

18 Again, they talked about the life insurance. And
19 the life insurance did its own investigation. I think
20 Ms. Walter just said she went there and collected the life
21 insurance the next day. We have no proof of that. That's
22 not what Mr. Thompson said. But he did tell you that they
23 did their own thorough investigation, and they eventually
24 did pay out, reluctantly. If you ever worked with an
25 insurance company, you know they don't like to write

1 checks real quick, and they're going to look at
2 everything. But they paid him.

3 They bring out this, this gun box, as if it's proof.
4 This was the gun that did it. But they did identify that
5 Mr. Ford bought that gun in 1987. And I'm guessing
6 they're assuming that he kept the gun in there the entire
7 time. Because, you know, like Captain Wilson says, she
8 keeps her guns in her boxes. At least Mr. Dudley did say
9 he doesn't keep his guns in his boxes. He puts those
10 boxes away.

11 But that's what they found. And then they want to
12 talk about the .38 caliber. And their own expert
13 admitted, you couldn't really tell a lot from those rounds
14 other than it was a .38 or a .357. It could have been a
15 Charter Arms or what? 19 other companies?

16 And even within Charter Arms -- because that Pink
17 Lady is a Charter Arms, but it's got different sizes lands
18 and the grooves. So that's how you can exclude that one.

19 So we have no idea about that gun. Police never
20 found it, despite Randy's efforts, because it wasn't
21 there. It wasn't that gun. He wasn't going to take them
22 to the real gun. He just wanted a story to be said.

23 The State would have you believe that Samantha was
24 so conniving, so scheming that, back in October of 2017,
25 she staged a break-in at her dad's house and then reported

1 it, and she kept that gun from that burglary that occurred
2 what, nine, ten months before Robbie even got arrested, 11
3 months or so before they were killed, and she kept that
4 gun just in case; that she could read the tea leaves and
5 knew that she was going to have to do this because Robbie
6 was going to be arrested?

7 And then she gives that gun to the killer that she
8 supposedly hired but didn't pay, but then she's stupid
9 enough to keep the box at the house?

10 The only person that's identified that gun is Teresa
11 Martin from a nod and Randy Grainger after he's had 3-1/2
12 years to think about it, after he's had 3-1/2 years to
13 read his discovery and his trial transcript. He heard all
14 the testimony before. So that's a red herring. Smoke and
15 mirrors.

16 They want to talk about these internet searches.
17 Folks, they're internet searches that occurred after the
18 murders about Penn Life Insurance, about solving crimes.
19 Do you think she might have been getting frustrated that
20 they had not found the killers? Who wouldn't be
21 frustrated 10 or 11 months into an investigation with no
22 answers?

23 They brought out this search about the cell phones
24 and data and everything. Do you think she may have been
25 trying to figure out that maybe Robbie's cell phone had

1 some information on there from his arrest? I don't know.
2 I don't know.

3 She didn't get rid of her cell phone. The State
4 made a big deal, though, they can't search Randy
5 Grainger's and Teresa Martin's cell phones because they
6 got rid of them. Samantha didn't because she didn't have
7 nothing to do with this.

8 You know, the searches may be suspicious, but I
9 certainly hope that you give Samantha a fair shake.
10 You'll see there are any number of reasons why she could
11 have done those searches. No searches prior to the
12 murders about contract killings, inheritance, life
13 insurance, any of that. Only after, as you would expect.

14 You had Detective Brantly who took the stand, and I
15 like to -- he had pretty good answers and a pretty good
16 memory until we started talking about that arson case that
17 kind of overlapped with this.

18 They want to talk about progressive truth-telling.
19 That's a nice, fancy term, isn't it? I dare say that a
20 murder is a little more important than my kids stealing
21 cookies.

22 They call it progressive truth-telling because they
23 don't want to talk to you how they're wringing out,
24 feeding information to witnesses until they can get a
25 story they like.

1 They talk about progressive truth-telling. And they
2 want you to listen to Teresa Martin and her,
3 quote/unquote, "progressive truth-telling" over the course
4 of 4-1/2 hours and just ignore it. Ignore that her story
5 changed. Ignore that she was fed information. Ignore
6 that she just got to make it up as she went along.

7 Folks, I apologize for having to use notes, but we
8 have been here together for a week.

9 They talked to you about Teresa Martin volunteering
10 to come in to County Police. If you believe her, she knew
11 for 23 months that Randy did this murder and then he left
12 and wasn't around anymore. She didn't go and volunteer
13 that information.

14 On the one-year anniversary, she didn't volunteer
15 that information. It's when the police bring her in, and
16 she voluntarily goes to the M.L. Brown Building and they
17 start feeding her information over 4-1/2 hours that she
18 volunteers this information. They promised her and they
19 cut a deal.

20 But they want you to listen to this progressive
21 truth-telling when everything is at stake. When Samantha
22 Rabon is facing life in prison, they want you to believe
23 Teresa Martin and Randy Grainger, because that's who they
24 made the deal with.

25 And then we had Detective Dudley. And I know it may

1 have seemed odd that the defense team was going to bring
2 in the lead investigator to talk to him, but we wanted to
3 see how this case developed. David needed to answer for
4 things he did in this case, things he didn't do, and we
5 wanted you to see that.

6 Again, David Dudley did have a relationship at some
7 point in time. Perhaps they should have gotten a
8 different detective involved. How forthright was he? He
9 didn't tell his partner. Jon Brantly didn't know about
10 it. Drew Edwards didn't know about that connection.
11 Lieutenant Lent said supposedly he knew about some high
12 school thing, but didn't know about the daughter that he
13 dated. Didn't know he spent holiday time over at the
14 house. So how honest was he with him?

15 You know, Greg Lent said he didn't think it was a
16 big deal, but you did hear from Robbie Caulder again, and
17 he said that any conflict like that. I asked about a
18 neighbor, and he said that might not be as big a conflict,
19 but if you had a girlfriend or a wife, that was a pretty
20 big conflict. You need to move past that. You need to go
21 report that immediately and get reassigned.

22 Again, he targeted Samantha beginning on August
23 19th, 2018, and he worked the next two years. Everything
24 he did, every step he made, he plowed straight ahead with
25 those blinders on because all he could see was Samantha.

1 They went through his investigation. And we had to
2 bring it up that he went and talked to Jim Price. We
3 didn't see another report on that, but when we found it
4 out, we had to bring those warrants out. Those warrants
5 are from a 2011 arson. Talked to Jim Price in November of
6 2018, and he was ready to get those warrants signed
7 August 14th, 2020, for Sheila Burris.

8 You'll have those warrants back in the room with
9 you. Look at them. But he never served them. Why? It
10 wasn't because the statute of limitations. It wasn't
11 because some report in 2011 said that it wasn't arson. He
12 got those warrants long after that.

13 Once he got that story from Teresa, he couldn't go
14 back on it and serve those warrants. He had to hide them
15 somehow, but we found them and we got them to you.

16 The State talked about -- in their cross, they
17 talked about corroboration. And David Dudley talked about
18 corroborating stories. And we had -- the only witnesses
19 he had were Teresa Martin and Randy Grainger. Everything
20 else is a bunch of suspicious stuff, and he didn't do
21 anything to corroborate their stories.

22 They want to talk about they didn't go back and get
23 the tower data showing calls. Well, you heard, during Ken
24 Marcus's examination, those call data records, they have
25 nice little things call tower positioning, latitude and

1 longitude of a tower, of where they're located. They had
2 Samantha's records. They had Teresa's records. You don't
3 think they could have gone back the week before and said,
4 "Hey, one week before, look here. Here's Randy's cell
5 phone pinging or located off this tower. Here's Teresa's.
6 Here's Samantha's."

7 No, they didn't look through that, because if they
8 had found that information, they certainly would present
9 it to you. They would have brought that in.

10 But they didn't go looking for that because they
11 didn't want to test Teresa's story. And I know I keep
12 harping on Teresa's story but that's because Randy never
13 gave a statement. All you have to do is look at Teresa's
14 story for the past 3-1/2 years. So that's what this case
15 was built on, Teresa Martin's story. And you saw her. Do
16 you trust her? Did she give you a little bit of
17 hesitation?

18 So they give you Teresa. They give you Randy. Who
19 do we believe? I guess they want you to believe Randy now
20 and discount Teresa? Or do they want you to believe some
21 of Teresa and some of Randy? Can you believe anything
22 they say?

23 Samantha Rabon loved her brother. She loved her
24 daddy. Was she upset whenever Robbie got arrested? Yeah.
25 I think any of us would be.