

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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APPEAL FROM COLLETON COUNTY
Court of General Sessions

S.C. SUPREME COURT

The Honorable Clifton B. Newman, Circuit Judge
The Honorable Jean Hoefer Toal, Chief Justice (Ret.)

Appellate Case No. 2023-000392

THE STATE OF SOUTH CAROLINA,.....RESPONDENT,

V.

RICHARD ALEXANDER MURDAUGH, ... APPELLANT.

RECORD ON APPEAL
VOL. IV

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1 THE COURT: Are you or any member of your immediate
2 family or significant other employed with or ever been
3 employed by the Colleton County Sheriff's Department, or
4 State Law Enforcement Division, commonly known as SLED, the
5 solicitor's office for the Fourteenth Circuit, or the
6 Attorney General's Office of the State of South Carolina?
7 If so please stand.

8 All right, yes, sir. Juror number.

9 THE JUROR: 530.

10 THE COURT: And the reason you're standing?

11 THE JUROR: My brother works for Colleton County
12 Sheriff's Department.

13 THE COURT: He's a current employee?

14 THE JUROR: Yes.

15 THE COURT: And what type work does he do?

16 THE JUROR: Well, he's a deputy.

17 THE COURT: A deputy. All right. Thank you.

18 Yes, sir.

19 THE JUROR: 609. My brother's also a deputy for the
20 Colleton County Sheriff's Department.

21 THE COURT: For the?

22 THE JUROR: Colleton County Sheriff's Department.

23 THE COURT: Colleton County Sheriff's Department. All
24 right. Thank you.

25 Yes.

1 THE JUROR: 585. My husband's uncle also works for
2 the sheriff's department.

3 THE COURT: Your husband's uncle. The same uncle or
4 another uncle?

5 THE JUROR: Different uncle.

6 THE COURT: All right. Thank you. And, and ma'am,
7 would that fact affect your ability to be fair and
8 impartial?

9 THE JUROR: Yes.

10 THE COURT: It would affect your ability to be fair
11 and impartial?

12 THE JUROR: Yes.

13 THE COURT: Any objection to this juror being excused?

14 MR. GRIFFIN: Your Honor, we would like to have
15 further inquiry.

16 THE COURT: All right, we will speak further with you,
17 ma'am.

18 Are you or any member of your immediate family or
19 significant other employed with or have ever been employed
20 with the law firm of Peters, Murdaugh, Parker, Eltzroth,
21 Detrick or the Parker Law Group? Ever been employed by or
22 represented by the law firm or law group? If so, please
23 stand.

24 All right, yes, ma'am, 585, and tell me about it.

25 THE JUROR: My husband's uncle is a lawyer at PMPE.

1 THE COURT: All right. All right. Thank you.

2 Yes, sir.

3 THE JUROR: 601. My company installed the HVAC system
4 at the Peters office here in Walterboro.

5 THE COURT: All right, and would that impact, affect
6 your ability to be fair and impartial as a juror?

7 THE JUROR: Would not.

8 THE COURT: All right. Thank you.

9 If you have ever attended any functions, any events,
10 parties, hunts, giveaways, raffles, gatherings, or any
11 related activity hosted by the law firm Peters, Murdaugh,
12 Parker, Eltzroth, Detrick or Alex Murdaugh or any member of
13 his family, if so please stand.

14 All right, and --

15 THE JUROR: 668.

16 THE COURT: 668?

17 THE JUROR: 8.

18 THE COURT: All right, and the basis for your
19 standing?

20 THE JUROR: I was in law enforcement for twenty-one
21 years and over that twenty-one years, many times we did a
22 lot of socializing.

23 THE COURT: Thank you.

24 THE JUROR: 583. I went to a Christmas party they had
25 one year for the office. I was dating a girl that worked

1 there.

2 THE COURT: All right. Thank you.

3 Anyone else?

4 (No one stood.)

5 THE COURT: If you have a personal, professional
6 relationship with Mr. Murdaugh or his family, if so please
7 stand. If you have a personal or professional relationship
8 with him now or previously.

9 No one is standing.

10 Ladies and gentlemen, do you have any religious belief
11 or related or other belief that would prevent you from
12 being a fair and impartial juror in determining the guilt
13 or innocence of the defendant? Please stand if you're
14 prevented by any religious or other type beliefs of being a
15 fair and impartial juror.

16 No one is standing.

17 Ladies and gentlemen, there is a long list of
18 witnesses that I have to call out and/or announce, and at
19 the end of the process, I will need to know if know any of
20 these potential witnesses, if you have any business,
21 personal, or any other acquaintance or relationship with
22 them.

23 And if any of the witnesses are here, I'd like for you
24 to stand.

25 Daniel Greene from the Colleton County Sheriff's

1 Office. Chad McDowell from the Colleton County Sheriff's
2 Office. William Cody Pruitt, sheriff's office. Tinish
3 Bryson Smith, Hampton County dispatcher. Angela Stallings,
4 Colleton County dispatcher. Dathan Varnadoe with the
5 sheriff's office. With fire and rescue, Charlie Jones.
6 Barry McRoy. Laura Rutland with the sheriff's office.
7 From SLED, Melinda Worley. Thomas Darnell. Rachel Nguyen.
8 Paul Greer. Madison Willis. Julia Begeman. Olivia
9 Cartwright. Rachel Noelle Johnson. Christine Dadabo.
10 Norris Laffitte. From SLED, Jeff Croft. Katie
11 McCallister. Claude C.B. Rowe. Roger Dale Davis.
12 Mushelle Shelley Smith. From SLED, Christian Moore and
13 Jennifer Nates. Belinda Rast. MaeLynn Haynes. Barbara
14 Mixon. From SLED, Sara Zapata. Kukila KiKi Wallace.
15 Megan Fletcher. Britt Dove from SLED. From the US Secret
16 Service, Jonathan VanHouten. From the Charleston County
17 Sheriff's Office, Paul McManigle. From SLED, Rebecca
18 Gregg. Bobby Bancroft. Brian Dudak (sic). Todd Schenk.
19 Dylan Hightower from the Fourteenth Circuit Solicitor's
20 Office. Tom Bevel. John Bedingfield. Nathan Tuten.
21 Nolen Tuten. Willis Chapman. Marian Proctor. Chris
22 Wilson, attorney. Attorney Lee Cope. Attorney Mark
23 Tinsley. Carson Burney from the Attorney General's Office.
24 Michael Gunn. Johnny Parker, attorney. Jan Malinowski.
25 Carey Sauls. Eric Harriott. Ryan Kelly from SLED. From

1 Hampton County EMS and formerly of EMS, Andrew Farmer,
2 Charles Long. Curtis Eddie Smith. Attorney Mark Ball.
3 Attorney Ronnie Crosby. Attorney Danny Henderson. Matt
4 Wright from SLED. Custodian of records from Savannah
5 Memorial Hospital. Registered nurse from there at Savannah
6 Memorial, Jessica Dunivan. From SLED, Tommy Robertson.
7 Joshua Duerkp, D-u-e-r-k-p. Lynn Black. Kenneth Martin,
8 BGA. Sydney Freeman. Hunter Wilson. Bailey Wilson.
9 Anthony Russell from the sheriff's office. Lynn Black from
10 SLED. Blanca Turrubiate-Simpson. Kenny Hughes. Rogan
11 Gibson. Will Loving. Bart Proctor. Randy Murdaugh,
12 attorney. Jeannie Seckinger. Annette Griswold. From
13 SLED, Paul Rudofski. Alfred Johnson from JLA
14 Investigations. David Grubbs from the Attorney General's
15 Office. Demi Harvin (sic) from the Forensic Science
16 Network. Kenny Kinsey from the Orangeburg County Sheriff's
17 Department. From SLED, Dave Owens. Charles Ghent. Ryan
18 Neill. Courtney Adams. Jomar Albayalde. Oswaldo Toledo
19 from the Attorney General's Office. Jason Chapman from
20 the sheriff's office. Greg Cook. Alice Hazel, CPA.
21 Mitchell Altman. Mark Altman, IT, PSB. Steven Bechtold
22 from SLED. Attorney Eric Bland. Matt Brown from SLED.
23 Frank Chapman. Charles Chapman. Dalila Cirencione,
24 Cirencione from SLED. Timothy Collier, Sr., from SLED.
25 John Conley from Highway Patrol. Tyrone Corbin from

1 Varnville Fire Department. Keith Crosby from the sheriff's
2 office. Gary Davis. MaryAnn Dempsey. Richard Dixon.
3 Morgan Doughty. From the sheriff's office, Richard Haley.
4 Nancy Drawdy. David Drawdy, coroner, deputy coroner.
5 Donna Eason. Ashlynn Gantt. Haley Godley from SLED.
6 Virginia Hadwin. Jamie Hall from SLED. Scott Harriott.
7 Richard Harvey from the sheriff's office. Laura Hash from
8 SLED. Bailey Haley -- Bailey Haynes from SLED. Michael
9 Hazel. William Headden. Adrienne Hefney from SLED. Gray
10 Laffitte Henderson. Kendrell Henderson from the Hampton
11 County Sheriff's Office. Marcus Heyward from SLED. Guerry
12 Buddy Hill from the sheriff's office. Tommy Hines from
13 SLED. Jonathan Holdbrook from SLED. Graham Holmes.
14 Chandler Horney from SLED. Steven Hudson. Jennifer Huntun
15 from SLED. William Hutto. Jessea James from the Highway
16 Patrol. Kristi Jarrell. Hannah Jefferson from SLED.
17 Blake Johnson from SLED. Bryan Jones from SLED. Pat
18 Keegan from SLED. Tommy Kinard. Tonya King. Wayne Kirby,
19 III, from SLED. Richard Kneece, Jr. Mark Labreche from
20 the FBI. Henry Laffitte. Attorney Rebecca Laffitte. Paul
21 LaRosa from SLED. Stacey Loadholt from the sheriff's
22 office. David Long from the sheriff's office. Elizabeth
23 Laffitte Malinowski. Vera Martinez from SLED. Linda
24 McAlhaney. William McElveen. Leigh McGuinness. Jaclynn
25 McKay from SLED. Haley Moody. John Nelson from SLED.

1 Haley Nelson from SLED. John Peters. William Polk from
2 the sheriff's office. Captain Samuel Reighley from SLED.
3 Kashyap Patel. Emily Reinhart from SLED. Dr. Ellen
4 Riemer, MUSC pathologist. George Rioux from the sheriff's
5 office. Major Tommy Robertson from SLED. Diane Rowe.
6 Walter Salisbury. Anthony Sampson from SLED. Christopher
7 Sarine from the rural -- from the fire and rescue. Michael
8 Tommy Satterfield. Jerry Smith from SLED. Caleigh Smoak.
9 James Tallon, III from SLED. Dana Temple from SLED.
10 Courtney Thompson. Chelsea Townsend from DHEC. Phillip
11 Turner, SLED. Dr. Luis Vega. Russell Vernali from SLED.
12 Tammy Weber. Glen Welcker. Chad Westendorf. Samuel White
13 from the Hampton County Sheriff's Office. Lawrence
14 Wiggins, formerly of SLED. Matt Wild from the FBI. David
15 Williams from SLED. Matthew Williams from fire and rescue.
16 Madison Willis from SLED. From Savannah Memorial Hospital,
17 the following doctors and employees: William Bromberg and
18 Caitlyn Bowman and Dr. Karie Jeter, Alice Dionne, Drs.
19 Brandon Runyan, Brenna Casey, James Mitchell, Brittany
20 Matthews. From SLED, Lesa Chapman. Bailey Morgan.
21 Margaret Pauli. Haley Fiorucci. Jennifer Hunton, SLED.
22 Lonnie Nettles from the sheriff's office. David Weaver
23 from SLED. Al Jarvis from SLED. Christopher Anderson.
24 Arthur Badger. Johnny Bush. James Drawdy. Angel Gary.
25 Jordan Jinks. Damien Risher. Elease Taylor Mallory. Deon

1 Martin. Thomas Moore. Pamela Pinckney. Natarsha Thomas.
2 Buster Murdaugh. John Marvin Murdaugh. Liz Murdaugh.
3 Kennedy Branstetter. Terry Branstetter. Marian
4 Branstetter. Russell Laffitte. Jay McGill. Joseph
5 Dingle. Scott O'Quinn. Charles Laffitte, II, and
6 Laffitte, III. Harold Trey Mathisen, III. Meagan
7 Kimbrell. Terry Haynes. Kyna Treherme. Attorney Amy
8 Bower. Stephanie Stanley of SLED. Dr. Robin Cotton. Dr.
9 Jonathan Eisenstat, pathologist. Crime scene analysis, Tim
10 Palmbach. Mike Sutton. Kenneth Zerci, crime scene
11 reconstruction. Jim Persinger, computer forensics. Chip
12 Johnson, computer forensics. William Tobin, GSR firearms
13 and ballistics. Micah Sturgis, Cellebrite digital
14 evidence. Dr. Amy Broduer, Broduer, Broduer. Lynn
15 Murdaugh Goettee. Dr. Donna Schwartz Maddox, psychologist.
16 Eric Robinson. Kyla Robinson, and Phillip Strother.

17 MR. WATERS: Your Honor, number 39.

18 THE COURT: What about it?

19 MR. WATERS: can I approach real quick? I don't know
20 if that one was read.

21 THE COURT: Dwight Falkofske from the FBI. I think I
22 read that already.

23 If you know any of those people, you have any friends,
24 relatives, or association with any of them, if so please
25 stand and tell me about it.

1 All right, yes, sir, the gentleman in the black, your
2 juror number and tell me.

3 THE JUROR: 555. Chad McDowell and Varnadoe, I detail
4 vehicles.

5 THE COURT: Their what?

6 THE JUROR: Vehicles.

7 THE COURT: They are?

8 THE JUROR: Chad McDowell and Varnadoe.

9 THE COURT: What?

10 THE JUROR: I used to detail vehicles.

11 THE COURT: All right. Okay, we're missing what
12 you're saying about them. Say it a little louder.

13 THE JUROR: I know both of them. I detail their
14 vehicles.

15 THE COURT: Detail their vehicles, okay. Thank you
16 very much.

17 Yes, sir.

18 THE JUROR: Detective Buddy Hills, I used to hang out
19 with one of the daughters when I was younger.

20 THE COURT: And juror number?

21 THE JUROR: 651.

22 THE COURT: Thank you.

23 Yes, sir.

24 THE JUROR: 601. I've installed HVAC equipment for
25 eight on the people on there.

1 THE COURT: All right. Thank you.

2 Yes, ma'am.

3 THE JUROR: 522. I don't personally know Buster, but
4 my children and nephews were friends.

5 THE COURT: All right. Thank you.

6 THE JUROR: 668. Through law enforcement I know
7 several of the deputies, fire/rescue.

8 THE COURT: Thank you.

9 THE JUROR: 609. I know Scott O'Quinn; he's my first
10 cousin.

11 THE COURT: Thank you.

12 THE JUROR: 650. I personally know Curtis Eddie
13 Smith.

14 THE COURT: All right. Thank you.

15 THE JUROR: 644. I used to cook for most of them over
16 at the jail house.

17 THE COURT: All right. Thank you.

18 THE JUROR: 583. I know Eddie Smith and I know a
19 couple of the deputies.

20 THE COURT: Thank you.

21 THE JUROR: 533. I know some of the deputies.

22 THE COURT: Thank you.

23 THE JUROR: 589. A couple of deputies are customers.
24 I used to shoot pictures for one of the deputies.

25 THE COURT: Thank you.

1 Yes.

2 THE JUROR: 528. I have sold a truck to Mr. Russell.

3 THE COURT: All right. Thank you.

4 THE JUROR: 564. I know numerous law enforcement guys
5 and some of the other witnesses, customers.

6 THE COURT: Thank you.

7 THE JUROR: 599. Mark Ball is very close to my
8 husband and his family, and they all hunt together and do a
9 lot of work for him on his property.

10 THE COURT: Thank you.

11 THE JUROR: 612. Several deputies, and I know
12 personally Curtis Eddie Smith.

13 THE COURT: Thank you.

14 Yes, sir.

15 THE JUROR: 582. I'm related to all the Murdaughs up
16 in that list, and Curtis Smith is actually my second
17 cousin.

18 THE COURT: All right. Thank you.

19 THE JUROR: 530. Chad McDowell, he's my brother.

20 THE COURT: And should he be a witness, would that
21 affect your ability to be fair and impartial?

22 THE JUROR: It will not.

23 THE COURT: All right. Thank you.

24 THE JUROR: 585. My husband's uncle. I've been
25 dealing with him on that.

1 THE COURT: All right. Thank you.

2 Having asked all the questions that I've asked, if you
3 know of any reason why you cannot serve as a fair and
4 impartial juror or as why you should not be selected to
5 serve, please stand.

6 All right, tell me your juror number.

7 THE JUROR: 599.

8 THE COURT: All right. We'll ask you about it a few
9 minutes, Number 599.

10 Anyone else? Yes, sir, juror number?

11 THE JUROR: 635.

12 THE COURT: 635. We'll ask you about it in a few
13 minutes.

14 All right, ladies and gentlemen, that concludes the
15 list of questions and information we're seeking to get from
16 you. There are a number of jurors we're going to talk with
17 further.

18 (Break in proceedings.)

19 THE COURT: All right, ladies and gentlemen, aside
20 from the jurors I'm going to ask to remain, we're going to
21 excuse you all to come back at 11 tomorrow morning. You
22 are the fourth jury panel, and from all these panels
23 condensed into one panel, we're going to get a list of
24 prospective jurors from which to choose our jury in this
25 case. Intending to choose eighteen jurors, twelve regular

1 jurors and six alternates.

2 The jurors that we need to stay with us are the
3 following jurors. If you all will stand at this time:
4 Number 515, Number 522, Number 585, Number 583, Number 668,
5 Number 599, Number 635.

6 Are there any additional jurors the State or the
7 defense would like for further questioning?

8 MR. WATERS: Your Honor, I had marked 612.

9 THE COURT: Number 612.

10 MR. WATERS: And I have marked 571.

11 THE COURT: Number 571.

12 MR. WATERS: And 460, Your Honor.

13 THE COURT: Number 460.

14 MR. GRIFFIN: Number 530.

15 THE COURT: Number 530.

16 MR. GRIFFIN: And 609.

17 THE COURT: Number 609.

18 MR. GRIFFIN: Number 585.

19 THE COURT: 585 is standing now.

20 MR. GRIFFIN: Oh, I'm sorry, and, and, Your Honor,
21 I'll put questionnaire of 495.

22 THE COURT: Number 495.

23 MR. GRIFFIN: Yes, sir. 522.

24 THE COURT: Number 522, who's already standing.

25 MR. GRIFFIN: Thank you. 599.

1 THE COURT: 599, who's already standing.

2 MR. GRIFFIN: Great. I apologize. 601.

3 THE COURT: Number 601, 601. Who's 601? All right.

4 MR. GRIFFIN: And, Your Honor, there are -- there's
5 one cut off at the top. Can't read the name of this
6 person.

7 (Break in proceedings.)

8 THE COURT: So, ladies and gentlemen, except for the
9 jurors whose names I've called --

10 Do you have another?

11 MR. WATERS: Yes, sir. We have 582 and 654, please,
12 Your Honor.

13 THE COURT: 654.

14 MR. WATERS: And 582.

15 THE COURT: 654, all right, and 6?

16 MR. WATERS: And 582.

17 THE COURT: And 582. 582.

18 All right, I need you all to remain.

19 All the other jurors are to return at 11 a.m. tomorrow
20 morning. So, you all are excused until 11 a.m. tomorrow
21 morning. Please be sure to be here at 11 a.m. tomorrow
22 morning.

23 (Part of the jury panel exited the courtroom.)

24 THE COURT: Okay, we're going to have the -- each
25 juror come back individually as the clerk calls your names,

1 and we'll otherwise be in recess as we address these
2 jurors.

3 (At this time, individual voir dire was conducted with
4 the following jurors outside the courtroom.)

5 THE COURT: 515.

6 THE BAILIFF: 515.

7 (Juror Number 515 entered the room.)

8 THE COURT: Yes, sir. How are you doing?

9 THE JUROR: I'm doing good.

10 THE COURT: All right, Juror Number 515. Did you
11 indicate you've developed an opinion concerning guilty or
12 not guilty? Is that what you said?

13 THE JUROR: Yes, sir.

14 THE COURT: All right. That's why we had you come
15 back, explore whether or not you could set aside that
16 opinion, decide the case based on what is presented in
17 court as to what you already --

18 THE JUROR: I can't be biased, Judge. I can't, I
19 can't, I can't set there and say that I could police -- I'd
20 let the man go.

21 THE COURT: So, you -- say again.

22 THE JUROR: I couldn't believe he's not guilty.

23 THE COURT: You have decided in your mind he is
24 guilty?

25 THE JUROR: Yes, sir.

1 THE COURT: All right.

2 Questions by defense or the State?

3 MR. WATERS: Just very quickly, and I understand your,
4 your point. Obviously, this case has had a lot of
5 publicity, and, you know, one of the things that jurors are
6 asked to do is to put aside all that publicity and --

7 THE JUROR: I can't do that.

8 MR. WATERS: Can't do that? That's fair. Thank you.

9 THE COURT: Objection to him being excused?

10 MR. HARPOOTLIAN: No, sir.

11 MR. WATERS: None from the State, Your Honor.

12 THE COURT: All right. Thank you. You are excused.

13 THE JUROR: Thank you.

14 (End of voir dire with this juror.)

15 THE COURT: 522.

16 (Juror Number 522 entered the room.)

17 THE COURT: Hi, there.

18 THE JUROR: Hi.

19 THE COURT: All right, I think you've indicated that
20 you had formed an opinion as to guilt or innocence, and I
21 think I asked the question can you set aside that opinion
22 and decide it based upon what's presented in court.

23 THE JUROR: Yes. I, I did -- if I have to be honest,
24 I did have an opinion.

25 THE COURT: Well, you have to be. You have to be

1 honest.

2 THE JUROR: I have to be honest. I did sort of form
3 an opinion last year. However, I know in the media that
4 you can't really take everything that you hear, and a lot
5 of rumors are there. So, I understand that, and that's why
6 I feel like I could be fair with only the facts.

7 THE COURT: Says the State?

8 MR. WATERS: Ma'am, very quickly, obviously there's
9 been a lot of publicity out there and like you just said,
10 this case is kind of different in that regard, but jurors
11 have to put everything aside and just base it on the -- and
12 what's in the courtroom. You feel that you can do that?

13 THE JUROR: I think so, yes, I can.

14 MR. WATERS: And you've got to be sure about that.

15 THE JUROR: I know I can.

16 MR. WATERS: Okay, and then the second thing you
17 mentioned is, is that your children know Buster.

18 THE JUROR: Uh-huh.

19 MR. WATERS: I just want to be -- you know, find out
20 if that would be a problem, if that would potentially cause
21 you issues --

22 THE JUROR: It --

23 MR. WATERS: -- if you were having to address this
24 case.

25 THE JUROR: No, it wouldn't be an issue.

1 MR. WATERS: Okay.

2 THE JUROR: But I just wanted --

3 MR. WATERS: Sure.

4 THE JUROR: Because I figured you needed all the
5 information.

6 MR. WATERS: All right. Thank you.

7 MR. HARPOOTLIAN: Just a couple questions. So, if you
8 were seated on this jury --

9 THE JUROR: Uh-huh.

10 MR. HARPOOTLIAN: -- you would be able to, as you sat
11 on the jury, presume he's not guilty, presume that he would
12 be acquitted. That would be your presumption going into
13 the case.

14 THE JUROR: Yes, until, until evidence proved
15 otherwise. Going into it, you're innocent until proven
16 guilty.

17 MR. HARPOOTLIAN: Is that your questionnaire you
18 pulled out?

19 THE JUROR: Yeah.

20 MR. HARPOOTLIAN: You said: I heard that he was in
21 financial trouble. What did you know? What did you know?

22 THE JUROR: That he was embezzling or something and,
23 you know, like you say, it's probably hearsay, but he was
24 estranged from his wife and had gone out that day to kill
25 her and Buster was out -- I mean, not Buster. Paul was out

1 in the dog pen feeding the dog that he was keeping, and he
2 killed him, too, is what I've heard.

3 MR. HARPOOTLIAN: Do you know whether that's -- I
4 mean, do you assume that's true? Are you going to walk in
5 there assuming we have to disapprove those, those -- like,
6 for instance, you indicated just now that they were
7 estranged. Would we have to prove to you that they were
8 not estranged?

9 MR. WATERS: Your Honor, I think we're starting to
10 stake out this juror a little bit. I think the questions
11 are what we've asked as if --

12 MR. HARPOOTLIAN: Well, Your Honor.

13 MR. WATERS: -- you know, you've heard things and then
14 whether or not you can put them aside.

15 MR. HARPOOTLIAN: She, she obviously has a very
16 detailed knowledge of so-called facts. We know they're not
17 facts.

18 But I guess what I'm trying to figure out is will you
19 -- does he have to disapprove this?

20 MR. WATERS: I don't --

21 THE JUROR: No. I would listen to the facts because I
22 know that a lot of what we hear are rumors, and I don't
23 know that any of that's true.

24 MR. HARPOOTLIAN: Okay.

25 THE JUROR: That's just what I've heard.

1 MR. HARPOOTLIAN: Okay.

2 THE JUROR: It says, you know, what did you hear, so I
3 put it down. I'm sorry. I know it's a lot, but.

4 MR. HARPOOTLIAN: No, no. It is good. Thank you for
5 being so honest.

6 THE JUROR: I'm just being honest.

7 MR. HARPOOTLIAN: We don't have any objection to her.

8 MR. WATERS: No objection.

9 THE COURT: All right. Thank you. We need you back
10 tomorrow at 11.

11 THE JUROR: Thank you.

12 (End of voir dire with this juror.)

13 THE COURT: 585.

14 (Juror Number 585 entered the room.)

15 THE JUROR: Hi.

16 THE COURT: Yes, ma'am. Come on in.

17 THE JUROR: Hi.

18 THE COURT: All right, in answering a number of your
19 questions, Number 585, you said your uncle is a lawyer?
20 Was a lawyer?

21 THE JUROR: My husband's --

22 THE COURT: Your husband's --

23 THE JUROR: -- uncle.

24 THE COURT: Okay, was a lawyer?

25 THE JUROR: Is a lawyer. He has started his own

1 practice since he left PMPE.

2 THE COURT: When did he leave?

3 THE JUROR: I think it was last year.

4 THE COURT: How long did he work there?

5 THE JUROR: Oh. I'm not sure.

6 THE COURT: A long time?

7 THE JUROR: I'm not sure.

8 THE COURT: How old is he?

9 THE JUROR: Fifties, he was in his fifties. He was in
10 the law firm a long time.

11 THE COURT: And regarding whether or not you formed an
12 opinion about guilt or innocence, did you stand on that the
13 question?

14 THE JUROR: I did, uh-huh.

15 THE COURT: And what did you say?

16 THE JUROR: I said that I had formed an opinion, but I
17 could be impartial and give this defendant a trial and form
18 an opinion based on that.

19 THE COURT: All right.

20 MR. WATERS: Hey, ma'am.

21 THE JUROR: Oh. Hey.

22 MR. WATERS: Creighton Waters. So, obviously this
23 case has had a lot of publicity and, you know, it's, it's
24 kind of unusual in that regard. And, of course, as the
25 judge has instructed you, you know, jurors have to put all

1 that out of their minds, but -- whatever they may have
2 heard and be able to judge it just on what's in the
3 courtroom. Do you feel like you could do that?

4 THE JUROR: I'm going to change my answer to no.

5 MR. WATERS: No? You can't do it?

6 THE JUROR: No.

7 THE COURT: She says she can't do what?

8 MR. HARPOOTLIAN: She can't -- go ahead. I'm sorry.

9 THE JUROR: I can't do that. I change my answer.

10 THE COURT: You can't do what?

11 THE JUROR: Listen to the trial in the courtroom and
12 keep all other information out.

13 THE COURT: You said cannot do it?

14 THE JUROR: Uh-huh.

15 THE COURT: So, you would decide the case based on
16 what you know or believe coming into the courtroom, coming
17 into the case?

18 THE JUROR: Uh-huh.

19 THE COURT: You've already decided?

20 THE JUROR: Uh-huh.

21 THE COURT: And you're going to stick to what you've
22 already decided?

23 THE JUROR: Yes. Uh-huh.

24 MR. HARPOOTLIAN: Your Honor, we ask that she be
25 excused.

1 MR. GRIFFIN: Your Honor, I think she also -- her
2 husband's related to a deputy also, and I think she
3 indicated that she'd have a hard time being fair if he was
4 involved in the case.

5 THE COURT: Says the State?

6 MR. WATERS: All right. Thank you very much, ma'am.

7 MR. HARPOOTLIAN: Thanks. Thank you.

8 THE COURT: All right. Thank you. You will be
9 excused.

10 THE JUROR: Thank you.

11 THE COURT: Thank you very much.

12 THE JUROR: Okay. Thank you.

13 (End of voir dire with this juror.)

14 THE BAILIFF: Right through there, sir.

15 (Juror Number 583 entered the room.)

16 THE JUROR: How you doing? Hey.

17 THE COURT: Come right in there. Stand in front of
18 the camera. No, not the camera but the --

19 THE JUROR: Yes, sir.

20 THE COURT: How are you doing?

21 THE JUROR: All right, sir.

22 THE COURT: All right. Tell me what kind of answers
23 you gave out there about being related.

24 THE JUROR: Yes, sir. I was always told that we were
25 related. My grandma used to tell us and my dad, but they

1 both passed. I couldn't tell you how, but they always told
2 us we were, you know, blood related.

3 THE COURT: What's your last name?

4 THE JUROR: Murdaugh.

5 THE COURT: How long have you lived in this county?

6 THE JUROR: All my life, yes, sir.

7 THE COURT: Have you formed an opinion as to whether
8 he's guilty or not guilty?

9 THE JUROR: Kind of, yes, sir.

10 THE COURT: What do you mean by that?

11 THE JUROR: I've seen documentaries. I've seen what
12 I've -- you know, kind of --

13 THE COURT: Follow everything pretty closely?

14 THE JUROR: Pretty much, yes, sir.

15 THE COURT: Talked to a lot of people about it?

16 THE JUROR: Everybody talks about it. They find out
17 my last name, everybody -- you know how it goes. The first
18 thing they ask, you kin? You know him? Well, you know,
19 down the line.

20 THE COURT: State?

21 THE JUROR: How you?

22 MR. WATERS: I'm good. I'm good. So, obviously this
23 case has had a lot of publicity --

24 THE JUROR: Right.

25 MR. WATERS: -- from this community, which kind of

1 makes it a lot different. You know, what jurors have to do
2 is kind of put all that out of their minds.

3 THE JUROR: Yes.

4 MR. WATERS: And, and try to be fair and impartial.
5 Is that something you think you can do? I know you kind
6 of seem like you're going one way and then the other way.
7 So --

8 THE JUROR: I mean, it's family. You know, they --
9 you know how it goes. I'm just --

10 MR. WATERS: So, that family part is --

11 THE JUROR: Is kind of hard, yes.

12 MR. WATERS: Okay, and you think that might interfere
13 with your ability to --

14 THE JUROR: It may.

15 MR. WATERS: -- just be right down the middle?

16 THE JUROR: I mean, you know, you know, family.

17 MR. WATERS: Okay. Okay. So, you could -- you think
18 that would interfere with your ability to --

19 THE JUROR: Yeah. Maybe. Yes, sir.

20 MR. WATERS: Okay. Thank you.

21 MR. HARPOOTLIAN: No, no objection to excusing him,
22 Your Honor.

23 THE COURT: All right. Thank you, sir. You'll be
24 excused.

25 THE JUROR: Oh. Thank you.

1 (End of voir dire with this juror.)

2 THE COURT: Number 668.

3 (Juror number 668 entered the room.)

4 THE COURT: Yes, sir, Number 668.

5 THE JUROR: How are you doing, Your Honor?

6 THE COURT: All right. Why did you want to come talk
7 to us?

8 THE JUROR: I was, I was chief of police of the City
9 of Walterboro, like, nine -- I was with Berkeley twenty-one
10 years. I didn't want to say nothing in front of all them
11 cameras because -- but I thought --

12 THE COURT: Well, the cameras weren't on.

13 THE JUROR: But they were out there, though. Take a
14 chance.

15 THE COURT: All right.

16 THE JUROR: But -- and then after I was sitting there
17 thinking, one of the -- probably not in this particular
18 case here, but one of the codefendants, Mr. Smith, Curtis
19 Smith.

20 THE COURT: Right.

21 THE JUROR: Bought a vehicle from him, oh, about eight
22 years ago. So, I just thought all that mattered or not.

23 THE COURT: Title was good and all that?

24 THE JUROR: At that time, yes, sir, but that won't
25 happen anymore.

1 THE COURT: So, you don't think you should be on the
2 jury?

3 THE JUROR: I think there might be something later,
4 you know, because I talked to several of the deputies when
5 this first happened, and from my experience with
6 investigations and stuff, I gave them some ideas and stuff.

7 THE COURT: You gave them ideas on how to investigate
8 or what --

9 THE JUROR: Yes. Yes, sir.

10 THE COURT: -- to look into and do?

11 THE JUROR: Yes, sir.

12 THE COURT: All right. You don't think you should be
13 on the jury?

14 THE JUROR: No, sir. No, sir, no. I don't mind
15 serving on any jury, but not this particular.

16 THE COURT: This one?

17 THE JUROR: Yes, sir.

18 THE COURT: All right. Did you work with the
19 Murdaughs pretty closely when you were --

20 THE JUROR: Not necessarily. Like I said, was the
21 chief, so several functions I went to with them. And in my
22 earlier days in law enforcement, Mr. Buster Murdaugh, used
23 work close with him, being the solicitor here, and I was in
24 investigations. So, going back and forth from Walterboro
25 to Hampton, taking things and --

1 THE COURT: All right. Okay.

2 Says the State?

3 MR. WATERS: Hey. How you doing?

4 THE JUROR: How you doing?

5 MR. WATERS: Hey. So, you said you helped on the
6 investigation a little bit or just kind of --

7 THE JUROR: No, no, no. Not helped, not this
8 particular case.

9 MR. WATERS: Uh-huh.

10 THE JUROR: Gave them ideas on what to look for and
11 stuff like that.

12 MR. WATERS: I got it. Obviously, this case is
13 different from probably any case that this state has ever
14 experienced, and you being in law enforcement for a long
15 time know that you just have to try to put aside everything
16 you know and may have heard from the outside and to be fair
17 and impartial, but you don't think that's anything you can,
18 you can do in this --

19 THE JUROR: I've been doing --

20 MR. WATERS: -- particular case?

21 THE JUROR: -- this twenty-one years. I look at
22 things totally different than most people.

23 MR. WATERS: Right.

24 THE JUROR: From my experience, you know.

25 MR. WATERS: Sure.

1 THE JUROR: I look at people differently, you know?
2 Like, for example, if I go to the restroom -- like, it's
3 kind of hard for me standing here right now because, you
4 know, I'm surrounded, you know.

5 MR. WATERS: I hear you.

6 THE JUROR: And just found out last month got PTSD
7 from military stuff and police stuff. And, you know, so, I
8 mean, once my mind is, like, its made up, it's made up like
9 a tunnel.

10 MR. WATERS: I gotcha.

11 THE JUROR: So, if I'm dealing with something, you're
12 guilty.

13 MR. WATERS: Uh-huh.

14 THE JUROR: Right or wrong, you're guilty.

15 MR. WATERS: I gotcha. All right. Thanks.
16 Appreciate it.

17 THE COURT: Any questions?

18 MR. HARPOOTLIAN: I mean, what you've just indicated
19 is that your, your sort of default position is guilty.

20 THE JUROR: Pretty much.

21 MR. HARPOOTLIAN: Yeah. Yeah, yeah, and so --

22 THE JUROR: I might not -- I might be wrong. That's
23 me.

24 MR. HARPOOTLIAN: But you don't think you ought to be
25 on this jury.

1 THE JUROR: No, sir. No, sir.

2 MR. HARPOOTLIAN: Okay.

3 Your Honor, we, we'd ask that he be excused.

4 THE COURT: You're the lead singer or backup or?

5 THE JUROR: I was named after Otis Redding. That's
6 it.

7 THE COURT: You have one of those, one of those
8 voices.

9 THE JUROR: Kind of -- not nervous but, you know, it's
10 uncomfortable, like I say.

11 MS. FOX: Yeah.

12 THE COURT: They're all right.

13 THE JUROR: I'm pretty -- as long as you're here, Your
14 Honor.

15 THE COURT: And our officer is here for protection.

16 THE JUROR: I don't recognize him.

17 THE COURT: All right, we're going to excuse you.
18 We're not going to tie you up. Thank you for coming.

19 THE JUROR: Yes, sir.

20 MR. WATERS: Thank you, sir.

21 (End of voir dire with this juror.)

22 THE COURT: 599.

23 (Juror number 599 entered the room.)

24 THE JUROR: Hi.

25 THE COURT: Hello, Number 5-90 --

1 THE JUROR: 9.

2 THE COURT: 99, all right. Why did you come back
3 here?

4 THE JUROR: Mallory Beach was my second cousin; her
5 daddy's my first cousin. She's the one killed in the boat
6 accident with Paul. I don't -- I would like to say I know
7 I'd be fair about it. I don't know that I would. I've
8 known about this long before this trial was going to take
9 place because of what happened with Paul.

10 THE COURT: All right.

11 THE JUROR: And I was told that I needed to make
12 everybody aware of that. That's why.

13 THE COURT: Right. Right.

14 All right, the State?

15 MR. WATERS: Ms. Nettles, how are you doing?

16 THE JUROR: I'm good.

17 MR. WATERS: Obviously, this, this case has a lot of
18 connections in the community.

19 THE JUROR: Oh, yeah.

20 MR. WATERS: A lot of publicity and, of course, what
21 the judge will instruct you were you to serve and what the
22 juror's obligation is to put all that aside and --

23 THE JUROR: Yes.

24 MR. WATERS: -- judge it fairly on what's in the
25 courtroom. Is that something you think you can do?

1 THE JUROR: I don't know. I mean, I guess with my
2 family, because I am a Beach family, and it was just a lot
3 before all this happened. I have made a point of avoiding
4 all the news and stuff on it because we'd done went through
5 enough with it, but I just -- I don't know. I don't how to
6 answer that --

7 MR. WATERS: Sure.

8 THE JUROR: -- any other way truthfully.

9 MR. WATERS: Absolutely, and I know it's tough, and I
10 appreciate your answers. Thank you.

11 MR. HARPOOTLIAN: Your Honor, I don't have any further
12 questions, but I think this young lady has been very
13 honest, and she should be excused.

14 THE COURT: Any objection?

15 MR. WATERS: No objection.

16 THE COURT: All right. Thank you, ma'am.

17 MR. HARPOOTLIAN: Thank you, ma'am.

18 THE COURT: You'll be excused.

19 THE JUROR: Thank you.

20 MR. HARPOOTLIAN: Thank you.

21 (End of voir dire with this juror.)

22 THE COURT: 635.

23 (Break in proceedings.)

24 THE BAILIFF: No one is answering to 635.

25 THE COURT: The guy with the purple jacket.

1 THE BAILIFF: Purple jacket, okay.

2 THE COURT: Purple shirt.

3 (Break In proceedings.)

4 THE BAILIFF: There's no one answering that
5 description.

6 THE COURT: All right. We'll skip to the next one,
7 612.

8 THE BAILIFF: 612.

9 (Juror Number 612 entered the room.)

10 THE JUROR: Hi.

11 THE COURT: Okay, come on in, ma'am, Number 612.

12 THE JUROR: Yes, sir.

13 THE COURT: All right. What kind of answer did you
14 give us that --

15 THE JUROR: I --

16 THE COURT: -- caused you to come back here?

17 THE JUROR: I know Curtis Lee Eddie Smith personally,
18 yeah.

19 THE COURT: Curtis Smith?

20 THE JUROR: Yes, sir.

21 THE COURT: And do you think that would affect your
22 ability to be fair and impartial?

23 THE JUROR: No, sir.

24 THE COURT: Should he testify in this case, would that
25 prevent you from being a fair and impartial juror?

1 THE JUROR: No, sir.

2 THE COURT: All right. Is that the only --

3 THE JUROR: Other than Steven represented my husband
4 and my stepfather.

5 THE COURT: Steven?

6 THE JUROR: Yeah, his brother, I guess, is --

7 THE COURT: Steven Murdaugh?

8 THE JUROR: Yes, sir.

9 THE COURT: Represented your?

10 THE JUROR: Husband and my stepfather.

11 THE COURT: And how long ago was that?

12 THE JUROR: Roughly about two years.

13 THE COURT: And do you know Alex Murdaugh?

14 THE JUROR: No. It was Steven.

15 THE COURT: I said do you know him, Alex Murdaugh?

16 THE JUROR: No. I just know of him.

17 THE COURT: Okay. All right.

18 By the State?

19 MR. WATERS: Yes, ma'am, Ms. O'Quinn, how are you
20 doing today?

21 THE JUROR: Doing good.

22 MR. WATERS: Obviously, this case had had a lot of
23 publicity and there's a lot of connections in the community
24 and, and I know it's kind of different than any other cases
25 in that regard. And, of course, what a juror has to do is

1 put all of that out of their minds and just base their
2 decision on the evidence. Is that something you feel
3 comfortable you can do?

4 THE JUROR: Yes, sir.

5 THE COURT: And of course I have to ask. With that
6 relationship or your husband being represented by a
7 Murdaugh, is that going to affect you in any way, or do you
8 think you're going to be able to put that out of your mind
9 as well?

10 THE JUROR: I'm fine.

11 MR. WATERS: Thank you.

12 MR. HARPOOTLIAN: I've just got -- I've got a couple
13 of questions, ma'am.

14 THE JUROR: Sure.

15 MR. HARPOOTLIAN: And I'm Dick Harpootlian, along with
16 others who represent Mr. Murdaugh. If Mr. Smith testified,
17 you say your relationship with him, he's a friend?

18 THE JUROR: He is my husband's friend.

19 MR. HARPOOTLIAN: Okay. Has he been to your home?

20 THE JUROR: No. We have been to his.

21 MR. HARPOOTLIAN: You've been to his home?

22 THE JUROR: Yes.

23 MR. HARPOOTLIAN: Would, would you necessarily believe
24 or disbelieve his testimony based on your relationship or
25 your husband's relationship with him?

1 THE JUROR: No, sir.

2 MR. HARPOOTLIAN: You'd be fine?

3 THE JUROR: I'd be fine.

4 MR. HARPOOTLIAN: Okay, and in terms of the
5 representation by Steven Murdaugh, that would -- I mean,
6 was there anything about that that was off putting to you?
7 Did they -- did you get the result y'all wanted, not get
8 the result?

9 THE JUROR: They got the results they wanted.

10 MR. HARPOOTLIAN: Okay.

11 THE JUROR: I'm still impartial. That's not doing
12 me --

13 MR. HARPOOTLIAN: No, no, no.

14 THE JUROR: Yeah.

15 MR. HARPOOTLIAN: Just we've got to ask.

16 THE JUROR: Oh, no problem.

17 MR. HARPOOTLIAN: Okay. Thank you. Thank you so
18 much.

19 THE JUROR: You're welcome.

20 MR. WATERS: No objection.

21 MR. HARPOOTLIAN: No objection, Your Honor.

22 THE COURT: All right, we'll see you tomorrow at 11.

23 THE JUROR: Yes, sir.

24 (End of voir dire with this juror.)

25 THE COURT: Normally we have a clerk in here taking

1 notes on a strike sheet. We need a clerk.

2 MR. HARPOOTLIAN: Ms. Fox is taking notes.

3 (Break in proceedings.)

4 THE COURT: 571.

5 THE BAILIFF: 571.

6 (Break in proceedings.)

7 (Juror Number 571 entered the room.)

8 THE JUROR: How you doing, Your Honor?

9 (Break in proceedings.)

10 THE JUROR: How you doing, Your Honor?

11 THE COURT: Hey, there.

12 THE JUROR: I'm 571. My name is -- may I give you my
13 name? My name is Ashley Morris.

14 THE COURT: Yes.

15 THE JUROR: I stay in -- off of Mount Carmel Road in
16 Walterboro, South Carolina.

17 THE COURT: Okay, and you stood up a few times.

18 THE JUROR: I'm sorry?

19 THE COURT: You stood up a few times to say -- what
20 did you stand up about?

21 THE JUROR: The first time I stood up was about my
22 record. I had two misdemeanors back in 2013 and 2016. One
23 was a malicious damage to personal property, which I paid
24 the fine for. It's been, I guess, dismissed now. And 2016
25 I did time served, did thirty days in county.

1 THE COURT: Okay. What are you doing now?

2 THE JUROR: I'm a machine operator, about to become a
3 welder. I work for a manufacturer up here in Walterboro.
4 I'm common-law married. My husband, he also works as a
5 tack welder and a painter. I've worked for manufacturing
6 as well.

7 I have three kids, two in which I do not have care of
8 due to litigation matters. I have a -- but the third one I
9 do have care of, and she's a gaseous cases baby. My
10 husband and I have both spoke about if he -- if he could be
11 able to take care of her while I'm on jury duty -- jury
12 duty, and it was verbally agreed.

13 THE COURT: How old are your children?

14 THE JUROR: My oldest is eight, my youngest is six,
15 and my youngest one just turned three months old today.

16 THE COURT: Three months old?

17 THE JUROR: Yes, sir.

18 THE COURT: So, when I said that do you want to be
19 exempted based on having children under seven, you did not
20 want to be exempted?

21 THE JUROR: I did not want to be exempted, no, sir,
22 because I've gotten a verbal agreement from my youngest's
23 father to watch after the kids.

24 THE COURT: Okay, and did you stand up about anything
25 else?

1 THE JUROR: No, sir, not that I can recall.

2 THE COURT: All right.

3 State?

4 MR. WATERS: Hey. How are you?

5 THE JUROR: I'm good. How are you?

6 MR. WATERS: I'm doing well. Doing well. Obviously,
7 this case has had a lot of attention and a lot of
8 publicity. You may not have known any of that, but
9 obviously the obligation of the juror is to put anything
10 you've heard outside and put that out of your mind and just
11 focus on what the evidence is in the courtroom. Do you
12 feel that you can do that?

13 THE JUROR: Yes, sir.

14 MR. WATERS: Okay. Thank you very much.

15 THE JUROR: Thank you. So, am I --

16 MR. WATERS: He might have a question.

17 MR. HARPOOTLIAN: I get to ask you a couple of
18 questions.

19 THE JUROR: Okay.

20 THE COURT: I have to release you before you can go.
21 I have to release you before you can go.

22 THE JUROR: Oh, okay. I'm sorry. I didn't know.

23 MR. HARPOOTLIAN: You're here until he says go.

24 THE JUROR: Oh. Yes, sir. Yes, sir. I'm sorry.

25 MR. HARPOOTLIAN: So -- and I'm Dick Harpootlian. I

1 represent -- I'm one of Mr. Murdaugh's lawyers. Can you
2 presume him innocent? Can you presume him not guilty?

3 THE JUROR: I cannot state that for -- if there's
4 evidence involved --

5 MR. HARPOOTLIAN: No. I'm talking about going into
6 the courtroom.

7 THE JUROR: Oh. Yeah.

8 MR. HARPOOTLIAN: I mean --

9 THE JUROR: If there's enough evidence, you know, if
10 it's evidence involved that he's guilty, then, you know --

11 MR. HARPOOTLIAN: Yeah, but --

12 THE JUROR: -- I put all my personal matters to the
13 side.

14 MR. HARPOOTLIAN: Can you presume, though, that he's
15 not guilty right now? Presume it?

16 THE JUROR: Yeah, I presume it, I guess. I guess
17 that's a correct answer. I've never done jury duty before,
18 so this is a --

19 MR. HARPOOTLIAN: Well, that, that judge --

20 MR. WATERS: Your Honor, I think the juror --

21 MR. HARPOOTLIAN: Excuse me one second. That judge is
22 going --

23 MR. WATERS: Well, I'm not objecting to these
24 questions. I think these are questions of law. I think is
25 fair to ask her if she can be fair and impartial, and after

1 that is follow the law of the judge.

2 MR. HARPOOTLIAN: Well, I think she -- we can --

3 MR. WATERS: I think that's a fair question.

4 MR. HARPOOTLIAN: Your Honor, with all due respect, if
5 you instruct her that you've got to look at Alex Murdaugh
6 and presume he has not committed the crime, can she do
7 that.

8 Right?

9 THE JUROR: I mean, if there's, if there's enough
10 evidence stating that he hasn't done it, then yes.

11 MR. HARPOOTLIAN: You'd require him to prove he hasn't
12 done it? You would? Even if the judge told you you could
13 not do that?

14 THE JUROR: I gue -- I -- no. Well, if it was by the
15 judge's honor, then no. But, like, I said, it's all based
16 off of the evidence. That's --

17 MR. HARPOOTLIAN: Well, but, but -- or the lack of
18 evidence. If they don't prove him guilty --

19 THE JUROR: Uh-huh.

20 MR. HARPOOTLIAN: -- beyond a reasonable doubt, you
21 would you acquit him. Do you understand that?

22 THE JUROR: Yeah.

23 THE COURT: You don't require him to prove himself
24 innocent, right?

25 THE JUROR: I mean, if it's -- if it's lack of

1 evidence that he's, I guess -- I guess innocent -- I'm not
2 understanding.

3 MR. MEADORS: Your Honor, with all due respect, I
4 think she's --

5 MR. HARPOOTLIAN: Well, excuse me. Excuse me one
6 second. One person can object, not two.

7 MR. MEADORS: That hasn't been established in here.

8 MR. HARPOOTLIAN: Okay.

9 MR. MEADORS: He hasn't said that.

10 MR. HARPOOTLIAN: Your Honor.

11 MR. MEADORS: His Honor will decide that, not you,
12 Dick.

13 THE COURT: All right.

14 MR. HARPOOTLIAN: And I think that --

15 THE COURT: All right.

16 So, ma'am, it's quite obvious you, you are -- haven't
17 had any experiences as a juror. How far did you go in
18 school?

19 THE JUROR: I graduated high school.

20 THE COURT: From high school?

21 THE JUROR: Yes, sir.

22 THE COURT: And what kind of work experience do you
23 have?

24 THE JUROR: I've always worked as a cashier or
25 customer service representatives.

1 THE COURT: Okay.

2 THE JUROR: But this manufacturing, this is my very
3 first job.

4 MR. HARPOOTLIAN: Your Honor, we have no objection.
5 We have no objection to her.

6 THE COURT: Okay. There's no objection to her?

7 MR. WATERS: No objection.

8 Thank you.

9 THE COURT: All right. We'll see you tomorrow at?

10 THE JUROR: 11 o'clock.

11 THE COURT: 11 o'clock. All right.

12 THE JUROR: Thank you, Your Honor.

13 MR. HARPOOTLIAN: Thank you, ma'am. Appreciate it.

14 THE JUROR: Thank you.

15 (End of voir dire with this juror.)

16 THE COURT: 460.

17 THE BAILIFF: Which one?

18 THE COURT: 460.

19 THE BAILIFF: 460.

20 (Juror Number 460 entered the room.)

21 THE COURT: Hello, 460. How are you doing?

22 THE JUROR: All right.

23 THE COURT: All right.

24 THE JUROR: Is this where the pizza is?

25 THE COURT: Which answers did you give that caused you

1 to come back here?

2 THE JUROR: What answers did I give that caused me to
3 come back here? I don't know.

4 THE COURT: Did you comment on whether or not you
5 thought you'd made up your mind?

6 THE JUROR: I couldn't hear you, the one, it was,
7 like, if you could or could not.

8 THE COURT: Yeah. You were confused as to the
9 question?

10 THE JUROR: Yeah. I didn't hear the preliminary word.

11 THE COURT: Okay.

12 THE JUROR: People that had already stood up, and when
13 you said I can or cannot, I didn't hear the can or cannot
14 part.

15 THE COURT: Okay.

16 THE JUROR: But that wasn't relevant to myself on that
17 one.

18 THE COURT: Right. So, on the part of whether you
19 have ever been convicted of a crime, did you have a grand
20 larceny background? Did you have a grand larceny charge?

21 THE JUROR: No, no. I was charged with that. Got a
22 driving without a license.

23 THE COURT: That was in -- what state was that in?

24 THE JUROR: New York. Yeah, they were -- that's from
25 New York State police, but it was dropped --

1 THE COURT: Poughkeepsie.

2 THE JUROR: -- dropped down to driving without a
3 license.

4 THE COURT: Okay. Poughkeepsie?

5 THE JUROR: Yes. Yes, sir.

6 THE COURT: All right, and so do you believe that you
7 could listen to the evidence and be a fair and impartial
8 juror?

9 THE JUROR: Oh, absolutely.

10 THE COURT: All right.

11 THE JUROR: In fact, years of watching *Forensic Files*
12 and whatnot, it give you a new insight in how to look at
13 things from an outside perspective without jumping the gun
14 one way or the other.

15 THE COURT: All right. Have you looked at, followed
16 any TV in this case?

17 THE JUROR: No. No. My mother-in-law had
18 Alzheimer's. My wife at the same time, like, three and a
19 half years ago -- well, three years in December, she had
20 one knee fail. Got it replaced. Then it was infected.
21 She's still waiting for the other knee, but she's not
22 nutritionally sound enough for it. So, the last three and
23 a half years have been taking care of my mother-in-law and
24 my wife.

25 THE COURT: Okay.

1 THE JUROR: And working 10 hour days. It's an hour,
2 hour and a half to work each way.

3 THE COURT: And you're available to serve on this
4 jury?

5 THE JUROR: Absolutely, yeah. Have lots of vacation.
6 Rick Hendrix is really fair.

7 THE COURT: Okay.

8 From the State?

9 MR. WATERS: Just a couple of questions. Obviously,
10 you say -- there's been a lot of publicity about this case,
11 but you haven't been privy to much of it or anything?

12 THE JUROR: No. I don't really -- you know, pay
13 attention to the weather.

14 THE COURT: Right. Gotcha and --

15 THE JUROR: With taking care of your mother-in-law
16 with Alzheimer's, it's full-time by itself and the wife
17 down, too. Like I said, spent at least the last three and
18 a half years, a little bit more for her knees, but the
19 mother-in-law, too, but it was full-time for three and a
20 half years and part-time before that, but then you're
21 working full-time, too. Just the weather. That's pretty
22 much it.

23 MR. WATERS: You mentioned you'd watched some TV shows
24 like *Forensic Files* and that sort of thing.

25 THE JUROR: Yeah.

1 MR. WATERS: And then, of course, a juror has to put
2 out anything that's on a TV show and publicity and all the
3 rest of it and just concentrate on the evidence that's in
4 the courtroom.

5 THE JUROR: Right. The facts, the facts on hand.

6 MR. WATERS: Right, right, and is that something you
7 feel comfortable you can do?

8 THE JUROR: Absolutely. Yes.

9 MR. WATERS: Okay. Thank you.

10 MR. HARPOOTLIAN: No objection.

11 THE COURT: All right. We'll need you back at 11
12 tomorrow morning.

13 THE JUROR: Yes, sir.

14 THE COURT: Good.

15 THE JUROR: Thank you, Your Honor.

16 MR. HARPOOTLIAN: Thank you.

17 MR. WATERS: Thank you.

18 (End of voir dire with this juror.)

19 THE COURT: 530.

20 (Juror Number 530 entered the room.)

21 THE COURT: All right, Mr. 530, come right in right
22 here. All right, I think you said your brother worked at
23 the sheriff's office?

24 THE JUROR: Yes, sir.

25 THE COURT: And what's his name?

1 THE JUROR: Chad McDowell.

2 THE COURT: Is he listed as one of the witnesses?

3 THE JUROR: He is.

4 THE COURT: And have you talked with him about the
5 case?

6 THE JUROR: Not in any detail. So, he was one of the
7 responders and the night that that happened, he came home
8 as I was leaving to go to work, and I heard that there was
9 a murder, but that was the extent of the detail that he had
10 talked about it.

11 THE COURT: Have you formed an opinion as to guilt or
12 innocence?

13 THE JUROR: No, sir.

14 THE COURT: Do you believe you can be a fair and
15 impartial juror?

16 THE JUROR: I do.

17 THE COURT: By the State?

18 MR. WATERS: The State believes he's answered the
19 questions as he needs to and can be a fair and impartial
20 juror.

21 Thank you very much.

22 MR. HARPOOTLIAN: And that Mr. Murdaugh believes he
23 can be a fair and impartial juror.

24 THE JUROR: Yes, sir.

25 MR. HARPOOTLIAN: All right. Thank you very much.

1 THE COURT: All right. We'll see you tomorrow at 11.

2 MR. WATERS: Appreciate it.

3 THE JUROR: Thank you.

4 (End of voir dire with this juror.)

5 THE COURT: 609.

6 (Juror Number 609 entered the room.)

7 THE COURT: Yes, sir, number 609, come right in.

8 THE JUROR: Thank you, sir.

9 THE COURT: Yes, sir.

10 THE JUROR: Okay.

11 THE COURT: You stood up on a few questions. You
12 remember what they were?

13 THE JUROR: I'm just related to a member of Colleton
14 County law enforcement, so sheriff. My brother's a
15 mechanic and a reserve deputy. My first cousin, you called
16 his name, Scott O'Quinn, he works for the fire department.

17 THE COURT: You believe any of those relationships
18 would affect your ability --

19 THE JUROR: No, sir.

20 THE COURT: -- to be a fair and impartial juror? Do
21 you know of any reason you can't serve?

22 THE JUROR: No, sir.

23 THE COURT: State?

24 MR. WATERS: I believe the juror has answered that he
25 can be fair and impartial in this trial. So, he is

1 acceptable to the State.

2 MR. HARPOOTLIAN: On behalf of Mr. Murdaugh, we
3 believe he can be fair and impartial.

4 THE COURT: All right. We need you back at 11
5 tomorrow.

6 THE JUROR: Okay. Thank you, sir.

7 MR. WATERS: Thank you, sir.

8 THE JUROR: Gentlemen.

9 (End of voir dire with this juror.)

10 THE COURT: 585.

11 (Break in proceedings.)

12 THE COURT: All right, 585 is gone. Give me another
13 one.

14 THE COURT: 495.

15 (Break in proceedings.)

16 (Juror Number 495 entered the room.)

17 THE COURT: All right, Mr. 495.

18 THE JUROR: Hey. How are you?

19 THE COURT: Come stand right here for us. Have you
20 made up your mind as to whether the defendant is guilty or
21 not guilty?

22 THE JUROR: Well, yesterday I did, and then I had some
23 -- I had some friends talk about it just out of the blue,
24 and then it was kind of -- they kind of convinced me to
25 he's not guilty. So, I think they like to make fun. I'm

1 pretty easily swayed.

2 THE COURT: So, they convinced you what?

3 THE JUROR: That he wasn't guilty with -- I mean,
4 logically how some things worked in favor of others, and I
5 think maybe. So, I kind of -- and --

6 THE COURT: You've gone back and forth --

7 THE JUROR: Yes.

8 THE COURT: -- in the last two days?

9 THE JUROR: Yeah. Well, I'm -- they say I'm easily
10 swayed.

11 THE COURT: Well, how about before the last two days?

12 THE JUROR: I, well, I was, like, he was found guilty.

13 THE COURT: Do you believe that you can decide the
14 case based on what's presented in court and not based on
15 what your friends told you and all that, or is your mind
16 made up?

17 THE JUROR: I think I -- I think can -- I have a
18 strong case with myself about it, but I'm not entirely
19 sure.

20 THE COURT: All right.

21 The State?

22 MR. WATERS: Mr. Lynch, a couple things. You said
23 that you talked to your friends yesterday or a couple of
24 days ago?

25 THE JUROR: Yesterday.

1 MR. WATERS: So, after you had appeared here for jury
2 --

3 THE JUROR: Yeah, after I had already been here.

4 MR. WATERS: You had some discussions with them?

5 THE JUROR: Well, they just brought it up because they
6 live out of state, and so they were -- you know, this is
7 kind of all over the -- America right now.

8 MR. WATERS: It is.

9 THE JUROR: They just bring it up.

10 MR. WATERS: Yeah.

11 THE JUROR: About it and they just start talking about
12 why, why he didn't -- why he isn't the one who did it, and
13 I was, like, okay.

14 MR. WATERS: Okay. All right. Thank you.

15 MR. HARPOOTLIAN: Do you have a position?

16 MR. WATERS: Would you mind stepping out for a moment?
17 Well, Judge, is it okay if he steps out?

18 THE COURT: All right.

19 MR. WATERS: All right.

20 (The juror exited the room.)

21 MR. WATERS: Well, he wrote he did it on the form, and
22 now he says, well, based on his friends he didn't. I'm
23 also concerned that he, you know, talked with people about
24 it yesterday even though, you know, he was instructed not
25 to.

1 MR. HARPOOTLIAN: Not to.

2 MS. FOX: Yes.

3 MR. WATERS: I think that he's, he's -- we'd say we'd
4 move to strike for cause.

5 MR. HARPOOTLIAN: Well.

6 THE COURT: Well.

7 MR. HARPOOTLIAN: And, and, Your Honor I think the
8 fact he's talking to somebody about it yesterday indicates
9 when you instructed him not to talk to anybody --

10 MR. WATERS: That's what I mean.

11 MR. HARPOOTLIAN: -- once he's sworn in, yes.

12 THE COURT: Of course, actually, we didn't talk to
13 this panel yesterday.

14 MR. WATERS: Well. Fair.

15 THE COURT: We postponed them until today.

16 MR. WATERS: That's fair.

17 THE COURT: He wasn't given that -- I didn't qualify
18 them.

19 MR. HARPOOTLIAN: Oh, yeah, yeah, yeah, yeah, but
20 still. Yeah. So, we, we'd agree with the State and excuse
21 him, please. He's sort of wishy-washy.

22 THE COURT: Was that on the questionnaire at all?

23 MR. GRIFFIN: No, sir. No, sir.

24 MR. HARPOOTLIAN: Well, he was convinced he was
25 guilty. Now he's convinced he's not guilty. I just -- I

1 mean, that's dangerous for both of us.

2 (Break in proceedings.)

3 THE COURT: Any objection to the -- by the State that
4 he be excused?

5 MR. WATERS: Yeah. We, we would move for cause, Your
6 Honor.

7 MR. HARPOOTLIAN: We'll, we'll join in that.

8 THE COURT: Bring him back in.

9 (Juror Number 495 reentered the room.)

10 THE COURT: All right, yes, sir. Sounds like you're
11 in a tough spot. When you talk to one person, you're
12 convinced one way.

13 THE JUROR: Uh-huh.

14 THE COURT: And then you go back. We're not going to
15 put you through it. We're going to let you go.

16 THE JUROR: Oh. Thank you.

17 THE COURT: Thank you.

18 MR. WATERS: Thank you.

19 THE JUROR: I thank you for your time.

20 (End of voir dire with this juror.)

21 THE COURT: 599. Just a moment.

22 (Break in proceedings.)

23 THE COURT: Just got through. 601.

24 THE BAILIFF: 601.

25 (Juror Number 601 entered the room.)

1 THE COURT: Yes, sir. You stood up on a few
2 questions. Do you recall what they were?

3 THE JUROR: Yes, sir. I've -- we sold HVAC equipment
4 at the Peters, Parker law firm in town, and I installed
5 HVAC equipment for at least eight of the people that got
6 called on that list.

7 THE COURT: And have you formed an opinion as to guilt
8 or innocence of the defendant?

9 THE JUROR: Not firmly, I would say.

10 THE COURT: What kind of opinion have you formed? If
11 it's not firm, how would you rate it, categorize it?

12 THE JUROR: I was -- I think he did it. I don't see
13 any other options of who could have done it. I grew up out
14 in Sniders and there's not a lot of murderers running
15 around there that are -- far as I'm concerned.

16 THE COURT: State?

17 MR. WATERS: Obviously, there's been a lot of
18 publicity about this case. You know, this is a relatively
19 small community, as you were just describing, but the
20 obligation of a juror is and the oath you would take as a
21 juror is to put all of that out of your mind and base that
22 -- any decision you made solely on the evidence that was in
23 the court. And I know a few times you said that that's
24 something you felt like you could do.

25 So, is that something you still feel like you can do,

1 obey your oath to just look at the evidence in the
2 courtroom and base your decision just on that?

3 THE JUROR: Yes, I think I could.

4 MR. WATERS: Okay. Thank you.

5 MR. HARPOOTLIAN: You filled out a questionnaire in
6 which you said that you had heard that his son and he were
7 being sued for the boating accident when Mallory Beach was
8 killed. Do you know the Beach family?

9 THE JUROR: No, sir, I do not.

10 MR. HARPOOTLIAN: So, where did you learn that from?

11 THE JUROR: My wife taught at Wade Hampton High
12 School.

13 THE COURT: Uh-huh.

14 THE JUROR: From 2019 till 2022, and she did not teach
15 any of those kids involved in that boat wreck, but some of
16 her coworkers did, and one of her very good friends taught
17 Mallory Beach. So, she heard things through hearsay at
18 work.

19 MR. HARPOOTLIAN: And did your wife communicate those
20 to you?

21 THE JUROR: Yes.

22 MR. HARPOOTLIAN: Okay. So, you've had more detailed
23 knowledge about the Mallory Beach boating accident than
24 most folks.

25 THE JUROR: I would say so, yes.

1 MR. HARPOOTLIAN: Okay, and the fact that Paul and
2 Alex, you point out, were both being sued over that, have
3 you formed an opinion about that, that Paul had
4 participated in killing the Mallory Beach girl?

5 THE JUROR: That he was driving the boat?

6 MR. HARPOOTLIAN: Yeah.

7 THE JUROR: Yeah. I have, yes. Yes, sir.

8 MR. HARPOOTLIAN: And you believe that now?

9 THE JUROR: Yeah. I believe that he was driving the
10 boat when that wreck happened.

11 MR. HARPOOTLIAN: Could you put that out of your mind
12 for this trial in terms of viewing what happened
13 surrounding this?

14 THE JUROR: Yes. I don't see how that would --

15 MR. HARPOOTLIAN: Okay.

16 THE JUROR: -- that would deal with this.

17 THE COURT: And you also put:

18 The bodies were found by the dog kennel. They
19 were shot with a shotgun and rifle. Alex
20 Murdaugh was under scrutiny for stealing from
21 clients.

22 THE JUROR: I read that in the *Post and Courier*.

23 MR. HARPOOTLIAN: Okay. I guess what I'm saying is
24 you a moment ago said you grew up in this kind of
25 environment, like down near Moselle, and you just don't

1 believe that murderers are running around. That's why you
2 assumed Alex did it?

3 THE JUROR: I don't know who else would be involved.

4 MR. HARPOOTLIAN: Would you require him to prove that
5 somebody else did it?

6 THE JUROR: Yes.

7 MR. HARPOOTLIAN: Your Honor, we'd move --

8 MR. WATERS: Can I ask another question?

9 If the judge instructed you what the law was that
10 you're supposed to follow and your oath as a juror, and
11 that law says that the State has to prove him guilty beyond
12 a reasonable doubt, and you are to presume his innocence
13 until we do that, and that is the law that the judge gives
14 to you, will you honor your oath and obey that law and look
15 at the case that way as a fair and impartial juror?

16 THE JUROR: I would have to see who else -- who did
17 it.

18 MR. WATERS: Sure, and what, what that means is, is
19 you start from ground floor.

20 THE JUROR: Uh-huh.

21 MR. WATERS: That he is presumed to be innocent, and
22 then you listen to the State's evidence and then you listen
23 to the defense evidence, if they decide to put up any.
24 They don't have to, and then only after that, you decide
25 whether or not the State has proved him guilty beyond a

1 reasonable doubt.

2 The defendant does not have to prove anything, and so
3 that's all the question is, is that if you can be honest --
4 or, excuse me, be a fair and impartial juror and obey that
5 oath and follow the law as the judge gives it to you.

6 THE JUROR: I would like to think so.

7 MR. HARPOOTLIAN: Well, let me follow up on that. You
8 would like to think so. But as you -- as you stand here
9 today, you believe he did it.

10 THE JUROR: Yes, sir.

11 MR. HARPOOTLIAN: Okay, and he just told you you'd
12 have to, if you're sworn in as a juror, you would have to
13 believe his innocence. That is, you would have to go into
14 the trial believing he didn't do it.

15 THE JUROR: Uh-huh.

16 MR. HARPOOTLIAN: Can you do that?

17 THE JUROR: Not really, no.

18 MR. HARPOOTLIAN: Okay.

19 Your Honor, we'd move that he not be put --

20 MR. WATERS: Can I --

21 MR. HARPOOTLIAN: -- through all that.

22 MR. WATERS: Can I follow up with one more question?

23 MR. HARPOOTLIAN: Your Honor, I object. He's already
24 said he couldn't do it.

25 MR. WATERS: I think I'm entitled to follow up on that

1 latest line of questioning. May I proceed, Your Honor?

2 THE COURT: Yes.

3 MR. WATERS: Okay. Let me, let me rephrase what it is
4 because I think the accurate statement of the law is that
5 you don't have to go in believing that he didn't do it.
6 You just have to give him that presumption of innocence.
7 Put everything else out of your mind, and only remove that
8 presumption of innocence based on the evidence that's
9 presented in the courtroom. So, again, put everything else
10 out of your mind, start from ground zero, and then only
11 convict him if the State proves him guilty beyond a
12 reasonable doubt. That's the law that the judge would give
13 to you. Is that something you could do like any other
14 juror has done in other courts?

15 THE JUROR: I will see how I could -- I don't see how
16 I could just forget everything that I've heard over the
17 last -- since 2019 and realistically come in and say I will
18 be completely impartial and I would start from zero. I, I
19 don't -- I just don't see how -- I don't see how anybody
20 could do it, to be honest with you.

21 MR. HARPOOTLIAN: Thank you for your answers.

22 Your Honor, we move that he be excused.

23 MR. MEADORS: State?

24 MR. WATERS: I believe that the totality of his
25 answers are that he can be fair. I think that he's just

1 expressing a natural reluctance. As he just said, people,
2 you know -- to do something that's very difficult to do,
3 but he's been -- in the courtroom he repeatedly said he
4 could be fair and when he was asked the direct questions
5 here, he said he could be fair.

6 MR. HARPOOTLIAN: That is not -- I wouldn't -- I
7 wouldn't characterize -- he said he's being honest, that he
8 wouldn't be able to put that out of his mind.

9 THE COURT: I think you've pretty much made up your
10 mind on this case, don't you think?

11 THE JUROR: Yes, sir. I would say so.

12 THE COURT: I'm going to excuse him.

13 THE JUROR: All right.

14 THE COURT: You don't have to come back. Thank you.

15 THE JUROR: Take it easy.

16 (End of voir dire with this juror.)

17 THE COURT: 582. One more after this.

18 THE BAILIFF: 582.

19 (Juror Number 582 entered the room.)

20 THE COURT: 582, how are you doing?

21 THE JUROR: Good. How about you?

22 THE COURT: All right. What kind of answers did you
23 give out there that made us want to talk to you?

24 THE JUROR: Possibly that I was related to him.

25 MR. HARPOOTLIAN: Oh, yeah.

1 THE COURT: Who are you related to?

2 THE JUROR: The Murdaugh family and Eddie Smith.

3 THE COURT: You're related to both? Okay.

4 THE JUROR: I'm closer related to Eddie Smith than
5 what I am the Murdaugh family.

6 THE COURT: Are you a Murdaugh or a Smith?

7 THE JUROR: I'm a Murdaugh.

8 THE COURT: You're a Murdaugh. How closely related to
9 Eddie Smith?

10 THE JUROR: Eddie Smith is my grandfather's nephew.

11 THE COURT: And Murdaugh, Alex Murdaugh is your?

12 THE JUROR: They're more like seventh or eighth
13 cousins. They down the line a good bit.

14 THE COURT: And being related to both of them, would
15 that affect your ability to be a fair and impartial juror?

16 THE JUROR: Absolutely not.

17 THE COURT: So, you could put all that aside and
18 decide the case based on the evidence and the law?

19 THE JUROR: Yes, sir.

20 THE COURT: All right.

21 From the State?

22 MR. WATERS: Hey, Mr. Murdaugh. How are you.

23 THE JUROR: Good. How about you?

24 MR. WATERS: Good. I mean, that's obviously why we
25 called you back. You've got the same last name. Just

1 needed to verify that you -- obviously, this case has had a
2 lot of publicity, and it's a small community, and any juror
3 that gets selected just has an obligation to be fair and
4 impartial, and base their his decisions only on the
5 evidence in the courtroom. And that's something you feel
6 that you're confident you can do?

7 THE JUROR: Oh, if they're not guilty, you're not
8 guilty. It's based on evidence.

9 MR. WATERS: Based on evidence.

10 THE JUROR: Evidence has to prove it.

11 MR. WATERS: And that's the same thing with your
12 relationship with Eddie Smith. The fact that he may or may
13 not be a witness, that's not going to affect you in --

14 THE JUROR: Absolutely not. I'm not really that close
15 to Eddie.

16 MR. WATERS: All right. Thank you, sir.

17 MR. HARPOOTLIAN: Just want to follow up with one
18 question, Mr. Murdaugh, Murdaugh. I'm sorry. I keep
19 pronouncing it *Murdaw*. I understand.

20 THE JUROR: It's probably pronounced as *MUR-duck*.

21 MR. HARPOOTLIAN: *Mur-duck*? I'll try to work on that.
22 Alex has criticized my pronunciation a lot.

23 THE COURT: So, what's the correct pronunciation?

24 THE JUROR: It's *MUR-duck*.

25 MR. HARPOOTLIAN: *MUR-duck*?

1 THE JUROR: *MUR-duck*.

2 THE COURT: I don't think I've heard that before.

3 MR. HARPOOTLIAN: Well, and now I know Alex
4 mispronounces it.

5 So, Eddie Smith, if Eddie Smith were a witness in this
6 case, the fact that you're related to him or -- have you
7 spent a lot of time with him?

8 THE JUROR: I haven't really talked to Eddie other
9 than I saw him at AutoZone a few months back. But other
10 than that, the last time I talked to him would be nine, ten
11 years ago.

12 MR. HARPOOTLIAN: Okay. So, the fact that -- if he
13 were a witness, you wouldn't necessarily believe him over
14 any other witness?

15 THE JUROR: No.

16 MR. HARPOOTLIAN: You wouldn't default to that.

17 THE JUROR: Wouldn't default, no, sir.

18 MR. HARPOOTLIAN: We don't have any objection, Your
19 Honor.

20 THE COURT: You said a couple months ago you saw him?

21 THE JUROR: Well, I worked at AutoZone part-time and
22 he came in to buy parts. That's the last time I saw him.

23 THE COURT: How many months was that?

24 THE JUROR: Let's see, I worked at AutoZone probably
25 about 2019, 2018, something like that. It's been a while.

1 THE COURT: So, a couple of years ago?

2 THE JUROR: Yeah. It's been a while.

3 THE COURT: Okay.

4 MR. WATERS: Absolutely. He says he can be fair and
5 impartial, so he's acceptable to the State.

6 THE JUROR: Okay.

7 MR. HARPOOTLIAN: And acceptable to Alex Murdaugh.
8 Thank you.

9 THE COURT: And we need you back at 11 tomorrow.

10 (End of voir dire with this juror.)

11 (Break in proceedings.)

12 THE COURT: 654.

13 (Juror Number 654 entered the room.)

14 THE COURT: Hey there. Come and take this hot seat --
15 hot spot right here. How are you doing, Number 654? All
16 right, why do we want to talk to you?

17 THE JUROR: I'm not sure.

18 THE COURT: What kind of answers did you give that
19 would cause us to want to ask you questions? Do you know?

20 THE JUROR: Is it working for the military? Is it
21 working for the military?

22 THE COURT: Oh, I don't know. I'm asking you. You
23 don't know either? Did you say you could be fair and
24 impartial? Can you be a fair and impartial juror?

25 THE JUROR: Oh. Yes. Yes, Your Honor.

1 THE COURT: All right.

2 MR. WATERS: Your Honor, can we have just one moment?

3 THE COURT: Okay. If you'll step outside one moment.

4 MR. WATERS: Thank you, ma'am. Appreciate it.

5 (The juror exited the room.)

6 MR. WATERS: I think she showed up on the rap is
7 having a pending federal charge for assaults, and obviously
8 there's questions if she was -- you know, had been arrested
9 or investigated. So, that was going to be the only
10 question.

11 MR. HARPOOTLIAN: But it's pending. It's not a
12 disqualifier.

13 MR. WATERS: Is not a disqualifier, but it is a --
14 that is a question that was on the questionnaire, and then
15 there the --

16 MR. HARPOOTLIAN: Federal charge, not state, so she
17 wasn't investigated by SLED. She was investigated by the
18 feds.

19 MR. WATERS: Yeah, but, I mean, the general
20 questionnaire had crime.

21 You know what? I'm going to waive my own opinion.

22 MR. HARPOOTLIAN: Is she out on bond?

23 MR. WATERS: I don't know. That's why I was going to
24 have an inquiry.

25 THE COURT: Tell her to come back.

1 (Juror Number 654 reentered the room.)

2 THE COURT: Do you have a case going on, a pending
3 case?

4 THE JUROR: No, sir.

5 THE COURT: Did you ever get some federal
6 investigation or crimes, charges?

7 THE JUROR: No, sir.

8 THE COURT: You have a clean --

9 THE JUROR: Yes, sir.

10 THE COURT: -- clean record?

11 THE JUROR: Yes, sir.

12 THE COURT: And you work where?

13 THE JUROR: Parris Island on the military base as a
14 server and part-time Family Dollar.

15 THE COURT: You have how many children?

16 THE JUROR: No, sir.

17 THE COURT: No children. All right, and how old are
18 you?

19 THE JUROR: I'm twenty-one.

20 THE COURT: Twenty-one, okay. Very good. Very busy
21 and ready to serve?

22 THE JUROR: Yes, sir.

23 THE COURT: Okay.

24 Any questions?

25 MR. WATERS: Hey, ma'am. How are you? I'm Creighton

1 Waters. I'm with the State Attorney General's Office, and
2 I think you repeatedly indicated you could be a fair and
3 impartial juror, and so you're acceptable to the State.
4 So, thank you.

5 THE JUROR: You're welcome.

6 MR. HARPOOTLIAN: I'm Dick Harpootlian, and I
7 represent Alex Murdaugh, and I want to say that we listened
8 to you and watched you. We think you can be a fair juror,
9 and Alex Murdaugh would like you to be on this jury panel.

10 THE JUROR: Thank you.

11 THE COURT: How did you get such good eye contact?

12 MS. FOX: She does.

13 THE JUROR: Oh, I'm sorry. It must be a force of
14 habit.

15 THE COURT: Oh. You just have to --

16 THE JUROR: Over the years. I like to look at people
17 in the eyes.

18 THE COURT: Okay. Take care.

19 MR. WATERS: Thank you, ma'am.

20 MR. HARPOOTLIAN: Thank you.

21 THE COURT: See you tomorrow at 11.

22 THE JUROR: See you tomorrow.

23 (End of voir dire with this juror.)

24 MR. HARPOOTLIAN: Is that it?

25 THE COURT: 635 came back. Tell him to come on.

1 THE BAILIFF: All right.

2 (Juror Number 635 entered the room.)

3 THE COURT: All right, Number 6 what?

4 THE JUROR: 635.

5 THE COURT: 635. What happened to you? You left?

6 THE JUROR: Yes, sir. I didn't realize that I was to,
7 to stay. I thought I was just going to leave and come back
8 tomorrow at 11.

9 THE COURT: Oh.

10 THE JUROR: I apologize, sir.

11 THE COURT: All right. That's okay, and did you say
12 you didn't have a car or a ride, or what's your situation?

13 THE JUROR: I have a car.

14 THE COURT: Have a car, and you're available to serve?

15 THE JUROR: During the events of -- what I learned --
16 I have a wife and two kids and from what I've learned out
17 there from him, I don't think I can forget something like
18 that. I don't know if I would give a fair opinion to that.

19 THE COURT: Have you made up your mind as to whether
20 he is guilty or not guilty?

21 THE JUROR: Yes, sir.

22 THE COURT: And if you were told that everyone is
23 presumed to be not guilty, and the State must prove the
24 person guilty, otherwise you have to find him not guilty,
25 could you follow that, you think? Or, or have you just

1 made up your mind?

2 THE JUROR: I've made up my mind. I don't think I
3 could forget something like that.

4 THE COURT: State?

5 MR. WATERS: Mr. Perez, how are you today? And I
6 understand this is very difficult stuff to talk about and
7 consider. And one of the things that jurors do when they
8 take that oath is agree to put things that they've learned
9 out of their mind, outside, and just base their decision
10 solely on the evidence that's in the courtroom, and that
11 includes kind of starting from ground zero and giving the
12 defendant the benefit of the doubt, the benefit of the
13 presumption of innocence, and then requiring the State to
14 prove them guilty beyond a reasonable doubt. And I
15 understand this is difficult, but is that something that
16 you think you can do?

17 THE JUROR: (No response.)

18 MR. WATERS: Okay. All right. Thank you. I
19 understand this is hard. Thank you, sir. He may have some
20 questions for you.

21 MR. HARPOOTLIAN: Do I need to have some questions?

22 MR. WATERS: I'm just asking if you want to have some
23 questions.

24 MR. HARPOOTLIAN: Was that intimidating to you?

25 THE JUROR: No. I'm just trying to grasp the gravity

1 of the situation and the defendant's -- he's trying to find
2 some way to see if -- how he could be innocent.

3 MR. HARPOOTLIAN: How he what? I'm sorry.

4 THE JUROR: How he could be innocent from this, but.

5 MR. HARPOOTLIAN: So, you've made up your mind he's
6 guilty?

7 THE JUROR: Yes, sir. Sorry.

8 MR. HARPOOTLIAN: And you think it would be difficult,
9 if not impossible, to put that out of your mind and be a
10 fair juror? I'm just asking. I'm not criticizing. Is
11 that your attitude right now?

12 THE JUROR: Yeah. I go to my -- I go to my wife and
13 kids every day, and from this, I don't think I can look at
14 them the same if he --

15 MR. HARPOOTLIAN: If he was acquitted, you could never
16 look at your wife and children the same way?

17 THE JUROR: No. No. I'm saying that if I come here
18 with that mentality.

19 MR. HARPOOTLIAN: Okay.

20 THE JUROR: I'm also a Christian. I do believe in
21 fair play, but with my two kids and my wife.

22 MR. HARPOOTLIAN: Okay.

23 THE COURT: He has four lawyers. Would that matter?

24 THE JUROR: I'm, I'm not in tone with the law
25 whatsoever. I'm -- I know I'm fairly young and I don't

1 really read the news that oftenly (sic). All I -- all I
2 know is my feelings and how I view things --

3 THE COURT: How old are you?

4 THE JUROR: -- currently.

5 THE COURT: How old are you?

6 THE JUROR: How come?

7 THE COURT: How old are you?

8 THE JUROR: I'm twenty-five.

9 THE COURT: Okay.

10 All right, anything else of this witness?

11 MR. HARPOOTLIAN: Your Honor, I think obviously he
12 wants to be --

13 MR. WATERS: Nothing from the State.

14 MR. HARPOOTLIAN: -- excused.

15 MR. WATERS: Thank you.

16 MR. HARPOOTLIAN: I think he wants to be excused.

17 THE COURT: All right. Thank you, sir. We're going
18 to excuse you. You won't have to come back.

19 THE JUROR: Thank you, sir.

20 THE COURT: Good luck.

21 (End of voir dire with this juror.)

22 MR. GRIFFIN: For what it's worth, Judge, we view Dick
23 as our father figure.

24 MS. FOX: Speak for yourself.

25 MR. GRIFFIN: And how he comes home at night and looks

1 at us, we're not sure.

2 MR. WATERS: Is it intimidating?

3 MR. GRIFFIN: Very.

4 THE COURT: Okay. Well, we're going out. The folks
5 are still out there, the Clerk, clerks. Is the Clerk still
6 out there?

7 THE BAILIFF: I'm sorry, sir?

8 THE COURT: Is the Clerk, someone from the clerk's
9 office still out there?

10 THE BAILIFF: Yes, sir.

11 THE COURT: All right. We'll just reconvene in a
12 moment.

13 MR. GRIFFIN: Thank you.

14 (All parties returned to the courtroom.)

15 THE COURT: So, we now have a qualified panel of how
16 many jurors, Madame Clerk?

17 THE CLERK: 39.

18 THE COURT: The total number of jurors.

19 THE CLERK: Oh, total. 123 or 124.

20 THE COURT: The jurors that we have reviewed --

21 And did you give her the updated tally which we just
22 excused?

23 MS. FOX: I have a -- I have a list.

24 THE COURT: Ms. Fox, let's see it. What's, what's
25 contained on this list?

1 MS. FOX: Oh. Sorry, Your Honor. The jurors that we
2 just questioned back there. Those are the ones that have
3 been excused.

4 THE COURT: Excused.

5 MS. FOX: We were keeping track of.

6 THE COURT: All right, and follow me, the State as
7 well. Number 515 has been excused. 515 has been excused.
8 585 is excused. 583 is excused. 668 is excused. 599 is
9 excused. 635 is excused. 495 is excused. 601 is excused.
10 The others of that group that came back have been kept.

11 So, is that correct from the State?

12 MR. WATERS: Yes, sir, Your Honor.

13 THE COURT: So, we need to know how many qualified
14 jurors we now have from the total of the four panels that
15 we have qualified.

16 THE CLERK: Yes. Yes, sir. 123, Your Honor.

17 THE COURT: We have a total of 123 qualified jurors,
18 and we would like the Clerk to randomly select eighty
19 jurors for jury selection tomorrow morning at 11.

20 Any questions by the State or the defense?

21 MR. WATERS: None from the State, Your Honor.

22 MR. HARPOOTLIAN: Your Honor, we don't have a problem
23 with that. Can we get -- once she has randomly picked
24 those eighty today, can we get that list so tonight when
25 we're looking at how to exercise our strikes, we're

1 focusing on the eighty, not the 120-something?

2 MR. WATERS: Certainly I would request the same thing
3 if the Clerk can accommodate that.

4 MR. HARPOOTLIAN: It would make it go quicker.

5 THE COURT: Well, you can -- defense counsel do not
6 get strike sheets.

7 MR. HARPOOTLIAN: No, sir, but we -- it would allow us
8 to look at those eighty. We understand they'll be brought
9 up randomly from the back. We understand that there's no
10 strike sheet. But at least it would allow us to get a
11 sense of who we want to strike and who we don't want to
12 strike and allow us overnight to look at -- we've got all
13 kinds of data on these good folks. So does the State, I
14 assume.

15 THE COURT: All right.

16 So, Madame Clerk, from the 123, you'll pull a list of
17 eighty that you will give to defense counsel and to the
18 State this afternoon. Then you will pull another strike
19 sheet tomorrow morning, and the lawyers do not get the
20 strike sheet. You can pull it today if you want to.

21 MR. WATERS: That's acceptable, Your Honor.

22 MR. HARPOOTLIAN: I'm not sure what the -- what a
23 strike sheet is.

24 THE COURT: Strike sheet is in civil court. You get a
25 strike sheet and you go one and this and that. In criminal

1 court, you do not know what order the jurors will be
2 selected. So the Court, there's an internal strike sheet
3 for the Court.

4 MR. HARPOOTLIAN: Oh. Okay.

5 (Break in proceedings.)

6 THE COURT: So, according to the clerk personnel, it
7 won't allow pulling eighty out of 120. They could give you
8 the sheet of 123, and the first eighty on that sheet will
9 be the first eighty we are concerned with.

10 (Break in proceedings.)

11 THE COURT: What time this afternoon can you have
12 that?

13 THE CLERK: We could do it now.

14 THE COURT: We're going to take lunch now.

15 THE CLERK: Yeah.

16 THE COURT: But by 2:30, all right. Then if there are
17 questions, we can address them this afternoon.

18 MR. HARPOOTLIAN: Thank you, Your Honor.

19 THE COURT: All right, anything else before we break
20 for lunch?

21 MR. HARPOOTLIAN: Your Honor.

22 THE COURT: Yes.

23 MR. HARPOOTLIAN: Mr. Waters and I assume we come
24 back, we'll deal with motions.

25 THE COURT: Yes.

1 MR. HARPOOTLIAN: Do you have an order you'd like to
2 go in?

3 THE COURT: No. I have no preference as to order.

4 MR. WATERS: Your Honor, one of the motions that was
5 filed yesterday was --

6 THE COURT: We'll take lunch, and we'll address all of
7 that. You can talk among yourselves about order and all of
8 that. It doesn't matter to me.

9 MR. HARPOOTLIAN: Thank you.

10 MR. WATERS: Thank you.

11 THE COURT: We'll be back at 2:00.

12 (A lunch break was taken.)

13 THE COURT: Regarding the jury list, I'm told by the
14 clerks that the CMS system will not allow them to create a
15 list, a merged list of jurors, that they can only create
16 one list and that is the strike sheet.

17 Is that correct, Madame Clerk?

18 THE CLERK: Yes, Your Honor.

19 THE COURT: So, we know that you have 123 qualified
20 jurors, and one juror called them and indicated that her
21 mother was taken to the hospital and will have surgery
22 tomorrow.

23 And what juror number is that?

24 THE CLERK: It's right here on your bench, sir.

25 THE COURT: Juror Number 343. Her mom is having

1 surgery tomorrow. She found out today, and she cannot
2 serve. I have excused Juror Number 343. So, we have 122
3 jurors. When the jurors report tomorrow, there will be a
4 strike sheet of 80.

5 Any questions by the parties?

6 MR. WATERS: Not from the State, Your Honor.

7 MR. HARPOOTLIAN: None from Mr. Murdaugh, Your Honor.

8 THE COURT: All right. We'll proceed now to motions.

9 MR. WATERS: Your Honor, in a conversation with the
10 defense over the lunch break, as we discussed, some of the
11 motions that have been filed and that are pending. I think
12 many of them are motions that are appropriate to arise
13 during the course of the trial as they -- as witnesses who
14 address them come up.

15 I will point out that there are a number of motions
16 that the defense has filed as it relates to a particular
17 blood spatter expert, that being Tom Bevel. In
18 conversations with the defense, we have agreed at this time
19 that that will not be discussed in opening or before the
20 jury. Of course, we'll alert the Court when that testimony
21 is approaching and have the appropriate *in-camera* hearing
22 at that time. So, I think that's addressing that
23 particular issue as of today.

24 MR. GRIFFIN: Yes, Your Honor, that's correct. And we
25 had also filed a motion regarding Mr. Kinsey having similar

1 expert opinions, and we had requested a *Council* hearing as
2 part of our motion, and we'll -- what we agreed to is once
3 we got to that part of the case, if they decide to call
4 Mr. Bevel, then we would to have a hearing on Mr. Bevel.
5 And then we would also whenever they call Mr. Kinsey, if
6 they intend to offer spatter opinion testimony, we would
7 need a *Council* hearing for that.

8 And the sanctions motion is still pending. We're not
9 withdrawing anything, but I think once they make a final
10 decision as to whether to use Mr. Bevel and he's here, then
11 we can address all of those issues.

12 THE COURT: All right. Mr. Waters?

13 MR. WATERS: Yes, sir, that's correct.

14 THE COURT: All right, fine.

15 MR. WATERS: Your Honor, there's a couple of State's
16 motions, just to mention real quick, and I think that the
17 same issue should be in play because these are really more
18 trial issues. There was a motion *in limine* to exclude
19 evidence related to third-party guilt. As Your Honor is
20 aware, there are longstanding law in South Carolina that
21 precludes the defendant from going into conjectural
22 inferences of third-party guilt unless they meet the
23 standard, which, of course, means that that evidence must
24 be limited to such facts as are inconsistent with the
25 defendant's own guilt, and to such facts as to raise a

1 reasonable inference or presumption as to his own
2 innocence. Obviously, that's the kind of evidence that, I
3 think, has to meet that standard before it's admitted.
4 This is also the kind of thing that we don't know what it's
5 going to be until we hear it, but we didn't want to raise
6 that issue with the Court, but again, I think that's
7 something that will be addressed as it arises during the
8 trial.

9 MR. HARPOOTLIAN: Your Honor, we agree with the
10 State's analysis of what the law is. We don't -- I'm not
11 sure what witnesses we're going to call. There's a couple,
12 two to three of them on there that we may have to confront
13 this issue on. But that and the polygraph -- we obviously
14 understand polygraph is an item that is focused under very
15 limited circumstances. Those are issues that would arise
16 should they call witnesses that took and failed polygraphs,
17 as we said in our motions, like Eddie Smith, and would only
18 derive from a limited context. But there's no reason --
19 it's pure conjecture today as to whether they call any of
20 those witnesses, and whether those witnesses arise, so we
21 obviously would not blurt out polygraph. We would ask for
22 a -- ask the jury to be excused and deal with those issues
23 of third-party guilt, and deal with those issues at the
24 appropriate time.

25 MR. WATERS: And that's, of course, the point, Your

1 Honor, and that's acceptable. Just like the spatter expert
2 because stuff like that could be highly prejudicial to a
3 jury. It was just to make sure that before we get into the
4 issues of third-party guilt or issues of polygraph that the
5 defense advised us of before and we have the opportunity to
6 address, you know, those issues outside the presence of the
7 jury and get guidance from the Court before we proceed.

8 MR. HARPOOTLIAN: Oh my goodness, Judge, I would never
9 consider blurting that out.

10 THE COURT: All right, very good.

11 MR. WATERS: Your Honor, there are -- I know we had --
12 previously back on December 7th we had had some extensive
13 argument about the State's motion and the defense motion
14 for a bill of particulars, the State's motion to admit
15 evidence of motive. Today we received a motion from the
16 defense specifically addressing one aspect of the boat case
17 seeking to limit testimony about the boat case, and in
18 particular a particular discovery motion that was pending
19 on June 10th of 2021 just days after Paul and Maggie were
20 murdered and seeking to sort of limit testimony as to that.

21 Your Honor, we obviously have made some extensive
22 argument on that particular issue, and I don't know if the
23 Court has any guidance or any ruling just generally on the
24 admissibility of the motion based on the arguments that
25 have been made, and certainly happy to make any further

1 arguments in that regard.

2 We have that issue, I think, that's still outstanding,
3 and then the other issue is that the defense yesterday
4 filed a motion for a *Council* hearing on the admissibility
5 and -- of the ballistics evidence, tool mark and firearms
6 identification evidence. And that is something that we
7 think needs to be addressed. We're prepared to have an
8 evidentiary presentation on that, but we believe that needs
9 to be addressed before and ruled upon, Your Honor,
10 respectfully before the jury is sworn, as that is a
11 significant piece of evidence in as much as the cases at --
12 found around the body of Maggie Murdaugh match -- or at
13 least matched pursuant to the analysis of the firearms
14 examiner, weathered cases that were found at other places
15 on the Moselle property. And we believe substantial
16 evidence shows that that is -- that they are from a 300
17 Blackout AR style rifle that was purchased by Alex Murdaugh
18 and can no longer be accounted for, and so that's obviously
19 a very crucial piece of evidence, and I think we need to
20 have a ruling on that particular issue prior to the jury
21 being sworn because of its importance.

22 THE COURT: From the defense?

23 MR. GRIFFIN: Yes, Your Honor, I'll take the financial
24 crimes evidence motion first. We have fully briefed that.
25 We did argue it, I think we were in Florence, and

1 subsequent to that we filed our written response with case
2 law and attachments. They filed a reply. Happy to argue
3 further if you want to hear argument on that.

4 With regard to the ballistics motion, Your Honor, we
5 did file a motion *in limine* and then requested a *Council*
6 hearing on the -- we have gotten a report from Mr. Greer,
7 the SLED ballistics expert, and essentially he says that
8 based on the markings of shell casings found at the crime
9 scene, 300 Blackout shell casings and specific markings he
10 relies upon are a -- tool marked from extracting and
11 injecting the shell casings, the cartridges that have been
12 fired. We're not talking about the bullet but we're
13 talking about the cartridges, spent shell cartridges, that
14 the markings on those found at the crime scene match
15 markings of fired shell cartridges at a shooting range on
16 the property and around the residence, and he puts those
17 two together, says they match, and therefore they were
18 fired from the same gun.

19 What we've asked for a *Council* hearing is what's the
20 basis for his opinion that they had to be fired from the
21 same gun. What studies have been done to establish that
22 like fingerprints, which is their theory, that only one 300
23 Blackout made in the world would produce those markings in
24 the era of mass production of extractors, ejectors. And
25 so, you know, we were asking what's the basis of his

1 opinion for that. We've cited studies that are critical,
2 but, you know, we don't know of any 300 Blackout studies
3 that have ever been done, and so, you know, that is the
4 basis of our motion. We think it can be taken up when
5 Mr. Greer testifies --

6 THE COURT: This is a motion that you filed today?

7 MR. GRIFFIN: Yesterday, Your Honor.

8 THE COURT: Yesterday.

9 MR. GRIFFIN: Yes, sir.

10 MR. WATERS: Obviously it's a very significant motion.
11 We -- I filed a response as quick as I could early this
12 morning, and -- in which we cited extensive case law. As
13 Your Honor is aware, there was the NAS study in 2007/2008
14 --

15 THE COURT: I'm not aware of a study.

16 MR. WATERS: Sorry, Your Honor. It's in -- and I
17 know -- because this was so late from the late filing of
18 the defense, I'm sure you probably haven't had the
19 opportunity to review these. But there was a study in late
20 2008/2009 that called into question firearms and tool mark
21 examination. I've done one of these hearings before. And
22 then there was a subsequent 2016 study as well, a PCAST
23 study, so there's the NAS study and the PCAST study. And
24 if you look in our brief, Your Honor, the Attorney General
25 of the United States of America refutes the report. The

1 FBI refutes the report. The Association of Firearms and
2 Tool Mark Examiners refute the report. And the
3 overwhelming late case law that's cited in our brief that
4 we filed this morning, including very, very recent case law
5 from federal courts, from North Carolina court, from
6 Kentucky courts, of course, have affirmed the longstanding
7 admissibility of firearms and tool mark identification and
8 examination in the courts. And we actually quoted
9 extensively, just to show you how long this has been
10 accepted evidence in the South Carolina courts, *State v.*
11 *Hackette* going back early as 1949.

12 So, this is obviously a well established field, and
13 obviously they have the opportunity to cross-examine any
14 expert and to raise any issues that they want, or to put up
15 their own expert. But as always, particularly with such a
16 well established, well used in almost every firearms type
17 of case, type of evidence that's been accepted in South
18 Carolina courts for decades and decades and decades, any
19 issues that they may want to raise go to weight, not
20 admissibility. That's the general rule there.

21 THE COURT: You agree that Mr. -- in counsel's
22 argument that the expert's conclusion is that no other --
23 no other weapon could have possibly fired those rounds?

24 MR. WATERS: That's not exactly how it's phrased, Your
25 Honor. Just one second.

1 (Break in proceedings.)

2 MR. WATERS: And I was just clarifying with counsel
3 there. And just to be clear, Your Honor, there were spent
4 cases found around the body of Maggie Murdaugh. There were
5 spent cases found next to a stoop on the side of the house
6 right outside the gun room where Paul Murdaugh and his
7 friends liked to sight in 300 Blackouts, one of which is
8 now missing that was purchased by the family. There were
9 also spent cases found on a shooting range on the property
10 as well.

11 What the firearms examiner will say is that -- his
12 conclusion is is that all of those cases bear markings
13 similar with one another, that they were all cycled through
14 the same weapon. So, I'm not -- I don't want to overstate
15 the conclusion, but that is the nature of the conclusion
16 that he will offer is that the individual characteristics,
17 the subclass characteristics of that particular -- of those
18 examinations show that those cases were cycled through the
19 same weapon. And, again, he can get on the stand and then
20 put a final point on it, but they're, of course, very aware
21 of the standards of which they can -- that they need to
22 apply, and, of course, are very aware of the limits to
23 which they can go.

24 THE COURT: Is he here today to testify?

25 MR. WATERS: He is, Your Honor.

1 THE COURT: All right. Is that the *Council* hearing
2 that you all wish to have?

3 MR. WATERS: The State's position is it needs to take
4 place before the jury is sworn because obviously this is a
5 very significant piece of evidence, and we need guidance
6 from the Court as to your rulings before we proceed. So,
7 we are prepared to have that hearing on short notice.

8 THE COURT: For the defense?

9 MR. GRIFFIN: Yes, Your Honor. We are ready to go
10 forward if Mr. Greer is here to address -- and the issue,
11 frankly, is what's -- in the case law that we've cited is
12 the level of certainty that you can say as to it came from
13 only one versus -- you know, there are similarities. I
14 mean, that's -- the case law talks about how certain the
15 opinion is permitted and what's the basis for that.

16 MR. HARPOOTLIAN: Your Honor, may I --

17 THE COURT: Yes, sir.

18 MR. HARPOOTLIAN: -- address one other matter not
19 related to the weapons? We did file a motion this morning
20 after -- and I understand it's late, but so was the
21 discovery they gave us on Friday. I mean, this has been
22 sort of a wait game playing on both sides. We're not
23 playing games. We didn't wait, but there's a motion
24 pending that was filed yesterday to preclude testimony on
25 the question of law, and obviously we're not asking them to

1 respond to that today since it was filed yesterday, but
2 certainly something we can do tomorrow morning, or,
3 depending on your ruling on the motive evidence.

4 I mean, simply put, what they're arguing is that there
5 was going to be a hearing on Friday in which he was going
6 to have to produce financial information which would --
7 which -- when he got questioned that day by the financial
8 person at the office about this \$750,000, that panicked
9 him, that he knew the jig was going to be up on Friday.

10 Well, there are two things. One, nobody can say what
11 was in his mind. Number two, and as we outlined in this
12 memo, Your Honor has tried enough civil cases, and I have,
13 too. All you're entitled to on punitive damages is a net
14 worth statement. I mean, god knows as a plaintiff's lawyer
15 I've asked much more than that. Never had a judge give me
16 anything more than a net worth statement after a *prima*
17 *facie* case of punitive damages was shown.

18 Now Judge Hall, who heard -- who would have heard this
19 motion had it gone forward, did hear a motion against the
20 codefendant Parkers where Mr. Tinsley asked for the same
21 thing, and he denied the motion and said when we get to
22 trial, if you show a *prima facie* case of punitive damages,
23 then you get it. So, all -- the most he could have gotten
24 on Friday was a net worth statement, which wouldn't even
25 come in -- well, first of all, Parkers didn't even have to

1 produce that until trial.

2 What did he do? What did Mr. Murdaugh do in his
3 vocation as a lawyer? He's a plaintiff's lawyer, and he
4 and I talked about this. We never got any net worth
5 statements after there was a *prima facie* case in front of
6 the jury.

7 So, what this motion deals with is excluding sort of
8 opinions of what the law was, or what would be -- what
9 would happen in front of the judge, some prediction.
10 Nobody certainly knows what he thought. We have witnesses,
11 I believe, that may testify that he was asked to prepare a
12 net worth statement, which as you know, again, one of my
13 complaints as a plaintiff's lawyer, really doesn't give you
14 a lot other than what their net worth is because that's all
15 the jury can hear on ability to pay is net worth.

16 So, if you want to -- we think you should allow them
17 perhaps to respond to this in the morning, and take that
18 into consideration on your decision on motive evidence.
19 And we'll be happy to argue it in full. I've done a pretty
20 poor job of doing it here right now.

21 MR. WATERS: Just in response, Your Honor, they did
22 just file this motion, but it's never been the State's
23 contention that somebody is going to testify and predict
24 what Judge Hall would have done in this particular case.
25 What we can and what we -- there is testimony, and already

1 in the State Grand Jury transcripts, in which they've had
2 access to for months and months and months and months, is
3 the testimony about the manner in which the plaintiffs in
4 the boat case were conducting that litigation, what they
5 were expecting, what they had received from the defense.
6 The fact that the defense had claimed that Mr. Murdaugh was
7 broke, they didn't believe it, and so that's what
8 ultimately led to the motion to compel.

9 The motion to compel did not ask for a financial
10 statement. It very clearly asked for identification of
11 bank accounts and other sort of financial information with
12 the intent to subpoena that. That was the motion that was
13 on the table for the very week, just a few days after
14 Maggie and Paul were murdered, on top of the fact that
15 Mr. Murdaugh was confronted the very morning of the murder
16 by his own firm seeking missing fees. That's the temporal
17 connection of those two events that then tie back to
18 literally a decade of embezzlement, that one question
19 begets another which begets another.

20 To understand why these are significant, the jury has
21 to understand that he had been stealing for over a decade,
22 ninety-nine counts to date, and facing essentially life
23 without parole on these particular financial accounts, and
24 that's the significance of what he was trying to prevent
25 from being exposed.

1 So, again, I hear what their motion is, but I think
2 this motion will be moot, and ultimately will be resolved
3 during the course of testimony. Because no one is trying
4 to say what Judge Hall would do, the point is a little
5 different. It's what the plaintiffs were seeking to do,
6 and what they very clearly said to Alex Murdaugh and his
7 attorneys during the course of that litigation.

8 MR. HARPOOTLIAN: To get information, they were going
9 to file -- and I've litigated with Mr. Tinsley. He's very
10 aggressive. He filed a bunch of motions to get financial
11 information, bank accounts that he could not have gotten
12 because you're not entitled to argue about financial
13 ability to pay until you get a *prima facie* case of punitive
14 damages, and that's what we say here. So, he could file
15 whatever he wanted, but to say whether Mr. Murdaugh thought
16 that was a real threat or not, what he thought -- and I
17 will tell you that it's not consistent with the state of
18 the law, not consistent with my experience. And I
19 understand, you know, the Attorney General has not
20 litigated a lot of civil cases. I have since 1986 been
21 trying to get more than just net worth statements in a
22 punitive damages case, never have gotten it.

23 The one point I make is this. His theory and this is
24 sort of -- is that he knew the jig was up, so he went home
25 and butchered -- blew the head off his son, and butchered

1 his wife. There's not one shred of evidence there was any
2 problems between any of them. There's texts, pictures,
3 people that were with them the previous weekend at a
4 ballgame, video from that day with Paul and he having a
5 good time. There is no dispute anywhere that they were the
6 perfect family in terms of their relationship. No divorce,
7 no separated -- no weapon, no nothing. So, this is a
8 fabrication, and they want to use what Griffin described as
9 bad character evidence: he stole all this money, so he must
10 have killed his wife and son.

11 That is -- and as he cited, there are at least six
12 South Carolina Supreme Court cases. I may be overstating
13 it. How many? Four? Four South Carolina Supreme Court
14 cases disallowing -- and judges have been reversed --
15 disallowing this kind of evidence. Now, if they've got
16 some evidence that Maggie was getting ready to turn him
17 over to the feds, or Paul knew about it and was getting
18 ready to talk about it, or he had been threatened by them,
19 certainly those cases say that's when that kind of stuff
20 can come in, but not this theoretical we ain't got a
21 motive, we're make one up motive. That --

22 THE COURT: What I'm getting from you -- both of you
23 now, you're giving me jury arguments, and you're arguing
24 multiple motions simultaneously.

25 Regarding the motion by the State for me to grant an

1 *in limine* motion admitting evidence, that's what you're
2 seeking me to do, and you in your motion, you indicate that
3 the basis for this is for judicial economy. That there may
4 be no precedent for the Court ruling in advance of any
5 testimony granting *in limine* the admission of motive as
6 a -- as evidence during the trial. Are you seeking to have
7 me do that?

8 MR. WATERS: Well, Your Honor, I don't -- so, I
9 recognize what the Court is saying. I think the first
10 issue with that was in response to the defense bill of
11 particulars, and our response to that was -- they
12 essentially asked, they said tell me what financial
13 evidence you want to, to, to, you know, go into. And so we
14 responded by saying, well, that's not recognized under
15 South Carolina law. But we filed this particular motion --

16 THE COURT: I understand. I understand all of that.
17 But typically a motion *in limine* is a motion to exclude
18 evidence.

19 MR. WATERS: That's correct.

20 THE COURT: Your motion *in limine* is for me to admit
21 evidence. And what authority do you have for me to admit
22 evidence through a motion *in limine*?

23 MR. WATERS: Well, of course, in our motion -- and
24 stand by for me, Your Honor, just one second.

25 (Break in proceedings.)

1 MR. WATERS: I recognize that typically a motion *in*
2 *limine* is to exclude evidence, but the cases that we cite
3 and the language we cite in our motion, of course, is, you
4 know, to prevent disclosure of potentially prejudicial
5 matter to the jury. And, of course, is to -- is strictly
6 conditional and subject to the actual evidence being
7 offered. And so the point was, was to -- because it's very
8 extensive, and because we realize that this case is
9 different, and it's not argued this case is much different
10 than any case we've ever seen because of the complexity of
11 all of these factors going together. I think essentially
12 what we were trying to do is at least get some -- get some
13 sort of preliminary guidance, understanding that evidence
14 will have to be developed at trial, as to the admissibility
15 of this.

16 Now, ultimately if the Court is more comfortable with
17 having *in-camera* proceedings as to the admissibility of
18 evidence, then I understand that and we can do that as the
19 case develops as we were talking about the other day.

20 THE COURT: Well, the defense complains that, well,
21 this will create a mini trial, given all of the various
22 offenses, ninety-something allegations, and, of course, we
23 also deal with the issue of *res gestae* issues of matters
24 that may be too remote in time and the like. What I am
25 grappling with is your request for me to grant *in limine*

1 the admission of evidence.

2 MR. WATERS: Certainly.

3 THE COURT: And I frown upon motions *in limine* period
4 because I don't know the facts. I do not know the facts in
5 this case. I know what you all have submitted in your
6 briefs, your arguments, and whatever you say is the case
7 the defense says the opposite. That's why we have
8 testimony, and judges are to rule not based on lawyers'
9 arguments but based on evidence. And I am not prepared to
10 grant *in limine* a motion admitting evidence, though it may
11 be admissible under the same theories that you have
12 promoted.

13 I agreed with the authority and the rule that allows
14 for motive to be admitted in a case under appropriate
15 circumstances in you all's argument and the cases cited by
16 the defense. Some are remotely similar in facts, and most
17 of them are dissimilar. Each case must be decided on the
18 sum of the facts and circumstances.

19 MR. WATERS: Sure.

20 THE COURT: I believe that the *Siegel* case is
21 persuasive authority, *U.S. v. Siegel*, though in that case a
22 very noted jurist who spent some time in our state was
23 reversed by one of our noted jurists, Judge Traxler, on the
24 same issue. But I'm not prepared to grant admitting
25 evidence *in limine*. It must be done during the course of

1 the presentation of evidence during a trial.

2 MR. WATERS: I absolutely understand that, Your Honor.
3 And, again, I recognize that we were attempting to, to
4 perhaps identify those issues and bring those issues
5 because of the complexity of everything to the Court's
6 attention, and I certainly understand and recognize, and
7 that's the typical manner in which we do that is to have
8 those issues addressed as we move through the trial.

9 THE COURT: Well, that deals with that issue.

10 MR. WATERS: Thank you, Your Honor.

11 THE COURT: That leaves the ballistics issue.

12 MR. WATERS: Your Honor, I believe at this time we can
13 move to that, and I'm going to turn the presentation of
14 evidence over to Mr. Fernandez, who will call Mr. Greer.

15 THE COURT: All right.

16 MR. FERNANDEZ: Thank you, Your Honor. May it please
17 the Court?

18 THE COURT: Yes.

19 MR. FERNANDEZ: The State would call Paul Greer.

20 The witness, PAUL GREER, was first duly sworn and
21 testified as follows:

22 THE CLERK: Take a seat in the witness stand. State
23 your name again for the record. Spell your last name.

24 VOIR DIRE EXAMINATION

25 BY MR. FERNANDEZ:

1 Q Mr. Greer, state your name for the record, please.

2 A My name is Paul Greer, G-r-e-e-r.

3 Q With whom are you currently employed?

4 A I'm employed at the South Carolina Law Enforcement
5 Division, which is commonly known as SLED.

6 Q All right. Mr. Greer, for purposes of this *Council*
7 hearing, would you please just describe for the Court your
8 educational background and qualifications in the area of
9 firearms identification?

10 A Yes, sir. I received a Bachelor's of Science in
11 biological sciences from the University of South Carolina.
12 At completion of my collegiate career, I began an
13 internship at SLED in the Firearm and Tool Mark Department.
14 I was appointed as a firearms examiner, a forensic
15 scientist in the laboratory in 2014, where I began the SLED
16 firearm and tool mark course of instruction. This is an
17 extensive training program that's conducted under the
18 supervision of other court qualified examiners. During
19 that time, in an extensive period I conducted many written
20 and practical examinations, conducted many microscopic
21 comparisons, and assisted other examiners prep their cases.
22 At the conclusion of my training, I was then given a
23 comprehensive final exam that included mock casework, and
24 was able to begin casework on my own after successfully
25 completing that.

1 Q Thank you, and, Mr. Greer, would you please describe
2 for us the field of -- you know, a broad overview is fine
3 for the purposes of today's hearing, but an overview of
4 what firearms identification is and the expertise that
5 you've held in that field?

6 A Yes, sir. Firearms identification is a discipline of
7 forensic science in which our main objective is to examine
8 fired ammunition components in order to determine if they
9 were fired by a specific firearm.

10 Q And are you a member of any organizations, or have you
11 obtained any additional trainings or certifications as it
12 relates to firearm identification?

13 A Yes, sir. I am a member of the Association of Firearm
14 and Tool Mark Examiners, which is also known as AFTE. I've
15 been a member of that organization since approximately
16 2015. AFTE is an international organization that I believe
17 has over -- or approximately 1200 members of folks in the
18 field who do firearms identification and tool mark
19 identification. This also includes technical leaders from
20 the academic world and also from other aspects.

21 Q Thank you, and if you would, please describe the
22 process that you go through and the training that you go
23 through in order to become a forensic firearms and tool
24 mark examiner at SLED.

1 A Sure. That refers back to that course of instruction
2 that I completed, that approximately three years or so
3 program where I conducted all of the microscopic
4 comparisons. I looked at things on the microscope. Test
5 fired firearms, observed cartridge cases that were fired
6 out of the same firearm, cartridge cases that were fired
7 out of different firearms, bullets as well. Learning about
8 firearms, manufacturing process of those firearms, and how
9 that relates to the range of conclusions that we issue as
10 firearms examiners. During that time I also completed
11 those written and practical tests. Some of those tests
12 include studies that have been conducted throughout the
13 United States and worldwide, to include consecutively
14 manufactured bullets and cartridge cases. I've completed
15 those, successfully passed, those. At the end of my
16 training I was given that final exam, and also some mock
17 casework in which I was able to complete and successfully
18 pass.

19 Q Thank you, and have you had a chance -- I know you
20 mentioned you were part of the AFTE, organization AFTE,.
21 Have you had an opportunity to attend additional
22 conferences and trainings that they may put on on an annual
23 basis?

24 A Yes, sir, I have. When I'm able, or training is
25 available, I attend their annual conference. That is a

1 large conference where material is presented about new
2 technologies in the field, or updates, new procedures that
3 may be coming in order to do things or arrive with
4 different items. But I attend those conferences when able.
5 I also participate in other training as necessary, such as
6 our Glock Armor certification when that -- when, when I'm
7 able to do that. AFTE also has other things they provide.
8 Webinars, if I'm able to participate in those, I will take
9 part in that.

10 Q And in order to become a firearm and tool examiner
11 with SLED, are you given certifications and tests that must
12 be passed, both competency tests and proficiency tests?

13 A Yes, sir. Part of our quality control at SLED, SLED,
14 the laboratory, is accredited by ANAB, which is the ANSI
15 National Accreditation Board. That follows the standards
16 set forth ISO 170 -- 17025, which is an international
17 accrediting set of standards, and we follow that. And
18 within that we have a SLED quality control manual that
19 requires before we are able to participate, or be
20 authorized to perform work, we are competency tested and
21 deemed competent to do that. Also in addition, each year
22 we are proficiency tested to make sure that we are
23 maintaining our competency.

24 Q Okay. Mr. Greer, specifically relating to the purpose
25 for which you were called today, in describing the area of

1 firearms identification, would you please tell the Court a
2 little about the methodology that goes into that, and
3 whether that methodology has been subjected to both being,
4 you know, published in journals, or -- and/or subjected to
5 peer review? Would you just talk about that whole process
6 and the culture?

7 A Sure. Firearms identification has been around for
8 years, and during that time there's been many studies that
9 have proven the reliability of firearms identification.
10 Those studies are published in articles through AFTE, such
11 as the *AFTE Journal*. Those studies, using a scientific
12 method, are published in the *AFTE Journal*, or *Journal of*
13 *Forensic Sciences* would be another one that could be
14 included, and those are peer reviewed. Those are looked at
15 by members of the academia, or firearms identification,
16 other examiners, those are reviewed and those are published
17 in those two journals for sure.

18 Q Do you know what year AFTE was founded, or how long
19 this organization has been around?

20 A I believe AFTE was founded in 1969.

21 Q All right. In discussing the methodology of peer
22 review, you indicated that the journals that the --
23 information that's published in journals, that's, in fact,
24 subject to peer review, meaning other, other people in the
25 field or folks in the scientific community are able to

1 review it and analyze it. Is that your understanding of
2 it?

3 A Yes, sir, that's my understanding. They would be able
4 to review the article as it's presented prior to
5 publication, review what has taken place in that article or
6 that experiment, and share their thoughts with that
7 process. Those articles are then peer reviewed and issued
8 in those journals.

9 Q And these articles are not only information, but it's
10 also sometimes, and frequently, an examination of some
11 study that was performed. Is that your understanding of
12 the articles and review of these articles?

13 A That's correct.

14 Q In addition to the methodology and peer review
15 publications in your field, could you please discuss the
16 specifics of that peer review process and methodologies in
17 SLED in particular?

18 A Sure. As part of our quality control process at SLED,
19 again, we are accredited by ANAB. We just received our
20 reaccreditation. We're accredited every four years during
21 that cycle, and we just received our reaccreditation. And
22 that, again, follows the ISO 17025 standards. We also on
23 top of that have the SLED quality manual, which we follow
24 closely to make sure that we're adhering to those
25 procedures. And as part that, we have a firearms

1 departmental manual that gives guidance in how to perform
2 our actual casework, how to perform our examinations with
3 the evidence.

4 In that process and that quality control peer review,
5 our casework at SLED is 100 percent micro verified. And
6 that means that another qualified examiner will look at the
7 evidence, arrive at their conclusions, and agree or
8 disagree with me. For those to be reported, that examiner,
9 we will -- if he or she agrees with my results, those will
10 then be reported. The case file itself, it also undergoes
11 a technical administrative review process as part of the
12 quality control and peer review procedures.

13 Q Okay, and as part of your in-house peer review, it
14 that a blind review that is -- that is performed?

15 A Yes, sir, that is.

16 Q And speaking of the organization, the accreditation
17 organization, ANAB, is that an international organization?

18 A The ANAB is in the United States, but they follow the
19 international standards set forth by ISO.

20 Q Thank you, and then the second layer would be -- so
21 SLED itself, the organization, the law enforcement agency
22 SLED is accredited by ANAB.

23 A The Forensics Services Laboratory is.

1 Q And then beyond that, SLED, SLED forensics has a
2 quality assurance manual, which is followed by your lab.
3 Is that correct?

4 A That's correct.

5 Q And then beyond that, the SLED's Firearm Department
6 has its own manual. Is that correct?

7 A That is also correct.

8 Q All right. Has the field of firearms identification
9 been previously -- been applied in previous similar
10 situations?

11 A Yes, sir.

12 Q Okay. Let's start with sort of the big picture, the
13 broad picture. Where and how is it typically applied, this
14 field of study?

15 A Firearms identification has been around for years.
16 Since the early 1900s, we have been evolving on firearms
17 identification.

18 Q And it's used in court cases across the world. Is
19 that correct?

20 A Yes, sir, that's correct.

21 Q Specifically relating to your personal experience,
22 have you testified as to -- have you been sworn as an
23 expert in firearms identification in previous court cases?

24 A Yes, sir, I have.

25 Q Providing live testimony for a trial.

1 A Yes, sir.

2 Q And approximately how many cases was that -- was that?

3 A I have testified in state and federal courts
4 approximately twenty-five times.

5 Q Certified -- are -- firearms identification examiners
6 have been utilized as far as you're aware, per your
7 organizations, have been utilized in court cases across the
8 globe. Is that your understanding?

9 A Yes, sir.

10 Q I know you mentioned that this field of study has been
11 around since the early 1900s. Does this -- does this
12 forensics -- does applied science use the scientific method
13 when applying, you know, your information you gather and
14 then your opinion that you render?

15 A Yes, sir. It does follow a scientific method and
16 approach in order to conduct our examinations.

17 Q All right. Could you please, you know, describe what
18 the scientific method is as applied to this forensic field?

19 A Sure. As far as applying the scientific approach,
20 when we conduct our examinations, or we're looking at
21 firearms as a -- in the scientific method, one thing when
22 we're working a case or if you're looking at it in this
23 manner, you may ask -- you form a hypothesis. Are these
24 cartridge cases fired by this firearm? So, that will be
25 our hypothesis. We would evaluate the conditions under

1 that, do research, and then we would actually do an
2 experiment.

3 In this case, this example, what we would do is test
4 fire that firearm using similar ammunition that we're
5 comparing it to. We would determine our conclusions and
6 arrive at those conclusions. Then that can also be applied
7 to case work. If I receive a case, I look at all the
8 evidence, look at the characteristics on that, examine the
9 firearm, test fire that firearm. I've already compared
10 those cartridge cases to each other and determined that the
11 characteristics of that firearm can be compared to those
12 cartridge cases, compare that, determine a conclusion. In
13 order to determine -- and then our peer review process
14 kicks in.

15 In order to determine whether that is reproducible, or
16 the repeatability of that scientific procedure, that's
17 where our peer review process would come in. Another court
18 qualified examiner would come in and look at that, and if
19 he arrives at the same conclusion, then that method has
20 been deemed repeatable and reliable.

21 Q Okay. In the twenty-five times that you've testified
22 in both state and federal court, has your testimony been
23 ruled admissible, meaning you could have -- you could
24 render your opinion to the jury?

25 A Yes, sir, it has.

1 Q And were any limitations placed on your testimony in
2 the twenty-five times you've appeared?

3 A There were none.

4 Q All right. The field of -- this forensic field of
5 firearms identification, could you please describe the
6 quality control -- I know you have mentioned some, but
7 could you please describe the quality control procedures
8 that are in place governing this body of work?

9 A At SLED, again, we are accredited under the ANAB
10 policy, which guides us under those standards, and our
11 quality control manual -- I'm sorry, could you repeat the
12 question?

13 Q What quality procedures are in place, both in this
14 field of study in general, but also as it relates
15 specifically to how SLED operates? I think you
16 mentioned -- first of all, what's the international
17 accreditation that SLED -- the forensic lab is a part of?

18 A Yes, sir. That is the ISO 17025. So, accredited
19 laboratories around the United States, if they are
20 accredited by ANAB, they are all working with those same
21 standards that we are at SLED. They're all adhering to
22 those quality control procedures. Additionally, those who
23 are accredited under the ISO 17025 internationally are also
24 accredited by those same standards and follow those same
25 quality control procedures.

1 Q In order to obtain that accreditation, and more
2 importantly maintain that accreditation, how much -- what
3 are the -- what's the inspection process both, you know,
4 internal and external? Describe those.

5 A Yes, sir. For the ANAB accreditation, we have an
6 onsite visit every four years where auditors come and
7 examine our casework, examine our facilities in order to
8 make sure that we are complying with the requirements set
9 forth by their governing body. They review everything that
10 we offer as far as casework, make sure that we're complying
11 with our own policies, as well as theirs. As far as
12 internally, we also complete internal audits each year
13 where other departments will audit and make sure that
14 there's compliance within each department.

15 Q And although redundant, please describe to us the SLED
16 quality control manual that's followed in the laboratory.

17 A Yes, sir.

18 Q Could you describe it? What essentially is it, and
19 how do you follow it?

20 A Yes, sir. The SLED quality control manual follows
21 those standards that are given by ANAB. It follows that so
22 that way the SLED laboratory has strict guidelines in which
23 we follow in order to make sure that we stay in line with
24 our accreditation procedures and policies.

1 Q And if you would again, although I know you explained
2 it previously, but please describe the firearms department
3 manual that's followed.

4 A Yes, sir. The firearms manual is a set of procedures
5 that we follow as examiners in order to give us instruction
6 and information on how to complete our examinations, how to
7 handle firearms-related evidence and tool mark-related
8 evidence. It also includes some terminology that we use
9 within our case files. It gives us guidance to make sure
10 that we are all operating consistently and within those
11 guidelines of the quality control procedures.

12 Q And if you would also, please, describe the code of
13 ethics that is applied to yourself and your colleagues
14 within the laboratory.

15 A Yes, sir. Each employee at the SLED laboratory,
16 including myself, signs a code of ethics that we must abide
17 by each year, and that is a code of ethics for the
18 workplace in our forensic laboratory, and that is recorded
19 within our quality control procedures.

20 Q In addition to the quality control procedure would be
21 the micro verification process. Please briefly describe
22 that for us again.

23 A Yes, sir. Before a conclusion is rendered via report,
24 each examiner will examine the evidence, arrive at a
25 conclusion, write those conclusions down. At that point

1 another court qualified examiner will examine the evidence
2 and arrive separately at their conclusions to create a
3 blind verification. If those conclusions are the same,
4 then the reviewing examiner will sign off on those
5 conclusions so that a report can be drafted. As also part
6 of that process, the entire case file and report are
7 reviewed for a technical review and administrative review
8 before the report is released.

9 Q In order to become a forensic examiner with SLED, is
10 that person required to pass a competency test?

11 A Yes, sir, that is correct.

12 Q And you, in fact, passed that competency test?

13 A Yes, sir.

14 Q And are there also proficiency tests that are required
15 each year?

16 A Yes, sir. We do take a proficiency test within our
17 discipline each year.

18 Q All right. Please -- we're going to talk a little bit
19 about it, but I would like you to describe how the area of
20 firearms identification is consistent with recognized
21 scientific laws and scientific procedures. So, I think you
22 mentioned before, but is firearms identification, do you
23 all operate under the general, general rubric of scientific
24 -- the scientific method?

25 A Yes, sir.

1 Q And, again, describe the scientific method and how it
2 relates -- maybe how it applies to the firearms
3 identification, beginning with essentially a -- or a
4 hypothesis, and then, you know, proceeding along to where
5 it becomes a theory. Could you please describe that
6 process?

7 A Yes, sir. You would look at your evidence, or in this
8 case if you're doing just an experiment, and try and
9 determine a hypothesis. Are these cartridge cases fired by
10 this gun, or are those these bullets fired by this gun?
11 You would do the research to determine what materials you
12 may need. In this case, you may use, like, ammunition that
13 you're trying to compare it to. You would examine those
14 characteristics to make sure that the comparison should be
15 -- should be completed. At that point you would begin your
16 experiment.

17 In this case, you would test fire the firearm. You
18 would compare those cartridge cases from the firearm with
19 each other, and also with those cartridge cases or bullets
20 that are in question and arrive at conclusions. At that
21 point, you would conclude your experiment, issue your
22 conclusions, and open up for any discussion. That is
23 similar to casework and the fact -- that's a very similar
24 method is what we use there for repeatability and
25 reproducibility of that.

1 At that point, that experiment could be passed off to
2 others in the field of firearms identification, or other
3 academia, to review and comment. They could use the
4 evidence and/or the cartridge cases and conduct their own
5 experiment with it and see if they arrive at those same
6 conclusions. If they do, then that theory has been proven
7 and considered reproducible and reliable.

8 Q And generally speaking in the applied sciences, is it
9 important that the tests be as accurate as possible, the
10 tests you're trying to reproduce in the lab?

11 A Yes, sir.

12 Q Is it important that it's reliable, meaning you can
13 rely on the procedures that you're implementing and the
14 results you're trying to obtain?

15 A Yes, sir.

16 Q And is it important that it's repeatable, meaning you
17 could repeat that same process, or your peer review
18 colleague could repeat the same process? Is that an
19 important component of this examination?

20 A Yes, sir. That would be an important component of the
21 scientific process.

22 Q In addition to all of those -- the scientific method
23 and the processes you just described, again, this field of
24 study, this applied science, it is -- is it also published
25 in journals and academia for peer review?

1 A Yes, sir, it is.

2 Q And are you familiar with some of the literature out
3 there, having reviewed it yourself?

4 A Yes, sir.

5 MR. FERNANDEZ: Beg the Court's indulgence.

6 (Break in proceedings.)

7 Q All right, Mr. Greer, thank you for answering my
8 questions. I do have a couple of other areas I would like
9 to ask you about, specifically relating to some of the
10 criticisms that was referenced in counsel's motion,
11 specifically two National Academy of Sciences reports, and
12 the -- what's been referred to as the PCAST report. Are
13 you familiar with those -- with those three areas?

14 A Yes, sir, I am.

15 Q Okay, great. I would like to ask you -- just go in
16 chronological order if that works for you, beginning with
17 the first National Academy of Sciences report in 2008, I
18 believe it was -- well, tell me. Are you familiar with
19 that study?

20 A Yes, sir, I am.

21 Q And do you recall generally what the study related to,
22 the title or the area -- field that they explored?

23 A The 2008 article from the NAS was an article by a
24 group of researchers dealing with ballistic imaging.

1 Q Okay. If you would -- and you have familiarized
2 yourself with that article -- with that report. Is that
3 correct?

4 A I am familiar with it.

5 Q What are some of the -- all right.

6 MR. FERNANDEZ: Well, Your Honor, at this point before
7 we go into the reports, having established the foundation
8 for his expertise, we do request that Mr. Greer be admitted
9 as an expert for purposes of the rest of this testimony in
10 the field of firearms examination.

11 THE COURT: Before the defense proceeds, do you have
12 some questions for him? Do you have voir dire for this
13 witness?

14 MR. GRIFFIN: Not on his qualifications, Your Honor.
15 For purposes of this hearing he is certified, I believe,
16 under AFTE. I don't have any questions on his
17 qualifications.

18 THE COURT: All right. He is so qualified.

19 MR. FERNANDEZ: Thank you, Your Honor.

20 DIRECT EXAMINATION

21 BY MR. FERNANDEZ:

22 Q Shifting back then, Mr. Greer, to the first NAS,
23 National Academy of Sciences, report, the test was
24 conducted on ballistic imaging technology, and was it
25 critical towards that field, the general gist of it?

1 A Yes, sir.

2 THE WITNESS: Your Honor, may I refer to my notes?

3 THE COURT: Yes, sir. We'll take about a 2 minute
4 break.

5 (A break was taken.)

6 Q Mr. Greer, I believe we were referring to the 2008
7 National Academies Report?

8 A Yes, sir.

9 Q Could you please outline some of criticisms that were
10 raised by that report?

11 A That report brought into question some of the
12 reproducibility of firearm-related tool marks, and whether
13 the additional research of the reproducing of those firearm
14 and tool marks should be done.

15 Q And as it stated, what the primary focus, or what area
16 was that focus of this 2008 report?

17 A The primary focus of that research were the
18 reproducibility of the firearm and tool -- excuse me, the
19 tool marks from firearms was conducted through the
20 ballistic imaging software. It did not take into the
21 account the human, such as I am, an examiner working on the
22 microscope looking at that with my eyes. I mean, it was
23 all on the ballistic imaging software.

24 Q And we're going to get into some of the -- some of the
25 opinions you might have on the report. But in general, is

1 it fair to say that the -- that the report focused on the
2 technical component of things and then declined to take
3 into account perhaps a full picture?

4 A Yes, sir. I believe it failed to take into the
5 account of, of the human in the process, looking at it with
6 their physical -- with their eyes on a physical microscope.

7 Q And in a vacuum, if one were to simply read the 2008
8 report without any context or understanding of the firearms
9 identification field in general, do you agree that it was a
10 fair or accurate reflection of your field?

11 A I feel that it could have included more of the human
12 interaction with the examination process, more in line with
13 what I am accustomed to doing at the SLED laboratory.

14 Q Okay. Do you feel that it was an accurate reflection
15 of what examiners do and the skills that they obtain and
16 utilize?

17 A An examiner goes through a rigorous training process,
18 extensive research during their training looking at many
19 microscopic comparisons. And they -- whether or not
20 they're issuing articles along -- throughout their career
21 to be peer reviewed in those journals, they are doing
22 research during that training process, comparing known
23 items to each other, and known non-matches, looking at the
24 difference in those. And I feel that this article, it
25 didn't take into the account of that human interaction

1 looking at that. The ballistic imaging technology may not
2 have accounted for that.

3 Q And just -- in how many -- do you know, or roughly how
4 many, how many exams or examinations or analyses have you
5 performed in the field of firearms identification?

6 A At this point in my career, I would say thousands of
7 comparisons.

8 Q All right, and concerning -- still on the 2008 report,
9 was there some -- did the issuers of the report have to
10 amend or issue corrections on the report in certain
11 instances?

12 A The 2008 report was not intended to cause any issues
13 with the admissibility of the firearm and tool mark
14 evidence and their -- its admissibility. There was a
15 statement from the -- Dr. John Roth, who was a member of
16 the study, who issued -- who had to address some of that
17 information in that the NAS report did not mean to cause
18 that situation to occur.

19 Q All right. Thank you, Mr. Greer. Shifting focus to
20 the second NAS -- we're calling it the NAS report -- that
21 was performed in 2009. Are you familiar with that report?

22 A Yes, sir, I am.

23 Q And have you had an opportunity to review it prior to
24 today?

25 A I am familiar with the report.

1 Q All right. Describe to us, if you would, what the
2 nature and the substance of that report was focused on, the
3 area that it was focused on.

4 A The report was generated, and it made thirteen
5 recommendations regarding forensic science. Six of those
6 recommendations related directly towards firearm and tool
7 mark, or AFTE, and those are the recommendations that I'm
8 more familiar with.

9 Q So -- and just to be clear, while the report issued
10 thirteen total recommendations, six would apply to your
11 applied science field of firearms identification.

12 A Yes, sir. Six of those directly relate to that.

13 Q Thank you. All right. If you would, let's walk
14 through -- of those six, let's walk through what the
15 recommendation was, and then I would like you to address
16 your analysis of that and what your agency does, you know,
17 as a response to that. So, beginning with the first
18 recommendation, was there a recommendation to establish
19 standard terminology?

20 A Yes, sir, there was.

21 Q Okay, and in general, that's what the NAS report kind
22 of touched on, what is -- how does SLED operate with all of
23 the certifications we've understood, how does SLED operate
24 as far as terminology?

25 A Yes, sir. At SLED we as firearms examiners utilize

1 the AFTE Glossary, which is a book of terms related to
2 firearm and tool mark identification. That glossary is
3 used by examiners all over the world, as AFTE, again, is an
4 international organization. And that glossary has been
5 available since, I believe, 1980, so it's constantly been
6 updated as needed, new terms included. But we've always
7 had that glossary to refer to. In addition, at SLED we
8 have certain procedures that we follow to use certain
9 terminology or abbreviations that standardize our, our
10 reporting or case file documentation.

11 Q What would be the second recommendation that the 2009
12 report issued that would relate to your field?

13 A The second recommendation dealt with establishing
14 quantifiable measures due to the reliability and accuracy
15 of the forensic analysis.

16 Q Okay, and if you would, just explain generally what
17 that means, what the recommendation was.

18 A Basically what they recommended was that the
19 reliability and accuracy of the forensic techniques should
20 reflect the practice on case scenarios. They should
21 establish the limits of reliability and accuracy in using
22 those analytical methods that can be expected to achieve
23 when looking at -- excuse me, to achieve as the conditions
24 of forensic evidence vary. There has been many articles
25 published throughout the history of firearm and tool mark

1 identification that address the reliability and accuracy of
2 our field ever since it really became popular in the early
3 1900s. They used that scientific approach, and since then
4 they've built upon that. Hundreds and hundreds of articles
5 discussing firearm and tool mark identification comparing
6 those fired cartridge cases, those bullets, the ammunition
7 components, in determining the reliability, there are
8 studies that address that using different scenarios, and
9 also help to provide some insight as to the reliability of
10 it.

11 Q And does SLED -- the two situations you mentioned, the
12 scientific method and that approach, as well as the
13 studies, articles, and peer review, is that -- are those
14 two areas that SLED has already incorporated into its field
15 of study?

16 A Yes, sir. Part of our peer review is part of our
17 process in order to complete a case at SLED.

18 Q All right. If you would, please, describe the third
19 recommendation from the 2009 report.

20 A The third recommendation was basically to -- in
21 summary, what they wanted was to establish protocols for
22 forensics examinations, methods, and practices.

23 Q All right, and how does SLED already address those
24 recommendations?

25 A Yes, sir. Again, we have those protocols set in place

1 in our firearms manual in which we are able to follow to
2 guide us through our examinations. We also fall under
3 those accrediting bodies of ANAB and ISO 17205 that guide
4 us in accordance with those international standards. And
5 that's how we've been -- we have met that standard, and
6 we've been fulfilling that.

7 Q And for purposes of just brevity and economy, all of
8 the protocols and standards we've established previously,
9 that would apply to this recommendation. Is that fair to
10 say?

11 A Yes, sir, in my opinion.

12 Q What would be the fourth recommendation from the 2009
13 report?

14 A One of the highlights from the fourth recommendation
15 was laboratory accreditation, and individual certification
16 of forensic science professionals should be mandatory, and
17 all forensics science professionals should have access to
18 the certification. Certification requirements should
19 include examinations, supervised practice, proficiency
20 testing, continuing education, and adherence to a code of
21 ethics, as well as other things. But that's a quick
22 summary of that recommendation.

23 Q All right, and would you please explain how SLED
24 operates within that recommendation?

25 A Again, the accreditation process, as we were just

1 reaccredited. Also after going through the extensive
2 training program, we are competency tested. We're given
3 those extensive practicals and terminology tests and essay
4 questions to complete. We're given those competency tests
5 to include the casework that represents an array of the
6 type of cases that we'll be working on. We have to
7 complete those and successfully pass that. We're also
8 proficiency tested each year. Each examiner is proficiency
9 tested in order to maintain and prove that you're
10 maintaining your competency. And we attend continuing
11 education as we are able to by participating in webinars,
12 attending the annual conference of AFTE, and so on. And
13 also the code of ethics, we sign that each year as
14 employees in the forensic services laboratory.

15 Q All right. Please describe, if you would, Mr. Greer,
16 the fifth recommendation from that report.

17 A Yes, sir. The fifth recommendation is a forensic
18 laboratory should establish routine quality assurance and
19 quality control procedures to ensure that accuracy of
20 forensic analysis in the work of forensic practitioners.

21 Q And describe how SLED already operates under that
22 suggestion or recommendation.

23 A Yes, sir. Again, the accreditation with ANAB, ISO
24 1705, adhering to that SLED quality manual, the peer review
25 process that our casework undergoes to make sure that it's

1 all reviewed 100 percent before issuing those conclusions
2 and those reports.

3 Q And finally, the sixth recommendation from that
4 report, would you please describe what it is and how SLED
5 already operates under it?

6 A Yes, sir. That was the code of ethics. The National
7 Institute of Forensic Science with its advisory board
8 should establish a national code of ethics for forensic
9 science disciplines. And we have the code of ethics that
10 we signed to guide us through for forensics in the
11 workplace.

12 Q All right. Thank you, Mr. Greer. The final study
13 that was referenced in counsel's motion is called the
14 PCAST, p-c-a-s-t, report, which was done about 2015 or
15 2016. Are you familiar with that report?

16 A Yes, sir.

17 Q All right. Could you please tell us a little bit
18 about that report, a kind of the overview of what
19 essentially it was, and what some of the findings were.

20 A Yes, sir. The PCAST report was a report that was
21 issued by the President's Counsel of Advisers on Science
22 and Technology. They issued a report entitled *Forensic*
23 *Science in Criminal Courts, Ensuring Scientific Validity of*
24 *Future Comparison Methods*. Basically this report -- and I
25 apologize -- challenged us as firearms examiners in a few

1 different methods, with some of the things that they
2 recommended for firearms and -- or found issue with in the
3 field of firearm and tool mark identification. I
4 apologize.

5 (Break in proceedings.)

6 A One of the issues that they noted was that firearms
7 analysis falls short of the criteria for foundational
8 validity because there is only a single appropriately
9 designed study to measure the reliability of firearm and
10 tool mark analysis. The other was that they had issue with
11 those studies and how they were designed. Another issue
12 was brought forth to firearm and tool mark examiners where
13 our -- the methods in which we arrive at our conclusions,
14 that is to include the subjective and objective measures
15 that we take to arrive at those conclusions.

16 Q Have there been criticisms in PCAST report?

17 A Yes, sir. There have been some criticism of that
18 report.

19 Q Have you reviewed some of the criticisms of that
20 report?

21 A I have.

22 Q Do you share in the -- in the -- do you agree with the
23 criticisms that you've reviewed?

24 A I am familiar with some of those criticisms, and I do,
25 as an examiner, agree with the responses by some of our

1 scientific groups in firearm and tool mark examining.

2 Q Could you share some of criticisms that were called --
3 that called the validity of that report into question since
4 its publication?

5 A Yes, sir. Part of the -- one of the things with the
6 PCAST report is the group of researches who compiled that
7 report, none of those researchers had any firearms
8 identification experience. I believe in referencing some
9 articles that none of those had even worked in a forensics
10 laboratory, and only two had claimed to have any
11 backgrounds in forensics. So, none of these people who
12 compiled that and issued those statements about firearm and
13 tool mark identification even claimed to have ever been in
14 a forensics laboratory, so that is one issue. As what we
15 do is very -- is very specific, and we go undergo lots of
16 years of training to arrive at becoming a competent
17 examiner.

18 Q Has AFTE Organization members, have they rendered
19 criticisms and responses to the PCAST report?

20 A Yes, sir, they have.

21 Q And are you also familiar with an organization -- the
22 organization o-s-a-c, OSAC?

23 A Yes, sir, I am familiar with that organization.

24 Q What is that organization?

25 A The OSAC is the Organization -- excuse me -- of

1 Scientific Area Committees. That is part of a committee
2 that each forensics discipline has a group in, and that is
3 a committee that's within NIST, which is a federal
4 scientific organization.

5 Q And you mentioned the committee NIST, that's n-I-s-t?

6 A Yes, sir.

7 Q And that's National Institute of Standards of
8 Technology?

9 A Yes, sir, I believe so.

10 Q And is your understanding that's a federal
11 organization as well?

12 A Yes, sir.

13 Q So, OSAC is under the umbrella of the NIST
14 organization?

15 A Yes, sir, that's correct.

16 MR. FERNANDEZ: Beg the Court's indulgence.

17 (Break in proceedings.)

18 MR. FERNANDEZ: That's all of questions I have, Your
19 Honor. Certainly happy to turn it over to defense counsel.

20 Mr. Greer, thank you.

21 THE WITNESS: Yes, sir.

22 THE COURT: Mr. Griffin.

23 MR. GRIFFIN: Thank you, Your Honor.

24 CROSS-EXAMINATION

25 BY MR. GRIFFIN:

1 Q Good afternoon, Mr. Greer.

2 A Good afternoon.

3 Q Or Agent Greer, I apologize. The -- you mentioned
4 that you had been qualified to testify as an expert in some
5 twenty-five cases in courtrooms like this?

6 A Yes, sir, I have.

7 Q And in this case, isn't it true that you -- there is
8 no weapon that you were able to test to see whether --
9 well, let me -- strike that. You were able to test a
10 weapon of the 300 Blackout type to see if that weapon's
11 shell casings and other -- I guess the bullet, if you will,
12 projectile, matched what was found at the crime scene. Is
13 that right?

14 A Yes, sir. I did receive fired cartridge cases and
15 projectiles to compare to the rifle.

16 Q And you used the methodology of the AFTE to perform
17 the test. Is that fair?

18 A Yes, sir, and also our SLED Firearm Department Manual,
19 which is a document that I would follow to conduct those
20 examinations.

21 Q And I believe that -- and that 300 Blackout that you
22 used was found in the gun room at the house of Moselle.
23 Were you aware of that?

24 A I am not sure of the location; I would have to check
25 the submission paperwork through the laboratory.

1 Q Okay. In any event, you were provided a firearm, Item
2 33, I think, in your report, and you test fired it and
3 compared it with what you provided that indicated it came
4 from the scene. Is that right?

5 A Yes, sir. May I refer to my report?

6 Q Oh, sure, absolutely.

7 THE WITNESS: Your Honor?

8 THE COURT: Yes, sir.

9 THE WITNESS: Thank you.

10 (Break in proceedings.)

11 MR. GRIFFIN: Your Honor, we'll just mark one as a
12 Court's Exhibit for Your Honor.

13 THE COURT: Okay.

14 MR. FERNANDEZ: No objection, Your Honor.

15 MR. GRIFFIN: And it is attached to our motion.

16 COURT REPORTER: Court's 1.

17 (FIREARMS REPORT MARKED AS COURT'S EXHIBIT NUMBER 1
18 WAS RECEIVED INTO EVIDENCE.)

19 Q And so, Agent Greer, I believe you have identified
20 Item 33 in your report as one Palmetto State Armory Model
21 PA-15 semiautomatic rifle 300 Blackout caliber. Is that
22 correct?

23 A Yes, sir.

24 Q And in your report, it said that this rifle was test
25 fired using the Item 34 magazine, and during the test

1 firing the first available cartridge in the magazine was
2 fed and chambered correctly, and that then you test fired
3 and extracted and ejected from the rifle. The -- what --
4 how were you able to, I guess, exclude, or maybe your
5 result was inconclusive, that Item 33 did not fire the --
6 did not extract and eject the spent cartridges found at the
7 scene in your analysis in Item 128 in the report?

8 A As far as the cartridge cases from the scene? Which
9 items are you referring to?

10 Q Well, the ones that were seized from the scene are
11 Items 2 through 7.

12 A Okay. Yes, sir. The results of the comparisons of
13 Items 2 through 7 in my report, when I compared those with
14 each other and test cartridge cases that I fired from that
15 Item 33 rifle, the results of those comparisons were
16 inconclusive. That means I am unable to determine whether
17 those items from fired by Item 33 or by another firearm
18 with similar characteristics.

19 Q And then you also -- it's my understanding you matched
20 up spent shell casings, Items 2 through 7, with other spent
21 shell cartridges or casings, specifically Items 35 through
22 37, 39, 108, 113, 116 and 17, and 122. And that's -- and
23 then you concluded -- what did you conclude with regard to
24 that analysis?

25 A Yes, sir. I concluded that matching individual

1 identifying characteristics were found in the mechanism
2 marks of Items 2 through 7, 35 through 37, 39, 108, 113,
3 116 through 117, and 122, to conclude that those items had
4 been loaded into, extracted, and ejected from the same
5 firearm at some previous time.

6 Q Now, it's clear that you did not have the firearm,
7 that you -- your opinion is was used to extract and eject
8 those cartridges.

9 A I'm able to determine that those cartridge cases had
10 matching mechanism marks listed there, but in comparisons
11 with the Item 33 rifle, I am unable to determine if they
12 had been fired by that rifle or not.

13 Q Okay, but let me ask you. What's your opinion with
14 regard to the spent shell cartridges Items 2 through 7 with
15 the other spent shell cartridges you identified?

16 A Which cartridge cases do you -- are you referring to?

17 Q 35 through 37, 39, 108, 113, 116 and 17, and 122.

18 A Oh, it's my opinion that those all had matching
19 mechanism marks. Another common term you may hear for that
20 is cycling. So, that means that those cartridge cases at
21 some point had been cycled through the same firearm at one
22 point in time. I was using the marks it made from those --
23 the exactor, the ejector, and other chamber marks, the load
24 marks, to make that identification. So, those cartridge
25 cases I am able to say have been cycled through the same

1 firearm at some point in time, but as a result of
2 comparisons with the -- with the Item 33 rifle with Items 2
3 through 7, those at the scene, the results of those
4 comparisons were inconclusive as having been fired by.

5 Q So I'm a little confused. You were saying that the --
6 well, let me ask you. How can you get ejector and
7 extractor marks -- well, from one firearm at a previous
8 time, can you do it without firing the bullet? Is that
9 what you're saying?

10 A Yes, sir. The cycling marks sometimes could occur
11 just from cycling through the firearm. For instance, if
12 you were to load a cartridge into a magazine, or cartridges
13 into a magazine, load that magazine into a firearm, and
14 chamber that unfired cartridge into the chamber of the gun
15 so it's in battery ready to fire, if you decided not to
16 fire that weapon, you may -- in this case it was a rifle --
17 , pull back on that bolt handle, and in case -- that
18 instance the fired -- the unfired cartridge would be
19 extracted from the chamber of that gun and ejected. There
20 can be marks left on an unfired cartridge due to that
21 process without having firing the cartridge.

22 Q So, what level of certainty do you have as to the fact
23 that, in your opinion, that Items 2 through 7 were loaded
24 into, extracted, and ejected from the same firearm at some
25 previous time as Items 35 through 37, 39, 108, 113, 116

1 through 17, and 122? What's your level of certainty?

2 A That is my conclusion. After I examined the evidence,
3 I arrived at that conclusion based on the years of
4 extensive training, looking at thousands of comparisons,
5 and basing that conclusion upon that. If I thought it
6 could have been a different answer there -- it could have
7 been inconclusive. But I was able to determine that the
8 agreement that I saw on those items was sufficient enough
9 to determine that they had been cycled through the same
10 firearm at some previous time.

11 Q Do you hold that opinion with a reasonable degree of
12 scientific certainty?

13 A It's my opinion that those had matching mechanism
14 marks.

15 Q Okay. Well, they have matching mechanisms marks, but
16 are you able to state with a reasonable degree of
17 scientific certainty that only one weapon in the entire
18 universe would have produced those matching marks?

19 A Based on all of the markings, and tool marks, and
20 cartridge case, and fired bullets that I've looked at in my
21 career -- I have examined and conducted thousands of
22 comparisons. I've participated in studies and competencies
23 that -- in which I look at things to determine if they were
24 fired by a particular firearm, and able to build a
25 foundation in which I can base my opinion. And it's my

1 opinion that based on that training, based on those studies
2 I participated in -- some of those included consecutively
3 rifle barrels, consecutively manufactured slides, and I
4 successfully passed those, that based on the information
5 there after I examined those cartridge cases for those
6 markings, it's my opinion that those items all have shared
7 matching mechanism marks and had been loaded into,
8 extracted, or ejected from the same firearm at some
9 previous time.

10 Q Are you aware of any studies that have ever been done
11 on the 300 Blackout?

12 A 300 Blackout is a newer caliber. I'm not aware at
13 this point in time. I'm sure there may have been research,
14 but I do not have research with me today on cartridge cases
15 of that caliber.

16 Q Are you familiar with how a 300 Blackout is
17 manufactured?

18 A With basic manufacturing processes, yes, sir, I
19 suppose so.

20 Q All right, and so -- and, in fact, some company or
21 gunsmith will assemble a 300 Blackout from component parts
22 using the various component parts that are mass produced.
23 Is that correct?

24 A Are we talking about component parts of the rifle?

25 Q Yes, sir.

1 A Different manufacturers choose to make or -- make
2 their parts, or they can have those supplied by other
3 vendors, yes, sir, I suppose so.

4 Q Do you know how the 300 -- well, do you know how any
5 of the 300 Blackouts that Mr. Murdaugh purchased for his
6 son Paul were manufactured, where they were purchased, how
7 they were assembled?

8 A I do not have information as to how they were
9 purchased or assembled.

10 Q Okay. Are you familiar with production lots, say
11 rifle barrels are produced in a production lot of mass
12 production?

13 A Yes, sir.

14 Q Okay, and are you familiar with any studies that have
15 concluded that, that projectiles fired through rifle
16 barrels produced in the same production lot have identical
17 markings?

18 A I am familiar with certain studies. Some of those I
19 participated in as part of my training that are known
20 around the United States and internationally that consisted
21 of the those consecutively rifled barrel. That means that
22 they were made by a tool at the same or approximate time in
23 the same state of wear. I've also done those studies with
24 cartridge cases, looking at the consecutively manufactured
25 breach faces. And we have as firearms examiners -- are

1 aware of those markings, and in those studies they're
2 conducted -- because in the firearm and tool mark
3 identification world, if you will, if we are expected to
4 see those carryover of those markings, we would expect to
5 see that on tools that are made -- or excuse me, on barrels
6 that are rifled consecutively, or those breech faces that
7 are manufactured consecutively because that's when that
8 tool is passing over that surface, one after another. And
9 I've conducted those studies, such as the brand TiN barrel
10 test, the Hemby breech face test, the Glock Evus barrels,
11 which all have consecutively manufactured items within in
12 them, and I was able to distinguish between those items in
13 looking at them under the microscope evaluating those
14 characteristics that are exhibited on those fired
15 components, and correctly identify and associate those with
16 the correct information.

17 Q And there we're talking about, I guess, what do you
18 call the inside of the barrel of a pistol or a rifle,
19 correct?

20 A Yes, sir. That would be the bore of the barrel.

21 Q The bore of the barrel. Are you familiar with any
22 studies with regard to what you relied upon here, which
23 would be extractor and ejector marks?

24 A Yes, sir. I -- there are studies that have shown the
25 reproducibility of those markings, and how firearms

1 examiners were able to distinguish between those
2 manufactured components.

3 Q And are you familiar with any studies of the
4 components parts that were used in 300 Blackouts?

5 A I'm sorry, can you repeat the question?

6 Q Are you familiar with any studies that were done on
7 the extractor and ejector component parts that are used in
8 a 300 Blackout assembly?

9 A I don't have any information with me today in regards
10 to the 300 Blackout. But all of those components are
11 machined in similar ways. They all have similar
12 manufacturing processes. And I have demonstrated
13 throughout my training that I was able to distinguish
14 between those consecutively manufactured parts. So, just
15 because it may be in a 300 Blackout, I may have done that
16 in something similar such as in those tests with the Ruger
17 pistol or the Glock pistol and was able to distinguish even
18 though they may share similar manufacturing techniques. I
19 don't have an article with me here today in regards
20 specific to that caliber. But based on my knowledge of the
21 manufacturing process and firearm and tool mark
22 identification, I would expect to be able to rely on that
23 information as being reliable to examine that caliber.

24 Q Now, as I understand it you examined the, I guess,
25 spent cartridges under microscope, and you compared Items 2

1 through 7 with the others to conclude they matched. Is
2 that correct?

3 A I was able to say that Items 2 through 7 had the
4 matching mechanism marks.

5 Q Now, what matching mechanism marks are you referring
6 to?

7 A Those would be marks that are from the ejector,
8 extractor that could include the marks or load marks that
9 we see on those -- on that type caliber ammunition.

10 Q And are those the only marks that you saw that
11 matched?

12 A Based on my examination, those are the marks that I
13 was able to conclude that matched. When I looked at the
14 totality of that cartridge, that fired cartridge case,
15 excuse me, to look at the firing pin or breach face marks,
16 I was unable to determine that -- if it was fired by the
17 Item 33 rifle, or by another rifle that was similar.

18 Q I understand. The mechanisms that you say matched,
19 how many points did -- did you conclude matched in order to
20 reach your opinion that this was, in fact, a match?

21 A I'm sorry, I don't understand the question.

22 Q When you compare tool marks, how many specific
23 markings on an item do you need to find that matched in
24 order to say that it's a match?

25 A Yes, sir. At SLED we use a process of pattern

1 matching, so in that pattern matching we are comparing the
2 surface contours of those tool marks to each other.

3 Pattern matching is the worldwide accepted method for
4 firearm and tool mark identification, so we're in line with
5 other laboratories that -- in forensic laboratories with
6 firearm and tool mark identification to conduct those
7 comparisons using that pattern matching method.

8 Q And how many marks make up a pattern at SLED?

9 A There is not a policy for counting those lines, as we
10 rely on the pattern matching method which is accepted
11 throughout our field.

12 Q So, you determine whether it's a pattern, or is there
13 a standard that you go to to measure to say, oh, there's
14 this, this, and this, so it meets the definition of a
15 pattern?

16 A Based on all of my training and experience looking at
17 those thousands of comparisons, looking at items in which I
18 know match, looking at the agreement that's seen there
19 between those two items, looking at items together that I
20 know are known non-matches, looking at any agreement that
21 may be there, of course, we would expect to see some
22 disagreement, in evaluating those characteristics
23 throughout the course of my training, looking at all of
24 those, I use that to base my opinion on that -- in regards
25 those Items 2 through 7 that they had matching mechanism

1 marks.

2 Q So, do I understand you correctly that there's no
3 standard that you rely upon to determine whether a pattern
4 exists?

5 A I use the pattern matching method based on the
6 extensive comparisons that I've conducted, looking at the
7 literature, participating in those studies in order to
8 determine that I can evaluate the difference between the
9 different characteristics that were exhibited on the items,
10 as well as the quality control procedures at SLED that help
11 to ensure that we're issuing a quality product in our
12 results.

13 Q So, you know it when you see it, but does someone
14 review above you to cross check to say whether he or she
15 agrees with your pattern analysis? Does that exist at
16 SLED?

17 A Yes, sir, absolutely. Every case that we work at SLED
18 to issue a conclusion is 100 percent micro verified. That
19 means I look at the evidence, I examine it under comparison
20 microscope, look at all of those characteristics and
21 features, and arrive at my conclusions whether things I'm
22 able to identify, or I say are inconclusive, or even
23 eliminate. I come up with those conclusions and write
24 those conclusions down.

25 It's at that time that another court qualified

1 examiner comes behind and reviews the evidence as well.
2 They look at all of the evidence on the microscope, compare
3 those features, as I have, independently and arrive at
4 their own conclusions. If we -- if he or she agrees with
5 my conclusions, they're able to sign off on those
6 conclusions, and the process of issuing that report is
7 continued. So, that's part of our quality control process
8 that each case undergoes.

9 And another component of that is once he or she agrees
10 or disagrees with that conclusion, the report will go --
11 undergo a technical administrative review, as well as the
12 case file, to ensure that quality product.

13 Q Does the reviewer, the he or she who reviews your
14 work, know of your conclusions before they review?

15 A No, sir. We have a blind verification process so
16 they're -- they do not know our results.

17 Q And who reviewed your work and the analysis in this
18 case that's Court's Exhibit Number 1?

19 A The reviewer for this case was Chad Smith.

20 Q And does his name appear on this report that I'm
21 overlooking?

22 A His name would not appear on the report as I'm the one
23 issuing the report. His name would be included in the case
24 file documenting his agreement with my conclusions.

25 Q Okay, and you're saying Mr. Smith would not have

1 available to him your conclusions before he looked at the
2 shell casings here.

3 A That's correct.

4 Q Can you say -- well, let me ask you. Have you ever
5 rendered an opinion in court that, that you have here today
6 that just looking at spent shell casings with -- without
7 having a firearm to test, that they came from the same
8 firearm?

9 A I believe I have, yes, sir.

10 Q More than once?

11 A I'm unable to, to recall about how many reports I've
12 issued based on those cycling marks. I believe I have
13 issued a report like that in the past where I was able to
14 look at those cartridge cases, and I don't remember the
15 details of the case where there was a gun involved or not.

16 Q So, I'm asking actually testified in a court of law,
17 not just issuing the report. Do you recall ever offering
18 testimony in a court of law that you have here today, that
19 just looking at spent shell casings on tool mechanisms,
20 that you've concluded that they were fired from the same
21 weapon?

22 A I've testified in court approximately twenty-five
23 times regarding my conclusions. In regards just to -- if
24 you're discussing mechanism marks, I would have to recall
25 and check a file. I don't know off the top of my head.

1 But I have testified in court approximately twenty-five
2 times to my conclusions that I've issued in a report in
3 regards to firearm and tool mark identification.

4 Q Earlier you were talking about reports. How many
5 times do you think you've ever issued a report where you
6 concluded just based upon your analysis of the spent shell
7 cartridges that the cartridges were loaded and extracted
8 from the same weapon at some previous time?

9 A I don't have that number with me today.

10 Q Is it -- is this an uncommon conclusion, or is this
11 something you do fairly regularly?

12 A It's not uncommon. Our ultimate goal in firearms is
13 to identify and eliminate. And in this case, I was unable
14 to identify several of those cartridge cases as I had that
15 inconclusive result. But in looking at the information,
16 those characteristics on that cartridge -- on those
17 cartridge cases, I was able to determine that conclusion
18 and look at those markings and the totality of those areas
19 around the cartridge case to say that those items had been
20 cycled through the firearm at some time.

21 Q Can you -- you said you were unable to match the spent
22 shell casings with Item 33. Is that correct?

23 A Yes, sir. Item 33 was the rifle.

24 Q And that was the rifle provided to you. Are you aware
25 that that rifle was purchased about the same time as

1 another rifle for his son Paul and that was stolen?

2 A I don't know the history of these rifles or how they
3 were recovered or obtained.

4 Q Can you -- is there any way for you to tell what year
5 rifle you're referring to in your report where you say
6 there's matching mechanism marks that were loaded into and
7 extracted from the same firearm? Can you tell if that was
8 a 2017 300 or '18? '19? '20?

9 A No, sir. I'm not able to date the firearm.

10 Q Now, you were asked about the various criticisms by
11 the NAS, and that's the National Academy of Science. Is
12 that correct?

13 A Yes, sir, that's correct.

14 Q And the criticisms in your field. And they were
15 specifically criticizing the organization to which you
16 adhere to, this the Association of Firearm and Tool Mark
17 Examiners, correct?

18 A Our organization issued a response in to -- to those
19 articles, yes, sir.

20 Q Okay, and you said that SLED continued on. And did
21 they make any adjustments? Of course, this was before you
22 became a -- the 2009 report was issued before you started
23 at SLED in your capacity. Is that correct?

24 A Yes, sir. I was hired on at SLED in 2014, so I'm
25 unaware, you know, the past of what may have been

1 completed. And I wasn't with -- I was signed off to
2 complete -- or, excuse me, to conduct firearms examinations
3 in approximately 2017, I believe.

4 Q And there was the report issued by the President's
5 Council of Advisers of Science and Technology in 2016, and
6 you testified about that, correct?

7 A Yes, sir.

8 Q And I think you've cited the language that we've
9 included, that the firearm analysis field still falls short
10 of scientific criteria for foundation -- foundational
11 validity. Is that right? That's their criticism?

12 A Yes, sir, I believe that was their criticism.

13 Q And one specific criticisms was that the AFTE's theory
14 of identification that tool -- two tool marks have a common
15 origin when their firearms are in sufficient agreement is
16 circular, that the AFTE declares an examiner may state that
17 two tool marks have a common origin when their features are
18 in sufficient agreement. Then defines sufficient agreement
19 as occurring when the examiner considers it a practical
20 impossibility that tool marks have different origins.
21 Isn't that what you have done in this case?

22 A I have applied the AFTE theory of identification to my
23 identification process. However, that AFTE theory as
24 presented by the PCAST doesn't take into effect the full
25 entire theory. They make it sound -- seem that circular

1 way when, in fact, the sufficient agreement threshold that
2 we're looking for as examiners is exhibited, again, when we
3 are looking at those items and those tool marks so that the
4 amount of agreement is greater than our best known matches
5 that we've ever seen in literature, in our studies based on
6 peer review and in another methods, that the agreement is
7 greater than what's seen in the best known non-matches in a
8 consistent agreement with that what's seen in known
9 matches. And to help us arrive at that, we're looking at
10 the significance of that. We're looking at the individual
11 peaks, and ridges, and furrows of those tool marks in those
12 surface contours. We're looking at the relationship of
13 those lines to each other from tool mark to tool mark, and
14 how they compare with each other, looking at the width, and
15 the depth, and the curvature of those lines in order to
16 determine and help us in our process of identification.
17 So, there's a little more to the theory than maybe what was
18 presented by the PCAST report.

19 Q The -- another criticism that we've cited is that your
20 field relies on training and experience and uniqueness in
21 lieu of empirical demonstration of accuracy. Isn't that
22 what you happened here? You use your training and
23 experience, and there's no objective standard for measuring
24 against whether there's a pattern or not. Is that fair?

25 A There are we do use our training and experience, that

1 is correct. We rely on those years of looking at those
2 comparisons and conducting those examinations, and building
3 up that process about -- to identification. It's
4 important, I think, to know that firearm and tool mark
5 identification is -- it may be an applied science,
6 something kind of like medicine or engineering, where there
7 is a lot of book work that may be involved. But a lot of
8 the learning may be more hands on, and it may require
9 training to become proficient, kind of like a residency for
10 a physician. There's nowhere where you can just learn to
11 do this and start tomorrow. There's a lot of training that
12 goes on, hands-on training in looking at that much like
13 those other disciplines, like an engineer or a physician,
14 who -- they don't just finish school. They have to go
15 through a process to learn and help hone their skill. And
16 during that time, it helps us to learn and understand the
17 differences in those microscopic comparisons between tool
18 marks.

19 Q So, would you agree that there's somewhat of an art to
20 your field?

21 A Yes, sir. There could be -- could be considered that
22 way as an applied science. There is a little bit of an art
23 to what we do. We use different lighting to look at these
24 marks. We look at different -- at these items, these
25 projectiles, these fired cartridge cases at different

1 angles in order to look at them on a comparison microscope
2 where we're able to see under high magnification the
3 details within these tool marks, those individual peaks and
4 ridges and furrows in order to base our identification on,
5 all the while -- the while we are -- there are some
6 objective standards that we're meeting in order to get to
7 that point of an identification. We use measurements of
8 the items, looking at it, counting lands and grooves to
9 make sure that as we're going up in our identification
10 process we're kind of like climbing the ladder. Certain
11 characteristics have to agree in order to continue on that
12 process to an identification.

13 So, in short, firearms -- the identification portion
14 is subjective in nature, but it's based on the applied
15 science and some objectivity that we're able to derive in
16 order to determine those conclusions.

17 Q Two other questions for you. One, if, if you have the
18 opportunity between now and when you testify, will you
19 research to see if you can find any studies where 300
20 Blackout tool marks have been tested to determine whether
21 one 300 Blackout produces tool mechanisms unique to every
22 other 300 Blackout in the world? Do you mind doing that?

23 A Yes, sir, I will look into the literature. Again,
24 based on firearm and tool mark identification, there's been
25 hundreds and hundreds of studies throughout the years that

1 demonstrate the reliability of our field and produce those
2 error rates to help us go by that we can fall under. And
3 so knowing the machine and manufacturing process of some of
4 those components, we can't possibly look at every firearm
5 in the world to compare that to. However, knowing how
6 those guns are machined, and taking that information and
7 applying it to the different components and different
8 firearms, those techniques would carry over based on the
9 literature that's been proven, yes, sir.

10 Q I'm asking about 300 Blackouts, but if you want to do
11 AR15s, that's okay.

12 A Yes, sir.

13 Q And then if you don't mind checking your files to see
14 how many times you've issued reports where you just have
15 shell casings and you've concluded that one single weapon
16 was responsible for extracting and ejecting the shell
17 casings?

18 A Yes, sir. I'll see if I can gather that information.

19 Q All right.

20 MR. GRIFFIN: Thank you, Your Honor.

21 THE COURT: Any redirect?

22 MR. FERNANDEZ: Nothing from the State, Your Honor.

23 THE COURT: All right. Thank you, sir.

24 THE WITNESS: Thank you, Judge.

25 (The witness exited the stand.)

1 THE COURT: Any further witnesses on this issue?

2 MR. WATERS: None from the State unless we need a
3 rebuttal witness.

4 THE COURT: Anything from the defense?

5 MR. GRIFFIN: No, Your Honor.

6 THE COURT: Any argument?

7 MR. WATERS: Yes, sir, Your Honor. I believe from
8 Mr. Greer's testimony, Agent Greer's testimony, he's more
9 than established the various factors in the *Council* test.
10 I would like to start at factor two, and that has been
11 previously applied in similar situations. And again, as
12 Agent Greer testified, that, of course, firearm and tool
13 mark examination has been done in thousands and thousands
14 and thousands, probably millions of cases all over the
15 world for -- since the turn of the past century, the 19th
16 Century, so I think that factor is very well established.

17 The next factor, of course, is the methodology has
18 been published and subject to peer review. You've heard
19 testimony and, of course, the general experience in the
20 courts of how that there have been plenty of studies done
21 and subjected them to peer review. You heard about many
22 studies that have been done in various journals, including
23 the *Journal of Forensic Sciences*.

24 You've heard about the accreditation process, which
25 also goes into factor three, which is quality control

1 procedures, that includes a very rigorous accreditation
2 from ANAB and that sort of thing, which also requires peer
3 review. And then you've heard about the specific quality
4 control procedures at SLED where they have a specific set
5 of procedures that must be used in order for these tests to
6 be conducted.

7 Finally you, of course, heard at SLED about blind
8 review by another examiner who looks at those without
9 knowing the original examiner's conclusions, who then peer
10 reviews those particular results and determines whether or
11 not -- or comes to the same or other conclusions, or if not
12 then obviously there's a problem, but there's not any such
13 problem here.

14 If we look at the particular qualifications of
15 Mr. Greer, and just generally firearms and tool marks in
16 general, he talked about the fact that they have to go
17 through a competency test and proficiency test. And one of
18 the things that he talked about, if you look at whether or
19 not something is repeatable or reproducible, which goes to
20 factor one, which, of course, is the scientific
21 methodology, is he talked about participating in
22 consecutive rifle -- rifling studies. And so why that's
23 important, Your Honor, because that's an ultimate test of
24 the reliability of this technique because you have firearms
25 that have been consecutively manufactured, meaning that

1 there has not been that much time for there to be wear with
2 the manufactured components between those various barrels.
3 And the test to the examiner, the study to the examiner is
4 can you still distinguish even though those rifle barrels
5 were made one after another?

6 And you heard Agent Greer testify that he participated
7 in those studies and various ones, and he was able to
8 successfully distinguish between the various barrels even
9 though they were consecutively manufactured. That's
10 obviously excellent evidence of the reliability of the
11 methodology and its consistency with recognized laws and
12 procedures.

13 This is an applied science, but you heard Agent Greer:
14 it's a highly recognized one, it's one of longstanding.
15 And you heard Agent Greer testify that it's much like
16 medicine and engineering. The fact that it's an applied
17 science does not make it not a science.

18 Agent Greer testified in great detail about much of
19 the criticisms that were in the NAS report and the PCAST
20 report that are cited in the defense motion. And he
21 identified -- going through, for example, with the NAS
22 report, one of the things that he pointed out was that
23 there was a lot of criticism throughout that report. And,
24 Your Honor, in our brief, which I know we filed this
25 morning in response to defense motion from yesterday, so I

1 don't know if you've had a chance to review it, but we've
2 cited case after case after case that identified the
3 problems and the representations of that report.

4 But you heard from him the problem with that report
5 was that it was using ballistic imaging software, and that
6 there was a lot of criticism as to its findings, to the
7 point where one of the authors of the report, Dr. -- I'm
8 sorry if I don't remember his name, but you heard testimony
9 from Agent Greer about that, that he actually issued a
10 reputation, saying, hey, we didn't mean for this report to
11 undermine or challenge the admissibility of firearms and
12 tool marks identification. So, that addresses the NAS
13 report.

14 With the PCAST report, there were six recommendations
15 that specifically related to tool marks and firearms
16 identification. And you've heard from Agent Greer about
17 how those various recommendations were either already
18 addressed or have been addressed, and how there's continued
19 studies about the accuracy, such as the consecutive barrel
20 test and all the rest of it. And additionally you heard
21 from Agent Greer that in looking at the criticisms of the
22 PCAST report, which again, you look at the cases we've
23 cited that's been rejected by the FBI, it has been rejected
24 by the Attorney General of the United States, as well as
25 Association of Firearms and Tool Examiners, for a number

1 reasons. But some of the ones you just heard testimony
2 about, including his opinion that those criticisms were
3 valid, were that none of the people involved in that had
4 firearms and tool arm -- tool examination experience. That
5 most of them are, if not all of them, had never even worked
6 at a forensic lab. And, of course, ultimately you heard
7 that they did not take into account the full theory of
8 identification, which is the basis for this particular
9 science.

10 There was certainly some cross-examination about 300
11 Blackout and that sort of thing, but you heard from Agent
12 Greer that 300 Blackout is -- the ammunition is made from
13 common components, and with the -- he mentioned also the
14 AR15. We are talking about matching, whether or not a
15 particular round was cycled through a weapon. Well, the
16 receivers in these weapons, again, there is a standard
17 component process to do that. So, there still is
18 recognized studies there. And it doesn't change the fact
19 that a 300 Blackout is a commonly -- is manufactured from
20 commonly made components much like 223 or other rounds,
21 there's nothing fundamentally different about that.

22 Your Honor, if you look at all of those various
23 factors for the *Council* hearing, I believe that they're all
24 established in great degree, and I think ultimately what
25 we've heard today is the fundamental aspect of weight, not

1 admissibility. Certainly the defense can cross-examine,
2 they can raise these issues, they can raise criticisms of
3 the science, but it's been more than established, we would
4 submit, for admissibility into this trial. Thank you, Your
5 Honor.

6 THE COURT: By the defense?

7 MR. GRIFFIN: Yes, Your Honor. The standard for
8 admissibility of expert opinion is the expert has to hold
9 the opinion with a reasonable degree of scientific
10 certainty, whatever the field is. Mr. Greer, Agent Greer,
11 was unable to testify, and he would not testify that he
12 held his opinion to a reasonable degree of certainty. And
13 he had to concede that there are no studies to support his
14 opinion that even AR15 or 300 Blackout, the mechanisms that
15 he relied upon, that they were unique, uniqueness. And so
16 those are the -- you know, the case law that we relied
17 upon, you know, addresses that, particularly when it gets
18 to the level of certainty of the expert to say it came from
19 this particular weapon. The cases that we cited in our
20 brief reject that.

21 I know there's some contrary law cited by the state,
22 but the basis of his opinion here is simply his experience
23 as explained by Mr. Waters of testing rifle bores and
24 handgun bores. And we are not talking about markings on a
25 projectile that went through a rifle or a handgun bore.

1 We're talking about ejector marks for when a bullet or a
2 shell casing is ejected from a weapon, and that is a bridge
3 too far. Thank you.

4 THE COURT: I find that the State has met the
5 requirement of admissibility under Rule 702 and 703 of the
6 South Carolina Rules of Evidence, as well as under *State v.*
7 *Council*. I find that the evidence proposed will assist the
8 jury in understanding an issue in the case. The witness is
9 well qualified, and that the underlying science is
10 reliable. The matters at issue involving this witness will
11 be matters for cross-examination and for the jury to
12 determine its weight.

13 Although the witness did not state that specifically
14 he holds this opinion to a reasonable degree of scientific
15 certainty, our courts have thoroughly held in numerous
16 cases that there are no magic words that are necessary for
17 an understanding as to the opinion and the level of
18 certainty that a witness has in offering an opinion. So,
19 the witness was firm in his opinion based on his years of
20 experience and training, and I find that the findings
21 indicated in State's -- Court's Exhibit Number 1 is
22 admissible.

23 MR. WATERS: Thank you, Your Honor.

24 MR. GRIFFIN: Your Honor, can we ask that the State
25 produce the reviewer's report if it exists? The expert

1 testified that there was a blind review and that it matched
2 his, and we would ask that -- it would fall under Rule 5 as
3 results of a test.

4 THE COURT: What says the State?

5 MR. WATERS: Your Honor, we've produced the entire
6 case notes and case fil. I will doublecheck with the
7 agents and if there is something else, we would certainly
8 be happy to make that available.

9 THE COURT: Well, the witness said he -- that it would
10 be indicated in the reviewer's report, I think he said
11 that, and so --

12 MR. WATERS: I think it should be in the case notes
13 that have already been provided, but we will doublecheck,
14 and if there's something that hasn't been provided, I will
15 be surprised if that's the case, but we'll certainly
16 rectify that if that's the case.

17 THE COURT: All right. Anything else today?

18 MR. WATERS: Nothing from the State, Your Honor.

19 MR. HARPOOTLIAN: Nothing, Your Honor. We would like
20 to discuss the schedule for in the morning, the logics.

21 THE COURT: Okay. Go right ahead.

22 MR. HARPOOTLIAN: So, what -- do we need to be here
23 before 11:00?

24 THE COURT: Well, the jury is due in at 11:00. Any
25 other matters you all want to take up before 11:00?

1 MR. WATERS: I think we've resolved everything right
2 now. Now, this is obviously a big trial and a fluid
3 situation, but I would say that we could show up for
4 selection -- I'm not aware of anything right now that we
5 need to address, Your Honor.

6 THE COURT: Sir?

7 MR. WATERS: I'm not aware of anything right now that
8 we need to address prior to the jury being here.

9 MR. HARPOOTLIAN: Beg the Court's indulgence.

10 (Break in proceedings.)

11 MR. HARPOOTLIAN: I don't think we have anything to
12 deal with before 11:00 tomorrow morning.

13 THE COURT: When the jury arrives at 11:00, the clerk
14 will have to go through this process of scanning them in
15 order to compile a list for us. I'm not sure how long that
16 process will take.

17 How long do you think it will?

18 THE CLERK: We have asked them to be here by 10:45.
19 If that happens, we should be ready to go by 11:00.

20 MR. HARPOOTLIAN: I'm sorry, I didn't hear her.

21 THE COURT: She said that if the jurors are timely in
22 getting here by 10:45 as she requested them, they should
23 have them scanned and the list prepared by 11:00. So,
24 we'll see you all tomorrow at 11:00. Court will be in
25 recess until 11:00.

1 MR. WATERS: Thank you, Your Honor.

2 MR. HARPOOTLIAN: Thank you, Your Honor.

3 (Whereupon, the case was at ease.)

4 *WEDNESDAY, JANUARY 25, 2023*

5 (Court resumed at 11:00 a.m.)

6 THE COURT: Good morning. Welcome back, ladies and
7 gentlemen. I'm going to have the Clerk do the roll call
8 and check who is here, and we have a few jurors we need to
9 have a discussion with.

10 THE CLERK: Good morning again. When I call your
11 juror number, if you would stand and say present and then
12 have a seat, and I'll proceed to the next number. Thank
13 you.

14 (Whereupon, the Clerk called the roll.)

15 THE COURT: If Juror 249 would come forward, please,
16 along with counsel. Juror 249, Juror 650, and Juror 729,
17 349, 650, and 729, if you will.

18 (At this time, individual voir dire was conducted with
19 the following jurors outside of the presence of the other
20 jurors.)

21 (The juror entered the room.)

22 THE COURT: Got a call or you called or someone called
23 saying you may have a conflict of interest.

24 THE JUROR: Yes, sir. I'm on short-term disability
25 for surgery that I had in the end of November, and my end

1 date for the disability runs out on February 9th. I tried
2 to get that extended so I could participate in this
3 process, but they will not extend it. I have to go to the
4 doctor on the 7th to get a release so they can extend it.

5 THE COURT: So, did you use the term conflict of
6 interest or someone just wrote that down? Did you tell --
7 you called in?

8 THE JUROR: No, sir, I told the bailiff.

9 THE COURT: That you have -- what did you tell him?

10 THE JUROR: I told him that I might have a conflict of
11 interest, that I wouldn't be able to participate in the
12 trial.

13 THE COURT: Okay. That's her conflict of interest.
14 She's unavailable.

15 MR. HARPOOTLIAN: No objection.

16 MR. WATERS: No objection, Your Honor.

17 THE COURT: We'll excuse you. Thank you for coming.

18 THE JUROR: Thank you, sir. Sorry for the late
19 notice.

20 (End of voir dire with this juror.)

21 THE COURT: Next one is 650.

22 (Juror Number 650 entered the room.)

23 THE COURT: All right. Hello. Step right in. Hands
24 out of your pocket, please. All right, and where do you
25 work?

1 THE JUROR: At Summerville Medical Center.

2 THE COURT: Center? And have you had any discussions
3 with people at your job concerning this case?

4 THE JUROR: This case?

5 THE COURT: This case, yeah.

6 THE JUROR: Just about the whole thing in general.

7 THE COURT: Yeah, this case.

8 THE JUROR: Yes.

9 THE COURT: And what discussion did you have with
10 them?

11 THE JUROR: People have just been talking about what's
12 going on.

13 THE COURT: And since you've been here the other day?

14 THE JUROR: Since I've been here?

15 THE COURT: Yes, ma'am.

16 THE JUROR: Yeah.

17 THE COURT: So, what discussion did you have at your
18 job concerning the case?

19 THE JUROR: I just talked to a couple of people that I
20 know about just what was the -- these questions that were
21 being asked.

22 THE COURT: Okay, and can you be more specific? What
23 were you telling them? Were you telling them what's going
24 on? Telling them what you think?

25 THE JUROR: No, just questions that were asked.

1 THE COURT: About the questions that the Judge asked
2 you?

3 THE JUROR: Right.

4 THE COURT: Okay, and the questions by State?

5 MR. WATERS: What was your number, again, ma'am?

6 THE JUROR: 650.

7 MR. WATERS: The reason why we're just having this,
8 again, it always boils down to whether or not somebody can
9 be fair and impartial --

10 THE JUROR: Right.

11 MR. WATERS: -- and put everything on the side and be
12 fair and impartial. The other aspect of is this, during
13 the trial, because you need to base your decision solely in
14 the evidence in the courtroom --

15 THE JUROR: Right.

16 MR. WATERS: -- is not watch any media, not talk to
17 anybody about it and that sort of thing, and I think the
18 judge is going to give a very specific instruction about
19 that. Are those things that you can honor and be a fair
20 and impartial juror?

21 THE JUROR: I think so.

22 MR. WATERS: All right. Thank you.

23 THE COURT: Are you hesitating?

24 THE JUROR: I'm sorry?

25 THE COURT: Are you hesitating when you say you think

1 so? You can be honest with us.

2 THE JUROR: Right.

3 THE COURT: That's your job to be honest with us.

4 THE JUROR: Right.

5 THE COURT: What's on your mind?

6 THE JUROR: I believe that I could not talk about it.

7 THE COURT: Okay, and you believe you can be a fair
8 and impartial juror?

9 THE JUROR: I think so. I mean, I haven't -- I
10 believe that everybody has their opinions about everything,
11 but you can't really say what's true and what's not true
12 until you have all of the information.

13 THE COURT: All right.

14 MR. HARPOOTLIAN: Could I ask a couple of questions?

15 THE COURT: Sure.

16 MR. HARPOOTLIAN: So, did you send this note back to
17 the this Court, this yellow -- or did you say something to
18 somebody that prompted that note? Is that from a bailiff
19 or is that from her?

20 LAW CLERK: That was from the clerk. That one page is
21 from the clerk.

22 THE COURT: From the clerk.

23 MR. HARPOOTLIAN: It says Summerville, said she -- I'm
24 sorry, Your Honor -- she is going around --

25 THE COURT: Someone from your job called saying that

1 you were going around telling people you're in the jury
2 pool. Is that right?

3 THE JUROR: Well, I didn't know that you're not
4 supposed to tell people that. I mean, my job knows that
5 I'm here.

6 THE COURT: Yeah, I'm just --

7 THE JUROR: So, I don't know what I'm supposed to do
8 about that.

9 THE COURT: You're not being accused of doing anything
10 wrong. We're just trying to find out.

11 THE JUROR: Well, I mean, yeah, my job knows that I'm
12 here and everybody is assuming, I'm sure.

13 THE COURT: That you're on jury duty?

14 THE JUROR: Right.

15 MR. HARPOOTLIAN: Let me take this one step further.
16 When you were asked by the judge, or all of y'all were
17 asked if you had formed an opinion on the case, did you
18 stand saying you had an opinion?

19 THE JUROR: No.

20 MR. HARPOOTLIAN: Okay. So, you don't have a firm
21 opinion.

22 THE JUROR: Right.

23 MR. HARPOOTLIAN: You -- and whatever opinion you have
24 is based on what you've read or heard in the media --

25 THE JUROR: Right, exactly.

1 MR. HARPOOTLIAN: -- or websites, whatever?

2 THE JUROR: Yeah.

3 MR. HARPOOTLIAN: But you could -- you're telling the
4 judge and the government that you could put whatever you've
5 heard away when you get seated on the jury and base
6 whatever decision you have to make in this case on what you
7 hear in that courtroom, and any physical evidence that's
8 introduced. Is that right?

9 THE JUROR: Yeah, I think so. I mean, I think that
10 I'm just, like, really overwhelmed by all of this. I mean,
11 this is huge.

12 MR. HARPOOTLIAN: It is.

13 THE JUROR: And I have, like, terrible anxiety about
14 it, so maybe that's why I talked about it, but --

15 MR. HARPOOTLIAN: But it is -- you appreciate the fact
16 you have a huge responsibility here.

17 THE JUROR: Yes, it is, and that's how I feel about
18 it. Like, I'm, like, scared shitless, to be honest.

19 MR. HARPOOTLIAN: So are the rest of us, if that makes
20 a difference.

21 No objection.

22 THE COURT: Any objection by the State?

23 MR. WATERS: No objection.

24 MR. HARPOOTLIAN: Mr. Murdaugh does not object to her.

25 THE COURT: We just needed to ask you this since

1 someone called and --

2 THE JUROR: Right.

3 THE COURT: And you're not to discuss the case with
4 anyone, as I indicated earlier.

5 THE JUROR: Okay.

6 THE COURT: Thank you.

7 MR. HARPOOTLIAN: And she's not going to go try to
8 find out who called and ratted her out.

9 THE COURT: No, nobody mentioned who called. And you
10 don't need to discuss with the other jurors why you came
11 back here.

12 THE JUROR: Okay. No problem.

13 MR. HARPOOTLIAN: Thank you, ma'am.

14 (End of voir dire with this juror.)

15 (The juror entered the room.)

16 THE COURT: Hey, how are you doing?

17 THE JUROR: How are you doing, sir?

18 THE COURT: All right. Someone gave me your number
19 that you needed to come back here and talk.

20 THE JUROR: Yeah. I apologize to everybody for
21 bringing this up late. I was under the assumption that I
22 would be able to make my payments on my child support, but
23 if this goes for an extended period of time, longer than
24 two or three weeks, I won't be able to obligate my child
25 support payments, and that would put me in a lot of hot

1 water with the Massachusetts court system.

2 THE COURT: You're paying child support in
3 Massachusetts?

4 THE JUROR: Yes, sir. I pay \$380 a week.

5 THE COURT: How long can you afford to be here?

6 THE JUROR: The way that I've done the math on it,
7 about the three weeks.

8 THE COURT: All right. Well, that's the estimated
9 time so far that this case is estimated to go.

10 THE JUROR: Okay.

11 THE COURT: You're good for three weeks?

12 THE JUROR: It's right at the limit, but yes, I can
13 pull three weeks.

14 THE COURT: All right. Questions by the State?

15 MR. WATERS: No questions, but we appreciate you
16 bringing that to our attention.

17 And this juror is acceptable to the State.

18 MR. HARPOOTLIAN: Your Honor, again, I want to thank
19 the juror for bringing that to our attention, and
20 Mr. Murdaugh would love for him to be qualified.

21 THE COURT: All right. Well, thank you. We'll --
22 it'll be my job to keep it moving, so hopefully three weeks
23 will be fine.

24 THE JUROR: All right. Well, I appreciate your time.
25 Again, I apologize for the late.

1 THE COURT: No problem. Thank you.

2 (End of voir dire with this juror.)

3 (The juror entered the room.)

4 THE COURT: How are you doing?

5 THE JUROR: Not good.

6 THE COURT: Okay. What's going on?

7 THE JUROR: I started getting sick yesterday right
8 after lunch. I can't keep nothing down, can't stay out of
9 the bathroom.

10 THE COURT: And you don't know what you have?

11 THE JUROR: No, sir.

12 THE COURT: If it's Covid, we're standing back from
13 you. You don't know what it is?

14 MR. HARPOOTLIAN: No objection, Your Honor.

15 THE COURT: All right. We'll let you go then. Thank
16 you very much.

17 THE JUROR: Thank you, sir.

18 (All parties returned to the courtroom.)

19 (Roll call by the Clerk.)

20 THE COURT: Ladies and gentlemen, welcome back, and we
21 have all of you back this morning, and out of the number of
22 you that are here, we're going to whittle the number down
23 to eighty, and then we will further inquire and then
24 prepare to select a jury from that group. I want to --
25 want to know now, however, whether there are any jurors out

1 there who believe that you cannot serve for whatever
2 reason. If you believe you cannot serve, please stand.

3 All right, ma'am, tell me your juror number.

4 THE JUROR: 294.

5 THE COURT: 294. All right. We'll talk to you in
6 just a moment.

7 Anyone else with a problem serving on this jury?

8 Yes, ma'am?

9 THE JUROR: 58.

10 THE COURT: Juror number 58.

11 THE JUROR: 367.

12 THE COURT: Say again?

13 THE JUROR: 367.

14 THE COURT: 367? All right.

15 THE JUROR: 282.

16 THE COURT: 282.

17 THE JUROR: 396.

18 THE COURT: 396. All right. We'll speak to all of
19 you in a moment.

20 Are there any jurors who today are experiencing any
21 Covid related symptoms such as shortness of breath, any
22 other physical problems that might indicate that you may
23 have Covid, or may have been exposed to someone with Covid?

24 Yes, ma'am, tell me your juror number.

25 THE JUROR: 202.

1 THE COURT: 202, and are you currently experiencing
2 problems, or you believe or you have been in contact with
3 someone who's having problems?

4 THE JUROR: I have a cough.

5 THE COURT: All right, number 202, and you believe
6 that might be Covid related possibly?

7 THE JUROR: I don't think so.

8 THE COURT: Do you believe that you're available to
9 serve or that we should let you go?

10 THE JUROR: I think I will be available.

11 THE COURT: All right. Thank you.

12 Has anyone else been exposed to anyone who was
13 diagnosed with Covid, or you think might have it?

14 Madame Clerk, you can -- we'll talk to those jurors,
15 but you can get a list of eighty.

16 THE CLERK: Sure.

17 THE COURT: All right. We'll be at ease while we
18 speak with number 294, 58, 367.

19 (At this time, individual voir dire was conducted with
20 the following jurors outside of the presence of the other
21 jurors.)

22 MR. HARPOOTLIAN: Judge, before we bring that first
23 one back, the young lady who was having -- thought she
24 might have Covid symptoms, if she does and spreads it to
25 the rest of the jury panel, let alone the jury, I just, in

1 an abundance of caution, I ask she be excused.

2 MR. WATERS: I think she's just got a cough. As soon
3 as Dick said that to me walking in, I think Jim Griffin
4 coughed so maybe he should be excused, too.

5 MR. HARPOOTLIAN: That's fine.

6 THE COURT: She stood for a reason in response to the
7 question.

8 MR. HARPOOTLIAN: It makes me nervous.

9 THE COURT: We can bring her here and have her stand
10 over there, or I'm not sure how to do it.

11 Bring the first one in, number 294.

12 (Juror Number 294 entered the room.)

13 THE COURT: Come on, young lady.

14 THE JUROR: Stand right here?

15 THE COURT: Yes, ma'am. What's on your mind?

16 THE JUROR: I have school and I didn't know this was
17 going to be time consuming. I would have wanted to do it,
18 but I have a lot of work that I need to get done.

19 THE COURT: What kind of school do you have?

20 THE JUROR: Pursuing nursing.

21 THE COURT: All right, and when do you go to school?

22 THE JUROR: It's online right now but it's, like, a
23 lot of content.

24 THE COURT: How many hours a week? Every day? 2 or 3
25 hours a day?

1 THE JUROR: There's something to do every day, yeah.

2 THE COURT: All right. You don't believe you have
3 time to be on the jury?

4 THE JUROR: No. Is if, like -- I don't really know
5 how it's going to, like, go. So, like --

6 THE COURT: We'll be here all day for about two or
7 three weeks or so.

8 THE JUROR: Yeah.

9 THE COURT: You can't do it.

10 All right, by the State?

11 MR. WATERS: Obviously jury service can be a big
12 imposition. It's something that citizens, you know, have
13 to do. I think Winston Churchill said it's the highest
14 public service next to military service. But you just
15 think it would be too much of an imposition to serve in
16 that capacity?

17 THE JUROR: Yeah.

18 THE COURT: We would love to have you if you could do
19 it.

20 THE JUROR: Yeah. I think I better --

21 THE COURT: Have you been thinking hard about it since
22 you were here the other day?

23 THE JUROR: Yeah. I was going to stay, but, like, I
24 can't.

25 THE COURT: Just can't do it?

1 MR. HARPOOTLIAN: No objection, Your Honor.

2 THE COURT: All right. We thank you for trying, and
3 good luck on your -- in your nursing career. And you're
4 excused.

5 (Break in proceedings.)

6 THE COURT: Transfer. Well, when are you going to get
7 out of school? When are you going to be studying that
8 nursing?

9 THE JUROR: I'm doing prerequisite, then, like --

10 THE COURT: When?

11 THE JUROR: It was supposed to be -- it's kind of,
12 like.

13 THE COURT: When are you going to be through, if you
14 know?

15 THE JUROR: I would say --

16 THE COURT: Another year or two?

17 THE JUROR: Yeah.

18 THE COURT: All right.

19 THE JUROR: Yeah, about two years.

20 THE COURT: We'll just excuse her.

21 (End of individual voir dire.)

22 THE COURT: 58 is next.

23 (Juror Number 58 entered the room.)

24 THE COURT: Hi there.

25 THE JUROR: Hello.

1 THE COURT: Okay. What brings you back here?

2 THE JUROR: I just found out my boss has been out of
3 work two and a half out of three weeks with some health
4 issues. He had a biopsy, upper and lower GI done last
5 Wednesday. Didn't think the results would come back for a
6 couple of weeks. They're back. He goes to see a surgeon
7 tomorrow. We are the only two, him and I, that knows our
8 accounts receivable, accounts payable. So, if I have to be
9 here and he has to have surgery --

10 THE COURT: All right.

11 What says the State?

12 MR. WATERS: I certainly understand that situation, so
13 no objection from the State to her being excused, Your
14 Honor.

15 MR. HARPOOTLIAN: No objection to her being excused.

16 THE COURT: All right. Thank you, ma'am, thank you
17 for coming. You're excused.

18 (End of individual voir dire.)

19 (Juror Number 367 entered the room.)

20 THE COURT: 367. Okay, young man, what brings you
21 back here?

22 THE JUROR: I pay child support, Your Honor.

23 THE COURT: Child support?

24 THE JUROR: Yes, sir.

25 THE COURT: How much do you pay?

1 THE JUROR: 217 a week.

2 THE COURT: Every week?

3 THE JUROR: Every week.

4 THE COURT: For how many babies?

5 THE JUROR: Two.

6 THE COURT: All right. What kind of job do you have?

7 THE JUROR: I drive a truck.

8 THE COURT: Okay.

9 THE JUROR: Yes, sir.

10 THE COURT: Do you work for a company or for yourself?

11 THE JUROR: Yes, sir, a company.

12 THE COURT: And you can't afford to be here, or what
13 is the situation?

14 THE JUROR: I mean, my job told me as long they don't
15 need me, it's no problem, but -- I don't have a problem
16 with it as long as -- but I don't know about the mothers.

17 THE COURT: About the others?

18 MR. WATERS: The mothers.

19 THE COURT: Oh, okay, you don't know about them.

20 THE JUROR: I don't know how they're going to react.

21 THE COURT: Two mamas?

22 THE JUROR: Yes.

23 THE COURT: You still got to pay child support.

24 THE JUROR: Yeah, that's why I'm working.

25 THE COURT: Well, jury duty is not an excuse from

1 paying child support.

2 THE JUROR: Yeah. That's why I'm saying while I'm
3 here, I'm not getting paid to pay that.

4 THE COURT: Are you behind already?

5 THE JUROR: Yes, sir.

6 THE COURT: How far behind are you?

7 THE JUROR: 3,000.

8 THE COURT: Oh, goodness. Have you been to jail for
9 it?

10 THE JUROR: No, sir. I don't want to go.

11 THE COURT: What says the state?

12 MR. WATERS: Obviously jury service can be a big
13 imposition on everybody. We would love to have you, but
14 you just think it, it's too much of a risk with being able
15 to pay that money?

16 THE JUROR: Yeah, I would say. I don't want to get no
17 further behind than what I am.

18 MR. WATERS: Okay. I understand.

19 No objection, Your Honor.

20 MR. HARPOOTLIAN: No objection, Your Honor.

21 THE COURT: All right. Thank you very much for --
22 we'll let you go.

23 THE JUROR: All right. Thank you.

24 (End of individual voir dire.)

25 (Juror Number 282 entered the room.)

1 THE COURT: Hey, number 282. How are you doing?

2 THE JUROR: All right.

3 THE COURT: Yes, sir. What's on your mind?

4 THE JUROR: Being work. If I'm out of work -- I've
5 got -- both of my knees are going to have to be replaced,
6 and I'm planning on doing it this year, and I'm going to be
7 out of work four to five weeks easy on each knee. I'll
8 have temporary disability that will help pay some bills,
9 but if I'm on this case, that's going to be that much more
10 time off from work. Plus I have -- my wife doesn't work,
11 health problems with her. She doesn't drive. So, I'm just
12 concerned about that. That's my biggest concern.

13 THE COURT: All right.

14 THE JUROR: I have nothing -- I can plan with the knee
15 surgery. This I didn't plan on, and it would put me in a
16 bind.

17 THE COURT: All right.

18 MR. WATERS: Obviously jury service is a big
19 imposition and certainly we understand that circumstance.
20 You just think it would make your life too much
21 unpredictable to be able to do that?

22 THE JUROR: Yes, sir.

23 MR. WATERS: We obviously need people who can focus
24 but also need people to make that sacrifice.

25 THE JUROR: You know, it's -- I've done jury duty in

1 the past, you know. It's always been a week, and then even
2 with that week it's always been two or three days, but with
3 something like this, plus with what I'm facing coming up,
4 it's just.

5 MR. WATERS: Do you think a couple of weeks, that
6 would cause you anxiety and problems --

7 THE JUROR: Well, and financial.

8 MR. WATERS: Financial?

9 THE JUROR: Yes.

10 MR. WATERS: No objection.

11 MR. HARPOOTLIAN: So, you would be -- because of the
12 financial concerns and all that, you would be distracted to
13 some extent?

14 THE JUROR: Yes, sir.

15 MR. HARPOOTLIAN: No objection. Mr. Murdaugh doesn't
16 object to him being excused.

17 THE COURT: All right. We'll excuse you. Thank you.

18 (End of voir dire with this juror.)

19 (Juror Number 396 entered the courtroom.)

20 THE COURT: All right. What's up?

21 THE JUROR: How are you doing?

22 THE COURT: All right. What's on your mind?

23 MR. HARPOOTLIAN: What's his number?

24 THE COURT: 396.

25 MR. HARPOOTLIAN: 396.

1 THE JUROR: I think it's the first Monday in February
2 my daughter has got an appointment for her seizures, and
3 I'm the only person in my house that's got a job.

4 THE COURT: All right. She has seizures and you have
5 a doctor's appointment for it?

6 THE JUROR: Yes, sir.

7 THE COURT: You've got to be there, got to take her?

8 THE JUROR: Yes, sir.

9 THE COURT: How old is she?

10 THE JUROR: Eight.

11 THE COURT: She's been having health problems over the
12 years?

13 THE JUROR: Yeah. We've been dealing with it for
14 about two years now.

15 THE COURT: Okay.

16 State?

17 MR. WATERS: I certainly understand that. Is it just
18 an issue of being able to pay for that doctor, or you need
19 to take her, or --

20 THE JUROR: Yeah, I take her.

21 MR. WATERS: Take her to the doctor's appointment?

22 THE JUROR: Yeah.

23 MR. WATERS: Well, I certainly understand that. Thank
24 you for coming.

25 No objection.

1 MR. HARPOOTLIAN: No objection, Your Honor.

2 THE COURT: Okay. Thank you. We'll excuse you.

3 (All parties returned to the courtroom.)

4 THE COURT: All right, Madame Clerk.

5 (At this time, the jury panel was sworn.)

6 MR. WATERS: Your Honor, can we approach real briefly?

7 THE CLERK: While they approach, you may be seated.

8 Thank you.

9 (A bench conference was held.)

10 THE CLERK: All right, as I call your name, Mr.

11 Bennett -- not your name, I'm so sorry. As I call your
12 number, Mr. Bennett and Mr. Reuben over here are going to
13 direct you on where to sit once your name is -- once your
14 number is called. Any question?

15 THE COURT: Please do not leave the courtroom. We'll
16 just have a designated area that we will have the eighty
17 congregate because we're going to release the others
18 afterwards.

19 THE CLERK: Juror 785.

20 THE COURT: Stand somewhere in the courtroom. In
21 fact, you can stand where you are. Just know who you are,
22 you're a part of the jury pool, the main jury pool. Just
23 know that you're not to leave.

24 Proceed.

25 THE CLERK: Juror 384. Juror 572. If you will stand.

1 Juror 578, 578.

2 THE COURT: Is 578 who responded earlier?

3 THE CLERK: There we go. Thank you.

4 THE COURT: You've got to listen, jurors. You have a
5 number, juror number.

6 THE CLERK: Juror 220. Juror 528. Juror 193. Juror
7 589. Juror 630. Juror 826. Juror 544. Juror 644. Juror
8 654. Juror 244. Juror 22. Juror 729. Juror 864. Juror
9 278. Juror 741. 741? Juror 254. Juror 326. Juror 337.
10 Juror 441. Juror 704. Juror 82. Juror 530. Juror 548.
11 Juror 303. Juror 394. Juror 59. Juror 358. Juror 152.
12 Juror 221. Juror 185. Juror 110. Juror 176. Juror 75.
13 Juror 16. Juror 255. Juror 808. Juror 567. Juror 556.
14 Juror 727. Juror 124. Juror 887. Juror 582. Juror 346.
15 Juror 886. Juror 181. Juror 224. Juror 781. Juror 571.
16 Juror 202. Juror 651. Juror 524. Is 524 -- there you
17 are. 518. Okay. Juror 669. Juror 715. Juror 856.
18 Juror 390. Juror 557. Juror 17. Juror 370. Juror 351.
19 Juror 3 -- sorry, Juror 674. Juror 575. Juror 803. Juror
20 95. Juror 799. Juror 522. Juror 148. Juror 374. Juror
21 816. Juror 810. Juror 588. Juror 470. Juror 533. Juror
22 534. Juror 240. Juror 784.

23 Your Honor, that's eighty.

24 THE COURT: All right. Thank you all, ladies and
25 gentlemen. Now, those of you will remain with us as

1 other -- as the other jurors are excused, if you will be
2 seated, just know that when others are excused, you must
3 stay with us and you may be seated. We haven't excused
4 anyone. I haven't excused anyone.

5 Those of you whose numbers were not called, I want to
6 thank you for your cooperation and service this week. You
7 have now qualified for jury service for the next year.
8 You're not qualified to serve. Again, for two additional
9 years you can exercise an exemption because, as I stated
10 earlier, no person is required to serve more often than
11 once every three calendar years, and it takes a lifetime
12 quite often for you to -- for many people to get called.
13 So, thank you very much for your service, and you are free
14 to go. Thank you very much.

15 (The remaining jury pool not selected for the final
16 eighty left the courtroom.)

17 THE COURT: Juror Number 202. Ma'am, since you stood
18 and expressed a concern in response to the question that I
19 asked and you indicated you have a cough, we don't know --
20 hopefully you're fine, but all parties would feel most
21 comfortable if you are excused. So, thank you very much,
22 and you may go. Thank you very much.

23 (Juror 202 left the courtroom.)

24 THE COURT: Ladies and gentlemen, the lawyers need
25 about 15 minutes to ponder the remaining jurors before

1 you're called upon for them to exercise their strikes, so
2 we will take 15 minutes before we select a jury. We'll be
3 in recess for 15 minutes.

4 (A break was taken.)

5 THE COURT: Madame Clerk.

6 THE CLERK: Thank you, Your Honor.

7 JURY SELECTION

8 THE CLERK: Ladies and gentlemen, when your name is
9 called --

10 THE COURT: The number is called.

11 THE CLERK: No, when your number is called, please
12 come forward. You will come and stand right here in front
13 of the clerk's desk. Turn and face the parties. Bring
14 everything that you have with you. So, listen, please, for
15 your number.

16 The first number will be 785. Please come forward.

17 MR. WATERS: Please present the juror, Your Honor.

18 THE CLERK: What say you for the defendant?

19 MR. HARPOOTLIAN: Seat the juror, please.

20 THE CLERK: If you will go around this way, please,
21 and you will go --

22 Juror 384, please come forward.

23 What say you for the State?

24 MR. WATERS: Please present the juror.

25 THE CLERK: What say you for the defendant?

1 MR. HARPOOTLIAN: Please excuse the juror.

2 THE CLERK: You can have a seat back in the panel.

3 Juror 572. What say you for the State?

4 MR. WATERS: Please present the juror.

5 THE CLERK: What say you for the defendant?

6 MR. HARPOOTLIAN: Please swear the juror.

7 THE CLERK: If you will have a seat over to your right
8 and follow our bailiff.

9 Juror 578. What say you for the State?

10 MR. WATERS: Please present this juror.

11 THE CLERK: What say you for the defendant?

12 MR. HARPOOTLIAN: Please swear the juror.

13 THE CLERK: If you'll have a seat over to your right.

14 Thank you.

15 Juror five -- I'm sorry, Juror 220. What say you for
16 the State?

17 MR. WATERS: Please present this juror.

18 THE CLERK: What say you for the defendant?

19 MR. HARPOOTLIAN: Please swear the juror.

20 THE CLERK: If you'll have a seat to your right,
21 please.

22 Juror 528. What say you for the State?

23 MR. WATERS: Please present this juror.

24 THE CLERK: What say you for the defendant?

25 MR. HARPOOTLIAN: Please, is this Juror 528?

1 THE CLERK: 528.

2 MR. HARPOOTLIAN: Thank you. Swear the juror, please.

3 THE CLERK: If you will have a seat over to your right
4 in the jury box.

5 Juror 193. What say you for the State?

6 MR. WATERS: Please present this juror.

7 THE CLERK: What say you for the defendant?

8 MR. HARPOOTLIAN: Swear the juror, please.

9 THE CLERK: Thank you. If you'll have a seat over to
10 your right.

11 Juror 589. What say you for the State?

12 MR. WATERS: Please present this juror.

13 THE CLERK: What say you for the defendant?

14 MR. HARPOOTLIAN: Swear the juror, please.

15 THE CLERK: If you will have a seat over to your
16 right, please.

17 Juror 630. What say you for the State?

18 MR. WATERS: Please present this juror.

19 THE CLERK: What with say you for the defendant?

20 MR. HARPOOTLIAN: 530, correct?

21 THE CLERK: 530? I'm sorry, 630. 630.

22 MR. HARPOOTLIAN: Swear the juror, please.

23 THE CLERK: Have a seat over to your right, please.

24 Juror 826. What say you for the State?

25 MR. WATERS: Please present this juror.

1 THE CLERK: Thank you. What say you for defendant?

2 MR. HARPOOTLIAN: Swear the juror.

3 THE COURT: Thank you. Have a seat to your right,
4 please.

5 Juror 544. What say you for the State?

6 MR. HARPOOTLIAN: What's that number again, please?

7 THE CLERK: 544. What say you for the State?

8 MR. WATERS: Please present this juror.

9 THE CLERK: What say you for the defendant?

10 MR. HARPOOTLIAN: Please swear the juror.

11 THE CLERK: If you would have a seat over to your
12 right, please.

13 Juror 644. What say you for the State?

14 MR. WATERS: Please excuse this juror from the trial
15 of this case.

16 THE CLERK: Thank you. You may have a seat back in
17 the jury panel, please.

18 Juror 654. What say you for the State?

19 MR. WATERS: Please present this juror.

20 THE CLERK: What say you for the defendant?

21 MR. HARPOOTLIAN: Beg the Court's indulgence for one
22 moment, Your Honor.

23 (Break in proceedings.)

24 MR. HARPOOTLIAN: Excuse the juror, please.

25 THE CLERK: If you will have a seat back with the jury

1 panel, please.

2 Juror 244, Juror 244. What say you for the State?

3 MR. WATERS: Please present this juror.

4 THE CLERK: What say you for the defendant?

5 MR. HARPOOTLIAN: Excuse the juror, please.

6 THE CLERK: Have a seat back in the panel, please.

7 Juror 22. What say you for the State?

8 MR. WATERS: Court's indulgence one moment.

9 (Break in proceedings.)

10 MR. WATERS: Your Honor, can we approach?

11 THE COURT: Yes.

12 (A bench conference was held.)

13 THE COURT: We're going to have a conference with
14 Juror Number 22 right here. If you will come here for a
15 moment? We'll be at ease for a moment.

16 (Individual voir dire was had with Juror 22 in a
17 separate room.)

18 THE COURT: Yes, sir. How are you doing today?

19 THE JUROR: Doing well.

20 THE COURT: Okay. Are you able to hear everything
21 that's going on?

22 THE JUROR: Well, I'm completely deaf in the left ear,
23 but yes, I can.

24 THE COURT: Okay. As far as following everything
25 that's happened this morning.

1 THE JUROR: Yes, sir.

2 THE COURT: I notice you sort of hesitated when they
3 called your number to stand.

4 THE JUROR: Right, but I heard it. My seatmate there
5 said that's your number. Okay, I'm up.

6 THE COURT: Did you know it was your number or just
7 forgot or --

8 THE JUROR: No, I didn't forget. It's 22.

9 THE COURT: You're in good and shape ready to serve?

10 THE JUROR: Sir?

11 THE COURT: You're in good shape ready to serve?

12 THE JUROR: Yes, sir.

13 THE COURT: How old are you now?

14 THE JUROR: Eighty-three.

15 THE COURT: Eighty-three. God bless you.

16 Questions by the State or the defense?

17 MR. WATERS: No questions by the State.

18 MR. HARPOOTLIAN: None from the defense, Your Honor.

19 THE COURT: Thank you, sir. Just wanted to confirm
20 since I saw you hesitated to get up.

21 THE JUROR: Oh, I'm fine.

22 THE COURT: But you sound good to me.

23 THE JUROR: I work full-time at the hospital as a
24 pathologist, so I'm fine.

25 THE COURT: Oh, okay, good. Thank you, sir. You can

1 go back and stand right where you -- in front of the bench
2 and we'll see --

3 THE JUROR: Back there with those people?

4 THE COURT: No. Right in front there by the clerk.
5 He'll show you.

6 THE JUROR: Oh, okay. Thank you. Okay.

7 THE COURT: He's good to go.

8 (All parties returned to the courtroom. Jury
9 selection continued.)

10 THE CLERK: What say you for the State?

11 MR. WATERS: Please excuse the juror from this case.

12 THE CLERK: Juror 22, you can have a seat back with
13 the panel.

14 Juror 729. What say you for the State?

15 MR. WATERS: Please present this juror.

16 THE CLERK: What say you for the defendant?

17 MR. HARPOOTLIAN: Swear this juror.

18 THE CLERK: Have a seat to your right.

19 Juror 864. What say you for the State?

20 MR. WATERS: Please present this juror.

21 THE CLERK: What say you for the defendant?

22 MR. HARPOOTLIAN: Please swear the juror.

23 THE CLERK: If you will have a seat to your right,
24 please.

25 Your Honor, that's your twelve.

1 THE COURT: Pardon me?

2 THE CLERK: That's the twelve.

3 THE COURT: Two, four, six, eight -- that's the
4 twelve. We'll proceed with alternates.

5 THE CLERK: And, Your Honor, are they --

6 THE COURT: Strikes are one and two.

7 THE CLERK: Thank you.

8 Juror 278. What say you for the State?

9 MR. WATERS: Please present this juror.

10 THE CLERK: What say you for the defendant?

11 MR. HARPOOTLIAN: Please excuse the juror.

12 THE CLERK: Thank you. You can have a seat back with
13 the panel.

14 Juror 741. What say you for the State?

15 MR. WATERS: Please present this juror.

16 THE CLERK: What say you for the defendant?

17 MR. HARPOOTLIAN: Please swear the juror.

18 THE CLERK: Have a seat to the right, please.

19 Juror 254. What say you for the State?

20 MR. WATERS: Please present this juror.

21 THE CLERK: What say you for the defendant?

22 MR. HARPOOTLIAN: Swear in the juror, please.

23 THE CLERK: Thank you. If you would have a seat over
24 to your right, please.

25 Juror 326. What say you for the State?

1 MR. WATERS: Please present this juror.

2 THE CLERK: What say you for the defendant?

3 MR. HARPOOTLIAN: Can I get the number again, please?

4 THE CLERK: That is 326. What say you for the
5 defendant?

6 MR. HARPOOTLIAN: Swear him, please.

7 THE CLERK: Thank you. Have a seat to your right,
8 please.

9 Juror 327. Oh, I'm sorry, I apologize, it is 337.
10 What say you for the State?

11 MR. WATERS: Please present this juror.

12 THE CLERK: What say you for the defendant?

13 MR. HARPOOTLIAN: Excuse the juror, please.

14 THE CLERK: If you'll have a seat back in the panel,
15 please.

16 Juror 441. What say you for the State?

17 MR. WATERS: Please present this juror.

18 THE CLERK: What say you for the defendant?

19 MR. HARPOOTLIAN: Swear the juror, please.

20 THE CLERK: If you will have a seat to your right,
21 please.

22 Juror 704. What say you for the State?

23 MR. WATERS: Please excuse this juror.

24 THE CLERK: If you will have a seat back in the panel,
25 please.

1 Juror 82. What say the State?

2 MR. WATERS: Please present this juror.

3 THE CLERK: What say you for the defendant?

4 MR. HARPOOTLIAN: Excuse the juror, please.

5 THE CLERK: If you will have a seat back with the
6 panel.

7 MR. WATERS: Your Honor, I believe they're out of
8 strikes.

9 MR. HARPOOTLIAN: No, two on each.

10 THE COURT: Strikes are one and two on each alternate.

11 MR. WATERS: I apologize, Judge.

12 THE CLERK: Juror 530.

13 MR. WATERS: Your Honor, may we approach, please?

14 THE COURT: Yes.

15 (A bench conference was held.)

16 THE CLERK: Juror 530, please come forward.

17 MR. HARPOOTLIAN: Madame Clerk, we have how many
18 strikes left on this alternate?

19 THE CLERK: On this particular alternate, if it is per
20 person --

21 MR. HARPOOTLIAN: It is.

22 THE CLERK: -- then you still have two strikes left.
23 I'm sorry, one more, yes.

24 MR. WATERS: Please present the juror.

25 THE CLERK: What say you for defendant?

1 MR. WATERS: Is the State out of strikes?

2 THE CLERK: They've used their first strike.

3 MR. HARPOOTLIAN: They only get one. Present the
4 juror.

5 THE CLERK: All right. This is alternate number five,
6 if you would please be seated with the jury.

7 Juror 548. What say you for the State?

8 MR. WATERS: Court's indulgence.

9 (Break in proceedings.)

10 MR. WATERS: Please present this juror.

11 THE CLERK: What say you for the defendant?

12 MR. HARPOOTLIAN: Please swear this juror.

13 THE CLERK: Thank you. Have a seat with the jury,
14 please.

15 Your Honor, that completes the six alternates and the
16 twelve jurors.

17 THE COURT: Are there any matters of law regarding the
18 jury selection?

19 MR. WATERS: Court's indulgence one moment, Your
20 Honor.

21 MR. HARPOOTLIAN: None from the defense, Your Honor.

22 (Break in proceedings.)

23 MR. WATERS: None from the State, Your Honor.

24 THE COURT: Ladies and gentlemen, you all have been
25 selected to be the jury in the trial of this case, and I

1 will speak to you all in a moment. First, I want to thank
2 the other jurors who are here who have not been selected,
3 so stand by.

4 Ladies and gentlemen, I want to certainly thank you
5 for your cooperation during these past three days and even
6 before then when you received those questionnaires in the
7 mail to complete. You have now complied with your jury
8 service, and some of you are happy and some are sad that
9 you weren't selected, but congratulations on having
10 completed your jury service.

11 Madame Clerk, do you have any information for them
12 regarding work excuses, anything of that nature?

13 THE CLERK: Yes, sir.

14 If you do need a work excuse, you can go downstairs to
15 the general sessions department, and they will be glad to
16 help you out with that. Thank you for coming, for your
17 service.

18 THE COURT: Thank you all, and you all are excused.

19 (The remaining jury panel left the courtroom.)

20 THE COURT: Will there be any matters before the jury
21 is sworn?

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

23 MR. WATERS: Your Honor, I believe there is one matter
24 we need to put on the record very quickly before they are
25 sworn.

1 MR. HARPOOTLIAN: Your Honor, we have waived any
2 *Jackson v. Denno* hearings as to any statements made by
3 defendant to Calhoun -- well, made on the night of
4 June 7th, the morning of June 8th, and August 11th.

5 MR. WATERS: I believe that they are waiving any
6 *Jackson v. Denno* hearings with any of the statements
7 related to the murder investigation, of which there are
8 four, I believe, four recorded statements.

9 MR. HARPOOTLIAN: That's correct.

10 THE COURT: Are there any matters before the jury is
11 sworn?

12 MR. WATERS: No, sir.

13 MR. HARPOOTLIAN: No, sir.

14 THE COURT: All right, Madame Clerk, you may swear the
15 panel.

16 (At this time, the jury was sworn.)

17 THE COURT: Ladies and gentlemen, you have now been
18 selected and sworn to well and truly try this case and
19 render a true verdict according to the law and according to
20 the evidence so help you God. And as long as you hold true
21 to that oath, you will have in the end fully complied with
22 your oath as jurors, and no one will have the right to
23 complain about your verdict.

24 We have taken the entire morning to get to this point.
25 We have run into lunchtime. I will have a preliminary

1 charge to give you before we get started this afternoon,
2 but we're going to break for lunch in just a moment.

3 As far as the jurors coming back and the parties being
4 ready for opening statements, what says the State on a time
5 you will be ready to go?

6 MR. HARPOOTLIAN: Your Honor, we both believe we will
7 be ready by 3:00.

8 MR. WATERS: That's correct, Your Honor.

9 THE COURT: So, ladies and gentlemen, we're going to
10 break for lunch, and I know the -- you'll go to the jury
11 room and get acquainted with one another, and you'll be
12 given some instructions by the bailiff. It is important
13 for you to know that you are not to discuss the case with
14 each other or with anyone else, and not to endeavor to find
15 out any information about this case other than what you
16 will see here in the jury -- in the courtroom.

17 So, we're going to break now. Go with the bailiffs,
18 follow their instructions, and we'll see you back at 3:00.

19 (The jury left the courtroom.)

20 THE COURT: Everyone can be seated.

21 In regard to the indictments that I will inform the
22 jury about as to the specific charges in the preliminary
23 instructions, or during the qualification, that is, where
24 we informed the jury that the charges of murder, two counts
25 of that, and there are two counts of possession of a weapon

1 during the commission of a violent crime, the State called
2 all of these cases, all of these indictments for trial.

3 MR. WATERS: Yes, sir, Your Honor.

4 THE COURT: Do you understand that as well, Mr.
5 Harpootlian?

6 MR. HARPOOTLIAN: Yes, sir, Your Honor.

7 THE COURT: So, I have all -- each indictment and I
8 will give the jurors a preliminary instruction based on all
9 of that. Anything else before we break for lunch?

10 MR. HARPOOTLIAN: Yes, sir. A logistical matter. As
11 we've noticed -- of course we didn't notice because we
12 didn't have any reason to look over here, but we cannot see
13 the jury, especially these five or so back here with this
14 in the way. Is there a way to move it out of the way when
15 it's not being used?

16 THE COURT: Yeah, what is it? It looks like a TV.

17 MR. HARPOOTLIAN: A big TV set.

18 MR. WATERS: That's how they're going to see all of
19 the exhibits, so we will be constantly rolling it back and
20 forth. This is going to be a very image heavy case, I
21 think.

22 MR. HARPOOTLIAN: Is there a way to lower it maybe?

23 (Break in proceedings.)

24 THE COURT: Obviously the lawyers, the defense, is
25 entitled to see the jury at all times, and whatever problem

1 that presents, they must have an unobstructed view of the
2 jury. And evidence is being presented and if it blocks the
3 defense view, then the defense will be moving around
4 various places just a --

5 MR. HARPOOTLIAN: And we would have to bring the
6 defendant with us.

7 THE COURT: You should not have to do that.

8 MR. HARPOOTLIAN: We don't want to have to do that,
9 so --

10 THE COURT: Those are the logistics that typically
11 would be worked out prior to now.

12 MR. HARPOOTLIAN: Well, I apologize, Your Honor, but
13 we didn't realize until actually we got people sitting in
14 the jury box that we couldn't see. We don't have an
15 unobstructed view of basically these five or six seats
16 right here, so --

17 THE COURT: So, y'all have an hour and 35 minutes to
18 work it out and work on it, but I agree with the defense.
19 You have to be able to see the jury, and I can't figure it
20 out. You all have to figure it out.

21 MR. HARPOOTLIAN: Yes, sir. Do you have any
22 suggestions?

23 THE COURT: No.

24 Yes, sir. Mr. Griffin?

25 MR. GRIFFIN: Yes, Your Honor, one other issue. We

1 had proposed a consent order on how to handle some
2 sensitive exhibits.

3 THE COURT: Yes, sir.

4 MR. GRIFFIN: And I don't know if Your Honor has
5 considered that and how you wish to proceed with that
6 regard.

7 THE COURT: The parties have consented to and asked
8 the Court to approve an order sealing unduly sensitive
9 exhibits. The Court hasn't signed the order but the Court
10 has granted the order, or is granting the order and will
11 sign it. It will speak for itself. The order states that
12 there's a joint motion before the Court to seal photographs
13 and graphically depicting the victims, sealing that
14 evidence which is often accepted as evidence in the trial
15 to protect the privacy and interests of the victims and
16 families, and to prevent emotional distress to the victims'
17 families, as well as to ensure both the State and the
18 defendant receive a fair trial. And the Court will be
19 ordering that all autopsy photographs, and crime scene
20 photographs that -- and videos which graphically depict the
21 victims to be filed under seal and not to be copied,
22 reproduce, disseminated, or photographed, or otherwise made
23 available to the public. Any party offering this evidence
24 which the party seeks to have sealed shall prepare and file
25 an exhibit placeholder describing generally the nature of

1 the photograph or video being introduced. The Court will
2 permit counsel for any media organization the opportunity
3 to inspect sealed evidence at the conclusion of the trial,
4 and to petition the Court to unseal any such evidence, and
5 unless the Court issues such an order, the evidence shall
6 remain under seal and shall not be disclosed to anyone
7 other than the parties, their counsel, and court personnel.
8 That order will be made available to the public, but that's
9 exactly what it will say.

10 MR. GRIFFIN: Thank you, Your Honor.

11 MR. HARPOOTLIAN: Thank you, Your Honor.

12 THE COURT: We'll be in recess until 3:00.

13 (A lunch break is taken.)

14 THE COURT: Anything before the jury comes in?

15 MR. WATERS: Nothing from the State, Your Honor. Your
16 Honor, I think obviously we've had some stuff with the AV
17 that was worked on in the break by the -- the company that
18 installed it is not here. Neither Mr. Harpootlian nor I
19 plan on using any AV --

20 THE COURT: Anything before jury comes in?

21 MR. WATERS: No, sir, Your Honor.

22 THE COURT: If you'll bring the jury.

23 (The jury returned to the courtroom.)

24 THE COURT: Welcome back, ladies and gentlemen. What
25 I will say now is intended to serve as an introduction to

1 this trial. These remarks are not a charge on the law. I
2 will instruct you on the law in greater detail at the end
3 of the trial before you retire to consider your verdict,
4 but this is an explanation of the procedure that we will
5 follow in this trial so that you may better understand what
6 is happening.

7 The defendant is charged with two counts of murder and
8 two counts of possession of a weapon during the commission
9 of a violent crime, the elements of which will be explained
10 to you later. He has pled not guilty to these charges. He
11 is presumed to be not guilty of these charges. He cannot
12 be found guilty unless the State presents evidence which
13 convinces you, the jury, of his guilt beyond a reasonable
14 doubt. The charge is simply the documents by which the
15 case comes into court.

16 Your purpose as jurors will be to decide the facts of
17 this case, and out of all of the people who were summoned
18 to come here for jury duty, out of all the people who live
19 here in Colleton County, out of all the people who live
20 here in the State of South Carolina or any place else, only
21 the twelve of you who will deliberate, can decide the facts
22 of this case, and you'll determine the facts of this case
23 from the testimony which will come from this witness stand,
24 together with any exhibits which is made a part of the
25 record, or any stipulations entered into by counsel.

1 It is especially important that you perform your duty
2 diligently and conscientiously, and in conformity with the
3 oath that you took because ordinarily there is no way to
4 correct an erroneous determination of facts by a jury.

5 Now, just as only you can determine the facts of this
6 case, as the presiding judge I am the judge of the law.
7 You must accept as correct the law as I state it to you,
8 then deliberate and decide. I cannot tell you what the
9 facts are. You cannot disagree with me as to what the law
10 is, and even if you disagree, you must follow the law as I
11 state it to you. You take the facts as you find them to
12 be, the law as I give it to you, deliberate, and you decide
13 the case.

14 Until I tell you that it's time to do so, you cannot
15 discuss the case with anyone, including your fellow jurors.
16 You cannot discuss the case with family, friends, or anyone
17 else. The attorneys in the case, you cannot discuss it
18 with them or any parties or anyone else that might be
19 connected with the case. Should you discover that a fellow
20 juror is violating that oath and that order, you are to
21 bring that to my attention.

22 Now, it's also -- and it's vital that you do not seek
23 information outside of the courtroom during the case. That
24 means that you're not to search internet websites, watch
25 television reports, news reports, any other form of social

1 media accounts of the case because you are sworn to decide
2 this case based on the facts as you determine them to be,
3 and based on evidence presented in the case, as well as the
4 law as I give it to you.

5 Now, later in the process I will appoint one of you to
6 serve as the foreperson of the jury, and that person will
7 have the responsibility of serving as the spokesperson for
8 the jury. That person will have the responsibility of
9 presiding over the jury deliberations, and that person will
10 have the responsibility of completing the verdict form
11 representing the unanimous verdict of the jury.

12 In just a moment, the Attorney General will make an
13 opening statement in which he will explain the issues as he
14 sees it, or as the Attorney General sees it. Following
15 that, the defense counsel will have that same opportunity.
16 Then we'll begin with the presentation of the testimony
17 from witnesses.

18 I look forward to working with you on this case and to
19 keep the case moving as reasonable as we can keep it
20 moving, but we will not rush. We'll take the time
21 necessary to have this case fully presented to you. We'll
22 now proceed to opening statements by the State.

23 MR. WATERS: Thank, Your Honor. May it please the
24 Court?

25 THE COURT: Yes, sir.

1 MR. WATERS: On the evening of June 7, 2021, at the
2 defendant's property off Moselle Road in Colleton County,
3 his son, Paul Murdaugh, was standing in a small feed room
4 in some kennels they have on the property. About
5 8:50 p.m., the defendant over there, Alex Murdaugh, took a
6 12 gauge shotgun and shot him in the shoulder, in the chest
7 and the shoulder with buckshot, and the evidence is going
8 show it was a million to one shot he could have survived
9 that, but after that, another shot went up under his head
10 and did catastrophic damage to his brain and to his head.
11 The evidence is going to show that Paul collapsed right
12 outside that feed room. And just moments later, just
13 moments later, he picked up a 300 Blackout, which is a type
14 of ammunition but an AR style rifle -- and the evidence is
15 going to show that the family had multiple weapons
16 throughout the property -- picked up that 300 Blackout
17 rifle and opened fire on his wife, Maggie, just a feet away
18 near some sheds that used to be a hangar. Pow, pow, two
19 shots in the abdomen and in the leg and took her down, and
20 after that there were additional shots, including two shots
21 to the head that, again, did catastrophic damage and killed
22 her instantly.

23 The evidence is going to show that neither Paul nor
24 Maggie have any defensive wounds, neither one of them had
25 any defensive wounds, as if they didn't see a threat coming

1 from their attacker. And the evidence is also going to
2 show that both Maggie and Paul were shot at extremely close
3 range. The evidence is going to show what is called
4 stippling. It's almost like a tattoo. That when you get
5 shot very close to a weapon, it leaves marks that the
6 forensic pathologist can see. They were shot at a close
7 range and they did not have defensive wounds.

8 And the evidence is going to show that the defendant,
9 Alex Murdaugh over there, told anyone who would listen that
10 he was never at those kennels, but the evidence is also
11 going to show from these things that every one of us, most
12 of us, carry around in our pocket: that he was there, and
13 he was there just minutes before with Maggie and Paul, just
14 minutes before their cell phones go silent forever and
15 ever. Despite what he told people, I was never at those
16 kennels, the cell phones are going to show otherwise.

17 Ladies and gentlemen, my name is Creighton Waters.
18 I'm with the Attorneys General's Office and I'll be the
19 lead prosecutor. I introduced myself. With me is David
20 Fernandez, Savannah Goude, John Meadors, Don Zelenka, John
21 Conrad, and Johnny James. A lot of lawyers. This is a big
22 case; it's a very complicated case, and that's why there's
23 so many people working on it.

24 Sitting back in the row we have David Owen, who's the
25 lead investigator. We have Lieutenant Charles Ghent, who's

1 one of agents. Lieutenant -- or excuse me, Special Agent
2 Ryan Kelly, and Special Agent Peter Rudofski, some of the
3 agents that worked on the case, as well as Investigator
4 Isaac Salito, who has worked on the case as well. They're
5 some of the witnesses that you will hear from as we go
6 through this case.

7 The judge talked to you a little bit about him being
8 the judge of the law, and he gives you the law, and I'm
9 going to talk a little bit about some of the legal concepts
10 before I turn back to those facts. Just remember, though,
11 he's the judge of the law, so you take what he says, but
12 I'm going to explain to you some of the legal issues from
13 my perspective before we talk a little bit more about the
14 evidence in the case.

15 And the first thing is right before we went to lunch,
16 y'all all took an oath. Everybody in this courtroom who's
17 got involvement in this case takes an oath. You know,
18 attorneys take an oath to become an attorney, take an
19 another oath to become a prosecutor; the judge takes
20 another oath to become a judge. Witnesses take oath on the
21 stands. Law enforcement takes oaths to become law
22 enforcement, but y'all took an oath as well, and the reason
23 why is that y'all have the most important job in this
24 courtroom. Every one of you raised your hand and said that
25 you would well and truly try this case, and it's the most

1 important job here because, like the judge said, he's the
2 judge of the law, but y'all are the judge of the facts.
3 Y'all are going to listen to what comes from that witness
4 stand and judge those facts, but you also have to be
5 mindful of that oath. That oath requires you to do that
6 hard job, to make that decision, to call the strike when
7 you see it. It's the same oath. It's just as important as
8 any other oath. This might be the most important in this
9 courtroom.

10 The judge mentioned reasonable doubt, and he's exactly
11 right. It's the State's burden to prove this case beyond a
12 reasonable doubt. That is a cornerstone of our country and
13 I wouldn't have it any other way. It's a burden we
14 welcome; it's what we want. It's a system that has been
15 well tested and true, and we take that burden to prove the
16 case beyond a reasonable doubt. And I want to remind
17 everyone that the emphasis is on reasonable, okay? It's
18 not any doubt. It is reasonable doubt.

19 Reasonable doubt is often defined -- again, listen to
20 the judge how he defines it, but reasonable doubt is a
21 doubt that would cause a reasonable person to hesitate to
22 act, to hesitate to act. And when you hear the evidence
23 coming from this stand about this particular case, I submit
24 to you you won't hesitate to act. Again, remember the
25 emphasis is on reasonable, and reasonable doubt.

1 The judge mentioned the charges, and there are four of
2 them. The first indictment accuses Alex Murdaugh, to which
3 he's pled not guilty, but it accuses him of murdering
4 Maggie Murdaugh. The second indictment accuses him of
5 murdering Paul Murdaugh. The third indictment accuses him
6 of possessing a firearm during the commission of a violent
7 crime, that being the murder of Maggie Murdaugh. And the
8 last one accuses of him possessing a firearm during the
9 commission of a violent crime, and that being the murder of
10 Paul Murdaugh.

11 And what does that mean? What is murder? Well, the
12 judge, again, is going to instruct you, but it is the
13 unlawful killing of another with malice aforethought. And
14 what is malice? Malice is a mental state. That's
15 ultimately going to be for y'all to determine as to what
16 was going through Alex Murdaugh's mind when created -- when
17 he committed these crimes. What is malice? Malice has
18 often been defined as the intentional doing a wrongful act
19 without just cause or excuse. It is the intent to inflict
20 an injury under circumstances that the law would presume an
21 evil intent, an evil intent. And when you look at the
22 circumstances of the crime, when you look at what led up to
23 this crime, the evidence is going to show that there was
24 malice aforethought.

25 Aforethought, what does that mean? It means it has to

1 exist at the moment you commit that crime. It doesn't have
2 to be planned; it doesn't have to be planned for any long
3 period of time. It just has to exist a split second before
4 the crime was committed. But when you see this crime and
5 you hear all of the circumstances, the evidence is going to
6 show that aforethought existed for awhile. It existed for
7 awhile in the mind of Alex Murdaugh.

8 You're also going to hear about circumstantial
9 evidence, and a lot of times people hear, oh, it's just a
10 circumstantial case, but the law says otherwise. The law
11 says that circumstantial evidence is just as good as direct
12 evidence. And what is the difference between the two?
13 Direct evidence is supposedly about the storm out here,
14 from what I'm told. Direct evidence is if it's sunny
15 outside, and a witness goes outside and it's sunny and they
16 come in here and they get on that witness stand and because
17 they saw it raining, they sit on the stand and say I was
18 just outside and I saw it raining. I saw it raining.
19 That's direct evidence. They actually saw it raining.

20 But to give you an example of what circumstantial
21 evidence is, is if the witness goes into a room, a room
22 where all of the curtains are drawn, and when they go into
23 that room it's sunny outside and everything is dry, and
24 while they're in that room they see it darken behind the
25 shades, they hear thunder, they hear the wind blowing, they

1 hear the sound of rain drops on the roof, and then they
2 open up the door and it's not raining but everything is
3 wet. There's puddles in the driveway, there's puddles in
4 the street, there's puddles in the yard, there's limbs down
5 all over the ground, and then they come in here and say
6 yeah, it was raining. Didn't actually see it raining, but
7 those circumstances are beyond any reasonable doubt that it
8 was actually raining. Now, I guess it's possible that
9 somebody could have been standing outside of their window
10 and beating a drum to sound like thunder, and blowing a fan
11 to make it sound like it was the wind, and somehow got
12 another water to coat the entire neighborhood, but that's
13 not a reasonable doubt. Does everybody understand that
14 distinction? That's not a reasonable doubt.

15 Another thing, and this is crucial to what you're
16 going to do in this particular case, is determine
17 credibility, or the believability of witnesses. So, it
18 will be your job to look at the evidence, the exhibits in
19 the case, but also the witnesses and decide if it's
20 truthful, if you believe it, if you can rely on it. And
21 the judge is going to instruct you that you can believe one
22 witness against many or many witnesses against one. You
23 can believe all of the witness's testimony or part of a
24 witness's testimony. It's up to you first, individually,
25 and then as a product of your deliberations, and what

1 you're required to do there is to just rely on that good
2 old fashioned common sense. Does it all fit together? Is
3 it corroborated? Does it fit with what you would expect?
4 Does it fit with what you would expect how real people
5 would act? Does it seem real, or does something seem a
6 little off, or does something seem a little off?

7 You're going to see video statements of Alex Murdaugh.
8 You're going to see a body-worn camera of him at the scene
9 when law enforcement arrives and hear what he says, and
10 hear what he says about that night. You're going to hear
11 three recorded statements on video that he gave with law
12 enforcement, and you're going to hear how things progressed
13 about what he says, and what he says he did that night.
14 Watch those closely. Watch his expressions. Listen to
15 what he's saying. Listen to what he's not saying. Use
16 that common sense. Does this seem right or does something
17 seem a little off? Does something seem a little off about
18 this?

19 I mentioned that Maggie was killed with a 300 Blackout
20 rifle, an AR style rifle but chambered in 300 Blackout
21 ammunition. And you're going to hear evidence that back in
22 Christmas of 2016, Alex Murdaugh over there bought two 300
23 Blackout AR style rifles, and that not long after that, one
24 of them went missing from Paul's truck. And time went by,
25 and in April of 2018 Alex Murdaugh replaced that rifle and

1 bought another one. Three total Blackout rifles that they
2 had: one of them went missing years ago and a replacement
3 was bought.

4 You're going to hear evidence that Paul and his friend
5 were using that replacement gun. They were standing right
6 outside the side door to the gun room of the house, and
7 they were sighting it in, firing down into a field, and the
8 cases were ejecting. The cases are the empty shell from a
9 bullet, and they were ejecting out into the flower bed
10 right there, and there's a range across the street and they
11 shot it there, and there was cases ejected there as well.
12 And they were shooting that third replacement gun just
13 weeks prior to the murders, prior to June 7, 2021, when
14 Maggie and Paul were murdered. And you're going to hear
15 forensic evidence that the cases that were found in that
16 flower bed and the cases that were found across the street
17 at that range were ejected out of the same weapon that
18 fired all of cases that were around Maggie's dead body that
19 killed her. It was a family weapon that killed Maggie
20 Murdaugh. And you're going to hear evidence that of those
21 three Blackouts that Alex Murdaugh purchased, when law
22 enforcement arrives at the scene on June 7th of 2021, he
23 can only account for one of them. He can only account for
24 one of them, and that replacement gun is nowhere to be
25 found.

1 You're also going to hear evidence that the type of
2 ammunition, the exact brand, the exact model of ammunition
3 that was used to kill Maggie, S&B 300 Blackout ammunition
4 and 147 grain bullets, that exact ammunition, boxes --
5 empty boxes of that ammunition is found all over the
6 property. The very same brand and model of the ammunition
7 that was used to kill her is found at multiple locations
8 throughout the property. And you're also going to hear
9 evidence of the same thing about the shotgun shells that
10 killed Paul, that Federal double-ought buckshot unfired
11 rounds were found on the property as well as Winchester
12 Number Two Turkey Loads, the two rounds in the shotgun that
13 killed Paul. Family weapon, same ammunition, it's on the
14 property.

15 You're also going to hear evidence that about a week
16 after the murders -- Mr. Alex Murdaugh's father had died,
17 Mr. Randolph, and about a week after the murders, he shows
18 up early in the morning at his parents' home where his
19 mother is still -- is in late stage Alzheimer's at Almeda
20 in Hampton. It's uncharacteristic for him to show up
21 early, uncharacteristic for him to show up at all like
22 that, and he comes in and he's carrying something in a blue
23 tarp, and he takes it upstairs. And eventually law
24 enforcement finds out about that, and they go upstairs and
25 they find -- upstairs they find a wadded up, very large

1 raincoat in a blue color that looked like a tarp, and
2 you're going to hear evidence that it was coated with
3 gunshot residue on the inside, on the inside.

4 You're going to hear other evidence of gunshot
5 residue. You're going to hear that there was gunshot
6 residue on Alex at the scene. You're going to hear
7 evidence that there was gunshot residue on the seatbelt of
8 the car he was driving. You're going to hear evidence that
9 when law enforcement got to the scene, he had gone and
10 gotten a shotgun, Paul's shotgun, and that Maggie's DNA was
11 on that shotgun.

12 You're going to hear other evidence from DNA gunshot
13 residue firearms examiners -- there's going to be a lot of
14 forensic evidence in this case, and I'm not going to get
15 into every single bit of it right now, but I will say that
16 a key piece of evidence that you're going to hear in the
17 case is the cell phone evidence: Alex's cell phone,
18 Maggie's cell phone, Paul's cell phone. You know, this is
19 all amazing technology that most of us carry around in our
20 pockets. It really allows us to do a lot of things and get
21 a lot done, but this cell phone keeps track of who we're
22 talking to, who we're calling, who we're texting, whenever
23 we access apps, and every time you do that, there's a
24 record kept in this phone unless it's deleted somehow. And
25 if you're are using certain apps, you can get GPS

1 information where you were when you did that. This was
2 stored on these phones. You're going to hear evidence
3 about that.

4 You're going to hear evidence that when you make a
5 call and it pings off a cell tower, that location
6 information can be gathered from that as well. And so it
7 allows an investigation to take this and piece together
8 what someone was doing on a particular day, and not only
9 what they were doing, but who they were interacting with
10 and how they were interacting with them. This is going to
11 be crucial evidence for you to consider. You're going to
12 hear that particularly Alex and Paul, but also Maggie, were
13 prolific cell phone users, to the point where Paul's
14 friends had a nickname for him about his cell phone usage.

15 Before I talk more about that, there's three family
16 properties I need to talk about. Okay, the first one I've
17 mentioned is Moselle, Moselle in Colleton County. It's
18 called Moselle. It's off of Moselle Road but everyone
19 refers to it as Moselle, and that property is a large --
20 it's a lot of acres. There's a main house on it and
21 there's a driveway that goes to that main house, but it
22 used to be an airstrip, and there's an airstrip that goes
23 down, and then down the way just less than a third of a
24 mile away, just a 3 minute walk, 4 minute walk, a 45 second
25 drive is the kennels and the shed that used to be the

1 hangar where the Paul be Maggie were murdered. So, the
2 main house is just less than a third of a mile away. You
3 can see the kennels from the main house, and you can see
4 the main house from the kennels.

5 The family also had a house in Edisto at the beach.
6 And the evidence is going to show that that is where Maggie
7 preferred to stay, particularly in the summer months. She
8 liked the beach. She was not a hunter. She didn't want to
9 be at Moselle; she didn't want to be at the lodge where it
10 was hot and buggy. She liked being in Edisto.

11 And then you're also -- I've already mentioned the
12 house in Almeda, which is where -- his parents' home on
13 June 7th of 2021. You're going to hear evidence that his
14 father went into the hospital and the prognosis was not
15 good, and, in fact, he died a few days later. And his
16 mother is in late stage Alzheimer's and at that time house
17 being cared for by a caretaker, and you're going to hear
18 from the caretaker.

19 THE COURT: Mr. Waters.

20 MR. WATERS: Yes, sir.

21 THE COURT: I'll have you pause for a moment. We'll
22 be at ease for just a moment.

23 MR. WATERS: Yes, sir, Your Honor.

24 (A break was taken.)

25 THE COURT: You may proceed.

1 MR. WATERS: Thank you, Your Honor.

2 We were talking about the three family properties.
3 Moselle, which has the main house and the kennels/sheds.
4 The main house was a driveway, but the kennels also have a
5 driveway, and the evidence is going to show that that was
6 actually -- is commonly used as the main driveway. In
7 fact, the mailbox is by the kennel driveway, driving right
8 past those kennels where Paul and Maggie were murdered.

9 I told you that you're going to hear evidence that
10 Maggie did not like being in Moselle as much as she liked
11 Edisto, the beach house, but that on June 7, 2021, she came
12 back to Moselle. And the evidence is going to show that
13 she arrived about 8:15, and the evidence is going to show
14 that -- from the cell phones that Paul was there at the
15 house, at the main house, and Alex Murdaugh himself says
16 that they ate dinner. And the autopsy is going to reflect
17 both Paul and Maggie having similar stomach contents,
18 indicating that they recently shared a meal together.

19 About 8:30, like 15 minutes after they arrived, Paul's
20 phone starts moving towards the kennels. You're going to
21 hear evidence, again, that the defendant said he was never
22 at those kennels, that he was napping after they ate, and
23 he was at the main house and never went there. You're also
24 going to hear evidence about how much Alex used his own
25 cell phone, and it would be unusual for him to be anywhere

1 without his cell phone.

2 At 8:44 and 55 seconds, Paul recorded a video. He was
3 down at the kennels because he'd been talking to a friend
4 of his, and you're going to hear from this friend because
5 his friend's dog was in the kennels and they thought there
6 was something wrong with the tail, and Paul was recording a
7 video of it to send to his friend. 8:44 and 55 seconds.
8 And on that video, and you'll see that video, and you'll
9 hear from witnesses that identify Paul's voice, Maggie's
10 voice, and Alex's voice. He told anyone who would listen
11 he was never there. At 8:44 and 55 there's a video. The
12 evidence will show that he was there; he was at the murder
13 seen with the two victims. And more than that, over 3
14 minutes later, 8:49 and 1 second, Paul's phone locks
15 forever. He never reads another text, he never sends
16 another text, he doesn't answer calls. 3 minutes after
17 that video has the defendant at the murder scene with the
18 two victims, Paul's phone goes silent forever. And, in
19 fact, another communication comes into -- the very friend
20 that he was talking to, the dog, at 8:49:35 seconds, just
21 35 seconds later, and he doesn't answer it. He never
22 answers another thing forever and ever.

23 On top of that, Maggie's phone locks at 8:49 and 31
24 seconds, around that same time, and she never answers
25 another text, never sends another text, never makes another

1 phone call, never receives another phone call. 3 minutes,
2 ladies and gentlemen, 3 minutes after a video shows he's at
3 the scene with the victims and he told everybody he was
4 never there. Never there. Credibility, ladies and
5 gentlemen, credibility.

6 So what happens after that? Well, you'll hear
7 evidence that Alex's phone was conspicuously didn't have a
8 lot of activity from about 8:09 p.m. until 9:02 p.m. And
9 if he was at the kennels, which the evidence will show, why
10 is his phone not with him? Why is it not showing activity?
11 But you'll hear that at 9:02, all the sudden his phone does
12 start to pick up activity.

13 At 9:02 he calls -- he starts moving. At 9:04 he
14 calls Maggie's phone. Doesn't answer, of course. Doesn't
15 answer. He calls his father, Randolph, who's in the
16 hospital. Doesn't appear there's an answer there. He
17 calls Maggie again at 9:06. Remember, he's just a third of
18 a mile away. You can see it: at 9:06, she doesn't answer.
19 At 9:06 he turns on his car, his Suburban, and he texts
20 Maggie that he's going. Be right back. I'm going to check
21 on Mom. And he doesn't drive down to the kennels, even
22 though that's where the mailbox is. That's a common place
23 to be. Even though you can see it. He's called his wife
24 two times and texted her and she hasn't responded. Why
25 didn't he just drive down there and say hey, I'm heading --

1 you guys want to go? What's up? What's up? Right there,
2 you can see it.

3 He then drives to Almeda where his mom is suffering
4 from Alzheimer's, and the caretaker is there, and he starts
5 calling people. He's talking to people. It will be up to
6 you to decide whether or not he's trying to manufacture an
7 alibi. He comes -- he gets there to Almeda. You'll hear
8 evidence about whether or not that was usual. You'll hear
9 evidence about how he was acting when he got there. And
10 he's only there for 20 minutes because he's back underway
11 at 9:44. And he makes more phone calls on the way back,
12 calling friends, calling people who will answer. It will
13 be up to you to decide whether he's trying to create an
14 alibi.

15 And he gets back to Moselle at 10:01, and he calls 911
16 at 10:06. Listen to that 911 call. Listen to what he
17 says; listen to what explanations he may offer. You're
18 going to hear that 911 call, but you're also going to see
19 the body-worn camera of the officers who arrived at the
20 scene, the video camera that they wear so that it records
21 what they're doing.

22 And you're going to see what he did to Maggie and
23 Paul. It's going to be gruesome. There's no way around
24 it. It's what he did. You're going to see crime scene
25 photographs; you're going to see the traumatic injuries

1 that were suffered. You're going to hear from a
2 pathologist, a doctor, who will examine the injuries, and
3 it's going to be gruesome. There's no other way around it.

4 On that 911 call and on the body-worn cameras, pay
5 attention to what he says. Look at how he's acting, but he
6 says within a few minutes of each one of those, he says
7 this is about the boat case. This is about the boat case.

8 And you're going to hear some of what was going on in
9 Alex Murdaugh's life leading up to that day, stuff that
10 happened that very day, stuff that was leading up, a
11 perfect storm that was gathering, much like the storms that
12 are coming outside today. Listen for that evidence.
13 Listen to that gathering storm that all came to a head on
14 June 7, 2021, the day the evidence will show he killed
15 Maggie and Paul.

16 This has been a long, exhaustive investigation, and
17 it's going to be a fairly long trial because it's
18 complicated. It's a journey. There's a lot of aspects to
19 this case; there's a lot of factors to this case. But like
20 a lot of things that are complicated and you start to put
21 them all together and piece them together like a puzzle,
22 all the sudden the picture emerges and it's really simple.
23 It's really simple. Once we get to the end of that journey
24 and you have a chance to deliberate, the evidence is
25 going to be such that you're going to reach the inescapable

1 conclusion that Alex murdered Maggie and Paul, that he was
2 the storm, that the storm was coming for them, and the
3 storm arrived on June 7, 2021, just like the storms that
4 are heading here right now, and they died was a result of
5 it beyond any reasonable doubt. Thank y'all.

6 THE COURT: For the defense?

7 MR. HARPOOTLIAN: Please the court, Your Honor?

8 THE COURT: Yes.

9 MR. HARPOOTLIAN: Ladies and gentlemen of the jury, my
10 name a Dick Harpootlian. I think I introduced myself to
11 y'all and our -- the attorneys, the three other attorneys:
12 Jim Griffin, Phillip Barber, Margaret Fox. It is our honor
13 to represent Alex Murdaugh, or Murdaugh, depending on how
14 you pronounce it. I say it's our honor because I submit to
15 you what you've heard from the Attorney General as facts
16 are not, are not. They're his theories, his conjecture.

17 Alex, stand up.

18 This is Alex Murdaugh, and Alex was the loving father
19 of Paul and the loving husband of Maggie. You're not going
20 to hear a single witness say that their relationship,
21 Maggie and Alex's relationship, was anything other than
22 loving. You're going to hear about how they were at a
23 baseball game the weekend before. You're to hear about
24 their relationship. You're going to see texts and emails
25 indicating a loving relationship.

1 Paul, the apple of his eye, you're going to see a
2 video somewhere between 7:30 and 8:00 the night of the
3 murders with Paul and Alex riding around looking at some
4 trees they planted. It's a Snapchat that Paul sent to
5 other people because the trees were not planted very well.
6 They were cantilevering over. They're laughing; they're
7 having a good time. That would be about an hour before the
8 Attorney General says he slaughtered them.

9 When I say slaughtered them, they were slaughtered.
10 Ain't no question. Paul Murdaugh was shot twice with
11 buckshot, 12 gauge buckshot, once in the chest. And, by
12 the way, that shot would indicate it was in the chest and
13 came out under his arm like somebody that might have been
14 holding up their hands. So when he says no defensive
15 wounds, he perhaps is being held at shotgun. I mean, I can
16 make the same sort of speculation that the Attorney General
17 can because that's all he's doing is speculating.

18 What we do know is 12 gauge, fairly close range, shot
19 to the chest, he must have been turned because it comes out
20 under his arm. There's wadding, if you're familiar with a
21 shotgun, under his arm. The second shot ended up -- and
22 there's going to be some question about the direction of
23 that shot, but ended up entering his skull cavity, and the
24 gasses from that shot literally exploded his head like a
25 watermelon hit with a sledgehammer. All that was left was

1 the front of his face. Everything else was gone. His
2 brain exploded out of his head, hit the ceiling in the
3 shed, and dropped to his feet. Horrendous, horrible
4 butchery.

5 So, to find Alex Murdaugh guilty of murdering his son,
6 you're going to accept that within an hour of having a
7 extraordinarily bonding -- you can see it in the Snapchat
8 -- that he executes him in a brutal fashion. Not
9 believable. Not believable.

10 Now, Maggie is shot running. There's no defensive
11 wounds because she's shot running, and after she falls to
12 the ground and has one bullet that has hit her and probably
13 traveled up and hit her brain, she's on the ground. And
14 whoever the perpetrator was walked up, took that AR, and
15 put one in the back of her head. Executed. Executed.

16 Why? This is going to be interesting: because we
17 don't know why. He doesn't know why. He's got theories of
18 this and theories of that, but why, number one. Number
19 two, what was it in that hour between when he's yucking it
20 up with Paul -- and let me say this to you. His -- he was
21 interviewed. He comes home and finds -- and there's no
22 question about this. They've got telemetry from his car.
23 He left the house at 9:06, returns at 10:01 after seeing
24 his mother, who has dementia.

25 And remember that day his father, who is dying, is

1 taken to the hospital. Mom is home alone with the
2 housekeeper. Perfectly reasonable for him to want to go
3 see her later than usual because his father is not there.
4 He's in the hospital and he dies two days later. His
5 father dies two days later. So, the question is if he
6 leaves at 9:06 and he's at the back at 10:01, he
7 literally -- I mean, you know, he can account -- the cars
8 and the cell phone records can account for where he was
9 between 9:06 and 10:01.

10 Now the cell phones records -- and you're going to
11 hear this from their own experts -- are incomplete.
12 They're incomplete, and we will submit one of the reasons
13 they're incomplete -- and, by the way, how do they find
14 Maggie's phone? Maggie's phone was thrown out on the side
15 of the road about a quarter of a mile away from -- a little
16 bit more, maybe a half a mile from the Moselle property,
17 thrown out on the side of the road. They found it by using
18 Find My iPhone, and the way they did that, they had to open
19 it, or have access. Who gave them the code to open the
20 phone? Alex Murdaugh. And it's not destroyed, it's just
21 thrown on the side of the road.

22 What you're also going to see is that Alex Murdaugh
23 was calling that phone at 9:06. As he leaves the house, he
24 did call her twice and texted her. And we also know that
25 at 9:06 as he cranked his car, as the cell phone records

1 show that, as the telemetry data shows from the -- shows
2 the cell phone linking up with the car, that phone is being
3 thrown on the side of the road almost a half a mile away.
4 Now, that is Houdini. That is magic. That is
5 inexplicable.

6 Now, I was making notes while the Attorney General was
7 talking, but let me tell you what is more believable. The
8 night he comes home and finds his wife and son butchered --
9 and when I say butchered, you're going to see these
10 photographs. When I see them now after having seen them
11 for the last four or five months, it still shocks me. It
12 still is tough to look at; it still bother me. And he
13 comes home and he finds his son laying in his own blood
14 with his brain laying at his feet, shot to hell, he walks
15 over. He checks to see if there's any life there,
16 although -- I mean, he was seeing his brain laying outside
17 of his body. He knows there's nothing there. He goes over
18 and tries to get a pulse out of Maggie, calls 911.

19 I want you to hear that 911 tape. It is a man
20 hysterical in grief trying to figure out what's going on,
21 and he tells the 911 operator that he is concerned and he
22 drives the back up to the house.

23 And, by the way, you can't see -- I've been out there.
24 You can't see the shed where -- you might see the top of
25 shed. There's pine trees between the front porch, or the

1 porch on the house, and the dog pens. And it's not a third
2 of a mile. Maybe by the way the crow flies, but it takes a
3 little bit longer to drive down there. And this is not
4 unusual for them to communicate by cell phone or text even
5 when they're all on the same property. It's 1100 acres,
6 big property. They hunted. So, what I'm trying to say to
7 you is that the Attorney General has given you his view,
8 and again, you can't see the shed. And I'm going ask the
9 judge at some point during this trial to ask you, the jury,
10 to be able to go to the scene so you can see it, you can
11 understand the proportions, you can understand the details
12 because the facts are what matter here. The facts.

13 Let me give you another fact. You're going to hear
14 their witnesses explain the catastrophic injuries to Paul,
15 that his head literally exploded, and whoever shot him with
16 a shotgun was probably no more than 3 feet away, maybe
17 closer, maybe a little further away. You -- his head
18 exploded. You would be covered in blood from head to foot,
19 saturated in blood. They seized his clothes that night,
20 SLED did, and they -- well, first of all, you're going to
21 see in the videos from the agents, the officers that
22 arrived that night, there's no blood on him. They didn't
23 find any blood on him. SLED's testing indicated twelve
24 different places on his shirt and pants: no human blood
25 detected period. Okay? You'll see pictures, a white

1 t-shirt, no blood on it. Those are facts. Those aren't
2 theories. Those are facts.

3 Another fact that is, I think, the reason we're here
4 today, when you hear those questions on the videotape on
5 the night -- now, he's found his wife and son brutally
6 butchered. You can hear on the 911 tape he is hysterical.
7 He comes in and out. It's consistent if any of you have
8 ever -- you've got to use your human -- your experience is
9 part of this deliberation process, your human experience.
10 If you've ever suffered the catastrophic loss of a friend
11 or a family member, it's numbing. The minute you find --
12 if you see them dead, it's numbing. You go into shock, so
13 anything that he said that night is in the context of just
14 an hour or two before: finding his wife and son butchered.

15 He drove back up to the house while he's on 911 saying
16 I've to get a gun. Whoever did this might be out there,
17 and he gets a gun. What's fascinating about that is he
18 gets a 12 gauge shotgun and he grabs some shells. These
19 people hunt a lot; they have guns everywhere. He grabs
20 some shells, he puts a 16 gauge -- I mean a 12 gauge --
21 grabs a 12 gauge shotgun, put a 12 gauge buckshot in, and
22 then he put a 16 gauge gage buckshot in. That's how shook
23 up he was he. Guy hunted all his life and he put a shell
24 in that wouldn't -- you couldn't fire a 16 gauge from a 12
25 gauge. It makes no sense. He was traumatized.

1 GSR. Their own expert at SLED says the amount of
2 particles of GSR are consistent with that -- him going up
3 and picking that shotgun up. They want to talk about GSR?
4 Again, if you fired a shotgun twice and a rifle six times,
5 you would be covered in GSR. Those are the facts. That's
6 not his theory, the facts.

7 Now, let's talk a little bit about these ARs. Again,
8 you're going to hear testimony, a lot of guns. They had a
9 gun room. You know, I don't live in Colleton County. I
10 live in downtown Columbia. Ain't no gun rooms in downtown
11 Columbia. But apparently if you live on 1100 acres and you
12 hunt deer, and you hunt whatever they were planting those
13 sunflowers for, quail, I guess, you have a lot of guns.

14 The truth is in 2017 -- and you'll hear the testimony
15 that Alex bought two Blackouts, one for Paul and one for
16 Buster, his other son sitting out in the audience, and Paul
17 had one -- his stolen. He bought another one for Paul.
18 Now, Paul was very irresponsible with guns, cars. He would
19 leave guns around; he would leave guns in cars. He often
20 times left guns down at the dog pens in the feed room.
21 Now, I can't tell you whether he was shot with his own
22 weapon or not, or his mom was shot with his weapon or not,
23 but I can tell you that they weren't shot by Alex. They
24 don't have the guns. There's no way to tell conclusively
25 without having the weapons what weapons those were fired

1 by, and we'll be talking a little bit with the SLED experts
2 about that.

3 The sort of overarching issue here is why -- murdered
4 on June 7, 2021, why is it September of 2022 before they
5 charge him? And I will tell you what happened that night,
6 and this is a problem. He's being -- he's questioned, and
7 the questioning is pretty aggressive. You'll hear it.
8 They're -- he's traumatized. They suspect him. They show
9 up. He's got a shotgun. They suspect him. And the next
10 morning, two people found butchered, and here in Colleton
11 County, Moselle Road, the police announce don't worry.
12 There's no danger to y'all. There's nobody out there that
13 could pose a danger to you. Because, you see, they decided
14 that night he did it without forensics, without cell
15 phones, without any of that, and they've been pounding that
16 square peg in the round hole for the last -- well, since,
17 you know, since June of 2021, resulting in charges in
18 September of '22.

19 And so if he felt, and he did -- and you'll hear it,
20 the accusatory fashion he's being interviewed in. He may
21 not have felt all of the facts -- but, by the way, whether
22 he'd been down to the dog pens that night or not really
23 didn't matter, really doesn't matter because you're going
24 to see cell phone activity that would be -- let me put it
25 to you this way. Paul's phone 8:50, Maggie's phone later

1 than that, 8:54, clearly it's still being used. At
2 9:06 he's up at the house getting in the car, cranking it
3 up to drive over and see his mom. He says a few hundred
4 yards away. It's a little bit further than that, but the
5 point of the matter is he would have had to have executed
6 both of them, got back up to the house, got the bloody
7 clothes off -- and, by the way, they seized his clothes on
8 that night.

9 They never searched his house for any other clothes
10 that we know of, although that night he gave them
11 permission and they got a search warrant. Go to my house;
12 go look through everything. Where are the bloody clothes?
13 Where are the bloody clothes? And, of course, I would tell
14 you that they've woven this story together because they
15 want everything to be consistent.

16 What's important about that is the judge -- and, by
17 the way, there's no eye witness. There's no forensics
18 tying him to the murder. And when I say forensics,
19 fingerprints, blood, whatever, tying him to shooting
20 anybody that night. The cell phone records would indicate
21 he would have had less than 10 minutes to kill them, get up
22 to the house, get in the car and crank it up, and he would
23 be covered in blood.

24 Now, if they think he was beginning to establish an
25 alibi, there's no evidence of that. The evidence is

1 consistent with him seeing them earlier at the dog pen.

2 And, by the way, that audio they have of him and
3 Maggie, they were talking about one of the dogs killing a
4 chicken, and they were debating on whether it's a guinea
5 hen or a chicken. No animosity. It was a very normal
6 discussion.

7 Paul is very happy. We know that Paul after that is
8 texting back and forth to the girl about going to the
9 movies. Nobody is down there threatening him. Daddy is
10 not pulling out a shotgun and killing him for, you know, 10
11 minutes. Half of that, he's texting this girl.

12 So, big question: one shooter or two? Two guns, a
13 shotgun and an AR. And, by the way, Maggie has no
14 defensive wounds because she's running. What's she running
15 from? And could you shoot -- typically she would be -- she
16 had a little shed right -- probably 150 feet from the feed
17 room on the other side of the wall. Perhaps she heard the
18 shotgun blast and came around and saw somebody or two
19 people, and whoever it was opened up. Was there enough
20 time to kill Paul and then find the AR and then ambush
21 Maggie? Much more likely there were two people, but,
22 again, we don't have to prove anything.

23 Let me sort of share the framework in which you should
24 examine this. You have agreed to follow the law, and here
25 is the law, here is the law: he didn't do it. He is

1 presumed innocent. As you sit there right now, as you sit
2 there right now, when you look at him, you have to believe
3 he is innocent. He didn't do it.

4 Now, let me tell you. That's so difficult to do. I
5 get it. And the way, maybe the best way to explain it is
6 this. This morning or yesterday -- nobody really reads
7 newspapers anymore, but if you were reading the newspaper,
8 looking at the internet, and you read the police had
9 arrested somebody for some heinous crime, the natural
10 inclination of everybody, all of y'all, is to say thank god
11 they caught him or her. Thank god that person is in
12 custody, and you did something that's so natural. We all
13 do it. You presume the police had arrested the person that
14 committed the crime. You presumed him or her guilty. That
15 is the natural thing to do.

16 And you know what? That's fine for you to do any
17 other day except today because you took an oath to follow
18 the law, and the law is he is innocent. He is presumed
19 innocent. That is your presumption. Your mental framework
20 is he didn't do it. They've got to prove it to me beyond a
21 reasonable doubt.

22 Now, what's even more difficult -- and this isn't a
23 contest. This isn't a game. This isn't who wins or who
24 loses. This is about justice. You know, Oliver Wendell
25 Holmes, one of the justices of the Supreme, Court once said

1 jury duty is the highest duty a citizen can perform for
2 their country in peacetime because you are protecting us
3 from them, from the State, from the government. That's --
4 the foundation our constitution is that the individual has
5 the right to be presumed innocent, has the right to a jury
6 trial, has a right to have his peers, his or her peers, his
7 or her peers sit in judgment of him.

8 That's you, and the framework is you presume him
9 innocent, and you don't -- cannot convict him until the
10 State proves to you beyond a reasonable doubt of his guilt.
11 And a reasonable doubt is the kind of doubt that can cause
12 an ordinary person to hesitate to act in the more important
13 decisions in their life.

14 Now, what makes this even more complicated is there's
15 no direct evidence. There's no eye witness, there's no
16 camera, there's no fingerprints, there's no forensics tying
17 him to the crime, none. None. I say that without any fear
18 of contradiction whatsoever, none. And what the judge is
19 going to tell you is to the extent the State relies on
20 circumstantial evidence, the circumstances must be
21 consistent with each other and, when taken together, point
22 conclusively to the guilt of the accused beyond a
23 reasonable doubt. If these circumstances merely portray
24 the defendant's behavior as suspicious, the proof has
25 failed.

1 Now, this smoke they've created is about suspicion. I
2 mean, if you show up at the scene and you've got the wife
3 and the -- well, the wife especially dead, and the guy has
4 got a shotgun, you know, it's pretty logical for the cops
5 to jump to the conclusion he did it. And the problem is
6 that as they came to that conclusion, they've pounded that
7 square peg in the round hole, and you're going to hear
8 about it. They've ignored some witnesses.

9 Let me -- for instance, that blue tarp with a --
10 showed up with a blue tarp. That witness that said he
11 showed up with a blue tarp was shown a blue rain jacket
12 that he talked about. Said that's not it. That's not what
13 he brought here that morning. I mean, I've talked to her,
14 she said no, no, no, it was a blue tarp, and --

15 MR. WATERS: Your Honor, I would object to him
16 testifying, Your Honor.

17 THE COURT: The objection is sustained.

18 MR. WATERS: Move to strike as well, Your Honor.

19 THE COURT: The objection is sustained.

20 You may proceed.

21 MR. HARPOOTLIAN: I will tell you that the testimony
22 you are going to hear is inconsistent with what the
23 Attorney General has represented to you based on interviews
24 done by someone other than me.

25 So, what I'm telling you is this. That as you sit

1 here and listen, every time there's a witness that takes
2 that witness stand that the State has put up there, you
3 see, you judge the credibility, whether to believe a
4 witness or not believe a witness, whether to believe one
5 witness against many, many against one. You're going to
6 have to evaluate the testimony you hear from this witness
7 stand with a critical eye, critical eye. I mean, if you've
8 got uncontested scientific evidence, you accept it, I've
9 got problem with that. These cell phone records he keeps
10 talking about I would say to you are not necessarily
11 accurate to the extent they were relying on them.

12 I will also tell you that there's going to be a bunch
13 of people, and I will -- that have been promised something
14 or threatened with something that may take the witness
15 stand and say something. But I tell you what they're not
16 going to say. They're not going to say they saw him kill
17 them. They're not going to say that they were involved in
18 it. They're not going to say anything that would give you
19 a comfort level in their testimony.

20 Now, all of you have indicated that you will follow
21 the law. And I say this one last time: he didn't do it.
22 He didn't kill, butcher his son and wife, and you need to
23 put from your mind any suggestion that he did. You've been
24 picked because you said you could be fair; you've been
25 picked because you said you could follow the law. You were

1 picked because Alex Murdaugh believes you can be fair.

2 Now, if during this process over the next however long
3 we're here I say something or do something -- which most
4 certainly, based on my career, I will do -- that irritates
5 you or angers you, sometimes I'm a little rough, don't hold
6 that against Alex. Hold it against me. If I say something
7 that offends you at some point, don't hold that against
8 Alex. Hold it against me. Remember, as you sit there
9 right now, in your mind he didn't do it; he is innocent.
10 He would require a verdict of not guilty from you. That's
11 the law. That's your oath. Thank you.

12 THE COURT: Ladies and gentlemen, I'm going to send
13 you to the jury room for a break while I discuss scheduling
14 with everyone. Please do not discuss the case. As I
15 mentioned to you earlier, you're not allowed to discuss the
16 case at all until you've heard the entire case and when
17 you've heard the instruction on the law. So, please go to
18 the jury room.

19 (The jury left the courtroom.)

20 THE COURT: All right, thank you.

21 As far as scheduling, do you have a witness you want
22 to call today?

23 MR. WATERS: Your Honor, I think as we've talked to
24 your law clerk, we do have a witness. Unfortunately that
25 witness -- the main point of that witness would be

1 body-worn camera, as he is a first responder that arrived
2 at the scene. And the -- unfortunately the audio does not
3 appear to be working. So, I'm informed, despite efforts of
4 the courtroom staff and our IT folks to try to get it
5 going, I've been told that the company that installed this
6 for the court is not here and they're unable to do this.
7 So, unfortunately, given the lateness of the hour, I don't
8 think we could finish him anyway.

9 THE COURT: What happens at 9:30 tomorrow morning if
10 they still haven't done whatever you just said?

11 MR. WATERS: I will personally come up with a solution
12 to present evidence to this jury, but I think -- you know,
13 I don't even think we could really get him done today
14 anyway if we were to start -- because even the body-worn
15 itself was, you know, 20 or 30 minutes long depending on
16 which exhibit --

17 THE COURT: Mr. Harpootlian?

18 MR. HARPOOTLIAN: Your Honor, I think this is wise
19 because even if you started right now, I don't think he
20 could get the whole video played, and I'm going to ask --
21 and I will tell the Attorney General now. We're going to
22 ask you to play the whole video in completeness rather than
23 picking out little excerpts, and that may take 45 --

24 THE COURT: Any objection to that?

25 MR. WATERS: We have prepared excerpts. There's a lot

1 of discussion of law enforcement as they're arriving at the
2 scene and, you know, I have theories, but if he wants to
3 play the whole thing, I'm fine with that.

4 THE COURT: That settles that.

5 MR. HARPOOTLIAN: Yes, sir.

6 THE COURT: Okay. If you'll bring the jury and I will
7 excuse them until 9:30, if they're ready to come in. Bring
8 the jury in.

9 (The jury returned to the courtroom.)

10 THE COURT: All right. Thank you, ladies and
11 gentlemen. We are through for the day. We're going to
12 recess until 9:30 tomorrow morning. Remember the oath that
13 you took and the instruction that you're not to discuss the
14 case with anyone; you are not to engage in any search for
15 further details through any means. And we need you back at
16 9:30 tomorrow morning, following the instructions given to
17 you by the bailiffs as to where to report to. You'll never
18 come through the courtroom to get to the jury room. We'll
19 see you at 9:30 tomorrow morning.

20 All right. We're in recess as to the jury.

21 (The jury left the courtroom.)

22 THE COURT: And if everyone would be seated. Just a
23 couple of things. With regard to the daily transcript, is
24 that what is the problem is that system? Can someone tell
25 me?

1 SPEAKER: Yes.

2 THE COURT: Okay. Well, this transcript is not an
3 official transcript. It's not -- the official court
4 reporters are the two South Carolina judicial employees and
5 not the company that produces this transcript that those in
6 the media or the parties may be interested in purchasing.
7 I want the parties to acknowledge that they understand that
8 any transcript produced by anyone other than the court
9 reporters is not a verified, true copy of the transcript.

10 MR. HARPOOTLIAN: Your Honor, we understand that.

11 MR. WATERS: Absolutely.

12 MR. HARPOOTLIAN: Both of us, though, have a concern
13 that this microphone -- and we have expressed -- I mean, it
14 picked up conversations between us and our client or -- and
15 we're concerned that that not appear in the daily
16 transcript.

17 THE COURT: All right, and the transcript, that
18 microphone is by the same outfit? Whose microphone is it?

19 MR. HARPOOTLIAN: When that clock in front of you is
20 on, it's on, right?

21 SPEAKER: Yes. That microphone, the microphone at the
22 AG's table, the microphone in front of the clerk's office,
23 and the microphone that you are speaking into that has the
24 mute buttons, those are FTR, For The Record, microphones.
25 That's what's giving you the daily transcripts, and it is

1 also tied to the PA system.

2 MR. WATERS: So that from our -- I don't really care
3 about the daily transcripts. My problem is, is that we
4 can't get audio in the courtroom, and that's what we're
5 going to try to fix tonight.

6 THE COURT: Well, we'll talk about one thing right
7 now.

8 MR. WATERS: Yes, sir.

9 THE COURT: So with regard to the For The Record
10 transcript, the non-official and -- is that what the
11 problem is now with -- that you all are working on, or has
12 that now been resolved?

13 SPEAKER: The problem with FTR and the draft
14 transcript, the daily transcript, that is working fine.
15 When we had to move some of the equipment around earlier
16 it, messed up some of the wiring.

17 THE COURT: For the audio?

18 SPEAKER: Yes, sir.

19 THE COURT: And is that what you're been working on --
20 said you will be working on overnight or --

21 MR. WATERS: Yes, sir. We're going to come up with a
22 solution that's independent of any of the court-provided
23 facilities, you know. We'll come up with something. I'll
24 go home and get a -- if I need to -- but, yeah, we'll get
25 something done.

1 THE COURT: All right. Is there anything else before
2 we break for the day?

3 MR. WATERS: Noting from the State, Your Honor.

4 MR. HARPOOTLIAN: Nothing from the defense. 9:30. Am
5 I correct about that?

6 THE COURT: 9:30.

7 MR. HARPOOTLIAN: Yes, sir. Thank you.

8 THE COURT: Court will be in recess until 9:30.

9 (Whereupon, the case was at ease.)

10 *THURSDAY, JANUARY 26, 2023*

11 (Court resumed at 9:30 a.m.)

12 THE COURT: An email was sent to my chambers at 5:20
13 -- 5:52 p.m. yesterday by someone by the name of Chris
14 Wilson who, I don't know whether it's the Chris Wilson
15 who's on the witness list or not, complaining about the
16 violation of my court order prohibiting the disclosure of
17 the identity of jurors. I did not respond to the email,
18 and I'll make the email a part of the record in the case.
19 And counsel can look at it if you'd like.

20 (Break in proceedings.)

21 THE COURT: It will be Court's Exhibit Number 2.

22 (EMAIL MARKED AS COURT'S EXHIBIT NUMBER 2 WAS RECEIVED
23 INTO EVIDENCE.)

24 THE COURT: Any comment by the State or the defense?

25 MR. HARPOOTLIAN: No, Your Honor, nothing from Mr.

1 Murdaugh.

2 MR. WATERS: Nothing from the State, Your Honor.

3 THE COURT: All right. Anything before the jury
4 comes?

5 MR. WATERS: Nothing from the State, Your Honor.

6 MR. HARPOOTLIAN: Your Honor, the video he is about to
7 show has, I believe -- and I believe he agrees -- images
8 which are under the order signed by you, and so as it would
9 be proposed to be shown, I have something and I believe he
10 has something obviously under the order we have to disclose
11 that to you, and if you approve the showing, we've got some
12 logistical issues in just a minute. These monitors are not
13 working, but this monitor is viewable from the audience,
14 and we would just like to cover it up with some MacGyver
15 like device that's been developed by Mr. Waters where you
16 can take paper and put back and forth. So, if somebody has
17 some tape, I would like to do that before he begins so that
18 nothing is shown back there inadvertently.

19 THE COURT: Okay.

20 (Break in proceedings.)

21 MR. HARPOOTLIAN: Your Honor, we are ready.

22 THE COURT: Okay. You may bring the jury.

23 (The jury returned to the courtroom.)

24 THE BAILIFF: The jury is present, sir.

25 THE COURT: Good morning.

1 (The jury responded good morning.)

2 THE COURT: Welcome back, ladies and gentlemen. We
3 are at day number -- I guess number four of this session of
4 court, day number two of this trial.

5 As I instructed you prior to us commencing yesterday
6 with the opening statements, you're not to listen, watch,
7 or read any news accounts of this case, or discuss it with
8 anyone, or allow anyone to discuss it with you or in your
9 presence. Has that occurred as to any jurors? All right.
10 Very good. It's very important that you keep that --
11 follow the instruction.

12 I know that many of you are not accustomed to sitting
13 for long periods of time or certain amount in settings like
14 this, but if at any time you need a break, notify the
15 bailiff, who will bring it to my attention, or raise your
16 hand so that I could see and we'll take a break at any time
17 any juror would need a break, or any court participant for
18 that matter.

19 Are we ready to proceed by the State?

20 MR. WATERS: Yes, we are, Your Honor.

21 THE COURT: Yes, sir.

22 MR. WATERS: Your Honor, the State would call Sergeant
23 Daniel Greene.

24 THE COURT: Sergeant Greene.

25 The witness, DANIEL GREENE, was first duly sworn and

1 testified as follows:

2 THE CLERK: Thank you. You may have a seat. Adjust
3 that microphone so that it fits you. If you'll state your
4 name and spell your last name for the jury.

5 THE WITNESS: My full name a Daniel Greene. My last
6 name is G-r-e-e-n-e.

7 DIRECT EXAMINATION

8 BY MR. WATERS:

9 Q Sergeant Greene, how are you doing today?

10 A I'm good.

11 Q All right. Tell us where you work.

12 A I work for the Colleton County Sheriff's Office.

13 Q Okay, and your rank is sergeant obviously. Is that
14 correct? Tell us just a little bit about yourself. Give
15 us just a little bit of your background that led you to
16 your career in law enforcement if you would, please.

17 A Sure. I went to school here, grew up here, and went
18 to college at Charleston Southern University. Got a
19 degree in social studies education. I taught for a little
20 while and then got into law enforcement, just kind of fell
21 into it and liked it, and then I've been here since 2014.

22 Q Okay. You started with the sheriff's department in
23 2014?

24 A That's correct.

25 Q All right, and what is -- what was your first job

1 that you did, or how has your career progressed?

2 A I started at the jail. I worked there for just over
3 a year, and then I was moved to the road patrol, and I
4 worked road patrol for several years. I moved up the
5 ranks to sergeant where I was a road patrol supervisor,
6 and now I'm a detective.

7 Q And when did you become a detective?

8 A Earlier last year. It would have been June of last
9 year.

10 Q Back in June of 2021, what was your job at that
11 particular time with the sheriff's department?

12 A In June of 2021, I was a road patrol sergeant
13 supervisor.

14 Q All right, and explain how that works. What's your
15 exact role as a sergeant and a road patrol supervisor?

16 A So for the most time, I'm assigned a team consisting
17 of three or four deputies. It just depends, with --
18 including corporal as well as several other deputies. My
19 job primarily is to supervise them in their 12 hour shift.
20 We answer calls of service. Sometimes I'll go with other
21 deputies to calls that require more than one officer to be
22 present. The majority of my job is supervising what they
23 do.

24 Q And during June of 2021, were you working day shift
25 or night shift, or how did that work?

1 A I was on night shift at that point.

2 Q And what are the hours of night shift generally?

3 A So we swap every two months, so two months you would
4 be on days, two months you'd be on nights. For those
5 hours it's 6:00 a.m. to 6:00 p.m., or 6:00 p.m. to
6 6:00 a.m.

7 Q Okay, and I'm going to take you to the evening of
8 June 7, 2021. Were you working on that particular
9 evening?

10 A I was.

11 Q And what shift were you working that day?

12 A We were on night shift.

13 Q All right, and, again, so hours would that be?

14 A Working from 6:00 p.m. to 6:00 a.m.

15 Q So, you went on duty on 6:00 p.m. Is that correct?

16 A Correct.

17 Q Okay, and you said you're the sergeant. What was
18 the -- do you have a squad that you're supervising that's
19 on during that shift? Explain that to the jury if you
20 would, please.

21 A So, that shift consisted of myself, being the
22 sergeant. I have a corporal and the two deputies working
23 as well, and at that point I had a lieutenant who was my
24 immediate supervisor who was working as well.

25 Q All right, and can you tell me who those people are,

1 who your lieutenant was?

2 A So, my corporal was Corporal Janicki, and the two
3 deputies working with me were Deputy William Pruitt and
4 Deputy Chad McDowell.

5 Q And the lieutenant was who?

6 A Lieutenant Lonnie Nettles.

7 Q Did you, on the evening of June 7, 2021, get a call
8 for service at 4147 Moselle Road?

9 A I did.

10 Q Do you remember approximately what time that was?

11 A It was later in the evening, several hours into my
12 shift.

13 Q And did you ultimately respond to that location?

14 A I did.

15 Q What was reported to you that led to the call for
16 service from dispatch?

17 A That there was a caller who stated he had found his
18 wife and son shot.

19 Q Okay, and so tell me what happens then. You get that
20 report. What did you do?

21 A So, I get that call for service. I was going to
22 immediately respond. In situations like that, we respond
23 with lights and sirens to get there as fast and as quickly
24 as possible.

25 Q You were driving fast to get there?

1 A Yes.

2 Q Blue lights are on?

3 A Lights were on, siren was on. It still took me close
4 to 20 minutes to actually get to the scene from where I
5 was.

6 Q Did you have to ask dispatch to clarify the address?

7 A I did. Once I got out there, it's a very dark area,
8 very rural area on Moselle Road. There were not a whole
9 lot of residences in the area, and I did need
10 clarification once I got out there to confirm the address.
11 Then I located the address on the mailbox across the
12 street from the driveway.

13 Q So, you saw the mailbox and the driveway you entered.
14 Is that correct?

15 A That's correct.

16 Q The driveway that you entered that had this mailbox,
17 where did it ultimately lead? What structures were there
18 as you pulled up to the scene?

19 A As I pulled down the long driveway and we got to the
20 end of it, there was a dog kennel area on the left, as
21 well as a shed area on the right.

22 Q And that was the drive with the mailbox, correct?

23 A That was.

24 Q Is this location where this scene was, was it in
25 Colleton County?

1 A It is.

2 Q Tell me just a little bit before we get into more
3 specifics. What was the -- you said it was dark. What
4 was the weather like? What was the conditions of the
5 scene, or the weather and the scene like?

6 A Quite normal for June around here. It was rather
7 hot, humid. It had rained a little bit off and on that
8 evening. It was not raining at the time that I actually
9 responded to the scene.

10 Q Were you the first law enforcement officer, or first
11 responder on the scene?

12 A I was.

13 Q Were there others -- other first responders following
14 close behind?

15 A The additional first responder that was directly
16 behind me worked for Colleton County Fire and Rescue; he
17 pulled in almost the same time I did.

18 Q When you arrived on the scene, before we talk about,
19 you know, what you actually experienced at the scene, what
20 is your main job at a scene like this? What are you there
21 to do as a first responder, the first officer on the
22 scene?

23 A So a major crime scene like that, my job is to get
24 there, secure the scene. And what I mean by secure the
25 scene is ensure that there are no individuals there that

1 could potentially cause harm to additional first
2 responders coming there or any witnesses or victims that
3 are already on scene, preserving any evidence that might
4 be there, and then wait for investigators to arrive to
5 gather information from anybody else that is already on
6 scene.

7 Q Okay. So, you're going to gather basic information,
8 but your job is not to investigate it in great detail.

9 A That's correct.

10 Q As you arrived at this scene, again, what had been
11 reported to you by dispatch?

12 A That a male caller had called and said he found his
13 wife and son shot.

14 Q And from that report to you, about how long did it
15 take you to ultimately make it on to the scene?

16 A It was roughly about 20 minutes.

17 Q When you arrived on scene, were you -- you said one
18 of the things you do is secure the scene. Were you at all
19 concerned about any perpetrators still being there at that
20 point in time?

21 A When I arrived not necessarily just because he'd
22 already been there for quite awhile whenever he called,
23 and seemed the way the call had been made that he
24 discovered them like that and that there was nobody else
25 there other than him, the wife, and son.

1 Q So, you're the first officer on the scene but you're
2 not thinking the perpetrators are still there. They
3 just --

4 A It's something to keep in the back of your mind but
5 not necessarily at the forefront.

6 Q Okay. You didn't come in hot with guns drawn or
7 anything like that.

8 A No.

9 Q When you arrived at the scene and you walked and got
10 out of your car, what did you see?

11 A So as soon as I got out of my vehicle, I was walking
12 down the rest of the driveway, which was between the dog
13 kennel and shed. As I -- I could see Mr. Murdaugh down at
14 the end of the driveway. As I approached toward him, I
15 could see the male victim laying on the ground to my left,
16 as well as the female victim on the ground to my right.
17 The male victim was close to a small shed and the dog
18 kennel on the left; there was a large deal of blood that
19 pooled around his body. Same thing for the female victim
20 on the right, also a large amount of blood around the
21 body.

22 Q As you approached them and first saw the male victim
23 and the female victim, what was your assessment? Was
24 there any possible signs of life from your --

25 A My initial assessment was that there was not. There

1 appeared to be a large amount of blood around each of
2 them, as well as brain matter.

3 Q Did you ultimately have a conversation with Mr.
4 Murdaugh when you arrived there?

5 A I did.

6 Q And do you see him here in the courtroom here today,
7 the person that you talked to?

8 A I do.

9 Q And can you point him out to the jury, please?

10 A Yes, sir. He's right there wearing a dark blue or
11 black jacket.

12 MR. WATERS: Your Honor, can the record reflect that
13 he's identified Mr. Murdaugh?

14 THE COURT: It does.

15 Q When you ultimately approached Mr. Murdaugh, what's
16 the first thing that you did?

17 A The first thing I did was ensure that he did not have
18 any weapons on him. That's standard procedure for
19 arriving on a scene like that. Any kind of weapons that
20 are anywhere on the scene, I want to be aware of. I just
21 like to know whether they're there or not, and if they are
22 there, who has access to them or anything, just -- and
23 that's for my safety as well as other responding officers,
24 and for anyone else that's on scene.

25 Q All right. Did Mr. Murdaugh give you any possible

1 explanation for this when you approached him?

2 A His immediate reaction was to start telling me about
3 an incident that had happened with his son with the
4 boating accident.

5 Q With the boating accident?

6 A Yes, sir.

7 Q Had you asked him anything about that?

8 A I did not.

9 Q You ultimately -- were you wearing a body worn camera
10 that particular day?

11 A I was.

12 Q And you ultimately had a conversation with
13 Mr. Murdaugh for an extended -- a fairly extended period
14 of time. Is that correct?

15 A That's correct.

16 Q Did you ever see any tears in your interactions with
17 Mr. Murdaugh?

18 A He did not appear to be crying. He was upset but I
19 did not see any visible tears.

20 Q Did Mr. Murdaugh tell you that he had any sort of
21 firearm?

22 A He did. He stated that he had left from that scene,
23 went to the residence, grabbed a shotgun from that
24 residence, and then brought it back because he felt that
25 he needed to have it just in case something else were to

1 happen.

2 Q And he told you he had gone back to the residence
3 after the finding the victims to get that gun.

4 A He did.

5 Q What, if anything, did you do once he told you that
6 he had gotten the gun?

7 A First he pointed to where -- pointed out where the
8 gun was. It was leaning in the vehicle that he was
9 driving at the time. I could see that it was a camouflage
10 shotgun. I spoke with him for a few more minutes, and
11 just based off of how nervous he was acting and
12 anxiousness and upset, I decided it was in everyone's best
13 interest to get that shotgun secured in my vehicle so that
14 no one else had access to it.

15 Q Okay. So, you put that shotgun in your vehicle. Is
16 that correct?

17 A I did.

18 Q What did you ultimately do with that shotgun? Did
19 you later turn it over to additional law enforcement?

20 A Yes. After it was secured in my vehicle, once SLED
21 arrived on scene to do their further investigation, it was
22 then turned over to SLED.

23 Q Bear with me one second.

24 (Break in proceedings.)

25 MR. HARPOOTLIAN: No objection.

1 MR. WATERS: Your Honor.

2 THE COURT: Yes, sir.

3 MR. WATERS: I have State's Exhibit 3. I believe --
4 I would move to admit into evidence without objection.

5 THE COURT: It's admitted without objection.

6 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 3 WAS
7 RECEIVED
8 INTO EVIDENCE.)

9 MR. WATERS: May I ask that we have the ELMO working,
10 please?

11 (Break in proceedings.)

12 MR. WATERS: Judge, do you want to see it first? I
13 believe it's admitted without objection. It's not a
14 graphic picture.

15 THE COURT: Proceed.

16 MR. WATERS: Thank you, Your Honor. May I publish it
17 to the jury?

18 THE COURT: Yes.

19 Q All right. I'm going to put this --

20 (Break in proceedings.)

21 Q I'm going to put what's been marked as State's
22 Exhibit 3 up on the screen and see if I can get it the
23 right way. All right. Can you see that?

24 A I can.

25 Q You can? All right, and do you recognize the --

1 what's in that particular image?

2 A I do.

3 Q All right, and tell me what that is, please.

4 A That's the shotgun that I secured in my vehicle on
5 the scene.

6 Q Okay.

7 (Break in proceedings.)

8 THE COURT: Proceed, Mr. Waters.

9 MR. WATERS: Yes, sir, Your Honor.

10 Q Sergeant Greene, I'm going to show you what's been
11 marked as Exhibit 4 for identification at this time and
12 see if you recognize this particular item.

13 A Yes, sir. That would be the shotgun that I secured.

14 Q All right.

15 MR. WATERS: Your Honor, at this time we would move
16 Exhibit 4 into evidence.

17 THE COURT: Any objection?

18 MR. HARPOOTLIAN: I'm sorry, Your Honor?

19 THE COURT: Any objection?

20 MR. HARPOOTLIAN: No, sir.

21 THE COURT: It's admitted.

22 (SHOTGUN MARKED AS STATE'S EXHIBIT NUMBER 4 WAS
23 RECEIVED INTO EVIDENCE.)

24 MR. WATERS: May I have Sergeant Greene show this
25 firearm to the jury?

1 THE COURT: Yes.

2 Q Be sure not to point it at anybody.

3 (Break in proceedings.)

4 Q All right. Sergeant Greene, I'm going to show you
5 one other document before we move onto some other matters.
6 All right.

7 MR. WATERS: All right. Your Honor, I believe I
8 would move to admit State's Exhibit 2, without objection.

9 MR. HARPOOTLIAN: No objection, Your Honor.

10 THE COURT: It's admitted.

11 (CHAIN OF CUSTODY DOCUMENT MARKED AS STATE'S EXHIBIT
12 NUMBER 2 WAS RECEIVED INTO EVIDENCE.)

13 Q All right, I'm going to show this exhibit to you real
14 quick and see if you recognize this document.

15 A Yes, sir. That would be the chain of custody for the
16 shotgun.

17 Q All right. Is your signature on that document?

18 A It is.

19 Q All right, and what does that chain document reflect?
20 Can you just generally explain what this means to the
21 jury, please?

22 A That I originally took possession of that weapon and
23 then turned it over to SLED investigators.

24 Q All right.

25 MR. WATERS: May I publish this exhibit, Your Honor?

1 THE COURT: Yes.

2 (Break in proceedings.)

3 Q So, up here it does say that there was a Benelli
4 Super Black Eagle. Did you unload this particular
5 shotgun?

6 A I did not.

7 Q Okay, but you ultimately turned the shotgun in its
8 loaded state over to the agent listed here. Is that
9 correct?

10 A I did.

11 Q Okay. Did you alter or change the weapon in any way
12 between the time you took it and the time you took it over
13 to SLED?

14 A No, I didn't manipulate it in any way.

15 MR. HARPOOTLIAN: What number is that?

16 MR. WATERS: 2.

17 MR. HARPOOTLIAN: What?

18 MR. WATERS: 2.

19 Q Sergeant Greene, I'm going to show you what's been
20 marked for identification at this time as State's Exhibit
21 Number 1 and see if you recognize this.

22 A Yes, sir, I do.

23 Q And can you tell the jury what this -- on this disc
24 right here?

25 A That would be the body camera footage from the

1 incident.

2 Q On your arrival at Moselle Road and through your
3 investigation until at some point you turned it off after
4 it no longer needed to be on. Is that correct?

5 A That is correct.

6 MR. WATERS: All right, Your Honor, at this time I
7 would move to admit State's Exhibit Number 1.

8 MR. HARPOOTLIAN: Just one clarification. That is
9 this officer's body cam, which is a camera that was
10 mounted on his body. Is that correct?

11 THE WITNESS: That's correct.

12 MR. HARPOOTLIAN: No objection.

13 THE COURT: It's admitted.

14 (BODY CAM VIDEO MARKED AS STATE'S EXHIBIT NUMBER 1
15 WAS RECEIVED INTO EVIDENCE.)

16 MR. WATERS: Your Honor, permission to publish this
17 exhibit to the jury.

18 THE COURT: Yes, sir.

19 MR. WATERS: Your Honor, I would point out there are
20 graphic images on this, so everybody needs to cover their
21 monitors, please.

22 (Break in proceedings.)

23 THE COURT: I trust the parties to control what is
24 presented and published in accordance with the Court's
25 order, the parties to police that yourselves.

1 MR. WATERS: Thank you, Your Honor.

2 MR. HARPOOTLIAN: Your Honor, we intend to cover the
3 screen up when it gets to the graphic images and then
4 uncovering it.

5 (The body cam video was played. Audio not
6 transcribed.)

7 Q Sergeant Greene, this is your body cam video. Is
8 that correct?

9 A That's correct.

10 Q The first 15 minutes or so of this video, are you
11 running code, running at full speed, or at least
12 reasonable speed to get to the scene as fast as you can?
13 Is that correct?

14 A Yes, sir. My lights was and -- my lights and siren
15 were activated so I could get there quickly.

16 MR. HARPOOTLIAN: No objection.

17 MR. WATERS: Your Honor, at this time I'm going to
18 fast forward it until he arrives, I believe without
19 objection from the defense.

20 MR. HARPOOTLIAN: Without objection, Your Honor.

21 (Break in proceedings.)

22 (The body cam video was played.)

23 Q It appears right here you were turning around and
24 stopped. What was going on at that point in the video?

25 A I had passed the driveway that was -- that I was

1 supposed to turn down. Like I said, everything was kind
2 of dark out there and it wasn't clearly indicated, so --

3 (The video continued to play.)

4 Q Is that the point where you noticed the mailbox with
5 the correct number for 4147 Moselle?

6 A It is.

7 Q And is that the incident location where you
8 discovered the victims?

9 A That's correct.

10 (The video continued to play.)

11 Q Right there to the left of the screen, what did you
12 see right there?

13 A To the left was Paul's body. He was laying facedown
14 on the ground, a large pool of blood around him, as well
15 as a great deal of water that was immediately around his
16 body.

17 Q Was it -- that water, was it just around -- was it
18 down the entire kennel concrete pad, or was it mostly
19 just --

20 A No. You could see walking down the kennel as I got
21 out, the closer I got to Paul's body the more water there
22 was.

23 Q Had it been raining enough at this point in time to
24 wet the entire -- to cause that amount of --

25 MR. HARPOOTLIAN: Objection, Your Honor. Calls for

1 speculation.

2 THE COURT: Objection is overruled.

3 Q Answer the question, please.

4 A I don't recall if it had been raining a whole lot
5 that evening, but given where the water was, it did not
6 appear that rain had caused that.

7 THE COURT: And, ladies and gentlemen, when there is
8 an objection, if I sustain the objection, you are to then
9 disregard the question and any responses. If I overrule
10 the objection, then you may consider the responses and the
11 question is deemed appropriate.

12 You may proceed.

13 MR. WATERS: Thank you, Your Honor.

14 (The video continued to play.)

15 Q What are we seeing to the right of this image?

16 A So, on the right would be Maggie's body also laying
17 facedown on the ground, a large pool of blood around the
18 head.

19 Q And we see an individual standing. Who is that?

20 A The individual standing in the background would be
21 Mr. Murdaugh.

22 Q The person you previously identified in this
23 courtroom?

24 A That's correct.

25 (The video continued to play.)

1 Q Just to be clear, this location that you're standing
2 right now is in Colleton County. Is that correct?

3 A It is, yes.

4 (The video continued to play.)

5 Q I noticed you shined your flashlight just a few
6 seconds ago on the black vehicle. What did you shine your
7 flashlight on just then?

8 A You can see the shotgun leaning up against the side
9 of that vehicle.

10 Q Were the flashers on on the vehicle right there in
11 the image? Do you recall?

12 A I believe so, yes.

13 (The video continued to play.)

14 Q Was that when you previously testified that he
15 mentioned the boat case, or the boat wreck?

16 A That's correct. Prior to me asking him anything
17 about it, he did mention it.

18 (The video continued to play.)

19 Q Right before that discussion, did Mr. Murdaugh offer
20 to go on his phone and check times?

21 A He did. He wanted to verify exactly the timing of
22 his arrival.

23 (The video continued to play.)

24 Q I see you putting something on your hands. What are
25 you doing right there?

1 A Those are just gloves so -- I put on my hands to
2 limit the contamination of any evidence.

3 Q You put those on before you handled the firearm. Is
4 that correct?

5 A Yes.

6 (The video continued to play.)

7 Q What are you doing right now?

8 A At this point I'm walking back to my vehicle to
9 secure that shotgun inside of my vehicle.

10 (The video continued to play.)

11 Q You can actually see you holding it to the left of
12 the screen. Is that correct?

13 A That's correct. That's me holding the barrel of that
14 shotgun.

15 Q Explain to us real quick the body worn camera. Where
16 is that located, and where are these images coming from?

17 A I would have put it -- I generally put it right here
18 on my chest, dead center of my chest.

19 Q And how is it activated and how is it turned on? Can
20 you explain that to the jury?

21 A So, most of these cameras are activated in the patrol
22 vehicles that deputies on patrol have. They're activated
23 whenever you activate your blue lights. So, as soon as I
24 turned my blue lights on, it activates my dash camera, as
25 well as my body worn camera.

1 Q And then how do you ultimately turn it off?

2 A It's got a button on the front of it that you can
3 press that did not originally activate it. You would
4 press that button to turn it on to start the recording,
5 and then whenever you're done recording you press that
6 same button to stop the recording.

7 Q In this particular instance, how did it get
8 activated? Was it when you turned on your blue lights and
9 you run code to the scene?

10 A That's correct. It was activated with my blue
11 lights.

12 Q And I've used the term run code. Do you know what
13 that means?

14 A Yes.

15 Q And can you explain that to the jury?

16 A Sure. Running code is a term when you turn your
17 lights on as well as siren to get wherever you need to get
18 fast.

19 Q When you're moving quickly to respond to an emergency
20 situation?

21 A That's correct.

22 (The video continued to play.)

23 Q Right there you laid the shotgun inside your vehicle.
24 Is that correct?

25 A That's correct. I laid it in front of the passenger

1 seat in the front.

2 Q Did it remain there until it was turned over to SLED?

3 A It did.

4 (The video continued to play.)

5 Q To the left of the screen, again, that's where the --
6 Paul was. Is that correct?

7 A That's correct, that's Paul laying there.

8 Q And is that where you saw the water --

9 A It is.

10 Q -- that you described earlier?

11 A It is.

12 (The video continued to play.)

13 Q What was Mr. Murdaugh doing at this particular time?

14 A He is on the phone pacing around talking to someone,
15 I'm not sure who he was talking to at that point.

16 Q Okay. Did he ask you to confirm if they were dead?

17 A He did. He asked multiple times while I was on
18 scene.

19 Q Did you ever see him -- any tears, any physical
20 tears?

21 A I did not.

22 Q Did you ever see him approach the bodies?

23 A I did not see him approach them, no.

24 Q Did you observe any visible blood on him?

25 A There was no blood on him that I could see.

1 Q The bodies as you saw them, were -- was there a lot
2 of blood around them due to the injuries they had
3 suffered?

4 A Yes. There was a pool of blood around each of the
5 bodies that extended out from the body.

6 (The video continued to play.)

7 Q When you observed these victims, was it obvious that
8 they had injuries not compatible with life?

9 A Yes. Any reasonable person that came upon those
10 bodies would have come to the conclusion they were
11 deceased.

12 (The video continued to play.)

13 MR. WATERS: Pause it right there.

14 Q What did the defendant just say? Let me back it up.

15 (The video continued to play.)

16 Q What did the defendant say right there?

17 A So, I'm in the process of gathering information about
18 the two victims from Mr. Murdaugh. Somebody walks by
19 behind me and he pauses what he's telling me to say hey,
20 how you doing.

21 Q How you doing?

22 A Yeah.

23 Q And who was that he said that to?

24 A I'm not 100 percent certain. I believe he's a fire
25 and rescue individual.

1 (The video continued to play.)

2 Q Let me ask you this. In your interactions with Mr.
3 Murdaugh, was he able to understand your questions and
4 respond appropriately to what you were asking?

5 A Yes.

6 Q Was he catatonic in any way?

7 A No. He was able to answer all of the questions that
8 I asked him.

9 Q Was he panicking in any way?

10 A He seemed upset but I wouldn't say panicky.

11 Q Did you notice any labored breathing or anything like
12 that from Mr. Murdaugh?

13 A Yeah, he was breathing heavily. Never once did he
14 complain about it to any of the fire and rescue guys out
15 there; he didn't ask for any kind of medical attention or
16 anything like that due to not being able to breath.

17 (The video continued to play.)

18 Q Who is that individual right there?

19 A I'm not sure of his name. I just know he works for
20 Colleton County Fire and Rescue.

21 MR. HARPOOTLIAN: I'm sorry, you said he worked for
22 who?

23 THE WITNESS: Colleton County Fire and Rescue.

24 MR. HARPOOTLIAN: Okay.

25 (The video continued to play.)

1 Q In the background in the center of the screen, it
2 looks like somebody is doing something with some yellow
3 tape. Can you explain what that is to the jury, please?

4 A That's correct. That's is Deputy Pruitt, one of the
5 deputies that I supervise. I instructed them to put up
6 crime scene tape to include that vehicle just to -- we put
7 up crime scene tape to try to keep people out of the
8 immediate crime scene area, preserving possible evidence
9 that's there.

10 Q At this point in time, did you notice any evidence of
11 firearms such as casings or spent shells or anything like
12 that?

13 A Yeah. As I was walking through, you can't necessary
14 see it on my body camera, but as I was walking through, I
15 could see shell casings particularly around Maggie's body.

16 Q And a shell casing, would they be for, like, a rifle
17 round or a pistol round?

18 A They appeared to be rifle rounds.

19 Q And could you tell just from walking by what type of
20 ammunition at that point in time?

21 A I couldn't tell what type. I could tell they
22 appeared to be rifle. That's about it.

23 Q And, again, you weren't stopping to collect those.
24 You were managing the scene as instructed.

25 A That's correct.

1 (The video continued to play.)

2 Q What are you shining your light on right there?

3 A So, there in the background behind where Mr. Murdaugh
4 is standing, you can see several sets of tire tracks. The
5 grass was really wet that night, so those tracks appeared
6 to be really fresh. It caught my eye.

7 Q And why did it catch your eye?

8 A It just seemed odd that there -- it appeared to be
9 that many sets of tire tracks, since he said he pulled up,
10 went to the house and came back. It just appeared that
11 there were more than just that.

12 Q Appeared that there were more tracks than just that.

13 A That's correct.

14 (The video continued to play.)

15 Q Whose vehicle are you approaching right now?

16 A That was the vehicle that Mr. Murdaugh said that he
17 approached that scene in.

18 Q Is that a black Suburban, to your recollection?

19 A It is.

20 (The video continued to play.)

21 Q Right there, that would be Maggie's body right in
22 front of that shed. Is that correct?

23 A That's correct. It was covered up by a sheet at this
24 point.

25 (The video continued to play.)

1 Q Who is that standing way off in the distance there?

2 A That would be Mr. Murdaugh.

3 Q Where did he spend the majority of his time while you
4 were there after your initial interaction with him?

5 A From this point on, his general time was spent in the
6 area where he is currently standing.

7 Q Pretty far away from the scene?

8 A That's correct.

9 (The video continued to play.)

10 Q What was occurring right there?

11 A What was occurring right there?

12 Q Yeah.

13 A So, both of those deputies are -- Deputy Pruitt would
14 be on the left, and Deputy McDowell would be on the right.
15 Deputy McDowell was taking small pieces of crime scene
16 tape and just setting them by the shell casings, I
17 believe. As road patrol officers, we don't generally have
18 those little placards that you will a lot of times see in
19 crime scene photos. But to prevent somebody from
20 accidentally stepping on them due to it being so dark out
21 there, we tend to take something small like a piece of
22 paper, a piece of crime scene tape, set it next to it just
23 to indicate it a little better.

24 Q Again, part of the job of a first responder is to
25 sort of protect the scene until the crime scene

1 investigators get there.

2 A That's correct.

3 Q Both of these individuals, were you supervising them
4 that night?

5 A I was, yes.

6 (The video continued to play.)

7 Q Looking at this perspective right here, to the left
8 of scene is whose body?

9 A To the left right there in the forefront would be
10 Maggie, and the further back you can also see where Paul
11 is laying.

12 Q Was Paul next to or in the kennel area?

13 A Yes.

14 (The video continued to play.)

15 Q Did you know this family prior to this?

16 A I did not.

17 (The video continued to play.)

18 Q Who is Evo?

19 A Evo would be Deputy McDowell's K-9.

20 (The video continued to play.)

21 Q Who is that approaching right now?

22 A That would be my immediate supervisor at the time,
23 Lieutenant Lonnie Nettles.

24 (The video continued to play.)

25 Q Just then were you describing the boat wreck?

1 A Yes. It had been in the local news previously, so --

2 Q It was your understanding that Paul was involved in
3 that?

4 A In some way. I had no idea about the actual details
5 of the case to know what his involvement was.

6 (The video continued to play.)

7 Q That dispatch call, was that related to the case in
8 any way?

9 A I don't believe it was. I don't remember what that
10 phone call ended up being about. As the supervisor, if a
11 lot of us are tied up at one time, they will tend to give
12 me a phone call to let me know that a certain call is
13 pending or something else is going on. Just to help keep
14 the radio traffic free, they'll call me on my cell phone
15 instead.

16 Q Did your entire squad respond to this particular
17 call, or did somebody --

18 A There was one deputy that remained in service.

19 Q Remained out -- did not respond here but remained on
20 the road?

21 A Correct.

22 (The video continued to play.)

23 Q Who is that individual right there in the center of
24 the screen?

25 A To the right, Detective -- to the right?

1 Q Yes.

2 A That would be Deputy Pruitt.

3 Q And what did you just ask him to do?

4 A Start a crime scene log.

5 Q And tell the jury what that is.

6 A So, a crime scene log is established. As soon as
7 additional people start to arrive on scene, we document
8 exactly who comes into the actual crime scene, as well as
9 the exact time that they come into the crime scene.

10 (The video continued to play.)

11 Q What were you doing right here with the tape?

12 A I'm securing it to the corner of that part of the
13 shed to run it along to the -- a shed on the opposite side
14 of that area. We expanded the crime scene out a little
15 bit further.

16 Q To protect a larger area?

17 A Yes.

18 THE COURT: Just a moment. Either you'll need to
19 speak more directly into the mic.

20 Or can you increase the volume, Madame Clerk, of
21 his -- of that mic just a little?

22 MR. WATERS: One that's working or --

23 THE COURT: I'm referring to the witness.

24 MR. WATERS: Oh, sorry.

25 THE COURT: Increase his volume.

1 THE CLERK: If he can just speak -- pull it up to you
2 a little more. That should help.

3 THE COURT: All right. Thank you.

4 Proceed.

5 Q I usually don't have a problem with being too quiet,
6 but speak up for us, if you will.

7 All right, so you're securing the crime scene tape.
8 Let's proceed.

9 (The video continued to play.)

10 Q We've heard on this video the term Whiskey Mike. Can
11 you tell me what that term refers to?

12 A Yeah. When we say Whiskey Mike, we're referring to a
13 white male. Whiskey Fox, or Whiskey Foxtrot, would be a
14 white female.

15 Q And in the context of this particular scene, who is
16 the Whiskey Mike and who's the Whiskey Fox? Or Whiskey
17 Foxtrot?

18 A As I was approaching, you did hear me say to dispatch
19 on the radio that there was a Whiskey Mike, and Whiskey
20 Mike referring to Paul, Whiskey Fox referring to Maggie.

21 (The video continued to play.)

22 Q To the very right of the screen -- well, strike that.
23 I'll wait.

24 (The video continued to play.)

25 Q Those individuals standing right there, do you

1 recognize those individuals?

2 A I do.

3 Q Can you tell us who they are?

4 A On the far left would be Detective Tindal. In the
5 forefront, or the center, would be Captain Chapman. And
6 on the other side of him would, in the lighter colored
7 shirt and the black vest, would be Barry McRoy. Worked
8 for fire and rescue.

9 (The video continued to play.)

10 Q Did the sheriff respond to this particular incident,
11 to your recollection?

12 A Yes, he did.

13 Q But as far as who was the senior officer actually
14 working the scene at this point in time until SLED
15 arrives, who was it at that point?

16 A That would be Captain Chapman.

17 Q Captain Chapman?

18 A That's correct.

19 (The video continued to play.)

20 Q Let me ask you this. Before, you'd referred to a
21 brother arriving. Is that correct?

22 A Yes.

23 Q And was that brother, was he allowed to talk to Alex
24 and go over to Alex?

25 A I believe he did. I don't recall. I never actually

1 interacted with him.

2 Q And in this discussion right here with Deputy Pruitt,
3 what was going on right there?

4 A So, there was someone that had arrived on scene and
5 wanted to go and speak with Mr. Murdaugh. I told him to
6 just wait off -- wait a minute on allowing him over there
7 so we could determine the best way to allow them to talk
8 simply because the crime scene was so large. We did not
9 want to contaminate anything that didn't need to be.

10 Q Okay. To your knowledge, was that individual,
11 whoever it was, allowed to interact with Mr. Murdaugh?

12 A I believe so. He was eventually, yes.

13 Q People that arrived were allowed to go see
14 Mr. Murdaugh. Is that correct?

15 A That's correct.

16 Q He was not in custody at any time. Is that correct?

17 A No.

18 (The video continued to play.)

19 Q What are you doing on the computer right there? Do
20 you recall?

21 A Yes. So, on those computers that are mounted in our
22 patrol vehicles, we can see details of the call for
23 service or other calls for service. In this case, I was
24 looking at the information for the incident on Moselle to
25 determine what units had been dispatched, what units

1 arrived, and when they arrived due to Deputy Pruitt trying
2 to establish the crime scene log.

3 Q And you use the term call for service, which is a
4 police term, but that essentially means responding to any
5 emergency or --

6 A Any type of call. Any citizen that would call our
7 dispatch center to request law enforcement assistance or
8 fire and rescue assistance is call -- we refer to it as a
9 call for service.

10 (The video continued to play.)

11 Q You say you came onto the scene at 2226?

12 A That is correct.

13 Q For those of us who don't know military time, can you
14 tell us what that is?

15 A That would be 10:26 p.m.

16 Q That's June 7, 2021?

17 A That's correct.

18 (The video continued to play.)

19 Q Had it started to rain more at this point?

20 A Yes. It had started raining at this point, yes.

21 (The video continued to play.)

22 Q Those numbers that you're referring to, what do those
23 represent?

24 A So, the numbers would be the badge numbers of
25 individuals on scene.

1 Q You were just recording when various people arrived
2 in the computer?

3 A They're recorded in the computer. So, when we
4 arrived on scene, we let dispatch know our number and that
5 we're on the scene. They log it into the computer, and
6 then we can put it on our crime scene log.

7 (The video continued to play.)

8 Q That individual walking off to the left of the scene,
9 who was that?

10 A The one walking away from the screen or that just
11 approached?

12 Q Walking away.

13 A That was Deputy McDowell.

14 Q All right, and then the center of the screen, who was
15 that?

16 A The one that just walked and is in the center screen
17 now would be Captain Crouse.

18 Q All right, and then next to him, facing the body
19 camera?

20 A That would be Captain Chapman.

21 Q All right, and then to the far right.

22 A Detective Tindal.

23 (The video continued to play.)

24 Q Were there dogs in those kennels, to your
25 recollection?

1 A There were a couple of dogs. I don't remember the
2 exact number, but I do remember seeing some.

3 (The video continued to play.)

4 Q That discussion right there, did that have anything
5 to do with the crime scene or anything like that?

6 A No, it was not related.

7 (The video continued to play.)

8 Q What did you just put on your hands there?

9 A Those would be latex gloves.

10 Q And the gloves that you put on that you described
11 earlier to the jury, what were those gloves?

12 A Those were more tactical gloves. They're not
13 necessarily ideal for handling any kind of evidence, but
14 due to me already being out there next to the shotgun, I
15 did not have any latex gloves on my person, so I used what
16 was available.

17 Q And why are you putting on latex gloves right now?

18 A They were wanting to look under the sheet where Paul
19 is, so just to prevent any contamination of any possible
20 evidence at all, we just always put gloves on.

21 (The video continued to play.)

22 Q What was that discussion about right there?

23 A So, the whole purpose for even trying to look up
24 under him was to see if there was an additional firearm on
25 scene already possibly under Paul. There was 300 Blackout

1 casings found near Maggie. They were trying to determine
2 if there was possibly a 300 Blackout rifle under Paul.

3 Q Why were y'all concerned that there may be one under
4 Paul?

5 A We're just trying to rule it out as a possibility.

6 Q And what was that possibility?

7 A That he could have shot Maggie.

8 Q And then did what?

9 A Shot himself.

10 Q Were you looking to see if there was a gun underneath
11 if he'd shot himself and then fallen on top of it?

12 A That is correct.

13 (The video continued to play.)

14 Q Did you see a phone near Paul when you arrived on the
15 scene?

16 A Yes. There was a phone laying on top of him near his
17 back pockets of his shorts.

18 Q Let back it up just a little bit. Is that it right
19 down there at the bottom?

20 A That's it.

21 (The video continued to play.)

22 Q Right to the left of the screen, there appears to
23 be -- what does that appear to be to the very left of the
24 screen?

25 A There is some dog crates over there. On top of one

1 of the dog crates is actually a dead chicken.

2 Q Say that again. I'm sorry.

3 A A dead chicken.

4 Q Okay.

5 A On the far left-hand side of the screen.

6 Q Could you --

7 MR. WATERS: Your Honor, with your permission?

8 Q Could you step down to the screen and point what
9 you're talking about to the jury?

10 THE COURT: You may.

11 A It's difficult to see, but right here on top of that
12 small dog crate is a -- what appears to be a dead chicken.

13 Q Do it again, please.

14 A This area right here.

15 Q Okay. Thank you.

16 (The video continued to play.)

17 Q Is that it that your light is on right there?

18 A That's correct. That's when I was really noticing
19 the chicken.

20 (The video continued to play.)

21 MR. WATERS: Court's indulgence one moment, Your
22 Honor.

23 THE COURT: Ladies and gentlemen, let's stand for a
24 moment.

25 (Break in proceedings.)

1 THE COURT: All right, we'll be seated.

2 You may proceed.

3 MR. WATERS: Thank you, Your Honor. That is the
4 extent of the video that the State would publish at this
5 time, Your Honor.

6 Q Let me ask you a few other questions, if I could.
7 Deputy -- excuse me, Sergeant Greene, I'm going to show
8 you what's been marked as Exhibit Number 5 to your
9 testimony and see if you recognize this image.

10 A Yes, sir. That would be an image from my body camera
11 when I was looking at the tire tracks in the grass.

12 MR. WATERS: Your Honor, at this time I would move to
13 admit State's Exhibit Number 5, I believe without
14 objection.

15 THE COURT: Any objection to State's Exhibit Number
16 5?

17 MR. HARPOOTLIAN: No objection. I'm sorry, Your
18 Honor.

19 THE COURT: It's admitted without objection.

20 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 5 WAS
21 RECEIVED INTO EVIDENCE.)

22 MR. WATERS: May I publish it, Your Honor?

23 THE COURT: Yes. You may publish any exhibit that
24 has been admitted.

25 MR. WATERS: Thank you, Your Honor.

1 Q All right. It's up on the screen but not great. Who
2 is that person in the image right there?

3 A That would be Mr. Murdaugh.

4 Q All right, and then just kind of in this area -- it's
5 more clear on the video, but that would be the tire tracks
6 you described earlier?

7 A Yes. Where I'm shining my flashlight at that point
8 is where the tire tracks were.

9 Q We cut the video off after playing sort of the
10 relevant parts, but what did you do for the remainder of
11 this scene as the evening continued?

12 A The remaining part of my role would have just been
13 making sure that the crime scene stayed secure and people
14 stayed out of where they weren't supposed to be.
15 Investigators were handling the remainder of the
16 investigation.

17 Q Did eventually anyone from SLED, the State Law
18 Enforcement Division, show up?

19 A They did. I don't believe that would have been
20 captured on my body cam, but they did, yes.

21 Q At some point, did you elect to turn your body camera
22 off?

23 A I did. I cleared it with my supervisor, Captain
24 Crouse, to be sure that I would not be needed for any
25 additional investigative purposes, talking to Mr. Murdaugh

1 or handling any additional evidence, and once that was
2 okayed, I turned it off.

3 Q And that was consistent with standard police
4 procedures and practices when you turn a body camera off?

5 A That's correct.

6 Q You just didn't decide to do it willy-nilly?

7 A That's correct.

8 Q At what point just roughly do you remember did you
9 clear the scene and leave the scene?

10 A I don't think I left the scene until several hours
11 later.

12 Q Were you still there when SLED crime scene arrived?

13 A Yes.

14 Q Did you remain the entire time they were there, or
15 did you leave at some point?

16 A I would have left prior to the end of my shift. I
17 couldn't tell you the exact time that it was, but I --
18 there were multiple units, including SLED and Colleton
19 County investigators, still on scene when I left.

20 MR. WATERS: Court's indulgence one moment.

21 (Break in proceedings.)

22 MR. WATERS: That's all of the questions I have of
23 this witness, Your Honor.

24 THE COURT: Cross-examination.

25 MR. HARPOOTLIAN: Your Honor, it's going to take a

1 minute to set up some of the audio and visual stuff.

2 THE COURT: All right. Ladies and gentlemen, we'll
3 take a break at this time. Please go to the jury room.
4 Please do not discuss the case.

5 (The jury left the courtroom.)

6 (A break was taken.)

7 THE COURT: You may bring the jury.

8 (The jury returned to the courtroom.)

9 THE COURT: You may proceed.

10 MR. HARPOOTLIAN: Please the Court, Your Honor?

11 CROSS-EXAMINATION

12 BY MR. HARPOOTLIAN:

13 Q Deputy Greene, for my edification, I'm curious. I've
14 called over several weeks and left you voicemails for you
15 to call me back, have I not?

16 A I haven't received any voicemails.

17 Q You don't check your voice mails?

18 A Did you call my cell phone?

19 Q No. I called your office. I don't have your cell.

20 A Okay. It's possible they sent you to the wrong one.
21 I don't know.

22 Q But you've spent an extensive amount of time talking
23 to Mr. Waters about your testimony, have you not?

24 A I have spoke with him a few times, yes.

25 Q How many?

1 A Three or four maybe at least.

2 Q And has he reviewed with you the points he was trying
3 to make?

4 A We've discussed the body camera footage extensively.

5 Q Right. Let me go to a specific piece of the video.

6 (Break in proceedings.)

7 MR. HARPOOTLIAN: And I apologize, Your Honor. The
8 cable situation requires me to have my AV guy come up and
9 work on their --

10 Have you got that list?

11 Q So as he's preparing this, you indicated -- you were
12 asked by Mr. Waters -- you said there was water on the
13 ground, right? It had been raining and you saw water,
14 right?

15 A That's correct.

16 Q And as I understand it, and we're going to look at
17 the video in just a minute, that water was primarily, at
18 least what we see in your video, on the concrete area
19 around the dog pens, correct?

20 A That's what it appeared, yes.

21 Q Okay.

22 MR. HARPOOTLIAN: And let's go to that first clip.

23 (The video of body worn camera resumed play.)

24 MR. HARPOOTLIAN: I'm sorry, Your Honor. This
25 technology is difficult.

1 MR. WATERS: Glad to help.

2 MR. HARPOOTLIAN: What was that?

3 MR. WATERS: Glad to help.

4 (The video continued to play.)

5 MR. HARPOOTLIAN: Go ahead a little bit further.

6 (The video continued to play.)

7 MR. HARPOOTLIAN: Okay. Back it up just a little
8 bit, please. Just back it up. Okay. Yeah, let's start
9 right there. And I may have you stop in just a second.

10 (The video continued to play.)

11 MR. HARPOOTLIAN: Okay. Now stop it.

12 Q Now, you're walking down in front of the dog pens.
13 Is this the water you're referring to?

14 A Yes.

15 Q And do you have dogs?

16 A I have one dog.

17 Q You don't keep it in a pen?

18 A No. He stays in the house.

19 Q Okay, but if you had hunting dogs and you had this
20 line of -- how many pens do you think there were?

21 A I honestly couldn't tell you. There's a lot.

22 Q Eight, nine, ten?

23 A Sure.

24 Q And are you familiar with the concept of washing a
25 pen out after a dog defecates in the pen?

1 A I've never personally done it, but I'm sure that's
2 what you would do to clean out a pen.

3 Q Okay, and isn't it -- I mean, there's water inside
4 the pens and outside the pens, correct?

5 A That's what it looks like.

6 Q Okay.

7 MR. HARPOOTLIAN: Go ahead.

8 (The video continued to play.)

9 MR. HARPOOTLIAN: Okay. Go to the next one, please.

10 (The video continued to play.)

11 MR. HARPOOTLIAN: I apologize, Your Honor.

12 (The video continued to play.)

13 Q And, again, we're looking at the dog pens, and the
14 water appears to be outside the pen on the concrete.

15 MR. WATERS: Your Honor, I would object. I think
16 that the video needs to be stopped when counsel asks a
17 question and for the witness to respond.

18 THE COURT: You're posing a question while playing a
19 video.

20 MR. HARPOOTLIAN: I'm sorry, Your Honor.

21 THE COURT: Or making a statement while playing a
22 video.

23 MR. HARPOOTLIAN: I'm sorry. The technology, again,
24 is beyond my experience.

25 Q Okay. So, again, this shows the same area. It shows

1 water on the concrete outside these dog pens, correct?

2 A Yes.

3 Q Okay.

4 MR. HARPOOTLIAN: Go to the next one, please.

5 (The video continued to play.)

6 Q Okay. So, again, this shows -- and actually there
7 was a light shining and you see a couple of dogs, so those
8 pens are occupied by dogs. There's water outside the pen
9 and inside the pen as if somebody had attempted to wash
10 something out of the pens, correct?

11 A There is water both inside and outside of the pen,
12 yes.

13 Q Okay.

14 MR. HARPOOTLIAN: Have we got one more? So, I want
15 you to go to the transcript. Do you need to switch
16 equipment to do that?

17 (Break in proceedings.)

18 MR. HARPOOTLIAN: Again, I apologize again, Your
19 Honor, but the technology is a little complicated.

20 (Break in proceedings.)

21 Q Okay. So, let's proceed on to see if I can clarify a
22 couple of matters. Let's talk about this shotgun. You --
23 this is the shotgun that Mr. Murdaugh was carrying for --
24 or had leaning up against the car when you got there. Is
25 that correct?

1 A It was leaning up against that vehicle, yes.

2 Q Okay, and according to what you testified to just a
3 moment ago, these are the shells -- I mean, the chain of
4 custody on the shotgun and the shells, they went together?

5 A Whenever I released the shotgun to the SLED agent who
6 took possession of it, I was unaware of any shells that
7 may have been inside of it at the time that it was handed
8 over. That was what was discovered inside the gun is my
9 understanding.

10 Q Okay.

11 MR. HARPOOTLIAN: Where is that chain of evidence
12 document that was introduced? Okay.

13 Q Would you publish this to the jury, please?

14 A You would like me to read it?

15 Q Yes, please.

16 A The camo Benelli Super Black Eagle 3 12 gauge
17 shotgun, serial number U573210E17. One unfired shotshell
18 12 gauge Federal. One unfired shotshell, Winchester 16
19 gauge.

20 Q Okay. So, there's a 12 gauge shell and a 16 gauge
21 shell.

22 A Yes.

23 Q 12 gauge shotgun.

24 A Yes.

25 Q This may be way beyond your experience, but can you

1 fire a 16 gauge shotgun shell from a 12 gauge shotgun?

2 A I wouldn't recommend trying it.

3 Q You would recommend what?

4 A I would not recommend trying it. I don't know that
5 it would actually work or not.

6 Q Could it result in damage to the person trying to
7 fire the shotgun?

8 A More than likely.

9 MR. WATERS: Your Honor, I would object. He's
10 already said he doesn't know the answer to that.

11 THE COURT: The objection is overruled.

12 MR. HARPOOTLIAN: Thank you.

13 Q So, you would not -- you could actually harm
14 yourself. It could blow up if you pulled the trigger on a
15 16 gauge in a 12 gauge shotgun.

16 A I have never tried it nor seen it tried, so I don't
17 know.

18 Q And the reason you don't do that is because you could
19 have harm -- personal harm from doing it, right?

20 A It's possible.

21 Q So this shotgun, according to the chain of evidence
22 you've just read, has a 16 gauge and a 12 gauge in it.

23 A Correct.

24 Q And it was leaning up against the car?

25 A It was. The shotgun was.

1 Q Now, I'm sort of interested as to -- let me get that
2 back.

3 A Sure.

4 Q I'm sort of interested as to why -- well, let me just
5 cut to the chase on this. There's discussions on this
6 tape, or maybe others, that there was a theory that Paul
7 had shot his mother and then shot himself, is that
8 correct, out on the scene?

9 A Yes.

10 Q She had been shot multiple times and he had been shot
11 with a shotgun. At least one of the shots y'all believe
12 was upward, and that's why his brains were all over the
13 ceiling.

14 A That part I don't know; I wasn't involved in that
15 part.

16 Q Well, y'all were discussing it at the scene.

17 A I did not discuss anything being shot upward. I
18 don't recall saying that.

19 Q Did you hear discussions to that -- of your fellow
20 officers?

21 A Of a shot being fired upward?

22 Q Yeah.

23 A That's what it looked like they were saying, yes.

24 Q Okay, and then further I think y'all -- in front of
25 you, one of the officers saying his brains are on the

1 ceiling. There's blood all over the place. Correct?

2 A I don't recall them saying brain was upward. I don't
3 recall.

4 Q Okay, and further you, as you're discussing this with
5 them, indicate -- let me make sure I get this correct.

6 You indicate there are multiple -- or someone indicates to
7 you there were multiple Blackout rounds around Maggie's
8 body in the vicinity, correct?

9 A Not rounds but shell casings.

10 Q I'm sorry, shell casings. Now, let me ask you this.
11 When you got there, didn't the fire chief, the fire
12 department arrive before you did?

13 A No, sir. I was first on scene.

14 Q Okay. Did they arrive while you were there?

15 A The -- one of fire rescue workers, I believe it was
16 Barry McCoy, did.

17 Q And when you got there, we hear an unidentified
18 person, and in your notes you indicated it was the fire
19 chief, I believe, that indicated to you -- pointed out to
20 you tire tracks and you went over and looked at those tire
21 tracks, and there were multiple tire tracks coming and
22 going, correct?

23 A I don't know that someone indicated them to me. I
24 believe I just saw them.

25 Q Okay, and what did you do to preserve those?

1 A The tire tracks?

2 Q Yes.

3 A Nothing.

4 Q And you certainly are not an expert in tire tracks.

5 A I'm not.

6 Q So, you couldn't tell whether it was multiple
7 vehicles or one vehicle.

8 A No.

9 Q And it may have been multiple vehicles.

10 A May have been.

11 Q Did you take pictures of the tracks?

12 A I did not take any pictures of the scene.

13 Q Did you instruct anyone to take pictures of the
14 tracks?

15 A No, sir, that's not my job.

16 Q When SLED arrived, did you tell them about the
17 tracks?

18 A No, sir, not my job.

19 Q Do you regret not doing that?

20 A It's not part of my job description.

21 Q So, it wasn't your job to even tell them there were
22 multiple tire tracks?

23 A If it had come up, if I had been asked, yes.

24 Q And in addition to that, since they were not secured
25 in any way, multiple vehicles, law enforcement vehicles

1 and others, drove over those tracks.

2 A That's possible. I wasn't over there the whole time
3 to know what kind of vehicles were driving in the area.

4 Q Well, by the time SLED got there, did you -- you --
5 strike that. You never took SLED over and pointed out
6 tire tracks, did you?

7 A Not to my recollection, I did not.

8 Q Was there somebody there at this -- with your
9 department that should have done that?

10 A I have no idea what they do with their job
11 descriptions as far as what they point out to additional
12 investigators.

13 Q Did somebody from fire and rescue point out
14 footprints?

15 A I believe on my body camera there is a fire and
16 rescue individual pointing out some footprints.

17 Q Okay. Did you take pictures of those?

18 A I did not.

19 Q Did you tell SLED about them?

20 A I did not.

21 Q So, nobody attempted to determine whether those were
22 Maggie's footprints, Paul's footprints, or at least that
23 night there was no effort by you or your department to
24 preserve those?

25 A By me? No. I cannot speak for everyone else.

1 Q Okay, and let me ask you this.

2 MR. HARPOOTLIAN: How about go to 4439, please.

3 Let's watch at least 10, if not 15, seconds of that.

4 (Break in proceedings.)

5 MR. HARPOOTLIAN: You know what? Before you undo all
6 of that, let's do some other stuff. Okay. If you would
7 go to page 17, line 10.

8 (Break in proceedings.)

9 MR. WATERS: Your Honor, I would object. They're
10 playing -- putting a transcript --

11 MR. HARPOOTLIAN: No, no, no. We're going to play
12 the video.

13 MR. WATERS: It's up on the screen. It's up on the
14 screen, Your Honor. I would object.

15 MR. HARPOOTLIAN: I apologize.

16 MR. WATERS: Can you take it down, please? Thank
17 you.

18 MR. HARPOOTLIAN: We have prepared a transcript.
19 It's synced with the video.

20 MR. WATERS: Well, I object to that; Your Honor, I
21 object. This transcript has not been provided. There's
22 no need for a transcript. The officer is here. We can
23 play a video and he can --

24 THE COURT: I haven't heard a transcript being
25 offered.

1 MR. HARPOOTLIAN: I'm not offering it, Your Honor.

2 I'm using it to direct the audio/visual man to the place.

3 THE COURT: Well, do you have questions for the
4 witness? Questions for your IT guy? You're just reading?
5 Are you ready to proceed?

6 MR. HARPOOTLIAN: There's a lot going on, Judge.

7 THE COURT: I understand. We're waiting for you.

8 MR. HARPOOTLIAN: I'm waiting for him.

9 (Break in proceedings.)

10 MR. HARPOOTLIAN: Let me -- rather than having him
11 play this, let me just cut to the chase. It's taking too
12 long.

13 Q On this transcript -- on this tape, the fire and
14 rescue person says to you -- I believe you agreed with me,
15 a set of prints behind the trailer. You were told --

16 MR. WATERS: Your Honor, I'm going to object. He's
17 publish again this transcript --

18 MR. HARPOOTLIAN: I'm not publishing. I'm asking.
19 Did you --

20 MR. WATERS: I object.

21 THE COURT: I haven't heard a question yet.

22 MR. HARPOOTLIAN: I would like to make one.

23 THE COURT: Yes, sir.

24 Q Were you told by fire and rescue there's a set of
25 prints behind the trailer?

1 A Yes.

2 Q Okay, and did he tell you that they attempted to not
3 disturb those footprints in any way?

4 A I don't recall exactly what was said.

5 Q Let me further ask you. You asked Mr. Murdaugh and
6 we have heard this on the tape. You talked to him about
7 the tire tracks coming and going, and he told you those
8 weren't his tire tracks, correct?

9 A He did say that they were not.

10 Q Okay, and further he indicated to you, Mr. Murdaugh
11 did, that he felt this was related to the boat case. You
12 indicated you knew about the boat case. You read about
13 the boat case.

14 A That's correct.

15 Q And in the boat case, Paul had been charged with
16 three counts of felony DUI, killing a young girl, and
17 wounding two others, correct?

18 A I don't know much details about that case. I really
19 don't.

20 Q Okay, but Mr. Murdaugh indicated to you there had
21 been threats made against Paul.

22 A He did.

23 Q And that he had even got in a fight once about it.

24 A I believe he said punched.

25 Q Punched. Okay, and so on the scene, he believed that

1 Paul's death was connected to someone angry about the boat
2 case, correct?

3 MR. WATERS: I would object to that, Your Honor, as
4 to what he believed, as to --

5 THE COURT: The objection is overruled.

6 MR. HARPOOTLIAN: Thank you.

7 Q On the scene, Mr. Murdaugh indicated to you he
8 thought the death of his son was related to his son's
9 involvement in the death of the young lady and the injury
10 of two others in the boat case, correct?

11 A It appeared that that's what he was getting at, yes.

12 Q Okay, and that's on the -- on the tape. Now, let's
13 talk a little bit about the preservation of the crime
14 scene. What did you do other than put yellow tape up to
15 preserve the crime scene?

16 A That's about the extent of my job is to put up the
17 tape and make sure people that don't need to cross it
18 don't cross it.

19 Q And I notice that there were officers walking around
20 putting little pieces of tape near shell casings.

21 A There was one officer doing that, yes.

22 Q And in the process of doing that, I didn't see any
23 lights other than maybe a flashlight. Were there any --
24 did y'all put up any sort of high intensity lights so
25 people could make sure they weren't stepping on something

1 in the dark?

2 A At that point, there were not light -- no additional
3 lighting that had been put up, no.

4 Q But you and your officers were walking through that
5 entire area. Is that correct?

6 A We were walking in the area, yes.

7 Q And did you actually walk -- I mean, the feed room --
8 and let me -- maybe this is the best way to do this.

9 MR. HARPOOTLIAN: I would like to use the ELMO.

10 (Break in proceedings.)

11 MR. HARPOOTLIAN: Your Honor, I have two photographs.
12 I'm going to use the ELMO in just a moment to show this
13 witness. I'm going to offer these into evidence without
14 objection by the State, is my understanding.

15 MR. WATERS: Once they're marked, I have no
16 objection. I would note they're graphic and they need to
17 be shielded from viewing.

18 THE COURT: They can be marked. What will the
19 exhibits numbers be for the defense?

20 COURT REPORTER: 1 and 2.

21 THE COURT: Defense 1 and 2 are admitted without
22 objection.

23 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 1 WAS
24 RECEIVED INTO EVIDENCE.)

25 (PHOTO MARKED AS DEFENDANT'S EXHIBIT NUMBER 2 WAS

1 RECEIVED INTO EVIDENCE.)

2 MR. HARPOOTLIAN: So -- thank you.

3 Q I'm going to first show you a picture and see if you
4 can identify it, please.

5 A That would be a picture of Paul.

6 Q And the second one, which would be Exhibit Number 2.

7 A A picture of Maggie.

8 Q And when you say a picture of Paul and a picture of
9 Maggie, these are crime scene photos, correct?

10 A They appear to be, yes.

11 Q Is this what you saw that night?

12 A Yes.

13 Q Both of these pictures?

14 A Yes.

15 Q Accurately depict what you saw that night.

16 A Yes.

17 (Break in proceedings.)

18 Q So as you look at this, I want to make sure I
19 understand. One of Paul's feet is still inside -- this is
20 the feed room behind him, correct?

21 A Yes.

22 Q And this is his head, lots of blood, and this would
23 be a part of his brain lying next to him, correct?

24 A I don't know if that's part of his brain or not.

25 Q All right. So, it's fair to say you didn't know

1 whether that was part of his brain. When you first saw
2 him, you didn't know whether his injuries were
3 catastrophic or he was dead, or did you?

4 A It was very clear that it was catastrophic.

5 Q Okay. Now, when you came upon the scene, clearly
6 this feed room was part of the crime scene, correct?

7 A Yes.

8 Q Now, you're taught to keep the crime scene pristine,
9 correct?

10 A As pristine as possible, yes.

11 Q Don't -- there was no reason for you to go in there,
12 was there?

13 A Me at the time, no.

14 Q Okay. Was there any reason for the police -- before
15 the SLED crime folks showed up, was there any reason for
16 y'all to go in there?

17 A There was no reason for me to go in there. I cannot
18 speak if there was a reason for another officer to have
19 gone in there.

20 Q Well, let me ask you this: Did y'all have any sort
21 of crime scene expert at -- with you that night, someone
22 that processes crime scenes?

23 A Investigators do process crime scenes.

24 Q Okay. Do you remember going in that feed room?

25 A I don't remember if I did specifically or not.

1 Q But you shouldn't have if you did, correct?

2 A It's not to say that I shouldn't have. If there was
3 something that needed to be done in there, then yes.

4 Q I guess what I'm getting at is I think one of the --
5 and you would agree with me that one of the cardinal rules
6 of a crime scene is keep it pristine. Don't walk over
7 things, try to preserve tire tracks, get pictures of them,
8 footprints, all of those sorts of things. But somebody
9 on -- with the officers with you -- were you in charge of
10 the scene?

11 A I was in charge of the deputies that were under my
12 immediate supervision until someone higher than me arrived
13 on scene.

14 Q And were those deputies directed by you or anyone to
15 do something to preserve the tire tracks? Pictures,
16 cordon them off, cover them up?

17 A I did not give anyone that instruction, no.

18 Q So, you didn't do that. In terms of Paul, where Paul
19 was laying, was anybody instructed, you know, put a cordon
20 around him, there's no reason to go into the feed room,
21 there's no reason to do anything obtrusive until a -- the
22 SLED crime scene processors, they were on the way at this
23 point, right?

24 A I believe they were, yes.

25 Q And so if -- okay.

1 MR. HARPOOTLIAN: So, let's put the other one up.

2 (Break in proceedings.)

3 Q And identify this for me, please.

4 A That's Maggie Murdaugh.

5 MR. GRIFFIN: Your Honor, may we approach very
6 briefly?

7 THE COURT: Yes, sir.

8 (A bench conference was held with the Judge and the
9 attorneys off the record.)

10 THE COURT: Ma'am, are you taking photographs of
11 these pictures?

12 PHOTOGRAPHER: No, Your Honor.

13 THE COURT: All right.

14 MR. GRIFFIN: All right, thank you.

15 MR. HARPOOTLIAN: Thank you, Your Honor.

16 (Break in proceedings.)

17 Q And can you identify this for the jury, please?

18 A That picture?

19 Q Yes.

20 A It's Maggie Murdaugh.

21 Q After she'd been killed.

22 A That's correct.

23 Q And, by the way, when you saw her from -- I mean, was
24 it apparent that she was deceased? You believe -- I mean,
25 but you -- have you ever seen a dead body before?

1 A I have seen multiple, yes.

2 Q Many, right?

3 A Yes.

4 Q So, you're sort of an expert in this area: who's
5 dead, who's not, who ought to get EMS there to check them
6 out or not, correct? You've made that call often.

7 A Yes.

8 Q Okay, but you could understand obviously Alex
9 Murdaugh's concern that they might be alive, that maybe --
10 I mean, you're not saying that he shouldn't be concerned
11 that somebody check out both Maggie and Paul to make
12 sure -- make sure they were dead, right?

13 A He was very concerned about that, yes.

14 Q Okay. Now as to Maggie Murdaugh, we see these
15 numbers. Did y'all do these numbers, or were they done
16 after y'all were there?

17 A I don't know when those numbers were done. They were
18 not placed by myself.

19 Q Or your team.

20 A I can't say that for sure -- certain.

21 Q We see that in the video that they're putting down
22 yellow tape. They're not putting these down, correct?

23 A That's correct.

24 Q Now, you also -- according to the video we saw, a
25 number of your officers are walking around marking where

1 cartridges are, right?

2 A They were.

3 Q Did they pick any of them up?

4 A No, not to my knowledge.

5 Q Well, later on we see them talking to you and others
6 on the video where they're saying these rounds came from a
7 Blackout, they were Blackout rounds or Blackout --

8 A 300 Blackout, yes, sir.

9 Q Right. I mean, did they get down on their hands and
10 knees and look, or did they --

11 A You would have to ask them. I don't know what they
12 did to know that they were 300 Blackout rounds.

13 Q Well, who were those officers that were walking
14 around her without a light on perhaps stepping on
15 evidence, correct? Who were those officers?

16 A Deputy McDowell and Deputy Pruitt were both in that
17 area.

18 Q Were they doing that pursuant to your instruction?

19 A They were not specifically instructed to do it. They
20 were -- just took the initiative to do it.

21 MR. HARPOOTLIAN: Okay. I'm done with the ELMO. I
22 want to play --

23 (Break in proceedings.)

24 (The video continued to play.)

25 Q Okay. So, this is your officers putting a sheet on

1 Paul's body?

2 A Not putting a sheet on. The sheet was already there.

3 Q Already there. Okay.

4 MR. HARPOOTLIAN: Continue, please.

5 (The video continued to play.)

6 Q Who is that --

7 MR. HARPOOTLIAN: Stop it. I'm sorry, stop it.

8 Q Who's that standing inside the feed room?

9 A Just inside that doorway was Deputy McDowell.

10 Q Okay. Were you present? Or that's your body cam, so
11 you're watching him do it, right?

12 A That's correct.

13 Q Should he have done that?

14 A Stand where he's standing?

15 Q Standing inside the feed room.

16 A It's part of the crime scene. We're all standing
17 inside the crime scene.

18 Q Inside what?

19 A The crime scene. We are all standing in the crime
20 scene.

21 Q I understand the same crime scene, but clearly you
22 believed, based on discussion, and everyone in your unit
23 believed that the fatal shot was made where he's basically
24 standing, correct? In that area?

25 A Where we are all standing?

1 Q Yeah.

2 A Yes, sir.

3 Q Is that procedure to walk around on top of an area
4 where shots had been fired if perhaps -- and I think even
5 in this they're talking about tissue or brain matter
6 laying there. I mean, aren't you supposed to -- you don't
7 put anything on your feet --

8 MR. WATERS: Your Honor, I would object. Is there a
9 question? There's not a question in that.

10 THE COURT: The objection is sustained. You must
11 pose questions.

12 Q Did you in any way have your men or women put
13 protective gear on their feet? I saw you put gloves on,
14 but did they put anything to insulate themselves from
15 contaminating the scene?

16 A On their feet, no.

17 Q In many instances, departments around the country
18 have people dressed in a gown to keep their DNA, their
19 hair from contaminating the scene.

20 MR. WATERS: Your Honor, I'm going to --

21 Q Did you do that?

22 A We do not and road patrol in Colleton County has no
23 standard practice, no.

24 Q You do not do that.

25 A Not as standard practice, no.

1 Q Have you ever done that?

2 A I have not.

3 Q Have you ever had something covering your feet when
4 you're walking on a crime scene?

5 A I couldn't tell you that for sure.

6 Q Now, if we later on find -- and did you notice bloody
7 footprints? Well, first of all, did you notice bloody
8 footprints inside the feed room?

9 A I don't remember seeing any.

10 Q I'm sorry?

11 A I don't remember seeing any bloody footprints.

12 Q Okay. If there were bloody footprints in the feed
13 room, could they have been created by you or your men?

14 A They could have been created by anyone walking in
15 that area, yes, sir.

16 Q And you're walking in there, or your men are walking
17 in there, correct?

18 A Yeah, correct.

19 Q And you think that's standard operating procedure?

20 A Well, you do your best not to contaminate anything.

21 Q Well -- and this is your best.

22 A What you're looking at right now is standard
23 procedure.

24 Q To walk in an area where there's blood, where there's
25 brain matter, where there's -- and I believe there was

1 wadding laying on the floor.

2 A I don't recall.

3 Q But you would agree with me that you have these
4 procedures so that you don't contaminate the crime scene,
5 so that you don't destroy evidence like those tire tracks,
6 or those footprints, or leave your DNA, or in some way
7 alter the scene so that if -- I mean, you would agree with
8 me so that --

9 MR. HARPOOTLIAN: Let me finish the question.

10 Q -- so that if there is exculpatory or inculpatory
11 evidence that would help you find the perpetrator and
12 prosecute him, or evidence that would clear somebody, that
13 was destroyed. Some of that was destroyed that night
14 because you, your department, and maybe even SLED, didn't
15 preserve that evidence. Isn't that correct?

16 A I'm not sure if I fully understand your question.

17 Q The question is this. If you were -- if you are
18 exploring, you're standing -- your men are standing in the
19 spot and there was evidence there, or the tire tracks that
20 weren't preserved, or the footprints that weren't
21 preserved, that evidence could either incriminate somebody
22 or exculpate somebody? Could, correct?

23 A Could, yes.

24 Q That's why you don't do this, right?

25 A That's why you don't contaminate the evidence,

1 correct.

2 (Break in proceedings.)

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

4 (Break in proceedings.)

5 Q Just a couple of more questions. You put yellow tape
6 around the kennels, right?

7 A We put it around the whole area.

8 Q Did you put it so that folks couldn't drive in and
9 out?

10 A They were not to go past where my vehicle was parked.
11 I believe that was the extent of the yellow tape.

12 Q But between your vehicle and the entrance, none of
13 those tire tracks were --

14 A Entrance of?

15 Q The property. If somebody had driven into the
16 property --

17 A You mean from the main road of Moselle Road?

18 Q From the main road.

19 A All the vehicles were coming in on that driveway.

20 Q Right. So, if somebody had come in and left who had
21 committed the murders, whatever tire tracks that were left
22 were obliterated by your men. Is that right?

23 A It's possible.

24 Q Were you there when the coroner arrived?

25 A Given my extent of my time there, I would assume so,

1 but I don't remember specifically.

2 Q But you don't remember seeing a coroner, the coroner.

3 A I may have. I don't remember specifically.

4 Q And apparently, according to the body cam, you didn't
5 talk to him.

6 A Not on my body camera, but it could have been after
7 the body camera was turned off. I don't know.

8 Q Why did you turn it off?

9 A Why was the body camera turned off?

10 Q Yeah.

11 A Once my job, my specific job of doing any primary
12 investigation after my initial arrival is completed and
13 I'm not going to be doing anything further to investigate,
14 I -- it's no longer needed.

15 MR. HARPOOTLIAN: Thank you. Please answer any
16 follow-up questions by the Attorney General.

17 THE COURT: Redirect?

18 MR. WATERS: Thank you, Your Honor. May it please
19 the Court?

20 REDIRECT EXAMINATION

21 BY MR. WATERS:

22 Q You were asked a series of questions about
23 contaminating evidence. Are you aware that any evidence
24 was contaminated in this case?

25 A I'm not.

1 Q Did you engage in everything you could to avoid
2 contaminating evidence?

3 A Yes.

4 Q Did you, in fact, instruct your deputies set up a
5 crime scene and instruct them to avoid areas where
6 evidence might be contaminated?

7 A We did everything we possibly could to avoid
8 contaminating evidence.

9 Q Do your officers all have basic training in trying to
10 avoid contamination of evidence?

11 A Yes.

12 Q Are you also, though, as first responders in a fluid
13 situation doing the best you can to assess what's going
14 on?

15 A Correct.

16 Q It's not your job to do the actual crime scene
17 investigation work. Is that correct?

18 A Not at all.

19 Q Okay. You were asked about whether or not you had
20 had any meetings with prosecutors. Is it common for law
21 enforcement witnesses, or any witnesses, to meet with the
22 prosecutors prior to a trial?

23 A Very common.

24 Q Okay. Was any -- did anybody ask you to do anything
25 but express your accurate and honest opinions and

1 observations about what you observed at this scene?

2 A No.

3 Q You were asked about this particular shotgun right
4 here, this 12 gauge shotgun. This is the shotgun that
5 Alex Murdaugh had when you arrived at the scene. Is that
6 correct?

7 A That's correct.

8 Q And you were asked about the shells right here. Is
9 that correct?

10 A That is correct.

11 Q Did you unload this weapon?

12 A I did not.

13 Q Was it unloaded by somebody else after you turned it
14 over to them?

15 A Yes.

16 Q You were asked a little bit about the 300 Blackout
17 casings or cases that were at the scene. Is that correct?

18 A That's correct.

19 Q All right, and just real quick, explain to the jury
20 what a casing or a case is, please.

21 A So, a casing would be what would be left after the
22 projectile has been fired through a weapon.

23 Q After it had been fired. The shell that comes out of
24 gun and lands on the ground near the victim. Is that
25 correct?

1 A That's correct.

2 Q So, it is the remnants of a fired round. Is that
3 right?

4 A That's correct.

5 Q And there were multiple ones of those Blackouts
6 surrounding Maggie. Is that correct?

7 A That is correct.

8 Q You were asked a lot about the tire tracks, and you
9 just happened to notice those over behind the defendant's
10 vehicle. Is that correct?

11 A That's correct.

12 Q And we had a still image put into evidence, Exhibit
13 Number 5. This is it right here with just the still
14 image. Is that right?

15 A Yes.

16 Q All right, and the still image doesn't reflect as
17 good as what the video does. Is that right? You can see
18 it clearly?

19 A The video shows it much better.

20 Q Much better. All right. Were these like tracks in
21 the dirt, or were these just impressions in the grass, in
22 the dewy grass?

23 A They appeared to be impressions in the dewy grass.

24 Q Okay. All right. They weren't like tracks in the
25 dirt that you saw, correct?

1 A No.

2 Q All right. I'm going to go back to the video. I'm
3 playing it at approximately 25 minutes and 11 seconds.

4 (The video of body worn camera resumed play.)

5 MR. WATERS: Let me back it up for a little bit.

6 (The video continued to play.)

7 Q All right. So, the images that we just saw, those
8 were the dewy impression in the grass that you were just
9 talking about. Is that correct?

10 A That's correct.

11 Q And the defendant said two of them were mine and the
12 rest of them may have been from earlier. Is that correct?

13 A Yes.

14 Q You were asked a little bit about the boat case. Did
15 you have any detailed knowledge or understanding of the
16 boat case when you arrived at the scene?

17 A No.

18 Q You just knew very generally that there was some boat
19 case. Is that right?

20 A Yes. It had been in the news.

21 Q Did you even realize that this was that Paul Murdaugh
22 when you arrived on the scene?

23 A Not until he had brought up the boat incident.

24 Q And who brought up the boat incident?

25 A Mr. Murdaugh did.

1 Q Within a few minutes of you arriving, he's the one
2 that brought up the boat incident --

3 A He did.

4 Q -- is that correct?

5 A He did.

6 Q And he offered that right out of the gate as a
7 possible explanation for what happened here. Is that
8 right?

9 A Yes.

10 MR. WATERS: Nothing further, Your Honor.

11 THE COURT: Anything further?

12 MR. HARPOOTLIAN: Just briefly, Your Honor.

13 RECROSS-EXAMINATION

14 BY MR. HARPOOTLIAN:

15 Q Did you find it unreasonable for him to say that his
16 son who'd been involved in this incident, who'd been
17 threatened on numerous occasions and punched -- he told
18 you he'd been punched, right?

19 A He did.

20 Q Okay. That was a possible explanation, not
21 implausible, for somebody killing Paul. You didn't fight
22 back, did you?

23 A No.

24 Q And it was in his mind apparently the only reasonable
25 explanation that occurred, right?

1 A I don't know what was in his mind.

2 Q Well, I mean, that's what he told you; that's what he
3 believed.

4 A That was the statement that he made, yes.

5 Q Okay, and just one other follow-up question. You
6 were asked if there was any evidence these -- these dewy
7 tire tracks, this was at 10:00 at night. Was there dew on
8 the ground already?

9 A It was pretty humid out; there was a lot of dew.

10 Q It was humid.

11 A Yeah.

12 Q It wasn't like in the morning.

13 A This was not morning time.

14 Q So -- but are you telling me no one could have
15 looked -- no expert could have looked and said, you know,
16 that's a Suburban, that's a pickup truck, that's -- no one
17 could do that, or do you --

18 A I'm not going to pretend to know what an expert in
19 that kind of stuff can and can't do.

20 Q But you were -- you're not an expert. Did you
21 believe those tire tracks would last until SLED got there?

22 A Yes. It appeared that they probably would.

23 Q Did you point them out to SLED?

24 A Did I do what?

25 Q Did you point them out to SLED?

1 A I did not.

2 MR. HARPOOTLIAN: Thank you.

3 THE COURT: You may step down.

4 (The witness exited the stand.)

5 THE COURT: Call your next witness.

6 MR. WATERS: Thank you, Your Honor. The State calls
7 Corporal McDowell.

8 The witness, CHAD MCDOWELL, was first duly sworn and
9 testified as follows:

10 THE CLERK: If you will, have a seat and adjust that
11 microphone. Make sure you speak into that microphone.
12 State your name and spell your last name, please.

13 THE WITNESS: My name is Chad McDowell, last name is
14 spelled M-c-d-o-w-e-l-l.

15 DIRECT EXAMINATION

16 BY MR. WATERS:

17 Q Corporal McDowell, how are you doing today?

18 A Good.

19 Q Telling the jury where you work, please.

20 A I work for Colleton County Sheriff's Office as a --
21 I'm assigned to road patrol, the K-9 handler.

22 Q Okay, and can you just give us a quick background of
23 who you are, where you grew up, and how you ended up in
24 your career in law enforcement?

25 A Sure. I grew up in Colleton County. Went to

1 Colleton County High School. Went to college at
2 Tri-County Technical College where I studied Criminal
3 Justice. Once I reached age, I came home. Was hired by
4 Colleton County Sheriff's Office. Left for a couple of
5 years to go work for Jasper County, and then came back to
6 Colleton. I've been assigned to road patrol in Colleton.

7 Q All right, and when -- what year did you first start
8 working for the Colleton County Sheriff's Department or
9 began your law enforcement career?

10 A 2016.

11 Q All right, and what's your current -- you're a
12 corporal now. Is that correct?

13 A Yes, sir.

14 Q And what is your current assignment? What are your
15 duties?

16 A I'm still assigned to road patrol. I am a K-9
17 handler.

18 Q And when you say K-9, explain to the jury what that
19 is.

20 A So, I have a K-9 that is assigned to me. We respond
21 to certain calls or if we're requested by another deputy
22 for narcotics searches, searches for suspects, things of
23 that matter.

24 Q All right. K-9 is a dog, correct?

25 A That's correct.

1 Q All right, and what's your dog's name?

2 A Evo.

3 Q Evo? And what kind of dog is a Evo?

4 A He's a Belgian Malinois.

5 Q Malinois?

6 A Yeah.

7 Q Is that kind of like a German Shepherd?

8 A Kind of, short haired, pointy ears.

9 Q Okay. Short hair, pointy ears. Is Evo typically
10 with you when you're out on patrol?

11 A Yes, sir.

12 Q Was Evo with you the night of June 7, 2021?

13 A Yes, sir.

14 Q Were you a corporal then at that time?

15 A No, sir, I was a deputy.

16 Q All right, and who was on the squad that you were on?

17 A Sergeant Daniel Greene, Corporal Alysse Janicki,
18 myself, and Deputy Pruitt, Cody Pruitt.

19 Q And so who was your immediate supervisor?

20 A It would have been Corporal Janicki.

21 Q Okay, and above that is --

22 A Sergeant Greene.

23 Q All right, and then above that?

24 A Lieutenant Nettles.

25 Q All right, and then above that?

1 A Captain Crouse.

2 Q Okay. What shift were you -- were you working the
3 night of June 7, 2021?

4 A Yes, sir, I was.

5 Q And that was in Colleton County?

6 A Yes, sir.

7 Q And what shift were you working that night?

8 A Night shift.

9 Q Did you ultimately respond to a call for service at
10 4147 Moselle Road?

11 A Yes, sir.

12 Q And you actually went there?

13 A I did.

14 Q And did you come to the incident location at the
15 kennels at that property at 4147 Moselle Road?

16 A I did.

17 Q Is that in Colleton County?

18 A It is.

19 Q Were you -- when you arrived, what other first
20 responders were on scene, to your recollection?

21 A Sergeant Greene was there. There was one other fire
22 rescue personnel vehicle in there. I believe the rest
23 were staged, the best I can remember. When I say staged,
24 I mean at the head of the driveway. They may have --
25 there may have been a couple of other apparatuses on

1 scene.

2 Q And which -- do you recall which driveway you
3 entered? Did you enter the driveway near the kennels,
4 where you came upon the kennels?

5 A Yes, sir. It was the same driveway everyone else
6 entered.

7 Q So, you were parked behind Sergeant Greene's --

8 A Sergeant Greene's --

9 Q -- vehicle.

10 A Yes.

11 Q Okay. What did you do after that? After you got out
12 of your vehicle, what did you do?

13 A I approached the crime scene. I was trying to make
14 my way to Sergeant Greene to see what he needed me to do.
15 I made my way to the crime scene as carefully as I could.
16 And I approached Sergeant Greene, saw that he was
17 interviewing the only person on scene, so I went back to
18 my vehicle.

19 Q And did you see who he was interviewing?

20 A Mr. Murdaugh, yes, sir.

21 Q Do you see him in the courtroom here today?

22 A Yes, sir.

23 Q Can you point him out?

24 A Yes, sir. He's in the middle, navy blue suit.

25 MR. WATERS: Your Honor, can the record reflect he's

1 identified the defendant?

2 THE COURT: It does.

3 Q I'm going to show you what's been marked as Exhibit 6
4 to your testimony.

5 MR. HARPOOTLIAN: No objection.

6 THE COURT: It's admitted without objection.

7 (BODY CAM VIDEO MARKED AS STATE'S EXHIBIT NUMBER 6
8 WAS RECEIVED INTO EVIDENCE.)

9 Q And this is a disc, but I want you to take a look at
10 it and see if you recognize this disc.

11 A Yes, sir, I do.

12 Q All right, and what is on this disc?

13 A It would be body cam footage from my body cam that I
14 wore.

15 Q All right, and how do you know that this is that body
16 cam footage?

17 A It has my initials on it.

18 Q So, you reviewed this and put your initials on it.
19 Is that correct?

20 A Yes, sir.

21 Q All right.

22 (Break in proceedings.)

23 Q Let me ask you this. When you got this call for
24 service, were you currently on another call for service,
25 or were you just out on patrol?

1 A No, sir. I was just out on patrol.

2 (The body cam video was played. Audio not
3 transcribed.)

4 Q And once you got that call for service, what did you
5 do? Did you activate your lights and sirens?

6 A I activated lights and sirens and responded to the
7 incident location.

8 Q And once you do that, do you make all haste to get to
9 that incident location as fast but also as reasonably safe
10 as you can?

11 A Yes, sir.

12 Q Is that standard operating procedure?

13 A Yes, sir.

14 (The video continued to play.)

15 Q The first 10 minutes of this body cam are essentially
16 you driving to the scene, is that correct, roughly?

17 A Yes, sir.

18 Q I'm going to fast forward to closer in time when you
19 arrive.

20 (The video continued to play.)

21 Q We heard proceed to the route. What was that?

22 A I had a GPS activated on my phone.

23 Q Just like most people use. Is that right?

24 A Yes, sir.

25 (The video continued to play.)

1 Q Were these the kennels that you saw when you arrived
2 at the property?

3 A Yes, sir.

4 Q And to the right is sort of the shed or the hangar.
5 Is that correct?

6 A That's correct.

7 Q Let me ask you this. You're obviously serving as a
8 road patrol officer. Is that correct?

9 A Yes, sir.

10 Q You -- what is your job as a road patrol officer as a
11 first responder when you come upon a scene like this?
12 What is your particular role as you arrive at something
13 like this?

14 A When we get on the scene we secure the scene, meaning
15 make sure there's no active threat for other arriving
16 first responders. We'll preserve the scene to the best of
17 our ability and then turn the scene over to arriving
18 detectives.

19 Q When you arrive at a scene like this, are you
20 constantly not only paying attention for any threat or
21 anything like that, but also making sure that you don't
22 disturb or -- any sort of evidence that may be at the
23 scene?

24 A Yes, sir.

25 Q Is that part of your general training and standard

1 operating procedure?

2 A It is.

3 Q You also have to couple that, though, with the duties
4 of a first responder, which is to get to that scene, to
5 secure it, and make sure there's no active threats, and
6 get it under control. Is that correct?

7 A That's correct.

8 Q So, the duties of a first responder had both of those
9 sort of balancing together. Is that right?

10 A Yes, sir.

11 Q And are you constantly always looking around for
12 evidence not only to identify, but also to assure that you
13 don't disturb anything? Is that your general --

14 MR. HARPOOTLIAN: Objection, Your Honor. Leading.

15 THE COURT: Don't lead the witness.

16 MR. WATERS: Thank you, Your Honor.

17 Q What is your general training as a road officer as it
18 relates coming upon a scene and looking for evidence?

19 A Our number one duty would be safety. Number two,
20 we're looking for evidence so as not to disturb it.

21 Q Thank you.

22 (The video continued to play.)

23 Q Right there to the right, what is that to the right
24 of the screen?

25 A That would be Ms. Murdaugh's body.

1 (The video continued to play.)

2 Q Who are those individuals right there?

3 A That's Sergeant Greene and Mr. Murdaugh.

4 (The video continued to play.)

5 Q What did the defendant say to you right there?

6 A He said how are you doing.

7 Q Did you know him?

8 A No, sir.

9 Q How are you doing. That's what he said?

10 A Yes, sir.

11 (The video continued to play.)

12 Q All right. What were you asking fire and rescue to
13 do at that point?

14 A Just to try to preserve it the best they could, if
15 they didn't --

16 Q Were you asking them -- but what were you
17 specifically asking them not to do?

18 A Cover the bodies if they didn't have to.

19 Q And what was their response, though?

20 A I couldn't make it out. I believe he said we're
21 covering them for family responding. I couldn't make it
22 out.

23 (The video continued to play.)

24 Q Do you recall now?

25 A Again, it sounds like he says they're going to cover

1 them up because the family being here.

2 Q Because of the family being here.

3 A That's what it sounds like.

4 Q All right.

5 (The video continued to play.)

6 Q What did you just ask Cody for?

7 A A piece of tape, a piece of crime scene tape.

8 Q All right, and who was Cody?

9 A Deputy Pruitt. He is the one that you see there with
10 the yellow crime scene tape.

11 Q And why did you ask Deputy Pruitt for some crime
12 scene tape?

13 A I had observed a shell casing on the ground, and I
14 wanted to mark it so it didn't become disturbed.

15 Q In your general duties as an officer, when you
16 observe something. you ask for some tape to mark it. Is
17 that correct?

18 A Yes, sir.

19 Q And that's what you were previously describing your
20 role is. Is that correct?

21 A Yes, sir.

22 (The video continued to play.)

23 Q That casing that you saw, did you recognize what kind
24 of ammunition it was?

25 A Yes, sir.

1 Q And what kind of ammunition was it?

2 A 300 Blackout casing.

3 Q And how could you tell it was a 300 Blackout casing?

4 A Just my own personal experience. I own a 300
5 Blackout and I recognized it.

6 Q You recognized the case from your own experience.

7 A Yes, sir.

8 (The video continued to play.)

9 Q Did you observe any dogs in the kennels?

10 A I did.

11 Q Do you remember how many or where they are?

12 A I do not remember.

13 Q More than one dog, though?

14 A I don't remember.

15 (The video continued to play.)

16 Q When you marked that casing, were you careful not to
17 disturb its location where it -- where you found it?

18 A Yes, sir. I placed the tape beside it and then
19 placed a rock on top of it so it wouldn't blow away.

20 (The video continued to play.)

21 Q I'm sorry to do that to everybody, but what was that
22 loud noise?

23 A It was just my windshield wipers.

24 Q And why was it making that noise?

25 A They had removed all the moisture, I guess.

1 (The video continued to play.)

2 Q Those cases that you were marking right there, did
3 you at all disturb the location of where you saw them?

4 A No, sir.

5 Q Is it your job to be doing a crime scene collection
6 for this case, or are you just doing that to assist those
7 who will do that who will arrive at a later time?

8 A No, sir, I don't collect anything. I'm just marking
9 it so that they're not disturbed.

10 (The video continued to play.)

11 Q What did you just say right there?

12 A I don't think there's going to be anything for me and
13 Evo to do here.

14 Q And what did you mean by that?

15 A There was no article search that needed to be
16 conducted right then and there. Putting Evo on the ground
17 could have caused more of a disturbance than just leaving
18 him up.

19 (The video continued to play.)

20 Q All right, I'm going to now show you a portion of
21 what's been previously admitted into evidence as
22 Exhibit 1.

23 (Break in proceedings.)

24 MR. WATERS: And for the record I'm starting it at
25 4227.

1 (The body cam video was played. Audio not
2 transcribed.)

3 Q Who is that to the right of the screen right there?

4 A That would be me.

5 Q All right, and what are you about to do?

6 A Step inside and assist CID with lifting that sheet.

7 Q All right, and were you asked to do that?

8 A Yes, sir.

9 Q And who asked you to do that?

10 A Captain Chapman.

11 Q All right, and where is Captain Chapman in this
12 image?

13 A In the middle.

14 Q And is he a senior officer to you?

15 A At that time.

16 Q Okay, and I noticed before you moved -- what did you
17 do?

18 A Turned my light on.

19 Q And why did you turn on your light?

20 A So that I could plainly see what was underneath me
21 where I was going.

22 Q Did you disturb any evidence or anything as you
23 started to go into the feed room?

24 A No, sir.

25 Q Were you careful to avoid doing that?

1 A Yes, sir.

2 Q Did you kick any shell casings or waddings or
3 anything like that when you went into the feed room?

4 A No, sir.

5 Q Did you step on any bloody footprints when you went
6 into the feed room?

7 A No, sir.

8 Q If you had seen something like that before you
9 stepped in there, what would you have done?

10 A I would have stopped and notified the detective.

11 (The video continued to play.)

12 Q Do you recall what, if anything, was laying on Paul's
13 rear end?

14 A His cell phone, or a cell phone.

15 Q Is that it in this image right here?

16 A Yes, sir.

17 (The video continued to play.)

18 Q Did you kind of jump out of the feed room just then?

19 A Yes, sir.

20 Q Did you turn on your light before you did so?

21 A I believe so.

22 Q Watch it again.

23 (The video continued to play.)

24 Q Did you jump out when you left the feed room?

25 A Yes, sir.

1 Q And why did you jump out like that?

2 A Trying not to disturb the body. It was easier to
3 leap out than to try to step.

4 Q Did you enter the feed room at any point after that,
5 to your recollection?

6 A Not to my recollection.

7 Q I'm going to show you what's been marked as Defense
8 Exhibit Number 1 and see if you recognize this particular
9 image.

10 A Yes, sir.

11 MR. WATERS: Let's switch inputs, please.

12 (Break in proceedings.)

13 Q Does that appear to -- is that how you found Paul
14 when you arrived at the scene?

15 A Yes, sir.

16 Q And were his hands underneath him in that fashion
17 when you arrived at the scene?

18 A Yes, sir.

19 MR. WATERS: Your Honor, I have State's Exhibit 7, I
20 believe without objection, that I will offer into
21 evidence.

22 MR. HARPOOTLIAN: No objection.

23 THE COURT: It's admitted without objection.

24 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 7 WAS
25 RECEIVED INTO EVIDENCE.)

1 Q I'm going to show you what's been marked as Exhibit 7
2 and see if you recognize that image.

3 A Yes, sir.

4 Q And what is that?

5 A It's a still image of video of my body worn camera.

6 Q Is that a still image of when the defendant said how
7 you doing when you walked up?

8 A Yes, sir.

9 MR. WATERS: Court's indulgence one moment, Your
10 Honor.

11 (Break in proceedings.)

12 MR. WATERS: Nothing further from this witness at
13 this time, Your Honor.

14 THE COURT: Cross-examination.

15 MR. HARPOOTLIAN: Please the Court, Your Honor?

16 CROSS-EXAMINATION

17 BY MR. HARPOOTLIAN:

18 Q So when you got to the scene, who was your
19 supervisor?

20 A Can you repeat that question? I couldn't hear you.

21 Q I'm sorry. I'll speak a little bit louder. When you
22 got to the scene, who was your supervisor?

23 A Sergeant Greene.

24 Q Sergeant Greene, and I believe Sergeant Greene was
25 instructing y'all to put some yellow tape up. You did

1 some of that?

2 A No, sir.

3 Q You didn't do any of that?

4 A Deputy Pruitt, yes, but I did not.

5 Q What was -- Sergeant Greene, what was his
6 instructions to you? What were you there to do? Number
7 one -- let me withdraw that question. Were you there to
8 apprehend somebody?

9 A Not at the time, no, sir. I was just there to assist
10 when needed.

11 Q Assist doing what?

12 A Whatever was needed of me.

13 Q Were you invest -- were y'all attempting to determine
14 what happened?

15 A We were -- we were there as initial responders, were
16 there to secure the scene.

17 Q Okay. Secure the scene, and secure the scene for
18 further processing by SLED?

19 A By our investigators. I learned later on that SLED
20 was responding as well.

21 Q Okay. So, let me by way of example -- you went down
22 to where with Paul's body was. It was covered with a
23 sheet. We see that on the video, correct?

24 A Not when I initially responded, but yes, sir.

25 Q No, no. But the video we just saw.

1 A Yes, sir.

2 Q And why were y'all -- I mean, what was -- was there a
3 purpose in going down there and pulling a sheet back and
4 looking around him?

5 A I believe they were looking for another weapon.

6 Q What kind of weapon?

7 A I believe they were looking for a 300 Blackout.

8 Q I mean, we saw in the picture it looked -- at Paul's
9 body, there's no 300 Blackout laying next to him, correct?

10 A No, sir.

11 Q I'm correct?

12 A Yes, you are correct. No, there was no 300 Blackout
13 laying beside him.

14 Q Okay. So, you say you're down there looking for
15 another weapon. Where were you looking for another
16 weapon?

17 A I wasn't, sir. I was assisting lifting the sheet for
18 detectives.

19 Q And you concede you stepped into the feed room.

20 A Yes, sir.

21 Q And based on the way that Paul was laying, and, of
22 course, you did have a flashlight and you were looking,
23 trying not to step on anything. Did you have anything to
24 insulate your feet? In some jurisdictions, they have
25 little baggy things to put over their feet to make sure

1 they don't contaminate the scene. Did you have those on?

2 A No, sir.

3 Q And did you -- when you stepped in, you had a
4 flashlight. What you were looking at with the visible
5 eye? You were determining you weren't disturbing the
6 scene, correct?

7 A That's correct.

8 Q You made an effort not to.

9 A Yes, sir.

10 Q You don't know whether you did or you didn't.

11 A To my knowledge, I did not.

12 Q But you can't say that you didn't, to your knowledge.

13 A Can you repeat that?

14 Q To your knowledge, you didn't.

15 A To my knowledge, I did not disturb anything.

16 Q Okay, but you would concede there's microscopic
17 evidence sometimes at crime scenes, correct?

18 A Yes, sir, that's possible.

19 Q And you didn't have a microscope.

20 A No, sir.

21 Q But like the SLED Crime Team would look very closely,
22 would they not? They would not -- I mean, as far as I
23 could tell, you were looking basically from 3 or 4 feet
24 away from the floor, right?

25 A Yes, sir.

1 Q Okay. So, what you could see with the naked eye at
2 night with a flashlight from 3 or 4 feet is what you base
3 your opinion you didn't disturb anything.

4 A That's correct.

5 Q Now, and you don't know why -- they were looking for
6 another weapon, but you don't know what other weapon. You
7 don't know where that weapon might have been. And, again,
8 multiple deputies at the scene saw the body before he was
9 covered with a sheet, right?

10 A Myself and Sergeant Greene did.

11 Q Okay. Were y'all -- in your presence, any of the
12 other officers with you there that night, did any of them
13 discuss this is a possible murder/suicide, murder/suicide?

14 A It's possible. Not to my recollection.

15 Q Now, when you were going out and we saw you mark a
16 shell casing, was that in the grass or on the dirt road?

17 A I believe the first one was in gravel.

18 Q In the gravel, I'm sorry.

19 A Yes, sir.

20 Q Okay, but you found others, right?

21 A Yes, sir.

22 Q And to do that, you had to walk around in the grass?

23 A Yes, sir.

24 Q And, again, you got a flashlight. You're looking and
25 you don't know what was in the grass that you may have

1 disturbed around those shell casings.

2 A No, sir.

3 Q You don't know.

4 A No, sir.

5 Q You may have disturbed something.

6 A It's possible.

7 Q And I guess what I'm trying to ask is why then were
8 you trying to look for shell casings? Why couldn't you
9 wait until the next morning? Why was this urgency? I
10 mean, was somebody getting away or -- I mean, I don't
11 quite understand why.

12 A I can't answer that. I don't know. I didn't know if
13 somebody was getting away or not.

14 Q Did somebody instruct you to go find shell casings?

15 A No, sir.

16 Q You just did it on your own initiative.

17 A Yes, sir.

18 Q And you concede that you may have disturbed or
19 destroyed evidence in that process.

20 A Microscopically something I didn't see.

21 Q Well, microscopic, something down in the grass. I
22 mean, you're walking on grass, right? Not a --

23 A Yes, sir.

24 Q -- a smooth surface like in the shed, in the feed
25 room, but it's grass at night, correct?

1 A Yes, sir.

2 Q And I guess what I'm trying to wonder is what y'all
3 were doing. Were you trying to solve a crime? Were you
4 trying to just index everything was there and -- when did
5 you find out SLED was coming?

6 A So, we're trying to mark everything there. As you
7 can tell, there were multiple units going back and forth,
8 fire and rescue as well as sheriff's office. We try to
9 mark it so that it brings awareness to them and it doesn't
10 become disturbed.

11 Q I'm sorry, I can't understand you. I can't hear you.

12 A There were multiple units on scene --

13 Q Right.

14 A -- sheriff's office as well as fire and rescue.

15 Q Right.

16 A The reason that I saw urgency to mark those shell
17 casings is so that it brings awareness to those of us that
18 were walking around and they don't become disturbed.

19 Q Well, that brings up the question. Should you have
20 been walking around? What are you -- if you've got two
21 dead people, whoever the perpetrator was at that point
22 y'all hadn't identified, had you?

23 A No, sir.

24 Q Okay. So, the perpetrator may be in the woods across
25 the street as far as you know at that point, right?

1 A Could have been anywhere.

2 Q Right. So, you're not trying to solve a crime.
3 You're processing a scene.

4 A I'm not processing anything.

5 Q You don't know what you're doing.

6 A I just told you what I was doing, sir.

7 Q You're marking pieces of evidence.

8 A Yes, sir.

9 Q And the urgency to do that was so that no one else
10 would walk over it --

11 A Yes, sir.

12 Q -- while you're walking around it.

13 A Around, yes, sir.

14 Q Well, you don't know whether you actually stepped on
15 one or not, do you?

16 A I was very careful not to.

17 Q Okay. Now, let me also ask you this. The pattern of
18 the first shell casing was how far away from the feed
19 room --

20 A I can't say.

21 Q -- that you found?

22 A The first shell casing I found?

23 Q Yeah.

24 A I'm not sure.

25 Q 10 feet? 20 feet? More than me or you? Further

1 than --

2 A Probably about the same distance from me to you.

3 Q Okay. From the feed room door?

4 A Yes, sir.

5 Q Now, I understand a -- and you've fired -- you've got
6 a Blackout, right?

7 A Yes, sir.

8 Q And when you fire that, does it eject to the right or
9 to the left?

10 A To the right, mine does.

11 Q Okay. So, if the feed room is where I am, that shell
12 casing ejected to the right, right and forward, right and
13 back, or do you know?

14 A Are you asking where the shell casing was in relation
15 to the door? It would have been forward and right of the
16 door.

17 Q Forward and right of the door. And there was the
18 pattern of casings leading to the -- do they all lead to
19 her body?

20 A I can't remember.

21 Q Did you sketch where you found her?

22 A No, sir. I did not do a crime scene sketch.

23 Q Have you ever done a crime scene sketch?

24 A No, sir.

25 Q Tell me your training in crime scene processing.

1 A It's very basic. Limited to what you would get at
2 the Criminal Justice Academy.

3 Q Very basic.

4 A Yes, sir.

5 Q So, you're not a crime scene processor. Again -- and
6 I'm not asking this question repetitively. I'm just
7 trying to puzzle it out. What -- you don't know what your
8 role was there?

9 A I was a first responder.

10 Q You were a first responder. Well, they were dead,
11 Paul and Maggie, right? Couldn't render them any aid.

12 MR. WATERS: Your Honor, I would object to the
13 question and that statement.

14 THE COURT: Is there a question?

15 Q Could you have rendered them aid? Were they in a
16 physical condition where your assistance would have
17 helped?

18 A No, sir.

19 Q They were dead, correct?

20 A Are you asking? Yes, sir.

21 Q Okay. Let me show you a couple of these clips and
22 ask you about them.

23 MR. HARPOOTLIAN: Okay, would you go to 1040?

24 (Break in proceedings.)

25 (The video continued to play.)

1 Q Okay, this is you walking, and these are the dog pens
2 over here to the left, correct?

3 A Yes, sir.

4 Q And on -- right in front of that, one of the dog
5 pens, is a hose that is neatly coiled around a hose.
6 Something holding the hose, right?

7 A That's what it looks like.

8 Q Okay.

9 MR. HARPOOTLIAN: Go ahead.

10 (The video continued to play.)

11 MR. HARPOOTLIAN: How about go to 1112?

12 (The video continued to play.)

13 MR. HARPOOTLIAN: Stop it.

14 Q Okay. Now, this -- Mr. Waters asked you about this
15 just a moment ago when he said how you doing when somebody
16 walked up. You would concede to me but for that one clip,
17 he appears to be distraught over the death of his wife and
18 son?

19 A He appeared visibly upset.

20 Q Yes. Other than this how you doing sort of thing,
21 right?

22 A Correct.

23 Q All right. Also, we see him in a t-shirt and a pair
24 of shorts, correct?

25 A Yes, sir.

1 Q I've looked at your report. I've looked at everybody
2 that encountered him at night. No report indicates any
3 blood visible on him. You would agree with that?

4 A I didn't observe any.

5 Q What?

6 A I did not observe any.

7 Q Okay, and it's a white shirt.

8 A Yes, sir.

9 Q Okay. If you noted blood on him, you would have put
10 that in your notes or reported that to somebody, right?

11 A Yes, sir.

12 Q Okay.

13 MR. HARPOOTLIAN: How about 1845.

14 (The video continued to play.)

15 MR. HARPOOTLIAN: Stop for a second.

16 Q That's you apparently determining the shell casing
17 you found is a 300 Blackout, correct?

18 A The one that I marked, yes, sir.

19 Q The one that was in the gravel.

20 A Yes, sir.

21 Q Okay.

22 MR. HARPOOTLIAN: That's all the video I have.

23 Q Just a couple of final questions. Since --

24 (Break in proceedings.)

25 MR. HARPOOTLIAN: I have no further questions.

1 THE COURT: Any redirect?

2 MR. WATERS: Very briefly, Your Honor.

3 REDIRECT EXAMINATION

4 BY MR. WATERS:

5 Q Are you a first responder?

6 A Yes, sir.

7 Q Your first job is safety, correct?

8 A Yes, sir.

9 Q Second job is to protect the scene. Is that correct?

10 MR. HARPOOTLIAN: Objection. Leading.

11 THE COURT: Don't lead the witness.

12 Q Okay, tell me what your jobs as a first responder are
13 again, please.

14 A Yes, sir. We secure the scene and make sure there's
15 no current threat for additional first responders. We
16 then secure the scene and make sure that nobody comes in
17 that's not supposed to so that we preserve any evidence
18 that's there.

19 Q Is part of your training to avoid disturbing the
20 scene as best you can?

21 A Yes, sir.

22 Q Still paying attention to your primary role.

23 A Yes, sir.

24 Q Is part of your training and your experience and what
25 you try to do is if you do see evidence --

1 MR. HARPOOTLIAN: Objection, Your Honor. Leading.

2 MR. WATERS: I'll rephrase, Your Honor.

3 Q If you are on scene and you do see evidence while you
4 were there, what is your standard operating procedure in
5 that event?

6 A I would mark it.

7 Q And why do you do that?

8 A Just to bring awareness to it so that it's not
9 disturbed.

10 Q Is your job to be a crime scene investigator?

11 A No, sir.

12 Q You were just marking that --

13 MR. WATERS: I'll rephrase.

14 Q You were asked earlier about apprehending any
15 suspects. Was Mr. Murdaugh ever in custody?

16 A No, sir, not to my recollection.

17 Q To your observation, was he allowed to move freely?

18 A Yes, sir.

19 Q Was he allowed to interact with people who came to
20 talk to him?

21 A Yes, sir.

22 Q Was he ever placed in the back of a police car?

23 A Not that I'm aware of.

24 Q Never put in handcuffs?

25 A No, sir.

1 Q Was he being treated as a suspect when you were
2 there?

3 A Not that I'm aware of.

4 MR. WATERS: Nothing further, Your Honor.

5 MR. HARPOOTLIAN: Nothing further, Your Honor.

6 THE COURT: Thank you. You may step down.

7 (The witness exited the stand.)

8 THE COURT: Turn the lights back up.

9 Ladies and gentlemen, we'll break for lunch. We will
10 resume at 2:15. Please do not discuss the case. In
11 recess until 2:15.

12 (The jury left the courtroom.)

13 (A lunch break was taken.)

14 MR. WATERS: Very quickly, Your Honor. In
15 conversations with Mr. Harpootlian, as you're aware, one
16 of the areas that the State intends to go into at some
17 point, subject to Your Honor's ruling, would be the events
18 of what we call the side of the road, and that was the
19 Salkehatchie Road events in September of 2021. We, of
20 course, have talked with the defense and don't plan to go
21 into that, as we discussed with Your Honor, until they've
22 had a chance to make whatever motions and Your Honor has
23 had a chance to rule.

24 There may be SLED witnesses or other witnesses as we
25 go forward that not only participated in the murder

1 investigation, but also the side of the road
2 investigation. And in discussion with Mr. Harpootlian,
3 he's agreed that we could call those witnesses to discuss
4 only the murder with the ability, with Your Honor's
5 permission, to recall them later for the side of the road
6 in as much as Your Honor rules that relevant and
7 admissible. And I just wanted to put that agreement on
8 the record, Your Honor.

9 THE COURT: All right.

10 Mr. Harpootlian?

11 MR. HARPOOTLIAN: That's our agreement.

12 THE COURT: All right. Very good.

13 MR. HARPOOTLIAN: Only one further caveat. If he
14 would make it clear when he calls the witness so that I
15 don't inadvertently stumble into an area we don't want to,
16 if he will designate --

17 If you would just say for limited purposes, that will
18 key me to stay away from asking questions that might
19 result in me opening the door into the other areas.

20 MR. WATERS: Certainly. And any such witness will be
21 instructed to what the subject matter is with that
22 examination prior to.

23 THE COURT: Okay. You may bring the jury.

24 (The jury returned to the courtroom.)

25 THE BAILIFF: The jury is present, Your Honor.

1 THE COURT: Thank you.

2 Your next witness.

3 MS. GOUDE: Tinish Bryson-Smith.

4 THE COURT: If you will come up here, please.

5 The witness, TINISH BRYSON-SMITH, was first duly
6 sworn and testified as follows:

7 THE CLERK: Thank you. Take a seat in the witness
8 stand. State your name again for the record. Spell your
9 last name.

10 THE WITNESS: First name Tinish. Last name
11 Bryson-Smith. B-r-y-s-o-n - S-m-i-t-h.

12 DIRECT EXAMINATION

13 BY MS. GOUDE:

14 Q Good afternoon, Ms. Bryson-Smith.

15 A Good afternoon.

16 Q Could you tell the jury where you work?

17 A Hampton County 911.

18 Q And how long have you worked for Hampton County 911?

19 A Seventeen years.

20 Q And what is 911?

21 A Emergency Services Dispatch Center.

22 Q And what do you do there?

23 A Currently I am in a director position, just as
24 stated, in December. I am over the management of the day
25 to day operations of the 911 Dispatch Center for Hampton

1 County including budgeting, payroll -- like I said, day to
2 day operations -- and record keeping, recordings, et
3 cetera.

4 Q Does the Hampton County 911 keep records in the
5 normal course of business?

6 A We do.

7 Q And what kind of recordings are these?

8 A We have audio recordings from 911 phone calls,
9 administrative line phone calls, as well as radio
10 recordings from our radios from the field.

11 Q Are all 911 calls recorded?

12 A They are.

13 Q And how are these calls stored?

14 A They're stored on our NexLog Data Recording Systems.

15 Q How long are they stored for?

16 A As long as we need them.

17 Q And who has access to those records?

18 A I do.

19 Q Does anybody else?

20 A No, ma'am.

21 Q Just you?

22 A Yes, ma'am.

23 Q Okay, and how do you access the records?

24 A There is a database in my office that I have to log
25 into to access any recordings that is requested.

1 Q Sometimes do calls from another county, such as
2 Colleton County, come into Hampton County?

3 A They do.

4 Q And why does that happen?

5 A Cell phones pick up on the nearest PSAP based upon
6 the location of that cell phone at the time of call. PSAP
7 meaning Public Safety Answer system.

8 Q Okay, and why does it pick up on that -- on the, the
9 location and send it to Hampton as opposed to Colleton?

10 A Due to the geographical location of a location -- of
11 a phone call, or a phone when that call is made, that cell
12 phone picks up at that tower, and the tower wherever the
13 nearest PSAP is is where that cell phone will be routed
14 to.

15 Q And what do you do when you and Hampton County
16 receive a call from -- that's supposed to be going to
17 Colleton County?

18 A We transfer that call out to Colleton County.

19 Q All right. Back on June 7th of 2021, did you receive
20 a call from Alex Murdaugh?

21 A We did.

22 Q And that call came into Hampton County. Is that
23 correct?

24 A That's correct.

25 Q And what happened to that call when it came in?

1 A Once it was determined that the call was located --
2 that the location of the emergency was Colleton County, we
3 transferred that call out to Colleton County.

4 Q And you determined the Colleton County location how?

5 A Based upon the numerics and the address that was
6 given. Once we plug that information into our system, it
7 populates in Colleton County.

8 MS. GOUDE: Let the record reflect I'm showing the
9 witness what's marked as State's Exhibit 9.

10 MR. HARPOOTLIAN: No objection, Your Honor.

11 THE COURT: State's Exhibit 9 is admitted without
12 objection.

13 (DVD OF 911 CALL MARKED AS STATE'S EXHIBIT NUMBER 9
14 WAS RECEIVED INTO EVIDENCE.)

15 Q State's Exhibit 9 is a disc. Can you tell us what is
16 on that disc?

17 A The initial 911 call that came in on the night in
18 question.

19 Q And how do you know that call is on that disc?

20 A I was able to listen to it, and I dated it and
21 initialed on the 23rd of January.

22 MS. GOUDE: Your Honor, at this time the State would
23 move Exhibit 9 into evidence.

24 THE COURT: It's already been admitted but without
25 objection.

1 MS. GOUDE: Thank you, Your Honor.

2 (The 911 call was played. Audio not transcribed.)

3 MS. GOUDE: The State has no further questions for
4 this witness.

5 THE COURT: By the defense, cross-examination.

6 MR. HARPOOTLIAN: Beg the Court's indulgence.

7 (Break in proceedings.)

8 MR. HARPOOTLIAN: Just a couple of questions, Your
9 Honor.

10 CROSS-EXAMINATION

11 BY MR. HARPOOTLIAN:

12 Q So, explain to me how this works. The call came in
13 to you in what county?

14 A Hampton County.

15 Q Hampton County?

16 A Correct.

17 Q And how, when you dial 911, does it -- how does it
18 determine what county to send it to you?

19 A When you dial 911, the cell phone company picks up
20 that it's a 911 call being placed. They hit the nearest
21 cell phone tower, and based upon the location of that cell
22 phone tower, it's routed to the nearest PSAP, or Public
23 Safety Answer system.

24 Q So, the nearest cell phone tower to Moselle would be
25 --

1 A Was Walterboro Highway tower.

2 Q Okay. Okay, and you are from Hampton?

3 A I am.

4 Q That's not you on the phone, is it?

5 A No, sir.

6 Q Do you know the Murdaughs, or do you know Alex
7 Murdaugh?

8 A Not too much. I mean, a little bit but not too much.

9 Q Okay.

10 MR. HARPOOTLIAN: Thank you.

11 THE COURT: Anything further?

12 MS. GOUDE: No, Your Honor.

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

14 (The witness exited the stand.)

15 THE COURT: You may call your next witness.

16 MS. GOUDE: Angela Stallings.

17 The witness, ANGELA STALLINGS, was first duly sworn
18 and testified as follows:

19 THE CLERK: Take a seat. State your name again for
20 the record. Spell your last name.

21 THE WITNESS: Angela Stallings. S-t-a-l-l-i-n-g-s.

22 DIRECT EXAMINATION

23 BY MS. GOUDE:

24 Q Hey, Captain Stallings.

25 A Good afternoon.

1 Q Could you please tell the jury where you work?

2 A I work at the Colleton County Sheriff's Office.

3 Q And how long have you worked there?

4 A For approximately fifteen years with the sheriff's
5 office.

6 Q What are some of your duties and responsibilities at
7 the sheriff's office?

8 A I am the Administrative Services captain. I oversee
9 the 911 center. I'm over our Civil Process Division, court
10 security, our school resource officers, our sex offender
11 registry division, training, supply, and the hiring
12 process, and records.

13 Q That's quite a lot of duties there.

14 A Yes, ma'am.

15 Q And in the course of your duties, do you keep records
16 of 911 calls?

17 A We do.

18 Q Can you explain to the jury what happens when a 911
19 call comes into Colleton County?

20 A Yes, ma'am. So, when a call comes into Colleton
21 County, it hits our recorder system. As soon as the call
22 connects to the recorder and starts ringing, our recorder
23 automatically starts recording automatically. It starts
24 recording before we even answer the phone.

25 Q And is a recording of all 911 calls that come into

1 Colleton County Center kept?

2 A Yes, ma'am, they are.

3 Q And how are the records kept?

4 A They're kept on our server that is the Carolina
5 Recording Software System that we use.

6 Q Who has access to those records?

7 A Myself and one other employee.

8 Q Now, is it normal for y'all to have calls routed from
9 Hampton County to Colleton County?

10 A Yes, ma'am.

11 Q Why does that happen?

12 A Depending on the location of the call within the
13 county. We border several counties. Depending on -- if
14 it's a cell phone that is calling 911, depending on the
15 closest available cell tower, it will hit that tower.
16 Wherever that tower is located, it routes to that PSAP.

17 Q All right. On June 7th of 2021, did Colleton County
18 receive a transferred 911 call from Hampton County?

19 A Yes, ma'am, we did.

20 Q And what time did that call come in?

21 THE WITNESS: May I look at my notes?

22 THE COURT: Yes.

23 A That call came in at 22:07:09, which is 10:07:09 p.m.

24 Q And the notes you're referencing up there, that's the
25 kind of report that's generated when the call comes in, or

1 what are you looking at?

2 A Yes, ma'am. This is a report that's generated through
3 our recorder software.

4 Q So, you received a call from 10:07 p.m.

5 A Yes, ma'am.

6 Q Who was that call from?

7 A Hampton County.

8 Q And who was the caller?

9 A The caller was Alex Murdaugh.

10 Q I'm showing you State's Exhibit 11. Do you recognize
11 State's Exhibit 11?

12 A Yes, ma'am, I do.

13 Q What is it?

14 A It's a disc of a 911 call.

15 Q And how do you know that?

16 A It has my initials and date that I reviewed it.

17 Q And this is a true and accurate depiction of the 911
18 call made by Alex Murdaugh?

19 A Yes, ma'am, it is.

20 MS. GOUDE: Your Honor, at this time I would move
21 State's Exhibit 11 into evidence.

22 MR. HARPOOTLIAN: No objection, Your Honor.

23 THE COURT: It's admitted without objection.

24 MS. GOUDE: Thank you, Your Honor.

25 (DVD OF 911 CALL MARKED AS STATE'S EXHIBIT NUMBER 11

1 WAS RECEIVED INTO EVIDENCE.)

2 (The 911 audio was played. Audio not transcribed.)

3 Q And Captain Stallings, there's a break between parts
4 of this call. Why is that?

5 A The way our recorder system is set up, if there is a
6 pause with either the call taker or the caller not talking,
7 the recorder automatically cuts off. As soon as it starts
8 to hear someone talking, it automatically kicks back on and
9 starts recording.

10 (The 911 call continued to play.)

11 MS. GOUDE: Thank you, Captain Stallings. The State
12 has no further questions.

13 THE WITNESS: Yes, ma'am.

14 MR. HARPOOTLIAN: No questions, Your Honor.

15 THE COURT: All right. Thank you. You may step down.

16 THE WITNESS: Thank you.

17 (The witness exited the stand.)

18 THE COURT: You may call your next witness.

19 MS. GOUDE: Barry McRoy.

20 The witness, BARRY MCROY, was first duly sworn and
21 testified as follows:

22 THE CLERK: Take a seat in the witness stand. State
23 your name again for the record, and spell your last name,
24 please.

25 THE WITNESS: Barry McRoy, M-c-R-o-y.

1 DIRECT EXAMINATION

2 BY MS. GOUDE:

3 Q Chief McRoy, could you please tell the jury where you
4 work?

5 A I work for Colleton County Fire and Rescue.

6 Q And what is your position?

7 A I'm the fire chief.

8 Q The fire chief of Colleton County Fire and Rescue?

9 A That is correct.

10 Q And how long have you worked with the Colleton County
11 Fire and Rescue?

12 A Twenty-nine years.

13 Q And about how many scenes do you think you have
14 responded to over the years?

15 A I have no idea, many thousands.

16 Q And what are some of the training that you need to do
17 to be a paramedic or respond with fire and rescue?18 A A lot has changed greatly over the years, but
19 presently to be a paramedic you have to have been an EMT
20 for -- we recommend two years, which that's about a 500
21 hour course. And then you take a paramedic course, which
22 is about 1500 hours. In Colleton County we require people
23 to be cross-trained, so they have a 500 fire fighter course
24 as well.

25 Q And are you yourself a paramedic?

1 A I am.

2 Q And how long have you been a paramedic?

3 A Since 1981.

4 Q What are the -- would be the normal procedures when
5 responding to gunshot -- to treat gunshot wounds or to a
6 shooting?

7 A Well, when we initially respond, the law enforcement
8 that's responsible for that jurisdiction typically clears
9 the scene to make sure that it's safe for the other
10 responders. When we arrive, we want to evaluate the
11 patients to make sure if they've got some injuries that we
12 can treat, we treat them, and we transport them to the
13 closest trauma center.

14 Q So, if someone had been shot, what would you normally
15 do to initially treat that person?

16 A Oh, we would control their bleeding, protect their
17 airway, get them transported as quickly as possible. May
18 involve starting IVs. In Colleton County we carry blood so
19 we can administer blood to the patient if they required it.

20 Q Did you respond to Moselle Road on June 7th of 2021?

21 A I did.

22 Q And tell us about what you did when you got there.

23 A I was on my way home from work, and I heard the
24 sheriff's department on their radio dispatch units to the
25 address in question, and they advised that there was two

1 people shot. Shortly thereafter, they dispatched fire and
2 rescue units, and we have a standard protocol of what they
3 send. There were multiple patients, so they dispatched two
4 ambulances and put a helicopter on standby, and then a
5 supervisor is also dispatched. We also send the closest
6 fire station, which in that case was the one from
7 Islandton.

8 I responded from Walterboro, and I did arrive ahead of
9 everybody else. Dispatch had told us not to go onto the
10 scene, so I staged about the 3900 block. And a few minutes
11 later a deputy passed me, and I went in behind the deputy,
12 which was Mr. Greene that y'all listened to earlier.

13 Q And what did you see when you were driving onto the
14 scene?

15 A It was really dark. The -- had a long dirt driveway.
16 And when we arrived, there was some kennels off to the left
17 and, like, a big barn with three lean -- lean-to on the
18 right-hand side.

19 (Break in proceedings.)

20 Q Chief McRoy, I'm going to show you what's been marked
21 as State's Exhibits 51, 49, 24, and 21. I would just ask
22 you to take a look at these pictures and tell me. Are you
23 familiar with those pictures?

24 A Yes, ma'am. This does appear to be the accident
25 scene.

1 Q And these are true and accurate depictions of the
2 crime scene that night?

3 A Yes, ma'am.

4 MS. GOUDE: Your Honor, at this time I would move
5 State's 51, 49, 24, and 21 into evidence, with State's
6 Exhibits 24 and 51 being sealed with the agreed upon
7 placeholders.

8 MR. HARPOOTLIAN: No objection, Your Honor.

9 THE COURT: They're admitted without objection.

10 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 21 WAS
11 RECEIVED INTO EVIDENCE.)

12 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 24 WAS
13 RECEIVED INTO EVIDENCE.)

14 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 49 WAS
15 RECEIVED INTO EVIDENCE.)

16 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 51 WAS
17 RECEIVED INTO EVIDENCE.)

18 Q So, Chief McRoy, could you tell us how you observed
19 the victims when you got to the scene?

20 A Deputy Greene went through the scene first. He
21 actually drove a little ways in between the kennels and the
22 lean-to. It was very dark, so he needed his headlights to
23 see what was going on there. There was animals in the
24 kennels, I don't know how many, but there was also some
25 chickens fluttering around on the equipment on the right-

1 hand side. The body of a younger male subject was face
2 down by the kennels; he had some very severe injuries to
3 the head. And there was a female subject at the end of the
4 lean-to. She was also face down with severe injuries to
5 her head. And there was a gentleman standing off a little
6 distance away from it, and he was on a cell phone and
7 seemed very upset.

8 Q Did you recognize that gentleman?

9 A Yes, ma'am.

10 Q And who was that?

11 A Alex Murdaugh.

12 Q And how did you recognize him?

13 A I have met him in the past on a professional basis
14 because we have had to do depositions and such with his law
15 firm.

16 Q State's Exhibit 21. Can you describe what the jury is
17 looking at in this picture?

18 A On the left-hand side of the photograph is the covered
19 body of Paul Murdaugh, and the -- down towards the end of
20 the lean-to is -- you can see the covered body of
21 Ms. Maggie Murdaugh.

22 Q And those bodies appeared to be covered with pink
23 sheets?

24 A Yes, ma'am.

25 Q Now, were those sheets there when you got there?

1 A No, ma'am. We got those off the ambulance and covered
2 up the bodies.

3 Q And why did you do that?

4 A We typically do it to, you know, to shield the bodies
5 from the view of the public. There were a lot of people
6 showing up there. The family was on the scene, and people
7 just really don't need to see that.

8 Q State's Exhibit 24. Can you describe what the jury is
9 viewing?

10 A That is the body of Paul, and he is laying face down
11 at the entrance to -- it looks like a little utility room
12 at the kennels. He is laying down with -- you can see
13 there's substantial damage to his head with a lot of blood
14 around his head, and what appeared to be his brain down
15 there around his ankles.

16 Q And this is how you found Paul?

17 A That is correct.

18 Q Okay, and you said that appears to be his brain down
19 there by his foot?

20 A Yes, ma'am.

21 Q Okay, and at this point did you check his pulse?

22 A I did not check his pulse. He and his mother both had
23 injuries that we considered incompatible with life. There
24 was a lot of coagulation there where the blood had
25 congealed and they were not currently bleeding, which would

1 indicate they did not have a heartbeat. And obviously with
2 his type of injuries he -- you know, there's not any way
3 you could sustain his life.

4 Q And State's Exhibit 51?

5 A That is Ms. Maggie, and she also had severe injuries
6 to her head. You can also see where the congealed blood
7 around the bottom of her face is, and she had a hole in her
8 head to where you could actually see inside of her head
9 cavity.

10 Q Was it necessary to check Ms. Murdaugh's pulse or
11 perform any life saving treatment?

12 A No, ma'am.

13 Q Why is that?

14 A And she also had injuries that were not sustainable.

15 Q And State's Exhibit 49, that's just where --

16 A That is the lean-to, and that's Ms. Maggie's body in
17 front of the little side by side.

18 MS. GOUDE: Thank you.

19 I have no further questions for this witness at this
20 time.

21 THE COURT: Cross-examination.

22 MR. HARPOOTLIAN: Beg the Court's indulgence one
23 moment.

24 (Break in proceedings.)

25 CROSS-EXAMINATION

1 BY MR. HARPOOTLIAN:

2 Q Sir, you're the chief of the Colleton County Fire and
3 Rescue, correct?

4 A That is correct.

5 Q And you in the past have had dealings with Alex
6 Murdaugh in a professional capacity with his law firm,
7 correct?

8 A That is correct.

9 Q So, you recognized him and you've seen him before,
10 correct?

11 A Yes, sir.

12 Q Was his demeanor, breathing distraught, upset?

13 A He seemed to be very upset, yes, sir.

14 Q Very upset. Now, I've got just a very few questions
15 for you, but when you responded -- and I'm going to try to
16 get the picture, I think.

17 (Break in proceedings.)

18 Q So, you recognize this from the night of June 7th?

19 A That is correct.

20 Q And those headlights facing us, are those the
21 headlights from the Suburban?

22 A That would be a vehicle that was south of the
23 location, so the police car would have been north.

24 Q Right, but is that Mr. Murdaugh's vehicle, or do you
25 know?

1 A I have no idea.

2 Q Okay. So, you -- when you got there, you indicated to
3 somebody that they needed to preserve some tire tracks,
4 correct?

5 A That is correct. Over to the right-hand side there
6 was -- there's three rows of, I guess, where they could
7 park equipment underneath the lean-to, and the farthest one
8 over, there was no equipment in it, but there was some tire
9 tracks coming out of it.

10 Q And, I mean, how did you come to see those? Did you
11 drive -- you drove in off of Moselle Road, correct?

12 A I drove in off of Moselle Road. The deputy parked in
13 this little driveway here between the two -- the kennel and
14 the lean-to.

15 Q Right.

16 A I parked at the end of the lean-to. Where I was at, I
17 activated my scene lights, which are all of the way across
18 the front of the light bar.

19 Q The scene lights. High intensity lights?

20 A High intensity bright light lights. So, it was very
21 dark, and I could see the tire tracks over to the right.

22 Q So, as they look at this view --

23 A They're not visible in this picture.

24 Q I understand that, but would the area you were be to
25 the --

1 A To the right.

2 Q This side or the other side?

3 A Other side.

4 Q Okay. Over to this side.

5 A That is correct.

6 Q And on the other side of this shed right here?

7 A More to the bottom.

8 Q More to the bottom. Okay.

9 A To the right.

10 Q So, let me -- maybe we have a video of this it would
11 be a little easier for you to look at.

12 (Break in proceedings.)

13 Q So, as you look at --

14 MR. HARPOOTLIAN: Stop it one second. No, go back the
15 other way. Back it up a little bit.

16 (Break in proceedings.)

17 Q From this perspective -- can you see that perspective
18 right there?

19 A Yes, sir. The -- if you back up just a little bit.

20 MR. HARPOOTLIAN: Back it up.

21 A If you'll stop it there.

22 MR. HARPOOTLIAN: Stop. Go back. Stop.

23 A You can see the workshop on the left.

24 Q How about do this. How about step down here, please,
25 so we all can sing from the same sheet of music. If you

1 stand over that way so these jurors can see.

2 A There's a workshop right here.

3 Q Uh-huh.

4 A And there's a road here.

5 Q Uh-huh.

6 A And a road here and a road here. This road is where
7 the tire tracks were.

8 Q And the crime scene is where?

9 A Right here where Ms. Maggie's body is, next to her
10 body.

11 Q Okay, and how far is it from where you saw those tire
12 tracks to where their bodies were approximately?

13 A 20 or 30 feet.

14 Q 20 or 30 feet. And you saw -- now, this was gravel?
15 Grass? Dirt?

16 A Kind of sandy.

17 Q Sandy. Distinct tire tracks.

18 A Yes, and one pair of tire tracks.

19 Q One pair, and you couldn't tell which direction they
20 were going in or -- well, you're not --

21 A Could have been coming in, could have been going out.

22 Q You're not a tire expert, are you?

23 A No, sir.

24 Q Go ahead and have a seat.

25 A Thank you, sir.

1 Q So, whose attention did you bring that to?

2 A I brought it to the attention of one of the deputies.

3 I don't recall which one it was.

4 Q Was it Greene, Deputy Greene?

5 A I don't recall.

6 Q But one of the Colleton County deputies?

7 A Yes, sir.

8 Q And you indicated to him that it needed to be
9 preserved, it needed to be roped off, needed to what?

10 A I showed them to him and told him. I said hey,
11 there's some tire tracks over there. We tried to block off
12 the driveway. I had one of our units stay out on Moselle
13 Road, but a lot of vehicles kept driving around them.
14 There's -- civilian vehicles kept coming in and then it
15 began raining, so at that point it --

16 Q So, after -- you told me he didn't put any yellow tape
17 up to block it?

18 A No, sir. They had yellow tape in front of our
19 vehicles where we were parked, but they didn't put any
20 yellow tape down there.

21 Q And vehicles drove around your vehicle and just drove
22 up and down that road.

23 A Yes, sir.

24 Q Destroying the tire tracks.

25 A Well, the ones that were on the road part, not the

1 ones under the shed.

2 Q Okay, but to your knowledge, while you were there, did
3 anybody take any pictures of those tire tracks?

4 A I have no idea, no, sir.

5 Q Did you see any other pieces of forensic evidence, if
6 you will, while you were there other than the tire tracks?

7 A There were shell casings around Ms. Maggie's body.

8 Q Okay. Now, did you go over and examine Paul's body?

9 A Yes, sir.

10 Q Did you go in the feed room?

11 A No, sir.

12 Q Were you very careful around the body?

13 A Yes, sir, and the sheriff's department started putting
14 up the yellow tape, and as they did that, we backed up and
15 got behind it.

16 MR. HARPOOTLIAN: Beg the Court's indulgence.

17 (Break in proceedings.)

18 Q Watch this video and then I need to ask you something.

19 (The video continued to play.)

20 Q Now, is this the area where you were talking about
21 where there were tire tracks?

22 A They're over to the left.

23 Q I'm sorry?

24 A They're over to the left.

25 Q Okay, but all of these vehicles that are parked up

1 there?

2 A That's the driveway coming in.

3 Q Okay, and then you're saying after that is where these
4 tire tracks were?

5 A Yes, sir, over to the left of this police car. You
6 can see my vehicle is the red and white Tahoe. Maybe
7 15 feet to the left of that was where the tire tracks were.

8 Q And you pointed those out to the Colleton County
9 sheriff's deputies and said they needed to be preserved.

10 A I just showed them to them. I didn't tell them what
11 to do with them.

12 MR. HARPOOTLIAN: Thank you.

13 No further questions, Your Honor.

14 THE COURT: Any redirect?

15 MS. GOUDE: Nothing from the State, Your Honor.

16 THE COURT: All right. Thank you, sir. You may step
17 down.

18 THE WITNESS: Thank you, Your Honor.

19 (The witness exited the stand.)

20 THE COURT: Call your next witness.

21 MR. FERNANDEZ: State calls Jason Chapman.

22 The witness, JASON CHAPMAN, was first duly sworn and
23 testified as follows:

24 THE CLERK: Take a seat in the witness stand. State
25 your name again for the record. Spell your last name.

1 THE WITNESS: Good afternoon. My name is Jason Walker
2 Chapman, last name C-h-a-p-m-a-n.

3 DIRECT EXAMINATION

4 BY MR. FERNANDEZ:

5 Q Mr. Chapman, Jason, you said your name for the record,
6 thank you. Tell us a little bit about yourself. Where did
7 you grow up and what education did you obtain?

8 A Sure. I'm a native, born in Walterboro; I've lived
9 here most of my life. Graduated from what was Walterboro
10 High School at the time. I attended the College of
11 Charleston and the University of South Carolina
12 Salkehatchie before starting my career in law enforcement.
13 I actually joined the cadet program well before age of
14 twenty-one, then became a reserve deputy, dispatcher, and
15 then a class one officer.

16 Q Okay.

17 A And I've now been doing law enforcement, I'm in my
18 twenty-sixth year.

19 Q Twenty-six year career. Would you walk us through how
20 you first got -- when you first got into law enforcement
21 and kind of the roles you've taken on and the training
22 you've done in that?

23 A Certainly. In '97 I attended a reserve officer class;
24 it was a joint class between the Colleton County Sheriff's
25 Office and the Walterboro Police Department. I had to

1 actually wait until I turned twenty-one to take the final
2 exam. Went down to the academy, took the exam, passed.
3 Began working as a reserve. I then got hired as a
4 dispatcher at the Walterboro Police Department where I
5 worked a short stint as a dispatcher to fill in a hole.
6 And in the spring of '98 I attended the South Carolina
7 Criminal Justice Academy. I graduated later that year. I
8 actually graduated as a distinguished graduate from the
9 academy.

10 Since then I've been doing law enforcement. I did my
11 first sixteen years with the City of Walterboro, and I
12 transferred over to the sheriff's office January 1st of
13 2013, where I have remained since then. My training has --
14 I've worked through pretty much every division there is in
15 law enforcement, probably with the exception of civil
16 process.

17 I have an extensive background in firearms. I'm a
18 firearms instructor, less than lethal instructor, active
19 shooter instructor. I've had training as a narcotic
20 supervisor. I've been through schools for administration.
21 Pretty much everything.

22 Q What's your current rank at the sheriff's department?

23 A Currently it's captain.

24 Q And what -- how would you describe your
25 responsibilities presently?

1 A So, currently I oversee special operations. That
2 includes our investigative division, our tactical team,
3 search and rescue.

4 Q Have you ever had an opportunity to testify as an
5 expert in a trial?

6 A I have.

7 Q Tell us about that.

8 A This past year in 2022, I testified in federal court
9 in Charleston, South Carolina, on a case involving the City
10 of Beaufort, and I was sworn in as a expert witness in
11 general police procedures.

12 Q I'm going to direct your attention back to the day of
13 June 7, 2021. Are you familiar with that day?

14 A Yes, sir.

15 Q What was your role with the sheriff's office back on
16 that date?

17 A The same as it is currently.

18 Q Supervising investigations?

19 A That's correct.

20 Q And that would include -- would that include
21 homicides?

22 A Yes, sir.

23 Q All right. Did you have an opportunity -- were you
24 dispatched, or were you noticed of an incident that
25 occurred on that day?

1 A I was.

2 Q All right.

3 A I was dispatched -- I actually heard the call and went
4 in service before I was dispatched, but yes, sir.

5 Q All right. What did you hear over the radio?

6 A The call coming out that a transfer from Hampton
7 County had been received in which the caller was reporting
8 that his wife and child had been shot.

9 Q Did you know a location at that point?

10 A I was given the location by dispatch, but I was not
11 familiar at the time of the dispatch as to the parties
12 involved.

13 Q And at that point, did you decide that you were going
14 to go to the scene?

15 A I did, sir.

16 Q What was the dispatch location?

17 A I believe it was 4142 (sic) Moselle Road in Islandton.

18 Q Were you made aware of who this involved at that
19 point?

20 A I was not at the time.

21 Q Is 4147 Moselle Road within the limits of Colleton
22 County?

23 A It is, sir.

24 Q And walk us through what you did that night upon, you
25 know, learning of this incident and then making your way

1 out there. Walk us through that process.

2 A Yes, sir. I had a brief conversation with Sheriff
3 Hill by telephone while en route. He had been advised of
4 the caller's identity as Mr. Alex Murdaugh. With my
5 career, I'm familiar with the Murdaugh family and
6 Mr. Murdaugh. And Sheriff Hill advised me that if it was,
7 in fact, confirmed to be Mr. Murdaugh, that he would likely
8 notify SLED simply because of the conflict of interest for
9 the family. And shortly before we arrived I believe he was
10 able to confirm that, and that call was made to request for
11 assistance from SLED and to request that they actually
12 assume primary in the investigation.

13 Q Does your department, the sheriff's office, do y'all
14 work fairly closely with SLED? Is that a common thing?

15 A We do, sir.

16 Q All right, and describe that process. Not including
17 this particular investigation, but just in general. How do
18 y'all work with SLED as a law enforcement agency?

19 A As far as crimes scenes, like response to crime
20 scenes, my division works well with the entire agency,
21 but -- we work very well with SLED. The remote location,
22 although we have a satellite office for SLED here in
23 Colleton County actually for the Lowcountry, their crime
24 scene unit still comes out of Columbia. So, more than
25 likely when they're notified that we may need assistance,

1 or in this case that we wanted to take -- them to take
2 primary in the investigation, even with the fact that
3 they're emergency services, it's still going to be about an
4 average of a two hour response for that Crime Scene Unit
5 once they're notified. So, it's very common for us to
6 begin the investigative process at that scene while we're
7 waiting for their arrival with them working jointly with
8 us. And that investigative process usually begins with the
9 acquisition of a search warrant, which we know will be
10 required once the crime scene team arrives on scene. And
11 that just comes from a long, supported tradition of us
12 working well together and obviously being capable to do so.

13 Q As a captain and as a supervisor of the
14 investigations, do you typically wear a body worn camera?

15 A I do have one. At that particular night, I did not
16 have it. It's on my exterior ballistic vest and the scene
17 was secure prior to my arrival, so I did not have my vest
18 on.

19 Q Upon arrival at the scene, were you made aware of --
20 did you become aware of who in your department had already
21 arrived?

22 A I was listening to the radio so that I knew that
23 several patrol units had arrived prior to myself. And I
24 believe myself, the sheriff, and one other detective
25 arrived probably about 10, 12, 13 minutes after the initial

1 officers.

2 Q Do you remember the rough -- the approximate time that
3 you arrived on scene?

4 A I want to say it was around 10:35, 10:37 p.m. that
5 evening.

6 Q Walk us through what you observed upon arrival.

7 A Sure. So, while en route I reminded the shift
8 supervisor, Sergeant Daniel Greene, that -- to try to
9 maintain the integrity of the scene as best as possible. I
10 wasn't there so I didn't know the magnitude of the scene.
11 I don't know what he has, but just reminding him limit
12 personnel inside the scene. Do what we can to preserve.

13 Sheriff Hill came across the radio. I was trying to
14 pull the weather up, and this particular area I was driving
15 through, I did not have much phone signal. So, he did and
16 realized that we had an approaching storm that was about 45
17 minutes out. So, he advised over the radio once he got his
18 phone to pick it up that we needed to secure a tent. I had
19 not been there yet. He was requesting the tent to place
20 over the deceased bodies of the two victims. I related
21 that information to one of my lieutenants that was en
22 route. I also turned one of my detectives around that has
23 the longest drive in, which is Detective Rutland, and I
24 informed her to head to the office to start working on a
25 search warrant.

1 Q Is that your common practice?

2 A Yes, sir.

3 Q How did you talk -- you spoke before about you all
4 conducted joint investigations with SLED. Is it common
5 for -- well, describe for us what your roles might be in a
6 joint investigation and what SLED's role might be and how
7 that, you know, played out in this case.

8 A Certainly. So, the very first thing obviously is a
9 notification for a request for assistance, and then the
10 explanation of what exactly we're requesting. A lot of
11 times our assistance is the -- what's requested is nothing
12 more than assistance with the crime scene. Sometimes it
13 may be that we're asking for them to take the entire case.
14 In this case, the notification was made by the sheriff.
15 All I was told was that SLED was responding and they were
16 sending a team of investigators as well as crime scene.

17 Knowing that crime scene was en route, we went ahead
18 and secured that search warrant. That's why Detective
19 Rutland was turned around and sent directly to the office
20 to go and initiate that process. Obviously at 10:30 at
21 night, we knew that we were going to have to get the
22 warrant typed, and then we were going to have to locate a
23 judge in the middle of the evening. We wanted to have all
24 of that done prior to the arrival of the Crime Scene Unit.

25 Q You touched on earlier a little bit about the weather,

1 but describe the weather as it was when you arrived that
2 evening.

3 A As I arrived, hot, sticky. I recorded in my notes,
4 the only reason I can go back and tell you exactly that.
5 What I have recorded in my notes is 79 degrees, 89 percent
6 humidity, hot, sticky. It was not raining yet. An
7 occasional rain drop on the windshield but no actual rain
8 yet. It was a little foggy on my ride in, but not foggy at
9 the scene. And obviously the evening hours.

10 Q And I think you mentioned before, but rain did set in.
11 How long was it until the rain set in?

12 A It wasn't very long. I think the radar was pretty
13 accurate. I want to say within 45 minutes to an hour of
14 that notification, the rain did come.

15 Q And you mentioned setting up tents or requesting that
16 tent be set up. What would be the purpose of those tents?

17 A So in response to the crime scene, obviously
18 preservation of any type of evidence is important, but the
19 preservation is not always limited to leaving it there and
20 taking a picture of it and wait for somebody else to get
21 there. In this case, mother nature wasn't complying; we
22 knew that the rain was inbound. So, the tent was placed
23 over victim Maggie's body in an attempt to preserve any
24 evidence that may be there. I only had one at the time.
25 Paul's body was positioned somewhat over an extending ledge

1 that I was hopeful would keep some of the rain, if it did
2 start, off of him.

3 The other evidence would have been anything from --
4 and at the time I didn't know what we were going to be
5 facing, but from, you know, tire tread, footprints, shell
6 casings, anything at all. So, the intent would be to
7 preserve that as best as possible, and if it was going to
8 be affected by the approaching weather, do the best thing
9 we could to mark it out, measure it out, and have that
10 done, or partially done by the time crime scene arrived.

11 Q As far as safety purposes, when you arrived on the
12 scene, would you have considered the scene to be secured at
13 that point?

14 A I arrived pretty quick. I know that as far as the
15 immediate -- you know, right there the area that I'm sure
16 that you ladies and gentlemen have seen with the tape and
17 the videos that were played earlier, the immediate scene,
18 yes. The outside -- you know, the property is
19 approximately like 1700 acres, and it's not just that
20 property. It sits in the middle of nowhere. At the time,
21 you know, we did not know what we had. I don't know if we
22 had a active shooter, didn't know if we had a
23 murder/suicide, didn't know if we had people in the woods.
24 We didn't have any idea. So, inner perimeter secure, I
25 would say yes, sir. Outside, you know, in the woods across

1 the street, I wasn't sure yet. I didn't know.

2 Q Is it fair to say that there was a lot of unknowns at
3 that point when you first arrived?

4 A A lot of unknowns when I first arrived. Very little
5 known other than at the time what they had gotten is
6 initial information from Mr. Murdaugh and the fact that we
7 had two deceased.

8 Q Tell the jury, if you will -- well, first of all, let
9 me ask you this. As part of the law enforcement training
10 throughout the years, have you had any experience with or
11 training in, you know, life saving technique if needed? If
12 someone were -- needed CPR or something like that, are you
13 trained in that?

14 A Oh, yes, sir. Yes, sir.

15 Q At arrival on the scene, did you physically observe
16 the two bodies that were present, both of Maggie and Paul?

17 A I did, sir.

18 Q And in your estimation, was it clear to you that they
19 were deceased at that point?

20 A Yes, sir.

21 Q Did you consider that life saving techniques would be
22 possible or would have any result?

23 A I did not. Paramedics were there shortly before me.
24 They're great fire rescue. I was assured that if there had
25 been anything that could have been done, it would have been

1 initiated prior to my arrival, but from what I saw, it was
2 well beyond that.

3 Q Upon your arrival at the scene, were there anyone else
4 present that were not either sheriff's office employees or
5 employees of EMS and fire? Was there anyone else present
6 on the scene?

7 A The two victims, Mr. Murdaugh, and emergency services.

8 Q And you mentioned Mr. Murdaugh. Is that Alex
9 Murdaugh?

10 A Yes, sir.

11 Q Is he present here today?

12 A Yes, sir. He is seated at defense table, blue blazer,
13 white shirt, and glasses.

14 Q Did you have an opportunity to observe Mr. Murdaugh
15 that night?

16 A I did, sir.

17 Q As part of your responsibilities there, you -- what
18 capacity were you there at the scene? In what capacity?

19 A Again investigative. I realized that, you know, we
20 had notified SLED to take care of it, but again, what we
21 were attempting to do, and what we did do, was
22 identification of any potential evidence. We marked that
23 potential evidence. If time had allowed, it would have
24 been photographed, and then from that point simply
25 protected. Absolutely zero collection of anything was done

1 by any of my staff with the exception of one GSR kit that
2 was instructed by SLED.

3 Q I know -- were you familiar -- had you familiarized
4 yourself with the body worn video with both Deputies Greene
5 and McDowell?

6 A I did, sir.

7 Q And what was your first order of business upon
8 arrival, especially -- you know, particularity relating to
9 Paul?

10 A By the time I got there, they had placed a sheet over
11 both of the victims. It's something that, you know, I'm
12 not always -- I don't like. I understand that a lot of
13 times it's placed there, you know, so the family doesn't
14 have to see that, but prefer that it does not happen but in
15 this case it was already there. And because the scene is
16 still somewhat fluid, we talked about the inner perimeter
17 being secure, but as reported by Mr. Murdaugh, we don't
18 know who the defendants are. We don't know where the
19 shooters are.

20 We see shell casings scattered around the ground that
21 are obviously rifle casings. There is some evidence to
22 support that at least one or more shots into Paul are from
23 a shotgun. That means two weapons. So, were there two
24 people? Are there other people that may be injured? You
25 know, so inner perimeter may be considered secure, outer

1 perimeter not so much. So, we began really quick with a --
2 an inspection of the two individuals to make sure that we
3 had not missed a weapon, or that the initial responding
4 officers had not missed one. And we could see that
5 Maggie --

6 (Brief interruption with some type of audio.)

7 A I apologize. We could see that Maggie, there was
8 nothing laying beside her. We looked closely. Again, we
9 didn't move her. So, we went over to Paul, and I had a
10 couple of the deputies there and a detective lift the sheet
11 just so that we can look and make sure there wasn't a
12 weapon underneath him. His hands were tucked so you
13 couldn't see underneath his body, but as best we could tell
14 from the present state of the body, unless there was a
15 weapon directly underneath him, there was nothing out to
16 the left or right.

17 Q All right. Captain Chapman, I'm going to direct your
18 focus to the monitor in front of you. I'm going to be
19 playing what's been marked as State's Exhibit --

20 (Break in proceedings.)

21 Q State's Exhibit Number 1.

22 A Yes, sir.

23 Q I've marked it to the 28 minute mark on that. Just
24 looking at the still image right now, are you familiar with
25 the scene there?

1 A I am, sir.

2 Q And can you describe what's going on?

3 A Yes, sir. So, that's myself, Detective Tindal, Chief
4 McRoy from the Colleton County Fire Rescue, Lieutenant
5 Lonnie Nettles in the background near the perimeter, inner
6 perimeter, and victim Paul Murdaugh's body to our left
7 there in the open doorway to the feed room.

8 Q And what are you preparing to do here?

9 A At this point in time, double checking to see if there
10 is a weapon. I told you before we weren't sure whether we
11 were talking about a full murder, a murder/suicide, a
12 active shooter scenario. Are there other suspects that may
13 be in the woods? We knew we had the casings that matched a
14 rifle with some evidence that supported possibly a shotgun.
15 So, when asking if any of the weapons had been found,
16 everyone stated no. So, I had them lift the sheet to make
17 sure there wasn't the barrel of a gun or anything sticking
18 out underneath the body.

19 Q A little bit about the scene here and your
20 observations of what you're looking at. The kennels
21 directly to the left, if I could direct your attention to
22 those.

23 A Yes, sir.

24 Q Did you notice animals in those kennels?

25 A I believe one, two, three, there's a couple of kennels

1 closest to the feed room that did have dogs in them. I
2 don't -- and possibly one towards the end. They weren't
3 all full. But the ones closest to the feed room, I think
4 there was a dog in at least one or two of them.

5 Q And was the area wet?

6 A The area directly in front of the feed room was, like,
7 wet-wet. There was also water that tailed out of at least
8 the first two kennels. The rest of the sidewalk was not
9 wet. This -- and that water, I never saw a hose, so I'm
10 not sure if it was leaking from something, but it was
11 actually standing water.

12 Q And was that water present consistent with the weather
13 at that time?

14 A No, sir. It hadn't rained yet, not enough to leave
15 any -- it was a drizzle here and there.

16 Q When you observed the body of Paul, was it physically
17 wet as well, or the clothing he was wearing?

18 A It was saturated with obviously blood and tissue, and
19 his clothes did appear to be wet, but almost as if like
20 absorbed from the ground up. Not saying that someone had
21 sprayed him with a hose or anything.

22 Q Please observe the video, if you would, and I'll have
23 a few questions afterwards.

24 (The video continued to play.)

25 Q Captain Chapman, did you direct Deputy McDowell into

1 the feed room area to help with lifting that sheet?

2 A I did, sir.

3 Q And why would -- why would you do that?

4 A I wanted the sheet lifted directly, not drug across
5 the body. Again, I told you I'm not really a proponent of
6 sheets, but since it was there, I would prefer that it be
7 lifted straight up. I had already walked through to see
8 what, if anything, was right there. You can see I'm
9 cautiously stepping there, but I'd already checked to see
10 if we were going to be able to step to the inside of it.
11 The spot right inside the inside of the door, inside of the
12 doorframe, I had looked, and I felt like he would be able
13 to step straight in, pick the sheet up, put the sheet back
14 down, and step back out.

15 Q Is preservation of scene important --

16 A It is important.

17 Q -- in your line of work?

18 A Absolutely.

19 Q Is equally important securing the scene and making
20 sure that you understand if there's any loose firearms
21 around or if that there's any other --

22 A It is. Again --

23 Q -- uncontrollable circumstances going on?

24 A It is. Again, you know, the sole purpose of this
25 right here is to help determine whether or not I have any

1 suspects still on the move, or if there's a weapon
2 underneath him.

3 (The video continued to play.)

4 Q And this is -- is this you looking for the gun?

5 A It is, sir.

6 Q What do you notice about the body physically laying
7 there, Paul's body?

8 A Feet towards the feed room, head towards the driveway,
9 hands tucked underneath the body, fairly saturated in
10 blood. Majority of the head is gone. There's a lot of
11 tissue, what appears to be at least some of the brain, or
12 most of the brain lying on the opposite side from me to the
13 victim. Wet. Again, I'm assuming probably from soaking up
14 rain or water, whatever that is, off the sidewalk. And a
15 smartphone sitting on -- propped up on the back of him.

16 Q Was Paul's person saturated in physical matter and
17 blood?

18 A Yes.

19 Q And his hands, were they accessible to anyone
20 without -- could you have touched Paul's hands or wrists
21 without physically moving him?

22 A I can't actually see his hands at this point in time.

23 Q He fell down on top of them. Is that fair to say?

24 A They're underneath his body, yes, sir.

25 (The video continued to play.)

1 Q What did you observe that was laying on -- laying on
2 top of Paul's body right there?

3 A Again, it was a smartphone.

4 Q Did you have a chance to examine that smartphone and
5 get fairly close to it?

6 A I got close to it. I didn't pick it up. I was
7 present when it was actually collected later, but it was
8 not collected at this point.

9 Q And later on it was collected -- describe the
10 collection process that occurred after this.

11 A It was collected by myself and Agent David Owens. I
12 believe he's going to be your case agent. As far as
13 collection of that, I stood by as a witness. As he
14 collected, he had on rubber gloves. It was picked up. He
15 didn't actually do any manipulation of the device in front
16 of me. It was bagged as evidence and placed in the
17 vehicle.

18 Q Was the phone physically bloody?

19 A I don't recall any blood or water on the phone. I'm
20 not saying that microscopically there wasn't, but I don't
21 recall from the naked eye seeing anything.

22 Q That's what I'm asking about.

23 A No, sir.

24 Q From your observations, was it wet from the water or
25 blood?

1 A No, sir.

2 Q And when it was lifted off of Paul's shorts, did it
3 leave, like, a mark of blood or water or anything like
4 that?

5 A Not that I recall, no, sir.

6 (The video continued to play.)

7 Q Were you able to locate a firearm underneath the body
8 of Paul?

9 A When the coroner's office arrived and the Crime Scene
10 Unit and victim Paul was eventually moved, there was not a
11 firearm underneath.

12 Q Are you familiar with the rifle round called a 300
13 Blackout?

14 A I am, sir.

15 Q Is that -- in your twenty-six years of experience, is
16 that a caliber that you come across with any frequency?

17 A In the last couple of years probably more than ever.
18 But in all the crime scenes I have worked, I believe this
19 was, at the time, the second ever in my career that had a
20 300 Blackout as far as being involved in a homicide.

21 Q As supervisor on the scene, is it part of your
22 responsibility and your duties to sort of direct what
23 people do? You're the person in charge?

24 A It is, sir.

25 Q Does that free you up to do other things if others --

1 if you have your deputies doing the tasks that you've
2 assigned them?

3 A If possible, yes, sir, sometimes.

4 Q And on this particular instance and this night, were
5 you able to observe Mr. Murdaugh and see what he was up to?

6 A Yes, sir, and I spoke to him on a few occasions.

7 Q Whenever you're investigating a case -- I'm going to
8 ask you about items that you might designate as points that
9 you need to address.

10 A Yes, sir.

11 Q You describe what that might mean. What's in general,
12 like, an investigative point or investigative cue that you
13 need to focus on?

14 A Anything that we hear or see that based on the limited
15 amount of knowledge we have at that particular point just
16 creates a unknown. Something that may need further
17 investigation, something that maybe doesn't necessarily
18 correspond with the evidence on scene or with a statement
19 made by somebody. It's something that just we need to
20 follow up on. It can't just be left alone or accepted as
21 fact.

22 Q What are some of the physical observations -- I'm
23 going to ask you about physical observations of
24 Mr. Murdaugh. Did he appear to be, at least outwardly, did
25 he appear to be upset?

1 A Yes, sir, he did.

2 Q Did you -- were you close enough to observe whether or
3 not he actually cried or had tears in his eyes?

4 A He was upset, definitely upset. I got up to him.
5 Again, like I said, I spoke to him on at least two
6 different occasions and he was breathing hard, you know.
7 His facial expressions were that of, you know, torment.
8 But physically see him crying, I did not. He was sweating
9 but he wasn't crying.

10 Q What did you observe about his clothing?

11 A Clothing was clean. I didn't see anything that stuck
12 out. Obviously no dirt or blood or anything that indicated
13 he had been rolling around on the ground, or that he had,
14 you know, been involved or anything up to that point.

15 Q I'm going to ask you about something that you do when
16 you're arriving on a scene, particularly if it's a
17 homicide. Do you have a practice of phoning or having
18 dispatch send you the 911 call?

19 A Yes, we do.

20 Q Why would you do that?

21 A We get a lot of information from 911 calls, more so
22 than the average person, I think, would believe. And
23 it's -- over the years we've had several cases where had we
24 not gone back and looked at that initial 911 call, we would
25 have missed some very important information that -- or

1 information that could have cleared up some unknowns, those
2 points of investigation you talked about, much sooner. So,
3 in our investigative process, that's now one of the things
4 that we try to do relatively quickly.

5 In this case, with the scene being fluid and not
6 knowing if we had suspects on the loose, I opted to go
7 ahead and do that, and it took a minute for them to get
8 caught up as busy as they were, but they were able to get
9 on the phone with me and play the 911 call for me.

10 Q So, were you able to hear the 911 call?

11 A I was.

12 Q And are you listening to that 911 call both for
13 content but also critically and trying to examine the
14 things that are said?

15 A Absolutely. We're listening for noises in the
16 background, exactly what is said versus what we see, so
17 forth.

18 Q So, with that awareness of everything that was said on
19 the 911 call, do you then take that information and apply
20 it to the scene?

21 A Yes, sir.

22 Q And are you applying that information to try to see if
23 it checks out, to see if things are consistent with what
24 you heard on the 911 call?

25 A Yes, sir.

1 Q And on the 911 call, did you -- did Mr. Murdaugh
2 indicate that he had tried to examine the bodies or check
3 their pulses?

4 A Yes. He's -- I believe dispatch stated don't -- do
5 not touch if you haven't, and Mr. Murdaugh replied that he
6 had touched them checking them.

7 Q To check to see if they were breathing?

8 A And which would be expected, absolutely.

9 Q Upon examination of Mr. Murdaugh, did you have a
10 chance to look at his hands?

11 A Again, I did talk to him, yes, sir.

12 Q Did you have a chance to look at his shirt?

13 A I did.

14 Q And did you see any indication that there was any
15 blood on any part of his body?

16 A No, sir. Not --

17 Q Physically.

18 A Again, just physically with my observations, no
19 microscope, I did not see any blood anywhere.

20 Q And in your experience with viewing Paul's body, had
21 you physically touched Paul, would there have been blood
22 left on your hands?

23 MR. HARPOOTLIAN: Objection, Your Honor. Speculation.

24 THE COURT: Response?

25 MR. FERNANDEZ: Well, Your Honor, I don't think it's

1 speculation. This witness saw the body. He can testify to
2 the locations that would be touched and whether it would
3 transferred.

4 MR. HARPOOTLIAN: Does he know what location he
5 touched?

6 MR. FERNANDEZ: I'll lay a foundation. I'll ask a few
7 more questions.

8 THE COURT: Yes, sir.

9 Q Mr. Chapman, going back to -- or Captain Chapman,
10 going back to your experience in life saving procedures, is
11 there -- are there common areas that someone might touch to
12 check a pulse if they were indicating they were checking
13 breathing --

14 MR. HARPOOTLIAN: Objection, Your Honor. The question
15 is where did Mr. Murdaugh touch the body for a pulse.

16 THE COURT: The objection is overruled. The
17 prosecutor is asking the questions.

18 Go ahead.

19 MR. FERNANDEZ: Thank you, Your Honor.

20 Q Is there common areas that someone might check a body
21 to check for -- if they've indicated they're checking for
22 breathing, are there common areas that someone might check?

23 A I believe the most common is the neck and the wrist
24 that you see that, you know, people with limited training
25 would probably use. I'm sure there are others for -- with

1 medical training.

2 Q So, the neck and the wrist. And please tell me where
3 Paul's wrists were located when you discovered his body.

4 A They're up underneath his body.

5 Q And was Paul's neck accessible? If his wrists were
6 underneath his body, was his neck accessible?

7 A I think you can get the portions of his neck. I don't
8 know that you would be able to get under. I mean, he's
9 face down, and I didn't try to get a pulse, but where I
10 know that you would check would be difficult without
11 manipulating the body in some fashion, I guess.

12 Q And if you had to manipulate the body and if you were
13 going to try to check his pulse via wrists or neck, what
14 you saw that night, would your hands be bloody?

15 A If I had attempted, they would have been, yes.

16 Q I'm going to ask you another investigative point that
17 you observed. Did Mr. Murdaugh on the 911 call indicate he
18 was going to retrieve a firearm?

19 A Yes, sir. That actually came out while I was en route
20 as a caution from the dispatcher, but it was also present
21 on the call when I monitored the call.

22 Q Having listened to the phone call -- having listened
23 to the 911 tape, what was your reaction, or what was
24 your -- what was the cue that you were fixated on as it
25 relates to the retrieval of the firearm? What is going

1 through your head at that point?

2 A Well, that he's scared. I mean, that he believes
3 there may be somebody there that possibly whoever he
4 believes hurt them may come back and hurt him.

5 Q And sure, that's your estimation, right? That's what
6 you're thinking --

7 A That's what I was thinking, yeah. And that's what I
8 believe pretty much anybody would think. If he was there
9 present with them and got spooked and -- because I believe
10 the verbiage on the 911 is he states I'm going to get a
11 gun, that I don't feel safe. And dispatch tries to tell
12 him we would rather you not, and he states again that I'm
13 not going to show it to the officers. I'm not going to
14 hurt anybody. I'll put it away, but I feel unsafe. So, I
15 understand that.

16 Q All right. In listening to the 911 call critically,
17 what then did you observe towards the end after retrieving
18 a firearm that you would cue onto in your investigative
19 process?

20 A After knowing that he had went and got the gun,
21 knowing that he stated it was unsafe and that he went and
22 got the firearm there, when he came back, as soon as he got
23 back to the scene, the only thing I believe that was odd
24 from that point was that he wanted to separate the call, or
25 cancel the call, to call family prior to anyone's arrival.

1 It was the only thing and it just struck me as odd.

2 Again, it's just a point of investigation. Up to that
3 point in the phone call, he had asked repeatedly where are
4 they? Are y'all coming? Are y'all coming? Are y'all
5 coming? I'm not safe. I'm going to get a gun. And then
6 when he got back to the scene, are y'all here yet? How far
7 out are they? And then it was I need to call my family,
8 and the phone disconnected.

9 Q And when we refer to the scene, the scene is
10 obviously -- does that encumber part of what was, you know,
11 fenced off with crime scene tape? Is that, you know, what
12 we're referring to, a scene?

13 A That would have been the primary scene, yes, sir.

14 Q But in your mind, what does the scene also entail?
15 What other things?

16 A Well, I mean, the only thing that -- the phone could
17 potentially extend that scene. The phone calls, excuse me,
18 could potentially extend that scene as far as entering your
19 crime scene and not being able to introduce evidence, or
20 exiting a crime scene without being able to take away
21 evidence. And by his own admission he left the scene, went
22 to his house and got a gun. Potentially that could make
23 the house an extension of the crime scene.

24 Q Because that's what he indicated on the phone.

25 A That's what he indicated.

1 Q Does -- is Mr. Murdaugh considered part of that
2 scene's scene?

3 A Of course. He's inside that area when we arrive and,
4 I mean, he would be factored into everything.

5 Q And would that justify or explain why you might pay
6 particular attention to him?

7 A Sure. I mean, we would anybody that was there.

8 Q Now, you've -- and I'm asking you this again. I know
9 you've answered it. You've had a chance to review the body
10 worn camera from both Deputy Greene and McDowell, correct?

11 A Yes, sir.

12 Q Did your -- after those videos cease recording because
13 the crime scene had been secured, did you have an
14 opportunity then to continue your investigation and
15 continue your line of work?

16 A We did.

17 Q And those -- these activities would not have been
18 captured on the video because it had been shut down. Is
19 that correct?

20 A That's correct.

21 Q Did you have an opportunity to physically observe,
22 meaning watch, Mr. Murdaugh while your deputies and your
23 officers were performing their tasks?

24 A I did.

25 Q What were a couple of things that you noticed that

1 stuck out to you when physically observing Mr. Murdaugh and
2 how he was either behaving or what he was doing?

3 A Again, I mean, he was emotional. The stress on his
4 face -- I didn't see him cry. Not everyone cries; I don't
5 have an issue with that. There were times that when we got
6 to certain places or asked certain questions that you could
7 see a slight demeanor change or body language shift, and,
8 you know, I took note of that. But again, as -- just as a
9 point of investigation -- but he remained at the scene. He
10 wasn't forced to stay. He was cooperative, but he
11 didn't -- you know, there were times that you could see a
12 reaction to different things.

13 Q Okay. Did you notice a reaction -- did you ever
14 notice him tracking your movements or your officers'
15 movements?

16 A I know when -- I was there when I ordered Detective
17 Varnadoe to take a GSR kit and explained how the kit
18 worked. And while we were taking it -- and he was very
19 cooperative with giving the kit, and we really didn't have
20 an issue there. Later was looking at some -- I wouldn't
21 call them tire tracks. I would call them tire impressions
22 because there's no dirt there. It's just grass, but we
23 noticed there was quite a bit of tire impressions that ran
24 around the back side of the hangar.

25 Q And we'll get to the tire tracks in a second. You

1 mentioned the term just a second ago called GSR?

2 A Yes, sir.

3 Q If you wouldn't mind, could you explain to us just
4 what that is?

5 A Sure. I apologize for that. A gunshot residue kit is
6 just a kit -- we use specific kits provided by SLED because
7 the kits were then sent off for testing, but it's meant to
8 test for the presence of gunshot residue. They're very
9 noninvasive. They have little ampules. You open up a
10 sterile kit, put a set of gloves on, open the kit up, and
11 you'll dab one of the sterile collectors around on the
12 front and back of the hand of an individual. Package those
13 up, tape it off, seal it, date it, time it, case number,
14 and then that's eventually sent off to SLED.

15 We were asked -- I spoke earlier and said the only
16 thing that my detectives physically collected prior to
17 SLED's Crime Scene's arrival was that GSR kit. It was done
18 by us because there is a time limit on those, and you can't
19 always wait. I know everybody sometimes thinks that, well,
20 why don't we just wait and do all of this tomorrow, but GSR
21 has a six hour limit on it, so we had to collect that that
22 night, and we did so. And that's what I was referring to
23 when I say GSR, is a gunshot residue test kit.

24 Q And, Captain Chapman, related to the GSR retrieval, I
25 know you mentioned a time limit, expiring time limit. Is

1 it your understanding that that time limit -- what's the
2 time -- does that time limit refer to humans or just things
3 in general, objects in general?

4 A That refers to when we collect a GSR sample from an
5 individual. That is our restriction from the SLED lab as
6 it has to be collected within 6 hours of the estimated time
7 of firing the weapon. And again, that kit is -- I mean,
8 it's just as much for any type of exculpatory as it is
9 conviction. We use it a lot of times to exonerate someone
10 as much as we would to convict.

11 Q Going back to Mr. Murdaugh's -- the observations that
12 you had, did he appear to fixate on one body over the other
13 that were there?

14 A Especially watching the camera footage. I didn't
15 notice quite as much in person, but later scrutinizing the
16 body cam footage there does -- he does appear to fixate
17 more on his son than his wife, but that's in that limited
18 amount of body cam footage that I have.

19 Q You mentioned before the tire tracks that you
20 observed.

21 A Yes, sir, or tire impressions.

22 Q Tire impressions.

23 A Yes, sir.

24 Q Okay. Let's set the scene. Set the scene for us, if
25 you would, please.

1 A Sure.

2 Q Describing the grass, and we've heard a lot about, you
3 know, there was rain, the moisture. Describe the scene, if
4 you would, on that grass.

5 A So, if you come into the property and you go down the
6 dirt road with Paul on your left, as you see in the picture
7 before y'all, that gravel or dirt road between the kennels
8 and the -- what's referred to as the airport, or the
9 airplane hangar, eventually ends in grass, a large grass
10 area that separates that hangar from another shed. And
11 that area is where Mr. Murdaugh's Suburban was parked with
12 the flashers and the headlights, and the headlights were
13 pointed towards Paul's body. But that entire area there is
14 grass as opposed to the dirt or gravel lane between the two
15 structures, and there's some very obvious at that time
16 impressions in the grass. But they're not tracks like you
17 think of that you -- we could cast a track out of dirt, but
18 you can't cast an impression that's in -- laid over wet
19 grass from the dew. I mean, they're not going to be able
20 to do anything with that other than to document it.

21 And I did notice them, and I actually asked
22 Mr. Murdaugh if he could tell me because I didn't -- I was
23 unaware of the body cam footage at the time. Could you
24 tell me what direction you came from. And he told me
25 that -- he pointed and said he had come from the residence

1 and pulled up here, turned around, and went back the same
2 route, confirming that the tracks around his vehicle, the
3 Suburban, were his. And he said there should be two sets
4 from where I arrived the first time, left, and went my --
5 got the gun and came back.

6 And I asked about the other sets that you could see,
7 and there was one in particular that appeared to come close
8 to Maggie's body possibly. You had to have the light just
9 right, and it just happened to be that I noticed it looking
10 at the ground in front of Mr. Murdaugh's vehicle, because
11 the lights were shining on Paul, that you could see that.

12 Q So the tire tracks, did you and Detective Rutland
13 spend some time trying to -- or attempting to identify
14 where those tracks could have come from?

15 A We did try to follow them. One thing that started to
16 bother me was that we didn't have a vehicle. We were
17 trying to figure out how Maggie and Paul got to the
18 kennels. It's a pretty substantial distance from the
19 residence to the kennels. The property, you know -- and I
20 don't know an exact, but I'm guessing probably 1,000 yards
21 from the kennels to the house. And it's 10:00 at night, so
22 I don't know what time they got there, but it's a pretty
23 long walk with, especially if you're planning on walking
24 back in the dark. And did they drive a vehicle? Did they
25 drive, you know, a four wheeler or UTV or whatever, a golf

1 cart?

2 But we see Mr. Murdaugh's vehicle because he left it
3 as instructed where it was, but we were trying to determine
4 if any of these other tracks lined up with the position of
5 any of the vehicles that were on the property. There was a
6 UTV with a flat tire. There was another -- a half-ton
7 pickup in the shed across the grass portion from the
8 hangar. I was thinking maybe those tracks would line up,
9 or the impressions that were in the grass would line up
10 with that vehicle.

11 Q Did they appear to line up with either of those
12 vehicles?

13 A They did not. They did not.

14 Q As part of your investigation -- I'll flash forward
15 just a little bit. Did you operate and record two drone
16 videos of the property?

17 A I did.

18 Q And I'm handing -- I'm going to hand you -- show you.

19 (Break in proceedings.)

20 Q I'm going to hand you what's been marked as State's
21 Exhibit 187 and 188. Briefly take a look at those two
22 videos, DVDs if you would, and let me know if you recognize
23 them.

24 A Yes, sir. Both of these discs I have marked as having
25 previously viewed and confirmed their authenticity on the

1 25th of this month, and one on the 26th of this month.

2 Q These would be the drone video recordings?

3 A Yes, sir.

4 Q Thank you.

5 MR. FERNANDEZ: Your Honor, we would move to admit
6 these into evidence, I believe without objection.

7 THE COURT: Any objection?

8 MR. HARPOOTLIAN: No, Your Honor.

9 THE COURT: They're admitted without objection.

10 (DRONE VIDEO MARKED AS STATE'S EXHIBIT NUMBER 187 WAS
11 RECEIVED INTO EVIDENCE.)

12 (DRONE VIDEO MARKED AS STATE'S EXHIBIT NUMBER 188 WAS
13 RECEIVED INTO EVIDENCE.)

14 THE COURT: And ladies and gentlemen, we'll take a
15 recess at this time. Please do not discuss the case.

16 (The jury left the courtroom.)

17 THE COURT: We'll be in recess for 15 minutes.

18 (A break was taken.)

19 THE COURT: Let's bring the jury.

20 (The jury returned to the courtroom.)

21 THE BAILIFF: All of the jurors are present.

22 THE COURT: All right, thank you.

23 You may proceed.

24 MR. FERNANDEZ: Thank you, Your Honor. May it please
25 the Court?

1 THE COURT: Yes, sir.

2 CONTINUED DIRECT EXAMINATION

3 BY MR. FERNANDEZ:

4 Q Captain Chapman, resuming our testimony, I'm going to
5 show you again four pictures I'm going to mark -- I've
6 marked and identified, and I'll ask you to please identify
7 them.

8 MR. HARPOOTLIAN: No objection.

9 THE COURT: Are you offering them all into evidence?

10 MR. FERNANDEZ: I am, yes, sir.

11 THE COURT: They're admitted without objection.

12 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 189 WAS
13 RECEIVED INTO EVIDENCE.)

14 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 190 WAS
15 RECEIVED INTO EVIDENCE.)

16 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 191 WAS
17 RECEIVED INTO EVIDENCE.)

18 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 192 WAS
19 RECEIVED INTO EVIDENCE.)

20 MR. FERNANDEZ: Okay, and permission to publish?

21 THE COURT: Yes.

22 MR. FERNANDEZ: If I could have the ELMO.

23 (Break in proceedings.)

24 MR. FERNANDEZ: And I think -- and, Your Honor, I
25 think we already established that the drone footage has

1 been placed into evidence, and I would request permission
2 to play that first, and then I'll go -- sorry.

3 (Break in proceedings.)

4 Q Captain Chapman, as we were discussing earlier, you
5 did record -- describe the process of what you did with the
6 drones and why you were surveilling the area.

7 A I took pictures with our drone just to give an
8 overall. Some of the agents had different job descriptions
9 that day; some of my personnel had different job
10 descriptions that day. In order to have something as a
11 reference point to go back and work with later, we took the
12 department issued drone and took a couple of aerial videos
13 so that we could use them for reference later.

14 MR. FERNANDEZ: And, Your Honor, request permission
15 for the witness to sort of direct the geography of the
16 drone footage.

17 THE COURT: Yes, you may.

18 Q If you would, please step down.

19 A Sure.

20 (DVD of drone footage was played throughout the
21 following testimony. There was no audio.)

22 Q And if you could identify for the jurors as videos
23 play what we're actually looking at.

24 A Sure. So, in the image currently what we see is the
25 main house, the Murdaugh residence. There you go, I

1 apologize.

2 Q And --

3 A And left of that structure with the planted trees
4 would be the main driveway that comes out.

5 Q All right. If you could identify that on the video,
6 the driveway that you're referring to.

7 A I'll show you here and then I'll walk up, yes, sir.
8 So, this would be the main structure and the main driveway
9 that comes out from it with the trees. Ladies and
10 gentlemen, the main structure, the residential structure
11 and the driveway, the main driveway going away from it with
12 the trees.

13 Q All right, and now looking down the road a bit,
14 Captain Chapman, this road that veers to the left, or it
15 turns left, what is that road?

16 A So, that would have been the route that was described
17 by Mr. Murdaugh as how he left his residence and came to
18 the dog kennels, coming up the road with the planted trees
19 making a left here, ladies and gentlemen, there. And if
20 you play the video a little further, that road ends at the
21 incident location with the dog kennels.

22 Q And if you would, please describe for us what we're
23 actually looking at with this dog kennel area, identifying
24 the structures and the entry point for the road, the main
25 mailbox area.

1 A Absolutely. So, this would be the area coming from
2 the main residence. When we arrived on scene that night,
3 or at least when I arrived, right here positioned with the
4 headlights facing down this way would have been Mr.
5 Murdaugh's vehicle. You keep hearing reference of the
6 airplane hangar, or the main shed. That would have been
7 the large structure here. The dog kennels are the smaller
8 one you see in the background running perpendicular, and
9 the driveway goes out to the road. Do I need to show you
10 ladies and gentlemen here? Has everyone --

11 Q Please do. Just go through what these structures are.

12 A So again, the roadway coming from the main residence.
13 Here you have what's been referred to as the hangar. Mr.
14 Murdaugh's vehicle is parked in this general area here with
15 the headlights shining down this direction. This would
16 have been the dog kennels. This is the large grass area
17 that we were referring to when we were talking about the
18 tire impressions and the dew, and this was a separate
19 structure of this.

20 Q And where would the entry point for the Moselle Road
21 be on this still shot?

22 A Following straight down between the hangar and the dog
23 kennels going all of the way through the treeline, the
24 Moselle entrance would be back here.

25 Q And I'm going to just play it one time without

1 stopping.

2 (The video continued to play.)

3 Q All right. Thank you, Captain Chapman. I'm going to
4 play the second drone video.

5 (DVD of drone footage was played. There was no
6 audio.)

7 Q If you would, please tell us what we're looking at
8 from this perspective right now.

9 A Yes, sir. So, this would be the back portion of the
10 airplane hangar. The driveway -- the vehicles at the
11 bottom of the screen, this driveway goes back around and
12 connects back to Moselle Road.

13 Q And is this the hangar that you were referencing?

14 A This is the airplane hangar as we've been referring to
15 it.

16 Q What is this structure on the top side of this image
17 in the far back?

18 A I believe that's a cleaning shed, a processing shed
19 for animals, if you were going to process a deer that you
20 killed, and it had, like, a walk-in freezer, sinks, a floor
21 with a drain in it.

22 Q All right. Describe to us what we're looking at from
23 this perspective, if you would?

24 A Certainly. So, if you came in the Moselle entrance,
25 which was the entrance that we were dispatched to, the

1 4147, and you turn by the mailbox off of Moselle Road and
2 you came in the dirt driveway, you would be coming up
3 between the two structures. You had the airplane hangar on
4 your right with the red tin roof, the dog kennel on your
5 left. That was the vehicle that Mr. Murdaugh was driving,
6 at least what was -- he said he was driving when I arrived
7 on scene. At the time the flashers were flash -- I believe
8 they actually still are in the drone video, the hazard
9 lights are on, all of the way back from where dispatch
10 initially advised him to cut them on for arrival. The
11 large shed in the background back there is just a -- simply
12 another tractor shed.

13 Q And, Captain Chapman, would you identify where the
14 body of Paul Murdaugh was located when you arrived on this
15 picture?

16 A Yes, sir. So, the dog kennels on the left of your
17 screen, ladies and gentlemen, if you were to look towards
18 the end of that structure right where the gravel and the
19 roofline are and then step back approximately 5 or 6 feet,
20 that would have been the location of Paul's body.

21 Q And where would Maggie's body have been located?

22 A Maggie's body would have just beyond the roofline of
23 the red airplane hangar on the side closest to the
24 Suburban.

25 Q The trajectory of the vehicle that Mr. Murdaugh was

1 operating and actually parked there, would his
2 headlights -- where would his headlights have been directed
3 to?

4 A As it sits now, which I believe is the same it was
5 when I arrived on scene, the headlights were pointed on
6 Paul's body.

7 Q And this structure just past the white roof, which is
8 identified as the kennels, what's that run structure there?

9 A I believe that was, like, a chicken coop or a chicken
10 pen.

11 (The video continued to play.)

12 Q You mentioned before when we were talking about the
13 tire tracks that you noticed the dew of the grass, that you
14 were trying to identify the location of those tracks. As
15 part of your investigation in conjunction with
16 Detective Rutland, did you identify this black truck that
17 we see pictured here?

18 A We did.

19 Q Was the black truck -- did any of the tracks line up
20 to that black truck?

21 A No, sir. That's what got us back to that location
22 looking at the tire impressions was that we were trying to
23 determine if that was the vehicle we believed that Paul may
24 have driven to the kennels.

25 Q And did you check the truck to see if it was

1 physically warm to the touch or --

2 A It was not.

3 (The video continued to play.)

4 Q Pausing here, Captain Chapman, the kennel run I think
5 you already identified, is that the structure with the
6 white roof?

7 A Yes, sir.

8 Q The silverish/white roof in the background on this
9 image?

10 A Yes, sir.

11 Q And the feed room located where Paul actually was sort
12 of straddled, where would that feed room be in this image?

13 A If you look at the right corner of that building, and
14 you can see the white framed door just above the red roof,
15 that would be the area of the feed room.

16 MR. FERNANDEZ: And with the Court's permission I
17 would ask the witness to identify that on the screen, if he
18 would?

19 THE COURT: Yes, sir.

20 THE WITNESS: Thank you, Your Honor.

21 A Ladies and gentlemen, this would have been the area of
22 the feed room here. This would have been the area of the
23 feed room here.

24 Q And while you're there, Captain Chapman, would you
25 please identify in this angle where Maggie Murdaugh would

1 have been located?

2 A Yes, sir. Maggie would have been located here. Here.

3 (Break in proceedings.)

4 Q Did you become aware in the course of your
5 investigation of footprints on the side of the hangar?

6 A Yes.

7 Q How did that occur, and what brought your attention to
8 that first, and what did you do as a result?

9 A Detective Rutland approached me at some point in time
10 after her arrival with a search warrant, that she had
11 located a set of prints. The prints appeared to be a flat
12 style print, like a flip flop or a scandal of some type,
13 and that they were to the left of this hangar door in the
14 dirt underneath the left lean-to of the hangar.

15 Q And if you mean to the left of the door in the image,
16 do you identify an orange lawnmower there?

17 A That's correct, in between that mower and the wall.

18 Q If you would, describe what you did and what you and
19 Detective Rutland decided to do to examine these
20 footprints.

21 A She came over and alerted me to the presence of the
22 footprints or shoe impressions. I went over with her. We
23 started at the side of the hangar here that you see in the
24 image by the orange mower. At that particular point, you
25 could only see those sets of tracks or shoe impressions in

1 the dirt. We then walked around the other side, and you
2 could see that they were also on the other side of the
3 hangar, the far side of that structure. So, then we made
4 the decision to walk a line off the -- off of those tracks
5 from one end to the other to ensure that there was no
6 evidence of firearms, blood, anything underneath that
7 hangar along those shoe impressions, which we did not
8 locate anything but the single set of tire -- of shoe
9 impressions. And they appeared to go from one end of the
10 hangar to the other, turn around, and come back.

11 Q I'm going to show you what's been entered into
12 evidence as State's Exhibit 193. Are you familiar with
13 that location?

14 A Yes, sir.

15 Q Is that a still image of the area between the hangar
16 and that lawnmower?

17 A It is, sir.

18 Q And is that the location where you noticed the treads,
19 the footprints?

20 A It is, sir.

21 Q All right. I'm hand goes you what's been marked as
22 State's Exhibit 194. Would you please describe what you
23 see in that picture?

24 A This is a picture of the footprints along the edge of
25 the hangar structure.

1 Q I'm handing you what's been marked and entered into
2 evidence as State's Exhibit 195. Please describe what you
3 see in that picture.

4 A Again, another photograph depicting the shoe
5 impressions along the edge of the --

6 Q And those are the shoe impressions that you personally
7 viewed on scene at Moselle.

8 A Yes, sir.

9 Q I'm also marking -- handing you what's been entered
10 into evidence as State's Exhibit 200. Are you familiar
11 with what that is a picture of?

12 A These are the shoes that were on Ms. Maggie at the
13 time. I believe they're crime scene or autopsy photos from
14 afterwards.

15 Q I'm showing you a rear view of the car operated by
16 Mr. Murdaugh. Is that accurate?

17 A Yes, sir.

18 Q And is that -- are those headlights directly aligned
19 with where Paul's body would have been laying?

20 A Yes, sir.

21 Q And from this perspective, where was Maggie's body
22 located?

23 A Close to the front of the green Ranger, to the left of
24 the vehicle.

25 Q And from which direction did Mr. Murdaugh indicate he

1 drove to the scene from? Which direction would that have
2 come from?

3 A Bottom right-hand corner of the picture that you're
4 seeing now.

5 Q Captain Chapman, I'm asking you to identify these very
6 quickly. These are stills from the video feed, and what
7 does that show?

8 A That is the dirt road between the hangar and the dog
9 kennels.

10 Q And that would be State's Exhibit 192. This is
11 State's Exhibit 191. What does that show?

12 A That is the, like you said, a cleaning shed, a
13 processing shed for animals. It had a walk-in freezer and
14 a floor with a drain in it.

15 Q Okay. I'm showing you State's Exhibit 190. What's
16 that an image of?

17 A It looks like the area of the first two kennels
18 closest to the --

19 Q And that -- does that reflect the two kennels with the
20 two dogs on either side closest to the feed room?

21 A Closest to the feed room.

22 Q Okay, and I'm showing you what's marked as State's
23 Exhibit 189.

24 A That's the --

25 Q Is that another close-up of the water?

1 A That's a close-up of the water just outside the feed
2 room.

3 Q Okay, and I'm referring to the pictures we just
4 reviewed. This would be State's Exhibit 193. Is that
5 where you basically walked with Detective Rutland?

6 A It is, sir.

7 Q And to be clear, when you observed the footsteps in
8 the sand there, were they the only foot steps present?

9 A There was only one style of shoe impression when we
10 first observed that went from one side of the hangar to the
11 other and back, and it was that smooth style shoe
12 impression.

13 Q And you say there and back. Does that mean
14 footprints to you indicated they had walked one direction
15 and then walked the opposite direction back? Is that what
16 you're referring to?

17 A Yes, sir. We weren't able to tell at which point --
18 which side they entered initially, but they walked
19 completely from one side of the hangar all the way
20 underneath it the lean-to to the other side of the hangar,
21 turn around and came back.

22 Q I'm now showing you what's been marked as State's
23 Exhibit 194. Describe the types of treads we're seeing in
24 this picture, if you could.

25 A Certainly. If you remember I stated earlier that

1 after locating the shoe impressions, Detective Rutland let
2 me know that the impressions were there. I went over. We
3 checked both sides and realized that they ran, what we
4 could tell with a flashlight, from one side to the other.
5 So, we made the decision to walk straight through, keeping
6 the shoe impressions that we were concerned about in
7 between ourselves and the wall of the hangar structure,
8 never crossing those actual shoe impressions.

9 We went from one end to the other just to see if they
10 were joined by any other shoe impressions, if there was any
11 blood, if there were any weapons, so forth. We made one
12 trip down and back, and we did not locate anything.

13 Q I'm now showing you what's been marked as State's
14 Exhibit 195. Would that be a close-up of these impressions
15 that you observed?

16 A It is, sir.

17 Q And specifically the items in the middle with the flat
18 tread, those were the -- those were the -- those were
19 the -- would that be the first thing you noticed that
20 night?

21 A Those were the ones initially identified by Detective
22 Rutland and pointed out to myself. The ones with the shoe
23 impressions with the actual designs that would be left of
24 those in this photograph, those are myself and Detective
25 Rutland.

1 MR. FERNANDEZ: Your Honor, I'm going to move to
2 publish what's been marked as entered into evidence as
3 State's Exhibit 196 and 197. These are images of sensitive
4 nature. I have the coversheet, I am advising counsel and
5 our table to obscure the monitors.

6 Q I'm showing you what's been marked and entered into
7 evidence as State's Exhibit 196. Are you familiar with
8 what this is an image of?

9 A Yes, sir.

10 Q And what does this show?

11 A That's the lower portion of victim Maggie's body.

12 Q And specifically referring to the lower portion of the
13 body -- but her footwear, what are you -- what did -- are
14 these the footwear that you observed on her that evening?

15 A Those are the -- they appear to be an accurate
16 reflection of what she was wearing the night I was there.

17 Q Were you able to compare those -- the general size and
18 shape of those foot treads to the ones that you personally
19 observed on the side of that hangar?

20 A General impression they are similar in nature and
21 design and size. There were no measurements physically
22 taken by myself or Detective Rutland.

23 Q Okay. I'm publishing what's been marked and placed
24 into evidence as State's Exhibit 1-7 -- I'm sorry, 197, and
25 this is a similar photograph with just a slightly different

1 angle. Is that the same treads and same footwear that you
2 observed previously?

3 A Again, what we believed that what we saw on the side
4 of the building is a very close match as far as design and
5 size as to those.

6 Q I'm showing you now what's been marked and placed into
7 evidence as State's Exhibit 200. Are you familiar with
8 that? I know you're already described it, but tell us
9 again what we're looking at.

10 A Again, those were the shoes that were removed from
11 victim Maggie's body at the scene and the ones that we were
12 visibly comparing the shoe impressions to.

13 Q Did you at one point have a be-on-the-lookout, or a
14 BOLO, placed on anything particular in the vehicle that
15 night?

16 A Yes, sir. I believe I explained earlier that we had
17 asked if anything was missing from the scene and trying to
18 determine how Maggie and Paul got to the dog kennels. And
19 after checking the F150 that was in the picture we showed
20 you earlier, the dark colored F150 -- and the Ranger had a
21 flat tire. Neither one of those matched up. I actually
22 asked Mr. Murdaugh if he knew how they got down there, and
23 he said he wasn't sure but they should have driven Paul's
24 truck, which was described as a Ford, a white Ford F250.
25 We noticed that the truck wasn't there. It wasn't up until

1 that point that Mr. Murdaugh probably, with everything
2 going on, did not realize the truck wasn't there. And at
3 that point in time, to our units and our agency it was
4 BOLO'd out as possibly having been taken from the scene or
5 removed from the scene.

6 Q And what happened? Were you able to locate the car
7 eventually?

8 A That -- again, that was done some time that night
9 while we were on scene, the very following morning. And I
10 would have to look back at notes to tell you exactly, but I
11 believe it was around 10:30, 10:45 the next morning that
12 vehicle was located just inside Hampton County off of
13 Highway 63.

14 Q Captain Chapman, referring back to the tire tracks, I
15 know you spent some effort trying to identify the source
16 and origin of these tire tracks. When you were attempting
17 to investigate those tire tracks with Detective Rutland,
18 did you have a chance to then observe Mr. Murdaugh's
19 demeanor?

20 A Yes, sir, and we discussed, you know, there were
21 changes at the time.

22 Q What kind of changes?

23 A Again, he did appear very upset, heavy breathing,
24 distraught. When we asked the specific questions in
25 regards to the tire impressions and we began looking at the

1 tire impressions, it was just a change. The breathing
2 slowed and he began to watch us work more closely,
3 sometimes out of the corner of his eye. And after we would
4 move away from there with the tire impressions, the
5 demeanor change returned back to upset.

6 MR. FERNANDEZ: Beg the Court's indulgence.

7 (Break in proceedings.)

8 MR. FERNANDEZ: No further questions from the State.

9 Thank you, Captain Chapman.

10 MR. HARPOOTLIAN: Please the Court, Your Honor?

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. HARPOOTLIAN:

14 Q Captain, my name is Dick Harpootlian and I don't
15 believe we've met before.

16 A No, sir.

17 Q I represent Alex Murdaugh, and let me ask you a couple
18 of questions. One -- and let me see with these -- they're
19 in different order.

20 A Certainly.

21 Q But you indicated that if Mr. Murdaugh had taken the
22 pulse of his -- tried to take the pulse of his dead son on
23 his neck, his wrists were under him, did he indicate to you
24 he had tried to roll his son over?

25 A To me, no, sir, he did not.

1 Q Okay. Secondly, if he did get blood on his fingers or
2 hands, were you aware that there was blood found on his
3 shorts?

4 A I was not, sir. Again, my -- I was asked only about
5 my visible observations and just did not see anything at
6 the time.

7 Q Right. Nothing on his shirt to indicate --

8 A No, sir.

9 Q Okay.

10 A And I was unaware that anything was found.

11 Q But you're not saying that he -- I mean, you didn't
12 see anything to confirm that he didn't smear blood --

13 A That's correct.

14 Q -- on himself, right?

15 A That is correct.

16 Q But you're not saying that you have evidence that he
17 didn't try to check the pulse of his dead son.

18 A I am not, no, sir.

19 Q Okay. So -- and I think you indicated that his
20 demeanor was consistent with somebody who had just found
21 his wife and son butchered.

22 A His demeanor upon my arrival and initial conversation
23 with him was one who was -- of someone who was upset.

24 Q Okay, and just a moment ago you said something about
25 when you started looking at the tire tracks on the grass,

1 in the grass.

2 A It was a change of demeanor, yes, sir.

3 Q Well, a change of demeanor that perhaps he thought you
4 had some evidence that would point to the killers of his --
5 killers or killer of his wife and child?

6 A Are you asking me if that was the change?

7 Q Was the demeanor consistent with that?

8 A It was simply a change in demeanor. Could it be?

9 Q Yes.

10 A Sure, it absolutely could be. It was just a noted
11 change in demeanor.

12 Q His interest perked up.

13 A Exactly.

14 Q Right.

15 A Yes, sir.

16 Q Right. You were over there looking at tire tracks,
17 and perhaps you had discovered a different car or a
18 different tire track or -- and did you follow all of those
19 tire tracks?

20 A We attempted to follow out everything we could. As
21 mentioned earlier, it was just impressions, dew
22 impressions, wet impressions, not actual tracks.

23 Q Did you take pictures?

24 A By the time that we did that, the rain started and
25 SLED's Crime Scene was arrived. Again, we were rushing

1 against the weather. The images, I believe we discussed
2 earlier, were the only ones captured by body cam.

3 Q Right.

4 A And --

5 Q And it's the body cam that did not --

6 A Our focus at the time was to secure the largest items
7 of evidence that were identifiable to make sure that the
8 weather didn't damage them, and by that time SLED's team
9 was on scene.

10 Q And now there was two other sets of tracks, one of
11 them coming out of the shed, and I believe your notes
12 indicate that was the caretaker, or the caretaker. Now,
13 was that the caretaker that took care of the dogs or
14 somebody else?

15 A There was a set of tire tracks or impressions that
16 went through the dirt underneath the hangar --

17 Q Right.

18 A -- lean-to. Initially we didn't know whose they were,
19 what vehicle had left those tracks. In the drone footage,
20 you can actually see the agent still processing those. I
21 believe that later I was told that they matched the tire
22 tracks of someone that came to take care of the dogs.

23 Q Now, we heard from the fire chief a little while ago.
24 Were you in the courtroom for that?

25 A No, sir, I was not.

1 Q He indicated that there were on the road that led out
2 to the Moselle Highway -- do you know where I am talking
3 about?

4 A Yes, sir.

5 (Break in proceedings.)

6 Q Okay. So, were you informed that the chief of police
7 had found some tire tracks on the road leading in or out
8 from -- to the Moselle Highway behind -- as you look at the
9 screen, this road where the cars are parked on either side
10 of the road, that is that road, correct?

11 A For clarification, the chief of the fire department or
12 chief of the police department?

13 Q I'm sorry, chief of the fire department.

14 A Just wanted to make sure I was answering correctly,
15 sir. Yes. I was not made aware by Chief McRoy of anything
16 back there, but it doesn't mean that he didn't see
17 something.

18 Q He apparently informed your deputies of that. They
19 never communicated that to you?

20 A I was not made aware of any tire impressions of
21 potential evidence down that driveway.

22 Q And I think Sergeant Greene --

23 A Yes, sir.

24 Q -- indicated that it was communicated to him by the
25 fire chief. Were you aware of that?

1 A I was not, sir.

2 Q Until I just said it, you were not aware of that?

3 A I was not made aware of anything that they believed
4 was a possible extension of the scene that went down that
5 driveway, no, sir, I wasn't.

6 Q If the fire chief had seen, and he's testified he saw,
7 distinct tire tracks on that road he thought it had some
8 evidentiary value, had you been made aware of them, will
9 you take photographs or -- I guess they don't use the casts
10 anymore.

11 A We still do. Yes, sir. I would have done my best to
12 preserve it, whether that meant photographic form or
13 protection by other means from the approaching weather. I
14 would have.

15 Q Okay. So --

16 (Break in proceedings.)

17 MR. HARPOOTLIAN: Okay, stop it right there. Okay.

18 Yeah, right there is good.

19 (A video was played again.)

20 Q Now, if you'll -- right where I'm pointing to.

21 A Yes, sir.

22 Q These are the -- that's the dog sheds right there,
23 correct?

24 A That is correct, sir.

25 Q And right around in here would have been where Paul's

1 body was.

2 A Close to the end of that structure, yes, sir.

3 Q Right, and Maggie's body would have been on which side
4 of this -- of -- I don't know what you call it.

5 A The end of the red roof on the driver's side.

6 Q Right. Now, are you aware that he discovered the
7 bodies, called 911, drove back up to the house, and then
8 came back down?

9 A From listening to his statement and from the 911 call,
10 I was aware of it, yes, sir.

11 Q And y'all knew he went and got a shotgun and came
12 back.

13 A Yes, sir.

14 Q And the shotgun was there, which sort of corroborates
15 his statement, right?

16 A I was made aware of that, yes, sir, that Sergeant
17 Greene took the shotgun from him upon his arrival and
18 secured it.

19 Q And you can also hear the seatbelt dinging going on as
20 he drives away, can you not?

21 A You can hear that in the background of the 911 call.

22 Q Right. So, this is where he came back. Not
23 necessarily when he pulled up to begin with, correct?

24 A My understanding, that is the way the vehicle was when
25 he returned and the initial officers arrived on scene.

1 Q Right. So, you don't know where the car was
2 positioned when he first came down and discovered Maggie's
3 body and Paul's body, correct?

4 A My knowledge to it would be limited to his description
5 of having taken a very similar route back to the house, but
6 exact --

7 Q Close.

8 A Close but not exact, yes, sir.

9 Q Now, what is this green hedge or whatever?

10 A If I'm not mistaken it was a grapevine, but the
11 structure on the other side of it is a chicken coop.

12 Q Okay. Do you remember how tall that grapevine was?

13 A I don't know exactly, but looking at the image it's
14 fairly tall.

15 Q 10 feet?

16 A I would say at least.

17 Q At least. Now, if you were at the house looking down
18 this way, there's some pine trees between this area and the
19 house?

20 A There are, sir.

21 Q And then there's -- if you're trying to look at the
22 dog pens, there's obviously a 10-foot at least -- what did
23 you call it?

24 A The kennels?

25 Q No, the vine.

1 A Grapevines?

2 Q Grapevines.

3 A Yes, sir.

4 Q 10 feet tall. So, you could not see from the house
5 the dog kennels because of the pine trees and the
6 grapevine, correct?

7 A I would venture to say you could not see the position
8 of Paul or Maggie's body from the house.

9 Q At night.

10 A At night.

11 Q Right, and this is not a well-lit area down there, is
12 it?

13 A I don't recall it being extremely well lit, no, sir.
14 There was some artificial light, but I wouldn't with call
15 it extremely well lit.

16 Q Okay. So --

17 MR. HARPOOTLIAN: Go ahead and run the video.

18 (Break in proceedings.)

19 Q And this was done the next morning?

20 A Yes, sir.

21 Q Okay.

22 MR. HARPOOTLIAN: Keep going.

23 (Break in proceedings.)

24 MR. HARPOOTLIAN: Okay. Stop.

25 Q. That black truck, whose black truck is that?

1 A That's the vehicle that we checked that evening that I
2 believe was titled as a farm truck, just an around-the-farm
3 truck.

4 Q And is that the one you checked to see if it had been
5 driven lately?

6 A That's the one that Detective Rutland and I looked to
7 see if those wet tire impressions matched up to the
8 position of that vehicle when we arrived. Those particular
9 impressions did not, and the vehicle was not warm to the
10 touch.

11 Q Okay, but that would have been the night -- previous
12 night?

13 A The night of the incident when we arrived, yes, sir.

14 Q The night prior to this -- could Paul have driven that
15 truck down there?

16 A It would depend on what time he drove the truck down
17 there. But the impressions that we were looking at that we
18 referenced when asked earlier by the District Attorney
19 General, they did not come to the back of that vehicle.

20 Q They did not come from that?

21 A They didn't come from that vehicle. Did he drive that
22 vehicle to the scene? I can't tell you that yes or no.
23 But the impressions that she and I were looking at did not
24 match the position of that vehicle.

25 Q Right.

1 A Yes, sir.

2 Q But Paul earlier could have driven that down there.

3 A He could have. It's very feasible he could have
4 driven anything out there that night or earlier in that
5 day, but just not that vehicle for those particular set of
6 impressions.

7 Q Okay.

8 MR. HARPOOTLIAN: Go ahead.

9 (Break in proceedings.)

10 MR. HARPOOTLIAN: Okay. Back it up just a little bit.

11 (Break in proceedings.)

12 MR. HARPOOTLIAN: Back it up a little bit. Back it
13 up.

14 (Break in proceedings.)

15 MR. HARPOOTLIAN: Okay. Stop.

16 Q So, the tracks that you found from the caretaker,
17 where were they?

18 A In the image that y'all are looking at now, ladies and
19 gentlemen, they would have been to the right of the open
20 door in the center underneath that large lean-to section,
21 so the right side of the --

22 Q Could you come down here and point it out for me?

23 THE WITNESS: Your Honor, may I?

24 THE COURT: Yes.

25 THE WITNESS: Thank you, sir.

1 Excuse me, ladies and gentlemen.

2 (Break in proceedings.)

3 A This section you can actually see the agent's feet
4 there where she's still actually processing.

5 Q Okay. Were there any other tire tracks?

6 A Right here, ladies and gentlemen.

7 Q Any other tire tracks -- go ahead and take the --

8 A Thank you, sir.

9 Q -- that y'all processed other than those tire tracks?

10 A To my knowledge, that was the only set that they
11 actually, I believe, the only set that they actually
12 processed. By then the only one left that wasn't damaged
13 by weather as well.

14 Q Okay.

15 MR. HARPOOTLIAN: Go ahead.

16 (Break in proceedings.)

17 MR. HARPOOTLIAN: Stop.

18 Q So, and this road here goes out to Moselle Highway,
19 right?

20 A If you were to take the right T there --

21 Q Okay.

22 A -- by the silver trucks.

23 Q Yes.

24 A If you took the right, that would go out to Moselle
25 Road. To the left just loops around the airplane hangar.

1 Q Okay, and if the fire chief had indicated there were
2 tire impressions back here in the dirt, you would have
3 taken pictures or got a plaster cast or something, right?

4 A If I had been made aware that there was something that
5 someone thought may possibly be evidence --

6 Q Right.

7 A -- I would have done my best to secure it, but I was
8 not made aware of any of that.

9 Q Okay. Thank you.

10 A Yes, sir.

11 MR. HARPOOTLIAN: Keep going.

12 (Break in proceedings.)

13 MR. HARPOOTLIAN: Okay. I'm done with this. Can you
14 put the other one on, please?

15 (Break in proceedings.)

16 MR. HARPOOTLIAN: Okay. Stop.

17 Q That's the main house, the white building there?

18 A Yes, sir, the Murdaugh residence.

19 Q Right.

20 MR. HARPOOTLIAN: Keep going.

21 Q While that's running, you would come down that
22 driveway and take a left at that road --

23 MR. HARPOOTLIAN: Stop.

24 Q -- and that -- if you kept going straight, you would
25 hit the Moselle Highway, right?

1 A If you continued straight out the driveway with the
2 planted trees on either side, that would be a separate
3 entrance from the farm entrance.

4 Q Right.

5 A It would have been the main entrance to the residence
6 itself off of Moselle Road.

7 Q Right. The main entrance to come to the residence.

8 A That's correct.

9 Q If you were going to the residence, you would come in
10 that entrance.

11 A That is correct.

12 Q Going down to the dog pens, that area, the farm area,
13 you would take the entrance of the --

14 A I would assume so.

15 Q -- the post office box. Okay.

16 MR. HARPOOTLIAN: Go ahead.

17 (Break in proceedings.)

18 MR. HARPOOTLIAN: And --

19 (Break in proceedings.)

20 MR. HARPOOTLIAN: That's actually all I need out of
21 that. Thank you.

22 Q Let me ask you a few more questions. The photos of
23 the -- the photos of the footwear that -- I think the flip
24 flops or whatever, in your reports --

25 A Yes, sir.

1 Q -- you describe that, as it looked to you, like
2 someone had been pacing. Is that correct?

3 A I did describe it as pacing, I believe.

4 Q Is that accurate?

5 A Simply because it goes down, turns around, and comes
6 back. It doesn't appear to veer off anywhere in between,
7 and there's nothing -- it doesn't start anywhere in
8 particular or end anywhere in particular. It goes all the
9 away across, turns around, and comes all the way back.

10 Q Okay, and the pictures that --

11 (Break in proceedings.)

12 Q The pictures that you put into evidence a moment
13 ago --

14 (Break in proceedings.)

15 Q This is 195. Okay. So, so, as we see in this
16 picture, we see these flat marks, right? That would be the
17 flip flops?

18 A The impressions we were following, yes, sir.

19 Q Yes. So, they're, like, right here and here and here,
20 and some instances these look like -- actually, we blew one
21 up and it has got a REI symbol in the middle of them, and
22 they're, in at least one instance, over one of the flip
23 flops. Who's that?

24 A The only prints that I'm aware of that we could see
25 that night without blowing anything up was the image of the

1 flat shoe wear that you see, and then what Detective
2 Rutland and myself were wearing when we crossed through.

3 Q So, were you wearing -- is this y'all? You had walked
4 over there, or here?

5 A Presumably so because those images weren't there prior
6 to us walking through. I don't remember exactly what shoe
7 style Detective Rutland was wearing and myself, but --

8 Q So, let me put this one up. Again, we see the pattern
9 of flip flop. We also see the pattern of boots or shoes
10 over the flip flops. Are you telling me those were not
11 there the night before, or you couldn't see them?

12 A No, sir. What I'm telling you is when Detective
13 Rutland and I first observed those impressions, there was
14 nothing but a smooth, small flip flop style impression,
15 which went down from one end all across, underneath the
16 hangar, all of the way to the other, turned around, and
17 came back, which is the reason that I reference it as being
18 a pace. Had it simply crossed underneath, I would have
19 just said crossed underneath. But those were the only
20 impressions. Then she and I walked down the shed keeping
21 those tire -- or excuse me, shoe impressions between us and
22 the wall without stepping on them. But --

23 Q So, those were not -- I'm sorry.

24 A Hold on. But we did not photograph them. That
25 information from that point was relayed to crime scene

1 because we had not done any photographs of all -- at all at
2 that point. We were waiting on crime scene. So, anything
3 else that came through after that would presumably be crime
4 scene that would have come and taken a look at the
5 impressions, not us.

6 Q I'm trying to get to two issue. The first issue --

7 A Certainly.

8 Q -- were those pattern of shoe prints there the night
9 before when you walked through?

10 A The only print there were the flat, smooth ones.

11 Q So, those -- and just I'm trying to -- I'm not trying
12 to belabor it.

13 A I'm sorry.

14 Q So, those pattern prints came after you saw them the
15 night before?

16 A Correct. The only impressions were the flat shoes.

17 Q Okay, and you left and turned it over to SLED to
18 process the scene?

19 A While we were there -- again, that was at some point
20 in time while we were there that evening. I didn't leave
21 until, like, 10:00 the next morning. At some point in
22 time, that information was relayed so that they could
23 photograph it. And I don't know whose prints those are. I
24 would assume that they would have been agents that came in
25 behind us and photographed or collected or did whatever.

1 Q So, we were talking about crime scene integrity
2 earlier.

3 A Yes, sir.

4 Q Those aren't your footprints, correct?

5 A The ones that are -- there is a set that would be
6 myself and Detective Rutland's, but they're not going to
7 cross over any --

8 Q Right, they're not going to --

9 A That's correct.

10 Q -- you say cross over. They're not your prints.

11 A No, sir. If it crossed over one of theirs, it's not
12 mine.

13 Q Okay. Who took this picture? Do you know?

14 A I do not know.

15 Q But it was taken, you think, the next day.

16 A It was taken relatively soon afterwards because it
17 still shows the smooth prints. So, it was either taken
18 upon daylight -- because, again, we didn't leave until,
19 like, 10:00, so I don't actually know --

20 Q So, is this best practices, to walk over evidence
21 before you photograph it?

22 A Can't say that because it wasn't myself or my
23 detective that did that.

24 Q I'm just saying, you were --

25 A If they were doing so while processing or while

1 collecting, then -- and inadvertently stepped on one, it's
2 okay because they have other ones to use. But, you know,
3 I'm sure that you would have to probably ask the person
4 that stepped on them and took the photographs.

5 Q If one of your detectives had done this, you would not
6 be happy.

7 A I wouldn't be happy, no, sir.

8 Q Okay.

9 A Not unless it was done after it was processed and for
10 a reason.

11 Q Well, this is -- these are the crime scene photographs
12 taken by, we think, SLED or Solicitor Duffy Stone took some
13 pictures the next day.

14 A Sure.

15 Q One of -- some agency other than yours. But certainly
16 nobody ought to be walking across this stuff, right?

17 A No. Again, like I said, they weren't like that when
18 I -- when we were there, sir.

19 Q Okay. Let me then go to one of the other pictures you
20 were shown a moment ago. Oh, this water --

21 A Yes, sir.

22 Q -- these pictures taken of the water, do you know when
23 they were taken?

24 MR. FERNANDEZ: Can you identify the number?

25 MR. HARPOOTLIAN: I'm sorry. 189, 190.

1 Q Do you know when they were taken?

2 A I know they were taken that evening, sir. But I'm not
3 sure if you're looking at stills off of a body cam or an
4 actual crime scene photograph, so I don't know exactly
5 when. But they were taken that evening obviously.

6 Q In this picture right here, water seems to be coming
7 from the pen, right, from the dog pen?

8 A It appears so, yes, sir.

9 Q And there's two full bottles, I mean -- bottles -- two
10 full pails of water there with the dogs, right?

11 A In the picture, absolutely.

12 Q And then there's some additional water in -- and this
13 189, that I'm not quite sure where that is, but that's
14 consistent to water you saw that night, right?

15 A The water that I saw that night, and it was captured
16 very well on Sergeant Greene's body worn camera, came out
17 of the first two kennels --

18 Q Right.

19 A -- traveled down a short distance, and then over to
20 where at the time Paul's body was laying.

21 Q So, the water that was around Paul came out of the
22 kennels, correct?

23 A I don't know if that's where it came from, but it did
24 come from that direction. There was -- and I did not see a
25 hose or a jug or anything else, but it did tail from those

1 first two kennels down to where Paul's body was.

2 (Break in proceedings.)

3 Q Okay. Let me -- so 196, this was introduced to show
4 what shoes she had on, right?

5 A Previously or --

6 Q Yes.

7 A Yes, sir, it was.

8 Q Now, on the back of her leg right here, did you, that
9 night, look at that dirt?

10 A I did.

11 Q Did you see a footwear impressions, a partial footwear
12 impression in that dirt?

13 A I saw what could very well be a impression.

14 Q As if somebody put their foot on the back of her leg.

15 A It was something out of mud that very well could have
16 been a shoe impression.

17 Q On the back of her leg.

18 A On the back of the leg.

19 Q As if they put their foot on the back of her leg. Do
20 you know what analysis, if any, was done by SLED or any
21 other law enforcement agency to determine if that was a
22 shoes impression, and if so, what kind of shoes? Do you
23 know?

24 A I do not, no, sir.

25 MR. HARPOOTLIAN: Thank you. You can turn the lights

1 on and I'll turn the power off.

2 (Break in proceedings.)

3 Q So, let me ask you. I've got just a couple of more
4 questions maybe for you --

5 A Certainly.

6 Q -- or four. So -- okay. So, when you left that night
7 or that early the next morning, had you come to a
8 conclusion as to any suspects?

9 A Had I come -- no, sir.

10 Q Yeah. Okay. Are you aware that the next day, the
11 next morning that your department issued a statement that
12 said -- make sure I don't misquote:

13 At this time, there is no danger to the public.

14 If information is received that dictates

15 otherwise, we'll immediately notify the public.

16 Are you aware of that?

17 A The Colleton County Sheriff's Office issued that?

18 Q Colleton County Sheriff's Department, yes.

19 A I'm not aware, no, sir.

20 Q Let me hand this article up to you from the *Post and*
21 *Courier*.

22 MR. FERNANDEZ: Your Honor, objection. I haven't seen
23 this. I'm not familiar with anything counsel is
24 referencing.

25 (Break in proceedings.)

1 THE COURT: Ladies and gentlemen, let's stand for a
2 moment.

3 (Break in proceedings.)

4 THE COURT: Okay.

5 Q Have you had an opportunity to look at that article?

6 MR. FERNANDEZ: Your Honor, I object to the
7 introduction of the media article. The question posed was
8 whether he was familiar with the statement made, and he
9 said no. The media article contains all sorts of
10 information not in the record --

11 THE COURT: I haven't heard any exhibit being offered
12 into evidence.

13 MR. HARPOOTLIAN: Your Honor, I would offer into
14 evidence this, this *Post and Courier* story of June 8th, the
15 next morning, 2021, which contains the quote which I just
16 read.

17 THE COURT: Yeah. He indicates he's not familiar with
18 it.

19 Q All right. So, was there a danger to the public the
20 next morning? Were you afraid that some serial killer was
21 out there with a shotgun and an AR type weapon?

22 A I can't effectively answer whether or not there's a
23 danger to the public when I don't have all the pieces to
24 the puzzle. I have -- I am fairly certain that statement
25 wasn't issued by us, and the reason I can state that is

1 because we were not primary, and it is a big no-no for us
2 to issue anything when we're not the primary body. So,
3 where that information came from I'm unaware, and it was
4 never asked for me to approve to send to the sheriff. It
5 would have never come from us.

6 Q So, if that statement had run as it did in the *Post*
7 *and Courier* on the 8th, would the sheriff's department have
8 pushed back on that and said that's not accurate? There
9 would be subsequent story that I haven't seen?

10 A I wouldn't -- I can't state that. The only thing I
11 can tell you, that when I left that morning, I didn't have
12 any information that proved one thing or the other.

13 Q So, when you left that morning, was Alex Murdaugh a
14 suspect in the killing of his wife and son?

15 A When I left that morning, I wasn't the primary
16 investigator.

17 Q Who was?

18 A That would have been SLED.

19 Q So, you gave -- the whole case went to SLED?

20 A The whole case went to SLED. We were an assisting
21 body at that time.

22 Q And you were never consulted after that by SLED.

23 A I was not consulted in the sense that anything was
24 provided to me. We have assisted. I have stored vehicles.
25 I have stored property for them. I have stood by while

1 they executed search warrants. But it was not in a manner
2 in which the information or knowledge that they had on the
3 case was shared with me. It was the exact opposite.

4 Q On the night of the murders, did your department
5 obtain a search warrant?

6 A We did, sir.

7 Q For all of the property, the house, all of it?

8 A It was obtained for the entire 1700 acre property.

9 Q Including the house.

10 A Including the house.

11 Q And was that executed?

12 A It was executed beginning at the dog kennels at the
13 primary scene.

14 Q Right, but did you go to the house?

15 A I did not.

16 Q Did your department?

17 A We did not.

18 Q Who actually executed the search warrant?

19 A The search warrant was provided that evening to crime
20 scene, which is standard protocol. When they come, they're
21 going to ask for it. We have to show it --

22 Q Crime scene SLED?

23 A SLED's crime scene.

24 Q Okay.

25 A It was given to them. And we stayed, myself and

1 several of my detectives. Several were sent home so they
2 could come in the next morning, and we stayed and assisted.
3 I didn't leave until 9:00 or 10:00 the next morning.

4 Q Did you go in the residence?

5 A No, sir. The drone footage that you saw was the last
6 thing I did at that scene that morning, and then I left and
7 went home.

8 Q What about that night when the search -- was a search
9 warrant executed that night?

10 A After that I had -- after that incident there, or that
11 search warrant was executed, I did come back later that day
12 and did a walk-around of the property that we've been
13 discussing all afternoon.

14 Q Right.

15 A I have never been to the main house.

16 Q Never been in it.

17 A I have not been in the main house, not during this
18 incident or any other incident.

19 Q Did someone from your department go in the main house?

20 A Not that I'm aware of. It wouldn't have been -- not
21 as an investigator, let's put it -- none of my detectives
22 went over there under my direction.

23 Q So, so -- but -- so, you gave the search warrant to
24 SLED crime scene people?

25 A Yes, sir.

1 Q That gave them the authority to go in the house,
2 correct, that search warrant?

3 A It gave them -- it was signed off on to cover the
4 1700 acres.

5 Q Right, but I'm specifically talking about the
6 residence.

7 A Any structure on that --

8 Q Any structure?

9 A Any structure on that.

10 Q They could have gone in the residence, they could have
11 looked -- taken all of his clothes to check if they wanted
12 to, right?

13 A They could have. I don't know that they didn't.

14 Q Well. I -- well, we're going to talk about that later
15 on.

16 A Okay.

17 Q They could have -- you're familiar with trace
18 evidence, many, many, cases where they check showers or
19 sinks to see if there's trace evidence of blood, right?

20 A Am I? Yes, sir.

21 Q Yes, and do you know whether they did that or not?

22 A I do not, again.

23 Q Do you know that you can with the appropriate
24 technology use -- look at microscopic evidence to see
25 whether it would be blood or tissue, or if somebody tried

1 to wash something, you can actually still in a washed piece
2 of clothing detect blood or detect tissue even after it's
3 been washed? Are you aware of that?

4 A Am I aware of that? Yes, I am.

5 Q Do you know whether SLED did that?

6 A I do not, again.

7 Q But they could have that night done all of those
8 things under that search warrant.

9 A Presumably so, and I'm not saying they didn't, again,
10 Mr. Harpootlian.

11 Q Right, but they could have. I'm not saying they
12 didn't either.

13 A Okay.

14 Q We're going to find out.

15 A That's true.

16 Q But under the search warrant your department obtained,
17 they had the authority to go in the house, any of the
18 buildings, anywhere on that property and look for guns,
19 evidence of any sort of crime, evidence of, again, in the
20 shower, in the sinks, trace evidence? They had the
21 authority to do that.

22 A To answer your question, as long as they stayed within
23 the scope of the actual warrant that was signed. I don't
24 have the search warrant, and Detective Rutland is the one
25 that actually got it. If they stay within the scope of

1 that search warrant, and they're only searching inside that
2 scope, they had the ability to search structures, vehicles
3 on the 1700 acres as long as they were within the scope.

4 Q Well, I believe we'll hear from Detective Rutland
5 tomorrow --

6 A Yes, sir.

7 Q -- and I'll ask her these questions.

8 A Thank you, sir.

9 MR. HARPOOTLIAN: Having said that, Your Honor, I have
10 no further questions.

11 THE COURT: Any redirect?

12 MR. FERNANDEZ: Very briefly, Your Honor.

13 (Break in proceedings.)

14 REDIRECT EXAMINATION

15 BY MR. FERNANDEZ:

16 Q Captain Chapman, the footsteps that you noticed, I
17 know we've been through quite a bit of it, but counsel
18 raised this issue. The path you followed, were they
19 consistent with someone who -- was a person who started
20 back beyond this area, and then where did they go from
21 there?

22 MR. HARPOOTLIAN: Objection, Your Honor. Leading.

23 MR. FERNANDEZ: I'm asking where they went. Where did
24 they originate, where did she go to, and where did they
25 end?

1 MR. HARPOOTLIAN: That's not leading.

2 THE COURT: The objection is sustained as to the form
3 of the question.

4 MR. FERNANDEZ: Thank you.

5 Q If you could, please explain to us where in your
6 estimation, having tracked -- traced the tracks, where they
7 originated from, where they ultimately went to, and where
8 they ended up.

9 A The shoe impressions crossed completely from one side
10 all of the way to the other with the building to the right,
11 going down, coming back the opposite direction. The only
12 reason I can say that we're fairly certainly that it
13 started from the grass side and went through, turned around
14 and came back is because we never saw any impressions
15 similar to that running beyond the airport hangar on the
16 back side.

17 Q And the location -- and in reference to where these
18 footprints ended ultimately and where Maggie's body is
19 located, how did that line up? Describe that, how they
20 lined up.

21 A If you take a step back from there to the right of
22 that image would have been -- on the opposite side of the
23 hangar door would have been Maggie's body.

24 Q Referencing State's Exhibit 190. Captain Chapman, do
25 you notice blood marks here in the water?

1 MR. HARPOOTLIAN: Objection, Your Honor.

2 THE COURT: The objection is sustained.

3 MR. HARPOOTLIAN: Thank you.

4 Q Did you observe blood marks in the water within --

5 MR. HARPOOTLIAN: Objection, Your Honor.

6 THE COURT: Yes, sir?

7 MR. HARPOOTLIAN: He is calling for speculation.

8 THE COURT: Pardon?

9 MR. HARPOOTLIAN: He is calling for speculation as to
10 what discoloration in the water, if there is any, what it
11 was caused by.

12 THE COURT: Yes, sir?

13 MR. FERNANDEZ: I'll lay a more of a foundation, Your
14 Honor.

15 Q Captain Chapman, were you familiar with the scene as
16 this picture depicts?

17 A Yes, sir.

18 Q Did you personally view what this picture depicts?

19 A I did.

20 Q Are you familiar with the discoloration, and did you
21 observe the discoloration in this photograph on two
22 different areas?

23 A I did see it.

24 Q Was that discoloration, in your opinion, consistent
25 with --

1 MR. HARPOOTLIAN: Objection. He's not been qualified
2 to give an opinion about this matter.

3 THE COURT: I didn't hear the complete question.

4 Q In your estimation and your --

5 MR. HARPOOTLIAN: Your Honor, objection. And if he's
6 going to pursue this frivolous line of questioning, I would
7 ask the jury be excused. There's no evidence whatsoever.

8 THE COURT: All right. The objection is overruled.
9 You must pose the question.

10 Q In your experience and observation, having observed
11 the scene and all the matter that was there, were those
12 lines in the water consistent with blood?

13 MR. HARPOOTLIAN: Objection.

14 THE COURT: The objection is sustained.

15 MR. HARPOOTLIAN: Thank you.

16 THE COURT: And I don't need to be thanked for any
17 ruling.

18 MR. HARPOOTLIAN: No. I'm sorry, Your Honor, I'm --
19 expressing my gratitude is improper. I appreciate that.

20 THE COURT: All right.

21 MR. FERNANDEZ: Thank you, Your Honor. Just one last
22 question, and I understand the Court's ruling.

23 Q Captain Chapman, are the -- are the substance there
24 that you identified as having observed, are they in a
25 straight line, or are they in straight lines?

1 A Yes.

2 MR. HARPOOTLIAN: And, Your Honor, I would like to
3 make a motion to strike his questions about blood from the
4 record, and the jury be instructed to disregard those
5 questions.

6 THE COURT: I've informed the jury that they're to
7 disregard any question when I sustain the objection. They
8 were previously instructed on that.

9 MR. HARPOOTLIAN: Yes, sir. Thank you.

10 THE COURT: Yes, sir.

11 MR. HARPOOTLIAN: I did it again. I'm sorry.

12 THE COURT: Yes, sir.

13 MR. FERNANDEZ: No further questions, Your Honor.

14 THE COURT: Any further --

15 MR. HARPOOTLIAN: No, Your Honor.

16 THE COURT: -- cross-examination?

17 Thank you, sir. You may step down.

18 THE WITNESS: Thank you, Your Honor.

19 (The witness exited the stand.)

20 THE COURT: If you would turn the lights up, please?

21 Ladies and gentlemen, we have come to the end of this
22 day. Thank you all very much. We'll resume at
23 9:30 tomorrow morning. Have a good evening. Please
24 remember you are not to discuss the case with anyone or
25 allow anyone to discuss it in your presence, nor are you to

1 engage in any, or be exposed to any other information other
2 than what you have received in the courtroom and will
3 receive in the courtroom. Have a good evening.

4 (The jury left the courtroom.)

5 THE COURT: Anything else before we leave for the day?

6 MR. WATERS: Nothing from the State, Your Honor.

7 MR. HARPOOTLIAN: Nothing from Mr. Murdaugh, Your
8 Honor.

9 THE COURT: All right. We're in recess until
10 9:30 tomorrow morning.

11 MR. WATERS: Thank you, Judge.

12 (Whereupon, the case was at ease.)

13 *FRIDAY, JANUARY 27, 2023*

14 (Court resumed at 9:35 a.m.)

15 THE COURT: Good morning. Anything before we bring
16 the jury in?

17 MR. WATERS: Mr. Fernandez needs to put something on
18 the record before we bring the jury in.

19 MR. FERNANDEZ: Good morning, Your Honor.

20 THE COURT: Yes, sir.

21 MR. FERNANDEZ: Just per the clerk's request, I'm
22 going to list out a couple of -- six exhibits from
23 yesterday under Captain Chapman's testimony, just
24 clarifying for the record that they were put into evidence
25 and -- without objection by the defense. That would be

1 189, 190, 191, 192. Those are four pictures that were put
2 in under his testimony, and then 187 and 188. Those were
3 the two drone videos.

4 MR. HARPOOTLIAN: What do you want to do now?

5 MR. FERNANDEZ: The clerk needed clarification on
6 those numbers because it was unclear that those numbers
7 were part of the record.

8 MR. HARPOOTLIAN: That's okay.

9 THE COURT: Anything else before the jury comes in?
10 You can bring the jury.

11 (The jury returned to the courtroom.)

12 THE BAILIFF: The jury is present.

13 THE COURT: Thank you, sir.

14 Good morning.

15 (The jury responded good morning.)

16 THE COURT: All right, ladies and gentlemen,
17 continuing on day number five. State calls its next
18 witness.

19 MR. MEADORS: May it please the Court?

20 THE COURT: Yes.

21 MR. MEADORS: Your Honor, at this time the State of
22 South Carolina calls Detective Laura Rutland.

23 The witness, LAURA RUTLAND, was first duly sworn and
24 testified as follows:

25 THE CLERK: Take a seat in the witness stand. State

1 your name again. Spell your last name.

2 THE WITNESS: My name is Laura Rutland, R-u-t-l-a-n-d.

3 DIRECT EXAMINATION

4 BY MR. MEADORS:

5 Q Good morning.

6 A Good morning.

7 Q Are you nervous?

8 A Yes.

9 Q Nobody is watching. You are Laura Rutland?

10 A I am.

11 Q Please tell the ladies of this jury about Laura
12 Rutland. Where you're from, where you were born, where you
13 lived, and a little bit of your background leading up to
14 law enforcement, please, ma'am.

15 A Good morning, everybody. I was born in Charleston,
16 South Carolina. When I was about six months old, my family
17 moved back to England where we were originally from. Lived
18 there until I was about three or four years old. Came back
19 to the United States. Grew up In Summerville, South
20 Carolina. Graduated from Summerville High School. After I
21 graduated, I was working as a dog groomer, met my -- would
22 be my husband. We moved to Port Royal, South Carolina. He
23 was in the Marine Corps stationed at Parris Island at the
24 time. Then we moved to Bluffton.

25 We had decided -- I decided to pursue law enforcement.

1 I've always been a true crime nerd into mysteries and
2 things like that, so I decided to pursue law enforcement.
3 I graduated from the South Carolina Criminal Justice
4 Academy in 2010 and was working at the Bluffton Police
5 Department, where I held various roles. Started on patrol,
6 became a detective, then I was promoted to supervisor where
7 I actually supervised a patrol shift, and then eventually
8 supervised the detective unit at Bluffton PD.

9 My husband and I decided we wanted a lot of kids, so
10 after I had my third baby I decided to try my civilian job,
11 get out of law enforcement for a little bit with a better
12 schedule. So, I briefly worked on Parris Island as a
13 sexual assault victim advocate for the Sexual Assault
14 Response and Prevention Program, realized I missed law
15 enforcement, so I wanted to get back. So -- especially
16 investigation. I first tried Beaufort Police Department,
17 but it would take several years for them to have an opening
18 in criminal investigations, so then I came to the Colleton
19 County Sheriff's Office where they were seeking experienced
20 detectives. And so I joined Colleton County Sheriff's
21 Office in September of 2020.

22 In February of 2021, I was transferred to the Criminal
23 Investigation Division where I currently am now. I -- my
24 main focus is child crimes, which means children of sexual
25 and physical abuse, those were the cases that I

1 predominately worked, as well as I'm a South Carolina ICAC
2 task force member, and what that means, it's Internet
3 Crimes Against Children. And that's a task force that's in
4 partnership with the Attorney General's Office and we
5 basically battle online child predators, child pornography,
6 those types of cases. We do rotate homicides in the
7 detective division among nine of us.

8 Q At some point, did you work at Parris Island?

9 A I did, yes, sir.

10 Q Tell these folks what you did there.

11 A I was the sexual assault victim advocate for civilians
12 on the base.

13 Q And your training in law enforcement has been what,
14 Detective?

15 A It's been various things. It's been basic training to
16 advanced training. You name it. I've attended several
17 advanced trainings hosted by other law enforcement
18 agencies, state and federal.

19 Q How many children do you have now?

20 A We have four.

21 Q Okay, and does your husband work?

22 A He does.

23 Q Does he work from home?

24 A He does.

25 Q So, you started full-time with Colleton in what year?

1 A 2020.

2 Q Okay, and what was your role when you first start with
3 Colleton County Sheriff's Department?

4 A I started on patrol to familiarize myself with the
5 county.

6 Q And then did you work yourself or -- not -- but did
7 you become a detective?

8 A I did, yes.

9 Q And when was that?

10 A February of 2021.

11 Q On June 7th of 2021 -- well, let me ask you before I
12 get there. Where do you live? Not to pry, don't want the
13 world to know but they're going to. Where do you live?

14 A I live in Ridgeland.

15 Q Okay. Now, on June 7th of 2021, were you on call?

16 A I was.

17 Q Okay. How far is it from Ridgeland to here?

18 A 45 minutes to an hour depending on traffic and what
19 part of Colleton County I'm going to.

20 Q Did you receive a call to respond to a double
21 homicide?

22 A I did.

23 Q Okay, and where was that? Where were you supposed to
24 respond, Detective?

25 A Initially to the scene of 4147 Moselle Road, but due

1 to my long commute, it was better that I stopped at the
2 sheriff's office first and I be the one to prepare the
3 search warrant for the property.

4 Q And who were you coordinating with during that? I
5 mean, who was your boss?

6 A That's Captain Jason Chapman.

7 Q And after you received the call, did you confer with
8 Captain Chapman?

9 A I did.

10 Q And the result -- as a result of that, what did you
11 do?

12 A I went to the sheriff's office, prepared the search
13 warrant. I was finally to track down a magistrate; I had
14 to wake him up out of his bed to sign the warrant, and I
15 was able to secure a search warrant for the property.

16 Q And for 4147 Moselle?

17 A Yes, sir.

18 Q Okay. What did you do after you got the search
19 warrant?

20 A I notified everybody over the radio that I had the
21 search warrant signed because I wasn't sure the SLED Crime
22 Unit was waiting on me, and it was still going to take some
23 time to get out there. And then I made my way to 4147
24 Moselle Road with the warrant.

25 Q Had you been out there before to 4147 Moselle?

1 A Never.

2 Q When you went out there, did you know what your role
3 was going to be as you were going out there?

4 A I did not.

5 Q Okay. When you got to the scene, tell us what
6 happened.

7 A So when I pulled up, I noticed there were several SLED
8 agents as well as Colleton County deputies at the scene. I
9 basically was the last one there. And I met with
10 my supervisor, Captain Jason Chapman, and presented them
11 with the search warrant as well as SLED. He asked me if I
12 knew the Murdaugh family, to which I replied I did not.
13 They then asked if I was familiar with a boat accident that
14 that happened in Beaufort, and my reply was I've heard of
15 it but I don't know the details. So, with that information
16 they said okay. You're going to be assigned as the liaison
17 with the lead SLED agent on the case, who was identified as
18 Senior Special Agent David Owen, and that my task was going
19 to be to assist him with anything that he may need that
20 evening at the scene and throughout the investigation.

21 Q And I think we've heard testimony, but the case was
22 turned over to SLED for -- because of a potential conflict.
23 Is that your understanding?

24 A That's correct. That was one of the things my captain
25 advised me of when I arrived with the search warrant. He

1 advised me that SLED was going to be the lead agency on the
2 case.

3 Q And did you know Special Agent David Owens (sic) prior
4 to that night?

5 A I did not.

6 Q But you -- did you get to know him and actually get to
7 work with him some?

8 A I did, yes, sir.

9 Q And let's start out with that job. When you first got
10 to 4147 and you had gotten your instructions, who were you
11 going to work with? What were your observations? Tell
12 these folks what you saw.

13 A So, the first thing is I approached the -- I'm sure
14 you've all heard the kennels was the overwhelming smell and
15 a lot of water on the ground by the kennels. And then the
16 first body that I approached was the deceased male. He was
17 laying face down at an angle with his feet inside the plane
18 of the door. There was obvious trauma to the top his head.
19 He was covered with a sheet, but I could still see the top
20 of his head from underneath the sheet. Obvious trauma.
21 There's brain, blood, hair, skull matter all within the
22 feed room in the ceiling. There was a deceased female
23 approximately 30 feet across from where his body was, and
24 she was covered as well, but I had been told that they both
25 had gunshot wounds to their heads. And then from there we

1 located the 911 caller, Mr. Alex Murdaugh.

2 Q Now, did you know -- everybody is referring to them as
3 Paul and Maggie. Did you know Paul Murdaugh and/or Maggie
4 Murdaugh?

5 A I did not.

6 Q Had you ever seen them before you saw them laying dead
7 on the ground?

8 A No.

9 Q At that point, did you walk any of the rest of the
10 scene?

11 A Not at that point.

12 Q Okay. Well, tell the folks what you did do after
13 that.

14 A We located Mr. Murdaugh, Alex, standing at the back of
15 the -- there was his Suburban and then there was -- I
16 believe his brother Randy had arrived at the scene at that
17 point, and they were standing behind Randy's truck so they
18 couldn't see the scene anymore. So, we approached him and
19 asked if he would speak with us. He introduced the man
20 standing next to him as his personal attorney, Danny
21 Henderson, and he agreed to speak with us. By this point
22 it had started to rain, so we utilized Agent Owen's vehicle
23 to do the interview.

24 Q Now, before we get to that, had you made any other
25 observations about bullet holes or shell casings prior to

1 that?

2 A Yes. There were shell casings in front of Maggie's
3 head area, the front and to the left on the ground in
4 between -- there was like a gravel area in between the two
5 buildings.

6 Q Had you seen what's been referred to as the feed room
7 and --

8 A Yes.

9 Q Okay. What did you observe in there, if anything?

10 A Inside the feed room, I did observe body matter that
11 had been on the ceiling, as well as covered in items inside
12 the feed room. There was shotgun wadding on the floor
13 inside the feed room, as well as droplets of blood on the
14 concrete.

15 Q Did you see any holes in the window?

16 A Yeah. There was a window to the back of the feed room
17 that had several holes in it.

18 Q I'm going to skip -- I want to skip to the statement
19 for a second, all right? After you took the statement --
20 we're going to get into that -- did you go back and look at
21 the scene with either Captain Chapman -- and I say the
22 scene, the shelters, the dog kennels, did you and/or
23 Captain Chapman or anybody else have an opportunity to go
24 back and look?

25 A I did.

1 Q Okay. Tell the ladies and gentlemen, first of all,
2 why you did that, and what were your observations, please,
3 ma'am?

4 A Well, it was such a large scene, I decided to canvas
5 the outer part of the scene, and while I was doing that --
6 keep in mind it was late at night. It was dark, so we had
7 flashlights. So, while I was doing that, I noted some --
8 what appeared to me to be fresh shoe impressions in a sandy
9 part of the shed on the left side of the hangar, what we're
10 describing as the hangar. In between some tractors and the
11 wall of the shed, there was several fresh shoe impressions.

12 Q And when you say fresh shoe impressions, it's kind of
13 obvious, but what does that mean?

14 A It means that they had been left fairly recently.

15 Q What did they appear to you to be?

16 A They looked like a flat sandal, flip flop type shoe.
17 Not particularly large in size, just flat.

18 Q And were they one set of footprints or two based on
19 your observation?

20 A It was set of prints that looked like it went down one
21 direction and possibly came back.

22 Q No doubt about that in your mind?

23 A No doubt it.

24 Q So if you watch me now, was it like one set of prints
25 going this way?

1 A Yes.

2 Q And then it looked like one set of prints coming back
3 this way?

4 A Yes, because they did overlap each other a little bit.

5 Q And did you -- who was with you when you were looking
6 at this?

7 A I was by myself initially, and then I found my
8 supervisor, Captain Chapman, and showed him what I had
9 found.

10 Q Where were y'all walking when you were looking at the
11 prints?

12 A We made the decision at that point, due to the type of
13 incident that it was and we didn't really know what we had
14 yet, to follow the footprints and see if there was any
15 other additional evidence and find out where that person
16 may have been trying to go. So, what we did is we stayed
17 to the left side of the shoes prints closest to the
18 tractors and followed the prints down, noted that they
19 stopped at the end of the building, turned around, and came
20 back.

21 Q And I'm going to show you what's entered as State's
22 194. Is that what you were just referring to?

23 A No.

24 Q Okay. What does this depict?

25 A That depicts several what appeared to be boot prints

1 on as well.

2 Q Is this the same path y'all walked?

3 A Yes.

4 Q Okay, and let me show you State's 195. Do you
5 recognize this?

6 A Yeah. Those were the flat -- the flat -- just the
7 flat one's impressions.

8 Q I promise you I can't --

9 MR. MEADORS: Can we start the ELMO, please?

10 (Break in proceedings.)

11 Q I'm going to show you what's marked State's 22. Do
12 you recognize this, and does it relate to your testimony?

13 A Yes, it does.

14 MR. MEADORS: Your Honor, State's 22 without
15 objection.

16 MR. GRIFFIN: No objection.

17 THE COURT: It's admitted.

18 (PHOTO MARKED AS STATE'S EXHIBIT NUMBER 22 WAS
19 RECEIVED INTO EVIDENCE.)

20 MR. MEADORS: Are we on?

21 SPEAKER: Yes, sir.

22 Q Let me go back to what's just been entered as State's
23 22. You said you recognized that. What is that,
24 Detective?

25 A That is in front of the hangar, the building. So,

1 Maggie would be to the right and the shoe impressions I'm
2 referring to would be on the left.

3 Q And getting a little closer view on State's 194?

4 A Yes. That's the left side of the hangar.

5 Q Can you show in this picture the prints you were
6 talking about, the footprints?

7 A Yes.

8 Q And can you come down here?

9 MR. MEADORS: With the judge's permission, please?

10 THE COURT: Sure.

11 A The flat ones. It's hard to see. There's a big glare
12 on this.

13 Q Okay. Let me put in State's 195, too, Detective.

14 A Yeah. These flat impressions, these flat ones.
15 Can y'all see?

16 Q Were those the foot impressions you saw that night,
17 the flat ones --

18 A Yes.

19 Q Were there any other foot impressions beside the flat
20 ones that you saw?

21 A No.

22 Q Okay. On the evening of June 7th, early morning of
23 June 8th of 2021?

24 A That's correct.

25 Q You're positive.

1 A Positive.

2 Q And, again, when you and the captain walked, how far
3 were you from the sandals?

4 A A foot to the left.

5 Q Don't take this any bad way, but could some of those
6 other prints be yours or the captain's or you don't know?

7 A It's possible.

8 Q Okay. Now, you're a -- and I'm going to do this
9 without putting it up. This is one of those pictures that
10 we uncovered, but I'm going to show you State's 7. You're
11 a lady.

12 A Yes, sir.

13 Q Do you know what women's shoes look like?

14 A Yes, sir.

15 Q Did you go and look at Maggie's shoes she was wearing?

16 A I did.

17 Q Okay. Why did you do that?

18 A To see if they matched the flat impression I had seen.

19 Q Okay. Were they similar to you?

20 A Very similar, yes.

21 Q And State's 200, do you recognize those?

22 A Yes.

23 Q And what are those?

24 A Those are the sandals Ms. Murdaugh had on.

25 Q And did they appear to be similar to the footprints

1 you saw?

2 A Yes, very.

3 Q Now, did Mr. Harpootlian or one of their investigators
4 contact you about these footprints?

5 A He did.

6 Q When was that?

7 A A few weeks ago.

8 Q And did they send you a picture of them?

9 A They did.

10 Q Was it the pictures we just put up?

11 A It was.

12 Q And did you tell them that -- well, what did you tell
13 them when they sent you that?

14 A That those were not my impressions.

15 Q That those were not your impressions, the other ones.

16 A Correct.

17 Q Okay. Voluntarily talked to them.

18 A I did.

19 Q Sent you a picture of the shoes.

20 A Yeah.

21 Q You told them those aren't mine.

22 A Correct.

23 Q All right. Let's get back to -- I think you said
24 Mr. -- or the defendant, Richard Alex Murdaugh, the
25 defendant had said -- introduced you to who before you

1 started the interview?

2 A Danny Henderson. He said he was his personal
3 attorney.

4 Q His personal attorney.

5 A Yeah.

6 Q Did he want his attorney in the car with you?

7 A He did.

8 Q Okay, and I believe you said it was raining?

9 A Yes, sir.

10 Q Okay. So, what did y'all do to get out of the
11 elements?

12 A We sat inside Agent Owen's with SLED, inside his
13 vehicle.

14 Q And please tell the ladies and gentlemen of this jury
15 specifically where everybody was sitting.

16 A Agent Owen was in the driver's seat, Alex Murdaugh was
17 in the front passenger seat, I sat directly behind him, and
18 then Mr. Henderson sat to my left.

19 Q Please listen to me. First time -- was that the first
20 time you met Alex Murdaugh?

21 A It was.

22 Q Did he appear to you to be under the influence of
23 alcohol, drugs, or any other intoxicant when you saw him?

24 A He did not.

25 Q Did he appear to you to understand your questions and

1 Special Agent David Owen's questions when y'all were
2 talking to him?

3 A He did.

4 Q Were his answers to either you or Agent Owens timely?

5 A Yes.

6 Q Were they subject matter appropriate?

7 A Yes, they were.

8 Q Okay. Did you have any trouble understanding the
9 defendant when you were talking to him?

10 A I did not.

11 Q Did he appear to have any trouble understanding you
12 and responded to your questions?

13 A He did not. He may have asked twice to repeat a
14 question, but he was understanding what was being
15 discussed.

16 Q Okay. I'm going to show you what's marked as State's
17 153. At my request, did you review this yesterday?

18 A I did.

19 Q And does this State's 153 accurately reflect the
20 interview you and Agent Owens had with the defendant,
21 Richard Alex Murdaugh?

22 A It does.

23 MR. MEADORS: Your Honor, at this time 153, I believe,
24 without objection.

25 MR. GRIFFIN: No objection, Your Honor.

1 THE COURT: It's admitted.

2 (DVD OF INTERVIEW ONE MARKED AS STATE'S EXHIBIT NUMBER
3 153 WAS RECEIVED INTO EVIDENCE.)

4 MR. MEADORS: And with His Honor's permission, with
5 the help of someone, we would ask to respectfully publish.

6 (Break in proceedings.)

7 Q While we're waiting for the sound, is that the
8 defendant, Alex Murdaugh?

9 A It is.

10 Q Is that you back in the back?

11 A That's me.

12 Q Who is that?

13 A That is Special Agent Owen.

14 Q And who is that?

15 A Danny Henderson.

16 (At this time, the interview of the defendant, Alex
17 Murdaugh, was played. Audio not transcribed.)

18 Q What time was that interview?

19 A I think it was 1:00 a.m.

20 Q Would you dispute 12:57?

21 A No, that sounds correct.

22 Q Would you describe that as an aggressive interview?

23 A No.

24 Q As a part of your investigating procedure, had you
25 listened to the 911 tape prior to this?

1 A We did.

2 Q When you say we, who is we?

3 A Myself and Special Agent Owen.

4 Q Did you have -- did you have --

5 MR. MEADORS: Can everybody hear her?

6 Q. Speak into mic, please; speak in the mic, please,
7 ma'am. Did you have that 911 knowledge in your mind when
8 you were listening to this?

9 A I did.

10 Q Had you already heard it?

11 A Yes.

12 Q And on the 911 tape, how long had Alex Murdaugh told
13 the 911 operator it had been since he had seen Maggie
14 Murdaugh?

15 A He estimated 1 and a half to 2 hours.

16 Q To 2 hours. 1 and a half to 2 hours. And on this
17 tape, your interview, what had he said about seeing Maggie?
18 When was the last time he'd seen Maggie Murdaugh?

19 A About 2 hours.

20 Q Did he say he took a nap?

21 A He took a nap.

22 Q Did he say where he went after that?

23 A To check on his mother with Alzheimer's in Hampton.

24 Q Okay. Did you find that unusual?

25 A I did.